



REPÚBLICA DEL ECUADOR

PROPOSAL OF ECUADOR DURBAN PLATFORM

Background

In Doha, Parties agreed that submissions will be invited under the ADP under *workstreams 1 and 2*, which are to be submitted to the Secretariat by 1 March, 2013.

The Republic of Ecuador recognizes that Nature, where life is borne and fully realized, has a right to be protected in an integral manner, so its existence and the regeneration of its vital cycles, structure, functions and evolution processes are maintained. In this sense, climate change threatens Nature and its basic right as it has been recognized by the Constitution of our country.

Based on the above description, Ecuador makes the following submission for the work under the Ad Hoc Working Group on the Durban Platform -AWG ADP-).

Workstream 1

“The ADP invited Parties and accredited observer organizations to submit to the secretariat, by 1 March 2013, information, views and proposals on matters related to the work of the ADP, including, inter alia, mitigation, adaptation, finance, technology development and transfer, capacity-building, and transparency of action and support, addressing aspects such as:

- (a) Application of the principles of the Convention;*
- (b) Building on the experiences and lessons learned from other processes under the Convention and from other multilateral processes, as appropriate;*
- (c) The scope, structure and design of the 2015 agreement;*
- (d) Ways of defining and reflecting enhanced action.”*

(a) Application of the principles of the Convention

Climate change is a global problem that requires a collective action based on equity in the use of the global atmospheric space, the recognition of the historical responsibility of developed countries in terms of their emissions of greenhouse gases and the respect to the right of developing countries to achieve their economic development in a sustainable manner.

The mandate of the AWG DP is to develop a “protocol, another legal instrument or an agreed outcome with legal force under the Convention.

We are on the view that “under the Convention” means that all the principles and provisions shall apply in the work of the ADP, including, but not limited to, the principles stated in article 3 of the Convention and all the commitments stated on article 4.

Any discussion on the ADP should recognize that the objective of the negotiations is to strengthen the current multilateral rules based climate change regime, which shall ensure the full and effective implementation of the Convention, respecting its principles and contributing to fulfill its ultimate objective. It is clear that the ADP does not constitute a new process to negotiate a new regime, nor to renegotiate nor reinterpret the Convention, its principles and provisions.

Ecuador considers that the negotiations under the new Platform Durban should take into account the principles of the Convention, with an emphasis on the following:

1. Protecting the climate system, the ADP must work and focus on benefitting present and future generations of humankind, on the basis of equity and in accordance with their common but differentiated responsibilities and respective capabilities.
2. Addressing 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.
3. Taking precautionary measures to anticipate, prevent or minimize the causes of climate change and to prevent 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.
4. Policies and measures to address climate change should take into account different socio-economic contexts, be comprehensive, cover all relevant sources and sectors, sinks and reservoirs of greenhouse gases.
5. Countries are entitled to and should, promote sustainable development. Policies and measures to address climate change must be integrated into national development programs.
6. Measures taken to combat climate change, including unilateral ones, should not constitute a means of arbitrary or unjustifiable discrimination or a disguised restriction on international trade.

In addition to the above principles, negotiations under de ADP should include the following:

1. The actions and policies will be defined and / or applied so as not to cause any negative environmental impact and seek to promote the effective enforcement of the rights of Nature, which means ensuring and respect its existence and the maintenance and regeneration of its vital cycles, structure, functions and evolutionary processes.
2. It should be recognized that the eradication of poverty, and a development based on equity and solidarity, are the legitimate priorities of developing countries. Any activity to combat climate change must include upgrading the quality of life, the good living, and life expectancy, as well as, increasing the capabilities and potential of the population **within the framework of the principles and rights.**
3. 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, Food,

Water, Health; the Rights of Indigenous Peoples, Human Security, among others. In this context, it is essential to promote, in the heart of the international community, an Universal Declaration on the Rights of Nature as instruments to protect the Earth and its ecosystems, and enhance and strengthen the Universal Declaration on Human Rights.

4. In the negotiation process, under the Durban Platform, civil society participation should be encouraged and strengthened.

(b) Building on the experiences and lessons learned from other processes under the Convention and from other multilateral processes, as appropriate

Any discussion on the Durban Platform should recognize that the objective of the negotiations is to strengthen the current multilateral rules based climate regime, which ensures the full and effective implementation of the Convention, respecting its principles and contributing to fulfill its main objective. It is clear that the Durban Platform does not constitute a new process to negotiate a new regime, nor to renegotiate nor reinterpret the Convention, its principles and provisions.

Both the process and result of the DP, as well as both workstreams, are under the Convention, governed by its principles and provisions, in particular the principle of common but differentiated responsibilities. This is a fundamental principle, as well as equity, which were both ratified by Heads of State in the Río+20 Conference (Paragraph 191).

One important think that the ADP needs to follow up on the progress made by developed countries to fulfill the first and second commitment periods of the Kyoto Protocol which recognizes that developed countries are principally responsible for the current high levels of GHG emissions in the atmosphere as a result of more than 150 years of industrial activity. The Protocol requires the active participation of developed countries under the principle of common but differentiated responsibilities. The work of the ADP must only advance once there are assurances and legal proof that the second commitment period has been fully realized and ratified by all Parties as soon as possible.

The ADP needs to take into account a new consideration regarding mitigation, in that way it needs to achieve a net balance reduction and avoidance of emissions, at the national and global levels. This concept completes the “logic” of the Kyoto Protocol and gives the opportunity to have a real reduction of GHG.

(c) The scope, structure and design of the 2015 agreement

The results that will be obtained under the Durban Platform should serve to reinforce the existing international legal regime to address climate change. And one of its key objectives should be to create and strengthen the conditions required to effectively implement mitigation and adaptation.

Also, the outcome of the AWG DP under the Convention applicable to all Parties must ensure that universality of application is not uniformity of application. This implies that there cannot be the same mandatory nature of obligations for both developing and developed countries, since this is clear in the Convention, as set forth by Article 4.1., taking into account common but differentiated responsibilities and respective capabilities and specific national and regional development priorities.

For developing country, the priorities are the eradication of poverty and inequality. In the recent Río+20 Conference, our Heads of State recognized that the greatest challenge to sustainable development is maintaining the right of development and promoting life in harmony with Mother Earth and for this we consider essential to recognize and respect the Rights of Nature.

(d) Ways of defining and reflecting enhanced action

The new negotiating process under the Durban Platform, should achieve ambitious results to face the climate change, in which economic and commercial interests shall not overlap with the collective interests and welfare. The results of this negotiation process shall be in accordance with the biophysical limits of the planet.

The negotiations under the Durban Platform should focus on issues related to transparency of action and generate coercive measures to achieve compliance of the multilateral climate agreements. To do this, Ecuador supports the proposal for the creation of an International Court of Climate Justice, and additionally discusses the feasibility to take actions for breach of obligations under the UNFCCC and the Kyoto Protocol in the International Court of Justice, which all Parties States are members.

AWG DP should contribute to strengthening the multilateral regime under the Convention and cover all interrelated issues: adaptation, mitigation, finance, technology transfer and capacity building, under a shared vision that recognizes the needs of present and future generations, and the rights of nature. Enhanced ambition is a priority and for developing countries and any agreements made under the ADP shall mandate the provision of support and the means of implementation is an urgent manner.

To ensure effective implementation and compliance arrangements, developed countries will have to take the lead, assume their historical responsibility, raise their level of ambition and agree on legally binding commitments, based on what the planet requires, not what each country considers for itself, therefore this requires a top-down approach. Comparability of mitigation efforts and mitigation commitments by developed countries shall be ensured.

It will be important to develop robust mechanisms for compliance, accountability and transparency so that the DP is not a new instrument that will once again not be fulfilled. We cannot repeat the situation we are facing now with the KP, which not only weakens the multilateral system, but puts at risk our own future.