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Issue Brief
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The Deadlock in Paris: Implications for
India
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The latest draft agreement agreed upon at the Paris negotiations has been whittled down from 43 to 29 pages. With still a 100 or so bracketed uncertainties and dropping of critical provisions agreed upon the previous draft, the gridlock at Paris is no closer to being resolved. Even as the latest draft was released, key sticking points, except for the issue of adaptation, continue to divide the developed and the developing countries.

These included: differentiation of responsibilities between developed and developing countries for the former's historic carbon emissions, climate financing for the developing and vulnerable countries, technology transfer to developing countries without the barriers of intellectual property rights, and paying for loss and damage to the vulnerable and least developed countries for the rising climate-related natural disasters.

Critical provisions dropped

Several important provisions have been dropped from the latest agreement:

First, India has been demanding the lifting of intellectual property rights restrictions, so that it can access clean energy technologies more easily. This was incorporated in the previous draft, but is now no longer on the table.

Second, provisions relating to setting up of an International Tribunal for Climate Justice, which could punish the rich polluters that do not meet their commitments has also been dropped.

Third, references to emissions from bunker fuels like aviation and shipping do not find expression in the latest draft. Emissions from aviation and shipping are among the highest emissions in the transport sector, representing 5% of the global emissions.

Undecided issues

For India, the motivating vision as laid out in its national climate action plan or the INDC and reiterated by it has been to ensure 'climate justice' and transition to sustainable lifestyles viz. curbing lifestyle emissions of the developed countries rather than targeting the projected pro-poor emissions of India. Yet, this has not found any mention in the draft agreement. The Parties have not reached a consensus on several important long-term questions:

- Whether the global average temperature rise should be capped at 1.5 degree Celsius above the pre-industrial levels or at 2 degree Celsius. Vulnerable nations like small island states and least developed countries have been campaigning for the former target. Large developing countries like India have opposed this demand. Several Indian civil society groups have also pointed out that agreeing to this demand without scaling up the necessary climate finance would mean that we would exhaust the existing carbon space before 2030, with India just getting 16% of the carbon space, much less than the rich nations' allocation, even though it's population is commensurate with the rich world.
- Whether the aim of the agreement is a complete decarbonisation of the economy or simply the reduction of carbon emissions over a period of time.
- Whether new economically advanced developing countries like China and the Gulf states should contribute in providing climate finance. This is a sticking point for India. Recently, India conveyed its resistance to the idea that advanced developing countries like itself should contribute to the Green Climate Fund and has squarely put the responsibility for finance and non-discriminatory technology transfer on the developed countries. Developed countries, on the other hand, hold that post-2020 finance should be provided only for the poorest of the poor countries.

- Whether there should be a legally-binding for reviewing countries' climate commitments every five years, even though there is no provision for punitive measures against the potential defaulters. If agreed, this might potentially herald a new kind of shift in the climate regime viz. a 'naming-and-shaming' regime, wherein countries might be obliged to comply with their commitments due to rising public pressure on climate change. India, along with many other developing countries, has been consistently against such an approach, since it might involve an attack on its sovereignty. However, vulnerable countries like small island states and least developing countries have been campaigning fully in its favour.

New actors and alliances

With the US promising a hike in climate aid to vulnerable countries from USD 430 million to USD 860 million and President Obama calling PM Modi, there are signs of concerted efforts to break the deadlock. However, there is embedded resistance from several quarters. Besides the right to development by accessing the available carbon space staked by large developing countries like India, Brazil and China, there are also major obstructions coming from oil-rich countries like Saudi Arabia, whose 90% of public revenue depends on oil income and which are resisting discrimination against traditional energy sources in marking a transition to clean fuel.

Whether Riyadh's stand will weigh heavily in the talks is doubtful. However, what is going to work heavily against the Indian position is the new alliance of unlikely actors viz. the developed countries and the vulnerable groups like small island states and least developed countries which have been pushing for an ambitious deal. Both these groups have been criticizing India for obstructing the talks over issues like finance and technology transfer and not agreeing to the target of 1.5 degree Celsius without conditions. In what might be seen as a classic case of divide-and-rule, their alliance includes 79 countries from the Africa and Pacific Islands with the US and EU making financial commitments to them, pledging USD 800 million and USD 500 million respectively, leaving the terms and conditions of the funding vague.

Thus, contrary to several experts' predictions, as we near the conclusion of the Paris talks, it is the not the alliance between US and China that we see, but the one between the developed and vulnerable countries, with India and China finding themselves in a lurch. India and China have now been speaking as a united voice through platforms like the Like Minded Developing Countries (LMDC), arguing forcefully for protecting their right to address the challenges of development and preserve the spirit of the original United Nations Framework Convention on Climate Change.

What this means for India

For India, the latest developments mean that we are essentially back to our original position. India's key demands on acquiring climate finance from developed countries and technology transfer without intellectual property rights restrictions are still in a deadlock.

At the same time, India is consistently being viewed as obstructionist for opposing the 1.5 degree Celsius target, not wanting to contribute funds to the Green Climate Fund for the poorest of the poor countries only and opposing the legally-binding five-year review of countries' national climate plans on the grounds of protecting its sovereignty. Moreover, with the newly announced alliance between the developed countries and the vulnerable nation groups, it is highly unlikely that India will be able to leverage its position to have something meaningful incorporated on these fronts.