

**SUBMISSION BY THE PLURINATIONAL STATE OF BOLIVIA
TO THE AD-HOC WORKING GROUP ON
LONG-TERM COOPERATIVE ACTION**

This submission is based on the outcome of the World People's Conference on Climate Change and the Rights of Mother Earth held in Cochabamba, Bolivia, on 19-22 of April 2010 with the participation of more than 35,000 delegates from social movements and organizations from 140 countries.

This submission incorporates and develops the main content of the "Peoples Agreement" and the draft proposal for a "Universal Declaration of Mother Earth's Rights" that were adopted at that Conference and that are relevant for the work of the AWG-LCA, and presents them following a similar structure to the document FCCC/AWGLCA/2009/17 to facilitate the inclusion of such proposals in the draft negotiating text to be submitted by the chair of the AWG-LCA.

The Peoples Agreement and the draft proposal for a Universal Declaration of Mother Earth's Rights are attached to the present submission and constitute part of it.

DRAFT NEGOTIATING TEXT

**Outcome of the work of the Ad Hoc Working Group on Long-term
Cooperative Action under the Convention**

Preamble

Mandate

The Conference of Parties,

Guided by the ultimate objective (Article 2), Principles (Article 3) and Commitments of the Parties under the Convention;

Further enhancing and enabling the full, effective and sustained implementation of the Convention through long-term cooperative actions in order to achieve its ultimate objective;

Reaffirming that the United Nations Framework Convention on Climate Change (UNFCCC) constitutes the fundamental legal framework on climate change;

Further reaffirming that all climate change related actions or measures shall be in full conformity with the principles and provisions of the Convention in particular the principles of common but differentiated responsibilities and respective capabilities of the Parties, equity and historical responsibility;

Pursuant to the Bali Action Plan (Decision 1/CP.13);

Current state of the climate

Recalling that the Intergovernmental Panel on Climate Change has recognized that global atmospheric concentrations of greenhouse gases have increased markedly as a result of human activities since 1750 and now far exceed pre-industrial values;

Understanding that today, our Mother Earth has been seriously damaged and the future of humanity is in danger. Current levels of warming are damaging forest, mountain and other ecosystems, melting snow and glaciers, thinning ice sheets, causing the oceans to rise and acidify, threatening coral reefs and intensifying droughts and floods, fires and extreme weather events and that these adverse effects threaten to worsen as the warming already committed in the Earth's systems takes effect;

Recognizing the need to establish an adequate limit to global warming and that with an increase in global warming of 2 ° C, there is a 50% chance that the damage caused to our Mother Earth would be totally irreversible. Between 20% and 30% of all species would be in danger of disappearing. Large tracts of forests would be affected, droughts and floods will increasingly affect different regions of the planet, deserts will extend and exacerbate the melting icecaps and glaciers in the Andes and the Himalayas. Many island states will disappear and Africa would suffer a temperature increase of more than 3 ° C. Likewise, reduced food production in the world will have catastrophic effects for the survival of the inhabitants of vast regions of the planet, and dramatically increase the number of hungry in the world, which already exceeds one billion people;

Structural Roots of Anthropogenic Climate Change

Determined to deal with the root causes of climate change, including the elimination of unsustainable patterns of consumption and production in the developed country Parties and the dominant global capitalist system that gives rise to these;

Understanding that a system of unfettered and unregulated markets has resulted in prioritizing the extreme competition for profits and growth, and that this has separated humanity from nature, establishing a logic of domination over it, turning everything into a commodity: water, earth, the human genome, the ancestral cultures, biodiversity, justice, ethics, rights of peoples, and life itself;

Understanding that a new system must be built to restore harmony with nature and among humans and that there can only be balance with nature if there is equity among human beings;

Recognizing, that Mother Earth is a living system, with which we have an indivisible, interdependent and complementary relationship;

Advocating a development model that is not destructive or based on unlimited growth, and recognizing that countries need to produce goods and services to meet the basic needs of its population, but by no means can continue on *the current* path of development in which richer countries have a carbon footprint five times larger than the planet can bear;

Reflecting that humanity is facing a great dilemma: to continue on the path of the capitalist system which will lead to extreme global warming and the death of the planet, or the path of harmony with nature and respect for life;

Historical Responsibility and Climate Debt

Noting that current atmospheric concentrations and that current and committed warming are principally the result of historical emissions of greenhouse gases, the largest share of which has originated in developed country Parties;

Affirming that by over-consuming the available capacity of the Earth's atmosphere and climate system to absorb greenhouse gases the developed countries have run up a climate debt to developing countries and mother Earth;

Affirming that the historical emissions of developed countries are disproportionately responsible for climate change and its adverse effects to developing countries and that developed countries are thus responsible for compensating developing countries as part of a climate debt owed by developed countries to developing countries;

Emphasizing that further delay by developed country Parties in implementing their commitments to reduce emissions will increase their climate debt to the developing country Parties and significantly constrain opportunities to achieve lower stabilization levels of greenhouse gases and increase the risk of more severe climate change impacts;

Impacts on Developing Countries

Recognizing that the past, current and proposed future emissions by and for developed countries are limiting and will further limit access to and use by developing countries of an equitable share of the atmospheric space required for their development;

Acknowledging that climate change has caused and is causing increasing adverse impacts to poor and vulnerable communities including to indigenous peoples, local communities and other vulnerable groups and that human rights, including the inherent rights of indigenous peoples as affirmed in the UN Declaration on the Rights of Indigenous Peoples and other instruments, must be respected in all efforts to mitigate and adapt to climate change;

Noting further that the adverse effects of climate change will be felt most acutely by those countries and communities who have contributed least to climate change but who are already in vulnerable situations;

Recognizing that the countries most vulnerable to the adverse effects of climate change are developing countries and that climate impacts are already imposing substantial and rising costs, damages and setbacks to development thereby undermining the rights and aspirations of developing countries to development;

Recognizing that an equitable sharing of atmospheric space is a inalienable fundamental right of all nations and peoples, and that economic and social development and achievement of development goals including the Millennium Development Goals are the first and overriding priorities of developing country Parties, taking into account the environmental and economic vulnerability of developing country Parties;

Recognizing also the just, fair and equitable right of developing country Parties to achieve development in harmony with nature making use of the atmospheric space and resources taking into account the accumulative historical use of such resources by developed country Parties;

Recognizing that in order to ensure harmony between humanity and nature, and that to achieve the realization of human rights and human dignity it is necessary to recognize and defend the rights of Mother Earth;

Urging all Parties to cooperate for enhancing and promoting a supportive and just international economic system and architecture, including the global international trade system that would lead to sustainable development in particular in developing country Parties including, to better address the problems of environmental degradation. With the objective to stabilize greenhouse gas concentrations in the atmosphere at a level that would prevent dangerous anthropogenic interference with the climate system;

Reaffirming the need to reform the international and economic systems to ensure fair and equal voice and participation of developing country Parties, especially those related to Climate change;

Adaptation

Recognizing that adaptation to climate change has a human rights dimension because the effects of climate change if not addressed will make impossible the realization of the economic and social rights including the right to life, to food, to housing and to health;

Recognizing that adaptation to climate change and its economic consequences is urgent and essential to the survival and existence of developing country Parties

Way Forward

Recognizing that human beings are part of an interdependent system with which we must live together in harmony and balance while respecting the rights of all;

Recognizing the need to achieve not merely equity and peace among humanity but to restore equilibrium and harmony with nature.

Acknowledging that we have followed the laws of humanity while violating the fundamental laws of nature giving rise to climate change and other forms of ecological destruction;

Recognizing that to address climate change, we must recognize Mother Earth as the source of life and forge a new system based on the principles of harmony and balance between humanity and nature; solidarity and equity between people and respect for Mother Earth Rights and Human Rights;

Welcoming for consideration the attached draft Universal Declaration of Mother Earth;

Demanding the full and effective implementation of the right to consultation, participation and prior, free and informed consent of Indigenous Peoples in all negotiation processes and in the design and implementation of measures relating to climate change;

Stressing that all multilateral policies and rules relating to climate change that affect the rights and interests of developing countries and local communities, including indigenous peoples, must be based on an open, inclusive, transparent, and participatory negotiating process that reflects the United Nations principles of sovereign equality and inclusive decision-making;

Determined to enhance and consolidate the progress achieved so far in the work of the Ad Hoc Working Group on Long-term Cooperative Action under the Convention, and affirming the need to undertake further negotiations on unresolved issues in accordance with and in order to achieve the mandate of the Bali Action Plan;

Decides as follows:

A. Shared vision for long-term cooperative action

1. All Parties shall enhance their contribution to long-term cooperative action to combat climate change with a shared vision which is based on and in fulfillment of the objective, principles and provisions of the Convention, in particular to give effect to Article 2 of the UN Framework Convention on Climate Change which determines the "stabilization of concentrations of greenhouse gases in the atmosphere at a level that prevents dangerous anthropogenic interference with the climate system" consistent with their

common but differentiated responsibilities and respective capabilities, equity and historical responsibility.

2. Developed countries shall take the lead and strive towards returning greenhouse gas concentrations in the atmosphere to well below 300 ppm CO₂eq with a view to returning concentrations to levels as close as possible to pre-industrial levels in the longer-term, and to limit the average global temperatures to a maximum level of 1° C with a view to returning temperatures to levels as close as possible to pre-industrial levels in the longer-term, with deep and adequate economy wide emissions reductions in the medium and long terms and taking effective measures to fulfill their commitments relating to the provision of substantial financial resources, capacity building and to provide technology development and transfer of environmentally sound technologies and know how to developing country Parties. These enabling means are critical and an important measure to enhance the contribution and voluntary efforts of developing country Parties to the efforts of stabilizing of greenhouse gas concentrations in the atmosphere.

3. Due to the need for urgent action to achieve this vision, and with the support of the people, movements and countries, developed countries commit to ambitious targets for reducing emissions that achieve short-term objectives, while maintaining our vision for balance the Earth's climate system, according to the ultimate objective of the Convention.

4. Developed countries, who are the main responsible of climate change, in assuming their historical responsibility, hereby recognize and commit to honor their climate debt in all its dimensions, as the basis for a just, effective and scientific climate change solution, including through:

- Reserving for developing countries the atmospheric space which is currently occupied by developed countries' emissions of greenhouse gases;
- Assuming the costs and technology transfer needs of developing countries arising from the loss of development opportunities by having to live under a restricted atmospheric space;
- Being accountable for the hundreds of millions of people that will have to migrate as a result of climate change and to remove their restrictive policies on migration, including by providing migrants with opportunities to achieve a decent life and with all human rights;
- Assuming adaptation debt related to the impacts of climate change on developing countries by providing the means to prevent, minimize and deal with damages arising from their excessive emissions, as well as the opportunity costs;
- Honoring those debts as part of a major debt to Mother Earth by taking and implementing the Universal Declaration on the Rights of Mother Earth at the United Nations.

5. The focus of developed countries' actions and commitments in relation to climate debt is therefore not only financial compensation but principally of

restorative justice - that is restoring integrity to the people and the members who form a community of life on Earth.

6. All Parties shall enhance their contribution to long-term cooperative action to combat climate change with a shared vision which is based and in fulfillment of the objective and principles of the Convention in particular common but differentiated responsibilities and respective capabilities, equity and historical responsibility.

7. The "shared vision" for the "Long-term Cooperative Action" is not simply about defining the limit on temperature increases and the concentration of greenhouse gases in the atmosphere, but must incorporate a comprehensive and balanced set of financial measures, technology, adaptation, capacity building, patterns of production, consumption and other essentials such as the recognition of the rights of Mother Earth to restore harmony with nature. This is comprised of a range of essential elements including:

- (i) Fulfillment of commitments by developed country Parties to enable developing country parties to develop and implement adaptation policies, plans, programs and projects through providing substantial, new and additional public financial resources, environmentally sound technologies and capacity building in a predictable and prompt manner;
- (ii) Fulfillment of commitments by developed country Parties to demonstrate they are taking the lead in modifying longer-term trends in anthropogenic emissions consistent with the objective of the Convention, including their efforts to modify their consumption and production patterns taking into account their ecological footprint, in accordance with the Convention;
- (iii) Voluntary nationally appropriate mitigation actions (NAMAs) by developing country Parties, in accordance with Article 4.1 of the Convention, which are enabled and supported by financial resources, technology development and transfer and capacity building, from developed country parties to developing country parties, and in line with the overriding priorities of developing country Parties for development and poverty eradication (under Article 4.7 of the Convention);
- (iv) Fulfillment of commitments by developed country Parties to provide adequate, new, substantial and sustained financial resources to developing country Parties, that enable Developing Country Parties to implement their adaptation and mitigation actions, including through the provision of full costs for the implementation by developing countries of commitments relating to the communication of information related to implementation under Article 12.1 and the provision of agreed full incremental costs of implementation of commitments included in Article 4.1 of the Convention;

- (v) Technology development and transfer from developed country Parties to developing country Parties, including, inter alia, the enhancement of endogenous technologies and capacities and the identification and removal of all barriers to access at the most affordable cost to technologies and appropriate treatment of intellectual property rights (IPRs) including exclusion of patents on climate related technologies to developing country Parties; and
- (vi) Fulfillment of commitments to provide capacity building in developing country Parties including provision of financial resources to develop institutions and programs to deal with climate change issues; and capacity building in developed country Parties-
- (vii) Changes to the international financial, economic and social system, which drives excessive production and consumption, including the excessive production of greenhouse gas pollution, and perpetuates unfair and unbalanced relations between peoples and between peoples and nature.

8. A shared vision integrates a set of global goals including a global goal for emission reductions, with the objective to stabilize greenhouse gas concentrations in the atmosphere at a level that would prevent dangerous anthropogenic interference with the climate system in a time frame sufficient to allow ecosystems to adapt naturally to climate change and ensure that food production is not threatened and to enable economic development to proceed in a sustainable manner. These goals include:

(a) The equitable allocation atmospheric space between developed countries and developing countries during the period 1750 to 2050 based on the principles of equity and historical responsibility, and the needs of developing countries in order to achieve their economic and social development and poverty eradication

(b) Aggregate targets for developed country Parties that are not party to the Kyoto Protocol for emissions reduction that are comparable to those undertaken by Annex I parties to the Kyoto Protocol in the second and subsequent commitment periods that reflect their historical responsibilities and debts, meet the needs of developing country Parties to an equitable share of atmospheric space and are adequate to meet requirements according to the IPCC findings and the latest science;

(c) Provision of financial resources by developed countries to developing countries amounting to at least 6% of the value of GNP of developed countries, for adaptation, technology transfer, capacity building and mitigation as described in subparagraphs (d) to (g) of this paragraph;

(d) Provisions by developed countries of means of implementation to developing countries to facilitate adequate adaptation to climate

change, to meet the costs of its adverse effects and to repay adaptation debts including through the provision of financial resources by developed countries equivalent to at least 3% of their GNP;

(e) The transfer of environmentally sound technologies to developing countries and enhancement of their endogenous capacities and technologies including through the provision of financial resources by developed countries equivalent to at least 1% of their GNP;

(f) Capacity building to enable the upgrading of developing countries institutional capacities to address climate change and its adverse effects including through the provision of financial resources by developed countries equivalent to at least 1% of their GNP;

(g) Measures by developing countries to mitigate climate change, including nationally appropriate mitigation actions supported and enabled by developed countries including through the provision of financial resources by developed countries equivalent to at least 1% of their GNP;

(h) Identification and removal of all barriers to access to technologies at the most affordable cost and appropriate treatment of intellectual property rights including exclusion of patents on climate related technologies to developing country Parties;

(i) Quantified changes to the unsustainable patterns of consumption and production by developed countries, including through the substantial reduction of their high per capita greenhouse gas emissions.

9. Achieving an equitable allocation of global atmospheric space between developed and developing countries is determined by:

(i) An agreed global emission budget between the period 1750 to 2050;

(ii) An agreed methodology for sharing the global emissions budget among developed and developing countries; and

(iii) The allocation, based on this methodology, of total assigned amounts to Annex I parties under the Kyoto Protocol and targets for a comparable effort for Annex I parties that are not party to the Kyoto Protocol.

10. Developed country Parties shall not resort to any form of unilateral climate related trade measures including border adjustment measures and tariffs against the goods and services of developing country Parties on climate-related grounds as such measures violate the principles and provisions of the Convention including those related to common and differentiated responsibilities (Article 3.5 of the Convention), to trade and climate change, and to the relation between mitigation actions of developing

country Parties and provision of finance and technology by developed country parties (Articles 4.3 and 4.7 of the Convention).

11. The inherent rights of indigenous peoples as affirmed in the UN Declaration on the Rights of Indigenous Peoples and other instruments must be respected in all efforts to mitigate and adapt to climate change.

12. The extent to which developing countries will effectively implement their commitments under the Convention will depend on the effective implementation by developed countries of their commitments under the Convention related to financial resources and transfer of technology.

B. Enhanced action on mitigation and its associated means of implementation

1. Mitigation commitments by developed country Parties

13. The Kyoto Protocol shall remain as a specific binding instrument for reducing emissions of greenhouse gases in developed countries.

14. An amendment to the Kyoto Protocol for the second commitment period 2013-2017 is adopted under which developed countries commit to significant domestic reductions of at least 50% compared to 1990 excluding carbon markets or other offset mechanisms that mask the failure of actual reductions in emissions of greenhouse gases.

15. All Annex I Parties to the Convention shall, in accordance with their commitments of Article 4.2 of the Convention, undertake ambitious national economy-wide binding targets for quantified emission reduction commitments of at least 50% of their domestic greenhouse gas emissions during the period 2013 to 2017 and by more than 100% before 2040, compared to their 1990 levels and adopt policies and actions accordingly to achieve these targets.

16. The principle of comparability of efforts among all developed country Parties shall be applied (in accordance with paragraph 1(b)(1) of the Bali Action Plan Decision 1/CP.13).

17. Developed countries shall take on total and domestic commitments to reduce greenhouse gas emissions that reflect an equitable allocation of atmospheric space and address the needs of developing countries. Developed countries shall ensure that:

- (a) Their greenhouse gas emissions do not exceed their total assigned amounts, with a view to modify longer-term trends in global greenhouse gas emissions consistent with the objectives of the Convention and enabling developed countries to repay their emissions debt to developing countries; and

(b) Their greenhouse gas emissions from domestic sources do not exceed their assigned domestic amounts, with a view to ensuring that their overall domestic emissions of greenhouse gases are reduced by at least 50% by 2017 to enable developing countries to have access to adequate atmospheric space to achieve economic and social development and poverty eradication.

18. For any Annex I Party to the Convention that is also a Party to the Kyoto Protocol, its emission reduction target for the second and subsequent commitment periods under the Kyoto Protocol shall be considered as their economy wide commitment. For the measurement, reporting and verification of its emission reduction target, pertinent rules and procedures under the Kyoto Protocol shall apply.

19. For any Annex I Party to the Convention that is not a Party to the Kyoto Protocol, its economy wide emission reduction commitment shall be comparable in magnitude, time scale and compliance to the economy wide commitments referred to in paragraph 18 above. Such commitments shall be reflected in a declaration by that Party and recognized through a decision of the Conference of Parties. For the measurement, reporting and verification of such commitments, the rules and procedures shall be elaborated by the Conference of Parties at its 17th session, using as reference the procedures referred to in paragraph 18 above.

20. The implementation by developed countries of their commitments to modify longer term trends in greenhouse gas emissions, and to provide the agreed full incremental costs of actions by developing countries to implement their commitments under the Convention, shall together enable parties to reverse the trend of increasing global greenhouse gas emissions, and to ensure that global greenhouse gas emissions peak before 2015 at the latest and decline thereafter.

21. Developed countries shall further ensure that they reduce their net domestic greenhouse gas emissions by more than 100% by 2040 compared to 1990 levels through the reduction of greenhouse gas emissions from sources and enhancement of greenhouse gas removals by sinks.

22. Mitigation commitments of developed countries must be comparable in scale, timing and legal effect. To ensure comparability of efforts, Annex I Parties that are not Parties to the Kyoto Protocol are called on to undertake quantified emission reduction commitments that, inter alia:

- Are for the period 2013 to 2017;
- Are quantified in terms of the base year of 1990;
- Are subject to comparable provisions for monitoring, reporting and verification; and
- Are subject to comparable provisions for compliance and enforcement.

23. If, after measuring, reporting and verifying, the failure of a developed country to fulfill its reduction commitments is identified then penalties should

be applied. This may include increased future reduction commitments by an amount calculated as a multiple of the shortfall in implementation. Financial contributions may also be assessed as penalties or fines and paid into an enhanced financial mechanism under the Conference of Parties.

24. The scale and timing of emission reductions by Annex I countries must be sufficient to ensure that developed countries' historical debt for their excessive past consumption of environmental space, and their continuing excessive per-capita emissions, is fully repaid to developing countries.

2. Nationally appropriate mitigation actions by developing country Parties in the context of economic development

25. Non Annex I Parties to the Convention may, based on their specific national circumstances and in the context of their national economic development, take mitigation measures and actions under Article 4.1 of the Convention including, where appropriate, strategies, policies, plans, programs, projects and other activities.

26. Nationally appropriate mitigation actions (NAMAs) of Non Annex I Parties are voluntary measures and/or programs to mitigate climate change under Article 4.1 of the Convention that are enabled by finance, technology and capacity building in accordance with Articles 4.3 and 4.5, and based on their specific national priorities and circumstances and in the context of sustainable development. A system shall be established under the financial mechanism to ensure that the developing countries' mitigation actions are enabled and supported by finance, technology and capacity building.

27. Emission reductions resulting from NAMAs shall not be used to offset quantified emission reduction targets undertaken by Annex I Parties to the Convention.

28. Non Annex I NAMAs supported and enabled by developed country Parties in terms of technology, finance, and capacity building, may be subject to MRV in accordance with relevant rules and procedures established by the Conference of Parties.

29. Measurement, reporting and verification of the transfer of financial resources of at least 1% of the GNP of developed country Parties (for mitigation actions by developing countries), technology and capacity building shall be undertaken in the context of the UNFCCC Compliance mechanism identified in paragraph below, with the following objectives:

- (i) Measurement shall be in accordance with methodologies to measure provision of financial resources, technology transfer and Capacity building (in accordance with Article 7.2(d) of the Convention);
- (ii) Reporting shall be on the provision of financial resources and

transfer of technology, in accordance with Article 4.7 and communicated under Article 12.3 of the Convention; and

- (iii) Verification of the combined effects of these measures shall be undertaken by the SBI under Article 10.2(a), based on inputs from the finance and technology mechanisms:
 - (a) Verification of the provision of finance for enabled actions to be conducted by the financial mechanism (in accordance with Article 11.1 of the Convention); and
 - (b) Verification of the provision of technology transfer for enabled actions shall be conducted by the technology mechanism under Article 7(2)(i) of the Convention.

30. The autonomous national mitigation actions taken voluntarily with the support of national resources of developing country Parties themselves shall be reflected through their national communications, consistent with Article 12(1)(b) of the convention in accordance with national guidelines and procedures.

C. Policy approaches and measures to limit and reduce greenhouse gas emissions from aviation and marine bunker fuels

31. Actions by developed country Parties shall not be taken to deal with environmental challenges including taxation or imposing levies on developing country Parties services or sectors (e.g. aviation/maritime) or environmental measures addressing trans-boundary or global environmental problems unless such measures have been agreed to by international consensus and are in coherence with the principles and provisions of the Convention.

D. Enhanced action on adaptation

32. People have equal rights to be protected from the adverse impacts of climate change and the rights to proactively face climate change.

33. Adaptation to the adverse impacts of climate change arising from the historical cumulative greenhouse gases (GHG) emissions of developed country Parties, poses a serious threat to economic and social development, and is already an additional burden on developing country Parties efforts to reduce poverty and achieve their development goals. Adaptation activities encompass urgent and immediate, short, medium and long term actions at national, regional and international levels.

34. An institutional framework on adaptation to climate change is hereby established under the Convention to enable developed country Parties, to honor their adaptation debts and to fulfill their commitments to fund the full incremental costs incurred by developing country Parties of implementing programmes to facilitate adequate adaptation to climate change, and to meet the costs of adapting to the adverse effects of climate change. It shall

enhance and support adaptation to climate change in all developing country Parties in accordance with the Convention and compensate them for its adverse effects. The institutional arrangements shall comprise:

(i) An adaptation executive body under the authority and guidance of the Conference of Parties and that comprises equitable geographical representation, to promote international cooperation on adaptation and other relevant activities under the Convention, set the criteria and parameters of activities to be funded and where appropriate help mobilize financial resources from public and other sources of finance, to enable the implementation of country driven strategy, programs and projects, including at the regional levels.

(ii) A new adaptation fund window under the Convention to finance the full costs of adaptation activities and actions and the related transfer of technology sharing and capacity building in developing country Parties, with sources of funding be new, substantial and sustained public funding from developed countries, with an annual scale at least 3% of the GNP of developed countries, and including through fulfilling their financial commitments under the Convention. This fund shall be additional to ODA.

(iii) It is necessary to structure this Adaptation Fund, as an exclusive fund for facing climate change and that is part of a financial mechanism managed and led in a sovereign and equitable way by the Parties, without any impositions from Multilateral Development Banks or Financial Institutions. This Fund should also handle a mechanism for the indemnity for damages to Mother Earth.

(iv) Under this Fund it is necessary to register the impacts, the costs of these impacts for the developing countries and the finance, technology and capacity building measures needed to address these impacts. Also, under this Adaptation Fund it is necessary to register and monitor the support of developed countries, including the transference and development of technologies and the fulfillment of the funds provision as part of a just compensation.

(v) A comprehensive adaptation program to enhance action on adaptation in a coordinated and coherent manner at all levels, now, up to and beyond 2012, ranging from assessments through planning to implementation, including through reducing vulnerability, minimizing unavoidable loss and damage, and building the resilience of societies, economies and ecosystems to present and future adverse effects of climate change. The program shall:

(a) Enable the formulation of national adaptation measures (in accordance with Article 4.1) in particular in developing country Parties;

(b) Provide finance, technology development and transfer and

capacity-building, by developed country Parties for adaptation actions in developing country Parties (in accordance with Articles 4.1, 4.3 and 4.5 of the Convention), especially those involved in Article 4.8 of the Convention; and

(c) Establish and where appropriate strengthen regional centers, networks, initiatives and coordinating bodies for adaptation, building upon and complementing national adaptation action on all levels respecting fully the sovereignty of states.

(vi) An international mechanism to address the unavoidable loss and damage resulting from the adverse effects of climate change, and associated lost opportunities for development, with the following functions:

(a) Addressing risks associated with climate-related extreme weather events, that incorporates measures to reduce, manage and prevent risk;

(b) Providing compensation and rehabilitation for climate-related slow onset events

(vii) An adaptation window and a compliance mechanism under the Convention for measuring and verifying the provisions of financial resources, compensation and transfer of technology from developed country Parties (within the new operating entity under the Convention Financial mechanism).

(viii) An international mechanism to address the needs of individuals and peoples displaced due to the adverse effects of climate change and to facilitate their relocation, including from developing countries to developed countries. This implies the need to remove restrictive policies on migration in developed countries,

(ix) The COP shall adopt the rules and modalities for operationalization of the framework and its bodies, with a view to ensuring the full repayment of climate-related finance, compensation and debts to developing countries and will finish its work at the latest by the COP17.

E. Enhanced action on the provision of financial resources and investment

35. We stress that the financial commitments of Developed Country Parties under the Convention have not been met, and emphasize the urgent need for these parties to honor their commitments in accordance with Article 4 and in particular Articles 4.3, 4.4 and 4.5, and to provide substantial financial resources to developing country Parties that commensurate with the

unprecedented challenge of climate change which constitutes the greatest risk that humanity has ever faced.

36. Developed country Parties and other developed Parties included in Annex II in accordance with their commitments under the Convention including Article 4, paragraphs 3, 4, 5, 7, 8 and 9 shall provide substantial, new, additional, adequate, predictable and sustained public funding additional to and different from the ODA to meet the agreed full costs and/or incremental costs incurred by developing country Parties to effectively implement their commitments under the Convention, taking into consideration that other sources of investment like private sector and markets can play a supplementary role.

37. In order to honor the climate debt, and in accordance with Article 11(3)(d) of the Convention, it is agreed that the amount of funds to be made available annually to developing country Parties shall be equivalent to at least 6% of the GNP of developed country Parties comprising 3% for adaptation, 1% for mitigation, 1% for technology development and transfer and 1% for capacity building. It is equally agreed that US\$400 billions, from public finance sources, shall be made available by developed countries for fast track financing of global efforts to address climate change. An equivalent of US\$ 150 billions worth of Special Drawing Rights shall be issued by the IMF as partial fulfillment of this undertaking by developed countries.

38. A financial mechanism of the Convention, to be known as the (Multilateral Climate Fund), is hereby established, in accordance with Article 11.1. It shall function under the authority, guidance of and be fully accountable to the Conference of Parties. It shall comprise, *inter alia*, the following elements:

- (i) An Executive Board, which shall be the governing body, with equitable and geographically-balanced representation of the Parties, and which shall follow the principles of openness, transparency, effectiveness and easy access;
- (ii) Multiple specialized Funds or funding windows, including for adaptation, mitigation, technology transfer and development, and capacity building;
- (iii) A trustee or trustees that shall be appointed by the Board;
- (iv) Technical panels of experts;
- (v) A Monitoring and Verification group or mechanism.

39. A Compliance mechanism shall be established for the evaluation and verification of the fulfillment of developed country Parties of their commitments under the Convention including their financial contributions to adaptation, mitigation, technology transfer and capacity building to developing

country Parties, to identify insufficiencies between the enabling means provided and needed and address non-compliance with commitments.

40. The rules and procedures of the compliance mechanism shall be established by the Conference of the Parties not later than the 17th Conference of Parties. The MRV of the provision of financial resources, technology and capacity building to enable and support NAMAs and NAPAs of developing country Parties shall be undertaken under this compliance mechanism.

F. Enhanced action on technology development and transfer

41. We agree that there must be urgent action on technology development and transfer as a top priority especially because of the lack of implementation and achievements in this area since the establishment of the Convention.

42. Transfer of technology must fully compensate the loss of development opportunities due to the costs and technological demands to developing countries to live within a restricted atmospheric space. Poor countries face climate-related challenges to their development that were not faced by the developed countries in the process of their own development.

43. Sharing the complete technological cycle, namely enhancement, development, demonstration, deployment, diffusion and transfer of new and existing innovative technologies is urgent and essential to strengthening developing country Parties capacities in particular those listed in Art. 4.8 of the Convention. Developing countries must be recipients of the technological cycle in its integrity.

44. Enhanced action on technology requires implementation and compliance of the commitments made by developed countries in the Convention regarding the development and transfer of technology. It is agreed that this goes beyond the marketing of the technology to developing countries.

45. Guidelines shall be established for the assessment and evaluation of technologies meant for transfer and deployment to ensure that they are environmentally sound and socially appropriate.

46. We recognize that indigenous and traditional knowledge and technologies form a valuable and useful part of the knowledge and technologies that are appropriate and useful for mitigation and adaptation activities in addressing climate change and that these have to be supported and be part of technology development, transfer and deployment.

47. It is equally essential for the technologies to be made available to developing countries at the lowest cost, and thus there should be an appropriate framework regulating intellectual property to prevent patent monopolies and to facilitate the maximum expansion of technologies to be placed in the public domain.

48. Technologies and innovations that come from public financing destined for research and technology development must be located in public domain and not under a private patent regime, in such a way that they are of free access for developing countries.

49. Technology transfer from developed to developing countries should be free from conditionalities or impositions. Instead, it is agreed that there must be a free exchange of information, knowledge and technologies, under the principles of solidarity, reciprocity, respect, complementariness, harmony, transparency, balance, permitting an inter-scientific dialogue of knowledge and skills.

50. We agree that early and rapid reduction of emissions requires the deployment of low-emission technologies on a massive scale and that developing countries particularly those with insufficient or no manufacturing capacity in environmentally sound technologies will have more difficulties in accessing adaptation and mitigation technologies and that measures shall be taken to facilitate and ensure their access to the technology.

51. We agree to establish effective mechanisms and enhanced means for the removal of obstacles to the scaling up of the development and transfer of technology to developing country Parties in order to promote access to affordable environmentally sound technologies.

52. New and additional financing from developed country Parties amounting to at least 1% of their GNP shall be provided in a manner that is adequate, predictable and sustainable to support technology development and deployment in and technology transfer to developing countries. This includes the establishment and operations of joint technology excellence centers in developing countries, to enable entities in these countries to do research and development on adaptation as well as mitigation technologies;

53. A mechanism for technology development and transfer is hereby established under the Convention that shall function under the authority, guidance of and be fully accountable to the Conference of Parties, to fully implement the commitments on technology development and transfer under the Convention, in particular Article 4, paragraphs 3, 5, 7 and 9, that comprises:

- (i) A Technology Executive Board aimed at achieving the most effective implementation of technology transfer to developing country Parties including through *inter alia* develop strategy and policies, provide guidance, assess and elaborate on technology matters and develop a Technology Action Plan and its updated versions, comprising government representatives, elected by the Conference of Parties, which will have equitable regional representation. The Executive Board shall recommend to the COP international actions to support the removal of barriers to technology development

and transfer, including those arising from intellectual property rights;

- (ii) Technical Panels for adaptation and mitigation technologies to generate and compile expert information;
- (iii) A Technology Action Plan to support concrete programs and actions to enable technology development and transfer, enhance endogenous technologies and capacities and enhance action in all sectors, and at all stages of the technology cycle (in accordance with Article 4.5). The TAP will define policies, actions and funding for relevant technology actions and programs under the following classification: public domain technologies, patented technologies and know-how and future technologies. The Technology Action Plan will have short, medium and long term actions and programs that covers all sectors;
- (iv) A Multilateral Climate Technology Fund/window to meet the full and the full incremental costs of technology transfer (in accordance with Article 4.3). The fund will be part of the financial mechanism of the Convention. It shall provide financial resources for the activities agreed on by the Technology Mechanism, and shall be composed by Regional Groups of Experts in Investment and Development, with an equitable representation of different geographic zones of the world.
- (v) A compliance mechanism for measuring and verifying commitments of developed country Parties for technology transfer, finance and development;

54. The technology mechanism shall among its objectives and functions have the following:

- (i) Achieve access to affordable technology by developing country Parties, achieve removal of barriers to technology transfer, diffusion and development; support the enhancement and development of endogenous capacities and technologies of developing country Parties, develop technology action plans, coordinate actions and assess performance;
- (ii) Formulate and promote the implementation of action plans on technology development and transfer;
- (iii) Coordinate actions by different stakeholders at national, regional and international levels;
- (iv) Remove barriers to technology transfer and enhance means

to promote technology transfer;

- (v) Promote the establishment and enhancement of national and regional technology innovation centers and networks;
- (vi) Promote capacity building, including personnel training and information exchange, to enhance the capability of developing country Parties for the development, absorption and application of climate friendly technologies;
- (vii) Monitor and assess the progress and effectiveness of the development and transfer of climate friendly technologies under the Convention;
- (viii) Provide advice on and assess the appropriateness of technology, including the environmental, social and economic and developmental aspects on the technology aspects of developing countries voluntary national appropriate mitigation actions and adaptation activities and plans;
- (ix) Accelerate further research, development and production of technologies in developing countries;
- (x) Strengthen technical and institutional capacities including technology centers in developing countries;
- (xi) Stimulate and enable the wide dissemination of existing technologies, including the traditional knowledge, technologies and practices of indigenous peoples.

55. Cooperation and joint development of current, new and innovative technologies shall be enhanced.

56. All Parties shall enhance cooperation to promote research, development, demonstration, deployment, transfer and diffusion of environmentally friendly technologies, and in particular to take effective measures to encourage and enable development and transfer of technology to developing country Parties, remove barriers including intellectual property rights in the context of making to technology development and transfer. Specific measures shall be established to remove barriers to development and transfer of technologies from the developed country to transfer environmentally sound technologies to developing country Parties arising from intellectual property rights protection.

57. We agree to take measures to ensure that international rights and obligations relating to intellectual property shall be supportive of and do not run counter to the objectives of the Convention.

58. Patents on climate-related technologies may be excluded by developing country Parties. Steps shall be taken to expand technologies in the public domain. Nothing in international intellectual property agreements shall be interpreted or implemented in a manner that limits or prevents any Party from taking measures to address climate change, in particular the development and transfer of technologies, including the development and enhancement of endogenous capacities and technologies of developing countries and transfer of, and access to, environmentally sound technologies and know-how.

59. Developing countries have the right to make use of the full flexibilities contained in the Trade Related Aspects of Intellectual Property Rights (TRIPS) agreement, including compulsory licensing.

60. Specific and urgent measures shall be taken and mechanisms developed to remove barriers to development and transfer of technologies arising from intellectual property rights protection, including:

(a) Creation of a Global Technology IPR Pool for Climate Change that promotes and ensures access to intellectual property protected technologies and associated know-how to developing countries on non-exclusive royalty free terms; This pool shall include modern and appropriate technologies and shall not have exclusions of any kind;

(b) Taking steps to ensure sharing of publicly funded technologies and related know-how, including by making the technologies and know-how available in the public domain in a manner that promotes transfer of and/or access to environmentally sound technology and know-how to developing countries on royalty free terms.

61. All necessary steps shall be immediately taken in all relevant forums to exclude from IPR protection and revoke existing IPR protection in developing countries and least developed countries on environmentally sound technologies to adapt to and mitigate climate change, including those developed through funding by governments or international agencies and those involving use of genetic resources that are used for adaptation and mitigation of climate change.

G. Policy approaches and positive incentives on issues relating to reducing emissions from deforestation and forest degradation in developing countries; and the role of conservation, sustainable management of forests and enhancement of forest carbon stocks in developing countries

62. Developed country Parties shall provide adequate, predictable and sustained financing, technology and capacity building in accordance with the relevant provisions of the Convention to enable and support national development needs and voluntary actions to be undertaken by developing country Parties consistent with their national circumstances in the context of reducing emissions from, inter alia, deforestation, forest and land degradation

and to increase forest coverage, stabilize forest carbon stocks, enhance carbon sinks through forest conservation, sustainable management of forests, afforestation, reforestation, restoration of degraded ecosystems, improved land use and agriculture practices.

63. A framework for the delivery of financial resources for forest related actions is hereby established to fund the agreed full incremental costs for the implementation of developing countries' commitments under Article 4.1 (d) to promote sustainable management; and promote and cooperate in the conservation and enhancement of sinks and reservoirs of all greenhouse gases, including forests ecosystems.

64. The following principles and elements will apply to forest related actions and the proposed framework:

- A fund based mechanism that enables equitable distribution of funds.
- The framework will not allow for offset mechanisms.
- It will ensure environmental integrity.
- It will protect the rights of indigenous peoples and local communities, as there is no transfer of rights of carbon ownership to the market.
- Ensure sovereignty and national as well as local control over forest related activities. These activities must be framed under the national laws and policies.
- Forest conservation can be funded, including adaptation activities related to forests.

65. Under the proposed Multilateral Climate Fund established under the COP:

- A funding window or specialized fund should be established for forest related activities as set out under paragraph 1(b)(iii) of the BAP.
- In addition, an expert group or committee can be established to facilitate the implementation of such activities supported by a technical panel if needed.
- The establishment of such a funding window or specialized fund supported by an expert group or committee as above must ensure the predictable, adequate and timely access to financial resources for developing countries for the implementation of Article 4.1(d) of the Convention.

66. Eligibility criteria for funding forest related activities should include the following:

- Support for proposals that address the underlying causes of forest loss, including actions within but not limited to the forest sector;
- Support for proposals that guarantee lasting protection of natural forests and reduction of deforestation and degradation, enhanced forest law enforcement and improved forest governance, and strengthened recognition of Indigenous Peoples and community rights,

regardless of whether the impact of these measures can be immediately quantified in terms of carbon emission units;

- Proposals shall not be considered that allow industrial-scale logging or that involve conversion of natural forests to plantations or other commercial or infrastructure activities and projects that damage the environment or violate the rights of local communities.
- Encouragement of proposals for activities that involve the full and effective participation of forest-dependent Indigenous Peoples and local communities. Measures must respect and promote the rights and interests of Indigenous Peoples and local communities, including the right to free, prior and informed consent (FPIC), in its design and implementation, in full compliance with relevant international human rights conventions and applicable national laws, including *inter alia*, the United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP) and the Convention on Biological Diversity (CBD), as well as other relevant international, customary and national law;
- Support for the restoration and maintenance of the forests by indigenous peoples and their organizations, including through a global program to restore native forests and jungles, managed and administered by the communities and their organizations.
- Proposals and activities should promote good governance, in particular with respect to forest policies and law enforcement;
- Proposals and activities should contain transparent and participatory mechanisms to prevent or resolve conflicts over access, use, and ownership rights that could arise during the development and/or implementation of forest related activities.

67. The definition of forest used in the negotiations should not include plantations, as monoculture plantations are not forests.

68. The UN Declaration on the Rights of Indigenous Peoples and ILO Convention 169 shall be fully recognized, implemented and integrated in climate change actions. We agree that the best strategy and action to avoid deforestation and degradation and protect native forests and the forest is to recognize and guarantee the collective rights of the lands and territories, especially considering that most of the forests are in the territories of indigenous peoples and nations, and traditional farming communities. Parties also recognize the prior existence of the right of indigenous peoples over their territories, lands and natural resources to enable and strengthen their traditional ways of life and contribute effectively to solving the climate change problem.

69. Carbon market mechanisms are not appropriate for financing and implementing forest-related activities and should not be used. They are and have the potential to be against the principle of sovereignty and the rights and customs of indigenous people including free and prior consent. Instead, activities relating to forests shall be financed by payments and contribution in a fund or funding window referred to in paragraph 65.

70. The fund or funding window will finance the restoration and maintenance of the forests by indigenous peoples and their organizations. A global program shall be established to take and support actions to restore native forests and jungles, managed and administered by the communities and their organizations. The activities to be supported include maintaining biodiversity, the conservation and use of local seeds and seed varieties, fruit trees and native flora. Commercial activities and infrastructure projects that are damaging to the forests, to climate, and to the rights of people in the forests or who depend on the forests should not be undertaken.

H. Economic and social consequences of response measures

71. An appropriate forum shall be established under the Convention to give full consideration to what actions are necessary to address the potential economic and social consequences and impacts of the design, selection and implementation of response measures.

72. Developed country Parties shall not resort to any form of unilateral climate related trade measures including border adjustment measures and tariffs against the goods and services of developing country Parties on climate-related grounds as such measures violate the principles and provisions of the Convention including those related to common and differentiated responsibilities (Article 3.5 of the Convention), to trade and climate change, and to the relation between mitigation actions of developing country Parties and provision of finance and technology by developed country parties (Articles 4.3 and 4.7 of the Convention).

73. In accordance with relevant international instruments, including the UN Declaration of the Rights of Indigenous Peoples, the Parties shall cooperate with the indigenous peoples through their own representative institutions to obtain their free, prior and informed consent before adopting and implementing measures that may affect them.

I. Various approaches, including opportunities for using markets, to enhance the cost-effectiveness of, and to promote, mitigation actions

74. There should not be use of an international carbon market or an international carbon market approach in the offsetting of Annex I Parties' mitigation commitments or in the financing of developing countries' climate actions as it has serious adverse effects.

J. Cooperative sectoral approaches and sector-specific actions in agriculture

75. We agree to phase out inappropriate forms of agriculture that are ecologically harmful and that are emission-intensive and to instead take measures to promote an environmentally sustainable model of agricultural production that also promote food security and food sovereignty and the livelihoods and rights of local communities and indigenous peoples. We agree

to ensure that the small farmers in developing countries have the right to and can maintain or increase their control over their own seeds, land, water and food production. We agree that appropriate financing mechanisms be established for these purposes and that adequate financing be provided.

76. We recognize that emissions from certain forms of agriculture production are a major source of global warming and that mitigation actions relating to these forms of agriculture while promoting ecologically-sound forms of agriculture (including traditional agricultural practices by many local communities and small farmers in many parts of the developing countries) are essential. The recognition and promotion of food sovereignty is also a vital part of agricultural transformation required to address the climate crisis. The concept of food sovereignty is to be understood as the right of people to control their own seeds, land, water and food production, ensuring, through production in harmony with Mother Earth.

77. It is essential that the policy framework for agriculture be appropriate for the purpose of addressing the climate crisis and to meet the interests of local communities and protect the environment. In this context we agree that there be a review of the global system of agricultural trade, the provisions of trade agreements and loan and aid conditionalities and the intellectual property regimes. Agricultural technologies and related technologies shall also be subject to assessment for their environmental, social and developmental impacts. Technologies that should be critically reviewed include industrial agriculture (with its dependence on agrochemicals, corporate-controlled seeds and intensive water use), genetic engineering, Terminator Technology, biofuels, nanotechnology, and geo-engineering.

78. We also agree to monitor and evaluate projects to prevent those projects or activities including in the infrastructure and extractive sectors that adversely affect the lands and rights of local farming and indigenous communities.

79. All Parties recognize the right of all peoples to have access to and enjoy clean water.

K. Enhanced action on capacity building

80. A Capacity building committee–mechanism shall be established to develop and support capacity building needs of developing country Parties that are vulnerable to the adverse effects of climate change, including through funding, focused training, mentoring and learning by doing approaches.

81. The committee/Mechanism shall enable developing country Parties to, inter alia:

- (i) Develop the capacity of institutions and human resources;
- (ii) Formulate strategies, policies and action plans;

- (iii) Enhance research and knowledge management;
- (iv) Strengthen endogenous capacities;
- (v) Strengthen the capacity for data collection and use and for modeling; and
- (vi) Build capacity for planning and decision-making including the participation of nongovernmental actors.

82. Developed Country Parties shall enable developing country Parties to implement the identification of activities (including national-level action plans), which shall be funded at full costs under Article 4.3 and 11.1 of the Convention amounting to at least 1% of the GNP of developed country Parties.

L. Other actions

83. *All Parties shall ensure* the full and effective implementation of the right to consultation, participation and prior, free and informed consent of Indigenous Peoples in all negotiation processes and in the design and implementation of measures relating to climate change.

84. We recognize the critical linkages between water and climate change, and the need to act urgently on water related issues. Climate change has serious adverse effects on people's access to water resources, for example through the reduced water supply caused by the melting of glaciers. We agree that dedicated action with adequate financing be planned to deal with water issues. We also recognize that all individuals have the right to have access to water resources to sustain life and that states have a responsibility to fulfill the basic human need for water.

85. Developed countries shall take responsibility for climate migrants, welcoming them into their territories and recognizing their fundamental rights through the signing of international conventions providing for the definition of migrant climate that all States abide by its determinations. At present, environmental degradation and climate change will reach critical levels, one of the main consequences of internal migration and international. According to some projections in 1995 there were about 25 million climate migrants, this is estimated at 50 million and projections for 2050 are from 200 to 1000 million people will be displaced by situations resulting from climate change.

86. Parties shall promote the establishment of an International Court of Climate and Environmental Justice, whose aim is to contribute to preventing actions causing environmental pollution and climate change.

87. Parties agree to support and promote a world plebiscite or referendum on climate change open to the global public. The terms of this referendum will be considered by the COP.

World People's Conference on Climate Change and the Rights of Mother Earth

April 22nd, Cochabamba, Bolivia

PEOPLES AGREEMENT

Today, our Mother Earth is wounded and the future of humanity is in danger.

If global warming increases by more than 2 degrees Celsius, a situation that the "Copenhagen Accord" could lead to, there is a 50% probability that the damages caused to our Mother Earth will be completely irreversible. Between 20% and 30% of species would be in danger of disappearing. Large extensions of forest would be affected, droughts and floods would affect different regions of the planet, deserts would expand, and the melting of the polar ice caps and the glaciers in the Andes and Himalayas would worsen. Many island states would disappear, and Africa would suffer an increase in temperature of more than 3 degrees Celsius. Likewise, the production of food would diminish in the world, causing catastrophic impact on the survival of inhabitants from vast regions in the planet, and the number of people in the world suffering from hunger would increase dramatically, a figure that already exceeds 1.02 billion people.

The corporations and governments of the so-called "developed" countries, in complicity with a segment of the scientific community, have led us to discuss climate change as a problem limited to the rise in temperature without questioning the cause, which is the capitalist system.

We confront the terminal crisis of a civilizing model that is patriarchal and based on the submission and destruction of human beings and nature that accelerated since the industrial revolution.

The capitalist system has imposed on us a logic of competition, progress and limitless growth. This regime of production and consumption seeks profit without limits, separating human beings from nature and imposing a logic of domination upon nature, transforming everything into commodities: water, earth, the human genome, ancestral cultures, biodiversity, justice, ethics, the rights of peoples, and life itself.

Under capitalism, Mother Earth is converted into a source of raw materials, and human beings into consumers and a means of production, into people that are seen as valuable only for what they own, and not for what they are.

Capitalism requires a powerful military industry for its processes of accumulation and imposition of control over territories and natural resources, suppressing the resistance of the peoples. It is an imperialist system of colonization of the planet.

Humanity confronts a great dilemma: to continue on the path of capitalism,

depredation, and death, or to choose the path of harmony with nature and respect for life.

It is imperative that we forge a new system that restores harmony with nature and among human beings. And in order for there to be balance with nature, there must first be equity among human beings.

We propose to the peoples of the world the recovery, revalorization, and strengthening of the knowledge, wisdom, and ancestral practices of Indigenous Peoples, which are affirmed in the thought and practices of "Living Well," recognizing Mother Earth as a living being with which we have an indivisible, interdependent, complementary and spiritual relationship.

To face climate change, we must recognize Mother Earth as the source of life and forge a new system based on the principles of:

- harmony and balance among all and with all things;
- complementarity, solidarity, and equality;
- collective well-being and the satisfaction of the basic necessities of all
- people in harmony with nature;
- recognition of human beings for what they are, not what they own;
- elimination of all forms of colonialism, imperialism and interventionism;
- peace among the peoples and with Mother Earth;

The model we support is not a model of limitless and destructive development. All countries need to produce the goods and services necessary to satisfy the fundamental needs of their populations, but by no means can they continue to follow the path of development that has led the richest countries to have an ecological footprint five times bigger than what the planet is able to support. Currently, the regenerative capacity of the planet has been already exceeded by more than 30 percent. If this pace of over-exploitation of our Mother Earth continues, we will need two planets by the year 2030.

In an interdependent system in which human beings are only one component, it is not possible to recognize rights only to the human part without provoking an imbalance in the system as a whole. To guarantee human rights and to restore harmony with nature, it is necessary to effectively recognize and apply the rights of Mother Earth.

For this purpose, we propose the attached project for the Universal Declaration on the Rights of Mother Earth, in which it's recorded that:

- The right to live and to exist;
- The right to be respected;
- The right to regenerate its bio-capacity and to continue it's vital cycles and processes free of human alteration;
- The right to maintain their identity and integrity as differentiated beings, self-regulated and interrelated;
- The right to water as the source of life;

- The right to clean air;
- The right to comprehensive health;
- The right to be free of contamination and pollution, free of toxic and radioactive waste;
- The right to be free of alterations or modifications of its genetic structure in a manner that threatens its integrity or vital and healthy functioning;
- The right to prompt and full restoration for violations to the rights acknowledged in this Declaration caused by human activities.

The “shared vision” seeks to stabilize the concentrations of greenhouse gases to make effective the Article 2 of the United Nations Framework Convention on Climate Change, which states that “the stabilization of greenhouse gases concentrations in the atmosphere to a level that prevents dangerous anthropogenic inferences for the climate system.” Our vision is based on the principle of historical common but differentiated responsibilities, to demand the developed countries to commit with quantifiable goals of emission reduction that will allow to return the concentrations of greenhouse gases to 300 ppm, therefore the increase in the average world temperature to a maximum of one degree Celsius.

Emphasizing the need for urgent action to achieve this vision, and with the support of peoples, movements and countries, developed countries should commit to ambitious targets for reducing emissions that permit the achievement of short-term objectives, while maintaining our vision in favor of balance in the Earth’s climate system, in agreement with the ultimate objective of the Convention.

The “shared vision for long-term cooperative action” in climate change negotiations should not be reduced to defining the limit on temperature increases and the concentration of greenhouse gases in the atmosphere, but must also incorporate in a balanced and integral manner measures regarding capacity building, production and consumption patterns, and other essential factors such as the acknowledging of the Rights of Mother Earth to establish harmony with nature.

Developed countries, as the main cause of climate change, in assuming their historical responsibility, must recognize and honor their climate debt in all of its dimensions as the basis for a just, effective, and scientific solution to climate change. In this context, we demand that developed countries:

- Restore to developing countries the atmospheric space that is occupied by their greenhouse gas emissions. This implies the decolonization of the atmosphere through the reduction and absorption of their emissions;
- Assume the costs and technology transfer needs of developing countries arising from the loss of development opportunities due to living in a restricted atmospheric space;
- Assume responsibility for the hundreds of millions of people that will be forced to migrate due to the climate change caused by these countries, and eliminate their restrictive immigration policies, offering migrants a decent life with full human rights guarantees in their countries;

- Assume adaptation debt related to the impacts of climate change on developing countries by providing the means to prevent, minimize, and deal with damages arising from their excessive emissions;
- Honor these debts as part of a broader debt to Mother Earth by adopting and implementing the United Nations Universal Declaration on the Rights of Mother Earth.

The focus must not be only on financial compensation, but also on restorative justice, understood as the restitution of integrity to our Mother Earth and all its beings.

We deplore attempts by countries to annul the Kyoto Protocol, which is the sole legally binding instrument specific to the reduction of greenhouse gas emissions by developed countries.

We inform the world that, despite their obligation to reduce emissions, developed countries have increased their emissions by 11.2% in the period from 1990 to 2007.

During that same period, due to unbridled consumption, the United States of America has increased its greenhouse gas emissions by 16.8%, reaching an average of 20 to 23 tons of CO₂ per-person. This represents 9 times more than that of the average inhabitant of the "Third World," and 20 times more than that of the average inhabitant of Sub-Saharan Africa.

We categorically reject the illegitimate "Copenhagen Accord" that allows developed countries to offer insufficient reductions in greenhouse gases based in voluntary and individual commitments, violating the environmental integrity of Mother Earth and leading us toward an increase in global temperatures of around 4°C.

The next Conference on Climate Change to be held at the end of 2010 in Mexico should approve an amendment to the Kyoto Protocol for the second commitment period from 2013 to 2017 under which developed countries must agree to significant domestic emissions reductions of at least 50% based on 1990 levels, excluding carbon markets or other offset mechanisms that mask the failure of actual reductions in greenhouse gas emissions.

We require first of all the establishment of a goal for the group of developed countries to achieve the assignment of individual commitments for each developed country under the framework of complementary efforts among each one, maintaining in this way Kyoto Protocol as the route to emissions reductions.

The United States, as the only Annex 1 country on Earth that did not ratify the Kyoto Protocol, has a significant responsibility toward all peoples of the world to ratify this document and commit itself to respecting and complying with emissions reduction targets on a scale appropriate to the total size of its economy.

We the peoples have the equal right to be protected from the adverse effects of climate change and reject the notion of adaptation to climate change as understood as a resignation to impacts provoked by the historical emissions of developed countries, which themselves must adapt their modes of life and consumption in the face of this global emergency. We see it as imperative to confront the adverse effects of climate change, and consider adaptation to be a process rather than an imposition, as well as a tool that can serve to help offset those effects, demonstrating that it is possible to achieve harmony with nature under a different model for living.

It is necessary to construct an Adaptation Fund exclusively for addressing climate change as part of a financial mechanism that is managed in a sovereign, transparent, and equitable manner for all States. This Fund should assess the impacts and costs of climate change in developing countries and needs deriving from these impacts, and monitor support on the part of developed countries. It should also include a mechanism for compensation for current and future damages, loss of opportunities due to extreme and gradual climactic events, and additional costs that could present themselves if our planet surpasses ecological thresholds, such as those impacts that present obstacles to "Living Well."

The "Copenhagen Accord" imposed on developing countries by a few States, beyond simply offering insufficient resources, attempts as well to divide and create confrontation between peoples and to extort developing countries by placing conditions on access to adaptation and mitigation resources. We also assert as unacceptable the attempt in processes of international negotiation to classify developing countries for their vulnerability to climate change, generating disputes, inequalities and segregation among them.

The immense challenge humanity faces of stopping global warming and cooling the planet can only be achieved through a profound shift in agricultural practices toward the sustainable model of production used by indigenous and rural farming peoples, as well as other ancestral models and practices that contribute to solving the problem of agriculture and food sovereignty. This is understood as the right of peoples to control their own seeds, lands, water, and food production, thereby guaranteeing, through forms of production that are in harmony with Mother Earth and appropriate to local cultural contexts, access to sufficient, varied and nutritious foods in complementarity with Mother Earth and deepening the autonomous (participatory, communal and shared) production of every nation and people.

Climate change is now producing profound impacts on agriculture and the ways of life of indigenous peoples and farmers throughout the world, and these impacts will worsen in the future.

Agribusiness, through its social, economic, and cultural model of global capitalist production and its logic of producing food for the market and not to fulfill the right to proper nutrition, is one of the principal causes of climate change. Its technological, commercial, and political approach only serves to deepen the climate change crisis and increase hunger in the world. For this

reason, we reject Free Trade Agreements and Association Agreements and all forms of the application of Intellectual Property Rights to life, current technological packages (agrochemicals, genetic modification) and those that offer false solutions (biofuels, geo-engineering, nanotechnology, etc.) that only exacerbate the current crisis.

We similarly denounce the way in which the capitalist model imposes mega-infrastructure projects and invades territories with extractive projects, water privatization, and militarized territories, expelling indigenous peoples from their lands, inhibiting food sovereignty and deepening socio-environmental crisis.

We demand recognition of the right of all peoples, living beings, and Mother Earth to have access to water, and we support the proposal of the Government of Bolivia to recognize water as a Fundamental Human Right.

The definition of forests used in the negotiations of the United Nations Framework Convention on Climate Change, which includes plantations, is unacceptable. Monoculture plantations are not forests. Therefore, we require a definition for negotiation purposes that recognizes the native forests, jungles and the diverse ecosystems on Earth.

The United Nations Declaration on the Rights of Indigenous Peoples must be fully recognized, implemented and integrated in climate change negotiations. The best strategy and action to avoid deforestation and degradation and protect native forests and jungles is to recognize and guarantee collective rights to lands and territories, especially considering that most of the forests are located within the territories of indigenous peoples and nations and other traditional communities.

We condemn market mechanisms such as REDD (Reducing Emissions from Deforestation and Forest Degradation) and its versions + and + +, which are violating the sovereignty of peoples and their right to prior free and informed consent as well as the sovereignty of national States, the customs of Peoples, and the Rights of Nature.

Polluting countries have an obligation to carry out direct transfers of the economic and technological resources needed to pay for the restoration and maintenance of forests in favor of the peoples and indigenous ancestral organic structures. Compensation must be direct and in addition to the sources of funding promised by developed countries outside of the carbon market, and never serve as carbon offsets. We demand that countries stop actions on local forests based on market mechanisms and propose non-existent and conditional results. We call on governments to create a global program to restore native forests and jungles, managed and administered by the peoples, implementing forest seeds, fruit trees, and native flora. Governments should eliminate forest concessions and support the conservation of petroleum deposits in the ground and urgently stop the exploitation of hydrocarbons in forestlands.

We call upon States to recognize, respect and guarantee the effective implementation of international human rights standards and the rights of indigenous peoples, including the United Nations Declaration on the Rights of Indigenous Peoples under ILO Convention 169, among other relevant instruments in the negotiations, policies and measures used to meet the challenges posed by climate change. In particular, we call upon States to give legal recognition to claims over territories, lands and natural resources to enable and strengthen our traditional ways of life and contribute effectively to solving climate change.

We demand the full and effective implementation of the right to consultation, participation and prior, free and informed consent of indigenous peoples in all negotiation processes, and in the design and implementation of measures related to climate change.

Environmental degradation and climate change are currently reaching critical levels, and one of the main consequences of this is domestic and international migration. According to projections, there were already about 25 million climate migrants by 1995. Current estimates are around 50 million, and projections suggest that between 200 million and 1 billion people will become displaced by situations resulting from climate change by the year 2050.

Developed countries should assume responsibility for climate migrants, welcoming them into their territories and recognizing their fundamental rights through the signing of international conventions that provide for the definition of climate migrant and require all States to abide by determinations.

Establish an International Tribunal of Conscience to denounce, make visible, document, judge and punish violations of the rights of migrants, refugees and displaced persons within countries of origin, transit and destination, clearly identifying the responsibilities of States, companies and other agents.

Current funding directed toward developing countries for climate change and the proposal of the Copenhagen Accord are insignificant. In addition to Official Development Assistance and public sources, developed countries must commit to a new annual funding of at least 6% of GDP to tackle climate change in developing countries. This is viable considering that a similar amount is spent on national defense, and that 5 times more have been put forth to rescue failing banks and speculators, which raises serious questions about global priorities and political will. This funding should be direct and free of conditions, and should not interfere with the national sovereignty or self-determination of the most affected communities and groups.

In view of the inefficiency of the current mechanism, a new funding mechanism should be established at the 2010 Climate Change Conference in Mexico, functioning under the authority of the Conference of the Parties (COP) under the United Nations Framework Convention on Climate Change and held accountable to it, with significant representation of developing countries, to ensure compliance with the funding commitments of Annex 1

countries.

It has been stated that developed countries significantly increased their emissions in the period from 1990 to 2007, despite having stated that the reduction would be substantially supported by market mechanisms.

The carbon market has become a lucrative business, commodifying our Mother Earth. It is therefore not an alternative for tackle climate change, as it loots and ravages the land, water, and even life itself.

The recent financial crisis has demonstrated that the market is incapable of regulating the financial system, which is fragile and uncertain due to speculation and the emergence of intermediary brokers. Therefore, it would be totally irresponsible to leave in their hands the care and protection of human existence and of our Mother Earth.

We consider inadmissible that current negotiations propose the creation of new mechanisms that extend and promote the carbon market, for existing mechanisms have not resolved the problem of climate change nor led to real and direct actions to reduce greenhouse gases.

It is necessary to demand fulfillment of the commitments assumed by developed countries under the United Nations Framework Convention on Climate Change regarding development and technology transfer, and to reject the "technology showcase" proposed by developed countries that only markets technology. It is essential to establish guidelines in order to create a multilateral and multidisciplinary mechanism for participatory control, management, and evaluation of the exchange of technologies. These technologies must be useful, clean and socially sound. Likewise, it is fundamental to establish a fund for the financing and inventory of technologies that are appropriate and free of intellectual property rights. Patents, in particular, should move from the hands of private monopolies to the public domain in order to promote accessibility and low costs.

Knowledge is universal, and should for no reason be the object of private property or private use, nor should its application in the form of technology. Developed countries have a responsibility to share their technology with developing countries, to build research centers in developing countries for the creation of technologies and innovations, and defend and promote their development and application for "living well." The world must recover and re-learn ancestral principles and approaches from native peoples to stop the destruction of the planet, as well as promote ancestral practices, knowledge and spirituality to recuperate the capacity for "living well" in harmony with Mother Earth.

Considering the lack of political will on the part of developed countries to effectively comply with commitments and obligations assumed under the United Nations Framework Convention on Climate Change and the Kyoto Protocol, and given the lack of a legal international organism to guard against and sanction climate and environmental crimes that violate the Rights of

Mother Earth and humanity, we demand the creation of an International Climate and Environmental Justice Tribunal that has the legal capacity to prevent, judge and penalize States, industries and people that by commission or omission contaminate and provoke climate change.

Supporting States that present claims at the International Climate and Environmental Justice Tribunal against developed countries that fail to comply with commitments under the United Nations Framework Convention on Climate Change and the Kyoto Protocol including commitments to reduce greenhouse gases.

We urge peoples to propose and promote deep reform within the United Nations, so that all member States comply with the decisions of the International Climate and Environmental Justice Tribunal.

The future of humanity is in danger, and we cannot allow a group of leaders from developed countries to decide for all countries as they tried unsuccessfully to do at the Conference of the Parties in Copenhagen. This decision concerns us all. Thus, it is essential to carry out a global referendum or popular consultation on climate change in which all are consulted regarding the following issues; the level of emission reductions on the part of developed countries and transnational corporations, financing to be offered by developed countries, the creation of an International Climate Justice Tribunal, the need for a Universal Declaration of the Rights of Mother Earth, and the need to change the current capitalist system.

The process of a global referendum or popular consultation will depend on process of preparation that ensures the successful development of the same.

In order to coordinate our international action and implement the results of this "Accord of the Peoples," we call for the building of a Global People's Movement for Mother Earth, which should be based on the principles of complementarity and respect for the diversity of origin and visions among its members, constituting a broad and democratic space for coordination and joint worldwide actions.

To this end, we adopt the attached global plan of action so that in Mexico, the developed countries listed in Annex 1 respect the existing legal framework and reduce their greenhouse gases emissions by 50%, and that the different proposals contained in this Agreement are adopted.

Finally, we agree to undertake a Second World People's Conference on Climate Change and the Rights of Mother Earth in 2011 as part of this process of building the Global People's Movement for Mother Earth and reacting to the outcomes of the Climate Change Conference to be held at the end of this year in Cancun, Mexico.

Draft Proposal
UNIVERSAL DECLARATION OF THE RIGHTS OF MOTHER EARTH

Preamble

We, the peoples and nations of Earth:

considering that we are all part of Mother Earth, an indivisible, living community of interrelated and interdependent beings with a common destiny;

gratefully acknowledging that Mother Earth is the source of life, nourishment and learning and provides everything we need to live well;

recognizing that the capitalist system and all forms of depredation, exploitation, abuse and contamination have caused great destruction, degradation and disruption of Mother Earth, putting life as we know it today at risk through phenomena such as climate change;

convinced that in an interdependent living community it is not possible to recognize the rights of only human beings without causing an imbalance within Mother Earth;

affirming that to guarantee human rights it is necessary to recognize and defend the rights of Mother Earth and all beings in her and that there are existing cultures, practices and laws that do so;

conscious of the urgency of taking decisive, collective action to transform structures and systems that cause climate change and other threats to Mother Earth;

proclaim this Universal Declaration of the Rights of Mother Earth, and call on the General Assembly of the United Nation to adopt it, as a common standard of achievement for all peoples and all nations of the world, and to the end that every individual and institution takes responsibility for promoting through teaching, education, and consciousness raising, respect for the rights recognized in this Declaration and ensure through prompt and progressive measures and mechanisms, national and international, their universal and effective recognition and observance among all peoples and States in the world.

Article 1. Mother Earth

- (1) Mother Earth is a living being.
- (2) Mother Earth is a unique, indivisible, self-regulating community of interrelated beings that sustains, contains and reproduces all beings.
- (3) Each being is defined by its relationships as an integral part of Mother Earth.

- (4) The inherent rights of Mother Earth are inalienable in that they arise from the same source as existence.
- (5) Mother Earth and all beings are entitled to all the inherent rights recognized in this Declaration without distinction of any kind, such as may be made between organic and inorganic beings, species, origin, use to human beings, or any other status.
- (6) Just as human beings have human rights, all other beings also have rights which are specific to their species or kind and appropriate for their role and function within the communities within which they exist.
- (7) The rights of each being are limited by the rights of other beings and any conflict between their rights must be resolved in a way that maintains the integrity, balance and health of Mother Earth.

Article 2. Inherent Rights of Mother Earth

- (1) Mother Earth and all beings of which she is composed have the following inherent rights:
 - (a) the right to life and to exist;
 - (b) the right to be respected;
 - (c) the right to regenerate its bio-capacity and to continue its vital cycles and processes free from human disruptions;
 - (d) the right to maintain its identity and integrity as a distinct, self-regulating and interrelated being;
 - (e) the right to water as a source of life;
 - (f) the right to clean air;
 - (g) the right to integral health;
 - (h) the right to be free from contamination, pollution and toxic or radioactive waste;
 - (i) the right to not have its genetic structure modified or disrupted in a manner that threatens its integrity or vital and healthy functioning;
 - (j) the right to full and prompt restoration the violation of the rights recognized in this Declaration caused by human activities;
- (2) Each being has the right to a place and to play its role in Mother Earth for her harmonious functioning.

- (3) Every being has the right to wellbeing and to live free from torture or cruel treatment by human beings.

Article 3. Obligations of human beings to Mother Earth

- (1) Every human being is responsible for respecting and living in harmony with Mother Earth.
- (2) Human beings, all States, and all public and private institutions must:
- (a) act in accordance with the rights and obligations recognized in this Declaration;
 - (b) recognize and promote the full implementation and enforcement of the rights and obligations recognized in this Declaration;
 - (c) promote and participate in learning, analysis, interpretation and communication about how to live in harmony with Mother Earth in accordance with this Declaration;
 - (d) ensure that the pursuit of human wellbeing contributes to the wellbeing of Mother Earth, now and in the future;
 - (e) establish and apply effective norms and laws for the defence, protection and conservation of the rights of Mother Earth;
 - (f) respect, protect, conserve and where necessary, restore the integrity, of the vital ecological cycles, processes and balances of Mother Earth;
 - (g) guarantee that the damages caused by human violations of the inherent rights recognized in this Declaration are rectified and that those responsible are held accountable for restoring the integrity and health of Mother Earth;
 - (h) empower human beings and institutions to defend the rights of Mother Earth and of all beings;
 - (i) establish precautionary and restrictive measures to prevent human activities from causing species extinction, the destruction of ecosystems or the disruption of ecological cycles;
 - (j) guarantee peace and eliminate nuclear, chemical and biological weapons;
 - (k) promote and support practices of respect for Mother Earth and all beings, in accordance with their own cultures, traditions and customs;
 - (l) promote economic systems that are in harmony with Mother Earth and in accordance with the rights recognized in this Declaration.

Article 4. Definitions

- (1) The term “being” includes ecosystems, natural communities, species and all other natural entities which exist as part of Mother Earth.
- (2) Nothing in this Declaration restricts the recognition of other inherent rights of all beings or specified beings.