

Proposed Amendments to the Negotiating Text of the Ad Hoc Working Group on Long-Term Cooperative Action under the Convention FCCC /AWLCA

Respectfully Submitted by The Climate Group and on behalf of Subnational Governments and according Networks

June 7th, 2009

80% of climate actions are implemented by subnational and local governments. Therefore, our goal is to ensure that sub-national governments are recognized in the Long Term Cooperative Agreement on Climate Change in the areas of mitigation and adaptation as well as capacity building and technology transfer to support climate action in developing country regions. It is also important that actions taken within sectors are not restricted to national government agreements only.

Below are proposed amendments to the Negotiating Text of the Ad Hoc Working Group on Long-Term Cooperative Action under the Convention FCCC/AWLCA as brought forward by The Climate Group and based on contributions, inter alia, from the Governments of Catalonia, California and Quebec and the Network of regional governments for sustainable development (nrg4SD) amongst other state and regional entities. The background documents for these amendments are attached. The first is the submission drafted by Catalonia and presented by the Network of Regional Governments for Sustainable Development (nrg4SD) to the Assembly document FCCC/AWGLCA/2008/16 before December 6th, 2008. The second was drafted with the contributions of California and The Climate Group and submitted by nrg4SD, Senegal and Uruguay before April 24th 2009. This submission has received the support of state, provincial and regional leaders from Europe, Canada, Australia, the United States and Brazil as well as regional leaders from Africa. This submission also has received the support of international networks from around the world including FOGAR, the European Assembly of European Regions, Northern Forum and State Voices amongst others noted on the document.

Proposed amendments are in bolded italics as follows;

1. AMENDMENTS TO RECOGNIZE MITIGATION ACTIONS OF SUBNATIONAL GOVERNMENTS

Under Part I - A Shared Vision for Long Term Cooperative Action-

Clause 7

7. The urgent need to confront dangerous climate change requires political determinations to continue building an inclusive, fair and effective climate regime, one that takes into account the need of developing countries' need for development space, and is based on a new and equitable global partnership that drives cooperative action ***at all levels of government, including national,***

subnational and local, to enable the full, effective and sustained implementation of the Convention.

Under Part III Section E - Various Approaches to Enhance the Cost Effectiveness of, and to promote, mitigation actions

Clause 139

139. Parties {shall}{should} cooperate, as appropriate, to enable cost-effective mitigation at the least economic cost through the use of environmentally effective, market-based instruments that provide economic incentives to achieve maximum private-sector participation. *Policies in developed and developing countries {shall} promote **pioneering early and ongoing action of subnational governments** and* the flow of funding to developing countries in order to catalyse mitigation actions at the scale that will be necessary to address the climate challenge

It is also proposed that a footnote defining sub-national governments be included at an appropriate place in the text as follows:

“The Subnational level of government is the largest and first level of political /governmental sub-division within an individual UN-member State and rests above the municipal level. (i.e. Regions, Provinces, States, Autonomous Communities, Communes, Departments, Districts, Emirates, Federations, Prefectures)”

2. AMENDMENT TO RECOGNIZE ADAPTATION ACTIONS OF SUBNATIONAL GOVERNMENTS

Existing references to sub-national, state and regional levels of governments now within Part II of the Draft Text, Enhanced Action on Adaptation, are fully supported and appreciated. A minor amendment **under Section C -Means of Implementation, Clause 31 (a)** is proposed;

31(a) Supporting adaptation at local, ***subnational*** and national levels

3. AMENDMENTS TO REGOGNIZE THE ROLE OF SUBNATIONAL GOVERNMENTS IN MITIGATION, ADAPTATION, TECHNOLOGY TRANSFER AND CAPACITY BUILDING IN SUPPORT OF DEVELOPING COUNTRY AND REGIONS

Under Part III Section B – Mitigation by developing countries

Clause 77. Option 1 Paragraph 5

77. Option 1 Implementation of actions shall be enhanced through support for building institutional capacity in developing countries **at all levels of government**. After implementation, both the action and the support shall be measured, reported and verified. The register shall be updated annually, to reflect the status of implementation of action and its support. Following the first measurable, reportable and verifiable report, the NAMA shall be considered registered (and no longer indicative).

Under Part IV- Section 3 -Institutional Arrangements

Clause 196

196. Institutional arrangements for enhanced cooperative action on technology {shall}{should}{include}

Option 1

make efficient use of the current institutional arrangements through

Option 1.1

engaging the private sector and encouraging cooperative partnership **between all levels of government** and industries, recognizing a wide variety of processes, mechanisms and organizations outside the UNFCCC and the critical role of private-sector investment, capacity and expertise.

Clause 199

199. International cooperation {shall}{should} be enhanced to support developing country Parties to implement capacity-building actions, including:

(a) Creation of enabling environments at **national, subnational and local levels of government** for enhanced action on adaptation and mitigation, including the establishment of appropriate policy and legal and regulatory frameworks;

NEW CLAUSE (g) Recognizing the important roles of state and regional governments by supporting and encouraging subnational partnerships to promote information sharing and best practices;

Other: Sectoral Agreements

It is recommended that in Paragraph 129 a) the bracketed word '*only*' be removed after '*national level*'.