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The Ministry of Foreign Affairs and Immigration of the Government of the Cook Islands presents its compliments to the Executive Secretary of the United Nations Framework Convention on Climate Change (UNFCCC) and has the honour to refer to country submissions for the fifteenth session of the Conference of the Parties to the UNFCCC to be held in Copenhagen from 7 to 18 December 2009.

The Ministry wishes to advise that the Cook Islands wish to table amendments to document FCCC/AWGLCA/2009/14 on the matter of adaptation. The Ministry is seeking the assistance of the Secretariat to facilitate its dissemination.

The Ministry of Foreign Affairs and Immigration of the Government of the Cook Islands avails itself of this opportunity to renew to the Executive Secretary of the United Nations Framework Convention on Climate Change the assurances of its highest consideration.

27 November 2009

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COOK ISLANDS SUBMISSION TO THE AWG LCA

Dear Executive Secretary,

The Cook Islands hereby submits proposed amendments to: FCCC/AWGLCA/2009/14:
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[Parties,

In further pursuit of the ultimate objective of the Convention as stated in its Article 2,

PP.1 Being guided by Articles [2], 3.2, 3.3, [4.1], 4.3, 4.4[, 4.7, 4.8, 4.9 and 4.10] of the Convention, and the Bali Action Plan adopted as decision 1/CP.13 by the Conference of Parties (COP),

Being further guided by the Barbados Programme of Action and the Mauritius Strategy for the Further Implementation of the Programme of Action for the Sustainable Development of Small Island Developing States,

PP.2 Acknowledging the findings of the Fourth Assessment Report of the Intergovernmental Panel on Climate Change that warming of the climate system is unequivocal, and that delay in reducing emissions significantly constrains opportunities to achieve low stabilization levels and increase the rise of more severe climate change impacts and the need to accelerate action on adaptation,

PP.3 Noting that [environmental,] economic and social conditions and levels of development differ among Parties[, which will lead to differences in the prioritization of adaptation activities],

PP.4 Recognizing that adaptation is an additional burden on developing countries, and that those particularly vulnerable will suffer disproportionately,

Recognising that despite enhanced efforts on adaptation there will be unavoidable consequences from both sudden and slow-onset impacts of climate change that result in loss and damage with grave consequences for livelihoods of affected people such as forced displacement or migration

1. The Parties to the Convention agree to mobilise enhanced action on adaptation at all levels that responds to the adverse effects of climate change now and in the future, taking into account the urgent and immediate needs of developing countries, especially particularly vulnerable countries, SIDS and LDCs, and countries in Africa affected by drought, desertification and floods, ranging from planning to implementation, and addressing loss and damage, including through financing, technology, capacity building, and compensation for loss and damage. [Adaptation is a challenge shared by all countries; it encompasses urgent and immediate, short-, medium- and long-term action at national, regional and international levels, ranging from assessments, planning to implementation, in order to reduce vulnerability, minimize loss and damage and build the resilience of ecological and social systems and economic sectors to present and future adverse effects of climate change (and the impact of the implementation of response measures].

2. International cooperation shall be enhanced, and to this end a comprehensive adaptation [framework] [programme] is hereby established:

- (a) To guide and facilitate the implementation of adaptation actions in all countries and at all levels, including through enhanced knowledge and information sharing;
- (b) To support the implementation of adaptation actions in developing countries including through facilitating, mobilizing and providing access to means of implementation, including finance, technology and capacity-building, for developing country Parties;

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- (c) To catalyse action and enhance cooperation among Parties and intergovernmental, non-governmental and regional organizations on adaptation with a view to encouraging synergy and ensuring coherence.]

3. [The implementation of the] Enhanced action on adaptation under the Convention [framework] [programme] shall be guided by [should][Ensure consistency with, and adherence to,] the principles of the Convention [and commitments thereunder], including the precautionary principle, [and] the principle of common but differentiated responsibilities and respective capabilities, and[;][Adhere to] the polluter pays principle [considering historical emissions];. It shall [F]ollow a country-driven approach to adaptation and shall [;B]be based on and guided by the best available science and traditional knowledge.[, as appropriate;]

[Involve all relevant stakeholders at all levels through a participatory and gender-sensitive approach to ensure ownership and inclusiveness.]

4. [Taking into account national circumstances and priorities, all Parties in order to enhance their adaptation actions at national and regional levels, where appropriate, [shall] [should] [may] undertake, inter alia:] All Parties shall develop, periodically update and make available to the Conference of Parties national adaptation plans as a means of assessing current and potential impacts of climate change and developing strategies to reduce these impacts through the implementation of adaptation action. National adaptation plans may be developed and implemented at different time scales depending upon national circumstances.

- (a) [Planning for and implementation of urgent and immediate, short-, medium- and long-term adaptation action at national and regional levels, building upon existing planning efforts, including the formulation and implementation of national adaptation plans for Parties that wish to do so, including least developed countries (LDCs);
- (b) Action identified in national adaptation programmes of action (NAPAs) of LDCs, [poverty reduction strategies,] national communications, technology needs assessments, national sustainable development strategies and other relevant plans and strategies;
- (c) Impact, vulnerability and adaptation assessments, including assessment of costs and benefits of adaptation options and of socio-economic adaptive capacity;
- (d) Disaster risk assessment, management, reduction and sharing [building upon the Hyogo Framework for Action];
- (e) Research and development, deployment, diffusion and transfer of and access to appropriate technologies for adaptation, including related knowledge, expertise, capacity-building and strengthening of enabling environments to ensure the successful adoption of such technologies;
- (f) Research and systematic observation;
- (g) Building resilience of ecological and social systems and economic sectors, including through administrative and legislative actions, integrating adaptation actions into [sectoral and] national planning, economic diversification, the protection and sustainable management of natural resources and the goods and services they provide;
- (h) Building capacity for, inter alia, operational planning and implementation of adaptation; data collection and archiving, analysis, modeling, and dissemination, including the use of climatic information and model outputs;
- (i) Education, training and public awareness;

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- (j) [Action identified in decisions 5/CP.7 and 1/CP.10;]
- (k) Strengthening enabling [environments] [activities], national and regional institutional capacities and arrangements, including, inter alia, coordinating mechanisms, entities and focal points, to enable adaptation planning and implementation, and the effective delivery of means of implementation.]

5. Developing countries that are particularly vulnerable to the adverse effects of climate change, especially the least developed countries and small island developing States, and further taking into account the needs of countries in Africa affected by drought, desertification and floods shall be provided financial and technical assistance to develop and implement national adaptation plans. Access to funds to implement priority adaptation activities identified by Parties shall not be conditional on the completion of national adaptation plans or the stage of the adaptation planning process.

6. All Parties shall undertake adaptation actions to reduce vulnerability and to build their resilience to the impacts of climate change. Developing countries that are particularly vulnerable to the adverse effects of climate change, especially the least developed countries and small island developing States, and further taking into account the needs of countries in Africa affected by drought, desertification and floods shall be provided with financial and technical assistance to support the implementation of adaptation actions as a means of building resilience to the impacts of climate change, including inter alia:

- (i) project level adaptation actions;
- ii) sectoral level adaptation actions;
- (iii) administrative and legislative actions to build resilience;
- (iv) means to protect people displaced by the impacts of climate change.

7. Developed country Parties[, in accordance with their commitments under the Convention [and in honoring their adaptation debt],] shall [should] [support] provide developing country Parties, especially those that are particularly vulnerable to the adverse effects of climate change, including LDCs and SIDS and countries in Africa affected by drought, desertification and floods, [in their adaptation action, including activities included in paragraph 4 above, through the provision of] with the means of implementing[ation] adaptation actions, including finance, technology and capacity-building.¹

8. [Substantially scaled-up, adequate and predictable f]Financial support for implementing adaptation actions[, originating from public sources [and separate from and additional to official development assistance,]] shall [should] be [provided to all developing country Parties² [and EITs] in the form of grants based and over and above existing overseas development assistance commitments. Developing country access to this financial support shall be [to [meet] [assist in meeting] the agreed full costs of adaptation action incurred by such Parties through] simplified, expeditious and direct, with priority given to particularly vulnerable developing countries, especially LDC, SIDS and countries in Africa affected by drought, desertification and floods. [access to, and following a programmatic approach, while allowing for project-based adaptation, where necessary.]

9. [In the provision of support, priority should be given to:

¹ Placeholder for references to outcomes of discussions on finance, technology and capacity-building.

² [Those Parties eligible to borrow from the World Bank (IBRD and/or IDA) or eligible recipients of UNDP technical assistance through its country indicative planning figure (IPF).]

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- (a) Particularly vulnerable developing country Parties, especially LDCs and small island developing States, and further taking into account the needs of countries in Africa affected by drought, desertification and floods as well as the needs of those identified in the paragraph[s] nineteen [and twenty] of the preamble to the Convention [and in its Article 4.8];
- (b) [Particularly vulnerable sectors, people, groups, communities and ecosystems.]
10. [The COP requests the SBI and the SBSTA, as appropriate, to develop guidance and support modalities for the activities contained in paragraph 4(a) above building upon lessons learned from the NAPA and other relevant adaptation planning and implementation processes, taking into account the elements contained in Annex I, and to provide it with recommendations, with a view to taking a decision at its sixteenth session.]
11. Developing country Parties, especially those that are particularly vulnerable to the adverse effects of climate change, shall be supported by developed country Parties in the research, development and deployment of technologies for adaptation which are locally appropriate.
12. Developing country Parties, especially those that are particularly vulnerable to the adverse effects of climate change, shall be supported by developed country Parties to build their capacity to adapt to the adverse effects of climate change, guided by the learning-by-doing approach.
13. [To support developing country Parties, especially those that are particularly vulnerable to the adverse effects of climate change, in addressing the unavoidable loss and damage resulting from these adverse effects [and the impact of the implementation of response measures] [a]An international mechanism to address the unavoidable loss and damage from the adverse effects of climate change is hereby established and defined. with the following components[:]
14. The purpose of the international mechanism shall be to support developing country Parties, especially those that are particularly vulnerable to the adverse effects of climate change, to build resilience through addressing the risks associated with climate-related extreme weather events; and compensation and rehabilitation for loss and damage resulting from climate-related slow onset events, including sea level rise, increasing temperatures and ocean acidification.
15. The international mechanism shall be subject to the authority and guidance of the Conference of the Parties and be supervised by an executive board.
16. The international mechanism shall consist of the following components:
- (a) An international insurance 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.]
17. The international mechanism shall be funded through *inter alia* the financial mechanism of the Convention.
18. The Conference of the Parties shall elaborate modalities and procedures for the international mechanism, consistent with the principles and objectives of the Convention.
19. Participation under the international mechanism, including in the components mentioned in paragraph X above, may involve private and / or public entities, and shall be subject to whatever guidance may be provided by the executive board of the mechanism.
20. As provided by Article 7.2(a) of the Convention, the COP shall periodically review the operation of the international mechanism. Such reviews shall be coordinated with other pertinent reviews under the

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Convention. The first review should take place no later than 2015 and must be informed by the experiences and observations of Parties, the findings of the Fifth Assessment Report of the IPCC and other relevant scientific information.

21. [The COP requests the SBI and the SBSTA, as appropriate, to develop implementation modalities and arrangements for the international mechanism, taking into account the elements contained in annex II, and to provide the COP with recommendations to enable it to take a decision at its sixteenth session.]
22. Regional centres in developing country regions shall [should] be strengthened [to the extent possible and] or established, where necessary, [established in] with the aim of assisting developing country Parties with the implementation of [regions to facilitate and coordinate action on adaptation, building upon and complementing national] adaptation action. The mandate, control and contribution to funding of regional centres will be guided by the developing country Parties in the region, supported by developed countries. [, especially between countries with shared natural resources, where appropriate.]
23. [The COP requests the SBI and the SBSTA, as appropriate, to develop modalities for strengthening and, where necessary, establishing, regional centres for adaptation and to consider the need for an international centre for adaptation, taking into account the elements contained in annex III, and to provide the COP with recommendations to enable to take a decision at its sixteenth session.]
24. Developed country Parties shall provided support to strengthen national level institutional arrangements for adaptation with the aim of enhance work on the full range of adaptation actions from planning to implementation, including risk management planning for the international insurance mechanism for addressing loss and damage.
25. [All Parties [shall] [should] jointly undertake action under the Convention to enhance adaptation at the international level, including through:
- (a) Enhancing the scope of activities undertaken under the Nairobi work programme on impacts, vulnerability and adaptation to climate change, building upon its outcomes and lessons learned with a view to developing it into a hub of knowledge and information sharing and capacity-building to assist all countries, in particular developing country Parties;
 - (b) Activities related to migration and displacement or planned relocation of persons affected by climate change, while acknowledging the need to identify modalities of inter-state cooperation to respond to the needs of affected populations who either cross an international frontier as a result of, or find themselves abroad and are unable to return owing to, the effects of climate change.]
26. [Institutional arrangements under the Convention [shall] [should] enhance the implementation of the adaptation [framework] [programme], including through promoting exchange of knowledge, information, lessons learned and best practices undertaken by Parties and relevant organizations and stakeholders; providing guidance, expertise and assistance in planning and implementing adaptation action at all levels; ensuring the provision of means of implementation, including finance, technology and capacity-building, to developing country Parties and providing a forum to engage broad range of stakeholders, relevant organizations and networks in adaptation action.

27. To this end:

Option 1

Existing institutional arrangements and expertise under the Convention [shall] [should] be enhanced. The COP requests the SBI and the SBSTA, as appropriate, to develop modalities for

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enhancing existing arrangements, and to provide it with recommendations with a view to taking a decision at its sixteenth session.]

Option 2

An adaptation committee under the authority and guidance of the COP is hereby established. The functions of the adaptation committee shall include:

- (a) Interacting with Parties and bodies currently engaged in adaptation implementation;
- (b) Analysing existing work and identifying best practice;
- (c) Helping countries access funds;
- (d) Identifying gaps and enhancing action to respond to gaps;
- (e) Assessing delivery of the means of implementation; and
- (f) Advising on technical matters building on work of existing or new expert groups.

[a subsidiary body for adaptation] under the Convention is hereby established and existing institutional arrangements and expertise [shall] [should] be enhanced to the extent possible. Considering that any institutional arrangements under the Convention should operate under the authority and guidance of, and be fully accountable to, the COP, and should have an equitable and geographically balanced representation of Parties within a transparent and efficient system of governance, the COP requests the SBI to consider terms of reference for [an adaptation committee] [a subsidiary body for adaptation], including establishing any additional expert groups and sub-elements, taking into account the elements contained in annex IV, to enable the COP to take a decision at its sixteenth session.³]

28. All Parties should enhance reporting on measures to facilitate adequate adaptation to climate change in [monitor, review and report on support provided and received and are encouraged to provide information on progress, experiences and lessons learned from adaptation action, with a view to ensuring transparency, mutual accountability and robust governance. To this end, developing country Parties [shall] [should] be provided with additional financial and technical support. To the extent possible, Parties should use existing national and other relevant monitoring and evaluation systems as well as reporting mechanisms under the Convention such as] national communications with additional financial and technical support provided to developing countries..

29. The COP will [through the institutional arrangements elaborated in paragraph 15 above [shall] [should]]:

- [Maintain a global overview of national, regional and international adaptation action;
- Monitor, review and [assess the delivery [the provision] of the means of implementation by developed country Parties[, including the details of measures taken in accordance with Article 4, paragraphs 3, 4 and 5, of the Convention] in line with Article 12 paragraph 3 of the Convention with the aim of [;] [I]identifying insufficiencies and discrepancies between support provided [pledged] and received [with a view to], recommending [what] further action [may be] where needed.

³ The composition of the Adaptation Fund Board was highlighted as a model.

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30. [The COP requests the SBI and the SBSTA, as appropriate, to develop modalities for the provisions contained in paragraph 17 above, including for non-compliance with commitments for the provision of means of implementation, and any additional arrangements necessary to implement those provisions with a view to taking a decision at its sixteenth session.]

Annex I

National adaptation plans

Indicative objectives and functions

- (a) To [catalyse] [support] actions in and across different sectors, including agriculture and food security, water resources, health, ecosystems, coastal zones;
- (b) Promoting efficient and effective use of the financial resources for adaptation provided by developed country Parties under the Convention;
- (c) To indicate areas of immediate action and support in terms of means of implementation;
- (d) To develop plans in a flexible fashion such that they can be updated to reflect new information and learning;
- (e) To inform domestic action and the [provision] [allocation] of increased international financial support, possibly forming a component of a country's sustainable development plan and low-emission development strategies;
- (f) To be used to report on the effectiveness of adaptation actions in meeting stated objectives;
- (g) To [include] [enable] regional assessments of vulnerability and impacts of adaptation actions and measures undertaken between countries [and in the context of shared and transboundary resources];
- (h) To be consistent with, or incorporate elements of, national risk management plans and disaster risk reduction strategies;
- (i) To systematically integrate risk reduction measures in national, subnational and sectoral development planning and programming.

Indicative elements

- (a) Vulnerability and financial needs assessments;
- (b) Identification and prioritization of specific projects, programmes and means to incentivize the implementation of adaptation actions;
- (c) Means for integrating adaptation actions into [thematic, sectoral and] national planning;
- (d) Capacity-building and response strategies;
- (e) Ways and means to enable climate-resilient development, reduce vulnerability and diversify the economy as an adaptation strategy;
- (f) Enhanced risk observation, risk analysis and risk information dissemination;
- (g) Disaster risk reduction, management strategies, preparedness and extreme weather forecast contingency plans, including early warning systems and emergency response and recovery;
- (h) Risk transfer mechanisms, including insurance.

Annex II

International mechanism to address risks of loss and damage

1. The international mechanism shall be funded through the financial mechanism of the Convention.
2. The international mechanism shall be subject to the authority and guidance of the COP [and be supervised by an executive board. The Board shall be supported by a technical advisory group established under the Technical Advisory Branch of the Adaptation Committee. The group shall provide advice and guidance on existing and innovative approaches to risk management, risk transfer and risk sharing, including insurance, and recommend appropriate financial compensation payments to the Board once identified and verified climate risk factor thresholds have been exceeded].
3. Participation under the international mechanism, including in its components, may involve private and/or public entities, and shall be subject to whatever guidance may be provided by the executive board of the mechanism.
4. As provided by Article 7.2(a) of the Convention, the COP shall periodically review the operation of the international mechanism. Such reviews shall be coordinated with other pertinent reviews under the Convention. The first review should take place no later than 2015 and must be informed by the experiences and observations of Parties, the findings of the Fifth Assessment Report of the IPCC and other relevant scientific information.

Annex III

Centres for adaptation

Indicative functions for regional centres

- (a) Facilitating and supporting planning for, and implementation, monitoring and evaluating of national adaptation action, through promoting research, knowledge sharing, training, capacity-building and development, diffusion and transfer of adaptation technology;
- (b) Engaging science and policy communities in dialogues with a view to promoting informed decision-making at all levels, especially between countries with shared natural resources, taking gender considerations into account;
- (c) Assisting Parties in building endogenous capacity for, inter alia: developing analytical tools; undertaking adaptation research and implementation activities; research, development, deployment and transfer of adaptation technologies; awareness-raising; support for pilot projects; and publication of studies on adaptation;
- (d) Generating and sharing knowledge; exchanging lessons learned and best practices; collecting, analysing and disseminating information on past and current practical adaptation actions and measures, including projects, short- and long-term strategies, and local and indigenous knowledge;
- (e) Enhancing impact, vulnerability and adaptation assessments based on the best scientific evidence available, including studying the stresses generated by climate change and variability, and estimation of past, current and future climate-related risks as well as risks to human health, oceans and coasts;
- (f) Coordinating and disseminating free and timely dissemination of information related to systematic observation and regional impacts and response modelling;
- (g) Enhancing capacity of stakeholders at the national level through targeted training and education programmes and institutions;
- (h) Providing guidance to the financial mechanism on appropriate criteria for approval and disbursement of financing for adaptation;

Indicative functions for an international centre

- (a) Share site-specific adaptation experiences and lessons learned;
- (b) Coordinate, facilitate and assess national and regional adaptation programmes and actions under the guidance of the COP.]

Annex IV

[Adaptation committee] [Subsidiary body for adaptation] under the Convention

Indicative detailed functions

- (a) Providing advice and technical support to Parties, including developing broad guidance for undertaking vulnerability and adaptation assessments, developing national adaptation plans and strategies, integrating adaptation actions into [sectoral] and national planning and identifying sources of adaptation;
- (b) Strengthening, consolidating and enhancing 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) Encouraging regional and international organizations and institutions to enhance adaptation action, including through funding adaptation activities, strategies, programmes and priorities and integrating adaptation into local, national and regional development plans;
- (d) Enabling and supporting 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 implementation of adaptation action;
- (e) Supporting the development and enhancement of endogenous capacities; facilitating removal of barriers and enhancing accessibility, affordability, appropriateness and adaptability of technologies for adaptation;
- (f) Assessing adaptation needs of developing country Parties, including needs related to finance, technology and capacity-building;
- (g) Receiving and evaluating financial support applications from developing country Parties for implementation of adaptation projects, programmes and actions;
- (h) Planning, organizing, coordinating, monitoring and evaluating international actions on adaptation to climate change, including on the means of implementation;
- (i) Monitoring compliance with commitments and pledges made by developed country Parties, and other Parties who voluntarily elect to do so, to provide means of implementation;

Indicative expert groups and sub-elements

- (a) [A Facilitative Branch responsible for assessing ongoing work and promoting understanding of the scientific and methodological basis of adaptation. The Branch shall interact with Parties, agencies and international institutions engaged in adaptation; analyse existing work and identify best practices; identify gaps and enhance action to respond to those gaps; and monitor compliance by Parties of their commitments to support adaptation;]
- (b) A Technical Advisory Branch for advising on technical matters;
- (c) [A Clearing House and Information Dissemination Branch responsible for disseminating information generated by the Facilitative and Technical Advisory branches to users at the national level.]
- (d) An expert [group][body] on adaptation under the [Subsidiary Body for Adaptation] [adaptation committee]]
