

**SUBMISSION BY INDIA ON THE WORK OF THE AD-HOC WORKING GROUP ON THE
DURBAN PLATFORM FOR ENHANCED ACTION : WORKSTREAM I**

1. The Government of India welcomes the opportunity to submit further inputs on the work of Ad-hoc Working Group on the Durban Platform for Enhanced Action (ADP) – Workstream I in response to para 4 of conclusions in Bonn, contained in FCCC/ADP/2013/L.2- Implementation of all the elements of decision 1/CP.17 which states – “Under workstream 1, the ADP invited Parties and observer organizations to make further submissions, by 1 September 2013, building on the conclusions of the ADP at the second part of its first session”. It may be noted that these inputs are in continuation of India’s earlier submissions on the work of Ad-hoc Working Group on the Durban Platform (AWG-DP) for Enhanced Action dated February 28, 2012, April 24, 2012, August 3, 2012, Nov 5, 2012 and March 9, 2013.
2. The Government of India would like to reiterate its views, presented earlier, under paragraph 13 of the Doha conclusions, “The ADP invited Parties and accredited observer organizations to submit to the secretariat, information, views and proposals on matters related to the work of the ADP, including, inter alia, mitigation, adaptation, finance, technology development and transfer, capacity-building, and transparency of action and support, addressing aspects such as:
 - (a) Application of the principles of the Convention;
 - (b) Building on the experiences and lessons learned from other processes under the Convention and from other multilateral processes, as appropriate;
 - (c) The scope, structure and design of the 2015 agreement;
 - (d) Ways of defining and reflecting enhanced action.”
3. At the outset, India acknowledges the exemplary leadership of the Co-Chairs in advancing the work of this subsidiary body since last year.
4. The work of Ad- Hoc Working Group on the Durban Platform is a comprehensive process, covering mitigation, adaptation, finance, technology and capacity building and transparency. It must address the issues related to these pillars of the Convention in a holistic, balanced and coordinated manner. The enhanced actions under the Durban Platform should translate into enhanced actions under each of the pillars identified in para 5 of decision 1/CP.17 i.e. mitigation, adaptation, finance, technology and capacity building and transparency. India believes that we need to bring more focus to our discussions on each of these pillars. These focused discussions are necessary to find convergence on enhanced actions that are central to the ADP outcome.
5. India desired that the ADP should plan its work comprehensively so as to include all aspects covered in para 5 of the decision 1/CP17, and that its work should be informed by the respective subsidiary bodies and mechanisms of the Convention on the progress achieved in implementing the relevant decisions of parties. In accordance with the decision 1/CP.17, paragraph 6, the ADP Co-Chairs organized briefings during the first and second parts of the session to inform the ADP on relevant work in other bodies, namely on the work undertaken by the SBSTA and the SBI, along with briefings on the ongoing and planned work of nine other institutions and arrangements relevant to the provision of support for both mitigation and adaptation action under the Convention. India believes that the conclusions from the ADP that will shape the form and content of the 2015 agreement can only be drawn from a formal, structured, open, participatory, and Party-driven negotiating process.

(a) Application of the principles of the Convention

6. The decision of the Conference of Parties on Durban Platform specifies that its outcome must be ‘under the Convention.’ “Under the Convention” means consistency with, adherence to, and reflection of all the principles and provisions of the Convention, with no reinterpretation of the Convention, neither of its principles nor its Annexes. The Convention is built on the foundation of the principles of equity and common but differentiated responsibilities. The phrase ‘under the Convention’ implicitly reaffirms and recognizes all the principles and provisions of the Convention, including, in particular the principles of ‘equity’ and ‘common but differentiated responsibilities’.
7. The term ‘applicable to all Parties’ does not signal a dilution of differentiation, or a move away from the balance of responsibilities as established in the Convention. Both the Convention and the Kyoto Protocol that are applicable to all Parties authorize and indeed require differentiation between Parties.
8. Avoidance of ‘unilateral measures’ in the name of climate change as contained in Article 3.5 of the Convention is another key principle that must be ingrained in the ADP process as well as its outcome as a necessary confidence building measure for Parties to engage constructively in the ADP negotiations.

(b) Building on the experiences and lessons learned from other processes under the Convention and from other multilateral processes, as appropriate;

9. As stated in our earlier submission, India believes that the purpose of ADP is not to re-invent the wheel; rather it must build on the past outcomes and enhance the implementation of the Convention. Therefore, the review of adequacy of commitments under Article 4.2 (d) of the Convention must be immediately taken up and integrated into the ADP work plan. The Durban Platform was established with a common understanding that fulfilling the ultimate objective of the Convention will require strengthening the multilateral, rules-based regime under the Convention. One important lesson that can be drawn from the Kyoto Protocol is the importance of a science and rules-based mitigation model for enabling ambitious emission reductions in developed countries.

(c) The scope, structure and design of the 2015 agreement;

10. India reiterates that the scope of ADP for developing a protocol, another legal instrument or an agreed outcome with legal force under the Convention applicable to all Parties must include the following elements: mitigation, adaptation, finance, technology development and transfer, transparency of action, and support and capacity-building. Enhanced action under the Durban Platform is thus related to mitigation as well as to other pillars of climate action decided upon in the Bali Action Plan and subsequent COP decisions. In continuation to its earlier submission, India would like to reiterate on the following:
 - (i) Concerning mitigation, India is view that distinction enshrined in the Convention between Annex I and non-Annex I Parties must be maintained in accordance with the principles of the Convention. Any other approach would involve re-interpretation of the Convention and will necessarily mandate a revisit of all categorization and classification of Parties under the Convention. For effective and ambitious mitigation, Annex I Parties must continue to take quantified emission limitation and reduction objectives, while non-Annex I Parties will take nationally appropriate mitigation actions enabled by finance and technology transfer, based on historical responsibility and capability.
 - (ii) Post 2020 arrangements to be evolved under the Durban Platform must, inter alia, address the issues of equity, unilateral measures and technology related Intellectual Property Rights (IPRs) sufficiently and adequately.

- (iii) India believes that the most appropriate model that can deliver the outcome for the future we all want is the Convention model. There is no need to re-invent it, only to fully implement it in all its aspects. This, in fact, is what we should do as Parties to this Convention.
- (iv) There must be predictable and adequate Annex II funding for adaptation and the means must be put in place to ensure this. The Cancun Adaptation Framework and the Doha decision for setting up an institutional mechanism for 'loss and damage' must be carried forward and implemented.
- (v) Work under the finance pillar must build on existing promises and institutions. In particular it must ensure that the agreed full incremental costs of meeting enhanced non-Annex I reporting obligations is met through additional funding. Overall, there is a need for an increase in the quantum of financing provided by Annex II Parties. The ADP process must encourage and generate such increased levels of financing by the developed countries.
- (vi) Work under the technology development and transfer pillar must extend existing institutions and commitments. In particular it must operationalize technology transfer to developing countries, ensure Annex II financing for technology development, remove obstacles to and provide financing and incentives for transfer of technology, and facilitate R & D cooperation in climate technology. It is important to mention here that in this area not only the scale of technology transfer activities is important but also their quality. This pillar must also address the issue of intellectual property rights (IPRs). Many of the technologies that can help India and other developing countries to move towards a lower emissions path are out of their reach due to IPRs and their costs. India strongly supports a facilitative IPRs regime that balances rewards for the innovators with the common good of humankind and thereby enables developing countries to take early and effective mitigation and adaptation actions at the national level.
- (vii) Work under the transparency of action pillar must extend to the Durban Agreements, in particular by further fleshing out measurement, reporting and verification (MRV) requirements in relation to Annex I mitigation and Annex II provision of finance and technology. For such arrangements to be effective and inspire confidence, it is important to have common accounting rules for MRV of developed country mitigation targets. MRV of the flow of finance as per Convention obligations should also be an important part of the IAR. In addition, India supports the creation of a compliance system as part of the ADP outcome. This system must build on the existing Kyoto compliance system, one of the most evolved and sophisticated compliance systems among multilateral environmental agreements. In particular this compliance system must contain a differentiated structure for Annex I and non-Annex I Parties, such that the former are subject to compliance and consequences for the breach of their obligations, and the latter are encouraged to remain in compliance through a set of incentives. A key incentive in this regard will be a prohibition on use of unilateral actions by a country against another in the name of climate change.

Structure and Design

11. Decision 1/CP.17, paragraph 2 makes it clear that there are at least three distinct options for the legal form of the Durban outcome i.e. a protocol, another legal instrument or an agreed outcome with legal force. Because all the three forms of outcomes are under the Convention, they need fully to comply with the principles of the Convention. India's views on the definition of the three options as defined in 5.24 of its submission dated 9 March, 2013 remains unchanged.

(d) Ways of defining and reflecting enhanced action

12. Our views on ways of defining and reflecting enhanced action remains the same as stated in our earlier submission dated 9 March, 2013.
Enhanced action under the Convention must be based on the principles of the Convention, particularly Equity and CBDR and must follow the provisions contained in Article 4 of the Convention. It should build on the agreed outcome pursuant to Bali Action Plan, the work under the Kyoto Protocol and should be informed by the Fifth Assessment Report of the

Intergovernmental Panel on Climate Change, the outcomes of the 2013-2015 Review and the work of subsidiary bodies. As decided under the agreed outcome pursuant to Bali Action Plan adopted at Doha, Parties efforts towards reducing global GHG emissions should be undertaken on the basis of equity and common but differentiated responsibilities and respective capabilities, and the provision of finance, technology transfer and capacity-building to developing countries in order to support their mitigation and adaptation actions under the Convention, and take into account the imperatives of equitable access to sustainable development.

13. The following actions should form the basis of enhanced action in the post- 2020 period –
- (i) the immediate ratification by Annex I Parties to the Kyoto Protocol of the amendment to the Kyoto Protocol relating to the 2nd commitment period and the increase of their mitigation targets under the Kyoto Protocol by 2014;
 - (ii) the increase of mitigation ambition by Annex I Parties who are not under the Kyoto Protocol or who have decided not to take on targets under the Protocol's 2nd commitment period, in a manner and at levels that are comparable to those undertaken by Annex I Parties to the Kyoto Protocol with targets under the 2nd commitment period, including increasing such mitigation ambition by 2014
 - (iii) the full operationalization of the mechanisms for the provision of support (finance, technology transfer, and capacity building) to developing countries, including particularly the actual delivery of such support to developing countries in measurable, reportable, and verifiable ways.

India reserves the right to make additional submissions and present further views on the relevant issues connected with the work of the ADP.