Conference on Equity, Adaptation and Sustainable Development  
22-23 February, 2013  
Tata Institute of Social Sciences, Mumbai  

Concept Note  

Introduction  
The adoption of the Durban Platform for Enhanced Action at COP 17 in 2011, at Durban, South Africa clearly marked a significant shift in the ongoing climate negotiations under the UNFCCC. However, the evidence from the negotiations on the Durban Platform at COP 18 at Doha, point to a continuing and concerted attempt by the developed nations, to undermine the basic principles of the UNFCCC in arriving at a global climate agreement. Since Durban, they have steadfastly insisted on excluding the terms equity and common but differentiated responsibility from the actual text of the Durban Platform. While at Doha the compromise “under the principles of the Convention” had been included, the United States however refused to abide by this compromise. While other developed nations accepted it at the plenary, the US announced that while not blocking the decision on the Durban Platform it would not accept that the agreement on the Durban Platform would be negotiated under the basic principles of the UNFCCC. India has been in the lead with other developing nations, including China, in arguing that any climate deal under the Durban Platform must adhere to the basic principles laid down in the UNFCCC, particularly those enshrined in Article 3.1 of the UNFCCC, in its reference to equity and the principle of common but differentiated responsibilities and respective capabilities.

The Durban Platform and its Significance  
In this context, it is important to correctly assess the significance of the Durban Platform. One may attempt to argue that there are reasons why the Durban Platform need not be considered to mark a major advance in the progress of the negotiations. First, the Durban Platform appears to only reiterate the desire of all Parties to work towards a global climate agreement. One may argue that in the absence of any serious obligations on even the developed countries, the statement on the Durban Platform does not materially move the negotiations any closer to an actual deal on climate. Second, it may be argued that even the status of any final outcome of the negotiations under the newly inaugurated Durban Platform track will be uncertain, since it offers a number of possibilities, varying in the extent of their legal force, and the corresponding extent to which it will be binding on all Parties. Third, given the experience with the Bali Action Plan, the manner in which no definite outcome was forthcoming by the deadline of 2009 at COP 15, and its likely termination in 2012, without having met its goals, there is no reason why the Durban Platform should not meet the same end.

The Durban Platform for Enhanced Action seeks a global agreement that is binding on all Parties and does not
overtly provide any differentiation whatsoever between the roles of the developing and developed countries. The passage of the Durban Platform marks a reversal from the trend of the Copenhagen Accord and the Cancun decisions, where it appeared that any global mitigation target would be a matter of what each Party would offer, with the sum of such offers constituting the global mitigation target. In contrast, the Durban Platform clearly seeks a global mitigation target of significant ambition. There is little doubt that what is sought under the Durban Platform is a binding agreement, as the negotiations in the run-up to its acceptance demonstrated, and the reference to its status in international law takes very little away from the overriding desire of the developed countries to seek such a legally binding agreement.

The passage of the Durban Platform also demonstrates that there does exist a substantial desire to see the passage of an environmentally viable treaty, though the matter of who pays and how much for global mitigation may be subject to tough negotiations. Looking forward, one may distinguish between the intentions expressed in the Durban Platform and the issue of which of these will be realised in practice and in what manner. This distinction is important to developing nations, especially India. Overall, an early climate agreement with ambitious mitigation targets, including simultaneously both global as well as specific national targets for the major developed nations, is in the interests of developing nations. This is true for all developing nations, including those who initiated the move to the Durban Platform as well as those who, perhaps reluctantly, joined later. This is dictated particularly by considerations of adaptation in general, coping with sea-level rise, climate impacts on agriculture and so on. It can also be argued that an early climate agreement is also essential to developing countries from the perspective of mitigation.

Alongside the introduction of the Durban Platform, the termination of the AWG-LCA track (initiated as part of the Bali Action Plan), at the COP 18 in Doha, also undermines the balance among the several key elements that was sought earlier in the climate negotiations, including the shared vision for long-term co-operation, the separation of the roles of developed and developing countries, the issue of technology transfer and the issue of financial transfers to developing countries for mitigation and adaptation.

**Some Notes on COP 18 at Doha**

At Doha, the AWG-LCA track concluded without any progress on access to emission reduction technologies and intellectual property rights or the broader question of climate finance (beyond the limited progress made so far on immediate climate finance, referred to as “fast-track finance”). Some progress was achieved earlier at COP 16 at Cancun with the setting up of the Technology Mechanism to facilitate technology transfer, which however entirely skirted the IPR issue. On climate finance the final plenary session of COP18 added an exhortation to developed countries to work to achieve the target of 100 billion US dollars per year by 2020, but given the trickle that has emerged by way of “fast-track” finance, this exhortation so far carries little significance. The most significant weakness of the AWG-LCA track of negotiations, however, has been the absence of the slightest
progress towards a meaningful long-term mitigation strategy that would ensure that the developed countries undertook sharp reductions in their emissions. But with the passage of the Durban Platform at COP 17 held in Durban last year, this key agenda item of the AWG-LCA had of course been rendered moot.

In a significant development in the work of the Ad-hoc Group on the Durban Platform (ADP), a time-line for the work of the Durban Platform has emerged. A negotiating text is to be presented no later than May, 2015, following discussions on a draft text at COP 20 in 2014, which is to be then ratified that year at COP 21.

In the context of the evolving debate on the form and content of the eventual agreement under the Durban Platform, it is interesting to note the various alignments between different nations that were evident at Doha. On an important positive note, there were no serious breaks in their ranks at the time of the final Ministerial segment of the conference. This is undoubtedly, in part at least, a carryover of the unity of the G77 that was very evident at Rio+20. Nor did any serious attempt to move forward with some specifically new suggestions emerge from the developed countries that posed a threat to G77 unity.

**The Way Forward and India's Imperatives**

Securing an equitable and just climate agreement, and introducing differentiation among Parties, “based on equity and in accordance with the principle of common but differentiated responsibilities and respective capabilities,” in determining their individual contribution to the achievement of the global mitigation target is a primary goal for developing nations. Such an agreement needs however to also address frontally the question of environmental sustainability and must demonstrate how this is to be solved in explicit fashion, without leaving unaccounted any significant emissions from any Party. Such an agreement must also provide the time needed by developing country Parties to address their developmental deficits within the scope of addressing the question of global environmental sustainability.

Developing countries such as India also need a much larger, more encompassing vision of how to handle the global climate agenda, and further evolve overall goals and specific negotiating strategies within the scope of such a vision. Within such a vision it must ensure that it obtains enough development space, specifically global carbon space. At the same time we must remember that increasing climate impacts will have serious negative consequences for significant sections of India's economy and its people.

India's climate strategy in the negotiations can muster the required domestic approval and consensus, especially in facing up to the hard choices that will inevitably have to be made, only if the issues involved are clearly articulated and presented to all sections of domestic public opinion. Such a strategy also needs to be suitably aligned with India's autonomous domestic climate actions and indeed with the overall development process, since irrespective of the final architecture of climate governance, India will need to undertake a wide range of
domestic climate action, that must be initiated sooner than later.

The tough negotiations at Rio+20 have further demonstrated that the developed world would push in the same directions in global negotiations on sustainable development that they do in the climate arena. All the rewriting of the Rio principles that were sought to be incorporated in the final document, including the sidelining of equity, the attempt to dilute or set aside differentiation between developed and developing countries, the transparent attempt of the developed countries to link economic solutions to sustainability to their own agenda of economic dominance, and the attempt to privilege market-led solutions above all other considerations, point to the growing convergence of their climate and sustainable development strategies. Given the close link between climate and sustainable development, future developments in sustainable development negotiations will have an important bearing on climate negotiations and vice versa.

**The Agenda for this Meeting:**

The Tata Institute of Social Sciences has taken the initiative every year in organising, with a number of collaborators, both individuals and institutional, a focused workshop or conference on the most urgent challenges, emerging key issues, and the major established themes in the global and national climate discourse. The participants are drawn from a wide cross-section of the climate community in India, including senior negotiators, officials in charge of climate and related policy, analysts, academics, scientists and members of civil society organizations. These meetings have also attracted some key international participants. This year’s conference will focus on five major themes – i) Climate Change Mitigation - Operationalizing equity after Durban, ii) National Actions for climate change mitigation – development of low carbon strategies, climate finance and trade, iii) Research and policy for climate science, iv) Addressing concerns of vulnerability to climate change and discussing strategies for adaptation.