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Title: The Minister of State of the Ministry of Environment and Forests laid a statement regarding United Nation's Climate Change Conference held at Durban.

THE MINISTER OF STATE OF THE MINISTRY OF ENVIRONMENT AND FORESTS (SHRIMATI JAYANTHI NATARAJAN): Sir, with your permission, I beg to lay the statement on the deliberations held in the United Nations climate change conference in Durban last week. The decisions taken in the Durban Conference have implications not only for the protection of global environment but also for sustainable growth in our country.

The climate change conference is held every year under the auspices of the United Nations Framework Convention on Climate Change and its Kyoto Protocol. The key aim of the Durban Conference, this year was to complete the ongoing work as per the Bali Road Map. At Bali in 2007, it had been decided that the implementation of the Convention will be enhanced by a series of steps on finance, technology, adaptation and mitigation. At the same time, it had been decided that the Parties to Kyoto Protocol will finalize their targets for second commitment period commencing from 2013.

The negotiations in the two tracks have been going on for the last four years. The Copenhagen Conference held in 2009 which had to finalize the targets for developed countries during the second commitment period failed to take the necessary decisions. The situation was partially retrieved at Cancun last year when some of the decisions relating to Bali Action Plan could be finalized and some Parties agreed to indicate their voluntary pledges for emission reduction. However, the decisions regarding the Kyoto Protocol could not be taken and all aspects of the Bali Action Plan were not fully implemented.

Durban Conference was held against this background. Operationalizing the Cancun agreements was one of its important tasks. This included work on the transparency arrangements for mitigation pledges and actions, setting up the Green Climate Fund, the Adaptation Committee, and the Climate Technology Centre and Networks. At the same time, it had to complete the unfinished work in respect of the Bali Action Plan and the Kyoto Protocol. It had also been agreed in Cancun that legal options will be explored in Durban to implement the relevant decisions in a legally appropriate form.

India has followed a clear, consistent and compassionate strategy to the climate change negotiations. Our stand in these matters has always been based on equity and the principle of common but differentiated responsibility. At Durban, we were also conscious of the fact that the term of the Ad-hoc Working Groups on Kyoto Protocol and Long Term Cooperative Action was coming to an end. We, therefore, considered it important that the decisions relating to the Kyoto Protocol and the Bali issues were concluded in Durban.

Against this background, I am happy to inform the House that the Durban conference has taken some important decisions in relation to these issues.

The Durban Conference has established the second commitment period for the developed countries that are Party to Kyoto Protocol. The targets have been decided through a decision in Durban. These targets will now be converted into actual emission limits in 2012 at the next session of the parties in Qatar. A time frame of five years till 2017 has been given to the Kyoto Protocol Parties for ratification of the targets and the emission limits

This is a major achievement, considering the fact that this decision had been delayed by almost two years because of the insistence of main Kyoto Protocol Parties on a single and comprehensive legally binding treaty, to be negotiated first and made applicable to all parties of the Convention. Durban decisions have ensured that the only legally binding protocol under the Convention *i.e.*, Kyoto Protocol will continue for another five years into its second commitment period till 2017.

Another major decision taken in Durban was to begin a process to negotiate on the future arrangements for enhanced actions under the Convention. This is intended to raise the ambition of all Parties towards the global goal of climate stabilization. The Durban Conference has decided to launch Durban Platform for conducting negotiations on the arrangements for a future protocol or a legal instrument or an agreed outcome with legal force, to be finalized no sooner than 2015 and to be implemented not later than 2020. The new arrangements will be designed under the existing

Convention and will hence, be subject to the relevant principles and provisions of the Convention including the principles of equity and the CBDR,

A new *ad hoc* working group has been set up to finalise the details. The arrangements will be negotiated in the light of assessment of progress made by parties in implementing their commitments and actions as per the Bali Action Plan and the Cancun agreements. Fifth assessment report of the Inter-governmental Panel on Climate Change (IPCC), the outcomes of 2013-2015 review and the work of the subsidiary bodies will be the basis of making assessment of the nature of arrangements needed.

The issue of an appropriate legal form for the future arrangements by 2020 was a matter of intense debate at Durban. As per the decision on Durban Platform, three options for the legal form of final arrangements were envisaged, namely: a protocol, a legal instrument or legal outcome. Some parties led, in particular, by the EU pressed for a form of agreement that should be legally binding on all Parties.

India has always believed that legal form should follow the substance. A legally binding agreement, by itself, is no guarantee for increased ambition or its implementation. Some Kyoto Protocol Parties have recently made unilateral announcements to renounce their legal obligations under the Kyoto Protocol. This is a clear pointer to the fact that a legal form is useful only as long as the party is willing to abide by it. Moreover, India has always taken a stand that India cannot agree to a legally binding agreement for emissions reduction at this stage of our development. Our emissions are bound to grow as we have to ensure our social and economic development and fulfill the imperative of poverty eradication.

Some Parties led by the European Union wanted to delete the option relating to 'legal outcome' which was originally mooted by India. We successfully resisted these pressures and in turn suggested a similar expression 'agreed outcome with legal force' which found acceptance with all the Parties. The post 2020 arrangements, when finalized, may include some aspirational CoP decisions, binding CoP decisions, setting up of new institutions and bodies, and new protocols or other legal instruments as necessary to implement the decisions covering various issues with various degrees of binding-ness as per domestic or international provisions of law under the Convention.

I must clarify that this decision does not imply that India has to take binding commitments to reduce its emissions in absolute terms in 2020. India has already announced a domestic mitigation goal of reducing the emissions intensity of its output by 20-25 per cent by 2020 in comparison with 2005 level. This goal is relative in nature and allows India's emissions to grow as the economy grows. Our National Action Plan on Climate Change is designed to meet this objective. Further steps to implement a strategy that will meet this domestic goal are being taken as part of implementation of the 12th Five Year Plan.

India ensured that the new arrangements in 2020 are established under the Convention. This will ensure that the principles and provisions of the Convention will continue to apply to the arrangements to be developed. India will negotiate the nature of agreed outcome strictly in accordance with the principle of equity and common but differentiated responsibility as provided under the Convention.

Further, the Durban decision mandates that the 'outcome' has to be agreed by all parties before it is implemented through legal arrangements having force. The decision allows India the necessary flexibility over the choice of appropriate legal form to be decided in future. This choice will be guided by our national development imperatives and the principles of the Convention.

We are fully conscious of the immense responsibility that the Durban decisions have now placed on us. It is of paramount importance that the issue of equity is brought to the centre-stage of negotiations in future. With this objective in mind, India had proposed at Durban that the issues of equity, unilateral trade measures and technology related intellectual property rights should be included in the agenda of the conference of parties.

I am happy to inform that the importance of the issue of equity has been recognized and the *Ad hoc* Working Group on Long term Cooperative Action (AWG LCA) has decided to organize a workshop on the matter next year. The deliberations of the workshop will inform the outcomes on relevant issues under the working group whose term has been

extended till December 2012. The importance of the other two issues has also been noted by the CoP and the issues are now part of the discussion text that is under consideration of the AWG-LCA for decisions in Qatar next year.

The CoP-17 also took an important decision of establishing the Green Climate Fund which will commence its operations immediately with an interim Secretariat and a Board. The Fund will help a large number of vulnerable countries in taking effective mitigation and adaptation actions. India played a facilitating role in ensuring that the Fund is established in Durban. Substantial progress was also made in relation to operationalizing the Adaptation Committee and the Climate Technology Centre and Networks.

India participated in the conference with an open mind and constructive spirit. Our primary objective was to protect India's long term interest in the climate change negotiations. In this matter, we have been guided by the political consensus that has been the hallmark of our national position on the issue of climate change ever since this matter became a global concern decades ago.

Next few years will be a period of intensive negotiations on the future arrangements. We will continue to pursue a vision of the future that is rooted in the Convention and its principles. I am confident that the house will continue to share this vision of the Government and support the future steps that will have to be taken. I remain willing to be guided and advised.

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