



## REPUBLIC OF ECUADOR

### OFFICIAL SUBMISSION FROM ECUADOR

#### **Draft Decision CP.17 (paragraph 8) on the *Establishment of an Ad Hoc Working Group on the Durban Platform for Enhanced Action***

**February 28<sup>th</sup> 2012**

1. The Republic of Ecuador recognizes the rights of Nature, or the Pachamama, and that it has legal rights that should be fully respected to maintain and regenerate its vital life cycles, structure, functions and evolutionary processes. In this sense, climate change is seen as a threat that modifies the vital cycle of carbon and harms this basic right recognized in the Constitution of our country.
2. As previously stated, Ecuador makes this submission to contribute to the development of the Ad Hoc Working Group on the Durban Platform for Enhanced Action (“Durban Platform”).
3. The results to be obtained under the Durban Platform should serve to reinforce the existing international legal framework and regime to address climate change. One of the key objectives of the Durban Platform should be to create and to strengthen the conditions required to effectively implement mitigation and adaptation measures and actions.
4. The new negotiating process under the Durban Platform, should achieve ambitious results to fight climate change, in which the economic and commercial interests do not overlap with the interests and well being of our people. The results of this negotiation process shall be in accordance with the biophysical limits of the planet.
5. Climate change is a global problem that requires collective action based on criteria such as equality in the use of the global atmospheric space, recognizing the historical responsibility of developed countries in the emissions of greenhouse gases (GHG), and respecting the rights to development of developing countries.
6. The effective and appropriate international response should take into account mitigation, adaptation and the respective means of implementation in a balanced manner. For developing countries, the priority is adaptation to climate change because of their low GHG emission levels. The Durban Platform should focus on creating and strengthening the capacity of the social, economic, cultural and environmental systems to address the adverse impacts of climate change.

7. The negotiations under the Durban Platform should address and agree on the issues related to the transparency of action and to generate coercive measures to achieve compliance with the multilateral climate-related agreements. As such, Ecuador supports the creation of an International Court of Climate Justice; it should discuss the feasibility of taking actions when a breach of the obligations has occurred under the United Nations Framework Convention on Climate Change (UNFCCC) before the International Court of Justice, in which all State Parties are members.
8. Ecuador ratifies the full force of the UNFCCC and the need to comply with the mandate of the Bali Action Plan, and other COP decisions. The principles of the Convention should guide the discussions of the Durban Platform, and they shall not be renegotiated. The principles that the Durban Platform should emphasize, especially in reference at the articles 3.1 to 3.5, include:
  - ⤴ Protecting the climate system must focus on the benefit of present and future generations of humankind, on the basis of equity and in accordance with their common but differentiated responsibilities and respective capabilities.
  - ⤴ To address climate change, the specific needs and special circumstances of developing countries, especially those who are particularly vulnerable to the adverse effects of climate change must be taken into account.
  - ⤴ It requires taking precautionary measures to anticipate, prevent or minimize the causes of climate change and mitigate its adverse effects. Where there are threats of serious or irreversible damage, lack of full scientific certainty should not be used as a reason for postponing such measures.
  - ⤴ Policies and measures to address climate change should take into account different socio-economic contexts, be comprehensive, cover all relevant sources, sinks and reservoirs of greenhouse gases and cover all economic sectors.
  - ⤴ Countries are entitled to, and should, promote sustainable development. Policies and measures to address climate change must be integrated into national development programs.
  - ⤴ Measures taken to fight climate change, including unilateral ones, should not constitute a means of arbitrary or unjustifiable discrimination or a disguised restriction on international trade.
9. In addition to the above principles, the results of the negotiations under the Durban Platform should include the following elements:
10. The recognition that poverty eradication, and a development based on fairness and solidarity, are the legitimate priorities of developing countries. Any activity to combat climate change

must include improving the quality of life and life expectancy, as well as, to increase the potential capacities of the population.

11. It is necessary to address the impacts of climate change from the perspective of Human Rights and its Universal Declaration. The adverse effects of climate change threaten to: the right to life, access to food, water, health, the Rights of Indigenous Peoples, human security, among others.
12. The actions and policies that will be defined and / or applied, should do so in a manner that do not cause any environmental harm or impact and seek to promote the effective application and enforcement of the rights of nature. It means, ensuring Nature's right to survive and to maintain its vital cycles and that it is fully respected.
13. In the negotiation process, under the Durban Platform, it should be encourage and strengthen the participation of the civil society.

## **WORK PROCEDURES UNDER THE DURBAN PLATAFORM**

14. The Ad Hoc Working Group on the Durban Platform (AWG-DP) should meet twice a year from 2012 to 2015 and deliver progress for consideration by the COP.
15. The AWG-DP should convene three working groups to discuss and agree on four key issues in the development of a new instrument: legal form, shared vision, new and emerging issues. This information is summarized in Table 1 in the Annex of this document.
16. The working group on *legal form* should discuss the legal nature of the new instrument, its linkage under the Convention and its enforcement mechanism. The final results must be delivered by the end of 2013 (COP-19).
17. The working group on *shared vision* should establish the thematic content, level of ambition and the mechanisms of implementation of the new instrument; the result of the work must be delivered by 2014 (COP-20).
18. The working group on *new and emerging issues* should focus on new proposals made by Parties and to begin discussions to be included in the agreement resulting from this negotiating process.
19. The AWG-DP should submit a draft instrument by COP 21 (2015).

## **ISSUES TO BE ADDRESSED UNDER THE DURBAN PLATFORM**

### **MITIGATION**

20. Mitigation in developing countries will be not feasible if there is not financial, technology and capacity building assistance from developed country Parties, as stated in Article 4.7 of the Convention.
21. Any mitigation agreement must be through a multilateral effort with rules and procedures developed and agreed under the Convention, and should be legally binding. In this sense, the decision should be based on science that should aim at preventing the increase of the global temperature up to 1.5 degrees Celsius.
22. The full enforcement of the principle of common but differentiated responsibilities is critical to climate change mitigation. There should be a differentiation between developed and developing countries according to their contribution of GHG to the atmosphere and their respective capabilities.
23. To determine the global target to reduce emissions by 2050 with the aim of increasing the global temperature well below 1.5°C, and to identify the time frame to reach the maximum level of emissions.
24. The work to be done under the framework of the Durban Platform should strengthen the link with the science for policy making. It is necessary to enhance the role played by the IPCC to generate scientific information for decision-making.
25. It is necessary to enhance actions that enable climate change mitigation in the area of land use, land use change and forestry through incentives. It is also needed to identify and incorporate appropriate practices to mitigate climate change in agriculture, which could also improve the efficiency and competitiveness of production processes.
26. It should be encouraged the implementation of measures that contribute to connect native ecosystems relevant for sequestering carbon, and to manage sustainably ecosystems that have a capacity to store carbon, through innovative initiatives such as incentives.
27. To achieve mitigation, the measures to strengthen the efforts to promote energy efficiency and energy self-sufficiency, as well as the gradual change of the energy matrix, increasing the proportion of energy generation from renewable sources should be promoted. Also, the implementation of improved practices that reduce GHG emissions in the processes related to the provision of goods and services from manufacturing, distribution, consumption through their disposal should be promoted.

28. It should be recognized that unilateral mitigation actions that are already implemented in developing countries and that will require technological and financial support and capacity building to be sustainable should be recognized. Ecuador will not support the imposition of fixed targets for emissions reductions for developing countries that do not have significant emission levels.

## **ADAPTATION**

29. Adaptation to climate change is a priority for the Government of Ecuador, as well as for other developing countries. The Durban Platform should focus on this issue.

30. Under the Platform of Durban, it is necessary to strengthen the implementation and promotion of adaptation activities of developing country Parties, with the international support of developed country Parties.

31. Financing to climate change should prioritize to developing countries, recognizing those countries that are particularly vulnerable to the adverse effects of climate change.

32. There should be an equitable distribution of financial resources between adaptation and mitigation.

33. The actions related to adaptation should focus on the sectors outlined below and each one should be analyzed in detail in the negotiations of the Durban Platform:

- Food sovereignty/security and agricultural production
- Productive and strategic sectors
- Natural heritage
- Water heritage
- Human health
- Vulnerable groups that require attention priority
- Comprehensive risk reduction and management of natural disasters related to climate change
- Human settlements and climate refugees.

## **RESPONSE MEASURES**

34. Ecuador considers necessary the consolidation and strengthening of the permanent forum on response measures. Its main objective should focus on the ongoing analysis of the impacts of the implementation of response measures.

35. The consequences of implementing these measures should be recognized, assessed, evaluated and managed in such way that they minimize the impacts on economies and societies that depend on fossil fuels production and exports.

## **DEVELOPMENT AND TRANSFER OF TECHNOLOGY**

36. The issues to be negotiated under this item shall include the following:

- Development, adaptation to national circumstances, and dissemination of scientific knowledge and technology to combat climate change.
- Recover, strengthen and enhance ancestral knowledge.
- Develop technologies and innovations that boost production in developing countries, raise the efficiency and productivity of production chains, improve the quality of life and contribute to sustainable development.
- Transfer technologies that are environmentally clean, safe, adequate to national circumstances, and socially appropriate.

39. Ecuador proposes that the rights of the technologies that contribute to mitigation and adaptation in developing countries should become more flexible.

40. It is necessary to reach global agreements that would allow to generate an inventory of appropriate technologies, that are free of intellectual property rights.

41. Technology development and transfer must take into account the sovereignty of the States. This transfer should not be conditioned.

## **FINANCING**

42. Funding for adaptation and mitigation must come largely from public resources provided by developed countries to developing countries. Without concrete commitments of funding, it is unlikely that developing countries can achieve the goals of mitigation and adaptation required to cope the climate crisis.

43. The identification of potential funding sources for the Green Climate Fund, should propose innovation and new ideas to ensure that the new funds that are made available for climate

change are, additional, adequate, predictable, and not conditioned and that they should be delivered to developing countries with fair considerations.

44. Ecuador proposes innovative financing mechanisms, such as: the Daly – Correa Tax, Financial Transactions taxes, the Net Avoided Emission mechanism, and the use of Special Drawing Rights.

45. There should be created a robust system of measurement, reporting and verification for financing, technology transfer and capacity building from developed countries to developing countries.

## **CAPACITY BUILDING**

46. Discussions on capacity building must be linked with the development and transfer of technology.

47. Negotiations on capacity building must evolve towards its effective implementation in developing countries.

**ANNEX 1**

<b>WORKING GROUP</b>	<b>ACTIVITY</b>	<b>RESULT</b>	<b>DELIVERY DATE</b>
Working Group on Legal Form	Determine agenda for the discussion of the legal nature of the new instrument	Agreed agenda and resolution of legal form	Agenda COP 18 and COP 19 Resolution
Working group on shared vision	Determine agenda and thematic content	Agreed agenda	COP 18
Working group on shared vision	Discussion on agreed agenda	Document that is part of the result of the Platform for Durban	COP 20
Working group on new and emerging issues	Determine agenda and thematic content	Agreed agenda	COP 18
Working group on new and emerging issues	Discussion on agreed agenda	Document that is part of the result of the Platform for Durban	COP 20

Table 1. Durban Platform Timeline.