

### Summary on main points in the AWG-LCA text of 17 May 2010

The new text from the LCA Chair was posted on the FCCC website on 17 May 2010, and has been disseminated widely. This is a preliminary examination of the new text. In the first instance the text has been considerably shortened and tidied up, and is now 42 pages long. Within this text there are still some redundancies, relating to the final decisions on legal status and hence its formatting, but it would be feasible to reduce the text to fit with PIC priorities and reduce it to some 20+ pages. There would of course be some omissions or additional detail that would need to be added to fully reflect the PIC positions, as they also form part of the AOSIS proposals.

In this regard attention is drawn to the AOSIS LCA submission of April 2010, with some commentary in brackets to state whether this has been taken up by the Chair, and the submission which states:

“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. [partly covered in preamble 6 and 7]
2. There is already dangerous anthropogenic interference with the climate system. [covered in preamble 6 and 7]
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. [not covered]
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. [these goals are reflected, but as one option]

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. [these points are reflected but as options]

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. 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. [this is not covered in the LCA, but there is a technical paper under the KP on turning pledges into action that could be useful]

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. [the Chair's text leaves the final legal outcome open but acknowledges this option]

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. [the international mechanism is only covered in part, and refers only to insurance, and gives scant details, not nearly sufficient]

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. [this notion is captured, but as an option]

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. [impacts of response measures is adequately captured in its own chapter, but has remained inside the adaptation text in brackets]

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."

Bearing these views in mind, an attempt was made to analyse the text and to identify key areas where attention will be required by the PIC negotiators. At this stage no textual proposals or suggestions for deletion have been made, but some annotations will be self-explanatory in this respect.

### **Shared vision**

A number of references are made by the Chair in regards to the legal status of the eventual outcome and how this would alter the length and framing of the text. The various targets/numbers options are all reflected. The key AOSIS principles can also be found within the text but often as alternatives to other suggestions. An emphasis on adaptation is there, but with a linkage to "impacts of response measures". Action on adaptation is deferred to chapter 5. On mitigation, the numbers are present but as part of a complex set of options. The issue of frequency of national communications appears in para 12 with an optout for LDCs but the optout for SIDS is bracketed. Should SIDS continue to be required to submit NatComs but at a higher frequency a financial burden will be placed on SIDS. On financing there is a reference to being guided by article 4.8 in para 22, which has been a perennial concern as it brings in the response measures issue. The financial oversight mechanism listed in para 35 needs to be carefully looked at in terms of the overall structure proposed by AOSIS.

### **Adaptation**

Chapter 2 on adaptation still contains impacts of response measures, but in brackets. The various mechanisms discussed in Copenhagen, such as the adaptation framework, are referenced as being called eg the Copenhagen Adaptation Framework. It is usual for the city of adoption of such mechanisms to have the honour of the name, but that is a minor point. Up front there is the reference to adaptation being important for all Parties, but especially for the most vulnerable. However the formulation is made less favourable by the bracketing of the need to support adaptation actions in developing countries. Without such support the actions that follow would need to be implemented without the assurance of international technical and financial support. The need for insurance is noted, but the compensation and rehabilitation elements are bracketed. There is a bracketed reference to decisions 5/CP.7 and 1/CP.10 which may not really add anything to the AOSIS arguments, and which do bring in response measures elements. Similarly, a vaguely worded paragraph on minimizing impacts on developing countries is there but without the specificity of other impacts of response measures paragraphs, albeit in brackets. In terms of the adaptation committee the AOSIS option is present, but considered alongside

the option of simply using existing mechanisms. The insurance paragraph has two mentions of impacts of response measures in brackets.

### **Technology**

Chapter 3 on technology has a small number of bracketed texts relating to the nature of any new technology mechanism and its legal status, as well as on funding and reporting, and on intellectual property rights. These are fundamental issues to be resolved rather than issues to try to sort out in text as such.

### **Capacity building**

Chapter 4 on capacity building is bracketed in relation to financing and institutional issues – whether to have a dedicated body or utilizing existing mechanisms. Lots of options are being presented, and many of these are inter-related.

### **Mitigation**

Chapter 5 on Nationally Appropriate Mitigation Action for developing countries is largely bracketed around legal issues, form and function issues. For example the degree to which actions are voluntary, whether they are supported by international financing and therefore which actions are to be reported upon. It should be noted that the mitigation actions of developed countries are contained in the Shared Vision section and does not have a separate section.

### **REDD**

Chapter 6 on reduced emissions from deforestation and degradation contains most of the key principles that were under discussion are in the text but some issues are bracketed. The section that deals with what actions REDD requires of developing countries is heavily bracketed due to the financial elements being bracketed as well.

### **Response measures**

Chapter 7 on response measures presents two sets of options for most paragraphs, none of which are completely palatable, but all are bracketed. In order to avoid further clashes with OPEC this was largely left for discussion between them and the developed countries, with an emphasis being placed on finding textual proposals that are palatable to the developed countries.

### **Market and non-market approaches/Sectoral approaches**

Both chapters 8 and 9 are heavily bracketed, and like the IPR issue is not really a matter that can be easily resolved by textual tinkering, and this is reflected by some of the diametrically opposed options being put forward in the text.