

The Paris template

Written by [Shyam Saran](#) | Updated: November 30, 2015 7:33 am



Prime Minister [Narendra Modi](#).

The 21st Conference of the Parties to the UN Framework Convention on Climate Change (UNFCCC), COP 21, convenes in Paris, and a large number of heads of state/ government, including Prime Minister Narendra Modi, are expected to attend. There is hope that this latest climate summit will avoid the failure and frustration of the earlier summit in Copenhagen, in 2009. The assembled world leaders ought to be able to applaud a successful outcome on December 11, the last day of the conference, barring unforeseen deadlock on some pending issues. There is consensus that the agreed outcome will incorporate the voluntary pledges of climate change action already made by the parties in the form of intended nationally determined contributions (INDCs), which will then be subject to periodic international review, but with no penalties for non-achievement. Setting the bar so low means a least common denominator result that all can live with. It is another matter that, taken together, the pledges do not, at all, add up to the scale and urgency of the threat posed by global climate change.

But there are pending issues that could derail the summit. There are also new elements being put on the table, which could complicate matters. There is the question of the legal character of the outcome. Since the pledges are voluntary and not subject to international compliance

procedures, the simplest and most obvious way out would be to adopt the outcome as a COP decision under the UNFCCC. Or, one could have an outcome that is legally binding, but not the pledges themselves or the review. The legal commitment would be for parties to submit pledges and subject them to review at designated and periodic intervals. The outcome would thus constitute a legal template for future actions on climate change.

Alternatively, there could be a legally binding outcome in which the pledges themselves become legally binding as well, and subjected to strict international compliance. However, this is unlikely to command consensus, since it would mean overturning the voluntary nature of the pledge and review system.

If a legally binding outcome is being contemplated, developing countries like India must be very careful in assessing its implications for the existing UNFCCC. If a new treaty is being envisaged, will it supplant or supersede the UNFCCC? Will the new legal template invalidate the principles and provisions of the UNFCCC, in particular, the principle of differentiation between developed and developing countries? Will the template continue to accord equal priority to adaptation, as to mitigation? Will the review process also look at performance with respect to provision of finance and technology to developing countries? These are all critical questions from the standpoint of India and other developing countries.

We should certainly push for a strong outcome. This would be in India's long-term interests. At the same time, the outcome should be a legal template that is not weaker or more diluted than the UNFCCC in respect to key principles, in particular, the principle of equity. It must not be an outcome that converts the entitlements of developing countries, enshrined in the UNFCCC, into obligations instead.

A new legal template that eviscerates the UNFCCC is what the developed world wants, with no differentiation between the developed and developing worlds. Those countries want to focus on current emissions, ignoring historic emissions. They neglect the challenge of adaptation even while developing countries are already paying a heavy price, by having to deal with the adverse consequences of climate change already taking place. They do not wish to deliver on their

UNFCCC commitments on financial resources or technology transfer. The modest target of \$100 billion in climate finance promised by 2020 is projected as being close to realisation by lumping together overseas development assistance as well as commercial financial flows. If this attempt succeeds, then this will become the new template for future climate-related actions. The UNFCCC will be thrown into the dustbin.

There are reports to suggest that an agreement on limiting and reducing the use of coal will be one of the initiatives that may be put on the table in Paris. In his remarks to Financial Times, US Secretary of State John Kerry said that India's move to expand domestic coal use were "not in the direction we ought to be moving in". This is all very well for a country that has large quantities of cheap shale gas that can substitute for coal, but India does not have that luxury. Further, even though the proportion of coal-based power in the US has declined in recent years, it is still far ahead of the total coal-based thermal power capacity in India. An international regime that limits the use of coal for power would put a major constraint on India's economic prospects and should be rejected.

The negotiations in Paris will require strong nerves on the part of the Indian delegation. I say this because the Western countries are already back to their old game of targeting India as a "spoiler", an "obstructionist" or, more mildly, as a "challenge", as Kerry did recently. We have seen this before.

India is targeted because of its ability to spell out to sister developing countries the negative implications of what the developed world is proposing and mobilising opposition to such attempts. If we stand in the way, we will be pilloried. Be prepared for headlines like, "India blocks consensus at Paris" or "India plays spoiler in Paris". There is a difficult challenge ahead and I hope we stand our ground. Much has been lost through attrition in the earlier rounds of negotiations. There is more at stake today, because whatever is agreed as the template in Paris will determine the balance of entitlements and obligations at future rounds of negotiations.

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