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**AD HOC WORKING GROUP ON LONG-TERM COOPERATIVE ACTION  
UNDER THE CONVENTION**

**Fifth session**

**Bonn, 29 March to 8 April 2009**

**Item 3 (a–e) of the provisional agenda**

**Enabling the full, effective and sustained implementation of the Convention through long-term cooperative action now, up to and beyond 2012, by addressing, inter alia:**

**A shared vision for long-term cooperative action**

**Enhanced national/international action on mitigation of climate change**

**Enhanced action on adaptation**

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

**Enhanced action on the provision of financial resources and investment to support action on mitigation and adaptation and technology cooperation**

**Fulfilment of the Bali Action Plan  
and components of the agreed outcome**

**Note by the Chair\***

**Part I**

*Summary*

This document was prepared by the Chair of the Ad Hoc Working Group on Long-term Cooperative Action under the Convention (AWG-LCA) in response to a request from the AWG-LCA at its fourth session. The purpose of the document is to focus the negotiating process on the fulfilment of decision 1/CP.13 (the Bali Action Plan) and on the components of the agreed outcome to be adopted by the Conference of the Parties at its fifteenth session, by describing areas of convergence in the ideas and proposals of Parties, exploring options for dealing with areas of divergence, and identifying gaps that might need to be filled. The document is built upon the ideas and proposals of Parties, including those assembled in FCCC/AWGLCA/2008/16/Rev.1. The document consists of two parts. Part I contains an explanatory introduction and an overview, including suggestions for focusing the negotiations at the fifth session of the AWG-LCA. Part II covers in some detail the state of consideration by the AWG-LCA of Parties' ideas and proposals on all the elements of the Bali Action Plan, structured in a manner that reflects the current organization of work of the group.

\* This document was submitted after the due date owing to the date of the submission of views.

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## I. Introduction

### A. Mandate

1. The Ad Hoc Working Group on Long-term Cooperative Action under the Convention (AWG-LCA) invited its Chair to prepare, under his own responsibility, two documents to facilitate negotiations among Parties, building upon the ideas and proposals of Parties and upon the revised assembly document<sup>1</sup> and taking account of the organization of work under the AWG-LCA. The present document, the first of the two, is required to further focus the negotiating process on the fulfilment of decision 1/CP.13 (the Bali Action Plan) and on the components of the agreed outcome to be adopted by the Conference of the Parties (COP) at its fifteenth session, describing areas of convergence in the ideas and proposals of Parties, exploring options for dealing with areas of divergence and identifying any gaps that might need to be filled in reaching an agreed outcome.<sup>2</sup>

2. This document is further required to encompass all aspects of the Bali Action Plan in a balanced manner; not attribute ideas and proposals to their sources; be drafted in language that does not prejudice the form of the agreed outcome; and be made available by the secretariat in a timely manner, preferably two weeks in advance of the fifth session.

### B. Scope, general approach and structure

3. By virtue of its mandate to address convergence, divergence and gaps, this document is an exercise in judgement by the Chair – under his own responsibility – which is offered, not in the expectation that all Parties will concur with it, but in the hope that their responses to it will result in forward movement at the forthcoming session and provide feedback to the Chair in preparing a negotiating text for the following one.<sup>3</sup>

4. It is hoped, in particular, that the observations and suggestions in this document will provide stimulus for shifting the work of the AWG-LCA at its fifth session into the “full negotiating mode” that was welcomed by the COP in its decision 1/CP.14 and focusing this work on topics that need particular attention now if momentum is to be imparted to the whole negotiating process.

5. The foundation of this document is constituted by the ideas and proposals that Parties have submitted to the AWG-LCA, in writing and in workshops, since the start of its work. In cases where a Party or group of Parties has submitted views more than once on the same topic, weight is given to the latest submission received.

6. The essence of most of these inputs from Parties was captured in the assembly document, which was revised at the end of the fourth session of the AWG-LCA and continues to be a valuable source for the group’s consideration. Parties have continued to send in submissions since then, even beyond the deadline of 6 February 2009 indicated in the mandate for this document. For practical purposes, it was necessary to establish a definitive cut-off date for the consideration of these submissions in preparing this document. This was set at 27 February 2009. Submissions received between 6 December 2008 and that date are contained in document FCCC/AWGLCA/2009/MISC.1.

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<sup>1</sup> FCCC/AWGLCA/2008/16/Rev.1.

<sup>2</sup> The second document to be prepared by the Chair is a negotiating text for consideration by the AWG-LCA at its sixth session.

<sup>3</sup> The document uses various terms to illustrate degrees of convergence and divergence. It is understood by the Chair that the terms “concur” and “convergence” do not go so far as to indicate “consensus”. While gaps are not easy to pinpoint, given the open-ended nature of the Bali Action Plan, many issues are identified as requiring “further consideration” and some are noted as having been inadequately, if at all, addressed.

7. Any submissions received from Parties beyond that date will further enrich the work of the fifth session, as will Parties' inputs to the three workshops that will be held during the session.<sup>4</sup>

8. The document is presented in two parts. Part I is expected to be translated in all six United Nations languages for consideration at the session. It consists of an overview (Chapter II) that assesses the state of play of the negotiations following the fourth session of the AWG-LCA and suggests points of focus that could encourage forward movement at the fifth session. The depth of coverage of each element of the Bali Action Plan<sup>5</sup> in this overview varies according to the depth of consideration that each has received to date and the degree of convergence among Parties that may be discerned. The chapter leads into and is supported by the more detailed Chapters I to IV in Part II of this document (see para. 9 below); the assessments in the overview are not repeated in those chapters. The overview concludes with some observations on the relationship of negotiations under the Bali Action Plan with other processes, as envisaged in paragraph 11 of the Bali Action Plan, and on the need to envisage future consideration of the form of the agreed outcome.

9. In Part II, ideas and proposals on all the elements of the Bali Action Plan are addressed in four main chapters, which are structured as follows in a manner that reflects the organization and scope of the group's work to date:

- (a) Chapter I: A shared vision for long-term cooperative action, covering paragraph 1 (a) of the Bali Action Plan;
- (b) Chapter II: Enhanced action on adaptation, covering paragraph 1 (c) of the Bali Action Plan as well as issues related to matching such action by developing countries with financial and technological support;
- (c) Chapter III: Enhanced action on mitigation, covering paragraph 1 (b) of the Bali Action Plan as well as issues related to matching such action by developing countries with financial and technological support;
- (d) Chapter IV: Finance and technology, covering paragraphs 1 (d) and (e) of the Bali Action Plan, which focuses on how technological and financial support for developing countries should be generated, governed and delivered, and on technological cooperation.

10. It should be noted that:

- (a) Matters arising under the heading of "policy approaches and positive incentives on issues relating to reducing emissions from deforestation and forest degradation in developing countries; and the role of conservation, sustainable management of forests and enhancement of forest carbon stocks in developing countries" (hereinafter referred to collectively as actions under para. 1 (b) (iii) (REDD-plus)) are addressed in this document within the relevant sections of the chapters in Part II on mitigation Chapter III B, dealing with nationally appropriate mitigation actions (NAMAs) by developing countries and on finance and technology (Chapter IV);<sup>6</sup>
- (b) Matters arising under paragraphs 1 (b) (iv) and (v) of the Bali Action Plan – cooperative sectoral approaches and various approaches including opportunities for using markets –

<sup>4</sup> The workshop on subparagraphs 1 (b) (i) and 1 (b) (ii) of the Bali Action Plan; the workshop on economic and social consequences of response measures (para. 1 (b) (vi) of the Bali Action Plan); and the workshop on opportunities and challenges for mitigation in the agricultural sector.

<sup>5</sup> Whereas in the remainder of this document elements of the Bali Action Plan are cited in relation to the different sections, in this chapter the Plan is taken as read.

<sup>6</sup> For convenience, the placement of the elements of this document relating to actions under para. 1 (b) (iii) (REDD-plus) is indicated in the annex to Part II.

are grouped in Part II, Chapter III D, under the heading of “Other cooperative actions on mitigation”;

- (c) The elements of the Bali Action Plan dealing with “ways to strengthen the catalytic role of the Convention” (paras. 1 (b) (vii) and 1 (c) (v)) are touched upon in various sections of Part II where this topic arises.

11. In dealing with the material at his disposal, the Chair has placed focus on topics and options that, in his judgement, merit particular attention at the present stage of the negotiations. The document is thus, necessarily, selective. It does not address detailed modalities of implementation of various programmes, mechanisms or institutional arrangements proposed. These modalities remain to be considered at the appropriate time.

## **II. Overview: focusing the negotiating process**

### **A. Shared vision for long-term cooperative action**

12. In their views on a shared vision for long-term cooperative action that will lead to the full, effective and sustained implementation of the Convention, Parties have integrated the challenge of limiting and adapting to climate change in the mainstream of their enduring aims of promoting sustainable development and eradicating poverty. They recognize that the continued pursuit of these aims requires the containment of global warming at a level that would minimize interference from adverse climatic impacts, as envisaged in the objective of the Convention. Recent scientific advice, notably that provided by the Intergovernmental Panel on Climate Change (IPCC) in its Fourth Assessment Report (AR4), has underlined the urgency of action towards this objective. The Parties’ contributions to achieving it are to be guided by the principles and provisions of the Convention, in particular the principle of common but differentiated responsibilities and respective capabilities.

13. The attainment of this objective requires deep cuts in global emissions and, consequently, sustained investment in a global transition to a low-emission future, particularly investment in technological innovation and deployment. All countries should be part of this transition for it to be effective; among them, developing countries will need enabling support to enhance their respective capabilities. Such profound transformations of production and consumption patterns are bound to have economic and social downsides in their initial phases, including on livelihoods and employment, and these will need to be addressed domestically and internationally. At the same time, in the present circumstances of economic uncertainty, the view has gained ground in developed and developing countries that economic recovery can be boosted by investment in the low-emission transition.

14. Within this converging vision, there is broad support by Parties for a science-based indicative goal for the reduction of global emissions of greenhouse gases (GHGs) to the middle of the century, consistent with the Convention’s objective. Parties have made proposals regarding the metric for that goal (temperature limit, level of atmospheric concentrations of GHGs), its level of ambition, the per cent reduction required, the contribution to achieving it by developed countries as a group and the emission pathways over time towards it, including the period or year in which global emissions should peak.

15. Consideration of the peaking time has generated debate on the respective contributions of developed and developing countries to the emission reductions required to put global emissions on a pathway to stabilization. This debate has centred on the scenarios summarized by the IPCC in its AR4, which – for stabilizing atmospheric concentrations at 450 ppm carbon dioxide equivalent – indicated a reduction range of 25–40 per cent below 1990 levels by 2020 for Parties included in Annex I to the Convention (Annex I Parties) and “substantial deviation from a baseline” in Parties not included in Annex I to the Convention in specified regions, also by 2020.

16. Against this background, some Parties have proposed that developed countries as a group commit to emission reductions by 2020 in the above-mentioned range indicated by the IPCC.

Fuller consideration of this reduction range for developed countries will be given greater focus by the submission of information from all of these countries about their medium-term mitigation aims.<sup>7</sup> Another related proposal is that the overall deviation from a baseline for developing countries as a group by 2020 be quantified at 15–30 per cent.<sup>8</sup>

17. Some Parties have expressed interest in setting an additional long-term goal of convergence in global per capita emissions, as a measure of equity. Furthermore, proposals have been made for the attribution of historical responsibility for global climate change and for a pathway to zero net global emissions based on per capita accumulative emission convergence.

18. Against the background of a broad and growing convergence of views on a shared vision that will expand to encompass all aspects of the Bali Action Plan, the AWG-LCA may wish to focus negotiations under this heading at its fifth session on narrowing the options for expressing the long-term global goal for emission reductions and clarifying the issue of emission pathways to the middle of the century, including the period or year in which global emissions should peak.

### **B. Enhanced action on adaptation**

19. There is consensus among Parties that adaptation to the adverse impacts of climate change is a challenge for all countries, in their different national circumstances, and that an effective and cooperative response to this challenge should figure prominently in the agreed outcome to be adopted at the fifteenth session of the COP. There is wide interest among Parties in the concept of a comprehensive framework for action on adaptation, in which the needs of developing countries for scaled up financial, technological and other support in confronting their adaptation challenges would be addressed, with priority being given to the immediate needs of the most vulnerable developing countries. Vulnerability assessments, national adaptation plans, enabling policy environments, arrangements for sharing knowledge (notably through regional centres and the Convention's Nairobi work programme on impacts, vulnerability and adaptation to climate change) and tools for risk reduction and sharing, such as insurance, have attracted attention as means for all Parties to conduct adaptation strategies within such a framework.

20. In considering means to match adaptation actions in developing countries with support from developed countries, Parties may wish to seek a common understanding of how to maximize the adaptation potential of vulnerable developing countries by combining actions to promote climate-resilient development, in the context of national strategies for sustainable development, with additional actions to respond to the impacts of climate change. Whereas the latter are considered to merit additional financial and technological support beyond official development assistance, the former may be addressed through increased official development assistance, thus maximizing the financing provided to vulnerable developing countries.

21. The AWG-LCA may wish to focus negotiations at its fifth session on “enhanced action on adaptation” on the following topics:

- (a) Further elaboration of a comprehensive framework for action, defining the scope of the framework and mechanisms for making it operational;
- (b) The way in which the implementation of national adaptation plans by developing countries can be matched with financial and technological support, taking into consideration the issue of additionality highlighted in paragraph 20 above;
- (c) Design of and international support for potential schemes to insure against climate-related risks and other arrangements for sharing these risks.

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<sup>7</sup> Medium-term mitigation ranges for Annex I Parties bound by the Kyoto Protocol are also being considered by the Ad Hoc Working Group on Further Commitments for Annex I Parties under the Kyoto Protocol.

<sup>8</sup> The methods and assumptions underlying these ranges will be explained at a technical briefing to be held during the fifth session of the AWG-LCA.

### C. Enhanced action on mitigation

22. Ambitious mitigation actions by all Parties, in accordance with their respective responsibilities and capabilities, and ambitious financial and technological support for actions by developing countries will be at the core of an agreed outcome that enables the full, effective and sustained implementation of the Convention. Robust measurement, reporting and verification of both actions and support will contribute to building confidence among Parties and thus to their willingness to scale up their level of ambition. The level of global ambition to mitigate climate change will, in its turn, determine the scale of the adaptation challenge and the need for finance and technology to cope with that challenge. The negotiations under the Bali Action Plan must focus on achieving political clarity on these core points as a basis for action by COP 15.

23. While the exchange of views on mitigation among Parties in the AWG-LCA has been sustained and has indicated possible areas of common ground, it has not yet addressed in sufficient depth the entire range of issues in the mitigation building block (paragraph 1 (b) of the Bali Action Plan). The state of the discussion among Parties on mitigation is characterized summarily in paragraphs 24–30 below.

24. A workshop on paragraphs 1 (b) (i) and 1 (b) (ii) of the Bali Action Plan, covering the substance of both subparagraphs in their entirety, will take place at the fifth session of the AWG-LCA and is expected to give rise to a fuller range of views across the whole mitigation agenda.

25. Consideration of mitigation commitments or actions by developed countries (para. 1 (b) (i)) has taken place so far largely in the context of the Ad Hoc Working Group on Further Commitments for Annex I Parties under the Kyoto Protocol. The important issue of the legal framework for mitigation commitments by developed countries that are not bound by the Kyoto Protocol has not been adequately considered. Nor has the question of how agreed criteria or processes for comparing the mitigation efforts of developed countries could constitute a useful foundation for what will ultimately be a political judgement by Parties.

26. With regard to mitigation actions by developing countries and enabling support for them (para. 1 (b) (ii)), considerable interest was expressed by Parties during the fourth session in proposals for a registry of NAMAs undertaken by developing countries and for ways to match NAMAs with support for them, possibly through such a registry. Several issues remain to be explored and approaches fleshed out in this area, such as the desirable scope and scale of NAMAs, criteria for their registration and support, the determination of incremental costs to be financed and the responsibility, process and methods for measuring, reporting and verifying support for NAMAs and their mitigation results. It may be expected that Parties' interest in pursuing negotiations on this broad topic will be maintained.

27. There was vigorous debate at the third and fourth sessions on the concept of a new and dynamic classification of countries, taking account of their gross domestic product per head among other criteria, as a basis for determining responsibilities for undertaking mitigation actions and for financial and technological support for such actions. This debate, which cuts across paragraphs 1 (b) (i) and 1 (b) (ii) and also impinges on other elements of the Bali Action Plan, generated strong resistance to the idea of reclassifying Parties to the Convention. It may be considered that a more productive way forward towards an agreed outcome at the fifteenth session of the COP would be to consider differentiation of mitigation actions as something that emanates naturally from the determination by developed and developing countries of what is nationally appropriate in their respective national circumstances and to encourage – through leadership, cooperation, incentives and negotiation – the highest achievable level of ambition for these actions in a manner that Parties consider to be fair.

28. The workshop at the third session on actions under para. 1 (b) (iii) (REDD-plus) confirmed that NAMAs in this area could be an important mitigation tool for developing countries that have substantial forest resources. The main outstanding issues regarding such actions relate, in fact, to the delivery of financial support to them (see para. 37 below).

29. The workshop, also held at the third session, on item 1 (b) (iv) (“cooperative sectoral approaches and sector-specific actions”) was perhaps more successful in indicating which paths should not be followed than in indicating ways forward. There has been no focused discussion on paragraph 1 (b) (v) (“various approaches, including opportunities to use markets”), which could be used, for example, to consider opportunities to implement and support economy-wide or sector-specific market-based approaches as a type of NAMA in developing countries. Given that there is some overlap in the content of these two elements, it may be useful to consider them together in exploring lines of advance.

30. Paragraph 1 (b) (vi) (“economic and social consequences of response measures”) has received scant attention so far. Submissions from Parties on this topic have not been plentiful, despite the placement of this theme in a new setting in which neither response measures nor their consequences are ascribed to particular groups of Parties. The workshop to be held at the fifth session of the AWG-LCA should highlight issues arising under this element and indicate ways in which it could be addressed in the agreed outcome.

31. Having formed these impressions of the progress of discussions on “enhanced national/international action on mitigation” to date, the Chair will defer proposals regarding the main areas of focus for negotiations thereon at the fifth session until after the completion of the workshop on paragraphs 1 (b) (i) and 1 (b) (ii) of the Bali Action Plan, to be held on 1 April 2009.

32. It may be noted, however, that it is suggested in the present document that negotiations on the scale of the global mitigation effort and on the contributions of different groups of Parties to it are being undertaken under the heading of “shared vision”, in the context of establishing a long-term global goal for emission reductions and considering pathways towards it.

#### **D. Finance and technology**

33. Commitment to scaled up financial support for adaptation and mitigation actions by developing countries is necessary to arrive at an effective and fair agreed outcome. Parties concur on the need for a substantial change in this area and are considering the respective contributions of public finance and of financial flows through market mechanisms. They also concur on the need to strengthen arrangements under the UNFCCC to assist developing country Parties in making their technological choices and to facilitate financial support for the implementation of those choices in the context of national adaptation plans and NAMAs.

34. The exchange of views among Parties on financial and technological cooperation and support has addressed general principles to guide governance and action in this area. There is broad convergence on many of these principles. This exchange of views has stimulated a diversity of ideas and proposals by Parties regarding means of generating and delivering substantial new and additional finance, including facilitation of access, and the design of effective institutional arrangements for finance and technology. Attention has also been given to the potential for technological cooperation, including cooperative research and development and ways of dealing with the issue of intellectual property rights.

35. With respect to the generation of substantial new funding, the main variants proposed and elaborated by Parties are assessed contributions of public finance, funds generated from market mechanisms and levies on international transactions. These proposals need to be evaluated against criteria not only of scale, fairness and additionality but also of predictability and sustainability. There are divergent assessments of the relative predictability of funding based on national appropriation processes and funding derived from market mechanisms. It is also unclear whether funding from market mechanisms would remain outside national budgetary processes. Parties need to give further consideration to these issues, engaging their national financial authorities therein.

36. With regard to delivery, the scaling up of action and support would tend to favour programmatic or sectoral approaches within developing countries for reasons of cost-effectiveness. This emphasis should not be to the detriment of project-based approaches when these are better suited to particular

national circumstances. Facilitating access to available support is a crucial question for developing countries. The nature of funding to be provided in different circumstances or for different purposes – whether grants or a mixture of grants and concessional loans – is also an important question for further consideration.

37. Parties have set out a range of options for delivering financial support to actions and programmes relating to forests under para. 1 (b) (iii) of the Bali Action Plan (REDD-plus). The main area of diversity among these options is the extent to which they would rely on public funds or market incentives or a mix of both.

38. In the realm of institutional design, the discussion has revolved – as may be expected – around the choice between strengthening existing mechanisms and establishing new ones, including new specialized funds for particular purposes. The question of establishing a hierarchy of institutional functions – governance, operation and technical advice, for example – is also on the table. With respect to governance, it is important to bear in mind the view of many Parties that governance arrangements should ensure not only institutional efficiency and financial probity, but also the cooperative and responsible ownership by all Parties of mechanisms and processes established under the UNFCCC.

39. One design approach that may merit consideration, in addition to the above, is that of supplementing institutional strengthening and innovation within the Convention with an external network of institutions that would be catalysed and given recognition by their connection with the bodies under the Convention.

40. In the light of the progress of discussions among Parties on paragraphs 1 (d) and 1 (e) of the Bali Action Plan, the AWG-LCA may wish to focus negotiations in this area at its fifth session on:

- (a) Means of generating substantial new and additional finance, and facilitation of delivery and access;
- (b) Delivery of financial support for actions and programmes under para. 1 (b) (iii) of the Bali Action Plan (REDD-plus);
- (c) Governance and design of institutional arrangements for finance and technology under the UNFCCC;
- (d) Cooperative research and development of new technologies and the issue of intellectual property rights for existing ones.

## **E. Matters of process and form**

### *Relationship with other relevant processes*

41. In carrying forward its work, the AWG-LCA may wish to keep in mind the provisions of paragraph 11 of the Bali Action Plan regarding the relationship of its work with other processes under the Convention and the Kyoto Protocol:<sup>9</sup>

- (a) Relevant Convention processes include the Nairobi work programme, the work of the Subsidiary Body for Scientific and Technological Advice on methodological aspects of reducing emissions from deforestation and forest degradation in developing countries, the Expert Group on Transfer of Technology (which has made available a report to coincide with the fifth session of the AWG-LCA) and the reviews by the Subsidiary Body for

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<sup>9</sup> Paragraph 11 of the Bali Action Plan reads: “[The Conference of the Parties] agrees that the process shall be informed by, inter alia, the best available scientific information, experience in implementation of the Convention and its Kyoto Protocol, and processes thereunder, outputs from other relevant intergovernmental processes and insights from the business and research communities and civil society.”

Implementation of the capacity-building framework and of the financial mechanism of the Convention.<sup>10</sup>

- (b) Relevant work under the Kyoto Protocol includes that on the scale of emission reductions to be achieved by Annex I Parties bound by the Protocol as well as individual contributions to this scale; means available to Annex I Parties to reach their emission reduction targets, including emissions trading, the project-based mechanisms and land use, land-use change and forestry; the issue of “potential consequences”;<sup>11</sup> and a number of technical and methodological matters.<sup>12</sup>

42. In these and other such cases, Parties participating in the different work streams may consider it desirable to encourage coherence and avoid duplication of effort among them, while respecting their distinct origins.

43. With regard to other relevant intergovernmental processes, to which reference is also made in paragraph 11 of the Bali Action Plan, it may be noted that a number of such processes are under way or envisaged with the aims of addressing issues that are being considered under the Bali Action Plan and thus contributing to the agreed outcome to be adopted by the COP at its fifteenth session. The AWG-LCA may consider encouraging Parties that are convening such processes and taking part in them to bring positive outputs of these processes to the attention of the AWG-LCA in time and in a manner designed to contribute to its work on the agreed outcome.

#### *The legal form of the agreed outcome*

44. In accordance with the mandate given to the Chair, this document does not prejudge the form of the agreed outcome; nor will the negotiating text that the Chair is to prepare for consideration at the sixth session of the AWG-LCA.

45. It may be noted that some Parties have made submissions addressing the question of the legal form of the agreed outcome. Specific options advanced to date include: a set of COP decisions; incorporation of the agreed outcome in amendments to the Kyoto Protocol (presumably beyond those arising from its Article 3, paragraph 9); and a new protocol under the Convention, integrating provisions of the Kyoto Protocol and bringing commitments by all Parties into a unified legal framework. Some submissions have referred in general terms to an agreement – e.g. “the Copenhagen agreement” – and its desired characteristics, without specifying the legal form that such an agreement might take. Other views expressed by Parties on legal matters include one, shared by several Parties, that consideration of amendments to the Convention is not within the remit of the AWG-LCA; and another that, while the contents of the mitigation efforts of different Parties may differ, their undertakings to act should have the same legal character.

46. The AWG-LCA will need to consider the legal form of the agreed outcome at an appropriate stage in its work. In the conclusions on its work programme for 2009 adopted at its third session, the group called upon all Parties to put forward further proposals regarding the content and form of the agreed outcome as early as possible, so that Parties might review and assess the scope and the progress of the negotiation at the sixth session of the AWG-LCA in June 2009.<sup>13</sup> The AWG-LCA may wish to

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<sup>10</sup> The fifth replenishment of the Global Environment Facility may also be kept in view.

<sup>11</sup> Item 5 (c) of the provisional agenda of the seventh session of the Ad Hoc Working Group on Further Commitments for Annex I Parties under the Kyoto Protocol, “Consideration of information on potential environmental, economic and social consequences, including spillover effects, of tools, policies, measures and methodologies available to Annex I Parties”.

<sup>12</sup> See Part II of this document, paragraph 29.

<sup>13</sup> FCCC/AWGLCA/2008/12, paragraph 33.

consider whether the work of its sixth session would be facilitated by a document that assembles of submissions from Parties concerning the legal form of the agreed outcome.

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