

REMARKS OF JAIRAM RAMESH, MINISTER OF STATE (INDEPENDENT CHARGE) ENVIRONMENT AND FORESTS, GOVERNMENT OF INDIA AT 6TH MEF MEETING, WASHINGTON DC, APRIL 18TH, 2010.

I am sorry that I am unable to be present physically at the 6th meeting of MEF Leaders' Representatives. Such are the vagaries of Mother Nature for which no legally-binding agreement with fool-proof MRV can be an effective antidote!

Todd Stern had wanted me to initiate the discussion on MRV. Before I do so, I wish to make four broad points that have a vital bearing on reducing the huge "trust deficit" that prevails in the climate change negotiating community.

First, the Copenhagen Accord is undoubtedly an important step forward. But it cannot be a separate track for negotiation. I have repeatedly said that the areas of agreement reflected in the Accord must be used to bring consensus in the on-going two-track negotiating process which is the only process that has legitimacy. Gordian knot-cutting can well be plurilateral but ultimately negotiations must be multilateral and carried out in good faith.

Second, there must be some visible triggers that get activated very soon to ensure that Cancun does not repeat Copenhagen. One such trigger is the beginning of actual disbursement of the \$ 10 billion promised by the developed countries for this year for vulnerable economies, small island states and LDCs. Another trigger could be an agreement on REDD/REDD+ provided it looks at all potential countries uniformly and does not limit itself only to forest-basin countries. Finalising the architecture of technology cooperation is yet another confidence-building measure. All these elements should be a part of a multilateral package in two tracks that should be delivered in Cancun. In the end, a *balance* in the outcomes on all elements of the LCA and KP tracks must be maintained with Annex I countries immediately taking on binding commitments for truly significant GHG reductions *within* their borders.

Third, equity is the cornerstone of any international agreement that will be accepted by developing countries. The Copenhagen Accord sets a global goal and this will determine a certain global carbon budget. The implications of this budget for the carbon budgets of individual countries need to be analysed in detail and it has to be guaranteed as part of any international agreement that development goals of economic growth are not jeopardised by such budgets. The global objective of restricting temperature rise to 2 degrees Celsius by 2050 from mid-19th century levels must be firmly embedded in a *demonstrably* equitable access to atmospheric space with adequate finance and technology available to *all* developing countries.

Fourth, we need to better understand this *mantra* of "internationally legally-binding agreement" which some developed countries keep chanting. What does it mean in practice? What are the consequences of non-fulfilment? What are the extenuating circumstances which could allow for non-fulfilment of commitments made as part of such an agreement? What is the place for domestic accountability mechanisms in such an agreement?

Let me now turn to the MRV issue. For Annex I Parties, this is dealt with in Para 4 and for non-Annex I Parties it is contained in para 5 of the Copenhagen Accord.

Para 4 of the Copenhagen Accord reads thus:

Delivery of (emission)reductions and financing by developed countries will be measured, reported and verified in accordance with existing and any further guidelines adopted by the Conference of the Parties, and will ensure that accounting of such targets and finance is rigorous, robust and transparent.

Thus, as can be seen Para 4 enjoins the COP to develop appropriate guidelines for MRV of both emission reductions and financing of Annex I Parties. This is important to recall and stress since the entire focus in the MRV debate over the past year has been on developing country mitigation actions.

Now, let me turn to Para 5 of the Copenhagen Accord which reads thus:

Non-Annex I Parties to the Convention will implement mitigation actions, including those to be submitted to the secretariat by non-Annex I Parties in the format given in Appendix II by 31 January 2010, for compilation in an INF document, consistent with Article 4.1 and Article 4.7 and in the context of sustainable development. Least developed countries and small island developing States may undertake actions voluntarily and on the basis of support. Mitigation actions subsequently taken and envisaged by Non-Annex I Parties, including national inventory reports, shall be communicated through national communications consistent with Article 12.1(b) every two years on the basis of guidelines to be adopted by the Conference of the Parties. Those mitigation actions in national communications or otherwise communicated to the Secretariat will be added to the list in Appendix II. Mitigation actions taken by Non-Annex I Parties will be subject to their domestic measurement, reporting and verification the result of which will be reported through their national communications every two years. Non-Annex I Parties will communicate information on the implementation of their actions through National Communications, with provisions for international consultations and analysis under clearly defined guidelines that will ensure that national sovereignty is respected. Nationally appropriate mitigation actions seeking international support will be recorded in a registry along with relevant technology, finance and capacity building support. Those actions supported will be added to the list in Appendix II. These supported nationally appropriate mitigation actions will be subject to international measurement, reporting and verification in accordance with guidelines adopted by the Conference of the Parties.”

Now, para 5 is very convoluted and needs to be “deconstructed” and simplified. This is what I have done as shown below. Four crucial action points are embedded in para 5.

1. Mitigation actions of non-Annex I Parties to be communicated to UNFCCC Secretariat through NATCOM consistent with Article 12.1(b), every two years, **on the basis of guidelines to be adopted by COP.**
2. Mitigation actions taken by Non-Annex I Parties will be subject to their domestic measurement, reporting and verification (DMRV), the result of which will be reported through their NATCOMs every two years.
3. Non-Annex I Parties will communicate information on the implementation of their actions (NAMAs) through NATCOMs, with provisions for **international consultations and analysis under clearly defined guidelines that will ensure that national sovereignty is respected.**
4. NAMAs seeking international support will be recorded in a registry along with relevant technology, finance and capacity building support. They will be subject to international measurement, reporting and verification **in accordance with guidelines adopted by COP.**

As will be observed COP has been given explicit responsibility for developing guidelines for putting into effect action point #1 and action point # 4. The responsibility for developing guidelines for action point # 3. has not been explicitly given to COP but it is reasonable to assume and expect that this too will be a task for COP. We need to discuss how we are going to execute these tasks in a purposive manner.

Reiterating that mitigation actions by developing countries are *voluntary*, I would make the following suggestions to put the action points into practice:

- International consultations and analysis as envisaged in action point # 3. above must be based on country implementation reports (derived from the respective NATCOM) prepared by the individual countries themselves so as to fulfil the “respect for national sovereignty” promise contained within action point # 3. itself. A chapter/issue format for such reports can be agreed to by the COP.
- The frequency of international consultations and analysis can be somewhat akin to the graded system adopted by the WTO for its trade policy reviews—some countries get reviewed once every two years, some others once every four years and most others once every six years or more depending on share of world trade.
- There has to be a multilateral anchor for the international consultations and analysis process. The Subsidiary Body on Implementation (SBI) of the UNFCCC should consider, sooner rather than later, how and where this anchor is to be set up.

I would stress that the voluntary actions of developing countries which are the subject of such international consultations and analysis should, under no circumstances, be seen as taking on internationally legally binding commitments by these countries. It also goes without saying that domestic GHG mitigation actions which are **not** supported by finance and technology under UNFCCC arrangements (“unsupported NAMAs”) as part of their NATCOM will be subject to a different protocol.

These are some preliminary ideas to stimulate discussion. I am once again sorry that I am unable to be present