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## **Submission by Mediators Beyond Borders International on**

### **The Work Plan for the Ad Hoc Working Group on the Durban**

### **Platform for Enhanced Action**

**12 July 2012**

#### **1. Introduction:**

Mediators Beyond Borders International (MBB) is an accredited observer organization of the UNFCCC since Fall of 2009. Since that time, MBB members have attended UNFCCC sessions in Bangkok, Barcelona, Copenhagen, Bonn, Cancun, Panama and Durban promoting sustainable conflict resolution capacity and advocating for the inclusion of mediation into legally binding instruments.

Mediators Beyond Borders - Partnering for Peace & Reconciliation is a non-profit, humanitarian organization established to partner with communities worldwide to build their conflict resolution capacity for preventing, resolving and healing from conflict. This partnership involves the design and implementation of sustainable peace building initiatives responsive to the needs and culture of the communities, and to the history of each conflict.

Mediators Beyond Borders interprets "**beyond borders**" broadly. It acts across geographical, political, economic, societal, and cultural boundaries. MBB partners with NGO's, universities, political and activist groups, community organizations, professional societies, environmental, commercial and other entities worldwide to develop skills for group facilitation, public dialogue, strategic planning, concertation, collaborative negotiation, peer mediation, restorative justice, and public policy consensus building.

MBB considers the term **mediation** to be inclusive of a broad range of conflict management and dispute resolution endeavors. Activities such as conciliation, consulting, facilitation, consensus building, conducting public dialogues, system design, restorative justice initiatives, education and capacity building to mitigate or prevent violence are all encompassed within a sweeping definition of mediation. Further, a mediator is impartial as defined by the operant culture, invited

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to intervene by the stakeholders to the conflict, and skilled in non-violent dispute resolution techniques.

## **2. Proposal to Submit:**

MBB respectfully requests the Secretariat to post the following Submission on the UNFCCC website for consideration by the Ad Hoc Working Group on the Durban Platform for Enhanced Action (ADP) and to be forwarded to the ADP Co-Chairs. This request is made pursuant to mandate FCCC/CP/2011/L.10, paragraph 5, whereby the ADP shall plan its work to include, inter alia, the areas of mitigation, adaptation, finance, technology development and transfer, transparency of action, and support and capacity-building, drawing upon submissions from Parties and relevant technical, social and economic information and expertise.

MBB provides this submission based upon its expertise in conflict management and dispute resolution.

## **3. Submission:**

*Reflecting* on the Establishment of the Ad Hoc Working Group on the Durban Platform for Enhanced Action (ADP), as set forth in document FCCC/CP/2011/L.10, presented to the Parties for consideration, on 10 December 2011, at the Conference of the Parties Seventeenth session Durban, 28 November to 9 December 2011; and in furtherance of the joint message from the Co-chairs of the ADP, reference HT/AHI/ADP, submitted by the Executive Secretary on 25 June 2012;

*Recognizing* the United Nations General Assembly adoption of A/RES/65/283, on 28 July 2011, for “strengthening the role of mediation in the peaceful settlement of disputes, conflict prevention and resolution,” and which, “invites Member States, as appropriate, to optimize the use of mediation...” at paragraph 2;

*MBB proposes the inclusion of the term “mediation”* to be included as an appropriate term for the peaceful settlement of climate change conflict and disputes to be addressed and used by the Ad Hoc Working Group on the Durban Platform, as a mechanism to settle (manage and resolve) in a balanced, neutral, integrated, and comprehensive manner, conflicts and disputes stemming from the implementation, interpretation, and consequences of the policies implemented by UNFCCC for an agreed outcome and legal instrument to address climate change.

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**MBB proposes the following text for consideration:**

“Recognizing that conflicts and disputes are an inevitable and adverse effect of climate change, the Parties are encouraged to use mediation, conciliation, arbitration, and actions before the International Court of Justice to settle their climate change conflicts and disputes.”

Respectfully submitted,

Thomas Fiutak, Mark Kirwin, Gregg Walker

Mediators Beyond Borders International Climate Change Initiative

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