

Submission by India to AWG-LCA on
Organisation and Methods of Work in 2010
(for guidance to AWG-LCA Chair for preparation
of text for consideration of Parties)

Ad-hoc Working Group on Long Term Co-operative Action, in its 9th Session has invited the Chair to prepare, under her own responsibility, a text to facilitate negotiations among Parties, drawing on the report of the AWG-LCA presented to the COP at its 15th Session, as well as work undertaken by the COP on the basis of that report.

India submits the following views in this regard:-

General

The draft text prepared by the Chair of the AWG-LCA and included in the report of the COP at its 15th Session is a legitimate basis for negotiations. The mandate given by the COP 15 to the Chair to draw on the Report provides the authority to the Chair to use the text for negotiations and enhance it with other useful inputs that may come from the work undertaken by the COP on the basis of that report.

India regards the Copenhagen Accord that was not 'adopted' but only 'noted' by the Parties as an input to negotiations on the text. The Copenhagen Accord is a political document. It is not legally binding and is not to be treated as the basis of a negotiating text unless it is agreed and adopted by all the Parties. The political understanding among the participants as reflected in the Copenhagen Accord should facilitate the two-track process of negotiations under the Long Term Cooperative Action and the Kyoto Protocol and lead to a successful conclusion of ongoing negotiations.

The negotiating text should cover all elements of the Bali Action Plan and lead to a balanced, comprehensive and ambitious outcome. A balance in all elements is necessary in order to arrive at an agreed outcome. The negotiating text as available to the Parties in the report of the COP at its 15th Session covers all elements of the negotiations. While there is some degree of consensus in some of the specific areas, further work is necessary in several other areas. The available text provides

place-holders for many ideas. In this context, the Copenhagen Accord could have value if the areas of convergence reflected in the Accord are used to help reach an agreement on the specific issues under negotiations.

The outcomes must enhance and not diminish Bali Action Plan and must be comprehensive i.e., they should advance actions together on all of its building blocks, i.e., adaptation, mitigation, technology and finance. Any outcome that erodes the differentiation amongst developed and developing countries as set forth in the UNFCCC and Bali Action Plan or creates new differentiation amongst the developing countries is not acceptable. UNFCCC and the Bali Action Plan should continue to be the basis for further work and for constructing a legally binding outcome at a future date.

India is of the view that, while it is useful for the aggregate emission reductions objectives of Annex I Parties to be inscribed in a protocol or an agreement, it is not necessary for a legally binding outcome to take place in form of an agreement or a protocol in order to conclude the process of negotiations at CoP16. A set of decisions by COP on several issues including those relating to aggregate emission reduction levels applicable to Annex I countries will be legally binding and enforceable on all Parties as per the principles and provisions of the Convention. On the other hand, the commitments of Annex I countries that are Party to KP should be finalized and inscribed under the Kyoto Protocol.

India's views¹ on elements of negotiation under the Bali Action Plan for full effective and sustained implementation of the Convention through Long Term Cooperative Action are further elaborated below:-

Shared Vision and Long Term Goal

While the global goal of climate stabilization in terms of limiting the temperature rise to 2 degrees Celsius above pre-industrial levels, as supported by broad scientific view, is acceptable, it must be preceded by a paradigm for equitable sharing of carbon space based on per capita accumulative emissions. Global atmospheric resource is the common property of all mankind and each human being has equal entitlement to use of this resource on the basis of per capita

¹ These views should be read in conjunction with the submissions made by India on earlier occasions on specific issues and, where necessary, further clarifications may be provided.

accumulative convergence of emissions. The achievement of such a goal must not compromise the growth imperatives of developing countries and must fully take into account the overriding priority of social and economic development and poverty eradication in such countries.

Adaptation:

India supports the demand of developing countries to accord equal importance to adaptation as in case of mitigation. Agreed full costs of adaptation (in all countries vulnerable to climate change), including the planning and implementation costs of such actions, should be met by resources provided by the developed countries through an agreed international fund. India also supports the launch of fast-start funds for adaptation in LDCs without prejudice to the claims for adaptation needs in other developing countries.

Mitigation:

As per Bali Action Plan, the developed countries have to take mitigation actions in form of economy wide quantified emission reduction targets, while the developing countries have to take nationally appropriate mitigation actions supported and enabled in terms of finance and technology and capacity building from developed countries. This approach forms the basis of negotiations.

Mitigation commitments of developed countries:

Acceptance by developed countries of the principle of their historical responsibility and their undertaking to make credible cuts in GHG emissions is the starting point for a fair and equitable agreement. Observance of their commitments by Annex I Parties under Kyoto Protocol is crucial. Simultaneously, non-Kyoto Annex I Parties must take comparable and ambitious commitment to reduce their emissions as a part of a comprehensive deal reached in pursuance of the Bali Action Plan. This should be achieved through economy wide emission reduction targets and should be subject to a strict review and compliance procedure.

Nationally Appropriate Mitigation Actions (NAMAs) of developing countries:

The mitigation actions of developing countries will be voluntary in nature and will be taken in the context of sustainable development. These will be guided primarily by the national priorities of social and economic development including the energy needs of people and poverty eradication. Such actions can be enhanced if international support in terms of technology and finance is available from the developed countries. Developing countries will not have any internationally legally-binding mitigation commitments. Considering the fact that emissions in developing countries are bound to rise in course of eradication of poverty and social and economic development which are their overriding priorities, and also the fact that there is no transfer of technology and finance from developed countries to support and enable the developing countries in mitigating emissions at the scale required, there can be no “peaking year” for their emissions.

NAMAs seeking international support will be recorded in a registry along with relevant technology, finance and capacity building support. They will be subject to international measurement, reporting and verification in accordance with guidelines adopted by COP. Registry for NAMAs should be a part of the climate change financing mechanism. Such registry should take into account only those mitigation actions that require financial support and have been proposed for such support from international sources. National Communications are the appropriate vehicles for reporting all domestic mitigation actions that include supported and unsupported actions.

MRV:

Voluntary actions of developing countries should, under no circumstances, be seen as taking on internationally legally binding commitments by these countries.

Voluntary mitigation actions of developing countries financed from own domestic resources will not be subject to international review. Domestic mitigation actions not supported by finance and technology under UNFCCC arrangements (“unsupported NAMAs”) will be subject to domestic MRV. Such actions together with supported actions may be reported, with agreement of all parties, to the international community through NATCOM prepared under Art 12 for

consideration. The actions could be reported to UNFCCC through NATCOMs every two years, as consistent with Article 12.1(b).

Non-Annex I Parties will communicate information on the implementation of their actions (NAMAs) through NATCOMs, with provisions for international consultations and analysis under clearly defined guidelines that will ensure that national sovereignty is respected. A regime of MRV or international consultation and analysis for developing countries should be accompanied by a similar compliance regime for enforcement of the commitments of Annex I countries. The MRV of Annex I commitments should apply to the degree, ambition and implementation of the emission reduction commitments.

Further, in devising appropriate guidelines for international consultation and analysis, there should be a clarity on the architecture for MRV which should apply not only to actions but also the support for such actions wherever applicable. All guidelines for MRV, either of the actions that are supported and reported in NATCOM or the actions that are autonomous or domestically funded will be subject to decision of the COP through its subsidiary body, SBI which will also be the authority to devise the Guidelines for international consultation and analysis. This is necessary to ensure that transparency and uniformity is maintained in the procedures of consultation and analysis. With a view to ensure that national sovereignty is respected, International consultations and analysis should be based on (country implementation reports as contained in) NATCOM in the format decided upon by the COP through SBI.

REDD+

There should be a comprehensive approach to Reducing Emissions from Deforestation & Forest Degradation (REDD) that includes conservation, afforestation and sustainable management of forests. REDD+ should be financed with public funds and a dependence on carbon markets should not be a stumbling block to mitigation and adaptation efforts in the forestry sector.

Sectoral approaches to mitigation:

Sectoral approaches are appropriate for the Annex I countries for reducing their emissions and meeting their commitments. There should be no mandatory or

voluntary sectoral norms at the international level for industrial technologies for achieving energy efficiency and lower emissions intensity which will impinge on voluntary actions of the developing countries.

Market- based mechanisms for mitigation:

Deepening and expansion of carbon markets should take place through strengthening of the available flexibility instruments under the Kyoto Protocol. While the carbon markets should be strengthened, this should not be contingent upon inclusion of non-market based approaches for the phase-down of hydrofluorocarbons (HFCs), reduction of tropospheric ozone, black carbon (soot), and biosequestration.

Potential consequences and border measures:

Use of unilateral trade and/or border adjustment measures against countries that do not have emission reduction targets, sectoral energy intensity targets/norms or emission intensity targets/norms should be clearly prohibited. A clear admission to this effect should form part of an agreement.

Finance:

Long term finance for adaptation and mitigation should not rely on generation of resources from carbon markets. It is necessary to maintain a balance between the public and private funds for meeting climate change needs. A global mechanism for generating and accounting for additional resources, mainly from public sources is essential to meet long term needs. The contribution of developed countries should be based on an assessed scale. A low carbon development strategy implemented by a developing country on a voluntary basis should not be a vehicle for transfer of the financial burden of mitigation actions from developed to developing countries.

There should be a multilateral financial mechanism under the Convention that should be set up with resources provided by developed countries on the basis of assessed contributions. There can be many operating entities of the Fund but the Fund itself should have balanced and equitable representation of Parties, function under the authority of CoP and ensure direct access to the Parties.

Financial pledges made by the countries for fast start funds should be immediately realized during 2010. There should be adequate funding available under fast start funds for meeting the needs of NAPAs on an annual basis. Fast start funds for mitigation and forestry-related activities should also not remain confined to REDD but should simultaneously cover the sustainable forest management and increase in forestry cover.

Technology:

Global cooperation in technology for addressing climate change should be based on a multilateral mechanism that should finance and facilitate collaborative research in future low-carbon technology and access to intellectual property rights (IPRs) as global public goods. There should be technology innovation centres that should act as the hubs for development of specific technologies and their deployment and dissemination in developing countries. The Mechanism should promote and facilitate development and transfer of technology; acceleration of technology adoption; capacity building for this purpose; and support networks of centres to enable these goals.
