

INDIA PRESENTATION: FORUM ON THE IMPACT OF THE IMPLEMENTATION OF RESPONSE MEASURES

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Response Measures including Unilateral Ones

- Doha Climate Gateway has clearly mandated this Forum to discuss Response Measures(RM) including Unilateral Measures (UM).
- Sustainable economic growth and development are best fostered by a supportive and open international economic system, which in turn requires countries to refrain, in India's view, from engaging in UM.

UNFCCC Article 3.5

- Art 3.5- Measures taken to combat climate change, including unilateral ones, should not constitute a means of arbitrary and unjustifiable discrimination or a disguised restriction on international trade.'
- Although Art 3.5 provides this protection, there are talks on a number of unilateral trade and other measures sought to be imposed on developing countries.

Why we must contain resorting to unilateral measures?.

First, the UNFCCC and its KP, and COP/CMP decisions - is and must remain the principal forum for fashioning international climate policy. The climate regime with near-universal membership, sophisticated multilaterally agreed principles, rules and institutions to draw on, and frequent negotiating opportunities offers the best chance of arriving at an equitable and effective solution. UM taken by countries and the retaliatory actions they spawn can only lead to sub-optimal climate policy.

Second, climate policies crafted nationally/regionally and imposed beyond borders is unlikely to accurately reflect the principled balance of obligations in the climate regime. It may stand in violation of the UNFCCC and not respect the principles of CBDR

Why we must contain resorting to unilateral measures? Contd/..

Third, whilst multilaterally agreed policies - developed through negotiated compromises between consenting states - implicitly command legitimacy, UM that seek to govern actors beyond their borders raise serious legitimacy concerns.

Fourth, UM, if taken, shows a disregard for multilaterally negotiated regime and in fact it is an indirect threat that measures will be taken by them unless others comply with their wishes. Consequently, UM lend themselves to a perception of partiality and are therefore affects the confidence building that is central to the multilateral climate negotiations.

Finally, it is also worth bearing in mind that if nations are allowed to engage in UM, they will have little incentive to participate and reach compromise solutions in multilateral process. Far from furthering the fight against climate change, UM chip away at the multilateral process and the principles on which the climate regime is built

What is needed?

- Given the reasons cited above, India is of the strong view that UNFCCC process should expand on Art 3.5 and agree that Parties completely eschew UM and we have a way to take corrective steps in case it happens.
- Developed Country Parties shall not resort to any form of unilateral measures on any grounds related to climate change.

To conclude

It is important to understand that the threat of UM is not a theoretical discussion but is very real. Most of you would recall the measures suggested under EU-ETS to curb emissions in international civil aviation. These measures were not restricted to EU only but all airlines from all countries from the point of departure. Consequently, several countries sent their voice of protest, after which the EU has decided to stop the clock. In other words, they have suspended but not withdrawn these measures.

Now the discussions are going on in the ICAO on MBMs. **A discussion in a multilateral setting is the best way to process** and that is fortunately taking place. We hope that the discussions proceed in a constructive way in ICAO. , even though there are not many such indications so far. Be that as it may, we are still negotiating under the threat of the EU-ETS being revived and our discussions here have a certain resonance to what is happening outside.

THANK YOU VERY MUCH
FOR YOUR ATTENTION!