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# International Climate Change Regime: A Critical Appraisal of the Indian Approach

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**ABSTRACT**

**Climate change is regarded as one of the common concerns of the humankind. It is the most important global environmental problems facing the world today [1] as is illustrated by the previous United Nation Climate Change Conferences and most recently held COP 21 at Paris. Now there is little doubt about its seriousness and the challenges it poses for our society. The successive Intergovernmental Panel on Climate Change's Reports (IPCC) have established it beyond doubt. Further, effects of the climate change have started giving their appearances and future impacts are inevitable.[2]**

**Ordinarily by climate change wo mean a change of the climate that alters the composition of the global atmosphere.[3] Such a change is attributed to the direct and indirect activities of human being. Growing human civilization and rapid industrialization with their expanded activities affect the thin layer of the atmosphere that he surrounds the earth. The greenhouses gases contribute significantly for the warming of the globe also are responsible in disturbing the global climate.**

**The aim of this paper is to critically appraise the Climate Change Regime and Indian approach in that regard. This paper argues that the Indian approach to the Climate change problem is based on the principle of equity or combined but differentiated responsibility. But as a fast-developing economy, it has put in place measures/ mechanisms as mandated by different Conferences held under UNFCCC, even though initially it took time to start with.**

***Keywords*—** Climate Change, International, IPCC

## I. INTERNATIONAL CLIMATE CHANGE REGIME

The climate change regime is the world's principal response to the problem of global warming which surfaced in the mid-1980s, when scientists advised the governments that increasing concentrations of carbon dioxide and other greenhouse gases in the atmosphere could raise the average surface temperature of the Earth, causing climate change that would disrupt humans and natural systems worldwide.[4]

The serious nature of climate change and its consequences were widely recognized in 1988, and the Intergovernmental Panel on Climate Change was set up the same year.[5] IPCC has been studying different aspects of climate change. The IPCC includes three working groups. These are Working Group I which assesses the scientific aspects of the climate change and climate change. Working Group 2 assesses the vulnerability of socio-economic and natural systems in climate change, negative and positive consequences of climate change, and options for adapting to it. Working Group 3 assesses options for limiting GHG (Green House Gases) emissions and otherwise mitigating climate change. The IPCC published its first assessment report in 1990, a supplementary report in 1992, a second assessment report (SAR) in 1995, a third assessment report (TAR) in 2001, a fourth assessment report (AR4) in 2007 and a fifth assessment report (AR5) in 2014.[6]

[1] Margaret Rosso Grossman, "Climate Change and the Law, 58The American Journal of Comparative Law, 2010, p.223

[2] Daniel A. Farber, "Climate Change, Federalism, and the Constitution", 50 Arizona Law Review, 2008, p. 880.

[3] Sukanta K. Nanda, Environmental Law (Allahabad: Central Law Publications, 2007), p. 326.

[4] Ronald D. Brunner, "Science and the Climate Change Regime", 34: 1Policy Sciences, 2001, p.1.

[5] GautamDutt, Fabian Gaioli, "Coping with Climate Change", 42:42 Economic and Political Weekly, 2007, p.4239.

[6] Available at https://en.wikipedia.org/wiki/Intergovernmental_Panel_on_Climate_Change.

The climate change regime was formally established in March 1994 when the fiftieth nation state ratified the U.N. Framework Convention on Climate Change which had been opened for signature at the Earth Summit in Rio in June 1992.[7] The 1992 Rio Conference adopted the Convention on Climate Change which aims to stabilize CO2 emissions and other anthropogenic gases which accumulate in the atmosphere, trap the heat of the sun and enhance the greenhouse effect.[8] The Framework Convention specifies who, acting how, should make decisions affecting global climate change. The governing body of the regime is the Conference of the Parties to the Framework Convention. Thus, the climate change regime is the sum total of the United Nations Framework Convention on Climate Change 1992 and the decisions taken by the annual Conference of the Parties (COP) to the Convention aimed at fleshing out the convention which sets forth a long-term policy and architecture to address climate change and short-term emission reduction commitments of greenhouse gases.[9] The UNFCCC entered into force on 21 March 1994. Today, it has near universal membership. The 195 countries that have ratified the Convention are called Parties to the Convention.[10]

***A. Kyoto Protocol***

The Kyoto Protocol is an international agreement linked to the United Nations Framework Convention on Climate Change, which commits its Parties by setting internationally binding. emission reduction targets. [11] Recognizing that developed countries are principally responsible for the current high levels of GHG emissions in the atmosphere as a result of more than 150 years of industrial activity, the Protocol places a heavier burden on developed nations under the principle of "common but differentiated responsibilities." The Kyoto Protocol was adopted in Kyoto, Japan, on 11 December 1997 and entered into force on 16 February 2005. The detailed rules for the implementation of the Protocol were adopted at COP 7 in Marrakesh, Morocco, in 2001, and are referred to as the "Marrakesh Accords." Its first commitment period started in 2008 and ended in 2012.

The Kyoto Protocol established three mechanisms namely, International Emission Trading, Clean Development Mechanism (CDM) and Joint Implementation (JI). In order to monitor the emission target systems of Registry, Reporting and Compliance were put in place. Also the Adaptation Fund was established to finance projects and programmes in developing countries that are Parties to the Kyoto Protocol.

***B. Bali Road Map***

The Bali Road Map was adopted at the 13th Conference of the Parties and the 3rd Meeting of the Parties in December 2007 in Bali. The Road Map is a set of forward-looking decisions that represent the work that needs to be done under various negotiating "tracks" that is essential to reaching a secure climate future.[12] The Bali Road Map includes the Bali Action Plan, which charts the course for a new negotiating process designed to tackle climate change. The Bali Action Plan is a comprehensive process to enable the full, effective and sustained implementation of the Convention through long term cooperative action, now, up to and beyond 2012, in order to reach an agreed outcome and adopt a decision. All Parties to the Convention were involved in crafting the Bali Road Map. The Bali Action Plan is divided into five main categories: shared vision, mitigation, adaptation, technology and financing. The shared vision refers to a long-term vision for action on climate change, including a long-term goal for emission reductions.

***C. Cancun Agreements***

The sixteenth session of the Conference of the Parties to the UNFCCC and the sixth session of the Conference of the Parties serving as the Meeting of the Parties to the Kyoto Protocol took place in Cancun and was hosted by the Government of Mexico. The Cancun agreements, reached on December 11 in Cancun, Mexico, at the 2010 United Nations Climate Change Conference, represented key steps forward in capturing plans to reduce greenhouse gas emissions, and to help developing nations protect themselves from climate impacts and build their own sustainable futures. The Cancun Agreements' main objectives cover include, Mitigation, Transparency of actions, Technology, Finance, Adaptation, Forests and Capacity building. [13] Among the highlights, Parties agreed:[14]

- to commit to a maximum temperature, rise of 2 degrees Celsius above pre-industrial levels, and to

[7] Ronald D. Brunner, "Science and the Climate Change Regime", 34: 1Policy Sciences, 2001, p.1.

[8] R.A. Malviya, "International Regulation of Global Warming: Problems and Prospects", 31 The Banaras Law Journal, 2002, p. 48.

[9] Anwar Sadat, "Some Unanswered Questions in the Climate Change Regime", 42:17 Economic and Political Weekly, 2007, p. 1496.

[10] Available at http://unfccc.int/essential_background/convention/items/6036.php

[11] Available at http://unfccc.int/kyoto_protocol/items/2830.php

[12] Available at http://unfccc.int/key_steps/bali_road_map/items/6072.php

[13] Available at http://unfccc.int/key_steps/cancun_agreements/items/6132.php

[14] Available at http://unfccc.int/meetings/cancun_nov_2010/meeting/6266.php

consider lowering that maximum to 1.5 degrees in the near future.

- to make fully operational by 2012 a technology mechanism to boost the innovation, development and spread of new climate-friendly technologies;
- to establish a Green Climate Fund to provide financing to projects, programmes, policies other activities in developing countries via thematic funding windows;
- on the Cancun Adaptation Framework, which included setting up an Adaptation Committee to promote the implementation of stronger, cohesive action on adaptation.

On the mitigation front, developed countries submitted economy-wide emission reduction targets and agreed on strengthened reporting frequency and standards and to develop low-carbon national plans and strategies. Developing countries submitted nationally appropriate mitigation actions (NAMAS), to be implemented subject to financial and technical support. Work continued on shaping the form and functions of a registry for NAMAS to enable the matching of such actions with finance and technology. Developing countries were also encouraged to develop low-carbon national plans and strategies.

Work also progressed on reducing emissions from deforestation and forest degradation (REDD), boosting capacity-building in developing countries, and how to deal with any consequences of response measures to action on climate change. Governments also agreed to include carbon capture and storage (CCS) in the projects under the Clean Development Mechanism (CDM), subject to technical and safety standards.

***D. Durban Climate Change Conference***

Seventeenth session of the Conference of the Parties (COP 17/ CMP 7), November 2011. The COP 17 took place from 28 November to 9 December 2011 in Durban, South Africa. [15] The United Nations Climate Change Conference, Durban 2011, delivered a breakthrough on the international community's response to climate change. In the second largest meeting of its kind, the negotiations advanced, in a balanced fashion, the implementation of the Convention and the Kyoto Protocol, the Bali Action Plan and the Cancun Agreements. The outcomes included a decision by Parties to enter into a universal legal agreement on climate change as soon as possible, and no later than 2015.

***E. Doha Climate Gateway***

At the 2012 UN Climate Change Conference in Doha, Qatar (COP 18/CMP 8), governments consolidated the gains of the last three years of international climate change negotiations and opened a gateway to necessary greater ambition and action on all levels.[16] The Conference agreed upon a time table for 2015 climate change agreement and to scale up efforts before 2020 beyond the existing pledges to curb emissions.

***F. Warsaw Outcomes***

The 19th annual international climate negotiations of the United Nations Framework Convention on Climate Change (UNFCCC) were held in Warsaw, Poland, from November 11 to 22, 2013. Government delegates, civil society, and private sector representatives from around the world met to discuss the international climate policy agency under the UNFCCC.

At the UN Climate Change Conference in Warsaw (COP 19/ CMP 9), 2013, the governments took further essential decisions to stay on track towards securing a universal climate change agreement in 2015.[17] The governments agreed to communicate their respective contributions towards the universal agreement well in advance of the meeting in Paris in 2015. Further, the required Monitoring, Reporting and Verification arrangements for domestic action were finalized for implementation, thereby providing a solid foundation for the 2015 agreement. Importantly, further progress was also made in helping countries, especially the poorest, adapt to the impacts of climate change and build their own sustainable, clean energy futures.

In a breakthrough outcome, the rulebook for reducing emissions from deforestation and forest degradation was agreed, together with measures to bolster forest preservation and a results-based payment system to promote forest protection. The Green Climate Fund, planned to be a major channel of financing for developing world action, was agreed to be ready for capitalization in the second half of 2014. Additionally, governments agreed on a mechanism to address loss and damage caused by long-term climate change impacts.

The 2013 climate talks began in the shadow of Super Typhoon Haiyan which struck the Philippines and other small island states, displacing almost 100,000 people and totaling nearly $300 million in damages. Early in the talks, lead negotiator for the Philippines, Yeb Sano, gave an impassioned speech which highlighted the toll of the typhoon, drew links to more extreme weather events under climate change, and called on his fellow negotiators to redouble their efforts at the talks. Meanwhile, some large developed nations, such as Japan and Australia, were weakening their prior climate commitments at this time.

[15] Available at http://unfccc.int/meetings/durban_nov_2011/meeting/6245/php/view/decisions.php

[16] Available at http://unfccc.int/key_steps/doha_climate_gateway/items/7389.php

[17] Available at http://unfccc.int/key_steps/warsaw_outcomes/items/8006.php

The Polish government also held an "International Coal & Climate Summit concurrent with the negotiations to the consternation of many.

Outcomes from Warsaw were mixed. An international mechanism was established to address loss and damage caused by climate change, but the mandate and scope will need to be strengthened to truly meet the needs of the most vulnerable. Concerning finance, some European developed countries, including Germany and Switzerland, helped the Adaptation Fund reach its goal of $100 million, but more will be needed due to the large amount of adaptation costs. For the Green Climate Fund, no clear deadline was set to make the first payments, making the goal of $100 billion a year by 2020 "murky, with no timelines, pathways, and sources outlined." Also related to finance, countries that can prove they are reducing emissions from deforestation will receive more money. A process was established to ensure governance and the protection of indigenous people and biodiversity.

The Warsaw COP was a milestone on the road to the 2015 UNFCCC Conference of the Parties 21 in Paris, France, where delegates are expected to forge an international agreement to curb emissions of harmful greenhouse gases and adapt to climate change. In preparation for the COP in Paris, the negotiators in Warsaw missed an opportunity to begin the establishment of climate action and a fair way to divide global effort in response to climate change. More work will need to be done on this topic in the build-up to a new international agreement in 2015.[18]

***G. Lima Climate Change Conference, December, 2014***

The 20th session of the Conference of the Parties (COP 20/ CMP 10) and the 10th session of the Conference of the Parties serving as the Meeting of the Parties to the Kyoto Protocol took place from 1 to 14 December in Lima, Peru.[19] A new 2015 agreement on climate change, that will harness action by all nations, took a further important step forward in Lima following two weeks of negotiations by over 190 countries. Nations concluded by elaborating the elements of the new agreement, scheduled to be agreed in Paris in late 2015, while also agreeing the ground rules on how all countries can submit contributions to the new agreement during the first quarter of next year. These Intended Nationally Determined Contributions (INDCs) will form the foundation for climate action post 2020 when the new agreement is set to come into effect. During the two week 20" Conference of the Parties, countries also made significant progress in elevating adaptation onto the same level as action to cut and curb emissions.

[18] Available at http://www.usclimatenetwork.org/policy/International-climate-change-negotiations-in-warsaw

[19] Available at http://newsroom.unfccc.int/lima/lima-call-for-climate-action-puts-world-on-track-to-paris-2015/

***H. Paris Climate Change Conference***

The twenty-first session of the Conference of the Parties (COP21/CMP 11) and the eleventh session of the Conference of the Parties serving as the meeting of the Parties to the Kyoto Protocol (CMP) took place from 30 November to 11 December 2015, in Paris, France.[20]

## II. INDIAN APPROACH ON CLIMATE CHANGE WITH SPECIAL REFERENCE OF PARIS AGREEMENT, 2015

***Indian Policy on Climate Change: Position before the Paris Agreement***

India's policy on climate change was expressed at the 1989 Noordwijk Conference on Climate Change.[21] At that Conference Mahesh Prasad, the then Secretary to the Indian Ministry of Environment and Forests, stated that the problem is global. Solutions must therefore be global. He said that it was India's conviction that the goals have to be set with the utmost care, taking full account of the technical and financial capabilities of individual countries, and their own economic needs and priorities. He further stated that it might be counter-productive to lay down targets for countries, which still strive to raise the living conditions of their masses. And it might be equally counter-productive according to him to reach agreements to combat climate change, without devising mechanisms to ensure global participation.[22]

India's approach during the period from the setting the Intergovernmental Negotiating Committee on FCCC in 1990 by the United Nations General Assembly till the completion of the Convention was that the Convention should include the provision on clean technologies and transfer of financial resources to purchase the technologies.[23] However, India did not rely merely on the help of Global Environment Facility (GEF) provided by Article 21(3) of the Convention for financial mechanism. Instead, India took a number of policy decisions and set up its own institutions to promote renewable energy and energy efficiency standards thereby reducing complete reliance on fossil fuel energy. In 1992,

[20] Available at http://unfccc.int/meetings/paris_nov_2015/meeting/8926.php

[21] Anwar Sadat, "India and the Climate Change Regime: A Critical Appraisal", 47 Indian Journal of International Law, 2007, p. 90.

[22] Joyeeta Gupta, "India and Climate Change Policy: Between Diplomatic Defensiveness and Industrial Transformation", 12: 2&3 Energy & Environment, 2001, p. 218 as quoted in Anwar Sadat, "India and the Climate Change Regime: A Critical Appraisal", 47 Indian Journal of International Law, 2007, p.90.

[23] Ibid.

a separate Ministry for Non-Conventional energy sources was established. The Eight Five Year Plan (1992-1997) included plans for implementing renewable energy. The Ninth Five Year Plan (1997-2002) integrated the issue of carbon dioxide emissions in its discussions on energy policy, but did not make any major recommendations except on the demand and supply of energy to promote renewable energy and nuclear energy.[24]

India signed the United Nations Framework Convention on Climate Change on 10 June 1992 and ratified it on 1 November 1992.[25] India published its first definitive report for the base year 1990 on an enlarged scale. But it was only in 2004 that India submitted its Initial National Communication to the UNFCCC for the base year 1994, comprising a comprehensive inventory of the Indian emissions from all energy, industrial processes, agricultural activities, land use, land use change and waste management practices. The preparation of inventories of greenhouse gases as part of its initial National Communication by India was financed in accordance with Article 4(3) by the designated financial mechanism of the Convention, GEF.

India acceded to Kyoto Protocol on 26th August, 2002 and emerged as one of the major beneficiaries of clean technology and additional foreign investments into sectors like renewable energy, energy generation and afforestation project through operationalization of Article 12 of the Kyoto Protocol embodying Clean Development Mechanism (CDM).[26]

The Government of India has taken several initiatives in terms of policies and programmes to explore and implement low carbon development strategies. Way back in 2008, India launched the National Action Plan on Climate Change which outlines policies directed at mitigation and adaptation to climate change. In its eight national missions, the National Action Plan proposes an extensive range of measures with focus on renewable energy efficiency, clean technologies, public transport, resource efficiency, afforestation, tax incentives and research and generation of strategic knowledge. India's Twelfth Five Year Plan covering the period 2012 to 2017 calls for faster, more inclusive and sustainable growth.[27]

A high-level advisory group on climate change was constituted in June 2007 and reconstituted in November 2014 with the following objectives:

i. Coordinate national action plans for assessment, adaptation and mitigation of climate change.
ii. Advise government on pro-active measures that can be taken by India to deal with the challenge of climate change.
iii. Facilitate inter-ministerial coordination and guide policy in relevant areas. The Prime Minister's Council on Climate Change was formed in pursuance to this.

***National Action Plan on Climate Change***

Launched in 2008, India's National Action Plan on Climate Change (NAPCC) identifies a number of measures that simultaneously advance the country's development and climate change related objectives of adaptation and mitigation. The implementation of the NAPCC is designed to take place through eight National Missions, which form the core of the National Action Plan and incorporate multi-pronged, long-term and integrated strategies for achieving India's key goals in the context of climate change. Following are the eight National Missions:

- Jawaharlal Nehru National Solar Mission[28]
- National Mission for Enhanced Energy Efficiency[29]
- National Mission on Sustainable Habitat[30]
- National Water Mission[31]
- National Mission for Sustainable Agriculture[32]

[24] Id., at p.226

[25] Anwar Sadat, "India and the Climate Change Regime: A Critical Appraisal", 47 Indian Journal of International Law, 2007, p.92.

[26] Anwar Sadat, "India and the Climate Change Regime: A Critical Appraisal", 47 Indian Journal of International Law, 2007, p.94.

[27] India's Progress in Combating Climate Change: Briefing Paper for UNFCCC COP 20 Lima, Peru. December, 2014.

[28] The objective of the mission is to establish India as a global leader in solar energy, by creating the policy conditions for its diffusion across the country as quickly as possible. India's Progress in Combating Climate Change: Briefing Paper for UNFCCC COP 20 Lima, Peru, December, 2014, p.4.

[29] The objective of this mission is to achieve growth with ecological sustainability by devising cost effective and energy efficient strategies for end-use demand side management. India's Progress in Combating Climate Change: Briefing Paper for UNFCCC COP 20 Lima, Peru, December, 2014.p.5.

[30] The objective of the National Mission on Sustainable Habitat is to promote sustainability of habitats though improvements in energy efficiency in buildings, urban planning, improved management of solid and liquid waste including recycling and power generation, modal shift towards public transport and conservation. India's Progress in Combating Climate Change: Briefing Paper for UNFCCC COP 20 Lima, Peru, December, 2014, P.6.

[31] The objective of this mission is to conserve water, minimize wastage and ensure equitable distribution both across and within states through integrated water resources development and management. India's Progress in Combating Climate Change: Briefing Paper for UNFCCC COP 20 Lima, Peru, December, 2014, p. 7.

[32] The objective of this mission transform agriculture into an ecologically sustainable climate resilient production system while at the same time, exploiting its fullest potential and thereby ensuring food security, equitable

- National Mission for Sustaining the Himalayan Ecosystem[33]
- National Mission for a Green India[34]
- National Mission on Strategic Knowledge for Climate Change[35]

***National Clean Energy Fund***

The Government of India created the National Clean Energy Fund (NCEF) in 2010 for the purpose of financing and promoting clean energy initiatives and funding research in the area of clean energy in the country.[36] The corpus of the fund is built by levying a cess of INR 50 (subsequently increased to INR 100 in 2014) per tonne of coal produced domestically or imported. Till date, Viability Gap Funding (VGF) of INR 16,511.43 crore (USD 2.75 billion) has been recommended from the NCEF for 46 projects. NCEF is financing innovative schemes like Jawaharlal Nehru National Solar Mission (JNNSM)'s installation of solar photovoltaic (SPV) lights and small capacity lights, installation of SPV water pumping as well as other mission projects under the National Action Plan on Climate change (NAPCC) and projects relating to R&D to replace existing technologies with more environment friendly ones under National Mission on Strategic Knowledge for Climate Change (NMSKCC). The scope of NCEF has also been enlarged to cover other eligible projects of the Ministry of New and Renewable Energy (MNRE), which are being implemented under the flagship programmes of "Grid Interactive and Distributive Renewable Power" and "Research Design, Development in Renewable Energy".

In 2014, the Government of India expanded the scope of the NCEF to include financing and promoting clean environment initiatives and funding research in the area of clean environment. To finance these additional initiatives, the Clean Energy Cess has been increased from INR 50 per tonne to INR 100 per tonne of coal.

***National Adaptation Fund***

On July 10, 2014 the Finance Minister of India announced an allocation of INR 100 crore (USD 16.67 million) towards a newly established National Adaptation Fund. This fund will assist national and state level activities to meet the cost of adaptation measures in areas that are particularly vulnerable to the adverse effects of climate change.[37]

***State Action Plan on Climate Change***

In 2008, the Government of India launched the National Action Plan on Climate Change (NAPCC) establishing eight priority missions.[38] For the realization of these proposed actions at the sub national level, in August 2009 the Prime Minister of India called upon State Governments to prepare their own State Action Plan on Climate Change (SAPCC) consistent with strategies in the NAPCC. A common framework for the preparation of SAPCC was developed to harmonize national and state level actions. The common framework drew largely on the principles of territorial approach to climate change which focused on sub national planning, building capacities for vulnerability assessment and identifying investment opportunities based on the state's priorities. The framework provided broad, systematic and stepwise process (see figure) for the preparation of SAPCC and advocated a participatory approach so that states have enough ownership for the process and the final Plan. The recommended approach retained a level of flexibility in order to integrate state level variations in ecosystems, geographic conditions, socio-economic scenario, and other factors. Till date, 30 states have prepared their State Action Plan. The SAPCCs have both adaptation and mitigation component to address climate change impacts, though adaptation has been identified as a more important element of the Plan. These plans have been reviewed and endorsed by the Expert Committee on Climate Change under the

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access to food resources, enhancing livelihood opportunities and contributing to economic stability at the national level, India's Progress in Combating Climate Change: Briefing Paper for UNFCCC COP 20 Lima, Peru, December, 2014, p.8.

[33] The objective of the Mission is to evolve management measures for sustaining and safeguarding the Himalayan glaciers and mountain ecosystem and attempt to address key issues namely impacts of climate change on the Himalayan glaciers, biodiversity, wildlife conservation and livelihood of traditional knowledge societies, India's Progress in Combating Climate Change: Briefing Paper for UNFCCC COP 20 Lima, Peru, December, 2014, p.9.

[34] The objective of the mission is to use a combination of adaptation and mitigation measures in enhancing carbon sinks in sustainably managed forests and other ecosystems, adaptation of vulnerable species/ecosystems, and adaptation of forest-dependent communities. India's Progress in Combating Climate Change: Briefing Paper for UNFCCC COP 20 Lima, Peru, December, 2014, p. 10.

[35] The objective of this mission is to identify the challenges and the responses to climate change through research and technology development and ensure funding of high quality and focused research into various aspects of climate change, India's Progress in Combating Climate Change: Briefing Paper for UNFCCC COP 20 Lima, Peru, December, 2014, p. 11.

[36] India's Progress in Combating Climate Change: Briefing Paper for UNFCCC COP 20 Lima, Peru, December, 2014, p. 13.

[37] India's Progress in Combating Climate Change: Briefing Paper for UNFCCC COP 20 Lima, Peru, December, 2014, p. 13.

[38] India's Progress in Combating Climate Change: Briefing Paper for UNFCCC COP 20 Lima, Peru, December, 2014, p. 15.

Ministry of Environment, Forests & Climate Change, and Government of India. A combined budgetary requirement of INR 11.32 lakh crore (USD 188.66 billion) has been assessed for implementation of SAPCCs.

## III. AN INCLUSIVE APPROACH

The Government of India recognizes the wealth of knowledge and experience that resides within Indian industry, financial institutions and civil society organizations, and most importantly its communities, on the subject of climate change. [39] India is extremely vulnerable to the impacts of climate change and significant measures are needed to build climate resilience and assist communities with adaptation. Several programmes are already underway in many parts of India, often in partnership with local financial institutions and grassroots non-governmental organizations that are working with local communities on project implementation. Through its corporate social responsibility programmes and other initiatives, Indian industry is also promoting sustainable livelihoods and infrastructure development across the country. Additionally, there are measures that India can take to promote sustainable and inclusive growth in a less carbon-intensive manner. Many of these actions will have to be designed and implemented by industry and civil society organizations. Recognizing the important role that non-state actors must play in shaping India's response to climate change, the Government of India is taking steps to make this an inclusive and consultative process and invites the participation of all communities, non-governmental organizations and industry.

***India: The champion of Equity***

In the last 20 years of climate negotiations, India has steadfastly promoted the concept of equity and CBDR. In Durban in 2011, because of India, equity was brought back as an important principle in climate negotiations. However, in Warsaw, India was unable to defend its position on equity and in many quarters was seen anti-equity. This was largely because India opposed a process to operationalize equity. Such stands have made India look defensive at climate talks.

It was agreed that all countries will take action to combat climate change under the post-2020 deal, and the developing countries were doing more than their developed country counterparts to achieve. this end. It was thought that given the development needs of the country, India must think of ways to secure its legitimate carbon space as well as move towards a low carbon growth strategy.[40]

There are four dimensions to the UNFCCC talks in tackling climate change-mitigation, adaptation, finance and technology. India and other developing countries have maintained for years that since industrialized nations contributed to the vast majority of carbon emissions since the beginning of industrial age; it is up to the latter to rein in emissions first. This is the fundamental premise of 'equity' that India has espoused. Let developing countries reach levels of life standards close to what developed countries have achieved and then the latter will consider reducing total emissions.

This is the interpretation that India, China and all developing countries have made of the 'common but differentiated responsibilities and respective capabilities' as defined in UNFCCC. They cite lack of economic and technological capabilities to mitigate their contribution to climate change emissions at this stage of development. But how do you measure equity? Developing countries like India espouse Green House Gas (GHG) emissions per unit of GDP as the best parameter to measure a country's contribution to global emissions due to economic activity. This is because GHG emissions from energy consumed to produce one unit of GDP has been a yardstick produced by independent organizations, economists and climate scientists to measure economic standards.

India stands by this metric while developed nations led by US advocate total emissions as the yardstick. Till 2009, India never made any commitment to cut or restrict emissions in any manner. But, in 2009 during the Copenhagen conference, India declared a voluntary target of reducing GHG emissions per unit of GDP by 20-25 per cent till 2020 below 2005 emissions levels.[41] In January, as part of the Nationally Appropriate Mitigation Action under the Bali Action Plan of COP, India announced a reduction in its El by 20-25 per cent by 2020 from the 2005 level as a voluntary measure. According to the document submitted, as a result of a slew of policy measures, EI decreased between 2005 and 2010, and so India was well on its way to achieving that declared goal by 2020.[42]

## IV. PARIS AGREEMENT AND INDIAN APPROACH

[39] India's Progress in Combating Climate Change: Briefing Paper for UNFCCC COP 20 Lima, Peru, December, 2014, p. 22.

[40] Available at http://cseindia.org/content/cop19-warsaw-india-loses-momentum-warsaw

[41] Anchal Gupta, "2014 Lima Climate Change Talks had Little for India as Risks Rise", Available at http://www.huffingtonpost.in/anchal-gupta/2014-lima-climate-change-_b_6403172.html

[42] R. Ramachandran, "What India Plans to do", FRONTLINE, December, 2015, p. 124.

The Preamble to the Paris Agreement says climate change is a common concern of humankind and when countries take action, they must respect, promote and consider their obligations on human rights, right to health, rights of indigenous peoples, local communities, migrants, children, persons. with disabilities and people in vulnerable situations, the right to development, gender equality, empowerment of women and inter-generational equity.[43]

The Paris Agreement on climate change marks a milestone in preserving the earth's environment and provides a floor on which to build ambition and action. It is the outcome of a long stretched struggle by millions of citizens around the world, aided by the weight of scientific evidence linking severe, more frequent weather events such a as cyclones and droughts to man-made greenhouse gas emissions. The 195 country-parties to the UN Framework Convention on Climate Change, besides Palestine which joined in Paris, have acknowledged that global climate action can no longer be postponed.[44] The Agreement creates an enhanced transparency framework that requires all countries to submit a national inventory of greenhouse gas emissions arising from human activity using standardized methodologies accepted by the Intergovernmental Panel on Climate Change.

External monitoring of the national pledge on climate action to track progress made in implementing and achieving the Nationally Determined Contributions (NDCs), a technical review of the emissions data submitted, and participation in a facilitative, multilateral consideration of progress are among the provisions of the Agreement.

In the voluntary pledge, the INDCs submitted to the UNFCCC, the Indian government has emphasized the expansion of clean technologies to generate power, greater energy efficiency in infrastructure, and a significant widening of forestry as key measures.[45] India's INDC centers around its policies and programmes on promotion of clean energy, especially renewable energy, enhancement of energy efficiency, development of less carbon intensive and resilient urban centers, promotion of waste to wealth, safe, smart and sustainable green transportation network, abatement of pollution and India's efforts to enhance carbon sink through creation of forest and tree cover. It also captures citizens and private sector contribution to combating climate change.[46] India lists investments in agriculture, water resources, coastal regions, and health and disaster management, besides major goals such as reducing emissions intensity of the GDP by 33-35 per cent over 2005 levels by 2030.[47] Indian approach as reflected in the INDCs requires more initiatives to be launched in the areas like cleaner thermal power generation, promoting renewable energy, reducing emissions from transport and waste, and creating climate resilient infrastructure.

However, India's INDCs includes a caveat that the country will not be bound by any sector specific mitigation and only aims at achieving better overall energy efficiency reflected in lower intensity, the measurements prescribed under the transparency framework clearly stipulate that the national inventory should be by source.[48] The transparency framework under Article 13 of the Paris Agreement provides a built in flexibility taking into account the different capacities of countries. The framework is viewed as of significant application to India because of it being a fast-developing country with growing carbon emissions.[49]

The Paris Agreement under Article 4 mandates that each country should, in five year cycles, prepare, communicate and maintain the Nationally Determined Contributions (NDC). The India might find it uncomfortable because throughout the talks of the Agreement Indian position was that it has submitted its INDC for the period between 2021 and 2030.[50]

## V. CONCLUSION

India expressed its awareness of the seriousness of the problem of climate change as early as in 1989 but it advocated that the measures to be taken to tackle the problem must take into account the development concerns of the developing countries and the responsibility regarding the protection of climate change should be differentiated and depending upon the capacities of the respective countries. The developed nations who have caused much damage to the environment in terms of emission of greenhouse gases must share the major part of such combined responsibility.

Thus, India's position on the climate change regime from the beginning is being guided by the principle of common but differentiated responsibility (CBDR). This principle is fairly compatible with the India's economic

[43] G. Ananthakrishnan, "Climate Change Actions must Respect Rights, Equity: Paris Pact", THE HINDU, Sunday, December, 13, 2015, p. 15.
[44] THE HINDU, Monday, December, 14, 2015, p. 10.
[45] THE HINDU, Saturday, October, 3, 2015, p. 10.
[46] INDC: Perspective, 59 YOJANA, December, 2015, Special Issue, inside cover page.
[47] R. Ramachandran, "What India Plans to do", FRONTLINE, December, 2015, p. 124.
[48] G. Ananthakrishnan, "Paris Deal may bind India on Emissions Data", THE HINDU, Monday, December, 14, 2015, p. 13.
[49] G. Ananthakrishnan, "Paris Deal may bind India on Emissions Data", THE HINDU, Monday, December, 14, 2015, p. 13.
[50] *Ibid.*

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interest and also that of other developing countries. Thus, India leads in voicing the concerns of other developing countries regarding protection of climate system on the premise of this principle.

Despite its developmental conditions India started adopting the measures mandating by different UNFCCC Conferences. Various mechanisms are put in place to combat the climate change. The INDCS submitted by the India at Paris Conference recently concluded on December, 13, 2015, indicates its preparedness for the fight against the climate change problem.

Major constraint in implementing the projected measures is that of funds. is hoped that with the more help of the developed countries and corporate sector this constraint would be overcome to a great extent.