

“THE FULFILLMENT OF THE BALI ACTION PLAN AND THE COMPONENTS OF THE AGREED OUTCOME TO BE ADOPTED BY THE CONFERENCE OF THE PARTIES AT ITS FIFTEENTH SESSION (AWG-LCA)”. SUBMISSION OF VIEWS. CUBA.

Cuba, a developing country, highly vulnerable to the effects of climate change, attaches great importance to the process being carried out under the Bali Action Plan, whose negotiating format has been agreed for 2009.

Throughout this process, Cuba has sustained –and will continue to sustain- its positions within the framework of G-77 and China and the Small Island Developing Countries Alliance. It is within this framework where legitimate aspirations of developing countries are expressed.

Based on the context and terms of the information requested, Cuba seizes this opportunity to submit the following considerations to be taken into account, particularly when drafting the option document that will be considered by the AWG-LCA at its Fifth Session.

Given the progress made on the discussion on long-term cooperative action, our considerations are submitted straightforwardly, so they can contribute more clearly to the negotiating process. At the same time, Cuba notes that none of the considerations exposed bellow prejudices the positions the Cuban delegation will hold as the process advances forward and the aspects of the agreements to be reached in Copenhagen start to be defined.

SHARED VISION

A shared vision must contain a long-term goal, based on the best scientific knowledge available and common but differentiated responsibilities and prevention principles. This goal must imply reductions of Annex 1 countries by 40% in 2020, and more than 80% in 2050, as compared to their 1990 levels.

- The “objectives” of a shared vision must aim at reaching the ultimate goal of the Convention, as contained in its Article 2.
- The shared vision must also take into account, in conformity with the Bali Action Plan, that poverty reduction and sustainable development are the ultimate goal and the main objectives of developing countries.
- To reach long term climate goals, luxury and waste associated to the production and consumption patterns of developed countries must be substantially modified.
- Developed countries must play a strong leading role in the actions aimed at ambitiously cut their emissions, based on their historical responsibility and greater technological and financial capacity.

The shared vision must recognize the need to implement urgent and expeditious actions to deal with the adverse impact of climate change.

- Such expeditious actions imply stepping up of efforts to mitigate climate change, thus building new opportunities for endangered ecosystems and communities. Reaching “tipping points” must be prevented, because they bring about rapid, abrupt and catastrophic climatic impacts.

- For small island developing countries, the negative impact of climate is already being felt, and it has been recognized the urgent social, economic, environmental and survival threats caused by the adverse impact of climate change and the sea level rise on the sustainable development of SIDS, their territorial integrity and subsistence as viable dynamic communities.

- SIDS has limited capacities to respond to the climate change challenges, and they require special efforts and support to access effective mitigation and adaptation opportunities. Their particular circumstances must be recognized in the shared vision.

As “principles” of the shared vision, Cuba considers essential the following:

- The principle of common but differentiated responsibilities must feature as the basis for demanding developed countries the establishment of ambitious emission reduction targets.

- The actions undertaken under the Convention must be urgent, practical and ambitious; and geared at protecting the most vulnerable Parties, while ensuring their subsistence and sustainable development, both in a long term and in the face of abrupt disasters.

- The Parties must use the prevention principle in their efforts to anticipate and minimize the adverse impact of climate change.

- The actions must also reflect the prevention principle at international level, taking into account the responsibilities of Parties to make sure that their actions within their jurisdiction do not harm the environment of other States or areas beyond their national jurisdictions.

- The principle of intergenerational equity must always be kept in mind so that the protection of the global environment takes into account the present and future generations.

MITIGATION

Legally binding mitigation commitments must be undertaken by developed countries, on the basis of their historical responsibility and capabilities.

The mandatory and quantifiable objectives in the area of limitation of emissions by developed country Parties must be comparable to the commitments made under the Kyoto Protocol.

This comparable effort must include:

- Adjusted objectives to reduce emissions with the same base year established by the Kyoto Protocol and other equal timeframes.
- The agreements to reach quantifiable objectives to limit the emissions under the Bali Action Plan must not establish mechanisms that weaken the compliance with objectives and obligations of countries that have made commitments under the Kyoto Protocol.
- The equity of a mitigation regime must take into account as a basis:
 - Historical emissions
 - Emissions per capita
- The use of market mechanisms for mitigation must not compromise the environmental integrity or the ultimate goals of the Convention. The strong intervention of governments to tackle the effects of the international financial crisis; underline the role and responsibility of governments interventions.
- For developing countries mitigation actions must equally take into account development imperatives, the fight against poverty and economic growth, as well as national circumstances.
- It is imperative for these actions to be supported by substantial external contributions in the areas of finances, technology transfer and capacity building. These contributions must be measurable, verifiable and reportable. The mitigation actions of developing countries and these financial and technological contributions constitute an indissoluble package that cannot be assessed separately.
- These voluntary and non-binding actions must be implemented in a bottom up fashion, through steps that reduce emissions based on the emission base line. These base lines are an important component to consider emissions as measurable, verifiable and, therefore, reportable. In that respect, new methodologies must be developed.

- Some viable alternatives for emission actions in developing countries to be considered during the forthcoming negotiating process could:
 - Take into account the emission intensity. This approach respects the right to development, considering that development goals may produce an emission rise, while the energy intensity per GNP unit is reduced.
 - Take into account the modifications of the energy matrix, through an increase in the percentage of renewable energies used.
 - Take into account the sustainable development policies, strategies and programs, since they include or may include several sectoral actions (energy, transportation, construction, agriculture, tourism, among others), where mitigation actions may be identified.

- Some measures to be implemented in national plans and programs could include:
 - Regulations and standards. Relating to the efficiency of equipment, facilities or technologies.
 - Voluntary agreements. Among the government, the private sector and other interested parties.
 - Investment in R&D on energy efficiency and renewable energies.

ADAPTATION

Adaptation to climate change is a complex and multifaceted issue, which must be duly addressed in the negotiating process, considering –without undermining other elements– that:

Adaptation is closely associated to economic development, poverty reduction policies, disaster reduction strategies, ecosystem protection and, therefore, to sustainable development.

As a result of that:

- Adaptation requires to be integrated into the development planning.
- The implementation of national adaptation plans requires substantial funding, which must come –first of all– from developed countries. In that respect, new and additional resources, as well as innovative financial mechanisms and new technologies are required. An adequate flow of funds requires a simplification of

- institutional arrangements and bureaucratic procedures, as well as the elimination of barriers to access funds in an efficient manner.
- An operational and efficient adaptation fund is required, in which parties to the Convention may exercise control and make decisions.

Enhanced action on technology development and transfer to support action on mitigation and adaptation.

Effective mechanisms and enhanced means for the removal of obstacles to, and provision of financial and other incentives for, scaling up of the development and transfer of technology to developing country Parties in order to promote access to affordable environmentally sound technology;

General Principles

- In addition to setting a comprehensive mechanism able to address all the stages of the technology development cycle as proposed by the G77 and China, that mechanism has to be viewed as a system which also include the know-how, procedures, good and services and equipment, as well as organizational and managerial procedures.
- The mechanism should aim to achieve the accessibility, affordability, appropriateness and adaptability of technologies required by developing countries for enhanced action on mitigation and adaptation. This aim should imply the determination and political will of Annex 1 governments to provide the means for such aim and not to leave the access and transfer of technology exclusively in the hands of the market.
- Be guided by the provisions of the Convention, in particular paragraph 3, 4 and 5 of Article 4.
- Be fitted to address IPR's in relation to the objectives and principles hereby underlined.
- Stimulate Annex 1 and non-Annex 1 Parties to undertake joint cooperation for the development of new technology. Long term partnerships in technology cooperation require continuing and systematic training and capacity-building at all levels over an extended period of time.

Institutional arrangement and mechanism to address IPR's issues

- Support for the establishment of a technology mechanism under the Convention assisted by an Executive Body on Technology.
- The Executive Body on Technology should include among its functions the verification of Annex 1 Parties support for joint technology cooperation programs or projects with developing countries, be responsible for promoting actions leading to technology development, deployment, diffusion and transfer, taking into account IPR's, and devising a suitable IPR's regime for accessing technologies owned by the private sector in developed countries.

- The technology mechanism should also give consideration to the role of patent protection and IPR´s along with an examination of their impact on the access to and transfer of technology that may significantly booster the capacity of developing countries to address climate change.
- Examination of existing policies, including subsidies and tax regimes, and regulations to determine whether they encourage or impede the access to, transfer of and introduction of climate change friendly technology.
- Moreover, the mechanism should further explore the concept of assured access for developing countries to climate change friendly technology in its relation to proprietary rights with a view to develop effective responses.
- Formulation of guidelines for policies and programs for the effective transfer of technology that it is in the public domain, as well as for the development of appropriate incentives, fiscal or otherwise, to stimulate the transfer to developing countries of climate change high impact technologies by companies.

Provision of financial resources. Improved access to, disbursement of, and provision of new and additional resources including positive incentives to developing country Parties and mobilization of public –and private- sector funding and investment.

- In the view of Cuba, the translation of the Bali Action Plan into concrete agreements requires the establishment of a solid financial mechanism under the Convention and exclusively governed by the COP.
- The financial mechanism should follow the model of the Montreal Protocol´s Multilateral Fund to ensure, inter alia, the rapid diffusion and absorption of technologies needed for mitigation and adaptation.
- Among others the financial mechanism should host a technology transfer fund for financing technology transfer to developing countries on grant basis.
- Regarding paragraph 152 and 153 (a) and (b) of the Assembly document FCCC/AWGLCA/2008/16/Rev.1, Cuba endorses the views expressed by the G77 and China, as well as AOSIS.
- In respect of paragraph 153 (c), Cuba considers that resources should be provided by Annex I Parties on the basis of:
 - Historical contribution to climate change
 - GHG emission percapita
 - National capabilities
- Under the financial mechanism an important role should be given to the mobilization of the public-sector funding and investment commensurate with the responsibility of government to lead in the fight against the adverse consequences of climate change.