

The Copenhagen Decisions

Submission on the outcome of the Ad Hoc Working Group on Long Term Cooperative Action under the Convention under item 3

Proposal by the African Group – Rev.1 (Copenhagen – Denmark, 12 December 2009)

Long-Term Cooperative Action to Enhance the Implementation of the Convention

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),

Recognizing that warming of the climate system, as a consequence of human activity, is unequivocal, and 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,

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

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 right to rapid economic development and industrialization and equitable sharing of atmospheric space are inalienable fundamental rights 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 especially in Africa,

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

Emphasizing that deep cuts in global emissions by developed country parties in accordance with their historical responsibilities, as well as the principles of equity and common but differentiated responsibilities, will be required to prevent dangerous interference with the climate system and achieve the ultimate objective of the Convention,

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,

Recognizing also the need to achieve sustainable development including protecting the environment and ensuring harmony between humanity and nature,

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 financial and economic system that gives rise to these,

Recalling that the extent to which developing country Parties will effectively implement their commitments under the Convention will depend on the effective implementation by developed country Parties of their commitments under the Convention related to financial resources and transfer of technology,

Urges all Parties to cooperate for enhancing and promoting a supportive, just and open international economic system and architecture, including the global international trade system that would lead to economic growth and 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, in particular, African countries, especially those related to Climate change,

Recognizing that adaptation to climate change has a human rights dimension because the effects of climate change if not addressed will make impossible the realisation 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 in particular African countries, least developed countries, small island developing states and other developing countries that are vulnerable to the adverse effects of climate change,

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 on 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 with their common but differentiated responsibilities and respective capabilities, equity and historical responsibility.

2. The shared vision is for long-term cooperative action, whose essential elements include:

(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, 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;

(v) Technology development and transfer from developed country Parties to developing country Parties, including, *inter alia*, 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 programmes to deal with climate change issues; and capacity building in developed country Parties;

3. A global goal for emission reduction is an integral part of a set of goals and objectives, all of which have to be taken as parts of an integral whole of the shared vision. These include:

(i) Aggregate targets for developed country Parties for emissions reduction in the second and subsequent commitment periods of the Kyoto Protocol and targets for a comparable effort for Annex I parties that are not party to the Kyoto Protocol, 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;

(ii) A goal for eliminating unsustainable patterns of consumption and production by developed country Parties;

(iii) A goal for adequate financial resources to be transferred from developed to developing country Parties that enable developing country Parties to implement their adaptation and mitigation actions and enable global emissions to peak and decline in order to achieve the ultimate objective of the Convention;

(iv) A goal for technology development and for technology transfer from developed country Parties to developing country Parties, including the identification and removal of

all barriers to developing country Parties' access to technologies at the most affordable prices and cost and an appropriate treatment of intellectual property rights including exclusion of patents on climate related technologies in developing country Parties to ensure that developing country Parties have access to technology at the most affordable prices as part of the attainment of this goal;

(v) A goal for supporting and enabling developing country Parties to undertake effective adaptation activities and to meet the full costs of the adverse effects of climate change;

(vi) A goal for rapidly upgrading the capacity of developing country Parties to deal with climate change; and

(vii) An 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.

4. In line with the above, decides that in accordance with the principles and provisions of the Convention in particular their common but differentiated responsibilities and respective capabilities, equity and historical responsibility, all Parties shall strive towards a global goal, with developed country Parties taking the lead through 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. This support and enabling is 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.

5. Developed country Parties shall not resort to any form of unilateral climate related 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), trade and climate change and the relation between mitigation actions of developing country Parties and and provision of finance and technology by developed country parties (Articles 4.3 and 4.7 of the Convention).

6. 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.

Enhanced action on adaptation

7. Adaptation to the adverse impacts of climate change arising from the historical cumulative green house gases (GHG) emissions of developed country Parties, poses a serious threat to economic and social development, and is 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.

8. An institutional framework on adaptation to climate change is hereby established under the Convention to enable developed country Parties 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 as elaborated in para 21 of this document. It shall enhance and support adaptation to climate change in all developing country Parties and in particular African countries, Least Developed Countries and Small Island Developing States. 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 support 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 not less than 2.5 % of the GNP of developed countries, and including through fulfilling their financial commitments under the convention.**

(iii) A comprehensive adaptation programme 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) Support the formulation of national adaptation measures (in accordance with Article 4.1) in particular in developing country Parties;

(b) Provide support, including 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 that are most vulnerable to impacts to climate change; 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.

(iv) 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 components:

(a) An international facility to address risks associated with climate-related extreme weather events, that incorporates measures to reduce, manage and prevent risk;

(b) A compensation and rehabilitation component for climate-related slow onset events

(v) A compliance mechanism under the Convention for measuring and verifying the provisions of financial resources and transfer of technology from developed country Parties (within the new operating entity under the Convention Financial mechanism).

9. The COP shall adopt the rules and modalities for operationalization of the framework and its bodies, with a view to finish its work at the latest by the COP16.

Mitigation commitments by developed country Parties

10. 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 45% of the 1990 levels by 2020 and adopt policies and actions accordingly to achieve these targets.

(i) 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) under this paragraph. For the measurement, reporting and verification of its emission reduction target, pertinent rules and procedures under the Kyoto Protocol shall apply.

(ii) 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 subparagraph (i) above. Such commitments shall be reflected in an annex in accordance with Article 4.2 of the Convention. For the measurement, reporting and verification of such commitments, the rules and procedures shall be elaborated by the Conference of Parties at its 16th session, using as reference the procedures referred to in sub-paragraph (i) above. The rules and procedures for international offsets shall be further established by the Conference of Parties.

(iii) For any Annex I Party to the Convention that is a Party to the Kyoto Protocol and did not undertake ambitious reduction targets for second and subsequent commitment periods, its emissions reductions will be at least 45% by 2020, and at least 95 % by 2050, compared to their 1990 emissions. For the measurement, reporting and verification of its emission reduction target, pertinent rules and procedures under the Kyoto Protocol shall apply.

11. The principle of comparability of efforts among all developed country Parties shall be applied (in accordance with para 1(b)(1) of the Bali Action Plan Decision 1/CP.13).

Nationally appropriate mitigation actions by developing country Parties in the context of economic development

12. 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 actions including, where appropriate, strategies, policies, plans, programs, projects and other activities.

13. 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 mechanism shall be established to match developing country mitigation actions with finance, technology and capacity building support.

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

15. 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.

16. Measurement, reporting and verification of the transfer of financial resources, technology and capacity building shall be undertaken in the context of the UNFCCC Compliance mechanism identified in paragraph 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.

17. The autonomous national mitigation actions taken 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.

Mitigation actions in forestry by developing country Parties

18. 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.

Response Measures

19. 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.

Enhanced action on financial resources and investment

20. We stress that the financial commitments of Developed Country Parties under the Convention have not been met, and emphasizing 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.

21. 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 finance like private sector and carbon market can play a supplementary role.

22. 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 five (5) per cent of the GNP of developed country Parties. Of this amount at least 50% will be for adaptation activities in developing country Parties. It is equally agreed that four hundred billion US dollars (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 one US\$ (150 billions) worth of Special Drawing Rights shall be issued immediately by the IMF as partial fulfillment of this undertaking by developed countries.

23. 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, mentioned in paragraph (24) of this document.

24. 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.

25. The rules and procedures of the compliance mechanism shall be established by the Conference of the Parties not later than the 16th Conference of Parties. The MRV of the support to NAMAs and NAPAs of developing country Parties shall be undertaken under this compliance mechanism.

Enhanced Action on Technology Development and Transfer

26. Recognizing that 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 in African countries, least developed countries, small island developing states and other developing countries that are vulnerable to the adverse effects of climate change.

27. 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.

28. 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;

(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 support for the activities agreed on by the Technology Mechanism.

(v) A compliance mechanism for measuring and verifying commitments of developed country Parties for technology transfer, finance and development, as mentioned in paragraph 24 of this document;

29. 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; and

(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 support the wide dissemination of existing technologies

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

31. Intellectual property rights can enable and drive innovation. However, they also represent a barrier to technology development, diffusion and transfer in developing countries. These shall be addressed with a view to ensure affordable access by developing country Parties to climate-related technologies at the most affordable prices and cost and to support the development of endogenous technologies in developing country Parties. In this regard, 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.

Enhanced action on capacity building

31. A Capacity building committee-mechanism shall be established to develop and support capacity building needs of developing country Parties, in particular African countries, least developed countries, small island developing countries and other developing countries that are vulnerable to the adverse effects of climate change, including through funding, focused training, mentoring and learning by doing approaches.

32. The committee/Mechanism shall support 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.

33. 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.

Continuation of Process

34. The Ad Hoc Working Group on Long-Term Cooperative Action shall hold further sessions in order to continue and finish its work specified in and in accordance with the Bali Action Plan (Decision 1.CP.13) and this Decision. The Working Group shall complete its work by June 2010 and present the outcome of its work to the Conference of Parties for adoption at the resumed session of its 15th session.

35. The Position of Chair and Vice-Chair of the Working Group shall rotate between Annex 1 and non-Annex I Parties on an annual basis.

36. The future sessions of the Working Group shall be held in New York and/or Geneva, to enhance the participation of developing country members of the Convention.