Submission by the Plurinational State of Bolivia

June 1, 2010

This submission reiterates in a summary form the main proposals that were presented by the Plurinational State of Bolivia the 26 of April of 2010, on the basis of the conclusions of the World People’s Conference on Climate Change and the Rights of Mother Earth. The content of the Bolivian submission was not taken into account in the “text to facilitate negotiations among Parties. Note by the Chair FCCC/AWGLCA/2010/6”

In order to have a balanced text of negotiation, where the main proposals of the different parties are not excluded, we expect that these elements will be included in the revised text of the chair of the AWG-LCA.

Integrated vision (to be included in Shared vision)[1]

OP The shared vision for 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 goals, 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:

(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;

(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;

(e) The transfer of environmentally sound technologies to developing countries and enhancement of their endogenous capacities and technologies, including the 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;

(f) Capacity building to enable the upgrading of developing countries institutional capacities to address climate change and its adverse effect;

(g) Measures by developing countries to mitigate climate change, including nationally appropriate mitigation actions supported and enabled by developed countries

(h) 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.

**Goal in temperature and ppm (to be included in Shared vision)**

OP 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 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.

**Mother Earth Rights (text to be included in Shared vision)**

PP Acknowledging that to address climate change, we must recognize Mother Earth as the source of life and that it is a living system, with which we have an indivisible, interdependent and complementary relationship and that to achieve the realization of human rights and human dignity it is necessary to recognize and defend the rights of Mother Earth.

OP A shared vision for Long-term Cooperative Action in order to reestablish harmony with nature should promote the recognition and defense of Mother Earth Rights, through a Declaration in the United Nations.

**Structural causes (to be included in Shared vision)**

PP 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 financial and economic system that gives rise to these, and 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.

PP 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.

OP Promote 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, and the development of an analysis and debate in relation to the
structural causes of climate change.

**Equitable distribution of atmospheric space (to be included in Shared vision)**

PP Recognizing that an equitable sharing of atmospheric space is an inalienable fundamental
right of all nations and peoples, and that economic, social and sustainable development are the
first and overriding priorities of developing country Parties, which has been limited by the
overuse of developed countries of the atmosphere, through their past, current and proposed
future emissions.

OP Achieving an equitable allocation of global atmospheric space between developed and
developing countries shall be determined by reference to:

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

b) An agreed methodology for sharing the global emissions budget among developed and
developing countries taking into account their present and future population, and

c) The allocation, based on this methodology, of total and domestic 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.

**Court of Climate and Environmental Justice (to be included in Shared vision)**

PP Recognizing that developed countries have not fulfilled their commitments and that it is
necessary to have a judicial mechanisms that guarantees the implementation of the Convention
and the Kyoto Protocol.

OP 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.

**Referendum (to be included in Shared vision)**

PP Recognizing that the decision about climate change is not only a matter of decision of
governments and their technical representatives, but concerns us all, as citizens of the world.

PP Recognizing that is essential to carry out a global consultation about determining decisions
that implies the impact of climate change on the future of Mother Earth and human life,
OP Parties agree to support and promote a world plebiscite or referendum on climate change open to the global public and the terms of this referendum will be considered by the COP.

**Climate Debt (to be included in shared vision, mitigation, adaptation, finance and technology transfer)**

PP Affirming that the historical emissions of developed countries are 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,

PP 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,

OP Developed countries 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.

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.

**Indigenous peoples (to be included in shared vision, mitigation, adaptation and technology transfer)**

OP The full and effective implementation of the right to consultation, participation and prior, free and informed consent of Indigenous Peoples is needed in all negotiation processes and in the design and implementation of measures to mitigate and adapt to climate change.
OP The UN Declaration on the Rights of Indigenous Peoples and ILO Convention 169 shall be fully recognized, implemented and integrated in climate change actions.

OP 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.

**Finance (to be included in Finance, Shared Vision, Mitigation, Adaptation, Technology transfer, Capacity building)**

OP 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 sources for the fulfillment of these commitments shall come exclusively from public funding and not from markets.

OP Developed country Parties shall, beginning in 2013, provide resources equivalent to at least 6% of their GNP comprising 3% for adaptation, 1% for mitigation, 1% for technology development and transfer and 1% for capacity building.

**Migration (to be included in Shared Vision and Adaptation)**

OP Developed countries, assuming their responsibilities of the adverse impacts of climate change, must assume as a dimension of their climate debt, 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;

OP As a part of the institutional framework on adaptation, an international mechanism shall be established to address the needs of individuals and peoples displaced due to the adverse effects of climate change and the infringements of human rights resulting from the adverse effects of climate change.

**Mitigation (text to be included in Mitigation 1bi)**

PP Reaffirming that the Kyoto Protocol shall remain as the specific binding instrument for reducing emissions of greenhouse gases in developed countries)

OP All Annex I Parties to the Convention, as part of their emissions debt and in accordance with their commitments of Article 4.2 of the Convention, shall undertake ambitious national economy-wide binding targets for quantified emission reduction commitments in aggregate 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 through domestic reduction actions and without the use of carbon markets or other offsetting mechanisms.

OP 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.

OP For an 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 the previous paragraph. Such commitments shall be reflected in a declaration by that Party and recognized through a decision of the Conference of Parties.

OP 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.

NAMAs (to be included in Mitigation 1bii)

OP (1b2) 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.

OP (1b2) Emission reductions resulting from NAMAs shall not be used to offset quantified emission reduction targets undertaken by Annex I Parties to the Convention.

Forest (to be included in Mitigation 1biii)

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

- Environmental integrity.
- Guarantee rights of indigenous peoples under the basis of international normative instruments and local communities in conservation and participation in forest management.
- No market mechanism on forest related actions.
- No offset mechanism that imply that developed countries will use emission reductions that were made by developing countries in order to fulfill their emission reductions commitments.
- Ensure sovereignty and national as well as local control over forest related activities.
OP The definition of forest used in the negotiations should not include plantations, as monoculture plantations are not forests. Forest conservation can be funded, including adaptation activities related to forests.

OP 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 of indigenous peoples and nations, and traditional farming communities.

OP 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.

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

- Equitable distribution of funds must be assured
- 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.
- 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.

Agriculture (to be included in 1biv)

PP Recognizing that emissions from ecologically harmful and chemical-intensive agriculture are a major contributor to climate change and the essential contribution of mitigation actions from ecologically-sound forms of agriculture, including traditional agricultural practices by many local communities and small farmers
PP Stressing that the 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.

OP Decide 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.

OP Agree that small farmers in developing countries have the right to control their own seeds, land, water and food production and that appropriate and adequate financing mechanisms shall be established to ensure they can maintain and increase control over their resources.

OP Decide to review of the global system of agricultural trade, the provisions of trade agreements and loan and aid conditions and the intellectual property regimes to ensure that policy framework for agriculture be appropriate to address the climate crisis and to meet the interests of local communities and protect the environment, rejecting the practices and technologies harmful to farmers and the environment, including, agrochemicals, corporate-controlled seeds and intensive water use, genetic engineering, particularly genetic use restriction technology, biofuels, nanotechnology, and geo-engineering.

**Markets (to be included in 1bv)**

PP Understanding that a system of 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;

OP 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.

OP Parties reject the establishment of new flexible mechanisms that are based on carbon markets.

**Adaptation (to be included in adaptation)**

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

PP 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 water, to housing and to health.
OP Developed countries, recognizing their historical responsibility for climate change and its adverse effects, hereby recognize and commit to honor their adaptation debt, compensating all the negative impacts of climate change on developing countries by:

- providing the means for developing countries to develop and implement adaptation policies, plans, programs and projects through the provision of substantial, new and additional public financial resources, environmentally sound technologies and capacity building in a predictable and prompt manner
- Compensating actual damages arising from their excessive emissions,
- Compensating the opportunity costs; supporting developing country Parties efforts to reduce poverty and achieve their development goals.

OP 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. The institutional arrangements shall comprise:

- An adaptation committee under the authority and guidance of the Conference of Parties.
- 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:
  - Addressing risks associated with climate-related extreme weather events, that incorporates measures to reduce, manage and prevent risk;
  - Providing compensation and rehabilitation for climate-related slow onset events
- A compliance mechanism to verify the provisions of financial resources, compensation and transfer of technology from developed country Parties (within the new operating entity under the Convention Financial mechanism).

**Technology Transfer (to be included in development and transfer of technology)**

OP Technology transfer from developed to developing countries should be free from conditions 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.

OP Developed countries commit to share 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.

OP A mechanism for technology development and transfer is hereby established under the authority of to the Conference of Parties, that comprises:
• A Technology Executive Board aimed to develop strategy and policies, provide guidance, assess and elaborate on technology matters and develop a Technology Action Plan.
• Technical Panels for adaptation and mitigation technologies to generate and compile expert information.
• A Technology Action Plan to support concrete programs and actions with short, medium and long term actions and programs that covers all sectors.
• A Multilateral Climate Technology Fund/window to meet the full and the full incremental costs of technology transfer (in accordance with Article 4.3).
• A compliance mechanism for measuring and verifying commitments of developed country Parties for technology transfer, finance and development;

Op 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.

OP 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.

OP 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.

OP 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.

OP 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. Patents on climate-related technologies should be excluded.