Permanent Mission of the Republic of Nauru to the United Nations

NV10/11

The Permanent Mission of the Republic of Nauru to the United Nations in New York presents its compliments to the Secretariat of the United Nations Framework Convention on Climate Change (UNFCCC) in Bonn and has the honour to refer to the Copenhagen Accord, presented during the 15th Conference of Parties to the United Nations Framework Convention on Climate Change.

The Permanent Mission of Nauru has further the honour to attach herewith, a copy of Note Verbale NV10/10 conveyed to the Permanent Mission of Denmark to the United Nations on 11th February 2010 concerning the decision by the Government of Nauru on the Copenhagen Accord.

The Government of Nauru seeks the kind assistance of the Secretariat of the United Nations Framework Convention on Climate Change by way of requesting that Note NV10/10 including the attachment be made available to all State Parties.

The Permanent Mission of the Republic of Nauru to the United Nations in New York avails itself of this opportunity to renew to the Secretariat of the United Nations Framework Convention on Climate Change (UNFCCC) in Bonn the assurances of its highest consideration.

PERMANENT MISSION OF THE REPUBLIC OF NAURU - NEW YORK

New York, 11th February 2010

The Secretariat
of the United Nations Framework
on Climate Change(UNFCCC)
Bonn

Permanent Mission of the Republic of Nauru to the United Nations

NV10/10

The Permanent Mission of the Republic of Nauru to the United Nations in New York presents its compliments to the Permanent Mission of Denmark to the United Nations in New York and has the honour to refer to the Copenhagen Accord, presented during the 15th Conference of Parties to the United Nations Framework Convention on Climate Change.

In a Note Verbale dated December 30 2009, the Permanent Mission of Denmark in its capacity as COP15 Presidency invited State Parties to the Convention to associate to the Copenhagen Accord. In this regard, the Permanent Mission of Nauru conveys the decision by the Government of Nauru not to associate with the Accord at this time. Subsequently, the Government of Nauru has attached to this Note, its Analysis of the Copenhagen Accord.

The Government of Nauru looks forward to the earliest possible resumption of negotiations under the United Nations Framework Convention on Climate Change, the primary forum for discussing the international response to climate change, with a goal of reaching a legally binding outcome by end of 2010.

The Government of Nauru has forwarded a copy of this Note to the Secretariat of the Convention, accompanied by a request that it be made available to all State Parties.

The Permanent Mission of the Republic of Nauru to the United Nations in New York avails itself of this opportunity to renew to the Permanent Mission of Denmark to the United Nations in New York the assurances of its highest consideration.

PERMANENT MISSION OF THE REPUBLIC OF NAURU - NEW YORK

New York, 11th February 2010

Permanent Mission of Denmark
to the United Nations
New York

Cc: All Permanent Missions to the United Nations

Republic of Nauru

THE GOVERNMENT OF NAURU: ANALYSIS OF THE COPENHAGEN ACCORD

I. Process

Regarding the development of the Accord:

1. The UNFCCC is, and shall remain, the primary forum through which the international community develops a global response to climate change.

2. The President of the Conference of the Parties (COP) to UNFCCC did not have a mandate from the COP to conduct the side negotiations that led to the Accord.

3. The Accord was not based on either texts developed by the *Ad Hoc* Working Group on Further Commitments for Annex I Parties under the Kyoto Protocol or the *Ad Hoc* Working Group on Long-term Cooperative Action.

4. Adequate opportunity was not provided to countries not involved in the development of the Accord to comment on or review the Accord before it was presented to the COP for adoption.

II. Status

Regarding the legal status of the Accord:

5. The Accord is a political statement made by those countries that choose to associate themselves with the Accord.

6. The Accord is not internationally legally binding on any country.

7. The existence of the Accord does not obviate the need for a legally binding outcome at COP16.

Regarding the status of the Accord within the context of the UNFCCC negotiations:

8. The UNFCCC requires that all decisions of the COP must be adopted by consensus.

9. The COP did not adopt the Accord as there was no consensus.

10. The COP adopted a decision that "takes note" of the Accord. This decision of the COP merely recognizes the existence of the Accord, but does not express any opinion on the merit, legal status, or any other aspect of the Accord. It does not reflect any Party's agreement to, or intention to be associated with, the Accord.

11. The Accord does not form the basis of a negotiating text under the UNFCCC, as it was negotiated outside of the UNFCCC process.

12. The Accord has no operational effect under the UNFCCC.

13. The High Level Panel, referenced in paragraph 9 of the Accord cannot be established under the guidance of, and be accountable to the COP without a decision of the COP.

14. The Copenhagen Green Climate Fund referenced in paragraph 10 of the Accord cannot be established as an operating entity of the financial mechanism of the UNFCCC without a decision of the COP.

15. The Accord does not represent a consensus of the Parties on the substantive issues addressed in the Accord.

16. The provisions of the Accord may be considered by Parties as proposals in the course of the negotiations under the UNFCCC, if put forward by a Party.

III. Substance

Regarding the provisions of the Accord concerning mitigation:

17. There is already dangerous anthropogenic interference with the global climate system.

18. The Accord alone is inadequate for the task of addressing climate change in a manner that provides a reasonable chance of avoiding the worst impacts of climate change and ensures the survival of Small Island Developing States (SIDS).

19. Key substantive elements of the Accord conflict with the Alliance of Small Island States (AOSIS) Climate Change Declaration, which was agreed by AOSIS Heads of State on 21 September 2009. The AOSIS Climate Change Declaration called upon Parties to the UNFCCC to, among other things, adopt a package of mitigation and adaptation activities that would ensure the survival of SIDS.

20. The objective of the Accord to reduce global emissions so as to hold the increase in global temperature below 2 degrees Celsius would place SIDS and other vulnerable countries at unacceptable risk. This objective is also contrary to the will of the majority of Parties to the UNFCCC, who agree that the increase in global temperatures must be kept well below 1.5 degrees Celsius compared to pre-industrial levels.

21. The Accord does not provide a pathway to reach the long-term temperature goal. In particular, there is no peaking year, and no mid-term or long-term emission reduction targets.

22. There is no long-term limit in the Accord for stabilization of greenhouse gas concentrations in the atmosphere. We reiterate our support for the long-term limit for stabilizing atmospheric greenhouse gas concentrations at well below 350ppm CO2-equivalent levels, as stated in the AOSIS Climate Change Declaration.

23. The Accord adopts a process of allowing country pledges to determine global aggregate emission reductions, rather than defining global aggregate emission reductions based on what is necessary to achieve the objective of the Accord. This is contrary to existing international practice under the Kyoto Protocol.

24. The pledges for emission reductions announced by developed countries would not limit global temperature increase to below 2 degrees Celsius, let alone 1.5 degrees Celsius.

25. Based on current pledges for emission reductions, average global temperature is likely to increase by more than 3 degrees Celsius relative to pre-industrial levels. This eventuality will cause many of the low-lying island states to be completely submerged due to rising sea-levels; and many other islands will be rendered uninhabitable due to other impacts associated with a 3 degrees Celsius increase in global temperature.

26. There in an urgent need for Annex I parties under the Protocol to agree quantified emission limitation and reduction commitments for the second commitment period in accordance with the provisions of the Kyoto Protocol. This is not provided for in the Accord.

27. The Accord improperly conflates the impacts of climate change with the possible impacts of response measures.

Regarding the provisions of the Accord concerning finance:

28. As the Accord is not legally binding, the provision of funding under the Accord for developed countries to enable and support enhanced action on mitigation, consists of only pledges.

29. The Accord does not provide any certainty regarding the amount or sources of financing or the mechanism by which this financing will be delivered.

30. There is a lack of clarity as to the eligibility of countries for funding under the Copenhagen Accord.

31. The amount pledged for adaptation and mitigation funding is inadequate.

32. All funding for adaptation, mitigation, capacity building, technology development and transfer and other activities must be governed through appropriate structures either existing or developed under the UNFCCC process. The Copenhagen Accord does not comply with this process.

IV. Going Forward

33. The work of the Ad Hoc Working Group on Further Commitments for Annex I Parties under the Kyoto Protocol and the Ad Hoc Working Group on Long-term Cooperative Action must continue as the legitimate processes under the UNFCCC with the goal of reaching agreement on a legally binding outcome of the LCA process and amendments to the Kyoto Protocol at their meetings in Bonn from 31 May – June 11 2010 and adopted at the Sixteenth Conference of the Parties and the Sixth Conference of the Parties, serving as the Meeting of the Parties in Mexico City from COP16 from 29 November to 10 December 2010.

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