

Dear Executive Secretary, COP Presidencies,

In accordance with Rule 10(d) of the draft Rules of Procedure of the UNFCCC, Brazil hereby submits a request on behalf of the BASIC group of countries (Brazil, China, India and South Africa) to include the following agenda item in the provisional agenda of SBI/SBSTA, COP28, CMP8 and CMA5:

“Concerns with unilateral trade measures related to Climate Change and their potential adverse impact on equitable and just transitions, in the context of sustainable development and efforts to eradicate poverty.”

Strongly committed to multilateralism, BASIC is of the view the UNFCCC should consider concerns with unilateral and coercive climate change related measures that constitute a disguised restriction on international trade, while calling on all partners to strive for cooperative solutions and partnerships for stimulating the production and trade access for sustainable goods and services. Concerning trends towards unilateralism, trade protectionism and fragmentation of international cooperation jeopardizes trust and, consequently, ambitious climate action. In order to reverse such trends, the international community must reiterate its firm commitment to contributing to an international environment that is conducive to sustainable development and to inclusive and equitable global decision-making processes that are effectively representative of humanity’s collective intelligence and development aspirations, with a view to shared prosperity. Parties should also reiterate opposition to the politicization of climate change issues and all forms of unilateralism and protectionism, recognizing that unilateral measures violate the objectives and principles of the Convention and its Paris Agreement, and seriously undermine multilateral cooperation and the ability of the concerned countries to combat climate change. Parties should also collectively oppose any measures to restrict trade and investment and setting up new green trade barriers, such as unilateral carbon border taxes, with the pretext of addressing climate change, which are incompatible with multilateral rules under the World Trade Organization and the Paris Agreement’s principle of equity and common but differentiated responsibilities and respective capabilities (CBDR-RC), in the light of different national circumstances,

Relevant legal provisions:

UNFCCC Article 3 – Principles, paragraph 5

The Parties should cooperate to promote a supportive and open international economic system that would lead to sustainable economic growth and development in all Parties, particularly developing country Parties, thus enabling them better to address the problems of climate change. Measures taken to combat climate change, including unilateral ones, should not constitute a means of arbitrary or unjustifiable discrimination or a disguised restriction on international trade.

Kyoto Protocol, Article 2, paragraph 3

The Parties included in Annex I shall strive to implement policies and measures under this Article in such a way as to minimize adverse effects, including the adverse effects of climate change, effects on international trade, and social, environmental and economic impacts on other Parties, especially developing country Parties and in particular those identified in Article 4, paragraphs 8 and 9, of the Convention, taking into account Article 3 of the Convention. The

Conference of the Parties serving as the meeting of the Parties to this Protocol may take further action, as appropriate, to promote the implementation of the provisions of this paragraph.

Rio Declaration, Principle 12

States should cooperate to promote a supportive and open international economic system that would lead to economic growth and sustainable development in all countries, to better address the problems of environmental degradation. Trade policy measures for environmental purposes should not constitute a means of arbitrary or unjustifiable discrimination or a disguised restriction on international trade. Unilateral actions to deal with environmental challenges outside the jurisdiction of the importing country should be avoided. Environmental measures addressing transboundary or global environmental problems should, as far as possible, be based on an international consensus.

UN General Assembly Resolution 70/1 (2015) - Transforming our world: the 2030 Agenda for Sustainable Development

30. States are strongly urged to refrain from promulgating and applying any unilateral economic, financial or trade measures not in accordance with international law and the Charter of the United Nations that impede the full achievement of economic and social development, particularly in developing countries.

Goal 2. End hunger, achieve food security and improved nutrition and promote sustainable agriculture, 2.b Correct and prevent trade restrictions and distortions in world agricultural markets, including through the parallel elimination of all forms of agricultural export subsidies and all export measures with equivalent effect, in accordance with the mandate of the Doha Development Round

Goal 17. Strengthen the means of implementation and revitalize the global partnership for sustainable development, Trade, 17.10 Promote a universal, rules-based, open, non-discriminatory and equitable multilateral trading system under the World Trade Organization, including through the conclusion of negotiations under its Doha Development Agenda

68. International trade is an engine for inclusive economic growth and poverty reduction, and contributes to the promotion of sustainable development. We will continue to promote a universal, rules-based, open, transparent, predictable, inclusive, non-discriminatory and equitable multilateral trading system under the World Trade Organization (WTO), as well as meaningful trade liberalization. We call on all WTO members to redouble their efforts to promptly conclude the negotiations on the Doha Development Agenda. We attach great importance to providing trade-related capacity-building for developing countries, including African countries, least-developed countries, landlocked developing countries, small island developing states and middle-income countries, including for the promotion of regional economic integration and interconnectivity.