

**RESEARCH PAPER****Evaluation of India's early position in Climate Change Regime****Mahendra Kumar Meena**

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Received: 17th August 2017, Revised: 30th October 2017, Accepted: 2nd November 2017

ABSTRACT

India is always regarded as a representative voice of the global South. During the cold war, under the auspices of Non-alignment Movement, India emerged as a beacon for newly born Asian, African and Latin countries. India played a crucial role in the international negotiations for 'New Economic World Order' and the Vienna Convention. India successfully articulated and safeguarded the interests of developing countries in the 'Montreal Protocol'. With the emergence of the climate change regime, the Global South was under immense pressure from the global North to take mitigation commitment to avert climate change. During the INC negotiations, India's foreign climate diplomacy and its position at negotiations played a decisive role in fostering of the convention. To what extent India represented the global South and achieved its interest in the INC negotiation? It can be unveiled by analyzing the early position of India in INC negotiations. An attempt has been made by this paper to explore the early Indian position to reach the answers of said questions.

Key words: Cold War, Montreal Protocol, Climate Change Regime, INC negotiations

INTRODUCTION

India has been a key player since the beginning of Climate change regime. India's active engagement in climate regime can be attributed to its unique national circumstances. India as a developing country, coping with substantial poverty issue, it has negligible historical contribution to the accumulated carbon stock and its per capita GHG emission is still, relatively lower in comparison of developed nations. On the flip side, India has transitioned into a fast growing economy, now it is 3rd largest GHG emitter, it is estimated that India's GHG emission is likely to surge in future due to its growth oriented policies.

India is intriguingly positioned in the climate change regime. On the per capita basis, India has substantial lower emission, lower electric consumption and lower income. But on the aggregate basis, India stands to higher side of said indicators, especially aggregate GHG emission. With the 1.2 billion populations, India stands in the list of the countries who suffer vastly due to then climate change. Paradoxically, India's rising GHG emission can potentially undermine the global efforts of GHG reduction. Thus, India's position and its role in climate change regime can be characterized as an attempt of balancing between 'deal breaker' and 'deal maker'. However, India has been affirmatively positioned itself as a dealmaker within the ambient of climate diplomacy.

ANALYTICAL DISCUSSION OF INDIA'S EARLY POSITION IN CLIMATE CHANGE REGIME

The issue climate change is merely not an environmental issue; it is politically charged issue and emerged as a battlefield of national interests over the time. India is not an exception; its position in the climate change regime mirrored its national interests and over the time and accordingly changed to adjust with dynamism of the regime. India's position and role in the climate change regime went through a mix character of consistency and dynamism. India's initial position was predominantly based on the philosophical values and the legacy of India's foreign policy. But, later, it was more precisely influenced by the national interests.

The root of climate change regime goes back a long in the History; Stockholm to Rio (Earth Summit) Prior to the Rio Summit, in 1972 at UN conference on the Human Environment, Indian Prime Minister Mr. Gandhi laid down the intellectual tradition of the Indian climate policy. The seminal speech by Mrs. Gandhi formed the basic architecture of Indian stance which prevailed

nearly two decades of climate regime. Three important narratives from Mrs. Gandhi's speech which later determined Indian position are; first, Environment protection is a geopolitical threat to Indian interests; second, socio-economic development and poverty eradication; third, the developed nations historically responsible for the environment degradation, hence they should take the lead in the efforts of environment protection.

From the Stockholm to Rio, the period was marked as divisive perspective of the global South and the North towards the issue of climate change. The G-7 meeting at Paris in July 1989 had raised the political temperature of the issue. Developed nations outright denied to acknowledge any historical responsibility of environmental degradation and sharing of the costs of global measures. During the NAM meeting in September 1989, Indian Prime Minister, Rajiv Gandhi, implicitly placed the condition of technological and financial support in order to ensure environment friendly development in the developing nations.

Mr. Gandhi suggested a 'Planet Protection Fund' to make the eco-friendly technologies available for developing countries at a reasonable cost. This Indian proposal was unanimously supported by other developing countries at the Common Wealth meeting in October 1989 (Rajan, 1997). In absence of any reliable GHG emission data, Indian position was largely determined by the traditional approach of India's foreign policy. The Southern coalition was the prominent feature of the Indian foreign policy and it had been clearly appeared at the conference of Select Developing Countries in 1990 at New Delhi. The India's approach towards climate change was echoed from the paper prepared by Government of India for the conference. In brief, Indian Government argued (MoEF, 1990)-

1. Developed countries caused the threat of climate change and they are primarily under obligations to reverse the situation by capping their GHG emissions.
2. Even though, GHG emissions in developing countries increasing, historically their contribution is masculine in comparison of the developed countries. Developing countries need environmental friendly technologies to ensure their development with due regard to environment.
3. Responses to the climate change must vary according to the factors like stage of development, geography, perception. More importantly, the developing countries accept specific responses only when such responses would not interfere with their development and their choices of resource selection to fuel such development.

India was positioned itself as the voice of the global South and adopted 'coalition' strategy to counter the Northern pressure. It was evidenced by the discussions during the 4th plenary session of the IPCC held in Sweden from 27 to 30 august, 1990. In the plenary session, India strongly pressed for the replacement of a phrase "common responsibility" with the phrase "main responsibility" of the developed countries to combat climate change. Amidst of the strong resistance from USA and UK, compromised text appeared as; "Common but differentiated responsibility" in dealing with problem of climate change and its adverse effects (Rajan, 1997).

India and other developing nations were not satisfied with the functioning and structure of the IPCC as they were not represented adequately. The IPCC was allegedly biased towards the developed countries. India, along with Brazil, pressed hard to shift the convention negotiations to the separate forum under the direct authority of the UN General Assembly (Sengupta, 2012). Thus, the UN General Assembly accepted the Indian demand in its Resolution 45/212 on 21 December, 1990 and established a single Intergovernmental Negotiation Committee (INC) under its authority to ensure and provide full participation to all nations.

First INC session adopted the general procedure and rules for proceedings of the INC. Prior to the II session of the INC in June 1991, two important development were took place. One, amidst of critical weakness of Indian economy, negotiators were instructed for caution to avoid any isolation during negotiations. Second, the CSE report which criticized and reputed the WRI report's finding that equally accounted developing countries for climate change. The CSE report exposed the critical methodological deficiencies of the WRI report and raised the questions over its biased outcomes. The CSE report argued that emission comparison of countries would be illogical without considering the population size and needs of that population. Thus, CSE suggested the 'per capita,

notion which morally acknowledged the equal share of each human being to the global common of environment (Narain, 1991).

The CSE report was, then, armed the Indian negotiators with a mathematical weapon and the 'per capita' notion. The policy input from the CSE report was clearly displayed in the Indian position at II session of the INC. India came up with a 'non-paper' which emphasized the notion of per capita. The head of the Indian delegation, Mr. Dasgupta stated the Indian position as:-

"The problem of global warming is caused.... by excessive levels of per capita emission of GHG gases...developed countries with high per capita emission levels of greenhouse gases are responsible for incremental global warming.... the principle of equity should be the touchstone for the judging any proposal. An equitable solution can only be found on the basis of significant reduction in levels of per capita emission in developed countries, so that over a period of years these converge with rising per capita emission in developing countries" (Dasgupta, 2012). Dasgupta further denied any legal responsibility for developing countries and said that developing countries might consider for taking feasible corrective measures in accordance with their national development plans and objectives provided that full incremental costs involved were met by provision of new and additional financial resources from developed states (Dasgupta, 2012).

India's 'non-paper' call was generally welcomed by developing nations but, resisted by developed nations, especially the US. The EC and Japan presented the 'pledge and Review' proposal. India opposed it by raising the concern for sovereignty and possibility of interference with national plan of development.

During the III session of INC, India advanced its same position that had been adopted in the II session of the INC. But in a meeting of secretaries of Ministry of External Affairs (MEA) and the Ministry of Environment and Forest (MoEF), prior to the III session, a slight flexible positional stance was suggested to the Indian negotiators in the backdrop of the economic and financial crisis. (Rajan, 1997) Indian position on climate change was explicitly emerged through the cabinet meeting held on 3 of December 1991, just before the IV session of the INC. In the meeting the cabinet approved the MoEF note containing the main positional stands in India's foreign climate policy. The main elements included were, the notions of per capita, opposition to the review of national developmental policies, acceptance to contractual commitments and call for separate funding under the direct authority of the convention (Rajan, 1997).

During the IV session of the INC that was held in Geneva from 9-20, December, 1991, witnessed the continuity of head fight between the North and the South over the issue of "main responsibility", technology transfer, financial assistance and the obligations for developing countries.

With the differences on the key issues, the INC negotiations entered into the V session on 18 February, 1992 in New York. The US was emerged as a stumbling block during the V session by rejecting to provide new and additional financial resources to the developing countries and it also rejected to accept any time bound measures for the GHG emission stabilization (Rajan, 1997). In the communication to the Indian government, C. Dasgupta reported, "Nevertheless, it is possible that a last minute efforts will be made to bridge the differences between the US and the EC by adaptation of an ambiguous formulation concerning stabilization and reduction of emission of developed countries. This could be the basis of an attempt to shift the balance of responsibility from the North to the South. Our delegation would have to be prepared for this eventuality" (Dasgupta, 2012).

The US and the EC talks in Washington in May 1992 resulted in the formulation riddled with ambiguities hiding the key points of differences. The agreed draft between the US and the EC was incorporated in the Chairman's text that tabled at the resumed V session of the INC. The head of Indian negotiator Mr. C. Dasgupta pointed out the artful ambiguity of the text and described it as a legal 'striptease' (Dasgupta, 2012). The debate upon chairman's text was kept confined to an enlarged bureau including 25 key players. It had been done according to the chairman's suggestion to speed up the negotiations. India took part in the crucial bureau debate and secured its national interests to a substantial extent.

From Indian perspective, the final package had both, positive as well as negative outcomes. India was keen to include inadmissibility of specific review of its national development policies and plan.

India ultimately successfully evaded all references to a review of the efforts of developing countries in dealing with climate change (Dasgupta, 2012).

The Indian demand of new and additional financial resources was incorporated in the Article 4, para 3 of the convention as "The developed country Parties and other developed Parties included in Annex II shall provide new and additional financial resources to meet the agreed full costs incurred by developing country Parties in complying with their obligations under Article 12...." (UNFCCC, 1992). India pleaded hard for the transparent financial mechanism under the direct authority of the CoP, it was met by article 11 of the convention as "It shall function under the guidance of and be accountable to the Conference of the Parties" (UNFCCC, 1992). India's demand of equity and justice was also met by inclusion of the CBDR-RC as a guiding principle of the UNFCCC. It was placed explicitly in article 3 under the title of 'principles' and in Article 4.1 of the convention. The principle has been consistently legitimating Indian position and serving as bedrock of the India's foreign climate policy.

Mr. C. Dasgupta, who laid the Indian delegates during the INC negotiations, highlighted specifically paragraph 7 of the Article 4, India was able to secure only after very hard and protracted negotiations, as a crucial victory. Article 4.7 says:-

"The extent to which developing country Parties will effectively implement their commitments under the Convention will depend on the effective implementation by developed country Parties of their commitments under the Convention related to financial resources and transfer of technology and will take fully into account that economic and social development and poverty eradication are the first and overriding priorities of the developing country Parties" (UNFCCC, 1992).

Article 4.7, reflects the Indian position and stance during the INC negotiations and in subsequent negotiations. Mr. C. Dasgupta elaborated the Indian position in context of article 4.7 of the convention as; "The Framework Convention conforms to our position concerning the voluntary and non-negotiable nature of the actions taken by the developing countries without international support. Developing countries have no obligation to implement mitigation measures involving incremental costs, unless these are met in full by the developed countries. When thus supported, developing countries assume a contractual or conditional commitment but unlike the binding commitments of the developed countries" (Dasgupta, 2012).

CONCLUSION

After Independence, The foreign policy of India was framed on the basis of coalition strategy. This was also reflected in climate change regime. India along with China and G-77 was the voice of Global South during the INC negotiations. Mrs. Gandhi's speech at Stockholm in 1972 was the foundation stone of the India's position in climate change regime. She was clearly highlighted that poverty was the greatest polluter and hence the development to eradicate poverty was the first priority rather than environment protection. Thus, sovereign right to development was the prime objective of India during the INC negotiation. Amidst of uncertainty of climate science, India had perception that any GHG mitigation obligation would adversely affect its growth prospect and development plan. Therefore, during the INC negotiations, India positioned itself as to evade any mitigation obligation. India's position at negotiation was mainly principled on the two arguments that the developed countries are historically responsible for environment degradation; hence they have the main and primary obligations to take measures to avert climate change. Second, India's per capita emission was minute in comparison of the development countries; hence it has to grow to meet the development need of its huge population.

India fought hard to save its interests in the INC negotiation for the convention and eventually succeeded to abide any binding mitigation obligation. India played a key role in developing the architecture, norms and rules of the climate regime in ways that suited its own interests, and that of its coalition partners.

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How to cite this article:

Meena M.K. (2017): Evaluation of India's early position in Climate Change Regime. Annals of Education, Vol. 3[4]: December, 2017: 36-40.