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ONLY

UNITED NATIONS FRAMEWORK CONVENTION ON CLIMATE CHANGE

**AD HOC WORKING GROUP ON LONG-TERM COOPERATIVE ACTION  
UNDER THE CONVENTION**

**Tenth session**

**Bonn, 1–11 June 2010**

**Item 3 of the provisional agenda**

**Preparation of an outcome to be presented to the Conference of the Parties for adoption at its sixteenth session to enable the full, effective and sustained implementation of the Convention through long-term cooperative action now, up to and beyond 2012**

## **Additional views on which the Chair may draw in preparing text to facilitate negotiations among Parties**

### **Submissions from Parties**

1. The Ad Hoc Working Group on Long-term Cooperative Action under the Convention (AWG-LCA), at its ninth session, invited Parties to submit to the secretariat additional views, by 26 April at the latest, which the Chair may draw upon in the preparation of her draft text for consideration by Parties at the tenth session of the AWG-LCA.<sup>1</sup>
2. The secretariat has received 18 such submissions. In accordance with the procedure for miscellaneous documents, these submissions are attached and reproduced\* in the languages in which they were received and without formal editing.

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<sup>1</sup> FCCC/AWGLCA/2010/3, paragraph 23.

\* These submissions have been electronically imported in order to make them available on electronic systems, including the World Wide Web. The secretariat has made every effort to ensure the correct reproduction of the texts as submitted.

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\* This submission is supported by Albania, Croatia, the former Yugoslav Republic of Macedonia, Montenegro and Serbia.

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PAPER NO. 1: ARGENTINA

**Argentina**

**Presentación para el Grupo de Trabajo Especial sobre Cooperación a Largo Plazo en el marco de la Convención (GTE-ACLP)**

**Abril 2010**

En la novena sesión del Grupo de Trabajo Especial sobre Cooperación a Largo Plazo en el marco de la Convención, que tuvo lugar entre los días 9 y 11 de abril del corriente año, se invitó a las Partes a realizar presentaciones que contengan opiniones y propuestas, las cuales serán tenidas en cuenta por la Presidenta del Grupo en la elaboración de un texto de negociación que será considerado por las Partes en la décima reunión del Grupo.

Al respecto, corresponde que la negociación que tendrá lugar en el marco del Grupo de Trabajo Especial sobre Cooperación a largo plazo en el marco de la Convención (GTE-ACLP) aplique los principios y normas establecidas en el acervo jurídico de las Naciones Unidas. En ese sentido, existe una jerarquía normativa aplicable a los documentos de trabajo. Aquellos documentos que han sido adoptados por los órganos superiores de la Convención tienen preeminencia respecto de los demás documentos. En este caso la decisión 1/CP.15, adoptada por la Conferencia de las Partes tiene preeminencia y prioridad respecto de cualquier otro documento.

En ese sentido, el párrafo 4 de las Conclusiones sobre organización y métodos de trabajo para 2010 es claro, preciso y coincidente con los principios y normas seguidos por Naciones Unidas: la base del texto de negociación que elaborará la Presidencia tendrá como insumo los documentos que señala la decisión 1/CP.15.

La presidencia podrá también tomar en consideración ideas que las Partes presenten (párrafo 5 de las Conclusiones). Estos aportes no tienen el valor jurídico y político de la decisión 1/CP.15 y apelamos a la sabiduría de la Presidencia para que la tarea que realice no signifique incorporar propuestas no coincidentes con la Convención, con las decisiones 1/CP.13 y 1/CP.15.

**Sobre la visión compartida para la acción cooperativa a largo plazo**

Argentina considera un avance que durante las negociaciones mantenidas en Copenhague se haya puesto énfasis en la relevancia de tener en cuenta la evidencia científica existente en la actualidad, en particular aquella recogida y procesada por el IPCC. No obstante, si bien se ha reconocido la importancia de establecer un objetivo a largo plazo que contemple mantener la temperatura por debajo de los 2º C, la Argentina subraya la necesidad de alcanzar dicho objetivo con una probabilidad mayor al 50% con respecto a los niveles preindustriales. Ello conduce a que, colectivamente, las partes deban reducir sus emisiones al menos un 85 % para 2050 con respecto a los niveles de 1990. Los objetivos globales a largo plazo a definirse deberán determinar los compromisos cuantitativos a asumir por las Partes Anexo I, así como la escala del apoyo financiero y de transferencia de tecnología necesario para que los países en desarrollo puedan implementar acciones de adaptación y de mitigación.

Por ello, afirmamos que la visión compartida de un objetivo a largo plazo implica integrar de manera coherente y equitativa los esfuerzos ambiciosos de todas las Partes, reconociendo asimismo la contribución del Protocolo de Kyoto al objetivo último de la Convención y generando nuevos niveles de cooperación. Todo ello teniendo presente los principios de la Convención, en especial el principio de

equidad y el principio de responsabilidades comunes pero diferenciadas, como así también la responsabilidad histórica de los países.

Por último, el logro del objetivo requiere de un cambio de paradigma hacia una economía baja en carbono, basada en tecnologías innovadoras y cambios en los patrones de producción y de consumo, promoviendo estilos de vida sustentables y asegurando una transición justa de la fuerza laboral.

### **Fortalecimiento de las acciones de mitigación**

#### *Acciones o Compromisos Nacionales Apropriados de Mitigación de los países desarrollados.*

Con el fin de lograr el objetivo último de la Convención, las Partes incluidas en el Anexo I de la Convención deberían reducir, de manera agregada, al menos un 40% de sus emisiones para 2020 y por lo menos un 95% para 2050 con respecto a los niveles de 1990. En concordancia con dichos objetivos a mediano y largo plazo, Argentina sostiene la necesidad de adoptar un enfoque “top-down” al momento de establecer los compromisos de reducción de emisiones cuantificados de los países Anexo I, atendiendo a las responsabilidades históricas y a las respectivas capacidades de cada una de las Partes. Estos compromisos serán mensurables, notificables y verificables (MRV), tal como fuera establecido en el Plan de Acción de Bali.

#### *Acciones Nacionales Apropriadas de Mitigación de los países en desarrollo.*

Argentina reconoce que el esfuerzo a realizarse en la lucha contra el cambio climático debe ser global, contribuyendo los países en desarrollo, a través de los NAMAs, a dicho esfuerzo en miras a reducir sus emisiones de gases de efecto invernadero bajo un contexto de desarrollo sustentable. No obstante, dichas acciones deberán ser diferenciadas de los compromisos asumidos por los países desarrollados y no deberán constituir obligaciones vinculantes u objetivos para países en desarrollo, conforme al Plan de Acción de Bali. La implementación de NAMAs por los países en desarrollo dependerá del apoyo financiero y tecnológico proveniente de los países desarrollados, a través de los mecanismos financieros y tecnológicos a establecerse bajo la Convención. Dicho apoyo procedente de los países Anexo I de la Convención estará sujeto a medición, notificación y verificación.

Por otro lado, corresponderá la medición, la notificación y la verificación de aquellas acciones vinculadas a la implementación de NAMAs que cuenten con el apoyo financiero y tecnológico internacional.

Finalmente, la Argentina estima que aquellas acciones que los países no Anexo I lleven a cabo sin contar con tecnología y financiamiento internacional, deberían ser comunicadas periódicamente dentro de las comunicaciones nacionales.

#### *REDD+*

Argentina entiende que los siguientes aspectos deben ser tenidos en cuenta en referencia a REDD+:

- Debe existir una mención explícita del objetivo general de REDD+ de reducir el 50% de la deforestación al 2020 y detenerla al 2030, sujeta al financiamiento de los países desarrollados.
- El sistema de referencia y contabilidad debe ser nacional.
- El enfoque de fases podría implementarse en todos los países determinando la fase en que se encuentra cada país mediante mecanismos consensuados.
- El financiamiento para REDD+ puede provenir de fuentes diversas. Las fases 1 y 2 deben estar relacionadas mayormente a financiamiento a través de fondos públicos. La fase 3 podría tener varias fuentes complementarias y balanceadas de financiamiento (fondos públicos, mercados, mecanismos híbridos)

- Las acciones de REDD+ no deberán estar incluidas dentro de los NAMAs, por tener una dinámica distinta y particular que necesitan acuerdos específicos.
- Los arreglos institucionales deberán tener en cuenta la experiencia del Fondo de Adaptación.
- Las salvaguardas ambientales y sociales mencionadas en el texto FCCC/CP/2010/2 necesitan ser parte de un sistema MRV.

### *Enfoques Sectoriales*

Argentina considera que los enfoques sectoriales en agricultura deberán tomar en consideración la necesidad de salvaguardar la seguridad alimentaria y de desarrollar y transferir tecnologías y financiamiento en adaptación y mitigación, en particular, atendiendo al incremento de la eficiencia y de la productividad.

En lo que se refiere al transporte aéreo civil y marítimo internacional, los países desarrollados procuraran limitar o reducir las emisiones de gases de efecto invernadero no controlados por el Protocolo de Montreal generadas por los combustibles del transporte aéreo y marítimo internacional trabajando por conducto de la Organización de Aviación Civil Internacional y la Organización Marítima Internacional, respectivamente (Art. 2.2 del PK)

Por otro lado, en relación al comercio internacional, Argentina sostiene la necesidad de que los Estados Parte promuevan un sistema económico que conduzca al crecimiento y no inhiba el desarrollo sustentable de los países en desarrollo en particular. En este contexto no se deberán adoptar medidas unilaterales que constituyan un medio de discriminación arbitraria o injustificable ni una restricción encubierta al comercio internacional. (Art. 3.5)

### *Consecuencias sociales y económicas de las medidas de respuesta*

Los países desarrollados deberán ejecutar las políticas y medidas para responder al cambio climático de forma tal de evitar y minimizar efectos adversos, incluyendo los que afecten al comercio internacional así como las consecuencias negativas de orden económico y social, en especial para los países en desarrollo particularmente vulnerables identificados en el Art. 4.8 de la Convención.

En relación a este tema, existe la necesidad de acciones concretas de financiamiento y transferencia de tecnología desde los países desarrollados a los países en desarrollo y de establecer un mecanismo –tal como un foro- para identificar, evitar y minimizar las consecuencias económicas y sociales negativas de las medidas de respuesta diseñadas y adoptadas por los países desarrollados; compartir información; y explorar maneras concretas de evitar y minimizar esas consecuencias negativas en los países en desarrollo, en particular en el comercio internacional.

### **Fortalecimiento de las acciones de adaptación**

En relación a la temática de adaptación a los efectos adversos del cambio climático, y en particular aquellos puntos que requieren continuar con las deliberaciones en el marco de la Convención, la Argentina considera prioritario una clara definición de las obligaciones financieras de los países desarrollados, teniendo en consideración la necesidad de que los aportes financieros para la adaptación provengan de fuentes públicas en su mayor parte, que sean adecuados, nuevos y adicionales a los compromisos de asistencia oficial para el desarrollo.

Respecto al acceso a los fondos para adaptación, los procedimientos deberán ser simples, y contemplar el acceso directo, tal cual el modelo utilizado por el Fondo de Adaptación del Protocolo de Kyoto. Además, los fondos deben cubrir las necesidades de adaptación de todos los países en desarrollo. En

este sentido se deben considerar nuevos arreglos institucionales necesarios para la guía, supervisión, apoyo, administración y monitoreo de las operaciones del Marco de Implementación para Adaptación (FCCC/CP/2010/2). Finalmente, la Argentina quisiera remarcar la importancia de fortalecer las estrategias de reducción del riesgo de desastres relacionadas al cambio climático., en particular considerando el Marco de Acción de Hyogo.

### **Fortalecimiento de las acciones relativas al desarrollo y transferencia de tecnología**

En referencia a la implementación de mecanismos para apoyar el desarrollo y la transferencia de tecnologías, la Argentina considera positivos los avances alcanzados hasta la reunión de Copenhague en el grupo de negociación que abordó esta temática y que se encuentran reflejados en el documento FCCC/CP/2010/2. En cuanto a los temas aún sin resolver, la Argentina apoya la idea de que el futuro Comité Ejecutivo de Tecnología sea el órgano que recomiende a la o a las instituciones que gobiernen el mecanismo financiero bajo la Convención, sobre cuáles son las acciones presentadas por los países en desarrollo elegibles para su apoyo financiero. En este sentido la Argentina apoya la idea de que este Comité Ejecutivo de Tecnología reciba y evalúe propuestas elaboradas por los países en desarrollo y movilice recursos de asistencia técnica a través de los Centros Regionales del Clima para perfeccionar las propuestas en sus aspectos técnicos y económicos.

### **Provisión de recursos financieros**

En cuanto a la provisión de recursos financieros, la Argentina considera que es necesario retomar las negociaciones formales en el marco de la Convención, ya que el avance alcanzado hasta la reunión de Copenhague es claramente insuficiente. La Argentina entiende que en relación a la escala del apoyo financiero deberán definirse montos anuales adecuados para la adaptación y para la mitigación en países en desarrollo a corto y mediano plazo, estos últimos revisados periódicamente para ajustarse a las necesidades reales de los países en desarrollo. Estos montos deberán ser garantizados por los países desarrollados y en este sentido la Argentina entiende que el financiamiento público debería prevalecer.

El financiamiento privado podría contribuir de manera complementaria, pero deberá analizarse detalladamente los mecanismos a través de los cuáles se podrá canalizar este apoyo. En este sentido la Argentina podría aceptar, hasta ciertos límites, el uso de mecanismos de mercado sólo si se establecen reglas claras que eviten distorsiones del mercado, tales como las experimentadas con las reglas utilizadas hasta la fecha en el marco del Protocolo de Kyoto.

En cuanto a los receptores del apoyo financiero, la Argentina considera que todos los países en desarrollo deben ser elegibles para recibir apoyo. La Argentina entiende que algunos grupos de países en desarrollo tienen urgencias impostergables en materia de adaptación, pero también es imprescindible apoyar la implementación de acciones de adaptación en poblaciones y ecosistemas particularmente vulnerables a los impactos adversos del cambio climático en todos los países en desarrollo.

En referencia a los arreglos institucionales del mecanismo financiero bajo la Convención, la Argentina considera que debieran crearse las instituciones necesarias bajo la Convención, con composición regional equilibrada, y que eventualmente se pueda recurrir a instituciones multilaterales existentes para las funciones fiduciarias y de implementación que se requieran. La Argentina considera que las iniciativas multilaterales fuera de la Convención pueden tener un rol complementario en materia de asistencia técnica y fortalecimiento de capacidades que contribuyan a una mejor implementación de acciones.

**Argentina**

**Submission to the Ad Hoc Working Group on Long- Term Cooperative Action under the Convention (AWG-LCA)**

**April 2010**

In its ninth session, held in Bonn from the 9<sup>th</sup> to the 11<sup>th</sup> April 2010, the Ad Hoc Working Group on Long- Term Cooperative Action under the Convention invited the Parties to submit opinions and proposals, which the Chair may draw upon in the preparation of her draft text for consideration by Parties at its tenth session.

Hereby, the Government of Argentina submits its views to the AWG-LCA.

The negotiating process that will take place under the framework of the AWG-LCA must apply the principles and rules contained in the body of laws of the United Nations. In this regard, there is a legal hierarchy applicable to working documents. Documents that have been adopted by the supreme bodies of the Convention have pre-eminence over other documents. In this case the decision 1/CP.15, adopted by the Conference of the Parties has pre-eminence and priority over any other document.

In this sense, paragraph 4th of the conclusions on organization and methods of work for 2010 is clear, precise and consistent with the principles and rules followed within the United Nations: the inputs the Chair will take under consideration while preparing the text to facilitate the negotiations must be based on decision 1/CP.15.

The Chair may draw upon ideas that the Parties will submit (paragraph 5<sup>th</sup> of the conclusions). These inputs have neither the legal nor the political standing of decision 1/CP.15 and we appeal to the Chair's wisdom on fulfilling her task so that proposals incorporated in the draft text under her responsibility are consistent with the Convention, and decisions 1/CP.13 and 1/CP.15.

***A Shared Vision for long term cooperative action***

Argentina considers that in the Copenhagen negotiations a step forward was achieved by acknowledging the relevance of the recent scientific findings gathered and processed by the IPCC. In this sense, it has been recognised the importance of keeping the global temperature increase below 2 °C with respect to the pre-industrial levels. Nevertheless, Argentina highlights the need for achieving this goal with a probability higher than 50%. For this purpose, all Parties shall collectively reduce global emissions by at least 85 % from 1990 levels by 2050. To this end, long term goals to be established shall include emission reduction targets for developed country Parties, as well as the level of financial and technological support to developing country Parties needed for implementing adaptation and mitigation actions.

Argentina affirms that a shared vision for long term cooperative action includes the ambitious efforts of all Parties in a coherent and equitable manner, by recognizing at the same time, the important role of the Kyoto Protocol in contributing to the ultimate objective of the Convention, and the need to broaden new levels of cooperation among Parties. All these elements shall be considered according to the Convention principles, in particular the principles of equity and common but differentiated responsibilities reflecting the historical responsibilities.

Finally, the achievement of the ultimate objective requires a paradigm shift towards a low-carbon economy, based on innovative technologies and changes in production and consumption patterns, promoting sustainable lifestyles and ensuring a just transition of the workforce.

***Enhanced Action on mitigation***

*Nationally Appropriate mitigation actions or commitments by developed country Parties.*

With the aim to achieve the ultimate objective of the Convention, Parties included in Annex I of the Convention should reduce aggregate emission reductions of at least 40% by 2020 and at least 95% by 2050, both with respect to 1990 levels. According to those long and mid term goals, Argentina deems necessary adopting a top-down approach for determining the quantified emission reduction commitments for Annex I country Parties, taking into



account the historical responsibilities and respective capabilities of each Party. Those commitments shall be measurable, reportable and verifiable (MRV), as recognized by the Bali Action Plan.

#### *Nationally Appropriate Mitigation Actions by developing countries*

Argentina recognizes that efforts to combat climate change shall be global. According to this, developing country Parties shall contribute to this goal with the elaboration of NAMAs by reducing the GHG emissions in a sustainable development context. Nevertheless, mitigation actions implemented by developing countries shall be differentiated from those commitments undertaken by developed countries, and they shall, by no means, constitute binding objectives for developing countries, as contemplated in the Bali Action Plan. The implementation of NAMAs by developing countries will depend on the financial and technological support provided by developed countries. That support will be measured, reportable and verifiable. On the other hand, developing country mitigation actions enabled by international financial and technical support should also be MRV.

Finally, Argentina considers that information regarding those actions implemented by developing country Parties without any international support should be communicated periodically through national communications.

#### *REDD+*

Regarding REDD+, Argentina considers that the following issues should be taken into account:

- An explicit mention shall be made to the overall goal of reducing deforestation by 50% by 2020 and to halt it by 2030, which shall be enabled by financial resources received from developed countries.
- The reference and accounting system shall be national.
- A phase-based approach should be implemented; for this purpose, a consensual mechanism previously established shall determine each country's phase.
- The provision of funds for REDD+ could be envisioned from various sources. Public sources of funding shall be involved in Phases 1 and 2. Additional and balanced funding sources may be implemented for Phase 3 (public funds, markets, hybrid mechanisms)
- REDD+ activities should not be included within NAMAs, for those requiring specific arrangements.
- Institutional arrangements should take into account the Adaptation Fund experience.
- Social and environmental safeguards as mentioned in FCCC/CP/2010/2 shall be part of a MRV system.

#### *Sectoral approaches*

Argentina considers that sectoral approaches in agriculture must take into account the need for safeguarding food security and develop and transfer technologies and financing for adaptation and mitigation, in particular, aiming to increase efficiency and productivity.

Regarding emissions from international civil aviation and maritime transport, developed countries shall pursue limitation or reduction of emissions of greenhouse gases not controlled by the Montreal Protocol from aviation and marine bunker fuels, working through the International Civil Aviation Organization and the International Maritime Organization, respectively. (Art. 2.2, KP).

In relation to international trade, Argentina sustains that Parties should cooperate to promote an economic system that leads to growth and does not hinder sustainable development, in particular in developing countries. In this context, unilateral measures that constitute a means of arbitrary or unjustifiable discrimination or a disguised restriction on international trade shall not be adopted. (Art. 3.5)

#### *Economic and social consequences of response measures:*

Developed countries shall implement policies and measures to address climate change in such a way as to avoid and minimize adverse impacts, including impacts on international trade as well as social and economic negative impacts, especially for the particularly vulnerable developing countries identified in Art. 4.8.

In this regard, there is a need of concrete financing and technology transfer actions from developed to developing countries and the establishment of a mechanism –such as a forum- to identify, avoid and minimize negative

economic and social consequences caused by response measures taken by developed country Parties; sharing information; and exploring concrete ways to avoid and minimize negative consequences in developing countries, in particular, on international trade.

#### ***Enhanced action on adaptation***

With regard to adaptation to the adverse effects of climate change, and in particular with those elements that need further discussion, Argentina considers as a priority the definition of the financial responsibility and commitments of developed countries, taking into account that these commitments should be new and additional to the official development assistance, and should be part of public sources. The access to financial support for adaptation should be simple, expeditious and direct, taking as a model the Adaptation Fund of the Kyoto Protocol. These funds should cover the needs for adaptation of all developing countries. In this sense, new institutional arrangements should be considered to guide, supervise, support, administer and monitor the operation of the Adaptation Framework for Implementation (FCCC/CP/2010/2). Finally, Argentina would like to emphasize the need to enhance climate change related disaster risk reduction strategies, considering the Hyogo Framework for Action and the lessons learned from its implementation.

#### ***Enhanced action on development and transfer of technology***

Regarding the implementation of mechanisms to support the development and transfer of technologies, Argentina deems as positive the advances achieved in the negotiating group that are reflected in document FCCC/CP/2010/2. In relation to the remaining unsolved issues, Argentina supports the idea that the Executive Committee on Technology recommends to the institutions that will govern the financial mechanism under the Convention, about the actions presented by developing countries to be eligible for financial support. In this regard, Argentina supports the idea that the Executive Committee on Technology receives and evaluates the proposals elaborated by developing countries and mobilizes technical assistance resources through the Regional Climate Centers to be established in order to improve the technical and economic aspects of the proposals.

#### ***Provision of financial resources***

Regarding the provision of financial resource, Argentina considers that is necessary to re-establish the formal negotiations under the Convention, since the results achieved in Copenhagen are clearly insufficient. We understand that in relation to the scale of the financial support, adequate annual amounts should be defined for both adaptation and mitigation in developing countries in the short and mid terms; the latter periodically reviewed to adjust the amount of resources to the actual need of developing countries. These resources should be guaranteed by develop country Parties, and in this sense Argentina considers that public finance should prevailed.

Private financing could contribute in a complementary manner, although it is necessary to thoroughly analyze the mechanisms through which these resources could be channelled. In this regard, Argentina could accept, up to certain limits, the use of market mechanism only if clear rules are established to avoid market distortions such as those experimented under the rules used until now under the Kyoto Protocol.

In relation to the recipients of the financial support, Argentina considers that all developing countries should be eligible for support. We understand that several country groups have undeniable urgencies for implementing adaptation actions, but it is also crucial to support the implementation of adaptation actions in populations and ecosystems that are particularly vulnerable to adverse impacts of climate change in all developing countries.

Regarding the institutional arrangements of the financial mechanism, Argentina considers that the necessary institutions should be created under the Convention, with a balance regional composition. Existing multilateral institutions could be required for fiduciary and implementation functions. Multilateral initiatives outside the Convention may have a complementary role in technical assistance and capacity building that contributes to an improved implementation of actions in developing countries.

PAPER NO. 2: BELARUS

**Сообщение Республики Беларусь по проектам решений, изложенным в документе FCCC/AWGLCA/2009/17, annex I, согласно пунктам 4 и 5 заключения по организации и методам работы на 2010 год, принятому Специальной рабочей группой по долгосрочным мерам сотрудничества в рамках РКИК ООН на ее девятой сессии**

Республика Беларусь приветствует предложение Специальной рабочей группы по долгосрочным мерам сотрудничества (СРГ-ДМС) предоставить соображения по проектам решений, изложенным в документе FCCC/AWGLCA/2009/17, annex I, для обеспечения работы Сторон РКИК ООН в рамках СРГ-ДМС в период до Шестнадцатой конференции Сторон РКИК ООН, и просит учесть следующее:

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**А. Проект решения -/СР.15**

**Результаты работы Специальной рабочей группы по долгосрочным мерам сотрудничества согласно Конвенции**

1) Республика Беларусь поддерживает формулировку следующего параграфа преамбулы:

*«...также напоминая об особых национальных условиях Сторон, осуществляющих процесс перехода к рыночной экономике, как это предусмотрено в пункте 6 статьи 4 Конвенции и соответствующих решениях Конференции Сторон, а также Сторон, особые условия которых признаны согласно решениям Конференции Сторон, таким, как решение 26/СР.7...»,*

как отвечающую целостности и преемственности принципов Конвенции в новом соглашении. Обозначение в преамбуле особого статуса Сторон приложения I, осуществляющих процесс перехода к рыночной экономике, является важным в свете интерпретации формулировок ряда последующих пунктов данного проекта решения, а именно пунктов 11, 29, 36, 38, 42 и п.III в разделе «Добавления».

2) Убрать кавычки:

в пункте 2 а) [не должен] превышать [2°]

в пункте 2 в) [80] процентов

в пункте 2 с) [по меньшей мере 80-95] процентов

в пункте 13 [25-40] процентов по сравнению с уровнями [1990] года до [2020] года

в пункте 14 [и положений для измерения, отражения в отчетности и проверки и учитывают их национальные условия и историческую ответственность]

3) Добавить в пункте 3:

Стороны должны сотрудничать в целях скорейшего достижения пика глобальных и национальных выбросов [в 2015 году], признавая, что в Странах, являющихся развивающимися странами, **а также в странах приложения I, осуществляющих процесс перехода к рыночной экономике**, временной диапазон для этого пика будет более длительным, и учитывая, что первыми и главенствующими приоритетами Сторон, являющихся развивающимися странами, являются социальное и экономическое развитие и искоренение нищеты и что развитие с низким уровнем выбросов является необходимым условием для устойчивого развития;

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## **В. Проект решения -/СР.15**

### **Активизация действий по адаптации**

4) Добавить в пункте 4:  
призывает все Стороны, принимая во внимание их общую, но дифференцированную ответственность и соответствующие возможности, а также особые национальные и региональные приоритеты, цели и условия в области развития, на основании чего Стороны, являющиеся развивающимися странами, в соответствии с пунктом 5 ниже, будут получать поддержку от Сторон, являющихся развитыми странами, *включенными в приложение II Конвенции*, осуществлять, в частности:

- 5) В пункте 5 исключить *Вариант 2*
- 6) В пункте 10 исключить *Вариант 1*
- 7) В пункте 12 исключить *Вариант 1*

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## **С. Проект решения -/СР.15**

### **Активизация действий по предоставлению финансовых ресурсов и инвестиций**

8) Добавить в пункте 14:  
основным источником финансирования по линии данного финансового механизма являются новые и дополнительные финансовые ресурсы, предоставленные Сторонами, являющимися развитыми странами, *включенными в приложение II Конвенции*;

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## **С. Проект решения -/СР.15**

### **Активизация действий по укреплению потенциала<sup>9, 10</sup>**

9) подстраничная ссылка 10:  
Республика Беларусь предлагает Председателю КС провести дополнительные консультации и включить представление Республики Беларусь в проект текста. Подробное представление было направлено Республикой Беларусь в ее предложениях Со-председателю соответствующей секции на переговорах в рамках ее седьмой и восьмой сессий в Барселоне и Копенгагене.

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## **Н. Проект решения -/СР.15**

### **Активизация национальных/международных действий по предотвращению изменения климата: экономические и социальные последствия мер реагирования**

10) Добавить в преамбуле:  
[отмечая необходимость того, чтобы Стороны, являющимися развитыми странами, *включенными в приложение II Конвенции*, возместили экономике африканских и наименее развитых стран экологические, социальные и экономические потери, связанные с осуществлением мер реагирования на изменение климата, в контексте экологической справедливости и экологических беженцев,].

- 11) В пункте 1 Республика Беларусь предлагает выбрать *Альтернативу 3*

**Заключение**

Основной посылкой вышеприведенных предложений является позиция Республики Беларусь в отношении необходимости учета особенностей стран, осуществляющих переход к рыночной экономике.

PAPER NO. 3: BOLIVIA (PLURINATIONAL STATE OF)

**SUBMISSION BY THE PLURINATIONAL STATE OF BOLIVIA TO THE AD-HOC WORKING GROUP  
ON LONG-TERM COOPERATIVE ACTION**

This submission is based on the outcome of the World People's Conference on Climate Change and the Rights of Mother Earth held in Cochabamba, Bolivia, on 19-22 of April 2010 with the participation of more than 35,000 delegates from social movements and organizations from 140 countries.

This submission incorporates and develops the main content of the "Peoples Agreement" and the draft proposal for a "Universal Declaration of Mother Earth's Rights" that were adopted at that Conference and that are relevant for the work of the AWG-LCA, and presents them following a similar structure to the document FCCC/AWGLCA/2009/17 to facilitate the inclusion of such proposals in the draft negotiating text to be submitted by the chair of the AWG-LCA.

The Peoples Agreement and the draft proposal for a Universal Declaration of Mother Earth's Rights are attached to the present submission and constitute part of it.

**DRAFT NEGOTIATING TEXT**

**Outcome of the work of the Ad Hoc Working Group on Long-term Cooperative Action under the  
Convention**

**Preamble**

**Mandate**

***The Conference of Parties,***

*Guided by the ultimate objective (Article 2), Principles (Article 3) and Commitments of the Parties under the Convention;*

*Further enhancing and enabling the full, effective and sustained implementation of the Convention through long-term cooperative actions in order to achieve its ultimate objective;*

*Reaffirming that the United Nations Framework Convention on Climate Change (UNFCCC) constitutes the fundamental legal framework on climate change;*

*Further reaffirming that all climate change related actions or measures shall be in full conformity with the principles and provisions of the Convention in particular the principles of common but differentiated responsibilities and respective capabilities of the Parties, equity and historical responsibility;*

*Pursuant to the Bali Action Plan (Decision 1/CP.13);*

**Current state of the climate**

*Recalling that the Intergovernmental Panel on Climate Change has recognized that global atmospheric concentrations of greenhouse gases have increased markedly as a result of human activities since 1750 and now far exceed pre-industrial values;*

*Understanding that today, our Mother Earth has been seriously damaged and the future of humanity is in danger. Current levels of warming are damaging forest, mountain and other ecosystems, melting snow and glaciers, thinning ice sheets, causing the oceans to rise and acidify, threatening coral reefs and intensifying droughts and floods, fires and extreme weather events and that these adverse effects threaten to worsen as the warming already committed in the Earth's systems takes effect;*

*Recognizing the need to establish an adequate limit to global warming and that with an increase in global warming of 2 ° C, there is a 50% chance that the damage caused to our Mother Earth would be totally irreversible. Between 20% and 30% of all species would be in danger of disappearing. Large tracts of forests would be affected, droughts and floods will increasingly affect different regions of the planet, deserts will extend and exacerbate the melting icecaps and glaciers in the Andes and the Himalayas. Many island states will disappear and Africa would suffer a temperature increase of more than 3 ° C. Likewise, reduced food production in the world will have catastrophic effects for the survival of the*

inhabitants of vast regions of the planet, and dramatically increase the number of hungry in the world, which already exceeds one billion people;

Structural Roots of Anthropogenic Climate Change

*Determined* to deal with the root causes of climate change, including the elimination of unsustainable patterns of consumption and production in the developed country Parties and the dominant global capitalist system that gives rise to these;

*Understanding* that a system of unfettered and unregulated markets has resulted in prioritizing the extreme competition for profits and growth, and that this has separated humanity from nature, establishing a logic of domination over it, turning everything into a commodity: water, earth, the human genome, the ancestral cultures, biodiversity, justice, ethics, rights of peoples, and life itself;

*Understanding* that a new system must be built to restore harmony with nature and among humans and that there can only be balance with nature if there is equity among human beings;

*Recognizing*, that Mother Earth is a living system, with which we have an indivisible, interdependent and complementary relationship;

*Advocating* a development model that is not destructive or based on unlimited growth, and recognizing that countries need to produce goods and services to meet the basic needs of its population, but by no means can continue on *the current* path of development in which richer countries have a carbon footprint five times larger than the planet can bear;

*Reflecting* that humanity is facing a great dilemma: to continue on the path of the capitalist system which will lead to extreme global warming and the death of the planet, or the path of harmony with nature and respect for life;

Historical Responsibility and Climate Debt

*Noting* that current atmospheric concentrations and that current and committed warming are principally the result of historical emissions of greenhouse gases, the largest share of which has originated in developed country Parties;

*Affirming* that by over-consuming the available capacity of the Earth's atmosphere and climate system to absorb greenhouse gases the developed countries have run up a climate debt to developing countries and mother Earth;

*Affirming* that the historical emissions of developed countries are disproportionately responsible for climate change and its adverse effects to developing countries and that developed countries are thus responsible for compensating developing countries as part of a climate debt owed by developed countries to developing countries;

*Emphasizing* that further delay by developed country Parties in implementing their commitments to reduce emissions will increase their climate debt to the developing country Parties and significantly constrain opportunities to achieve lower stabilization levels of greenhouse gases and increase the risk of more severe climate change impacts;

Impacts on Developing Countries

*Recognizing* that the past, current and proposed future emissions by and for developed countries are limiting and will further limit access to and use by developing countries of an equitable share of the atmospheric space required for their development;

*Acknowledging* that climate change has caused and is causing increasing adverse impacts to poor and vulnerable communities including to indigenous peoples, local communities and other vulnerable groups and that human rights, including the inherent rights of indigenous peoples as affirmed in the UN Declaration on the Rights of Indigenous Peoples and other instruments, must be respected in all efforts to mitigate and adapt to climate change;

*Noting further* that the adverse effects of climate change will be felt most acutely by those countries and communities who have contributed least to climate change but who are already in vulnerable situations;

*Recognizing* that the countries most vulnerable to the adverse effects of climate change are developing countries and that climate impacts are already imposing substantial and rising costs, damages and setbacks to development thereby undermining the rights and aspirations of developing countries to development;

*Recognizing* that an equitable sharing of atmospheric space is a inalienable fundamental right of all nations and peoples, and that economic and social development and achievement of development goals including the Millennium Development Goals are the first and overriding priorities of developing country Parties, taking into account the environmental and economic vulnerability of developing country Parties;

*Recognizing* also the just, fair and equitable right of developing country Parties to achieve development in harmony with nature making use of the atmospheric space and resources taking into account the accumulative historical use of such resources by developed country Parties;

*Recognizing* that in order to ensure harmony between humanity and nature, and that to achieve the realization of human rights and human dignity it is necessary to recognize and defend the rights of Mother Earth;

*Urging* all Parties to cooperate for enhancing and promoting a supportive and just international economic system and architecture, including the global international trade system that would lead to sustainable development in particular in developing country Parties including, to better address the problems of environmental degradation. With the objective to stabilize greenhouse gas concentrations in the atmosphere at a level that would prevent dangerous anthropogenic interference with the climate system;

*Reaffirming* the need to reform the international and economic systems to ensure fair and equal voice and participation of developing country Parties, especially those related to Climate change;

#### Adaptation

*Recognizing* that adaptation to climate change has a human rights dimension because the effects of climate change if not addressed will make impossible the realization of the economic and social rights including the right to life, to food, to housing and to health;

*Recognizing* that adaptation to climate change and its economic consequences is urgent and essential to the survival and existence of developing country Parties

#### Way Forward

*Recognizing* that human beings are part of an interdependent system with which we must live together in harmony and balance while respecting the rights of all;

*Recognizing* the need to achieve not merely equity and peace among humanity but to restore equilibrium and harmony with nature.

*Acknowledging* that we have followed the laws of humanity while violating the fundamental laws of nature giving rise to climate change and other forms of ecological destruction;

*Recognizing* that to address climate change, we must recognize Mother Earth as the source of life and forge a new system based on the principles of harmony and balance between humanity and nature; solidarity and equity between people and respect for Mother Earth Rights and Human Rights;

*Welcoming for consideration* the attached draft Universal Declaration of Mother Earth;

*Demanding* the full and effective implementation of the right to consultation, participation and prior, free and informed consent of Indigenous Peoples in all negotiation processes and in the design and implementation of measures relating to climate change;

*Stressing* that all multilateral policies and rules relating to climate change that affect the rights and interests of developing countries and local communities, including indigenous peoples, must be based on an open, inclusive, transparent, and participatory negotiating process that reflects the United Nations principles of sovereign equality and inclusive decision-making;

*Determined* to enhance and consolidate the progress achieved so far in the work of the Ad Hoc Working Group on Long-term Cooperative Action under the Convention, and affirming the need to undertake further negotiations on unresolved issues in accordance with and in order to achieve the mandate of the Bali Action Plan;

*Decides as follows:*



**A. Shared vision for long-term cooperative action**

1. All Parties shall enhance their contribution to long-term cooperative action to combat climate change with a shared vision which is based on and in fulfillment of the objective, principles and provisions of the Convention, in particular to give effect to Article 2 of the UN Framework Convention on Climate Change which determines the "stabilization of concentrations of greenhouse gases in the atmosphere at a level that prevents dangerous anthropogenic interference with the climate system" consistent with their common but differentiated responsibilities and respective capabilities, equity and historical responsibility.

2. Developed countries shall take the lead and strive towards returning greenhouse gas concentrations in the atmosphere to well below 300 ppm CO<sub>2</sub>eq with a view to returning concentrations to levels as close as possible to pre-industrial levels in the longer-term, and to limit the average global temperatures to a maximum level of 1° C with a view to returning temperatures to levels as close as possible to pre-industrial levels in the longer-term, with deep and adequate economy wide emissions reductions in the medium and long terms and taking effective measures to fulfill their commitments relating to the provision of substantial financial resources, capacity building and to provide technology development and transfer of environmentally sound technologies and know how to developing country Parties. These enabling means are critical and an important measure to enhance the contribution and voluntary efforts of developing country Parties to the efforts of stabilizing of greenhouse gas concentrations in the atmosphere.

3. Due to the need for urgent action to achieve this vision, and with the support of the people, movements and countries, developed countries commit to ambitious targets for reducing emissions that achieve short-term objectives, while maintaining our vision for balance the Earth's climate system, according to the ultimate objective of the Convention.

4. Developed countries, who are the main responsible of climate change, in assuming their historical responsibility, hereby recognize and commit to honor their climate debt in all its dimensions, as the basis for a just, effective and scientific climate change solution, including through:

- Reserving for developing countries the atmospheric space which is currently occupied by developed countries' emissions of greenhouse gases;
- Assuming the costs and technology transfer needs of developing countries arising from the loss of development opportunities by having to live under a restricted atmospheric space;
- Being accountable for the hundreds of millions of people that will have to migrate as a result of climate change and to remove their restrictive policies on migration, including by providing migrants with opportunities to achieve a decent life and with all human rights;
- Assuming adaptation debt related to the impacts of climate change on developing countries by providing the means to prevent, minimize and deal with damages arising from their excessive emissions, as well as the opportunity costs;
- Honoring those debts as part of a major debt to Mother Earth by taking and implementing the Universal Declaration on the Rights of Mother Earth at the United Nations.

5. The focus of developed countries' actions and commitments in relation to climate debt is therefore not only financial compensation but principally of restorative justice - that is restoring integrity to the people and the members who form a community of life on Earth.

6. All Parties shall enhance their contribution to long-term cooperative action to combat climate change with a shared vision which is based and in fulfillment of the objective and principles of the Convention in particular common but differentiated responsibilities and respective capabilities, equity and historical responsibility.

7. The "shared vision" for the "Long-term Cooperative Action" is not simply about defining the limit on temperature increases and the concentration of greenhouse gases in the atmosphere, but must incorporate a comprehensive and balanced set of financial measures, technology, adaptation, capacity building, patterns of production, consumption and other essentials such as the recognition of the rights of Mother Earth to restore harmony with nature. This is comprised of a range of essential elements including:

- (i) Fulfillment of commitments by developed country Parties to enable developing country parties to develop and implement adaptation policies, plans, programs and projects through providing substantial, new and additional public financial resources, environmentally sound technologies and capacity building in a predictable and prompt manner;

- (ii) Fulfillment of commitments by developed country Parties to demonstrate they are taking the lead in modifying longer-term trends in anthropogenic emissions consistent with the objective of the Convention, including their efforts to modify their consumption and production patterns taking into account their ecological footprint, in accordance with the Convention;
- (iii) Voluntary nationally appropriate mitigation actions (NAMAs) by developing country Parties, in accordance with Article 4.1 of the Convention, which are enabled and supported by financial resources, technology development and transfer and capacity building, from developed country parties to developing country parties, and in line with the overriding priorities of developing country Parties for development and poverty eradication (under Article 4.7 of the Convention);
- (iv) Fulfillment of commitments by developed country Parties to provide adequate, new, substantial and sustained financial resources to developing country Parties, that enable Developing Country Parties to implement their adaptation and mitigation actions, including through the provision of full costs for the implementation by developing countries of commitments relating to the communication of information related to implementation under Article 12.1 and the provision of agreed full incremental costs of implementation of commitments included in Article 4.1 of the Convention;
- (v) Technology development and transfer from developed country Parties to developing country Parties, including, inter alia, the enhancement of endogenous technologies and capacities and the identification and removal of all barriers to access at the most affordable cost to technologies and appropriate treatment of intellectual property rights (IPRs) including exclusion of patents on climate related technologies to developing country Parties; and
- (vi) Fulfillment of commitments to provide capacity building in developing country Parties including provision of financial resources to develop institutions and programs to deal with climate change issues; and capacity building in developed country Parties-
- (vii) Changes to the international financial, economic and social system, which drives excessive production and consumption, including the excessive production of greenhouse gas pollution, and perpetuates unfair and unbalanced relations between peoples and between peoples and nature.

8. A shared vision integrates a set of global goals including a global goal for emission reductions, with the objective to stabilize greenhouse gas concentrations in the atmosphere at a level that would prevent dangerous anthropogenic interference with the climate system in a time frame sufficient to allow ecosystems to adapt naturally to climate change and ensure that food production is not threatened and to enable economic development to proceed in a sustainable manner. These goals include:

(a) The equitable allocation atmospheric space between developed countries and developing countries during the period 1750 to 2050 based on the principles of equity and historical responsibility, and the needs of developing countries in order to achieve their economic and social development and poverty eradication

(b) Aggregate targets for developed country Parties that are not party to the Kyoto Protocol for emissions reduction that are comparable to those undertaken by Annex I parties to the Kyoto Protocol in the second and subsequent commitment periods that reflect their historical responsibilities and debts, meet the needs of developing country Parties to an equitable share of atmospheric space and are adequate to meet requirements according to the IPCC findings and the latest science;

(c) Provision of financial resources by developed countries to developing countries amounting to at least 6% of the value of GNP of developed countries, for adaptation, technology transfer, capacity building and mitigation as described in subparagraphs (d) to (g) of this paragraph;

(d) Provisions by developed countries of means of implementation to developing countries to facilitate adequate adaptation to climate change, to meet the costs of its adverse effects and to repay adaptation debts including through the provision of financial resources by developed countries equivalent to at least 3% of their GNP;

(e) The transfer of environmentally sound technologies to developing countries and enhancement of their endogenous capacities and technologies including through the provision of financial resources by developed countries equivalent to at least 1% of their GNP;

(f) Capacity building to enable the upgrading of developing countries institutional capacities to address climate change and its adverse effects including through the provision of financial resources by developed countries equivalent to at least 1% of their GNP;

- (g) Measures by developing countries to mitigate climate change, including nationally appropriate mitigation actions supported and enabled by developed countries including through the provision of financial resources by developed countries equivalent to at least 1% of their GNP;
  - (h) Identification and removal of all barriers to access to technologies at the most affordable cost and appropriate treatment of intellectual property rights including exclusion of patents on climate related technologies to developing country Parties;
  - (i) Quantified changes to the unsustainable patterns of consumption and production by developed countries, including through the substantial reduction of their high per capita greenhouse gas emissions.
9. Achieving an equitable allocation of global atmospheric space between developed and developing countries is determined by:
- (i) An agreed global emission budget between the period 1750 to 2050;
  - (ii) An agreed methodology for sharing the global emissions budget among developed and developing countries; and
  - (iii) The allocation, based on this methodology, of total assigned amounts to Annex I parties under the Kyoto Protocol and targets for a comparable effort for Annex I parties that are not party to the Kyoto Protocol.
10. Developed country Parties shall not resort to any form of unilateral climate related trade measures including border adjustment measures and tariffs against the goods and services of developing country Parties on climate-related grounds as such measures violate the principles and provisions of the Convention including those related to common and differentiated responsibilities (Article 3.5 of the Convention), to trade and climate change, and to the relation between mitigation actions of developing country Parties and provision of finance and technology by developed country parties (Articles 4.3 and 4.7 of the Convention).
11. The inherent rights of indigenous peoples as affirmed in the UN Declaration on the Rights of Indigenous Peoples and other instruments must be respected in all efforts to mitigate and adapt to climate change.
12. The extent to which developing countries will effectively implement their commitments under the Convention will depend on the effective implementation by developed countries of their commitments under the Convention related to financial resources and transfer of technology.

## **B. Enhanced action on mitigation and its associated means of implementation**

### **1. Mitigation commitments by developed country Parties**

13. The Kyoto Protocol shall remain as a specific binding instrument for reducing emissions of greenhouse gases in developed countries.
14. An amendment to the Kyoto Protocol for the second commitment period 2013-2017 is adopted under which developed countries commit to significant domestic reductions of at least 50% compared to 1990 excluding carbon markets or other offset mechanisms that mask the failure of actual reductions in emissions of greenhouse gases.
15. All Annex I Parties to the Convention shall, in accordance with their commitments of Article 4.2 of the Convention, undertake ambitious national economy-wide binding targets for quantified emission reduction commitments of at least 50% of their domestic greenhouse gas emissions during the period 2013 to 2017 and by more than 100% before 2040, compared to their 1990 levels and adopt policies and actions accordingly to achieve these targets.
16. The principle of comparability of efforts among all developed country Parties shall be applied (in accordance with paragraph 1(b)(1) of the Bali Action Plan Decision 1/CP.13).
17. Developed countries shall take on total and domestic commitments to reduce greenhouse gas emissions that reflect an equitable allocation of atmospheric space and address the needs of developing countries. Developed countries shall ensure that:

- (a) Their greenhouse gas emissions do not exceed their total assigned amounts, with a view to modify longer-term trends in global greenhouse gas emissions consistent with the objectives of the Convention and enabling developed countries to repay their emissions debt to developing countries; and
- (b) Their greenhouse gas emissions from domestic sources do not exceed their assigned domestic amounts, with a view to ensuring that their overall domestic emissions of greenhouse gases are reduced by at least 50% by 2017 to enable developing countries to have access to adequate atmospheric space to achieve economic and social development and poverty eradication.
18. For any Annex I Party to the Convention that is also a Party to the Kyoto Protocol, its emission reduction target for the second and subsequent commitment periods under the Kyoto Protocol shall be considered as their economy wide commitment. For the measurement, reporting and verification of its emission reduction target, pertinent rules and procedures under the Kyoto Protocol shall apply.
19. For any Annex I Party to the Convention that is not a Party to the Kyoto Protocol, its economy wide emission reduction commitment shall be comparable in magnitude, time scale and compliance to the economy wide commitments referred to in paragraph 18 above. Such commitments shall be reflected in a declaration by that Party and recognized through a decision of the Conference of Parties. For the measurement, reporting and verification of such commitments, the rules and procedures shall be elaborated by the Conference of Parties at its 17th session, using as reference the procedures referred to in paragraph 18 above.
20. The implementation by developed countries of their commitments to modify longer term trends in greenhouse gas emissions, and to provide the agreed full incremental costs of actions by developing countries to implement their commitments under the Convention, shall together enable parties to reverse the trend of increasing global greenhouse gas emissions, and to ensure that global greenhouse gas emissions peak before 2015 at the latest and decline thereafter.
21. Developed countries shall further ensure that they reduce their net domestic greenhouse gas emissions by more than 100% by 2040 compared to 1990 levels through the reduction of greenhouse gas emissions from sources and enhancement of greenhouse gas removals by sinks.
22. Mitigation commitments of developed countries must be comparable in scale, timing and legal effect. To ensure comparability of efforts, Annex I Parties that are not Parties to the Kyoto Protocol are called on to undertake quantified emission reduction commitments that, inter alia:
- Are for the period 2013 to 2017;
  - Are quantified in terms of the base year of 1990;
  - Are subject to comparable provisions for monitoring, reporting and verification; and
  - Are subject to comparable provisions for compliance and enforcement.
23. If, after measuring, reporting and verifying, the failure of a developed country to fulfill its reduction commitments is identified then penalties should be applied. This may include increased future reduction commitments by an amount calculated as a multiple of the shortfall in implementation. Financial contributions may also be assessed as penalties or fines and paid into an enhanced financial mechanism under the Conference of Parties.
24. The scale and timing of emission reductions by Annex I countries must be sufficient to ensure that developed countries' historical debt for their excessive past consumption of environmental space, and their continuing excessive per-capita emissions, is fully repaid to developing countries.
- 2. Nationally appropriate mitigation actions by developing country Parties in the context of economic development*
25. Non Annex I Parties to the Convention may, based on their specific national circumstances and in the context of their national economic development, take mitigation measures and actions under Article 4.1 of the Convention including, where appropriate, strategies, policies, plans, programs, projects and other activities.
26. Nationally appropriate mitigation actions (NAMAs) of Non Annex I Parties are voluntary measures and/or programs to mitigate climate change under Article 4.1 of the Convention that are enabled by finance, technology and capacity building in accordance with Articles 4.3 and 4.5, and based on their specific national priorities and circumstances and in the context of sustainable development. A system

shall be established under the financial mechanism to ensure that the developing countries' mitigation actions are enabled and supported by finance, technology and capacity building.

27. Emission reductions resulting from NAMAs shall not be used to offset quantified emission reduction targets undertaken by Annex I Parties to the Convention.

28. Non Annex I NAMAs supported and enabled by developed country Parties in terms of technology, finance, and capacity building, may be subject to MRV in accordance with relevant rules and procedures established by the Conference of Parties.

29. Measurement, reporting and verification of the transfer of financial resources of at least 1% of the GNP of developed country Parties (for mitigation actions by developing countries), technology and capacity building shall be undertaken in the context of the UNFCCC Compliance mechanism identified in paragraph below, with the following objectives:

- (i) Measurement shall be in accordance with methodologies to measure provision of financial resources, technology transfer and Capacity building (in accordance with Article 7.2(d) of the Convention);
- (ii) Reporting shall be on the provision of financial resources and transfer of technology, in accordance with Article 4.7 and communicated under Article 12.3 of the Convention; and
- (iii) Verification of the combined effects of these measures shall be undertaken by the SBI under Article 10.2(a), based on inputs from the finance and technology mechanisms:
  - (a) Verification of the provision of finance for enabled actions to be conducted by the financial mechanism (in accordance with Article 11.1 of the Convention); and
  - (b) Verification of the provision of technology transfer for enabled actions shall be conducted by the technology mechanism under Article 7(2)(i) of the Convention.

30. The autonomous national mitigation actions taken voluntarily with the support of national resources of developing country Parties themselves shall be reflected through their national communications, consistent with Article 12(1)(b) of the convention in accordance with national guidelines and procedures.

### **C. Policy approaches and measures to limit and reduce greenhouse gas emissions from aviation and marine bunker fuels**

31. Actions by developed country Parties shall not be taken to deal with environmental challenges including taxation or imposing levies on developing country Parties services or sectors (e.g. aviation/maritime) or environmental measures addressing trans-boundary or global environmental problems unless such measures have been agreed to by international consensus and are in coherence with the principles and provisions of the Convention.

### **D. Enhanced action on adaptation**

32. People have equal rights to be protected from the adverse impacts of climate change and the rights to proactively face climate change.

33. Adaptation to the adverse impacts of climate change arising from the historical cumulative greenhouse gases (GHG) emissions of developed country Parties, poses a serious threat to economic and social development, and is already an additional burden on developing country Parties efforts to reduce poverty and achieve their development goals. Adaptation activities encompass urgent and immediate, short, medium and long term actions at national, regional and international levels.

34. An institutional framework on adaptation to climate change is hereby established under the Convention to enable developed country Parties, to honor their adaptation debts and to fulfill their commitments to fund the full incremental costs incurred by developing country Parties of implementing programmes to facilitate adequate adaptation to climate change, and to meet the costs of adapting to the adverse effects of climate change. It shall enhance and support adaptation to climate change in all developing country Parties in accordance with the Convention and compensate them for its adverse effects. The institutional arrangements shall comprise:

(i) An adaptation executive body under the authority and guidance of the Conference of Parties and that comprises equitable geographical representation, to promote international cooperation on adaptation and other relevant activities under the Convention, set the criteria and parameters of activities to be funded and where appropriate help mobilize financial resources from public and other sources of finance, to enable the implementation of country driven strategy, programs and projects, including at the regional levels.

(ii) A new adaptation fund window under the Convention to finance the full costs of adaptation activities and actions and the related transfer of technology sharing and capacity building in developing country Parties, with sources of funding be new, substantial and sustained public funding from developed countries, with an annual scale at least 3% of the GNP of developed countries, and including through fulfilling their financial commitments under the Convention. This fund shall be additional to ODA.

(iii) It is necessary to structure this Adaptation Fund, as an exclusive fund for facing climate change and that is part of a financial mechanism managed and led in a sovereign and equitable way by the Parties, without any impositions from Multilateral Development Banks or Financial Institutions. This Fund should also handle a mechanism for the indemnity for damages to Mother Earth.

(iv) Under this Fund it is necessary to register the impacts, the costs of these impacts for the developing countries and the finance, technology and capacity building measures needed to address these impacts. Also, under this Adaptation Fund it is necessary to register and monitor the support of developed countries, including the transference and development of technologies and the fulfillment of the funds provision as part of a just compensation.

(v) A comprehensive adaptation program to enhance action on adaptation in a coordinated and coherent manner at all levels, now, up to and beyond 2012, ranging from assessments through planning to implementation, including through reducing vulnerability, minimizing unavoidable loss and damage, and building the resilience of societies, economies and ecosystems to present and future adverse effects of climate change. The program shall:

- (a) Enable the formulation of national adaptation measures (in accordance with Article 4.1) in particular in developing country Parties;
- (b) Provide finance, technology development and transfer and capacity-building, by developed country Parties for adaptation actions in developing country Parties (in accordance with Articles 4.1, 4.3 and 4.5 of the Convention), especially those involved in Article 4.8 of the Convention; and
- (c) Establish and where appropriate strengthen regional centers, networks, initiatives and coordinating bodies for adaptation, building upon and complementing national adaptation action on all levels respecting fully the sovereignty of states.

(vi) An international mechanism to address the unavoidable loss and damage resulting from the adverse effects of climate change, and associated lost opportunities for development, with the following functions:

- (a) Addressing risks associated with climate-related extreme weather events, that incorporates measures to reduce, manage and prevent risk;
- (b) Providing compensation and rehabilitation for climate-related slow onset events

(vii) An adaptation window and a compliance mechanism under the Convention for measuring and verifying the provisions of financial resources, compensation and transfer of technology from developed country Parties (within the new operating entity under the Convention Financial mechanism).

(viii) An international mechanism to address the needs of individuals and peoples displaced due to the adverse effects of climate change and to facilitate their relocation, including from developing countries to developed countries. This implies the need to remove restrictive policies on migration in developed countries,

(ix) The COP shall adopt the rules and modalities for operationalization of the framework and its bodies, with a view to ensuring the full repayment of climate-related finance, compensation and debts to developing countries and will finish its work at the latest by the COP17.

### **E. Enhanced action on the provision of financial resources and investment**

35. We stress that the financial commitments of Developed Country Parties under the Convention have not been met, and emphasize the urgent need for these parties to honor their commitments in accordance with Article 4 and in particular Articles 4.3, 4.4 and 4.5, and to provide substantial financial resources to developing country Parties that commensurate with the unprecedented challenge of climate change which constitutes the greatest risk that humanity has ever faced.

36. Developed country Parties and other developed Parties included in Annex II in accordance with their commitments under the Convention including Article 4, paragraphs 3, 4, 5, 7, 8 and 9 shall provide substantial, new, additional, adequate, predictable and sustained public funding additional to and different from the ODA to meet the agreed full costs and/or incremental costs incurred by developing country Parties to effectively implement their commitments under the Convention, taking into consideration that other sources of investment like private sector and markets can play a supplementary role.

37. In order to honor the climate debt, and in accordance with Article 11(3)(d) of the Convention, it is agreed that the amount of funds to be made available annually to developing country Parties shall be equivalent to at least 6% of the GNP of developed country Parties comprising 3% for adaptation, 1% for mitigation, 1% for technology development and transfer and 1% for capacity building. It is equally agreed that US\$400 billions, from public finance sources, shall be made available by developed countries for fast track financing of global efforts to address climate change. An equivalent of US\$ 150 billions worth of Special Drawing Rights shall be issued by the IMF as partial fulfillment of this undertaking by developed countries.

38. A financial mechanism of the Convention, to be known as the (Multilateral Climate Fund), is hereby established, in accordance with Article 11.1. It shall function under the authority, guidance of and be fully accountable to the Conference of Parties. It shall comprise, *inter alia*, the following elements:

- (i) An Executive Board, which shall be the governing body, with equitable and geographically-balanced representation of the Parties, and which shall follow the principles of openness, transparency, effectiveness and easy access;
- (ii) Multiple specialized Funds or funding windows, including for adaptation, mitigation, technology transfer and development, and capacity building;
- (iii) A trustee or trustees that shall be appointed by the Board;
- (iv) Technical panels of experts;
- (v) A Monitoring and Verification group or mechanism.

39. A Compliance mechanism shall be established for the evaluation and verification of the fulfillment of developed country Parties of their commitments under the Convention including their financial contributions to adaptation, mitigation, technology transfer and capacity building to developing country Parties, to identify insufficiencies between the enabling means provided and needed and address non-compliance with commitments.

40. The rules and procedures of the compliance mechanism shall be established by the Conference of the Parties not later than the 17<sup>th</sup> Conference of Parties. The MRV of the provision of financial resources, technology and capacity building to enable and support NAMAs and NAPAs of developing country Parties shall be undertaken under this compliance mechanism.

### **F. Enhanced action on technology development and transfer**

41. We agree that there must be urgent action on technology development and transfer as a top priority especially because of the lack of implementation and achievements in this area since the establishment of the Convention.

42. Transfer of technology must fully compensate the loss of development opportunities due to the costs and technological demands to developing countries to live within a restricted atmospheric space. Poor countries face climate-related challenges to their development that were not faced by the developed countries in the process of their own development.

43. Sharing the complete technological cycle, namely enhancement, development, demonstration, deployment, diffusion and transfer of new and existing innovative technologies is urgent and essential to strengthening developing country Parties capacities in particular those listed in Art. 4.8 of the Convention. Developing countries must be recipients of the technological cycle in its integrity.

44. Enhanced action on technology requires implementation and compliance of the commitments made by developed countries in the Convention regarding the development and transfer of technology. It is agreed that this goes beyond the marketing of the technology to developing countries.

45. Guidelines shall be established for the assessment and evaluation of technologies meant for transfer and deployment to ensure that they are environmentally sound and socially appropriate.

46. We recognize that indigenous and traditional knowledge and technologies form a valuable and useful part of the knowledge and technologies that are appropriate and useful for mitigation and adaptation activities in addressing climate change and that these have to be supported and be part of technology development, transfer and deployment.

47. It is equally essential for the technologies to be made available to developing countries at the lowest cost, and thus there should be an appropriate framework regulating intellectual property to prevent patent monopolies and to facilitate the maximum expansion of technologies to be placed in the public domain.

48. Technologies and innovations that come from public financing destined for research and technology development must be located in public domain and not under a private patent regime, in such a way that they are of free access for developing countries.

49. Technology transfer from developed to developing countries should be free from conditionalities or impositions. Instead, it is agreed that there must be a free exchange of information, knowledge and technologies, under the principles of solidarity, reciprocity, respect, complementarity, harmony, transparency, balance, permitting an inter-scientific dialogue of knowledge and skills.

50. We agree that early and rapid reduction of emissions requires the deployment of low-emission technologies on a massive scale and that developing countries particularly those with insufficient or no manufacturing capacity in environmentally sound technologies will have more difficulties in accessing adaptation and mitigation technologies and that measures shall be taken to facilitate and ensure their access to the technology.

51. We agree to establish effective mechanisms and enhanced means for the removal of obstacles to the scaling up of the development and transfer of technology to developing country Parties in order to promote access to affordable environmentally sound technologies.

52. New and additional financing from developed country Parties amounting to at least 1% of their GNP shall be provided in a manner that is adequate, predictable and sustainable to support technology development and deployment in and technology transfer to developing countries. This includes the establishment and operations of joint technology excellence centers in developing countries, to enable entities in these countries to do research and development on adaptation as well as mitigation technologies;

53. A mechanism for technology development and transfer is hereby established under the Convention that shall function under the authority, guidance of and be fully accountable to the Conference of Parties, to fully implement the commitments on technology development and transfer under the Convention, in particular Article 4, paragraphs 3, 5, 7 and 9, that comprises:

- (i) A Technology Executive Board aimed at achieving the most effective implementation of technology transfer to developing country Parties including through *inter alia* develop strategy and policies, provide guidance, assess and elaborate on technology matters and develop a Technology Action Plan and its updated versions, comprising government representatives, elected by the Conference of Parties, which will have equitable regional representation. The Executive Board shall recommend to the COP international actions to support the removal of barriers to technology development and transfer, including those arising from intellectual property rights;
- (ii) Technical Panels for adaptation and mitigation technologies to generate and compile expert information;
- (iii) A Technology Action Plan to support concrete programs and actions to enable technology development and transfer, enhance endogenous technologies and capacities and enhance action in all sectors, and at all stages of the technology cycle (in accordance with Article 4.5). The TAP will define policies, actions and funding for relevant technology actions and programs under the following classification: public domain technologies, patented technologies and know-how and future technologies. The Technology Action Plan will have short, medium and long term actions and



programs that covers all sectors;

- (iv) A Multilateral Climate Technology Fund/window to meet the full and the full incremental costs of technology transfer (in accordance with Article 4.3). The fund will be part of the financial mechanism of the Convention. It shall provide financial resources for the activities agreed on by the Technology Mechanism, and shall be composed by Regional Groups of Experts in Investment and Development, with an equitable representation of different geographic zones of the world.
- (v) A compliance mechanism for measuring and verifying commitments of developed country Parties for technology transfer, finance and development;

54. The technology mechanism shall among its objectives and functions have the following:

- (i) Achieve access to affordable technology by developing country Parties, achieve removal of barriers to technology transfer, diffusion and development; support the enhancement and development of endogenous capacities and technologies of developing country Parties, develop technology action plans, coordinate actions and assess performance;
- (ii) Formulate and promote the implementation of action plans on technology development and transfer;
- (iii) Coordinate actions by different stakeholders at national, regional and international levels;
- (iv) Remove barriers to technology transfer and enhance means to promote technology transfer;
- (v) Promote the establishment and enhancement of national and regional technology innovation centers and networks;
- (vi) Promote capacity building, including personnel training and information exchange, to enhance the capability of developing country Parties for the development, absorption and application of climate friendly technologies;
- (vii) Monitor and assess the progress and effectiveness of the development and transfer of climate friendly technologies under the Convention;
- (viii) Provide advice on and assess the appropriateness of technology, including the environmental, social and economic and developmental aspects on the technology aspects of developing countries voluntary national appropriate mitigation actions and adaptation activities and plans;
- (ix) Accelerate further research, development and production of technologies in developing countries;
- (x) Strengthen technical and institutional capacities including technology centers in developing countries;
- (xi) Stimulate and enable the wide dissemination of existing technologies, including the traditional knowledge, technologies and practices of indigenous peoples.

55. Cooperation and joint development of current, new and innovative technologies shall be enhanced.

56. All Parties shall enhance cooperation to promote research, development, demonstration, deployment, transfer and diffusion of environmentally friendly technologies, and in particular to take effective measures to encourage and enable development and transfer of technology to developing country Parties, remove barriers including intellectual property rights in the context of making to technology development and transfer. Specific measures shall be established to remove barriers to development and transfer of technologies from the developed country to transfer environmentally sound technologies to developing country Parties arising from intellectual property rights protection.

57. We agree to take measures to ensure that international rights and obligations relating to intellectual property shall be supportive of and do not run counter to the objectives of the Convention.

58. Patents on climate-related technologies may be excluded by developing country Parties. Steps shall be taken to expand technologies in the public domain. Nothing in international intellectual property agreements shall be interpreted or implemented in a manner that limits or prevents any Party from taking measures to address climate change, in particular the development and transfer of technologies, including the development and enhancement of endogenous capacities and technologies of developing countries and transfer of, and access to, environmentally sound technologies and know-how.

59. Developing countries have the right to make use of the full flexibilities contained in the Trade Related Aspects of Intellectual Property Rights (TRIPS) agreement, including compulsory licensing.

60. Specific and urgent measures shall be taken and mechanisms developed to remove barriers to development and transfer of technologies arising from intellectual property rights protection, including:

(a) Creation of a Global Technology IPR Pool for Climate Change that promotes and ensures access to intellectual property protected technologies and associated know-how to developing countries on non-exclusive royalty free terms; This pool shall include modern and appropriate technologies and shall not have exclusions of any kind;

(b) Taking steps to ensure sharing of publicly funded technologies and related know-how, including by making the technologies and know-how available in the public domain in a manner that promotes transfer of and/or access to environmentally sound technology and know-how to developing countries on royalty free terms.

61. All necessary steps shall be immediately taken in all relevant forums to exclude from IPR protection and revoke existing IPR protection in developing countries and least developed countries on environmentally sound technologies to adapt to and mitigate climate change, including those developed through funding by governments or international agencies and those involving use of genetic resources that are used for adaptation and mitigation of climate change.

**G. Policy approaches and positive incentives on issues relating to reducing emissions from deforestation and forest degradation in developing countries; and the role of conservation, sustainable management of forests and enhancement of forest carbon stocks in developing countries**

62. Developed country Parties shall provide adequate, predictable and sustained financing, technology and capacity building in accordance with the relevant provisions of the Convention to enable and support national development needs and voluntary actions to be undertaken by developing country Parties consistent with their national circumstances in the context of reducing emissions from, inter alia, deforestation, forest and land degradation and to increase forest coverage, stabilize forest carbon stocks, enhance carbon sinks through forest conservation, sustainable management of forests, afforestation, reforestation, restoration of degraded ecosystems, improved land use and agriculture practices.

63. A framework for the delivery of financial resources for forest related actions is hereby established to fund the agreed full incremental costs for the implementation of developing countries' commitments under Article 4.1 (d) to promote sustainable management; and promote and cooperate in the conservation and enhancement of sinks and reservoirs of all greenhouse gases, including forests ecosystems.

64. The following principles and elements will apply to forest related actions and the proposed framework:

- A fund based mechanism that enables equitable distribution of funds.
- The framework will not allow for offset mechanisms.
- It will ensure environmental integrity.
- It will protect the rights of indigenous peoples and local communities, as there is no transfer of rights of carbon ownership to the market.
- Ensure sovereignty and national as well as local control over forest related activities. These activities must be framed under the national laws and policies.
- Forest conservation can be funded, including adaptation activities related to forests.

65. Under the proposed Multilateral Climate Fund established under the COP:

- A funding window or specialized fund should be established for forest related activities as set out under paragraph 1(b)(iii) of the BAP.
  - In addition, an expert group or committee can be established to facilitate the implementation of such activities supported by a technical panel if needed.
  - The establishment of such a funding window or specialized fund supported by an expert group or committee as above must ensure the predictable, adequate and timely access to financial resources for developing countries for the implementation of Article 4.1(d) of the Convention.
66. Eligibility criteria for funding forest related activities should include the following:
- Support for proposals that address the underlying causes of forest loss, including actions within but not limited to the forest sector;
  - Support for proposals that guarantee lasting protection of natural forests and reduction of deforestation and degradation, enhanced forest law enforcement and improved forest governance, and strengthened recognition of Indigenous Peoples and community rights, regardless of whether the impact of these measures can be immediately quantified in terms of carbon emission units;
  - Proposals shall not be considered that allow industrial-scale logging or that involve conversion of natural forests to plantations or other commercial or infrastructure activities and projects that damage the environment or violate the rights of local communities.
  - Encouragement of proposals for activities that involve the full and effective participation of forest-dependent Indigenous Peoples and local communities. Measures must respect and promote the rights and interests of Indigenous Peoples and local communities, including the right to free, prior and informed consent (FPIC), in its design and implementation, in full compliance with relevant international human rights conventions and applicable national laws, including *inter alia*, the United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP) and the Convention on Biological Diversity (CBD), as well as other relevant international, customary and national law;
  - Support for the restoration and maintenance of the forests by indigenous peoples and their organizations, including through a global program to restore native forests and jungles, managed and administered by the communities and their organizations.
  - Proposals and activities should promote good governance, in particular with respect to forest policies and law enforcement;
  - Proposals and activities should contain transparent and participatory mechanisms to prevent or resolve conflicts over access, use, and ownership rights that could arise during the development and/or implementation of forest related activities.
67. The definition of forest used in the negotiations should not include plantations, as monoculture plantations are not forests.
68. The UN Declaration on the Rights of Indigenous Peoples and ILO Convention 169 shall be fully recognized, implemented and integrated in climate change actions. We agree that the best strategy and action to avoid deforestation and degradation and protect native forests and the forest is to recognize and guarantee the collective rights of the lands and territories, especially considering that most of the forests are in the territories of indigenous peoples and nations, and traditional farming communities. Parties also recognize the prior existence of the right of indigenous peoples over their territories, lands and natural resources to enable and strengthen their traditional ways of life and contribute effectively to solving the climate change problem.
69. Carbon market mechanisms are not appropriate for financing and implementing forest-related activities and should not be used. They are and have the potential to be against the principle of sovereignty and the rights and customs of indigenous people including free and prior consent. Instead, activities relating to forests shall be financed by payments and contribution in a fund or funding window referred to in paragraph 65.
70. The fund or funding window will finance the restoration and maintenance of the forests by indigenous peoples and their organizations. A global program shall be established to take and support actions to restore native forests and jungles, managed and administered by the communities and their organizations. The activities to be supported include maintaining biodiversity, the conservation and use of local seeds and seed varieties, fruit trees and native flora. Commercial activities and infrastructure projects that are

damaging to the forests, to climate, and to the rights of people in the forests or who depend on the forests should not be undertaken.

#### **H. Economic and social consequences of response measures**

71. An appropriate forum shall be established under the Convention to give full consideration to what actions are necessary to address the potential economic and social consequences and impacts of the design, selection and implementation of response measures.

72. Developed country Parties shall not resort to any form of unilateral climate related trade measures including border adjustment measures and tariffs against the goods and services of developing country Parties on climate-related grounds as such measures violate the principles and provisions of the Convention including those related to common and differentiated responsibilities (Article 3.5 of the Convention), to trade and climate change, and to the relation between mitigation actions of developing country Parties and provision of finance and technology by developed country parties (Articles 4.3 and 4.7 of the Convention).

73. In accordance with relevant international instruments, including the UN Declaration of the Rights of Indigenous Peoples, the Parties shall cooperate with the indigenous peoples through their own representative institutions to obtain their free, prior and informed consent before adopting and implementing measures that may affect them.

#### **I. Various approaches, including opportunities for using markets, to enhance the cost-effectiveness of, and to promote, mitigation actions**

74. There should not be use of an international carbon market or an international carbon market approach in the offsetting of Annex I Parties' mitigation commitments or in the financing of developing countries' climate actions as it has serious adverse effects.

#### **J. Cooperative sectoral approaches and sector-specific actions in agriculture**

75. We agree to phase out inappropriate forms of agriculture that are ecologically harmful and that are emission-intensive and to instead take measures to promote an environmentally sustainable model of agricultural production that also promote food security and food sovereignty and the livelihoods and rights of local communities and indigenous peoples. We agree to ensure that the small farmers in developing countries have the right to and can maintain or increase their control over their own seeds, land, water and food production. We agree that appropriate financing mechanisms be established for these purposes and that adequate financing be provided.

76. We recognize that emissions from certain forms of agriculture production are a major source of global warming and that mitigation actions relating to these forms of agriculture while promoting ecologically-sound forms of agriculture (including traditional agricultural practices by many local communities and small farmers in many parts of the developing countries) are essential. The recognition and promotion of food sovereignty is also a vital part of agricultural transformation required to address the climate crisis. The concept of food sovereignty is to be understood as the right of people to control their own seeds, land, water and food production, ensuring, through production in harmony with Mother Earth.

77. It is essential that the policy framework for agriculture be appropriate for the purpose of addressing the climate crisis and to meet the interests of local communities and protect the environment. In this context we agree that there be a review of the global system of agricultural trade, the provisions of trade agreements and loan and aid conditionalities and the intellectual property regimes. Agricultural technologies and related technologies shall also be subject to assessment for their environmental, social and developmental impacts. Technologies that should be critically reviewed include industrial agriculture (with its dependence on agrochemicals, corporate-controlled seeds and intensive water use), genetic engineering, Terminator Technology, biofuels, nanotechnology, and geo-engineering.

78. We also agree to monitor and evaluate projects to prevent those projects or activities including in the infrastructure and extractive sectors that adversely affect the lands and rights of local farming and indigenous communities.

79. All Parties recognize the right of all peoples to have access to and enjoy clean water.

**K. Enhanced action on capacity building**

80. A Capacity building committee-mechanism shall be established to develop and support capacity building needs of developing country Parties that are vulnerable to the adverse effects of climate change, including through funding, focused training, mentoring and learning by doing approaches.

81. The committee/Mechanism shall enable developing country Parties to, inter alia:

- (i) Develop the capacity of institutions and human resources;
- (ii) Formulate strategies, policies and action plans;
- (iii) Enhance research and knowledge management;
- (iv) Strengthen endogenous capacities;
- (v) Strengthen the capacity for data collection and use and for modeling; and
- (vi) Build capacity for planning and decision-making including the participation of nongovernmental actors.

82. Developed Country Parties shall enable developing country Parties to implement the identification of activities (including national-level action plans), which shall be funded at full costs under Article 4.3 and 11.1 of the Convention amounting to at least 1% of the GNP of developed country Parties.

**L. Other actions**

83. *All Parties shall ensure* the full and effective implementation of the right to consultation, participation and prior, free and informed consent of Indigenous Peoples in all negotiation processes and in the design and implementation of measures relating to climate change.

84. We recognize the critical linkages between water and climate change, and the need to act urgently on water related issues. Climate change has serious adverse effects on people's access to water resources, for example through the reduced water supply caused by the melting of glaciers. We agree that dedicated action with adequate financing be planned to deal with water issues. We also recognize that all individuals have the right to have access to water resources to sustain life and that states have a responsibility to fulfill the basic human need for water.

85. Developed countries shall take responsibility for climate migrants, welcoming them into their territories and recognizing their fundamental rights through the signing of international conventions providing for the definition of migrant climate that all States abide by its determinations. At present, environmental degradation and climate change will reach critical levels, one of the main consequences of internal migration and international. According to some projections in 1995 there were about 25 million climate migrants, this is estimated at 50 million and projections for 2050 are from 200 to 1000 million people will be displaced by situations resulting from climate change.

86. Parties shall promote the establishment of an International Court of Climate and Environmental Justice, whose aim is to contribute to preventing actions causing environmental pollution and climate change.

87. Parties agree to support and promote a world plebiscite or referendum on climate change open to the global public. The terms of this referendum will be considered by the COP.

## **World People's Conference on Climate Change and the Rights of Mother Earth**

April 22nd, Cochabamba, Bolivia

### **PEOPLES AGREEMENT**

Today, our Mother Earth is wounded and the future of humanity is in danger.

If global warming increases by more than 2 degrees Celsius, a situation that the "Copenhagen Accord" could lead to, there is a 50% probability that the damages caused to our Mother Earth will be completely irreversible. Between 20% and 30% of species would be in danger of disappearing. Large extensions of forest would be affected, droughts and floods would affect different regions of the planet, deserts would expand, and the melting of the polar ice caps and the glaciers in the Andes and Himalayas would worsen. Many island states would disappear, and Africa would suffer an increase in temperature of more than 3 degrees Celsius. Likewise, the production of food would diminish in the world, causing catastrophic impact on the survival of inhabitants from vast regions in the planet, and the number of people in the world suffering from hunger would increase dramatically, a figure that already exceeds 1.02 billion people.

The corporations and governments of the so-called "developed" countries, in complicity with a segment of the scientific community, have led us to discuss climate change as a problem limited to the rise in temperature without questioning the cause, which is the capitalist system.

We confront the terminal crisis of a civilizing model that is patriarchal and based on the submission and destruction of human beings and nature that accelerated since the industrial revolution.

The capitalist system has imposed on us a logic of competition, progress and limitless growth. This regime of production and consumption seeks profit without limits, separating human beings from nature and imposing a logic of domination upon nature, transforming everything into commodities: water, earth, the human genome, ancestral cultures, biodiversity, justice, ethics, the rights of peoples, and life itself.

Under capitalism, Mother Earth is converted into a source of raw materials, and human beings into consumers and a means of production, into people that are seen as valuable only for what they own, and not for what they are.

Capitalism requires a powerful military industry for its processes of accumulation and imposition of control over territories and natural resources, suppressing the resistance of the peoples. It is an imperialist system of colonization of the planet.

Humanity confronts a great dilemma: to continue on the path of capitalism, depredation, and death, or to choose the path of harmony with nature and respect for life.

It is imperative that we forge a new system that restores harmony with nature and among human beings. And in order for there to be balance with nature, there must first be equity among human beings.

We propose to the peoples of the world the recovery, revalorization, and strengthening of the knowledge, wisdom, and ancestral practices of Indigenous Peoples, which are affirmed in the thought and practices of "Living Well," recognizing Mother Earth as a living being with which we have an indivisible, interdependent, complementary and spiritual relationship.

To face climate change, we must recognize Mother Earth as the source of life and forge a new system based on the principles of:

- harmony and balance among all and with all things;
- complementarity, solidarity, and equality;
- collective well-being and the satisfaction of the basic necessities of all
- people in harmony with nature;
- recognition of human beings for what they are, not what they own;
- elimination of all forms of colonialism, imperialism and interventionism;
- peace among the peoples and with Mother Earth;

The model we support is not a model of limitless and destructive development. All countries need to produce the goods and services necessary to satisfy the fundamental needs of their populations, but by no means can they continue to follow the path of development that has led the richest countries to have an ecological footprint five times bigger than what the planet is able to support. Currently, the regenerative capacity of the planet has been already exceeded by more than 30 percent. If this pace of over-exploitation of our Mother Earth continues, we will need two planets by the year 2030.

In an interdependent system in which human beings are only one component, it is not possible to recognize rights only to the human part without provoking an imbalance in the system as a whole. To guarantee human rights and to restore harmony with nature, it is necessary to effectively recognize and apply the rights of Mother Earth.

For this purpose, we propose the attached project for the Universal Declaration on the Rights of Mother Earth, in which it's recorded that:

- The right to live and to exist;
- The right to be respected;
- The right to regenerate its bio-capacity and to continue its vital cycles and processes free of human alteration;
- The right to maintain their identity and integrity as differentiated beings, self-regulated and interrelated;
- The right to water as the source of life;
- The right to clean air;
- The right to comprehensive health;
- The right to be free of contamination and pollution, free of toxic and radioactive waste;
- The right to be free of alterations or modifications of its genetic structure in a manner that threatens its integrity or vital and healthy functioning;
- The right to prompt and full restoration for violations to the rights acknowledged in this Declaration caused by human activities.

The "shared vision" seeks to stabilize the concentrations of greenhouse gases to make effective the Article 2 of the United Nations Framework Convention on Climate Change, which states that "the stabilization of greenhouse gases concentrations in the atmosphere to a level that prevents dangerous anthropogenic inferences for the climate system." Our vision is based on the principle of historical common but differentiated responsibilities, to demand the developed countries to commit with quantifiable goals of emission reduction that will allow to return the concentrations of greenhouse gases to 300 ppm, therefore the increase in the average world temperature to a maximum of one degree Celsius.

Emphasizing the need for urgent action to achieve this vision, and with the support of peoples, movements and countries, developed countries should commit to ambitious targets for reducing emissions that permit the achievement of short-term objectives, while maintaining our vision in favor of balance in the Earth's climate system, in agreement with the ultimate objective of the Convention.

The "shared vision for long-term cooperative action" in climate change negotiations should not be reduced to defining the limit on temperature increases and the concentration of greenhouse gases in the atmosphere, but must also incorporate in a balanced and integral manner measures regarding capacity building, production and consumption patterns, and other essential factors such as the acknowledging of the Rights of Mother Earth to establish harmony with nature.

Developed countries, as the main cause of climate change, in assuming their historical responsibility, must recognize and honor their climate debt in all of its dimensions as the basis for a just, effective, and scientific solution to climate change. In this context, we demand that developed countries:

- Restore to developing countries the atmospheric space that is occupied by their greenhouse gas emissions. This implies the decolonization of the atmosphere through the reduction and absorption of their emissions;
- Assume the costs and technology transfer needs of developing countries arising from the loss of development opportunities due to living in a restricted atmospheric space;
- Assume responsibility for the hundreds of millions of people that will be forced to migrate due to the climate change caused by these countries, and eliminate their restrictive immigration policies, offering migrants a decent life with full human rights guarantees in their countries;

- Assume adaptation debt related to the impacts of climate change on developing countries by providing the means to prevent, minimize, and deal with damages arising from their excessive emissions;
- Honor these debts as part of a broader debt to Mother Earth by adopting and implementing the United Nations Universal Declaration on the Rights of Mother Earth.

The focus must not be only on financial compensation, but also on restorative justice, understood as the restitution of integrity to our Mother Earth and all its beings.

We deplore attempts by countries to annul the Kyoto Protocol, which is the sole legally binding instrument specific to the reduction of greenhouse gas emissions by developed countries.

We inform the world that, despite their obligation to reduce emissions, developed countries have increased their emissions by 11.2% in the period from 1990 to 2007.

During that same period, due to unbridled consumption, the United States of America has increased its greenhouse gas emissions by 16.8%, reaching an average of 20 to 23 tons of CO<sub>2</sub> per-person. This represents 9 times more than that of the average inhabitant of the "Third World," and 20 times more than that of the average inhabitant of Sub-Saharan Africa.

We categorically reject the illegitimate "Copenhagen Accord" that allows developed countries to offer insufficient reductions in greenhouse gases based in voluntary and individual commitments, violating the environmental integrity of Mother Earth and leading us toward an increase in global temperatures of around 4°C.

The next Conference on Climate Change to be held at the end of 2010 in Mexico should approve an amendment to the Kyoto Protocol for the second commitment period from 2013 to 2017 under which developed countries must agree to significant domestic emissions reductions of at least 50% based on 1990 levels, excluding carbon markets or other offset mechanisms that mask the failure of actual reductions in greenhouse gas emissions.

We require first of all the establishment of a goal for the group of developed countries to achieve the assignment of individual commitments for each developed country under the framework of complementary efforts among each one, maintaining in this way Kyoto Protocol as the route to emissions reductions.

The United States, as the only Annex 1 country on Earth that did not ratify the Kyoto Protocol, has a significant responsibility toward all peoples of the world to ratify this document and commit itself to respecting and complying with emissions reduction targets on a scale appropriate to the total size of its economy.

We the peoples have the equal right to be protected from the adverse effects of climate change and reject the notion of adaptation to climate change as understood as a resignation to impacts provoked by the historical emissions of developed countries, which themselves must adapt their modes of life and consumption in the face of this global emergency. We see it as imperative to confront the adverse effects of climate change, and consider adaptation to be a process rather than an imposition, as well as a tool that can serve to help offset those effects, demonstrating that it is possible to achieve harmony with nature under a different model for living.

It is necessary to construct an Adaptation Fund exclusively for addressing climate change as part of a financial mechanism that is managed in a sovereign, transparent, and equitable manner for all States. This Fund should assess the impacts and costs of climate change in developing countries and needs deriving from these impacts, and monitor support on the part of developed countries. It should also include a mechanism for compensation for current and future damages, loss of opportunities due to extreme and gradual climactic events, and additional costs that could present themselves if our planet surpasses ecological thresholds, such as those impacts that present obstacles to "Living Well."

The "Copenhagen Accord" imposed on developing countries by a few States, beyond simply offering insufficient resources, attempts as well to divide and create confrontation between peoples and to extort developing countries by placing conditions on access to adaptation and mitigation resources. We also assert as unacceptable the attempt in processes of international negotiation to classify developing



countries for their vulnerability to climate change, generating disputes, inequalities and segregation among them.

The immense challenge humanity faces of stopping global warming and cooling the planet can only be achieved through a profound shift in agricultural practices toward the sustainable model of production used by indigenous and rural farming peoples, as well as other ancestral models and practices that contribute to solving the problem of agriculture and food sovereignty. This is understood as the right of peoples to control their own seeds, lands, water, and food production, thereby guaranteeing, through forms of production that are in harmony with Mother Earth and appropriate to local cultural contexts, access to sufficient, varied and nutritious foods in complementarity with Mother Earth and deepening the autonomous (participatory, communal and shared) production of every nation and people.

Climate change is now producing profound impacts on agriculture and the ways of life of indigenous peoples and farmers throughout the world, and these impacts will worsen in the future.

Agribusiness, through its social, economic, and cultural model of global capitalist production and its logic of producing food for the market and not to fulfill the right to proper nutrition, is one of the principal causes of climate change. Its technological, commercial, and political approach only serves to deepen the climate change crisis and increase hunger in the world. For this reason, we reject Free Trade Agreements and Association Agreements and all forms of the application of Intellectual Property Rights to life, current technological packages (agrochemicals, genetic modification) and those that offer false solutions (biofuels, geo-engineering, nanotechnology, etc.) that only exacerbate the current crisis.

We similarly denounce the way in which the capitalist model imposes mega-infrastructure projects and invades territories with extractive projects, water privatization, and militarized territories, expelling indigenous peoples from their lands, inhibiting food sovereignty and deepening socio-environmental crisis.

We demand recognition of the right of all peoples, living beings, and Mother Earth to have access to water, and we support the proposal of the Government of Bolivia to recognize water as a Fundamental Human Right.

The definition of forests used in the negotiations of the United Nations Framework Convention on Climate Change, which includes plantations, is unacceptable. Monoculture plantations are not forests. Therefore, we require a definition for negotiation purposes that recognizes the native forests, jungles and the diverse ecosystems on Earth.

The United Nations Declaration on the Rights of Indigenous Peoples must be fully recognized, implemented and integrated in climate change negotiations. The best strategy and action to avoid deforestation and degradation and protect native forests and jungles is to recognize and guarantee collective rights to lands and territories, especially considering that most of the forests are located within the territories of indigenous peoples and nations and other traditional communities.

We condemn market mechanisms such as REDD (Reducing Emissions from Deforestation and Forest Degradation) and its versions + and + +, which are violating the sovereignty of peoples and their right to prior free and informed consent as well as the sovereignty of national States, the customs of Peoples, and the Rights of Nature.

Polluting countries have an obligation to carry out direct transfers of the economic and technological resources needed to pay for the restoration and maintenance of forests in favor of the peoples and indigenous ancestral organic structures. Compensation must be direct and in addition to the sources of funding promised by developed countries outside of the carbon market, and never serve as carbon offsets. We demand that countries stop actions on local forests based on market mechanisms and propose non-existent and conditional results. We call on governments to create a global program to restore native forests and jungles, managed and administered by the peoples, implementing forest seeds, fruit trees, and native flora. Governments should eliminate forest concessions and support the conservation of petroleum deposits in the ground and urgently stop the exploitation of hydrocarbons in forestlands.

We call upon States to recognize, respect and guarantee the effective implementation of international human rights standards and the rights of indigenous peoples, including the United Nations Declaration on the Rights of Indigenous Peoples under ILO Convention 169, among other relevant instruments in the

negotiations, policies and measures used to meet the challenges posed by climate change. In particular, we call upon States to give legal recognition to claims over territories, lands and natural resources to enable and strengthen our traditional ways of life and contribute effectively to solving climate change.

We demand the full and effective implementation of the right to consultation, participation and prior, free and informed consent of indigenous peoples in all negotiation processes, and in the design and implementation of measures related to climate change.

Environmental degradation and climate change are currently reaching critical levels, and one of the main consequences of this is domestic and international migration. According to projections, there were already about 25 million climate migrants by 1995. Current estimates are around 50 million, and projections suggest that between 200 million and 1 billion people will become displaced by situations resulting from climate change by the year 2050.

Developed countries should assume responsibility for climate migrants, welcoming them into their territories and recognizing their fundamental rights through the signing of international conventions that provide for the definition of climate migrant and require all States to abide by determinations.

Establish an International Tribunal of Conscience to denounce, make visible, document, judge and punish violations of the rights of migrants, refugees and displaced persons within countries of origin, transit and destination, clearly identifying the responsibilities of States, companies and other agents.

Current funding directed toward developing countries for climate change and the proposal of the Copenhagen Accord are insignificant. In addition to Official Development Assistance and public sources, developed countries must commit to a new annual funding of at least 6% of GDP to tackle climate change in developing countries. This is viable considering that a similar amount is spent on national defense, and that 5 times more have been put forth to rescue failing banks and speculators, which raises serious questions about global priorities and political will. This funding should be direct and free of conditions, and should not interfere with the national sovereignty or self-determination of the most affected communities and groups.

In view of the inefficiency of the current mechanism, a new funding mechanism should be established at the 2010 Climate Change Conference in Mexico, functioning under the authority of the Conference of the Parties (COP) under the United Nations Framework Convention on Climate Change and held accountable to it, with significant representation of developing countries, to ensure compliance with the funding commitments of Annex 1 countries.

It has been stated that developed countries significantly increased their emissions in the period from 1990 to 2007, despite having stated that the reduction would be substantially supported by market mechanisms.

The carbon market has become a lucrative business, commodifying our Mother Earth. It is therefore not an alternative for tackle climate change, as it loots and ravages the land, water, and even life itself.

The recent financial crisis has demonstrated that the market is incapable of regulating the financial system, which is fragile and uncertain due to speculation and the emergence of intermediary brokers. Therefore, it would be totally irresponsible to leave in their hands the care and protection of human existence and of our Mother Earth.

We consider inadmissible that current negotiations propose the creation of new mechanisms that extend and promote the carbon market, for existing mechanisms have not resolved the problem of climate change nor led to real and direct actions to reduce greenhouse gases.

It is necessary to demand fulfillment of the commitments assumed by developed countries under the United Nations Framework Convention on Climate Change regarding development and technology transfer, and to reject the "technology showcase" proposed by developed countries that only markets technology. It is essential to establish guidelines in order to create a multilateral and multidisciplinary mechanism for participatory control, management, and evaluation of the exchange of technologies. These technologies must be useful, clean and socially sound. Likewise, it is fundamental to establish a fund for the financing and inventory of technologies that are appropriate and free of intellectual property rights. Patents, in particular, should move from the hands of private monopolies to the public domain in order to

promote accessibility and low costs.

Knowledge is universal, and should for no reason be the object of private property or private use, nor should its application in the form of technology. Developed countries have a responsibility to share their technology with developing countries, to build research centers in developing countries for the creation of technologies and innovations, and defend and promote their development and application for "living well." The world must recover and re-learn ancestral principles and approaches from native peoples to stop the destruction of the planet, as well as promote ancestral practices, knowledge and spirituality to recuperate the capacity for "living well" in harmony with Mother Earth.

Considering the lack of political will on the part of developed countries to effectively comply with commitments and obligations assumed under the United Nations Framework Convention on Climate Change and the Kyoto Protocol, and given the lack of a legal international organism to guard against and sanction climate and environmental crimes that violate the Rights of Mother Earth and humanity, we demand the creation of an International Climate and Environmental Justice Tribunal that has the legal capacity to prevent, judge and penalize States, industries and people that by commission or omission contaminate and provoke climate change.

Supporting States that present claims at the International Climate and Environmental Justice Tribunal against developed countries that fail to comply with commitments under the United Nations Framework Convention on Climate Change and the Kyoto Protocol including commitments to reduce greenhouse gases.

We urge peoples to propose and promote deep reform within the United Nations, so that all member States comply with the decisions of the International Climate and Environmental Justice Tribunal.

The future of humanity is in danger, and we cannot allow a group of leaders from developed countries to decide for all countries as they tried unsuccessfully to do at the Conference of the Parties in Copenhagen. This decision concerns us all. Thus, it is essential to carry out a global referendum or popular consultation on climate change in which all are consulted regarding the following issues; the level of emission reductions on the part of developed countries and transnational corporations, financing to be offered by developed countries, the creation of an International Climate Justice Tribunal, the need for a Universal Declaration of the Rights of Mother Earth, and the need to change the current capitalist system. The process of a global referendum or popular consultation will depend on process of preparation that ensures the successful development of the same.

In order to coordinate our international action and implement the results of this "Accord of the Peoples," we call for the building of a Global People's Movement for Mother Earth, which should be based on the principles of complementarity and respect for the diversity of origin and visions among its members, constituting a broad and democratic space for coordination and joint worldwide actions.

To this end, we adopt the attached global plan of action so that in Mexico, the developed countries listed in Annex 1 respect the existing legal framework and reduce their greenhouse gases emissions by 50%, and that the different proposals contained in this Agreement are adopted.

Finally, we agree to undertake a Second World People's Conference on Climate Change and the Rights of Mother Earth in 2011 as part of this process of building the Global People's Movement for Mother Earth and reacting to the outcomes of the Climate Change Conference to be held at the end of this year in Cancun, Mexico.

**Draft Proposal**  
**UNIVERSAL DECLARATION OF THE RIGHTS OF MOTHER EARTH**

**Preamble**

We, the peoples and nations of Earth:

considering that we are all part of Mother Earth, an indivisible, living community of interrelated and interdependent beings with a common destiny;

gratefully acknowledging that Mother Earth is the source of life, nourishment and learning and provides everything we need to live well;

recognizing that the capitalist system and all forms of depredation, exploitation, abuse and contamination have caused great destruction, degradation and disruption of Mother Earth, putting life as we know it today at risk through phenomena such as climate change;

convinced that in an interdependent living community it is not possible to recognize the rights of only human beings without causing an imbalance within Mother Earth;

affirming that to guarantee human rights it is necessary to recognize and defend the rights of Mother Earth and all beings in her and that there are existing cultures, practices and laws that do so;

conscious of the urgency of taking decisive, collective action to transform structures and systems that cause climate change and other threats to Mother Earth;

proclaim this Universal Declaration of the Rights of Mother Earth, and call on the General Assembly of the United Nation to adopt it, as a common standard of achievement for all peoples and all nations of the world, and to the end that every individual and institution takes responsibility for promoting through teaching, education, and consciousness raising, respect for the rights recognized in this Declaration and ensure through prompt and progressive measures and mechanisms, national and international, their universal and effective recognition and observance among all peoples and States in the world.

**Article 1. Mother Earth**

- (1) Mother Earth is a living being.
- (2) Mother Earth is a unique, indivisible, self-regulating community of interrelated beings that sustains, contains and reproduces all beings.
- (3) Each being is defined by its relationships as an integral part of Mother Earth.
- (4) The inherent rights of Mother Earth are inalienable in that they arise from the same source as existence.
- (5) Mother Earth and all beings are entitled to all the inherent rights recognized in this Declaration without distinction of any kind, such as may be made between organic and inorganic beings, species, origin, use to human beings, or any other status.
- (6) Just as human beings have human rights, all other beings also have rights which are specific to their species or kind and appropriate for their role and function within the communities within which they exist.
- (7) The rights of each being are limited by the rights of other beings and any conflict between their rights must be resolved in a way that maintains the integrity, balance and health of Mother Earth.

**Article 2. Inherent Rights of Mother Earth**

- (1) Mother Earth and all beings of which she is composed have the following inherent rights:

- (a) the right to life and to exist;
  - (b) the right to be respected;
  - (c) the right to regenerate its bio-capacity and to continue its vital cycles and processes free from human disruptions;
  - (d) the right to maintain its identity and integrity as a distinct, self-regulating and interrelated being;
  - (e) the right to water as a source of life;
  - (f) the right to clean air;
  - (g) the right to integral health;
  - (h) the right to be free from contamination, pollution and toxic or radioactive waste;
  - (i) the right to not have its genetic structure modified or disrupted in a manner that threatens its integrity or vital and healthy functioning;
  - (j) the right to full and prompt restoration the violation of the rights recognized in this Declaration caused by human activities;
- (2) Each being has the right to a place and to play its role in Mother Earth for her harmonious functioning.
- (3) Every being has the right to wellbeing and to live free from torture or cruel treatment by human beings.

### **Article 3. Obligations of human beings to Mother Earth**

- (1) Every human being is responsible for respecting and living in harmony with Mother Earth.
- (2) Human beings, all States, and all public and private institutions must:
- (a) act in accordance with the rights and obligations recognized in this Declaration;
  - (b) recognize and promote the full implementation and enforcement of the rights and obligations recognized in this Declaration;
  - (c) promote and participate in learning, analysis, interpretation and communication about how to live in harmony with Mother Earth in accordance with this Declaration;
  - (d) ensure that the pursuit of human wellbeing contributes to the wellbeing of Mother Earth, now and in the future;
  - (e) establish and apply effective norms and laws for the defence, protection and conservation of the rights of Mother Earth;
  - (f) respect, protect, conserve and where necessary, restore the integrity, of the vital ecological cycles, processes and balances of Mother Earth;
  - (g) guarantee that the damages caused by human violations of the inherent rights recognized in this Declaration are rectified and that those responsible are held accountable for restoring the integrity and health of Mother Earth;
  - (h) empower human beings and institutions to defend the rights of Mother Earth and of all beings;
  - (i) establish precautionary and restrictive measures to prevent human activities from causing species extinction, the destruction of ecosystems or the disruption of ecological cycles;
  - (j) guarantee peace and eliminate nuclear, chemical and biological weapons;

- (k) promote and support practices of respect for Mother Earth and all beings, in accordance with their own cultures, traditions and customs;
- (l) promote economic systems that are in harmony with Mother Earth and in accordance with the rights recognized in this Declaration.

#### **Article 4. Definitions**

- (1) The term “being” includes ecosystems, natural communities, species and all other natural entities which exist as part of Mother Earth.
- (2) Nothing in this Declaration restricts the recognition of other inherent rights of all beings or specified beings.

#### **Article 5. Mother Earth**

- (1) Mother Earth is a living being.
- (2) Mother Earth is a unique, indivisible, self-regulating community of interrelated beings that sustains, contains and reproduces all beings.
- (3) Each being is defined by its relationships as an integral part of Mother Earth.
- (4) The inherent rights of Mother Earth are inalienable in that they arise from the same source as existence.
- (5) Mother Earth and all beings are entitled to all the inherent rights recognized in this Declaration without distinction of any kind, such as may be made between organic and inorganic beings, species, origin, use to human beings, or any other status.
- (6) Just as human beings have human rights, all other beings also have rights which are specific to their species or kind and appropriate for their role and function within the communities within which they exist.
- (7) The rights of each being are limited by the rights of other beings and any conflict between their rights must be resolved in a way that maintains the integrity, balance and health of Mother Earth.

#### **Article 6. Inherent Rights of Mother Earth**

- (1) Mother Earth and all beings of which she is composed have the following inherent rights:
  - (a) the right to life and to exist;
  - (b) the right to be respected;
  - (c) the right to regenerate its bio-capacity and to continue its vital cycles and processes free from human disruptions;
  - (d) the right to maintain its identity and integrity as a distinct, self-regulating and interrelated being;
  - (e) the right to water as a source of life;
  - (f) the right to clean air;
  - (g) the right to integral health;
  - (h) the right to be free from contamination, pollution and toxic or radioactive waste;

- (i) the right to not have its genetic structure modified or disrupted in a manner that threatens its integrity or vital and healthy functioning;
  - (j) the right to full and prompt restoration of the violation of the rights recognized in this Declaration caused by human activities;
- (2) Each being has the right to a place and to play its role in Mother Earth for her harmonious functioning.
- (3) Every being has the right to wellbeing and to live free from torture or cruel treatment by human beings.

#### **Article 7. Obligations of human beings to Mother Earth**

- (1) Every human being is responsible for respecting and living in harmony with Mother Earth.
- (2) Human beings, all States, and all public and private institutions must:
- (a) act in accordance with the rights and obligations recognized in this Declaration;
  - (b) recognize and promote the full implementation and enforcement of the rights and obligations recognized in this Declaration;
  - (c) promote and participate in learning, analysis, interpretation and communication about how to live in harmony with Mother Earth in accordance with this Declaration;
  - (d) ensure that the pursuit of human wellbeing contributes to the wellbeing of Mother Earth, now and in the future;
  - (e) establish and apply effective norms and laws for the defence, protection and conservation of the rights of Mother Earth;
  - (f) respect, protect, conserve and where necessary, restore the integrity, of the vital ecological cycles, processes and balances of Mother Earth;
  - (g) guarantee that the damages caused by human violations of the inherent rights recognized in this Declaration are rectified and that those responsible are held accountable for restoring the integrity and health of Mother Earth;
  - (h) empower human beings and institutions to defend the rights of Mother Earth and of all beings;
  - (i) establish precautionary and restrictive measures to prevent human activities from causing species extinction, the destruction of ecosystems or the disruption of ecological cycles;
  - (j) guarantee peace and eliminate nuclear, chemical and biological weapons;
  - (k) promote and support practices of respect for Mother Earth and all beings, in accordance with their own cultures, traditions and customs;
  - (l) promote economic systems that are in harmony with Mother Earth and in accordance with the rights recognized in this Declaration.

#### **Article 8. Definitions**

- (1) The term "being" includes ecosystems, natural communities, species and all other natural entities which exist as part of Mother Earth.
- (2) Nothing in this Declaration restricts the recognition of other inherent rights of all beings or specified beings.

PAPER NO. 4: BOTSWANA

**Additional views on the preparation of the text by the Chair of the AWG-LCA  
Botswana Submission 30 April 2010**

Botswana is pleased to be able to share our views on the text which the Chair is preparing for the next session.

Adaptation

Adaptation to the adverse impacts of climate change is a major challenge for Botswana, action and cooperation on adaptation is urgently required. Adequate funding should be provided to developing countries like Botswana for adaptation activities.

Botswana had previously proposed along with several countries including Least Developing Countries (LDCs) and Small Island Developing States (SIDS) that the amount of finance for climate change adaptation be opened to benefit from international tax on bunkers including air-transport. This position had won sympathy from the IMO (Maritime Organisation) and ICAO (Civil Aviation Organisation). The base document is FCCC/CP/2010/2, which is the one containing the draft COP decision on bunkers from Copenhagen. The proposal is to move this aspect forward. This funding will meet all the necessary characteristics for CC funding - i.e, adequacy, additionality and predictability



PAPER NO. 5: EGYPT

**Egypt's proposal**

**In response to paragraph 5 of the Conclusions of the ninth session of the AWG-LCA  
(9-11 April 2010, Bonn, Germany).**

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The following paragraphs from documents FCCC/CP/2010/2 dated 11 February 2010 and DBO/drl dated 25 January 2010, issued by the UNFCCC secretariat earlier this year, should be inserted as an introduction/ clarification of the Chair's text:

- "- The AWG-LCA presented to the COP at its fifteenth session, a set of draft decisions containing the outcome of its work for consideration and adoption. The draft decisions are contained in annexes to document FCCC/AWGLCA/2009/17. In order to undertake further work on these decisions, the COP established a contact group on Long- term Cooperative Action, which, in turn, established drafting groups to work on specific draft decisions or parts thereof.
- The contact group on Long-term Cooperative Action did not conclude its work or report back to a plenary meeting of COP 15. The work of the drafting groups was of an informal nature and the final version of the texts discussed within the drafting groups have no formal standing.
- The Conference of Parties neither adopted nor endorsed the Copenhagen Accord, but merely took note of it, its provisions do not have any legal standing within the UNFCCC process even if some parties decided to associate themselves with it."

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PAPER NO. 6: GHANA

**Ghana's Submission On Organization And Methods Of Works 2010 (Awg/1ca) In Response To Paragraph 5 Of The Conclusions Of The Ninth Session Of The Awg/1ca, 9 – 11 April 2010, Bonn Germany - "Submissions From Parties Containing Views, Which The Chair May Draw Upon In The Preparation Of Her Draft Text For Consideration By Parties At Its Tenth Session."**

**SHARED VISION**

Ghana underlines that climate change is one of the greatest challenges of our time. Ghana emphasizes its strong political will to urgently combat climate change in accordance with the principle of common but differentiated responsibilities and respective capabilities. To achieve the ultimate objective of the Convention to stabilize greenhouse gas concentration in the atmosphere at a level that would prevent dangerous anthropogenic interference with the climate system, and calls for:

- Limiting global temperature rise by a maximum of 1.5°C by 2020 with carbon dioxide (CO<sub>2</sub>) concentration stabilizing at 350ppm by 2020.
- Reduction in emission greenhouse gas emissions from all developed countries (Annex I) of 52% by 2017, 65% by 2020, 80% by 2030, 100% (i.e. carbon neutral) by 2050 domestically compared to 1990 levels.
- All developed country Kyoto Protocol Parties to take quantified emission reduction commitments under Kyoto Protocol and the United States under LCA 1b(i) to ensure comparability of efforts.

**ENHANCED ACTION ON ADAPTATION**

Ghana supports the decision given below to be included in the Chair's text in adaptation section

1. *Agrees* that adaptation to the adverse effects of climate is a challenge faced by all Parties and that enhanced action and international cooperation on adaptation is urgently required to enable and support the implementation of adaptation actions aimed at reducing vulnerability and building resilience in developing country Parties, especially in those that are particularly vulnerable;

2. *Establishes* the an Adaptation Framework for Implementation with the objective of enhancing action on adaptation, including through international cooperation, for coherent consideration of matters relating to adaptation under the Convention;

3. *Affirms* that enhanced action on adaptation should be undertaken in accordance with the Convention; follow a country-driven, gender-sensitive, cross-sectoral, participatory and fully transparent approach, taking into consideration vulnerable groups, communities and ecosystems; and be based on and guided by the best available science, and as appropriate traditional knowledge; with a view to integrating adaptation into relevant social, economic and environmental policies and actions, where appropriate;

4. *Invites* all Parties to enhance adaptation action under the Adaptation Framework for Implementation taking into account their common but differentiated responsibilities and respective capabilities, and specific national and regional development priorities, objectives and circumstances, and whereby developing country Parties shall be supported by developed country Parties and in accordance with paragraph 6 below, to undertake, inter alia:

- (a) Planning, prioritizing and implementing adaptation actions, including projects and programmes, including, inter alia, in the areas of water resources; health; agriculture and food security; infrastructure; socio-economic activities; terrestrial, freshwater and marine ecosystems; and coastal zones, and actions identified in national and subnational adaptation plans and strategies, national adaptation programmes of action of least developed countries, national communications, technology needs assessments and other relevant national planning documents;

- (b) Impact, vulnerability and adaptation assessments, including assessments of financial needs as well as economic, social and environmental evaluation of adaptation options;
- (c) Strengthening institutional capacities and enabling environments for adaptation, including for climate-resilient development and vulnerability reduction;
- (d) Building resilience of socio-economic and ecological systems, including through economic diversification and sustainable management of natural resources;
- (e) Enhancing climate change related disaster risk reduction strategies, considering the Hyogo Framework for Action where appropriate; early warning systems; risk assessment, and management and sharing and transfer mechanisms such as insurance, compensation and rehabilitation; at local, national, subregional and regional levels, as appropriate, to address loss and damage associated with climate change impacts in those developing countries that are particularly vulnerable to the adverse effects of climate change;
- (f) Measures to enhance understanding, coordination and cooperation related to national, regional and international climate change induced displacement, migration and planned relocation, where appropriate;
- (g) Research, development, demonstration, diffusion, deployment, and transfer of technologies, practices, and processes; and capacity-building for adaptation, with a view to promoting access to technologies, in particular in developing country Parties;
- (h) Strengthening data, information and knowledge systems, education and public awareness;
- (i) Improving climate-related [and related to the impact of the implementation of response measures] research and systematic observation for climate data collection, archiving, analysis and modelling for improved climatic-related data and information to decision-makers at national and regional levels;
- (j) Minimizing adverse social, environmental and economic impacts on developing countries;

5. *Decides* that developed country Parties shall provide developing country Parties, especially those that are vulnerable, with long-term, scaled up, adequate, new and additional to official development assistance commitments and predictable and grant-based finance from public sources in the order of at least 1.5 per cent of the gross domestic product of developed country Parties as part of the repayment of their climate debt and their historic responsibility based on greenhouse gas emissions, as well as with support for technology, insurance and capacity-building to implement urgent, short-, medium- and long-term adaptation actions, plans, programmes and projects at local, national, subregional and regional levels, in and across different economic and social sectors and ecosystems, including the activities referred to in paragraph 4 above;

6. *Decides further* that developed countries shall provide adequate, predictable and sustainable financial resources, technology and capacity-building to support the implementation of adaptation action in developing countries and that provision of financing, technology and capacity building by developed countries will be measured, reported and verified in accordance with guidelines to be adopted by the Conference of the Parties, and will ensure that accounting of such finance is rigorous, robust and transparent.

7. *Also decides* that access to financial support for adaptation should be simplified, expeditious and direct, with priority given to particularly vulnerable developing country Parties, especially the least developed countries and small island developing States and Africa,

8. *Establishes* an Adaptation Committee<sup>2</sup> under the Convention, with equitable representation of Parties, to guide, supervise, support, administer and monitor the operation of the Adaptation Framework for Implementation and, inter alia:

- (a) To provide advice and technical support to Parties, respecting the country driven approach, including developing broad guidance for undertaking vulnerability and adaptation assessments, and developing national adaptation plans and strategies;
- (b) To strengthen, consolidate and enhance the sharing of information, knowledge, experience and good practices, at local, national, regional and international levels, consistent with relevant international agreements, through creating forums where different public and private stakeholders can discuss concrete challenges;
- (c) To encourage regional and international organizations and institutions to enhance adaptation action, including through funding adaptation activities, strategies and programmes;
- (d) To enable and support the creation of partnerships between a range of stakeholders in developing and developed country Parties, with a view to enhancing the development and transfer of technologies for adaptation and the implementation of adaptation action;
- (e) To support the development and enhancement of endogenous capacities; facilitating removal of barriers and enhancing accessibility, affordability, appropriateness and adaptability of technologies for adaptation;
- (f) To receive, evaluate and approve the applications of financial support from developing country Parties for implementation of adaptation projects, programmes and actions; and providing such financial support through financial mechanism;
- (g) To plan, organize, coordinate, monitor and evaluate international actions on adaptation, including the means of implementation;
- (h) To support the assessment of adaptation needs and adaptive capacity of developing country Parties, including needs related to finance, technology, compensation of loss and damage for sudden and gradual impacts of climate change, insurance, including micro-insurance, and capacity-building;
- (i) To support and promote the implementation of the Adaptation Framework for Implementation in all countries, particularly developing country Parties, at the most appropriate level, recognizing the important roles of state and regional governments;

9. *Establishes* an international mechanism to address social, economic and environmental loss and damage associated with climate change impacts in developing countries that are particularly vulnerable to the adverse effects of climate change, including impacts related to extreme weather events and slow onset events,<sup>3</sup> through risk management, insurance, compensation and rehabilitation;

10. *Decides* to elaborate modalities and procedures for the international mechanism to address loss and damage, for adoption by the Conference of the Parties at its sixteenth session;

11. *Invites* Parties to strengthen and, where necessary, establish national and regional centres and networks, in particular in developing countries, with support from developed country Parties and relevant organizations, as appropriate; to facilitate and enhance national and regional adaptation actions,

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<sup>2</sup> The Adaptation Committee shall consist of 32 members nominated by Parties, with 20 members from Parties not included in Annex I of the Convention. The members of the Committee shall serve in their personal capacities.

<sup>3</sup> Including sea level rise, increasing temperatures, ocean acidification, glacial retreat and related impacts, salinization, land and forest degradation, loss of biodiversity and desertification.

in a manner that is country-driven, encourages cooperation and coordination between regional stakeholders, and improves the delivery of information between the Convention process and national and regional activities;

12. *Requests* developed country Parties to support developing country Parties in strengthening and, where necessary, establishing designated national-level institutional arrangements for adaptation, with a view to enhancing work on the full range of adaptation actions from planning to implementation;

13. *Decides* that all Parties should use existing channels to report, as appropriate, on activities undertaken, and support provided and received for adaptation actions in developing countries, and to provide information on progress, experiences and lessons learned, to ensure transparency, mutual accountability, and with the aim of identifying insufficiencies and discrepancies of support for consideration of the Conference of the Parties;

14. *Invites* relevant multilateral, international, regional and national organizations, the public and private sectors, civil society and other relevant stakeholders to undertake and support enhanced action on adaptation at all levels, as appropriate, in a coherent and integrated manner, building on synergies among activities and processes, and to assist in the implementation of the Adaptation Framework for Implementation

15. *Requests* the secretariat to support the Adaptation Framework for Implementation, in accordance with its mandate and subject to the availability of resources;

## **ENHANCED ACTION ON TECHNOLOGY DEVELOPMENT AND TRANSFER**

Ghana supports the decision given below to be included in the Chair's text in technology section

1. *Decides* that the objective of enhanced action on technology development and transfer in support of action on adaptation and mitigation is to enable global cooperative action to implement the Convention, in particular its Article 4, paragraphs 1(c), 3, 5, 7, 8 and 9, in order to meet the ultimate objective of the Convention;

2. *Decides* that the Technology Mechanism is hereby defined to:

- (a) Accelerate action at each stage of the technology development cycle, by enhancing and scaling up cooperation among Parties to support national and international actions on mitigation and adaptation;
- (b) Facilitate the identification and removal of barriers to development and transfer of technologies for adaptation and mitigation, while ensuring that adequate capacity is developed and maintained in developing countries for this purpose;
- (c) Ensure accessibility, affordability, appropriateness and adaptability of the technologies required by developing country Parties for enhanced action on mitigation and adaptation, based on national circumstances and priorities, particularly the urgent need for the development and transfer of technologies for adaptation in developing country Parties, in particular the small island developing States and the least developed countries, and the need for economic diversification of developing country Parties whose economies are affected by the adverse impacts of response measures;
- (d) Ensure adequacy and predictability of technological, financial and capacity building support to developing countries for technology development and transfer, particularly the development and enhancement of endogenous technologies and capacities of developing countries, taking into account the important role of public finance in supporting technology research, development, demonstration of technology and in leveraging private-sector funding;

3. *Decides* that the Technology Mechanism shall operate under the authority and guidance of the Conference of the Parties and articulate with the Financial Mechanism of the Convention, Coordinating Mechanism for Mitigation and the Adaptation Framework for Implementation as described in [*insert reference to relevant decisions*];

4. *Decides* that the implementation of the Technology Mechanism and other activities as determined by the Conference of the Parties, taking into account the indicative list of activities eligible for support as described in annex I to this decision, shall be funded from a technology window within the overall financial arrangement established under the Convention [*insert reference to relevant decision*] and/or through existing bilateral and multilateral cooperative programmes and initiatives in accordance with Article 11, paragraph 5, of the Convention;

5. *Decides* that the Technology Mechanism will consist of:

- (a) An Executive Body under the guidance and authority of the COP with equal geographical/regional representation and assisted by technical panels and committees
- (b) A Consultative Network of Climate Technology (CoNeCT) including international, regional and national technology innovation centres
- (c) Multilateral Technology Fund as funding window under the overall Convention Financial Mechanism
- (d) Technology Incentive for Development and Transfer;
- (e) Technology Capacity Building Programme

6. *Agrees* that all Parties will undertake national and international cooperative actions on technology development and transfer related to mitigation and adaptation in accordance with their common but differentiated responsibilities and respective capabilities, and their specific national and regional development priorities, objectives and circumstances, in the context of Article 4 paragraphs 1(c), 3, 5 and 7 of the Convention, including but not limited to:

- (a) Participating in international partnerships to advance the development, demonstration, deployment, diffusion and transfer of environmentally sound technologies, including through formulation and implementation of national and international technology roadmaps and action plans;
- (b) Establishing voluntary technology arrangements and partnerships with intergovernmental organizations, the private-sector, academia, civil society organizations and local and sub-national governments for enhancing cooperative action amongst Parties on adaptation and mitigation by developing countries;
- (c) Promote the establishment of partnership arrangements with relevant international organisations, the public and private sectors, academia and the research community;
- (d) Enhance the development and dissemination of best practices;
- (e) Support national and regional capacity building;
- (f) Establish and/or strengthen existing national innovation systems, including through centres of technology innovation or excellence;
- (g) Promote public and private sector investment in research and development;
- (h) Provide incentives to mobilize private capital;
- (i) Enhance in-country enabling environments;
- (j) Develop institutional, technical and human capacity;
- (k) Establish and maintain robust nationally appropriate policy and regulatory frameworks;

7. *Decides* to develop a Technology Capacity-building Programme and provide immediate technology capacity-building support to developing country Parties to enable their action on mitigation and adaptation, now, up to and beyond 2012;
8. *Agrees* that the elements of and modalities for the implementation of the Technology Capacity-building Programme shall be elaborated by the Executive Body on Technology, building upon the elements contained in annex VI to this decision, for consideration by the Conference of the Parties at its seventeenth session;
9. *Decides* that the Expert Group on Technology Transfer, established by decision 4/CP.7 and reconstituted by decision 3/CP.13, shall prioritise and complete its pending activities within 2010, taking into account its programme of work for 2010-2011 as endorsed by the Subsidiary Body for Scientific and Technological Advice and the Subsidiary Body for Implementation at their thirty-first session;
10. *Decides* that the Executive Body established by this decision will replace the Expert Group on Technology Transfer, which shall have its mandate terminated at the sixteenth session of the Conference of the Parties, and at which time the Expert Group on Technology Transfer shall deliver a final report to the Subsidiary Body for Scientific and Technological Advice and the Subsidiary Body for Implementation;
11. *Encourages* developed country Parties to double public expenditure and private investment in research, development and demonstration of technologies for mitigation and adaptation by 2012 and quadruple public expenditure and private investment by 2020;
12. *Decides* that the Executive [Body][Committee] on Technology shall recommend to the Conference of the Parties international cooperative actions to support the removal of barriers to technology development and transfer, including those arising from intellectual property rights, taking into account the elements contained in annex VII;
13. *Further decides* that the Consultative Network for Climate Technology shall provide technical support to enhance the capacity of developing country Parties to identify and remove possible barriers to technology development and transfer, including those arising from intellectual property rights, identified in their technology needs assessments, technology action plans and road maps;
14. *Decides* to periodically monitor and assess the effectiveness of the implementation of Articles 4, paragraphs 5 and 1(c), of the Convention and of the Technology Mechanism;
15. *Decides* that provision of technological support to developing countries by developed countries, for both mitigation and adaptation, shall be reported annually by developed countries in their national communications and shall be subject to international measurement, reporting and verification guidelines to be developed by the Conference of Parties;

ANNEX I

**Indicative list of activities eligible for support**

1. Activities eligible for support shall be determined by country driven processes and defined through national appropriate mitigation actions and national adaptation plans, and may include but will not be limited to:
  - [(a) Cooperative research, development and demonstration programmes to providing opportunities for participation by developing country Parties;
  - [(b) Deployment and diffusion of environmentally safe and sound technologies and know-how that have a great potential to reduce greenhouse gas emissions substantively and simultaneously address the adverse impacts of climate change and the adverse impacts of response measures in developing country Parties;
  - [(c) Activities and incentives that leverage public and private investment in technology development, deployment diffusion and transfer;
  - [(d) Incremental costs of soft and hard technologies for implementation of adaptation and mitigation actions;
  - [(e) Climate change observation systems and related information management;
  - [(f) Purchasing of licenses and other intellectual property rights issues;
  - [(g) Establishment and strengthening national systems of innovation and technology innovation centres;
  - [(h) Development and implementation of national technology plans for mitigation and adaptation including technical training and training in this regard;
  - [(i) Support for the enabling environments, in the context of the implementation of national adaptation and mitigation plans.



## ANNEX II

### **Mandate, composition and organisation of work**

#### **Executive Body on technology**

##### **A. Functions**

1. The Executive Body on Technology is responsible for the implementation of the Technology Mechanism and shall undertake the following functions, under the authority and guidance of the Conference of the Parties, and be fully accountable to the Conference of the Parties:

- [(a) Elaborate a technology action plan as a starting point of its work to enable implementation of enhanced action on technology development and transfer;
- [(b) Develop a rolling two year strategic program of work and report on implementation annually;
- [(c) Identify best available technologies, technologies with great potential to reduce greenhouse gas emissions and best practices in relevant sectors, and develop, gather and disseminate relevant road maps and action plans;
- [(d) Provide guidance and support for Parties to conduct country-driven planning to support the dissemination of environmentally sound technologies, including on technology needs assessments, technology action plans and low-emission development strategies;
- [(e) Develop and implement, as part of its programme of work and through a country driven process mediated through the recipient governments practical and concrete actions that address specific needs of developing countries on the development and transfer of technologies for adaptation;
- [(f) Provide guidance on the establishment of and strengthen, as appropriate, national and regional technology innovation centres and networks, including centre-to-centre twinning arrangements, with a view to enhancing cooperative research and development and North–South, South–South, and triangular technology cooperation, in order to accelerate the development, demonstration, deployment, diffusion and transfer of environmentally sound technologies to support action on mitigation and adaptation by developing country Parties;
- [(g) Develop and guide the implementation of a capacity building programme to build and/or strengthen domestic capacity in developing countries to identify technology options, make technology choices, and operate, maintain, and adapt technologies, including through twinning, fellowships, training of trainers and on-the-job technical and vocational training and furthermore promote coherence and cooperation between relevant international and national organizations and initiatives, including centres and networks, on capacity building for enhanced technology development and transfer;
- [(h) Promote close collaboration on research and development, deployment, demonstration and production of technologies for climate mitigation and adaptation between governments, industries, and research communities of developed and developing countries, through networking relevant international technology initiatives, organizations and national and regional centres and liaising with other bodies under the Convention, as appropriate;
- [(i) Monitor and assess the financial support and performance of the development and transfer of environmentally sound technologies in terms of speed, range and size of the technological flow in accordance with international technology action plans towards low-carbon and climate-resilient economies;
- [(j) Provide policy advice and recommendations to the Conference of the Parties, [the Subsidiary Bodies and any Implementation bodies] on the implementation of Article 4, paragraph 5, of the Convention;

- [(k) Identify appropriate actions to address barriers to technology development and transfer encountered by developing countries Parties, including those related to intellectual property rights, to enable action on mitigation and adaptation;
- [(l) Cooperate and coordinate with other relevant bodies as required on assessment of nationally appropriate mitigation actions and national adaptation actions;
- [(m) Cooperate and coordinate with other relevant bodies as required on disbursements of funds under the financial mechanism of the Convention; and provide the Conference of the Parties with the analysis on financing for development, deployment and transfer of technologies;
- [(n) Articulate technology transfer and financing mechanisms under the Convention with other United Nations organizations, multilateral financial institutions established under bilateral or multilateral development programmes and other relevant international forums not directly related to climate change, with the assistance of technical panels to be created;

### **B. Composition**

2. The Executive Body on Technology shall comprise **twenty-six** (26) members representing Parties to the Convention, with the aim of achieving fair and balanced representation, as follows:

- [(a) **Two** representatives from each of the five regional groups of the United Nations and **one** representatives from the small island developing States, taking into account the interest groups as reflected by the current practice in the Bureau of the Conference of the Parties;
- [(b) **One** representatives from Parties included in Annex I to the Convention;
- [(c) **One** representatives from Parties not included in Annex I to the Convention.

3. An alternate member for each member of the Executive Body on Technology shall be elected consistent with the approach as set out in paragraph 2 of this annex. The nomination by a constituency of a candidate member shall be accompanied by a nomination of a candidate alternate member from the same group.

4. The members of the Executive Body on Technology may invite advisors drawn from relevant intergovernmental organizations, academia, the private sector and civil society.

5. Members, including alternate members, of the Executive Body on Technology with the appropriate technology development and transfer, technical, finance and/or policy expertise shall be identified by their respective governments, nominated by the relevant groups and elected by the Conference of the Parties to serve as government representatives, and that vacancies shall be filled in the same manner.

6. Members and alternate members shall serve for a term of two years and shall be eligible to serve a maximum of two consecutive terms and that:

- [(a) 13 members, including alternate members, of the Executive Body on Technology shall be elected initially for a term of three years and 13 members, including alternate members, shall be elected for a term of two years;
- [(b) thereafter, the Conference of the Parties shall elect, every year, 13 members and 13 alternate members for a term of two years;
- [(c) the term as a member does not count towards the term as alternate member, and the term as an alternate member does not count towards the term as a member;
- [(d) the members, including alternate members, shall remain in office until their successors are nominated.

7. The Executive Body on Technology shall annually elect a chairperson and a vice-chairperson from among its members, with one being a member from a Party included in Annex I to the Convention and the

other being a member from a Party not included in Annex I to the Convention, and that the positions of chairperson and vice-chairperson shall alternate annually between a member from a Party included in Annex I to the Convention and a member from a Party not included in Annex I to the Convention.

8. If a member, or an alternate member, of the Executive Body on Technology resigns or is otherwise unable to complete the assigned term of office or to perform the functions of that office, the Executive Body on Technology may decide, bearing in mind the proximity of the next session of the Conference of the Parties, to appoint another member, or an alternate member, from the same constituency to replace the said member for the remainder of that member's mandate, in which case the appointment shall count as one term.

#### **D. Organization of work**

9. The Executive Body on Technology shall prepare a biennial work programme for approval by the Conference of the Parties. The work programme shall address each of the functions contained in section A above.

10. The Executive Body on Technology shall meet at least four times per year and shall prepare an annual report to the Conference of the Parties on the implementation of its functions and its work programme. The Executive Body on Technology may be requested to provide advice to support the work of other bodies established by the Conference of the Parties under the Convention.

11. The secretariat of the United Nations Framework Convention on Climate Change shall service the Executive Body on Technology.

12. A simple majority of the members of the Executive Body on Technology must be present at the meeting to constitute a quorum.

13. Decisions of the Executive Body on Technology shall be taken by consensus; if all efforts at reaching a consensus have been exhausted, and no agreement has been reached, decisions shall be taken by a two-thirds majority of the members present at the meeting on the basis of one member, one vote.

### ANNEX III

#### **Possible elements of a technology incentive instrument**

1. A technology incentive instrument for enhanced cooperative action on technology development, deployment, transfer and diffusion for mitigation and adaptation projects and programmes should be established in order to stimulate accelerated diffusion and transfer of existing and new environmentally safe and sound technologies to developing country Parties.
2. For the purpose of meeting its commitments for measurable, reportable and verifiable support for environmentally sound technologies and know-how in accordance with Article 4, paragraph 5, of the Convention, a developed country Party may transfer to, or acquire from, other Parties, Environmentally Sound Technology Rewards (ESTR) resulting from projects and programmes, including sectoral actions, that accelerate the deployment, diffusion or transfer of environmentally sound technologies for mitigation or adaptation in any sector of the economy, provided that the following conditions are met:
  - (a) Host Parties establish technology targets or objectives;
  - (b) Voluntary participation is approved by each Party involved;
  - (c) Any such project or programme results in measurable, reportable and verifiable reductions of greenhouse gas emissions by sources, storage or capture, enhancement of removals by sinks, or increases in climate resilience that is additional to any that would otherwise occur;
  - (d) The project or programme contributes to the achievement of the technology targets and objectives of the host Party in receipt of that technology;
  - (e) The host Party has allocated ESTRs to the project or programme, proportionate to the volume of emissions reduced or removed and increase in climate resilience; that are resultant of the technology transfer;
  - (f) Participants in the ESTR mechanism may involve private and public companies;
  - (g) The acquisition of ESTRs is recognized as a contribution towards the efforts of Parties to meet their commitments under Article 4, paragraph 5, of the Convention.

## ANNEX IV

### **Elements of international Technology Action Plan(s)**

1. The international Technology Action Plan should build on and enhance coordination among and collaboration with relevant international and national efforts and be informed by national technology action plans.
2. The Technology Action Plan shall be implemented with financial support through the financial mechanism of the Convention and other financial arrangements as part of the Copenhagen agreed outcome, including all the available means to ensure the affordability of technologies, products and related services.
3. The Technology Action Plan will be based upon a regular assessment of global technology needs for long-term action on climate change with the aim of accelerating short-, medium-, and long-term action across all stages of the technology development cycle, including research, development, demonstration, diffusion, transfer and use of existing and new environmentally safe and sound technologies, in order to achieve the ultimate objective of the Convention, support action on mitigation and adaptation and promote a shift to sustainable development paths. The Plan shall specify actions for an initial period of three years and be regularly updated every successive three years. It will:
  - (a) Assess the steps required to accelerate research, development, demonstration, diffusion and transfer of environmentally sound technologies for mitigation and adaptation through developing a comprehensive overview of what needs to be done to promote wider and more rapid development and deployment of key technologies, and which shall identify:
    - (i) The current state of the development of technologies for mitigation and adaptation;
    - (ii) Key stakeholders and relevant existing and emerging efforts contributing to the development of these technologies;
    - (iii) Gaps and barriers that prevent technologies from reaching commercial maturity;
    - (iv) Opportunities for cooperation between developed and developing country Parties, including their respective private sectors;
    - (v) Prioritized technologies that should be the focus for specific programmes of action to accelerate the development and transfer of technology;
  - (b) Define specific, time-bound actions and associated funding requirements with specific programmes of action developed for each prioritized technology, encompassing:
    - (i) Measures to overcome the barriers to technology development and transfer;
    - (ii) Policies and measures to enhance enabling environments;
    - (iii) Capacity-building activities;
    - (iv) Actions to promote cooperative research and development;
    - (v) Measures to address intellectual property rights;
    - (vi) Incentive mechanisms;
    - (vii) Actions to enhance the development and transfer of technologies for adaptation;
    - (viii) The establishment and/or strengthening of existing national and regional technology innovation centres.

### **Elements of a national Technology Road Map and Action Plan**

Parties should promote and support the development and transfer of innovative and climate-friendly technologies including through the formulation and sharing of technology road maps and action plans, which may involve:

1. A national technology needs assessment.
2. Identification of technological options for sectors to address greenhouse gases emissions that are consistent with country-driven priority areas by sector and by technology.
3. Identification and removal of barriers to the development, deployment, diffusion and transfer of win-win technological options such as carbon dioxide capture and storage, clean fossil fuel and non-energy use of fossil fuel technologies identified technological options.
4. Priority areas shall be identified sector by sector and technology by technology. For the most GHG-intensive sectors, nationally appropriate deployment schemes should be developed within the context of technology needs assessments and low-emission development strategies, taking into account specific barriers for technology deployment in these sectors.
5. Policy instruments, enabling environments and infrastructure required for the deployment, diffusion and transfer of identified technological options.
6. Identification of capacity-building needs.
7. Opportunities for joint research and development between developing country Parties, and between developed and developing country Parties to be financed by developed country Parties.
8. For the most greenhouse gas intensive sectors, nationally appropriate deployment schemes should be developed, taking into account specific barriers to technology deployment in these sectors.
9. Measures that promote wide diffusion of existing and emerging adaptation technologies in similar climates.
10. Measures to address intellectual property rights.
11. Incentive mechanisms.
12. Voluntary partnerships and agreements.
13. Actions to enhance the development and transfer of technologies for adaptation.
14. The establishment and/or strengthen of existing national and regional technology innovation centres.
15. Within the context of the national adaptation and mitigation planning, identification of actions that, in order to be implemented, require international support.
16. Periodic review of progress to identify areas where international cooperation should be strengthened.

## ANNEX V

### **Consultative Network for Climate Technology**

1. The Consultative Network for Climate Technology will facilitate and accelerate the development, demonstration, deployment, diffusion and transfer of environmentally sound technologies through enhanced and scaled up cooperation to support national and international action on adaptation and mitigation by developing country Parties.

#### Functions of the Consultative Network for Climate Technology

2. The Consultative Network for Climate Technology will promote access to environmentally sound technologies for mitigation and adaptation, particularly those technologies that contribute to both sustainable development and climate change benefits, principally through the form of public and private partnership, including through but not limited to the following functions:

- (a) Provide advice and support to developing country Parties and their stakeholders for the identification of needs and on the implementation of environmentally sound technologies, practices and processes;
- (b) Improve and provide access to publicly available information on existing and emerging technologies for mitigation and adaptation, and act as a clearing-house to promote the broad exchange of and diffusion of information;
- (c) Provide training, information and workforce development programs to build and/or strengthen regional and/or national capacity in developing countries to identify technology options; make technology choices; and operate, maintain and adapt technologies, including through training of trainers and on-the-job technical and vocational training;
- (d) Stimulate and encourage, through collaboration with the private sector, public institutions, academia and research institutions, research, development, demonstration, deployment, diffusion and transfer of existing and emerging environmentally sound technologies, as well as opportunities for technology cooperation;
- (e) Develop and customize analytical tools, policies and best practices for conducting country-driven planning to support the dissemination of environmentally sound technologies;
- (f) Leverage expertise of other technology centres that affiliate with the network;
- (g) Facilitate international partnerships among public and private stakeholders to accelerate the innovation and diffusion of environmentally sound technologies;
- (h) Provide, upon request by developing country Parties, in-country technical assistance and training to support their identified technology actions;
- (i) Undertake other activities, as appropriate and as determined the Centre.

#### Organisational arrangements

*[Insert who and how it is decided to include entities into the Network; how the Network will be operationalised, supported and coordinated, location, internal governance arrangements and relationship with the Executive [Body][Committee] on Technology, staffing and financing arrangements]*

Functions of national Technology Innovation Centres

3. National technology innovation centres may have, but will not be limited to, the following functions:
  - (a) Serve as coordinating nodal centres to facilitate and enable:
    - (i) The identification of key technological products that have strong sustainable development and climate change benefits along with their projected price and performance targets;
    - (ii) The development of such products;
    - (iii) The development of markets for these products, in partnership with appropriate public- and private-sector organizations;
  - (b) Promote the broad exchange and diffusion of information on technologies for mitigation and adaptation;
  - (c) Encourage and strengthen collaborative partnership arrangements for research and development with national and international public- and private-sector institutions and initiatives, including through facilitating twinning, cooperation, information sharing and networking between national and regional technology innovation centres, as appropriate;
  - (d) Promote the deployment, diffusion and transfer of environmentally sound technologies for mitigation and adaptation to developing country Parties;
  - (e) Stimulate capacity-building, in particular for endogenous technologies, including by providing cooperative training and development facilities and training opportunities, supported by public-private partnerships, to develop and deploy renewable energy and energy efficiency technologies and environmentally sound adaptation technologies.



## ANNEX VI

### **Possible elements of a technology capacity-building programme**

1. Analysis, information, training activities and advice on the development and implementation of relevant policies, and institutional and regulatory frameworks that promote the development and use of environmentally sound technologies.
2. Advice and support for the development and implementation of national technology actions, including for the preparation and implementation of national technology action plans.
3. Advice and technical assistance to facilitate increased private investment in key greenhouse gas emitting sectors, including advice on the establishment of public–private partnerships to promote environmentally sound technologies.
4. Advice and support for the identification of policy instruments and infrastructure required for the deployment, diffusion and transfer of identified technological options for the implementation of nationally appropriate mitigation and adaptation actions.
5. Training, information and workforce development programmes, including national technology innovation systems, to build capacity in order to ensure that all market actors understand the costs, performance and benefits of climate change-related technologies.

## ANNEX VII

### Options to address intellectual property rights

1. Any international agreement on intellectual property shall not be interpreted or implemented in a manner that limits or prevents any Party from taking any measures to address adaptation or mitigation of climate change, in particular the development and enhancement of endogenous capacities and technologies of developing countries and transfer of, and access to, environmentally sound technologies and know-how.
2. Specific and urgent measures shall be taken and mechanisms developed to remove barriers to development and transfer of technologies arising from intellectual property rights protection, in particular:
  - (a) Creation of a Global Technology IPR Pool for Climate Change that promotes and ensures access to intellectual property protected technologies and associated know-how to developing countries on non-exclusive royalty free terms;
  - (b) Take steps to ensure sharing of publicly funded technologies and related know-how, including by making the technologies and know-how available in the public domain in a manner that promotes transfer of and/or access to environmentally sound technology and know-how to developing countries on royalty free terms.
3. Parties shall take all necessary steps in all relevant forums to exclude from IPR protection and revoke existing IPR protection in developing countries and least developed countries on environmentally sound technologies to adapt to and mitigate climate change, including those developed through funding by governments or international agencies and those involving use of genetic resources that are used for adaptation and mitigation of climate change.
4. Developing countries have the right to make use of the full flexibilities contained in the Trade Related Aspects of Intellectual Property Rights (TRIPS) agreement, including compulsory licensing.

### ENHANCED ACTION ON FINANCE

Ghana supports the decision given below to be included in the Chair's text in finance section

1. *Decides* that scaled up, new and additional, predictable and adequate funding including direct access modalities shall be provided to developing countries, in accordance with the relevant provisions of the Convention, to enable and support enhanced action on mitigation, including substantial finance to reduce emissions from deforestation and forest degradation (REDD-plus), adaptation, technology development and transfer and capacity-building, for enhanced implementation of the Convention.
2. *Decides* that developed countries commit to provide new and additional resources, to the tune of USD 30 billion for the period 2010 - 2012 with balanced allocation between adaptation and mitigation as well as their means of implementation (technology development and transfer and capacity building).
3. *Decides* that funding for adaptation will be prioritized for the most vulnerable developing countries, such as the least developed countries, small island developing States and Africa.
4. *Decides*, in the context of meaningful mitigation actions and transparency on implementation, developed countries commit to a goal of mobilizing jointly USD 100 billion dollars a year by 2020 to address the needs of developing countries. This funding will come from a wide variety of sources, public and private, bilateral and multilateral, including alternative sources of finance. New multilateral funding for adaptation, technology and capacity building will be delivered through effective and efficient fund arrangements, with a governance structure providing for UN regional representation. The funding should flow through the Copenhagen Green Climate Fund established under the Convention.

5. *Decides* to establish a High Level Panel under the guidance of and accountable to the Conference of the Parties to study the contribution of the potential sources of revenue, including alternative sources of finance, towards meeting this goal.

6. *Decides* that the Copenhagen Green Climate Fund shall be established as an operating entity of the financial mechanism of the Convention to support projects, programme, policies and other activities in developing countries related to mitigation including REDD-plus, adaptation, capacity-building, technology development and transfer.

PAPER NO. 7: GRENADA ON BEHALF OF THE ALLIANCE OF SMALL ISLAND STATES

**Submission by Grenada  
on behalf of the  
Alliance of Small Island States (AOSIS)**

**Additional views in connection with the preparation of draft text for consideration by  
Parties at the AWG-LCA's 10<sup>th</sup> session**

Grenada welcomes the opportunity to present the views of the 43 members of the Alliance of Small Island States (AOSIS) in response to the request for the additional views of Parties by 26 April, for the Chair to draw upon in the preparation of her draft text for consideration by Parties at its tenth session of the AWG-LCA.

AOSIS would like to emphasize the following points for the LCA Chair's consideration to draw upon in preparing her draft text.

1. Article 3.3 of the Convention provides that the Parties should take precautionary measures to anticipate, prevent or minimize the causes of climate change and minimize its impacts. Where there are threats of serious or irreversible damage, lack of full scientific certainty should not be used as a reason for postponing such measures.

2. There is already dangerous anthropogenic interference with the climate system.

3. Small island developing States are already suffering from the impacts of climate change. Increasing average global surface temperatures will have devastating consequences through consequent sea level rise, coral bleaching, coastal erosion, changing precipitation patterns, climate-related diseases, droughts, floods and increasingly frequent and severe extreme weather events. Further sea level rise threatens the very sovereign existence of a number of AOSIS member countries. The avoidance of further negative climate change impacts on small island developing States must be one of the key benchmarks for assessing the appropriateness of any long-term emission reduction goal and the sufficiency of mitigation efforts.

4. AOSIS and the majority of Parties within the UNFCCC process – over 100 countries in total - share the view that the long-term goal should be to limit any increase in global average surface temperature to **well below 1.5°** centigrade above pre-industrial levels and to stabilize atmospheric greenhouse gas concentrations **at well below 350 ppmv CO<sub>2</sub>**. These goals must be reflected in the draft negotiating text.

5. An emissions pathway, with short-term and medium-term goals, is required to achieve the above long-term goals. The following short-term and medium-term goals must be reflected in the draft negotiating text:

- Global greenhouse gas emissions must **peak by 2015**.
- Global CO<sub>2</sub> reductions of **greater than 85%** are required by 2050.
- Annex I Parties collectively must reduce their emissions by **more than 45%** of their 1990 levels by 2020 and by **more than 95%** of their 1990 levels by 2050.
- A substantial deviation from business as usual emissions in non-annex I Parties is required by 2020.

6. The mitigation pledges that have been made to date by developed and developing countries are likely to lead to a global average surface temperature increase of over 3 degrees centigrade over pre-industrial levels by 2100.<sup>4</sup> These pledges are not sufficient to limit temperature increases to the 2 degree ceiling sought by some, let alone sufficient to limit an increase to well below 1.5 degrees as sought by over 100 Parties. The gap between current pledges and what the best available science demands must be addressed as soon as possible.

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<sup>4</sup> See Nature, Vol. 464, 22 April 2010 and citations therein.

7. The outcome of the AWG-LCA process must be an internationally-legally binding agreement that is comprehensive, ambitious and addresses all elements of the Bali Action Plan and this must be achieved at Cancun, Mexico in 2010. The draft text prepared by the LCA Chair should be consistent with this outcome, and complement and reinforce the adoption of Annex I economy-wide targets for the second commitment period under the Kyoto Protocol.

8. In view of the current and projected impacts of climate change and the inadequate mitigation efforts pledged, an international mechanism must be established to address social, economic and environmental loss and damage associated with climate change impacts in developing countries that are particularly vulnerable to the adverse effects of climate change, including impacts related to extreme weather events and slow onset events, through risk management, insurance, compensation and rehabilitation.

9. The current pledges that have been made for adaptation funding by Annex I Parties are inadequate. Adequate, predictable, new and additional grant funding must be provided to assist developing countries that are particularly vulnerable to the adverse effects of climate change in meeting costs of adaptation to these adverse effects at the much greater scale that is needed.

10. The potential negative impacts of the implementation of response measures – of measures taken to mitigate emissions - is a very important issue. This issue must be addressed in the context of mitigation consistent with the Bali Action Plan. The issue of the impact of the implementation of response measures must not be confused with the distinct issue of adaptation to the impacts of climate change.

11. AOSIS presented a "*Proposal by the Alliance of Small Island States (AOSIS) for the survival of the Kyoto Protocol and a Copenhagen Protocol to Enhance the Implementation of the United Nations Framework Convention on Climate Change*" in Copenhagen. AOSIS encourages the LCA Chair to draw upon this proposal in the preparation of her draft negotiating text. This proposal is attached.

Note by the secretariat:

The proposal referred to in paragraph 11 above can be found in document FCCC/AWGLCA/2009/MISC.8.

## PAPER NO. 8: GUATEMALA

### REMISIÓN DE GUATEMALA

#### **Presentación**

Guatemala, el Corazón del Mundo Maya en Paz con la Naturaleza, en el marco del proceso de negociación de la Convención y en la búsqueda de un nuevo sistema climático, desea manifestar y compartir sus conceptos y puntos de vista con el objetivo de contribuir a la definición de una estrategia de trabajo y al desarrollo de los temas enmarcados y fundamentados en el Plan de Acción de Bali y sus pilares.

La posición guatemalteca se fundamenta en los esfuerzos de país para la construcción de una plataforma nacional que permita reducir nuestra vulnerabilidad, mejorar nuestra capacidad de adaptación y contribuir a la reducción de las emisiones de gases de efecto invernadero de acuerdo con el principio de Responsabilidades Comunes pero Diferenciadas. Esta estrategia nacional debe de estar enmarcada y apoyada por un acuerdo vinculante universal de largo plazo.

De esta forma, Guatemala está trabajando en la definición e implementación de políticas, programas y proyectos sobre cambio climático orientada hacia actividades de agricultura, salud, seguridad alimentaria, infraestructura de desarrollo y la prevención de desastres así como la gestión de riesgo. La plataforma nacional sobre cambio climático que se está construyendo, cuenta ya con los siguientes componentes:

- Política Nacional sobre Cambio Climático
- Comisión Interinstitucional sobre Cambio Climático
- Iniciativa de Ley Marco sobre Cambio Climático
- Elaboración de proyectos de desarrollo con énfasis en cambio climático

#### **Visión Compartida**

Para alcanzar el objetivo último de la convención de estabilizar la concentración de GEI en la atmosfera a un nivel que prevenga la interferencia peligrosa antropogénica en el sistema climático, se reconoce que se deben reducir significativamente las emisiones de GEI de acuerdo con los resultados basados y guiados por la ciencia, en el contexto del principio de responsabilidades comunes pero diferenciadas y en la búsqueda de un desarrollo permanente y perdurable, reforzando nuestra Acción Cooperativa de Largo Plazo para combatir el cambio climático. De esta forma, Guatemala considera necesario tener una visión global para la completa implementación de la Convención, basada en los siguientes principios:

“In dubio, pro natura”

- Las decisiones sobre el cambio climático deben proteger a la vida en todas sus manifestaciones y a los bienes y servicios naturales que la sustentan
- Asociaciones estratégicas entre países, regiones o grupos de interés
- Es urgente tomar medidas para prever, prevenir y reducir los impactos negativos del cambio climático
- Construcción de una justicia con el ambiente y con el patrimonio natural, basada en la compensación trans-generacional en el marco de los principios de deuda ecológica y derechos naturales
- El establecimiento de programas de adaptación que cuenten con el apoyo internacional.
- La reducción ambiciosa de emisiones por parte de los países desarrollados es parte de la visión compartida. Las Partes a la Convención deben limitar la temperatura media mundial debajo de 1.5 grados centígrados por encima de los niveles pre-industriales y la estabilización a largo plazo de las concentraciones de gases de efecto invernadero en la atmósfera debajo de 350 partes por millón de dióxido de carbono equivalente con el fin de prevenir los escenarios más peligrosos del cambio climático. Las Partes deben acordar que las emisiones globales deberían alcanzar un máximo, entre los años 2015 y 2020, y tendrían que reducirse al menos el 95 por ciento por debajo de los niveles de 1990 para el año 2050.

### **Vulnerabilidad y Adaptación al Cambio Climático**

La adaptación a los efectos adversos del Cambio Climático y de las medidas de respuesta es un reto para todos los países en desarrollo, principalmente para países sumamente vulnerables como Guatemala. Esta situación ha sido documentada por estudios nacionales y por organismos internacionales que han reconocido a Guatemala como uno de los 10 países más vulnerables del mundo. En este sentido, los indicadores de vulnerabilidad al cambio climático deben de ser comprensivos para que aborden la vulnerabilidad tanto por su posicionamiento geográfico como por su capacidad de responder a las crisis derivadas por el cambio climático. El financiamiento de la vía rápida entre el 2010 al 2012 debe tomar en cuenta estos indicadores de vulnerabilidad.

El reforzamiento de las acciones y la cooperación internacional en adaptación es urgente para la reducción de vulnerabilidad y la construcción de resiliencia en los países en desarrollo. De acuerdo con el texto de la Convención, los países desarrollados deben proporcionar recursos financieros adicionales, adecuados, predecibles y sostenibles para tecnología y apoyo a la creación de capacidad, para la aplicación de medidas de adaptación en los países en desarrollo dirigidas por los propios países.

Guatemala apoya la creación de un marco de trabajo que se base en diferentes programas de acción encaminados a la reducción de la vulnerabilidad y mejoramiento de la adaptación.

### **Mitigación**

Guatemala reitera el principio de Responsabilidades Comunes pero Diferenciadas y considera que las acciones voluntarias de mitigación que se podrían implementar, estarían de acuerdo a sus circunstancias y capacidades nacionales, así como con el financiamiento disponible.

### **NAMAS**

Guatemala considera que es necesario establecer una fase preparatoria de NAMAS, que permitan la construcción de capacidades nacionales previo a su implementación. Esta fase preparatoria será un primer esfuerzo voluntario que realizarán los países en desarrollo, de acuerdo a sus capacidades. Esta fase preparatoria de NAMAS servirá para construir capacidades iniciales, entre otras, estimar el costo de las diferentes opciones para la reducción de emisiones, análisis del marco legal e institucional existente, el desarrollo de capacidades nacionales para el monitoreo, reporte y verificación, y el desarrollo de un plan nacional de reducción de emisiones compatible con el plan nacional de desarrollo así como la implementación de acciones tempranas. La fase preparatoria será financiada por los países desarrollados y las actividades emprendidas como parte de esta fase, así como los costos asociados y la transferencia de tecnología serán registradas.

### **REDD**

Guatemala es un país megadiverso, multiétnico y multicultural, en donde coexisten situaciones de extrema pobreza y otras circunstancias que hacen la gobernanza de los bosques un verdadero desafío. En tal virtud es importante la reducción de emisiones por deforestación y degradación de bosques, la función de la conservación, la gestión sostenible de los bosques y el aumento de las reservas forestales de carbono. REDD Es una iniciativa que contribuirá a reducir la deforestación en el país, al mismo tiempo que ayudará a combatir la pobreza y a reducir las emisiones nacionales.

Por ello, los recursos financieros para la preparación de REDD+ deben estar disponibles, ser suficientes y ser distribuidos equitativamente entre los países en desarrollo. Además, las iniciativas REDD+ deben considerar un período de preparación y aprendizaje.

Guatemala, quiere compartir que ha venido realizando esfuerzos nacionales orientados a conservación de bosques, reforestación y protección de cuencas hidrográficas en áreas prioritarias del país, para lo cual ha invertido recursos propios, créditos y donaciones por más de 20 años.

### **Mecanismos Financiamiento**

Las Partes que son países desarrollados y otros países Partes desarrolladas que figuran en el anexo II deben proporcionar recursos financieros nuevos, adicionales y predecibles para apoyar una intervención reforzada de mitigación y adaptación en todos los países en desarrollo, de conformidad con el artículo 4 de la Convención. Estos recursos financieros se guiarán por los principios de la Convención y las prioridades de los países en desarrollo, en especial los países en desarrollo particularmente vulnerables, como Guatemala y los otros países del istmo centroamericano. En este contexto, la implementación del Artículo 4, párrafo 3, 4, 5, 7 y 8 y el artículo 11 deben ser la base para el mecanismo financiero.

### **SUBMISSION BY GUATEMALA**

#### **Presentation**

Guatemala, the Heart of the Mayan World in Peace with Nature, would like to express as part of the negotiating process towards a new climate agreement, its views with the objective of contributing to the draft text on the issues contained in the Bali Action Plan and its pillars for consideration by Parties at its tenth session.

Guatemala's position is based on the country's efforts to build a national platform on climate change that will reduce vulnerability, improve adaptation and contribute to reducing emissions of greenhouse gases in accordance with the principle of common but differentiated responsibilities. This national platform must be part of and supported by a globally binding, long-term agreement.

In building this national platform we are defining and implementing policies, programs and projects on climate change-oriented agricultural activities, health, food security, infrastructure and disaster prevention and risk management. This national platform already has the following components:

- National Climate Change Policy
- Inter-Agency Committee on Climate Change
- Legal Initiative on a Climate Change Framework
- Development projects with an emphasis on climate change

#### **Shared Vision**

It is now widely recognized that a significant reduction of GHG emissions is needed in order to achieve the ultimate objective of the Convention to stabilize GHG concentrations in the atmosphere at a level that prevents dangerous anthropogenic interference with the climate system. Agreement on a shared vision is essential for the full implementation of the Convention and to strengthen our commitment on long-term cooperative actions against climate change. This shared vision needs to be based on the following:

- *In dubio, pro natura;*
  - Decisions on climate change must protect life in all its manifestations and natural goods and services that support it;
  - To Build on strategic partnerships between countries, regions or interest groups;
  - To Anticipate, prevent and reduce the adverse impacts of climate change by setting up immediate measures backed by international support;
  - To build on our natural world heritage an environmental justice that is based on trans-generational compensation under the principles of ecological debt and natural rights;
  - To ambitiously reduce global emissions, led by increased commitments of developed countries.
- Parties shall be guided by a shared vision to limit global average temperatures to well below 1.5 degrees Celsius above pre-industrial levels and to long term stabilization of greenhouse gas concentrations in the atmosphere to well below 350 parts per million of carbon dioxide equivalent in order to prevent additional dangerous anthropogenic interference with the climate system. To this end, Parties need to agree that global emissions should peak between 2015-2020 and will need to be reduced by at least 95 per cent below 1990 levels by 2050.



### **Vulnerability and Adaptation to Climate Change**

Adaptation to the adverse impacts of climate change and response measures is a challenge for all developing countries, especially for highly vulnerable countries like Guatemala. This has been documented by national studies and international agencies that have recognized Guatemala as one of the 10 most vulnerable countries in the world. Vulnerability indicators to climate change must be comprehensive to address the different kinds of vulnerabilities of developing countries, taking into account, inter alia, geographic location as well the country's ability to respond to crises arising from climate change. The fast track funding from 2010 to 2012 should take into consideration these vulnerability indicators.

Strengthening actions and international cooperation on adaptation is urgent to reduce vulnerability and resilience building in developing countries. According to the Convention, developed countries should provide additional financial resources, adequate, predictable and sustainable support for technology and capacity building for the implementation of adaptation measures in developing countries led by the countries themselves. Guatemala supports the creation of a framework that is based on different action programs aimed at reducing vulnerability and improving adaptation.

### **Mitigation**

In accordance with the principle of common but differentiated responsibilities, voluntary mitigation actions can be implemented, taking into national circumstances and capacities, as well as available financing.

### **Nationally Appropriate Mitigation Actions (NAMAS)**

Guatemala believes that a preparatory phase for NAMAs may provide positive incentives that would encourage the participation of a large number of developing countries. The preparatory phase will be a voluntary first step for those countries depending on countries capacities. By the other hand, the preparatory phase for NAMAs will serve to build initial capacity, inter alia, estimate the cost of different abatement strategies, analyze the existing legislative and institutional framework, develop sufficient national capacity for MRV of NAMAs; prepare a national high growth sustainable development strategy; develop early NAMAs. The preparatory phase will be fully supported by developed countries and the activities undertaken as part of this initial phase, the associated cost and technology transferred will be registered.

### **REDD**

Guatemala is a mega-diverse, multiethnic and multicultural country; however, extreme poverty coupled with emerging challenges, makes the governance of forests a particularly difficult objective. Thus, all REDD measures such as: reducing emissions from deforestation and forest degradation, the role of conservation and increasing forest carbon stocks, need to take into account poverty eradication and sustainable forest management.

Therefore, the financial resources to the preparation of REDD + should be available, sufficient and be distributed equally among developing countries. Additionally, REDD + initiatives should consider a period for preparation and capacity building.

Over the last 20 years, forest conservation, reforestation and watershed protection have been priority areas; national and international investments have been devoted to forests. REDD+ needs to harness the gains achieved.

### **Financial mechanisms**

The developed country Parties and other countries developed Parties included in Annex II should provide new financial resources, additional and predictable financial resources to support enhanced action on mitigation and adaptation in all developing countries, in accordance with Article 4 of the Convention. The provision of financial resources will be guided by the principles of the Convention and priorities of developing countries, especially developing countries particularly vulnerable, such as Guatemala and Central America. In this context, the implementation of Article 4, paragraph 3, 4, 5, 7 and 8 and 11 should be the basis for the financial mechanism.

PAPER NO. 9: JAPAN

## Japan's submission on the Chair's text of the AWG-LCA

Japan welcomes its opportunity to submit its view on the preparation of the Chair's text for consideration by Parties at the tenth session of the AWG-LCA.

1. The Copenhagen Accord is an extremely important document which was agreed through consultations by the heads of states and provides high-level political guidance to our negotiations. The COP made a formal decision to take note of the Accord, and approximately 120 Parties to the UNFCCC have associated themselves with it so far. It is essential eventually to establish, based on the Accord, a fair and effective legal framework in which all major economies participate.

2. In this regard, Japan requests the Chair to prepare a text to facilitate negotiations, taking into account the following:

- The Copenhagen Accord was formulated as a package and all the elements of the Accord should be incorporated into the text in a comprehensive manner.
- It is important that the text should reflect various views of the Parties, but the text itself should be concise enough to be negotiable.

3. At the ninth session of the AWG-LCA in April, the Parties invited the Chair to "prepare, under her own responsibility, a text to facilitate negotiations among Parties, drawing on the report of the AWG-LCA presented to the COP at its fifteenth session, as well as work undertaken by the COP on the basis of that report." The Chair made it clear in the closing plenary of the session that "work undertaken by the COP on the basis of that report" includes "all the work undertaken by the COP in Copenhagen." Japan reaffirms the common understanding of the Parties that the text to be prepared by the Chair will draw upon all the work undertaken by the COP, including the Copenhagen Accord.

PAPER NO. 10: MALDIVES

Maldives Submission to the Ad hoc Working Group on Long-term  
Cooperative Action under the Framework Convention  
26 April 2010

**Introduction**

Maldives welcomes the invitation by the AWG-LCA to its Chair to prepare, under her own responsibility, a text to facilitate negotiations among Parties, drawing on the report of the AWG-LCA presented to the COP at its fifteenth session, as well as work undertaken by the COP on the basis of that report, and to make it available two weeks in advance of the tenth session of the AWG-LCA.

Our leaders have agreed in Copenhagen a political agreement and that is the first step to a binding agreement in Cancun, Mexico. Over 120 countries have associated with the provisions in the Copenhagen Accord and 75 countries including the Maldives have committed specific actions to reduce global warming pollutions. We understand these are critical building blocks for international efforts to address the biggest threat to our planet. We also believe we can't address global warming if we don't take actions at home to reduce our emissions.

Maldives is pleased to offer this submission of additional views, for the Chair to draw upon in preparation of her draft text for consideration of Parties at the June session.

**Background**

According to the Intergovernmental Panel on Climate Change (IPCC), small island States and least developed countries are the ones who will be hit first and hardest by global climate change. Maldives has thus made climate change a high-level priority and set ambitious goals for the future. Maldives has committed itself to become a carbon-neutral country by 2020.

As of March 2009, Maldives has announced the intention to become carbon neutral by 2020 and lead by example to the rest of the world. Maldives calls upon other countries developed and developing countries alike to commit themselves to the same challenge.

Refusing to stand passive to the threats of climate change Maldives plays an active role in international negotiations. Maldives seeks an agreed outcome to the climate negotiations that will ensure in the long-term sustainability of Maldives, thereby effectively protecting the human rights and fundamental freedoms of its citizens.

Maldives calls on all countries to achieve legally binding outcomes to implement the UNFCCC and its Kyoto Protocol at COP16/CMP6 in December 2010 in Cancun, Mexico. These outcomes should build on the December 2009 Copenhagen Climate Conference, including the unprecedented leadership on climate change provided by Heads of States and Governments and senior officials attending the Conference.

Maldives believes that the agreed outcomes of the Copenhagen meeting provided an important stepping stone towards ambitious outcomes in Cancun – outcomes that build on and further extends the pledges on mitigation, finance, and other aspects of the negotiations on the basis of the best available science, equity and the provisions and principles of the Convention.

In this context, Maldives note with concern that levels of mitigation pledges offered by Annex I Parties under the Copenhagen Accord since the Copenhagen meeting remain inadequate. Maldives calls Annex I parties to further strengthen their level of pledges to reflect the Kyoto Protocol commitments.

Maldives also expresses concern regarding recent indications that some Annex I Parties will not honor the requirements in the Convention, and the political agreement in the Copenhagen Accord, that financing is to be new and additional (with a number of Annex I Parties planning to repackage Overseas Development Assistance rather provide new and additional financing required by the UNFCCC).

Maldives believes that deliberations in Copenhagen provide an important foundation for future work in the AWG-LCA and AWG-KP. Work in these groups must build on the best available scientific and economic analysis and realize outcomes in Cancun that implement the Convention and its Kyoto Protocol to address the needs of vulnerable countries such as the Maldives.

### **A shared vision and global goal**

Maldives envisages an agreed outcome in Cancun in which all elements of the Bali Action Plan – shared vision, mitigation, adaptation, technology and finance – are given full and equal treatment, making possible the effective implementation of the Convention in a way that protects the sustainability and subsistence of Maldives.

Recalling Human Rights Council resolution 10/4, the ultimate vision of the Maldives is a strong, binding and ambitious agreement which fully protects the human rights and fundamental freedoms, including the right to self-determination, of everyone within an international order based on equality, solidarity and the principle that the survival of all nations, including all Small Island States, is non-negotiable. Maldives thus calls for a global goal that reflects:

- The latest science and the precautionary principle;
- That temperature should not exceed is 1.5°C above pre-industrial levels;
- That global atmospheric concentrations should be stabilized at below 350ppm;
- That global emissions peak before 2015 and decline steeply thereafter; and
- That a sufficient level of financing and technology be mobilized to support and enable these objectives in practice, including in developing countries.

Maldives agrees with other Parties that a shared vision should reflect all elements of the Bali Action Plan to ensure the full, effective and sustained implementation of the Convention, as required by the Bali Action Plan and agreed by all Parties at COP 13 in Bali, Indonesia. We therefore call for quantified goals relating to technology, financing and adaptation.

We recall that the Copenhagen Accord calls for a goal of holding the global increase in temperatures to below 2 degrees Celsius, with a review in 2015 to include strengthening the global goal to 1.5 degrees Celsius. We look forward to further strengthening the political guidance given in the Accord in the run-up to Cancun, in light of the latest scientific information, and we note that over 100 countries have supported a goal of 1.5 degrees Celsius.

### **Enhanced action on mitigation**

The Bali Action Plan calls for enhanced national/international action on mitigation by developed and developing countries. Maldives counts on developed countries to take a lead in addressing climate change and its adverse effects. It believes that deep emission reductions are required by all Parties, as well as a clear commitment by Annex I Parties to implement the Convention's provisions to provide the financing and technology to enable mitigation actions in developing countries.

Maldives calls on developed countries to agree emission allocations as part of a second commitment period commencing in 2013 under the Kyoto Protocol, to ensure the continuity of their commitments and the stability of international carbon markets. As agreed by all Parties in the Bali Action Plan, Annex I Parties that are not Parties to the Kyoto Protocol must take on efforts that are comparable to other Annex I Parties. These are to be comparable in terms of ambition, legal form and compliance.

Annex I Parties to the Kyoto Protocol are called on to formally submit the political pledges set out in the Annex to the Copenhagen Accord to AWG-KP for inclusion in a legally binding second commitment period under the Kyoto Protocol. As stated below in relation to the Kyoto Protocol, these commitments should ensure an aggregate reduction of at least 45% reductions from their 1990 levels by 2020. Annex I Parties mitigation commitments shall be measured, reported and verified in accordance with the relevant provisions of the Kyoto Protocol.

Maldives fully recognizes the need of the developing world to combat poverty and promote sustainable development. The Maldives believes that both goals can be achieved in a way which protects the environment, including the shared ecosphere, rather than undermining it; namely by pursuing new low-carbon development pathways. Developed countries may have brought us to the edge of the climate abyss but developing countries, especially the major emerging economies, should reduce their emissions to avert the climate catastrophe.

In order to achieve the required level of GHG emissions and the ultimate objective of stabilizing the GHG at a level that would prevent dangerous anthropogenic interference with the climate system, Maldives call on developed and developing countries to allocate a realistic sum from their own GDP to transform to a low-carbon economy.

The UNFCCC itself does not require developing countries to take on any commitments on reducing their GHG emissions. However, the Bali Action Plan calls for nationally appropriate mitigation actions (NAMAs) in developing countries supported and enabled by technology, financing and capacity from developed countries (BAP art. 1.b.ii). We support the call by the Copenhagen Accord (paragraph 5), to consider commitments by the developing country Parties regarding the measurement, reporting and verification of NAMAs.

### **Enhanced action on adaptation**

Irrespective of the scale of mitigation measures taken over the next decades, it will be an extraordinary challenge for the Maldives to become as resilient and adaptable to the predicted climate change and sea level rise, unless new and additional resources for climate adaptation is guaranteed to both short-term and long-term adaptation measures.

Further, we call for immediate provision of adequate predictable and sustainable financial resources, technology and capacity-building to support the implementation of adaptation action in developing countries funds by the developed countries as emphasized in the Copenhagen Accord (paragraph 3).

The required level of financial resources should be assessed in light of other elements of the proposed outcome for Cancun including the expected global goal, Annex I mitigation efforts and the likely resulting impacts on developing countries, in order to ensure all elements of the agreed deal are, together, adequate.

Maldives recognizes that international cooperation and expertise to support urgent implementation of adaptation actions is crucial. We recall the political guidance offered in the Copenhagen Accord that new multilateral funding for adaptation will be delivered through effective and efficient fund arrangements, with a governance structure providing for equal representation of developed and developing countries.

We reiterate our statement that comprehensive mechanism and structured approaches are necessary to enhance action on adaptation through and beyond 2012. Maldives offers its full support to the proposals on adaptation put forward by AOSIS and the LDC Group. Key elements of this approach include:

- The establishment of a Subsidiary Body on Adaptation under the Convention;
- The establishment of a Convention Adaptation Fund in the context of the finance framework proposed by the G77; and

- A comprehensive Work Programme on Adaptation.

Maldives supports the call by AOSIS countries for a Mechanism to Address Loss and Damage from Climate Change Impacts, and maintains its support to the European Union's concept of a Framework for Adaptation as a thoughtful and constructive contribution to the negotiations. Maldives looks forward to working with all countries to enhance action on adaptation and to safeguard the long-term viability of small and vulnerable countries such as Maldives.

### **Enhanced action on technology development and transfer**

Addressing climate change will require a revolutionary scaling up of the provision of technology and associated financing to reduce emissions in all parts of the world, including in developing countries.

Maldives together with other LDCs, AOSIS and G77 countries has called for a major scaling up of efforts to transfer technologies and address implementation gaps under the Convention. Maldives maintains its support for the developing countries proposition on establishment of a Technology Mechanism under the UNFCCC including:

- Enhanced institutional arrangements (a Subsidiary/Executive Body, a Strategic Planning Committee, a series of Technical Panels, a Verification Group and a Secretariat);
- Multilateral Climate Technology Fund; and
- A Technology Action Plan addressing all sectors and stages of technology development and transfer.

The Maldives also welcomes proposals by the European Union to substantially increase funding for the research and development phase of the technology cycle. As a country vulnerable to the impacts of climate change, Maldives emphasizes that implementation of commitments relating to financing and technology transfer must take into account that adaptation technology shall be supported at full incremental cost. We look forward to building on the political guidance in the Copenhagen Accord, which calls for a Technology Mechanism to enhance action on the development and transfer of technology.

### **Enhanced action on the provision of financial resources and investment**

Enhanced action on financing and investment is a precondition for effective action to mitigate and adapt to climate change, and for a successful outcome in Cancun. Maldives calls for a major increase in financing for mitigation and adaptation.

The commitment by Annex I countries in the Copenhagen Accord to short- and medium-term financing of \$10 billion and \$100 billion, respectively, is an important milestone. We recall that the Convention and the Copenhagen Accord state that financing must be new and additional. The adequacy and additionality of financing for 2010 should be reviewed before or during the UNFCCC Cancun meeting. We also call for an assessment of the adequacy of short- and mid-term financing pledges in light of the latest scientific and economic analysis and the Convention's obligation to provide full incremental costs to developing countries.

We note the guidance in the Copenhagen Accord, which calls for a fund to be established as an operating entity of the financial mechanism of the Convention. Maldives has taken a lead in developing a proposal within the G77 for enhanced implementation of a Financial Mechanism for Meeting Financial Commitments, building on existing commitments in the Convention. The Mechanism would:

- Include a new Board, a Secretariat, an Expert Group or Committee, a Consultative Group of stakeholders and an independent assessment panel;
- Ensure full implementation of relevant provisions in the Convention relating to the provision of financial resources; and

- Provide a means for registering the implementation by developed countries of their obligations relating to financing, and for matching these with nationally appropriate mitigation actions by developing countries.

A number of Parties, including Mexico, Switzerland, Norway and the European Union have offered proposals on financing, each of which also bear close consideration. Proposals by Switzerland, Norway and the EU offer innovative approaches for raising new and additional financial resources. Mexico's proposal for a new financial architecture also includes a range of elements that dovetail well with proposals by LDCs, AOSIS and G77. Maldives looks forward to engaging further with these countries in areas of mutual interest.

Maldives emphasizes that funding under the Convention is distinct from ODA, as it is to be considered as compensation for damage rather than redistribution of wealth or charity. For this reason, adaptation funding must be additional to ODA. Maldives has thus supported the call by the G77 for the provision of financing by Annex I Parties over and above ODA at the level of 0.5 to 1% of the GNP of these Parties and call upon developed countries to provide public money amounting to at least 1.5% of their gross domestic product (GDP), in addition to innovative sources of finance, annually by 2015 to assist developing countries make their transition to a climate resilient low-carbon economy. This grant-based finance must be predictable, sustainable, transparent, new and additional – on top of developed country commitments to deliver 0.7% of their Gross National Income as Overseas Development Assistance.

The Maldives emphasizes its support for the establishment of the Copenhagen Green Climate Fund and calls on the fund to be operationalised as soon as possible and to receive adequate financing (quick-start and longer-term).

### **Implementing the Kyoto Protocol**

Maldives calls for Annex I Parties that are Parties to the Kyoto Protocol to implement their legally binding commitments to agree a second commitment period for the period commencing in 2013.

- Developed countries should commit themselves to both long- and mid-term emission reductions including reduction of more than 95 percent of 1990 levels by 2050 and more than 45 percent of 1990 levels by 2020.
- These commitments should be achieved primarily through domestic action, be quantified on the basis of objective criteria and be regularly reviewed on the basis of emerging scientific information.

PAPER NO. 11: NEW ZEALAND

**New Zealand Submission to the Ad hoc Working Group on Long-term Cooperative Action under the Framework Convention**

*Views that the Chair may draw upon in the preparation of a draft text*

26 April 2010

This submission responds to the invitation contained in the conclusions on organisation and methods of work in 2010 adopted by the Ad Hoc Working Group on Long-term Cooperative Action under the Convention (AWG-LCA) at its ninth session.

New Zealand is pleased with the mandate given to the AWG-LCA Chair to prepare a text to facilitate negotiations among Parties, drawing on the report of the AWG-LCA presented to the Conference of the Parties (COP) at its fifteenth session, and work undertaken by the COP on the basis of that report. We underline the necessity for this text be made available at least two weeks prior to the tenth session of the AWG-LCA to give Parties sufficient preparation time.

In preparing a draft text for the tenth session New Zealand would like to draw the following points to the Chair's attention:

1. The Copenhagen Accord represents the first significant high level political guidance since the Bali Action Plan was launched in 2007. Over 120 Parties have since associated themselves with it. It is a clear letter of political intent and unprecedented in its conception. While the Accord is not a textual basis for negotiation because it has not been adopted by the Conference of the Parties, it does point to where deals could be struck. To those ends, the Accord can and should be used as a touchstone to make much needed progress within the UNFCCC. New Zealand recalls the Chair's comment at Bonn that she considers the conclusions of the AWGLCA allow her to draw upon the Copenhagen Accord in preparing her text.
2. We note that some parts of the LCA negotiations appear more mature than others; e.g. adaptation, a new technology mechanism, a capacity-building framework and a governance structure for finance. In some other areas there has been little discussion, or no emerging consensus. In the latter case we would urge the Chair not to attempt to second-guess any outcome by providing premature textual solutions. A 'place-holder' in the text should be sufficient at this time. This would not preclude the Chair suggesting options where parties are much closer in their consideration of a particular issue.
3. A significant issue that has not been agreed is legal form. New Zealand seeks a legally binding outcome of treaty status from the AWG-LCA that promotes broad participation by Parties. To do so, it must be capable of reflecting a wide range of national circumstances and mitigation actions, and be flexible to adapt to changes in Parties' circumstances over time. It is important that in undertaking our work in the AWG-LCA that we also coordinate with the work of the AWG-KP so that we do not end up with two divergent sets of rules governing the same or similar commitments, but rather a comprehensive and coherent framework. New Zealand would therefore see the outcomes of the AWG-KP and the AWG-LCA being integrated, and the Chair's text should provide for appropriate options for achieving this, including leaving open the possibility of a single legal instrument.
4. Any treaty outcome will require a number of operational COP decisions to support its implementation. We suggest that the Chair's text may therefore take the form of a framework-type agreement, accompanied by a set of complementary COP decisions - each using language appropriate to their legal form. This would keep the core agreement text containing the political "deal" to a manageable size. We also note that some issues, e.g. measurement, reporting and verification, will need the COP to request the SBSTA/SBI to undertake technical work. Developing this work under the subsidiary bodies may have long lead time we therefore urge that it be able to commence as soon as possible so that Parties can be sure of the rules before they take on new commitments.

We have every faith in the Chair's ability to deliver a short and succinct text that will put us back on the path to the successful and timely completion of these negotiations.



PAPER NO. 12: NORWAY

Additional views on the preparation of text by the Chair of the AWG-LCA  
Norwegian Submission -28 April 2010

As per the request of the Chair of the Ad-hoc Working Group on Long-Term Cooperative Action (AWG-LCA), Norway is pleased to be able to share our views on the text which the Chair is preparing for the text session.

We would refer to the communication sent to the Secretariat, dated 29 January 2010 in which we associated ourselves to the Copenhagen Accord (Decision 2/CP.15). Norway remains of the view that the Copenhagen Accord provides important political guidance to the negotiators. This is underscored by the number of Parties who have indicated their willingness to be associated with it. Norway believes that it should be regarded as an integral input to the negotiations and thus must be duly reflected in the text being prepared by the Chair.

Acknowledging the difficult task which Parties have entrusted to the Chair, Norway reaffirms our support for Ms. Mukahanana-Sangarwe and are confident that with our cooperation she will be able to guide Parties through 2010 such that we would be well placed to achieve our goal of a global and comprehensive agreement.

PAPER NO. 13: REPUBLIC OF KOREA

**Proposal for AWG-LCA on Paragraph 23 of Annex 1 of the report of the AWG-LCA presented to the COP at its fifteenth session (FCCC/AWGLCA/2009/17) and Paragraph 5 of the Copenhagen Accord**

**Republic of Korea**

**April 23, 2010**

**Establishment of a Registry of NAMAs by Developing Country Parties**

***Proposal***

1. Korea has stressed the importance of NAMAs registry to provide transparent information of mitigation actions. Korea's proposal on NAMAs registry for the up-coming Chair Text is as follows:

- A registry of Nationally Appropriate Mitigation Actions (NAMAs) should be established;
- NAMAs supported and enabled by finance and technology should be recorded in the registry; and
- In addition, unsupported NAMAs could be registered on a voluntary base in a registry.

***Rationale***

2. Based on paragraph 1(b)(ii) of the Bali Action Plan, NAMAs by developing countries are expected to be undertaken in a measurable, reportable and verifiable manner. At the 8<sup>th</sup> session of AWG-LCA the parties made some progress on the register mechanism for supported mitigation actions. However, the issue of registering unsupported NAMAs is still in square brackets.

3. The purpose of the registry is to provide transparent information which is one of the key elements of reviewing the progress of mitigation made by the international society. Furthermore, such accumulated information will help the international society find sectors or regions where more international cooperation and support is needed.

4. Although many meaningful mitigation actions either supported or unsupported have already been taken by developing country Parties, they are not internationally recognized as climate actions under the current climate regime. Therefore, the Parties need a mechanism through which these actions can be recognized as international actions for mitigation.

5. Such mechanism or registry would also facilitate the MRV of NAMAs by developing country Parties and the support provided by developed country Parties by keeping track of the actions.

***Nature of registration***

6. Registration should be voluntary. It should be up to each Party to decide whether to register its NAMAs or not. Registration could be interpreted as an expression of willingness to implement mitigation actions comparable to the capabilities of respective developing country Parties as they see it appropriate for themselves. Many domestic mitigation actions already being implemented by developing country Parties in the context of sustainable development could also be registered on a voluntary basis.

PAPER NO. 14: SPAIN AND THE EUROPEAN COMMISSION ON BEHALF OF THE EUROPEAN UNION AND ITS MEMBER STATES

**SUBMISSION BY SPAIN AND THE EUROPEAN COMMISSION ON BEHALF OF THE EUROPEAN UNION AND ITS MEMBER STATES**

**This submission is supported by Albania, Croatia, the Former Yugoslav Republic of Macedonia, Montenegro and Serbia.**

Madrid, 26 April 2010

**Subject: Organization and methods of work in 2010 (AWG-LCA)  
Submissions from Parties containing views, which the Chair may draw upon in the preparation of her draft text for consideration by Parties at its tenth session.**

Spain and the European Commission, on behalf of the European Union and its 27 Member States, welcome the opportunity to submit their views in response to the invitation for submissions by the AWG LCA in its conclusions at its ninth session on additional views which its chair might draw upon in the preparation of her draft text for consideration by Parties at its tenth session.

In this context, the EU and its 27 Member States would like that the AWG LCA Chair takes into account their letter of 28 January 2010 to the UNFCCC Executive Secretary, containing their expression of willingness to be associated with the Copenhagen Accord, referred to in decision 2/CP.15, and integrates the political guidance the Accord contains in the text to be prepared under her own responsibility for the tenth session of the AWG LCA to facilitate negotiations among Parties, in line with the Chair's statement to plenary.

Also the EU and its 27 Member States want to restate our full support for and trust in the AWG LCA Chair. In this regard, we consider that it is necessary that the Chair has the flexibility in exercising her leadership in driving the process forward and to work in close cooperation with the incoming COP and COP/MOP Mexican Presidency to make all the necessary arrangements to lay the ground for a successful and balanced result in Cancun.

PAPER NO. 15: SRI LANKA

**Early Submission of Information and views.**

This has reference to your letter ODES/AWGLCA9/AWGKP11/10 dated 16<sup>th</sup> April 2010 regarding the above. I am pleased to submit the following views of the Government of Sri Lanka.

**Organization and methods of work in 2010 (AWG-LCA)**

In view of Sri Lanka it is very important to prepare the text for negotiations based on the report of the AWG-LCA presented to the COP at its fifteen sessions (FCCC/AWGLCA/2009/17) as agreed in the paragraph 4 of the conclusions of the ninth session.

Sri Lanka would like to reiterate the point that Sri Lanka is also highly vulnerable to climate change and enhanced action and international cooperation on adaptation is urgently required to reducing vulnerability and building resilience of Sri Lanka as well. Hence Sri Lanka needs to include under the Enhanced action on Adaptation, “enhanced action and international cooperation on adaptation is urgently required to reducing vulnerability and building resilience in developing country parties specially the least developed countries, Small Island Developing States and Countries in **Asia** and Africa affected by **sea level rise**, droughts, floods and desertification”.

The other key point which Sri Lanka wants to stress is that “the provision of financial resources and investment should base on the negotiations (FCCC/AWGLCA/2009/17). Provision of financial resources should be predictable, new and additional, and adequate. Sri Lanka would not support any other financial mechanisms imposed to the conference of the parties other than the outcome of the negotiations.

PAPER NO. 16: TURKEY

26 April 2010

**Submission of Turkey on the Work of the  
Ad Hoc Working Group on Long-term Cooperative Action**

Turkey appreciates the opportunity to submit its views in response to the invitation for submissions by the UNFCCC Secretariat on behalf of the Chair of the AWG-LCA, which the Chair may draw upon in the preparation of her draft text for consideration by Parties at its tenth session.

Turkey is aware of the global threat that climate change is causing and of the problems that humankind is facing. We believe that combating climate change, both in terms of reducing greenhouse gas emissions as well as coping with its adverse effects is the shared responsibility of all countries. We should address the problem globally in order to prepare the necessary framework to leave a better world for future generations.

Turkey is fully committed to making progress in both negotiation tracks.

To achieve our common goal, a strong global perspective with an “equitable” and “realistic” approach is needed.

It is necessary that all countries, on the basis of the principle of “common but differentiated responsibilities” and in accordance with their “national circumstances”, “respective capabilities” and “economic and social development levels” take action in combating climate change.

To create such a system, a more updated approach reflecting the realities of the present global economic and environmental situation should be adopted.

Therefore the post-2012 regime should define how to deal with the adverse effects of climate change without jeopardizing sustainable economic and social development.

Furthermore, in order to continue with our common work, first and utmost we need to restore trust and confidence among the Parties. To this end, it became all the more important that all UN member States should be able to express their views and make their contribution at future negotiations.

We should bear in mind that a common understanding can only be reached if the general working principles and rules of the UN are in practice.

The questions concerning transparency and the process played out during the Copenhagen Conference are still in the minds of the people.

It is true that the Copenhagen Accord addressed the most of the fundamental issues in the negotiations such as mitigation, adaptation, finance and technology transfer. However, a definition of mitigation commitments solely based on the distinction of Annex-I and non-Annex-I Parties ignores the special cases of Annex-I countries - such as Turkey - with special circumstances.

It will be recalled that at the 7th Conference of the Parties in Marrakesh a decision was adopted, stressing Turkey’s special circumstances and placing her in a situation different than the other Annex-I Parties (26/CP.7 (COP7)). A reference to this decision (26/CP.7) was made in the Report of the AWG-LCA on its eighth session (FCCC/AWGLCA/2009/17 Page 7), which was submitted to the Parties at the COP-15.

In fact, Turkey’s greenhouse gas emission profile, its historical responsibility, existing per capita emissions, per capita primary energy consumption, socio-economic indicators, per capita GDP, and its

rank in the Human Development Index place it among “mid-income developing countries”. This reality was also underlined by the independent expert team formed by the UNFCCC Secretariat to review the First National Communication of Turkey.

It follows that, the suggested commitment for all countries listed in Annex-I to implement quantified emission reduction targets, as noted in Paragraph 4 of the Copenhagen Accord, does not take into consideration Turkey’s special circumstances as stated by Decision 26/CP/7.

During the COP 15 Turkey has made diligent efforts to achieve an agreement that is fair, equitable and inclusive. Within the framework of the principle of common but differentiated responsibilities of the UNFCCC, Turkey intends to join the global undertaking against climate change through observing the following policy.

In this context we are already implementing policies and measures in the fields of energy, agriculture, forestry, transport, industry and waste sectors to combat climate change. In view of its present status as a developing country, the post 2012 regime should enable Turkey to benefit fully from all financial means to to be provided by the document to developing countries in order to their part in combating climate change. In other words, Turkey should have access to sufficient, predictable and sustainable financial resources for mitigation, capacity building, adaptation, technology transfer, reduction of emissions from deforestation and forest degradation, forest conservation, sustainable forest management and the enhancement of carbon stocks (REDD+).

Finally it is of utmost importance that due regard is given to the special status of Turkey in the preparation of the draft text for consideration by Parties at the tenth session of AWG-LCA.

With this understanding, we are ready to contribute for furthering the negotiation process and to give support to the AWG-LCA Chair in preparing her draft text.

PAPER NO. 17: UNITED STATES OF AMERICA

**Submission of the United States to the AWG-LCA Chair**

**April 26, 2010**

**Introductory Comments**

The United States looks forward to making progress this year in the LCA, including the near-term prospect of a working text that is more advanced from both substantive and workability points of view.

In this regard, the United States would like to offer comments on certain aspects of such a text.

The LCA text is, of course, a relevant document. As is known, COP 15 decided that the Parties are to “draw on” the LCA text, rather than to use it as *the* basis of negotiations. Accordingly, the LCA text does not have the status of either the negotiating text or the basis for future negotiations. This was a sensible result for several reasons, including, e.g., that the LCA text was not favorably received by many Parties, that it includes and omits views of Parties on a selective basis, and that it barely addresses MRV, a key element of the Bali Action Plan.

In the U.S. view, the Chair should import LCA text into her text on a provision-by-provision basis when it would facilitate progress in the negotiations. Where progress would be facilitated by reflecting aspects of the Copenhagen Accord, or other submissions, the Chair should import those provisions.

In terms of scope, we consider that the text should address all the Bali elements, i.e., mitigation, MRV, adaptation, finance, technology, and REDD-plus. This is an issue of both balance and coherence, given the relationship between and among issues substantively and politically. We are flexible as to whether that is achieved with or without an overarching instrument, as there could be either a series of decisions or a cover decision handling certain issues, with other issues handled in companion decisions.

In terms of substance, we consider that most issues were substantially advanced over the course of 2009. In some cases, the advancement took place largely through the LCA process. In the case of certain crunch issues, the LCA process was not able to crack through them, and the Copenhagen Accord was the locus of progress. It is recognized that the COP did not formally adopt the Accord but rather took note of it; all the same, a large majority of Convention Parties have “signed onto” the Accord, making its substantive outcomes unarguably relevant to progress under the Convention.

In terms of level of detail, many issues are already well on their way to elaboration (e.g., REDD-plus, adaptation). Others need to be similarly elaborated before a balanced package can be achieved (e.g., reporting and international procedures regarding transparency of mitigation actions, including those of non-Annex I Parties).

In terms of legal form, the United States continues to support the goal of a legally binding outcome, provided that the legally binding elements of an otherwise acceptable text are legally binding with respect to all relevant Parties – not just Annex I or developed country Parties. We see no rationale for legal asymmetry, in the Convention or otherwise, noting that all Parties have existing legally binding obligations under the Convention.

As a drafting matter, we consider it both confusing and difficult (from both textual and structural viewpoints) to negotiate simultaneously, in a single text, an instrument that is potentially legally binding and one that is not. For that reason, our suggestions below are drafted in the form of COP decisions. At such time as the COP is able to agree on concluding a legally binding outcome, corresponding changes would need to be made, e.g., with respect to verbs, the addition of final clauses that are integral to a legal instrument, etc. Substantive additions would also be warranted in some areas. For example, with respect to the mitigation contributions of developing country Parties with greater responsibility and capability, the United States would stand by the more explicit text contained in its 2009 submission.

Finally, we consider that the absence of titles/headings in the Copenhagen Accord would be a useful idea to pick up in the Chair’s text.

### **Preamble**

We consider that, as is usually the case in international negotiations, the preamble should be left to the end of the negotiating process. Sometimes, the winning approach to a preamble is short and sweet (e.g., the Kyoto Protocol). Sometimes, the preamble is used to address, in softer terms, issues that cannot be agreed in starker terms in operative provisions. At this stage, we would recommend an empty set of brackets as a placeholder. When we return to the preamble, we think it will be important to consider that, in Copenhagen, Parties were nearing agreement on the need to promote a just transition of the workforce and the need to be mindful that the effects of climate change will be felt most acutely by populations that are already vulnerable, including women.

### **Shared Vision**

It appears to us that it is a widely shared view that the text should recognize the scientific view that the increase in global temperature should be below 2 degrees Celsius. To address the view of some Parties that a 2 degree goal is inadequate, the text could also provide that a review process (drawing on the language in the Copenhagen Accord and/or paragraphs 6, 7, and 8 of the LCA text) should, among other things, consider strengthening this long-term goal in light of science.

Other proposals regarding shared vision have been much more controversial and, in our view, are unlikely to achieve (or are incapable of achieving) agreement. The Copenhagen Accord is instructive in this regard, recalling that its shared vision provisions, beyond the 2 degree goal, are minimal. While some Parties may take the view that the other aspects of shared vision were simply not addressed, as far as the United States is concerned, the absence of such aspects was critical to the balanced nature – and thus acceptability -- of the Accord. We consider that it would not be productive to introduce a long series of proposals on shared vision in the Chair's text; should the Chair decide to do so, the United States reserves the right to continue opposing such provisions and/or introduce counterproposals on each point.

### **Mitigation/MRV**

#### **Mitigation**

As noted, mitigation has been an area of substantial stalemate in the LCA process. There have been serious differences of view regarding fundamental points, e.g., the interpretation of existing commitments under the Convention, the application of the principle of common but differentiated responsibilities and respective capabilities, the meaning of the Bali Action Plan, etc.

In the U.S. view, navigating this issue successfully will require the kind of nuanced, practical, and balanced approaches and formulations that appear in the Copenhagen Accord. Parties with very different views must be able to walk away feeling that their interests have been protected, including that the environmental purpose of the Convention has been served.

A feature of the Accord that the Chair's text should draw on is the treatment of mitigation contributions, under which both Annex I and non-Annex I Parties communicate their mitigation contributions for international listing and stand behind them in terms of implementation.

Another helpful feature of the Accord is the disentangling in paragraph 5 of various non-Annex I Party actions, i.e., (i) actions that are domestically funded; (ii) actions that have secured external support (whether by virtue of the registry or otherwise); and (iii) actions that are still seeking support. Paragraph 5 contemplates listing *only* actions in the first and second categories – actions that are domestically funded or that have secured external support. Actions in the third category – those still seeking support -- get automatically listed if and when they secure support but are not listed before that point because they



are still in the conditional stage. Therefore, the *listing* of actions with the proviso that their implementation is contingent on the receipt of external support is not consistent with paragraph 5.

The Accord text also usefully bows in the direction of national sovereignty, not only through specific reference to the concept in the context of international consultation and analysis but more broadly by deferring to Parties in terms of deriving their respective mitigation undertakings. Such an approach, in our view, promotes widespread contributions and actual implementation.

While we do not necessarily advocate that the Chair import the precise mitigation and transparency language of the Accord verbatim, significant areas of agreement, as reflected in the Accord, clearly should be mirrored in the Chair's text. With respect to the LCA text, we consider that it would generally *not* be constructive in terms of making progress to import the LCA mitigation provisions, which were a source of widespread disagreement and stalemate.

There are two areas where the LCA mitigation text would usefully be utilized:

- the Annex V provisions on REDD-plus, on which the LCA made substantial progress; and
- various ideas for a "registry" where non-Annex I Parties could list mitigation actions in search of international support. As noted above, this concept is endorsed in paragraph 5 of the Copenhagen Accord, with registered actions that secure such support moving automatically to the Appendix of mitigation undertakings. (As noted below, we would propose that such text be included in the provisions on finance.)

Further, in the U.S. view, the Chair's text should address the issue of the evolving status/contributions of countries. The Convention is not a static instrument. Rather, it is a framework that is built to evolve based on, *inter alia*, its ultimate objective (which cannot be achieved without ever-evolving contributions); the principle of common but differentiated responsibilities and respective capabilities (which inherently recognizes a spectrum or continuum of effort among all countries, not just between categories of countries); and the express invitation to non-Annex I Parties in Article 4.2(g) to take on Annex I duties. If the Convention stagnates, based on country circumstances from 1992, it will not remain an effective vehicle for addressing climate change. The attached mitigation text provides one suggested way forward in this regard.

It should be noted that, as in the case of shared vision, certain mitigation issues do not appear in the Accord. For the United States, the absence of many of these elements was critical to making the Accord acceptable; however, we acknowledge that others may consider such issues simply to have been unaddressed by the Accord and still "on the table." As such, while we do not support the inclusion of such issues in the Chair's text, we include text on these issues so as to preserve the U.S. positions on them.

## **MRV**

Turning to MRV, there are issues of balance, placement, and substance.

In terms of balance, MRV is an area that needs further elaboration to achieve balance with other topics (such as finance, adaptation, REDD-plus, technology), as well as to provide the necessary "sunshine" to ensure that Parties are carrying out their promises and that the world is on track in relation to the ultimate objective of the Convention.

In terms of placement, MRV provisions might be placed, at least partially, in a companion decision (akin to, e.g., adaptation, REDD). While the Accord places mitigation and MRV together in paragraphs 4 and 5, it is likely more workable to separate them, given the need for more elaborated MRV provisions (e.g., on inventories, national communications, international consultation and analysis).

Turning to substance, it should be noted that the LCA text contains almost no provisions on MRV, notwithstanding Party submissions on the subject (including from the United States). As such, the Chair will need to draw on the Accord, as well as earlier and current Party submissions.

The Bali Action Plan refers to "MRV" twice:

- with respect to developed country nationally appropriate mitigation commitments or actions (in subparagraph 1(b)(i); and
- with respect to developing country nationally appropriate mitigation actions (in subparagraph 1(b)(ii).

The Bali provision that refers to developing country mitigation actions includes a reference to the fact that such actions are “supported and enabled by technology, financing and capacity-building.” A comma after this clause (which was the last issue resolved in Bali) makes clear that the phrase “in a measurable, reportable and verifiable manner” refers both to technological/financial support and to developing country mitigation actions.<sup>5</sup>

The Copenhagen Accord confirmed that the MRV clause applies to financial/technological support and developing country mitigation actions, whether supported or unsupported. It provides for “international” MRV of supported actions and for “domestic” MRV, plus “international consultation and analysis,” for all mitigation actions, whether supported or unsupported.

The result is essentially four baskets of MRV:

1. International MRV of Annex I mitigation;
2. Domestic MRV/international consultation and analysis of non-Annex I mitigation actions, whether supported or unsupported;
3. International MRV of the financial/technological support of actions that are supported; and
4. An additional layer of international MRV of those non-Annex I actions that are supported.

Basket 1 is to be in accordance with existing COP guidelines, as well as any additional guidelines that the COP might adopt. Last year, the United States proposed procedures that would augment existing guidelines in terms of rigor and transparency and would like those to be further considered by the Parties.

Basket 2 requires further discussion and textual elaboration, both with respect to the procedures for international consultation and analysis and the extent to which domestic MRV should be carried out by Parties in a standardized or comparable manner.

- Recalling procedures in other international fora, as well as climate-related procedures, it should be fairly straightforward to provide an appropriate international layer on top of domestic MRV.
- One issue will be how guidelines should ensure respect for national sovereignty, e.g., there may be a situation where a Party would be permitted to opt out of a particular aspect of the procedure.

Baskets 3 and 4, as noted, are two sides of the same coin, per subparagraph 1(b)(ii) of the Bali Action Plan. Textually, they should be treated together, whether under mitigation or finance. The Registry, which ties together funding and actions in need of support, may be able to play a role with respect to this double-sided MRV.

At a minimum, placeholders should be inserted into the Chair’s text with respect to all four of these aspects of MRV. As near-term international discussion puts flesh on the bones of MRV, elaborated textual provisions will need to be added to the text.

In addition, provision for increased frequency of inventories (every two years) should be included.

## **Adaptation**

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<sup>5</sup> Post-Bali, some Parties advocated a reading of Bali in which the “supported by...” clause in 1(b)(ii) would simultaneously have two different meanings: that the MRV clause applies only to mitigation actions that are supported, and that the MRV clause applies to the support itself. An examination of the provision reveals that the clause cannot, as a matter of drafting, mean both things. Consistent with the actual intent of the Bali negotiators, the Copenhagen Accord indicates that the MRV clause applies to all mitigation actions, whether supported or unsupported.

Adaptation is an area where the LCA made substantial progress and the LCA provisions should, as a result, be drawn on.

Adaptation is a challenge faced by all countries; an international adaptation program should therefore include all countries, even as it provides funding for developing countries.

We would urge the Chair to import into her text the Copenhagen Accord's enumeration of countries that are particularly vulnerable, i.e., least developed countries, small island developing States, and Africa. At the same time, as the impacts of climate change will fall hardest on vulnerable groups and communities in all countries, current LCA text that includes these groups should also be included.

The Chair's text should formally acknowledge the critical role of entities engaged in adaptation work outside the Convention, and should invite their input and participation in climate adaptation activities.

### **Finance**

Finance is a core, cross-cutting issue and should be addressed in conjunction with other core provisions, including mitigation.

We consider that the Chair's text should reflect important understandings reached in the Accord, e.g.:

- The collective political commitment by developed countries to provide new and additional resources approaching \$30b for the period 2010-2012 (noting that, should there be agreement to conclude a legally binding outcome, it would not likely enter into force in time to make such a political commitment relevant and that, in any event, the Accord does not envision any FCCC decision-making processes related to "fast start" funding, which will take place through existing channels/institutions);
- Priorities regarding adaptation funding;
- The collective political commitment by developed countries – importantly, "in the context of meaningful mitigation actions and transparency on implementation" – to a goal of mobilizing jointly, from a wide variety of sources, \$100b a year by 2020;
- Agreement that a Copenhagen Green Climate Fund will be established as an operating entity of the Convention's financial mechanism;
- Endorsement of a governance structure for adaptation providing for equal representation of developed and developing countries, which the United States considers should be broadened to cover the new Fund generally; and
- A Registry for the listing of mitigation actions in need of external support, noting the need to further refine Registry-related provisions (and noting that such provisions are better placed under finance, while recognizing that they are cross-cutting with mitigation issues).

The Parties will need to discuss and decide upon many aspects of the Copenhagen Green Climate Fund (e.g., Board composition, modes of access, MDB involvement); however, we do not envision textual provisions on these issues. As the Fund will be an operating entity of the financial mechanism, its establishment should follow the precedent of the GEF (an existing operating entity of the Convention's financial mechanism); it was constituted through a separate process involving financial experts, and an MOU was concluded between the GEF and the Convention specifying those elements called for under Article 11 of the Convention. To this end, we would consider it desirable for the text to invite the World Bank to serve as Trustee of the new Fund and, in this regard, to organize a process to take steps to establish the Fund.

We do not envision the Accord's "High Level Panel" (to study the contribution of potential sources of revenue toward the \$100b goal) as being reflected in the Chair's text; a group with this mandate has already been set up by UN Secretary General Ban Ki-Moon under the chairmanship of Prime Ministers Brown and Meles, which is scheduled to have completed its work before COP 16.

### **Technology**

Like adaptation and REDD-plus, technology is an area in which the LCA process was able to make substantial progress. As such, it would be conducive to progress if the Chair's text were to include Annex IV of the LCA text (FCCC/CP/2010/2). Use of this text would be on the understanding that it does not reflect the full discussion among, and in some cases agreement reached by, the technology working group. For example:

- The text does not reflect an alternative chapeau for the fourth paragraph tabled by the United States, which reads: "Decides that activities under the Convention related to technology development and transfer should promote country-driven processes based on national circumstances and priorities with a view to ensuring overall efficiency and effectiveness and support the efforts of developing country Parties related to:"
- It was our understanding that the negotiating group agreed to work off of paragraph 10(d)(vi) Option 1.
- The section on national and cooperative actions should be located after the section outlining the objective.
- We consider it important to increase private and public energy-related research, development, and demonstration compared with current levels, working towards at least doubling of global energy-related research, development, and demonstration by 2015 and working toward an increase to four times its current level thereafter, with a significant shift in emphasis towards safe and sustainable low greenhouse-emitting technologies.

In our view, the Technology Executive Committee (TEC) and the Climate Technology Center and Network (CTC&N) have different, but mutually reinforcing, functions. We do not see either of these bodies as being subservient to the other. Both bodies should report to the COP through the SBSTA, making use of, and recognizing the authority of, existing bodies. While neither body would be an operating entity of the financial mechanism, both could provide information and advice on matters related to technology development and transfer that could be included, as appropriate, in COP guidance to the financial mechanism.

Finally, innovation is essential to develop the technology necessary for achievement of the convention's ultimate objective. This innovation will not happen absent the protection of intellectual property rights. The United States cannot support any text that would undermine or weaken protection or enforcement of intellectual property rights. Moreover, multiple fora with deep expertise are dedicated to this important issue. Consequently, we do not support addressing it here.

### **Capacity-Building**

Capacity-building is a critical issue. Structurally, however, we suggest that the Chair's text incorporate language on capacity-building within the various Bali elements (e.g., adaptation, finance), rather than include a free-standing, redundant, and potentially confusing, section on this subject.

In our view, the capacity-building text being discussed by Parties last year is unlikely to advance efforts on this subject. As a practical matter, the version in the LCA text that reflects changes from the final days in Copenhagen is potentially misleading – it contains unbracketed text in some instances that was never considered by Parties; in other instances, it contains text that the Parties did not agree to be "clean text."

### **Attachments**

As noted above, we attach suggested mitigation text; on this issue, we do not support inclusion of the LCA text on mitigation, particularly in the form presented by the previous LCA Chair before Parties provided input in the final days of Copenhagen to make it more balanced.

On other issues, as noted above, we have suggested either using the LCA text or listing elements and/or placeholders.

### **Mitigation Text**

1. The Parties to the Convention recognize that low-emission growth strategies are essential to sustainable development and can make a substantial contribution to the achievement of the Convention's ultimate objective, as reflected in Article 2 of the Convention and as further referenced in paragraph X above [comment: reference to 2 degrees]. As such, all Parties to the Convention commit to prepare and submit low-emission strategies for long-term emission reductions as part of their national communications under Article 12 of the Convention, in accordance with the content and timing provisions set forth in Appendix X.

2. Building upon, and without prejudice to, existing mitigation commitments under the Convention, the Parties to the Convention commit to take the following steps:

- a. Parties to the Convention included in Annex I: to implement the quantified economy-wide emissions targets for 2020 they have chosen to list in Appendix I, as submitted by such Parties to the secretariat in the indicated format by [date];
- b. Parties to the Convention not included in Annex I: to implement mitigation actions, including those they have chosen to list in Appendix II, as submitted by such Parties to the secretariat in the indicated format by [date]. Listed actions are either those that are autonomously funded or those that have secured international support, including through the Registry referred to below;
- c. Parties to the Convention that are least developed countries or small island developing States: to undertake actions voluntarily and on the basis of support.

3. Recalling Article 4.7 of the Convention, Parties to the Convention not included in Annex I seeking international support for a particular mitigation action may record such action in the Registry referred to below, along with the requested technology, finance, and/or capacity-building support. Those actions that secure support will be added to Appendix II.

4. [The text should include a cross-reference to the finance provisions, which should request [X] to establish a Registry to serve as a mechanism for recording mitigation actions in need of international support and for facilitating the matching of international support. That section should also include other provisions/options regarding a Registry from the LCA text.]

5. Parties to the Convention included in Annex I:

- a. may implement their respective emissions targets jointly, consistent with the following rules:  
[ ]
- b. may achieve their respective emissions targets through the combination of domestic efforts; land-use, land-use change and forestry; international emissions trading; international offsets; and/or other means provided for under their respective laws and policies.

6. The following provisions apply in relation to paragraph 2(a) above:

- a. As of [date], Annex I of the Convention will be deemed to include those Parties that meet the following criteria: [ ].
- b. Recalling Article 4.2(g) of the Convention, any Party to the Convention not included in Annex I may at any time inform the secretariat that it intends to implement paragraph 2(a).

7. Parties are encouraged, bilaterally, regionally, and/or multilaterally, to pursue various approaches, including opportunities to use markets, to enhance the cost-effectiveness of, and to promote, mitigation actions.

8. The Parties recognize the importance of addressing emissions from the international aviation and maritime sectors and consider that the limitation or reduction of emissions of greenhouse gas emissions not controlled by the Montreal Protocol from aviation and marine bunker fuels should be pursued working through the International Civil Aviation Organization and International Maritime Organization, respectively.

9. The Parties will consider pursuing the implementation of Article 13 of the Convention.

PAPER NO. 18: VENEZUELA (BOLIVARIAN REPUBLIC OF) ON BEHALF OF BOLIVIA  
(PLURINATIONAL STATE OF), CUBA, ECUADOR AND NICARAGUA

OFFICIAL SUBMISSION  
OF THE BOLIVARIAN REPUBLIC OF VENEZUELA ON BEHALF OF CUBA, BOLIVIA,  
ECUADOR AND NICARAGUA; ALBA - PTT MEMBER STATES,  
TO THE UNFCCC AD-HOC WORKING GROUP ON LONG-TERM COOPERATIVE  
ACTION

26 APRIL 2010

We, the representatives of the Governments of Bolivia, Cuba, Ecuador, Nicaragua, and Venezuela, Member States of the Bolivarian Alliance for the Peoples of Our America – Peoples' Trade Treaty (ALBA – PTT), in the Caracas Bicentennial Manifesto, signed on April 19, 2010, welcomed the initiative of the President of the Pluri-national State of Bolivia, Evo Morales, to call the First People's World Conference on Climate Change and the Rights of Mother Earth, held in Cochabamba, on April 19-22, 2010.

There, over 30,000 people, representatives of social and environmental organizations and indigenous groups, met and organized the "Peoples' World Movement for Mother Earth."

We, the Governments of ALBA – PTT, make these voices our own, and express our expectations with regard to the agreement resulting from these negotiations that we expect to be successfully completed at the 16<sup>th</sup> Session of the Conference of the Parties, in Cancún, Mexico, in the shape of a fair, balanced and legally binding agreement, which complements and strengthens the regulations in force composed of the United Nations Framework Convention on Climate Change and the Kyoto Protocol.

SHARED VISION

Our Mother Earth is injured and the future of humanity is endangered as a result of climate change caused by a predatory capitalist system.

Today, we face the ultimate crisis of a development model based on submissiveness and destruction of human beings and nature sped up by the industrial revolution.

The capitalist system has imposed upon us the logic of endless competition, progress and growth. Such production and consumption system seeks unlimited profit; detaches human beings from nature; establishes a logic of domination and turns everything into a commodity –water, land, the human genome, ancestral cultures, biodiversity, justice, ethics, peoples' rights, death and life.

Under capitalism, Mother Earth is just the source of raw materials and human beings are just means of production and consumers.

Should global warming increase by more than 2° C, there is a 50% chance the damages caused to our Mother Earth will be totally irreversible. Therefore, a future commitment based on an increase of 2° C is unacceptable.

Humanity is at the crossroads –to continue on the way of capitalism, predation and death, or take the way of harmony with nature and respect for life.

We have proposed the peoples of the world the recovery, revalorization and strengthening of knowledge, wisdom and ancestral practices of the indigenous peoples, reasserted in the experience and proposal of "Living Well," acknowledging Mother Earth as a living being, with which we have an indivisible, inter-dependent, complementary and spiritual relationship.

The shared vision should ensure compliance with Article 2 of the United Nations Framework Convention on Climate Change, which provides for the need to achieve, "stabilization of greenhouse gas concentrations in the atmosphere at a level that would prevent dangerous anthropogenic interference with the climate system."

Our future vision, based on the principle of historical and common but differentiated responsibilities,

requires developed countries to commit themselves to concrete quantified reduction targets of their emissions to get greenhouse gas concentrations in the atmosphere back to 300 ppm, thus limiting the increase of the global mean temperature to well below 1.5° C, ideally stabilizing it at 1° C.

In emphasizing the urgent need to achieve this vision, developed countries should undertake ambitious emissions reductions targets in order to attain short-term objectives, keeping our vision in favor of a balanced climate system on Earth, in accordance with the ultimate objective of the Convention.

The "shared vision" for the Long-Term Cooperation Action in climate change negotiations, should not be limited to defining limits to the increase of temperature and greenhouse gas concentrations in the atmosphere. Rather, it should include, in a comprehensive and balanced manner, a set of financial and technological measures, adaptation, capacity building, production and consumption patterns, and other essential subjects, such as the acknowledgement of the rights of Mother Earth, to restore harmony with nature.

Developed countries, the main responsible of climate change, assuming their historical and present responsibilities, should bear the adaptation debt related to the impacts of climate change on developing countries and supply the means to prevent, minimize and respond to the damages arising from their excessive emissions.

#### LINKAGE BETWEEN THE LONG-TERM SHARED VISION AND THE KYOTO PROTOCOL

The upcoming Conference on Climate Change to be held at the end of 2010 in Mexico should approve the amendment to the Kyoto Protocol, for the second commitment period beginning in 2013, whereby developed countries should embark upon significant domestic reductions of at least 50% against the baseline year of 1990.

Therefore, there is the need to set first, a global target for all developed countries, and then apportion an individual quota for each of them, ensuring comparability of efforts between them, thus keeping the Kyoto Protocol system for emissions reduction.

The prior definition of such commitments under the Kyoto Protocol is essential, as a starting point, to establish a long-term shared vision.

#### ADAPTATION

The peoples of ALBA – PTT reiterate the priority importance that should be given to adaptation in the future negotiations and the need to delve into the vulnerability issue as well.

Our proposal entails the inclusion of a definition of environmental vulnerability as the ability of a environmental, social and economic system to cope with an impact or risk, taking into consideration environmental integrity and how it is affected by anthropogenic and natural threats.

We reject the notion of adaptation to climate change understood as our acquiescence to the impacts caused by the historical emissions from developed countries.

The impacts and their cost on developing countries, as well as the specific needs of any impacts, should be assessed and valued. Also, the technological and financial support of developed countries should be recorded and monitored.

As to the latter, development and dissemination of measures, methodologies and tools, including economic diversification, to increase resilience and reduce environmental, social and economic impacts should be specifically promoted.

The Adaptation Fund should be enhanced as an exclusive fund to face climate change and as an integral part of a financial mechanism managed and led by our States in a sovereign, transparent and equitable manner.

The Adaptation Fund should also manage a facility to remedy the damages caused by any impacts, including lost profit, compensation for extreme and gradual climate events, and any additional costs which may arise if our planet exceeds the ecological thresholds. Likewise, those impacts that are curbing the right to Living Well, in the context of our legitimate right to sustainable development, should be

considered.

The chapter on Adaptation to Climate Change should state that the priority resource allocation should be made in a balanced, equitable manner, bearing in mind the criteria set forth in the document entitled "Strategic Priorities, Policies and Guidelines of the Adaptation Fund," adopted by the Meeting of the Parties to the Kyoto Protocol, particularly considering, among others:

- (a) Levels of vulnerability;
- (b) Level of urgency and risks arising from delayed resource allocation;
- (c) Adaptative capacity to adapt to the adverse effects of climate change.

## FORESTS

The definition of forests including plantations, as proposed by some countries during the negotiations is unacceptable. *Monocultures are not forests*. Therefore, we require for the purposes of negotiations, a definition where native forests, the jungle and the diversity of the ecosystems on Earth are recognized.

The United Nations Declaration on the Rights of Indigenous Peoples should be fully acknowledged, implemented and added to the negotiating texts on climate change. A good strategy and action to prevent deforestation and degradation and protect native forests and the jungle is to recognize the individual rights, enshrined in several national laws and regulations, of indigenous peoples and nations, where most natural forests and jungles are located.

Polluting countries must directly transfer financial and technological resources to pay for restoration and conservation of forests and jungles, in favor of indigenous peoples and ancestral original social structures. This shall be a direct compensation, additional to the funding sources committed by developed countries in this regard, outside of the carbon market.

## CLIMATE MIGRANTS

Developed countries should assume their responsibility towards climate migrants, admitting them to their territories and acknowledging their fundamental rights through international agreements stating the definition of climate migrant so that all States should abide by their provisions and protect this population.

## FINANCING

Developed countries should provide a new, public sourced annual financing, additional to the Official Development Assistance. The financial support to fight climate change in developing countries, should be as significant as the amounts that developed countries devote to war and defense budgets.

Since the current mechanism has proven to be ineffective, at the Mexico Conference, a new financial mechanism, operating under the authority of the Conference of the Parties to the United Nations Framework Convention on Climate Change should be established. The mechanism should be accountable to said Conference, with a substantial representation of developing countries to enforce the financing commitments of the Annex 1 countries.

Financing should be direct, from public funds, and it should not be conditioned to additional benefits for developed countries. Neither States sovereignty nor self-determination of communities and most affected groups should be disturbed by means of other mechanisms. Such mechanisms, if any, should be voluntary and regulated in accordance with the principles of the Convention and international law.

## TECHNOLOGY DEVELOPMENT AND TRANSFER

Enforceability of the undertakings of developed countries at the United Nations Framework Convention on Climate Change with regard to technology transfer and development is a must. Hence, setting clear guidelines and creating a multilateral, multitask mechanism for the participatory control, management and continued evaluation of the technological exchange by developed countries, and also of the support for development of in-house technologies in developing countries, are essential.

These technologies should be useful, clean and socially suitable. The establishment of a fund for funding and inventory of appropriate technologies, free from intellectual property rights, particularly patents, is also



essential. Rather than private monopolies, they should come in the public domain, of ready access and low cost.

#### FINAL REMARKS

The future of all humankind is endangered and we cannot accept that a small number of developed countries intend to define an international regime, without the participation of the rest of the world, as they unsuccessfully tried to do at the 15<sup>th</sup> Session of the Conference of the Parties in Copenhagen.

In the advent of this new stage of the negotiations on climate change, the Governments of the ALBA – PTT Member States reject any attempt at violation of the Charter of the United Nations and we call into question the practice of a “selective diplomacy” implemented by the Presidency of COP 15. These practices seriously endanger the basic rules of multilateral system.

We uphold our constructive commitment to a negotiation process based on transparency, inclusiveness, legitimacy and democracy; to recover confidence among any and all the Parties to the Convention, and reach in Cancún an agreement that will enable to urgently and effectively address climate change and its devastating effects.

All of the foregoing are submitted to the Secretariat of the Convention to be considered in future works, in accordance with paragraph 5 of the Conclusions on organization and methods of work in 2010 adopted by the Ad-Hoc Working Group on Long-Term Cooperative Action (AWG LCA) on April 11, 2010, at the end of its ninth session and, further, the Secretariat is requested to release and disseminate this formal submission.

The Government of the Pluri-national State of Bolivia; the Government of the Republic of Cuba; the Government of the Republic of Ecuador; the Government of the Republic of Nicaragua; and the Government of the Bolivarian Republic of Venezuela.

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