

Proposal for the constitution of a legal contact group in the Ad Hoc Working Group on the Durban Platform for Enhanced Action (ADP)

Bonn, Germany, June 2014

This submission is made by the Bolivarian Republic of Venezuela on behalf of the following countries: Plurinational State of Bolivia, Cuba, Dominica, El Salvador, and Nicaragua.

In the year 2011 the Durban Decision 1/CP.17 decides to launch a process to develop a **protocol, another legal instrument or an agreed outcome** with legal force under the Convention applicable to all Parties, established an Ad Hoc Working Group and decided that its works shall be completed as early as possible but not later than 2015.

Due to the short time period in which we have to complete this mandate, we think is a very fundamental idea to promote the constitution of a Legal Contact Group in the process of the ADP. This supporting group of the ADP will advise the process and improve the negotiation under the ADP giving the legal expertise required.

The legal contact group proposal is with the interest to support the ADP group work in all the legal considerations. The ADP remains as the principal group and the legal group will act like legal advisers.

The legal group will act upon request from the ADP on these issues where the ADP would require legal support. The delivery of the Legal Group will be in the form of recommendations on legal different options, on matters indicated by the ADP. The contact group should

give a variety of legal options for Parties to be considered. It is upon the ADP the capacity of decides on these recommendations.

The legal contact group has no capacity to substitute the main ADP scenario for negotiations and drafting of the text, and has no capacity to prejudge any results of the work under the responsibility of the ADP.

This group will be integrated with legal experts from all the Parties, open to all.

It is important and necessary to start the discussion of the legal approach to know better the scenario in which we are standing now and where we are looking forward to go.

This Expert Legal Group would assess legal coherence and aim to increase the legal level of ambition during the whole process from pre 2020 to post 2020.

What is important is to avoid any possibility of legal gaps between the current regime of climate change and the future agreed outcome. What will happen with the Kyoto Protocol after the conclusion of the second commitment period? How will rules be applied and what will happen with the institutions established under the Protocol?. It is also crucial to ensure from a legal perspective, that all the work on ADP is effectively under the Convention.

This legal team of experts from all parties should start now and work until the COP-21. The remaining meeting time of the ADP this year 2014 is one week in October and then 2 weeks in December. The

draft document is expected to be ready in the first trimester of 2015.

The legal team will present to the ADP all the legal implications that we should take into consideration in our discussion in the context of the ADP framework.

We look forward to have legal coherence in the way to the new agreement on climate change and clarity about how is going to be the relation between the new agreed outcome and the Convention and its Protocol after 2020.

We already had a similar setting in these negotiations under the Ad Hoc Working Group on Long Term Cooperative Actions.

For the remaining time we have to Paris (COP-21), we should have a text that allows balancing the expectations of Parties and all the legal consideration to avoid delays in the application of the agreed outcome.