



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

**Eighth session**

**Copenhagen, 7–15 December 2009**

**Item 2 (b) of the provisional agenda**

**Organizational matters**

**Organization of the work of the session**

**Scenario note on the eighth session**

**Note by the Chair\***

*Background*

The Ad Hoc Working Group on Long-term Cooperative Action under the Convention (AWG-LCA) is mandated by the Bali Action Plan to complete its work in 2009 and to present the outcome of its work to the Conference of the Parties (COP) for adoption at its fifteenth session.<sup>1</sup>

The eighth session of the AWG-LCA will open in Copenhagen, Denmark, on 7 December 2009, in conjunction with the fifteenth session of the COP, and is scheduled to close on 15 December.

The secretariat has issued annotations to the provisional agenda for the eighth session.<sup>2</sup> The purpose of this note is to share with delegations the initial ideas of the Chair of the AWG-LCA on the objectives and organization of work of the eighth session.

**I. Introduction: the state of negotiations under the Bali Action Plan**

1. The Ad Hoc Working Group on Long-term Cooperative Action under the Convention (AWG-LCA) has only eight working days in which to accomplish its mandated task. The material basis for the remaining work includes the texts compiled at the end of the seventh session of the AWG-LCA and annexed to its report to facilitate negotiations at its eighth session.<sup>3</sup>

\* This document was submitted after the due date owing to the short interval between the resumed seventh session and the eighth session of the Ad Hoc Working Group on Long-term Cooperative Action under the Convention.

<sup>1</sup> Decision 1/CP.13, paragraph 2.

<sup>2</sup> FCCC/AWGLCA/2009/15.

<sup>3</sup> FCCC/AWGLCA/2009/14, paragraphs 39–40.

2. It is possible to discern in this compilation the features of possible final texts in the work under way on a shared vision, adaptation, technology development and transfer and capacity-building, as well as in the work on financial resources and investment – though perhaps less evidently in the latter case. It should be possible, in the first week of the session, to arrive at final texts in all these areas.

3. The work on enhanced action on mitigation has not produced the same degree of clarity. This element of the Bali Action Plan (decision 1/CP.13) has been addressed largely on the basis of the first six subparagraphs of paragraph 1 (b) of the Bali Action Plan. In addition, proposals by Parties have addressed more general approaches to mitigation, and issues of consistency with the Convention and the Bali Action Plan have been raised. Moreover, work on mitigation under the Bali Action Plan is influenced by expectations regarding the results of the related work of the Ad Hoc Working Group on Further Commitments for Annex I Parties under the Kyoto Protocol (AWG-KP).<sup>4</sup> All of this has made for a particularly complex discussion on mitigation.

4. The state of negotiations further suggests that:

- (a) Emerging agreement on frameworks for action – such as those in the areas of adaptation, capacity-building, technology development and transfer, and REDD-plus – needs to be set in specific institutional arrangements and to receive substantial up-front financial support for the prompt start of action;
- (b) The articulation between actions and support (between the “what” and the “how”) in the areas of adaptation and mitigation needs to be addressed more effectively;
- (c) The parameters of a reinforced and expanded financial mechanism of the Convention need to be further defined;
- (d) The role of market mechanisms under the Bali Action Plan needs to be clarified in relation to enhanced action both on mitigation and on the provision of financial resources and investment.

5. The Chair offers the assessment in the preceding paragraphs as an input to preparations by Parties for the work of the eighth session and to decisions on the organization of that work.

## **II. Organization of the work of the session**

6. The AWG-LCA will meet in an opening plenary on Monday, 7 December, to launch its work. The Chair will invite groups of Parties and observer organizations to make brief statements; time limits for statements will be set. The AWG-LCA will meet again in plenary on Tuesday, 15 December, to conclude its work.

7. The AWG-LCA has agreed to carry out its work under agenda item 3<sup>5</sup> at its eighth session through one contact group, in order to conclude its work on all the elements of the Bali Action Plan in a comprehensive and balanced manner.<sup>6</sup> Accordingly:

- (a) The Chair will organize the work of this contact group in a manner that maintains the integrity of the Bali Action Plan, ensuring effective handling of specific issues arising – including issues that cut across different elements of the Bali Action Plan;

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<sup>4</sup> See ‘Indicative list of related topics addressed by Parties in the work of the AWG-KP and the AWG-LCA’ available on the UNFCCC website at <<http://unfccc.int/meetings/items/4381.php>>.

<sup>5</sup> Item 3 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.

<sup>6</sup> FCCC/AWGLCA/2009/14, paragraph 41.

- (b) The Chair will invite the contact group to draft agreed texts on all the elements of the Bali Action Plan for consideration and action by the Conference of the Parties (COP). He will propose that the contact group take as its starting point the above-mentioned compilation of texts annexed to the report on the seventh session of the AWG-LCA<sup>7</sup>;
  - (c) Delegates who have acted as co-chairs of contact groups and facilitators of sub-groups at previous sessions, and others as needed, will assist the Chair in facilitating the drafting work on different topics;
  - (d) The Chair will report on progress achieved in drafting, and on the main issues still to be resolved, to a plenary meeting of the COP tentatively scheduled for the end of the first week of the session.
8. The Chair will convene, as may be needed, informal consultations open to all Parties.
9. The Chair will be available in Copenhagen on 5 and 6 December to brief and consult groups of Parties on the work of the session.

### **III. The outcome of the work of the AWG-LCA**

10. It will not be possible for the AWG-LCA to complete its work successfully unless the Parties agree on the form in which its outcome is to be drafted for presentation to the COP.
11. The views of Parties on the form of the text to be presented to the COP by the AWG-LCA are related to their views on the desirable legal nature of the “agreed outcome” to be adopted by the COP under the Bali Action Plan. Views on the latter range between preferences for a set of COP decisions, on the one hand, and for the adoption by the COP of a new legally binding instrument, on the other.<sup>8</sup>
12. It may be noted, however, that the option of a new legally binding instrument does not preclude the adoption by the COP of complementary decisions. Nor would the adoption of decisions by the COP at its fifteenth session on the substance of the Bali Action Plan preclude the subsequent incorporation of the content of those decisions in a legally binding instrument.
13. Consequently, the Chair proposes that the AWG-LCA aim to prepare, by the conclusion of its work on 15 December, agreed texts that could constitute a comprehensive and balanced set of COP decisions on all the elements of the Bali Action Plan, for presentation to the COP for its consideration and action. This would be without prejudice to the possible form and legal nature of the agreed outcome to be adopted by the COP.
14. The Chair will consult the COP President regularly on the contribution of the AWG-LCA to the said agreed outcome.
15. The Chair will present the outcome of the work of the AWG-LCA to the COP during its high-level segment on Wednesday, 16 December.

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<sup>7</sup> FCCC/AWGLCA/2009/14.

<sup>8</sup> In the latter case, some Parties envisage an instrument additional to the Kyoto Protocol, others an instrument that would replace the Kyoto Protocol and incorporate its key elements. Their views vary further as to the feasibility of finalizing the desired instrument in December 2009.