

Shared Vision, Global goal, KP and Legal Options

Thank you Mr. Chair for giving me the floor.

The issues for our consideration in this session are indeed critical and they would play an important part in the success of Durban. I would try to respond to some of comments while putting forth my own views.

Although in framing the discussion for this session today, priority was given to the legal nature of the outcomes, I would like to stress at the outset that substance is much more important.

At this stage, we do not have to discuss the nature of a legally binding agreement. There was in fact a reference to the need to establish a rules-based multilateral system. Such a system based on Equity and CBDR, in our view, already exists under the Convention and the Kyoto Protocol. This represents a fair and rule-based system that will deliver on the global goals effectively if the parties meet their commitments in all seriousness.

I would like to respond to a specific point made about the pattern of emissions after 1992. I would like to clarify that the stabilization of climate does not depend on current emissions alone. The larger body of scientists and

environmentally committed civil society will not accept this argument of current emissions. Stabilisation of climate is based on the actions that are taken to reduce the stock of emissions. We cannot avoid this historical fact even if it may not be palatable to some of us.

Despite this immutable fact, several of us have made pledges in Cancun to implement our actions. As some have pointed out, this covers 80% of today's emissions. But, what it does not do is to give confidence that the climate will be stabilized. This will depend on the way we tackle the issue of global peaking, equity and equitable access to sustainable development. There can be no guarantee of effective stabilization unless the developed country parties who have the largest share of historical stock of emissions agree to reach their peak. In the absence of a time frame for Annex-I peaking, any talk of global peak will remain a pious wish.

The regime of actions should therefore go beyond in a mere reference to CBDR. CBDR does not lie in actions alone. Equity is more fundamental and needs to be brought into our discourse to define the frame within which the global peaking is addressed, the equitable access to sustainable development is ensured and the nature of outcomes is determined.

Let me now turn to the remarks of my predecessor who was just quoted. When he talked of a domestically legally binding framework of actions, Minister

Ramesh did so in the context of balanced and comprehensive outcomes in the two-track process. It is important to keep this in mind. In the current scenario, I do not see the assurance of a balance between the two tracks emerging. The 2nd Commitment period under the Kyoto Protocol is a very important part of this balance. So are the balances within the LCA process. Instead, we see a phenomenon where some parties have put conditions for fulfilling their legally binding commitments; there are others who have unequivocally renounced their commitments, while there are some who have not even indicated the basis for their comparable commitments.

The issue of legal form should therefore be addressed after we have reached a consensus on the outcomes in both tracks. There are several Bali Road Map issues that have remained unresolved at Cancun. These include the issue of second commitment period under the Kyoto Protocol and the issues of equity, trade, and technology related IPRs. They must be addressed. In our anxiety to rush towards Durban outcomes therefore, we should avoid putting the cart before the horse.

As a developing country, India has already taken substantial and ambitious actions at great cost. However, in the above scenario that I just described, the issue of a legally binding agreement has acquired huge political sensitivities in India. I am guided by a political consensus in my country which regards poverty eradication and sustainable development as the overriding priorities.

Thank you.
