

take immediate action to address climate change. This differentiation also existed, in some form, in the 1972 Stockholm Declaration on the Human Environment and was incorporated in the 1992 Rio Declaration on Environment and Development.¹ However, this differentiation has been one of the underlying issues responsible for the current climate deadlock².

The differentiation, according to some³, has led to a perceived 'dichotomy' that has prevented progress in climate negotiations. And many⁴ have argued for doing away with the distinction for all/some Parties. The primary concern raised by the developed country Parties imply to the need of 'meaningful', 'active', 'enhanced' or 'broadening of' participation of developing country Parties, whereby, further emphasizing the need to have higher involvement of developing countries, especially large developing economies such as China and India — often referred to as major emerging economies — to undertake certain obligations under the Convention. While the developing country Parties have always reiterated that the extent of such participation cannot or should not challenge their developmental process given their basic right to sustainable development, which is also implicitly premised in the Convention (Article 3.4). For all Parties to reach an agreement, addressing these issues is a prerequisite.

Many have suggested a blurring of this differentiation since 2009 through the Copenhagen Accord, Cancun Agreements, and Durban Platform⁵. This blurring of differentiation is premised upon the change in national circumstances and advent of major emerging economies. However, it is important to know whether this blurring of differentiation premised on the claims of change in circumstances is justified and whether the circumstances have actually changed since the conception of the Convention in 1992. The Copenhagen process, per say, was also overtly criticized for its lack of transparency and not being inclusive⁶ which in turn has led to mistrust and lack of confidence by many developing country Parties. For universal consensus on future climate actions, reinvigorating the trust and confidence is quintessential. As a way forward, the paper sets out a framework to validate the claims of change in circumstances through indicators of change. As a preliminary investigation, only few and palpable indicators are considered. If agreed upon, a comprehensive framework of many indicators of change can be developed.

Contextualizing Differentiation: 'National Circumstances'

Taking cues from the Convention, 'differentiation' is explicitly defined on the principle of common but differentiated responsibilities and respective capabilities. While there are subjective

interpretations of CBDRRC, it can be simply yet objectively codified through contextualizing national circumstances. National circumstances are implicitly mentioned in Article 3.2 (referring to the specific needs and special circumstances of developing country Parties) and further in Article 4 which enumerates a set of commitments all Parties. This article considers Parties' common but differentiated responsibilities and their specific national and regional development priorities, objectives, and circumstances while listing commitments. The Convention also notes the 'differing' nature of circumstances in various places. Thus, it essentially implies the significance of national circumstances.

Further, the national communications of both Annex I Parties and Non-Annex I Parties contain information on national circumstances (as a separate chapter in national communications). The information indicates development priorities and objectives. According to the guidelines⁷, Non-Annex I Parties should provide a description of features of their geography, climate, and economy which may affect their ability to deal with mitigating and adapting to climate change, as well as information regarding their specific needs and concerns arising from the adverse effects of climate change and/or the impact of the implementation of response measures. According to the guidelines, Annex I Parties⁸ should provide a description of their national circumstances relevant to factors affecting greenhouse gas emissions and removals, including disaggregated indicators, to explain the relationship between national circumstances and emissions or removals. However, to improve comparability, the guidelines suggest the following headings: Government structure; Population profile; Geographic profile; Climate profile; Economic profile; Energy; Transportation; Industry; Waste; Building stock and urban structure; Agriculture; Forest; and

other circumstances. Thus, national circumstances are represented through number of aggregated/disaggregated indicators. These indicators and their historic trends (indicators of change) can, hence, give an objective indication of the circumstances and the change-in circumstances respectively.

Indicators of Change: an analysis

Relevant indicators of change are considered to give two perspectives of (i) responsibility and (ii) capability. Analysis of historic trends indicates the change-in circumstances both of a country with respect to other countries and of a country with respect to itself overtime.

While responsibility more often than not is implied in the historic context, both past emissions stock and present emissions flows are considered, herewith. The per capita emissions is used as an indicator, as in a way it also captures socioeconomic differences when compared with absolute emissions. The analysis suggests (see Figure 1) that average per capita emissions of developing countries have always been lower than that of developed countries. In fact, the average per capita emission of developing countries in 1992 and that even in 1972. This is despite of the fact that some of the oil rich countries like Saudi Arabia, Qatar, Kuwait, etc., and the OECD countries like South Korea amongst the developing countries have emissions per capita which is higher than many of the developed countries. Further, India's (considered as major emerging economy) per capita emissions in 2007 is way less than the average of developing countries, while that of China (another major emerging economy) is just above the average of developing countries. Countries like Ethiopia, Mozambique, and Bangladesh have very low per capita emissions. Ethically, however, every individual has

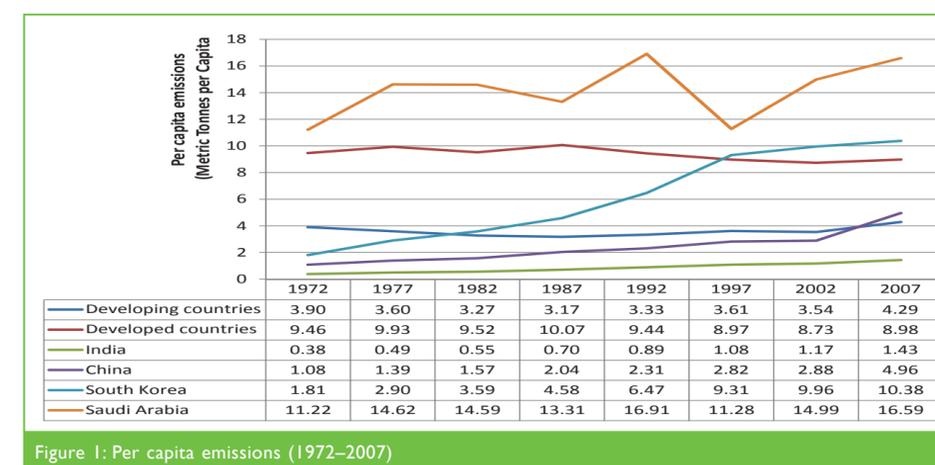


Figure 1: Per capita emissions (1972–2007)

an equal entitlement to global atmospheric space in pursuit of sustainable development. Actions leading to emissions reduction by developing countries or encroachment of their atmospheric space by developed countries might retard their developmental process. Therefore, developed countries should allow developing countries their right to sustainable development.

Capability is defined in terms of indicators such as Human Development Index (HDI) and per

capita GDP. These indicators take into account social and economic capability. The capability indicators give a sense of the extent to which a country could take climate actions, both mitigating now and adapting to future change. It is important to note, that the impacts of climate change will disproportionately affect the poor and therefore, these indicators are important for the future context as well. While there has been a change in HDI of many developing countries over the period 1972–2007, the average HDI

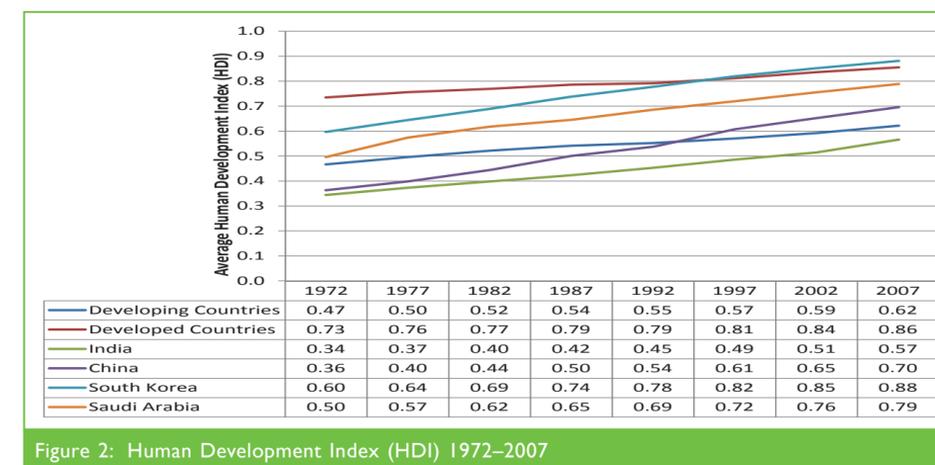


Figure 2: Human Development Index (HDI) 1972–2007

¹ Joseph E Aldy and Robert N Stavins, 2012. Climate negotiators create an opportunity for scholars. *Science* 337(6098):1043–1044 (31 August); DOI: 10.1126/science.1223836.

² For further details on the debate, see N Pahuja. 2010a. Nationally appropriate mitigation actions: Distilling from agreed texts. *Mitigation Talks* Vol. 1-1.

³ Aldy and Stavins, Climate negotiators create an opportunity for scholars.

⁴ UNFCCC. 2008. Japan's proposal on graduation approach submitted to the AWG-LCA, p. 40, accessed at <http://unfccc.int/resource/docs/2008/awglca4/eng/misc05.pdf>; UNFCCC, 2009. Australia's proposal on a scheduled approach, p. 22, accessed at <http://unfccc.int/resource/docs/2009/awglca6/eng/misc04p01.pdf>.

⁵ Aldy and Stavins. Climate negotiators create an opportunity for scholars; Pahuja. 2011. Climate change negotiations in Cancun in retrospect: A progress or regress, *EQ International*, No. 1, pp. 78–80, accessed at http://www.teriin.org/index.php?option=com_featurearticle&task=details&sid=670; L Rajamani. 2012. The changing fortunes of differential treatment in the evolution of international environmental law, *International Affairs* 88(3):605–623, accessed at http://www.chathamhouse.org/sites/default/files/public/International%20Affairs/2012/88_3/88_3rajamani.pdf; S Saran. 2011. Interview; accessed at <http://www.businessworld.in/en/storypage/-/bw/durban-pact-limits-growth/369836.0/page/0>.

⁶ N Pahuja. 2010b. Road ahead to Mexico: India's role, *Planet Earth*.

⁷ http://unfccc.int/cop8/latest2_sbi.pdf

⁸ <http://unfccc.int/resource/docs/cop5/07.pdf>

for developed countries is still lower than that of developed countries (see Figure 2). Also, the average of developing countries is way less than that of developed countries in 1972. Amongst the very few developing countries with HDI close to that of developed countries include oil-rich countries such as Qatar, Saudi Arabia and the United Arab Emirates on one hand and the OECD countries such as South Korea on the other. Amongst the so-called 'major economies', India's HDI in 2007 was even less than the average developing country HDI in 2007 and China's HDI in 2007 was just above the average developing country HDI. Further, the HDI of India is nowhere comparable to that of the average of developed country HDI in 1992 and that in 1972!

Analysis of per capita income represented by per capita GDP (in current US\$) shows that (see Figure 3) developed countries are way ahead of developing countries. Further, the growth observed in average GDP per capita of developed countries is higher than that of developing countries. Even the per capita income level of major economies such as China and India is less than that of the average of developing countries. Amongst the developing countries, the per capita

income levels of oil-rich countries and OECD countries are comparable to the many of the developed countries.

Conclusion

Firstly, the analysis demystifies the notion that global contexts have changed since 1992. Relevant changes since 1992 — in Per Capita Emissions (Responsibility); Per Capita Incomes (Capability), and Human Development Index (Capability) — do not indicate any substantial changes in circumstances of developing countries. The 'national circumstances' of the developing countries have changed only incrementally other than that in the OECD countries and in oil-rich countries. The Convention, however, does recognize the special circumstances of the countries whose economies are highly dependent on income generated from the production, processing and export, and/or on consumption of fossil fuels and associated energy-intensive products in Article 4.8 para (h) and Article 10. Further, this incremental progress has not been able to push developing countries to be comparable to the circumstances that existed in developed countries in 1992 or even twenty years before that in 1972. Therefore, this notion

of changed circumstances should not further hinder the progress in climate talks.

Second, the developed country conditions (in their respective pledges) demanding enhanced action from the 'major emerging economies' is merely a facade given that the 'circumstances' in one of the so-called major emerging economy, are not even at par with the average of the developing countries. The above analysis indicates that the term itself could only be recognized as a misnomer. In any case, studies⁹ have shown that the developing countries are still doing more than the developed countries. Further, the pledges are inconsistent with respect to the 2 °C goal agreed in the Cancun Agreements. Also, the developed country pledges, according to these studies, are far less than the voluntary developing country pledges in terms of absolute mitigation suggesting a shift away from the paradigm of differentiation. Thus, changing circumstances

does not appear to be the issue. Implicitly, however, issues of competitiveness appear to be more pertinent since apart from the low and conditional mitigation pledges, the developed country Parties have not allowed traction on the issue of technology transfer to the developing countries.

Lastly, it is important to further consider other indicators of change in a future study to give better understanding of the change-in 'national circumstances'. Apart from per capita energy consumption, energy access, poverty ratio, etc., other indicators such as employment in agriculture, arable land per capita, percent irrigated area, etc., could be considered which will also give a sense of vulnerability to climate change, thereby, highlighting both the changing contexts, if any. However, it should be noted that political economy aspects of trade are essentially not a climate change issue and therefore shall be excluded (Article 3.5).

⁹ S Kartha and P Erickson. 2011. SEI working paper WP-US-1107, Comparison of Annex I and Non-Annex I pledges under the Cancun agreements; UNEP. 2010. The Emissions Gap Report, Are the Copenhagen Accord Pledges sufficient to limit global warming to 20C or 1.50C: A preliminary assessment.

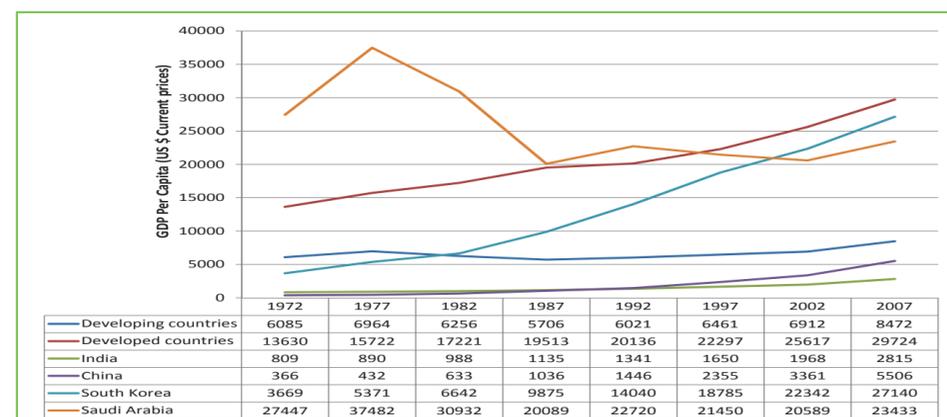


Figure 3: GDP Per capita (US\$ current prices) (1972–2007)

For further details, contact

Neha Pahuja
Earth Science and Climate Change Division
The Energy and Resources Institute (TERI)
Darbari Seth Block, IHC Complex,
Lodhi Road, New Delhi – 110 003

Tel. 2468 2100 or 4150 4900
Fax 2468 2144 or 2468 2145
India +91 • Delhi (0) 11
E-mail neha.pahuja@teri.res.in
Web www.teriin.org



The Energy and Resources Institute

DISCUSSION PAPER

Breaking the Climate Deadlock: Analysing the *change-in* circumstances

Leena Srivastava and Neha Pahuja

Abstract

Twenty years ago in 1992, the United Nations Framework Convention on Climate Change (UNFCCC) was agreed upon by most Parties to combat the global challenges posed by climate change. An important premise of the Convention was differentiation amongst developed and developing countries. The very same issue of differentiation is now being regarded as the biggest bottleneck in the climate negotiations. This paper looks at the relevance of this differentiation by analysing changes in the 'national circumstances' of the Parties over the last few decades. The analysis is based on comparing the indicators of change. The paper, therefore, attempts to validate the claim that results in the current impasse in climate negotiations — the notion of change-in circumstances and that of major emerging economies. The paper concludes that the 'national circumstances' of developing countries have changed only incrementally. Further, this incremental progress has not been able to push developing countries to be comparable to the circumstances that existed in developed countries in 1992 and even twenty years before that in 1972. Also, the paper points out that the term 'major emerging economy' could only be recognized as a misnomer given that the 'circumstances' in one of the so-called major

emerging economy, are not even at par with the average of the developing countries. The authors, however, note the importance of considering other indicators of change in a future study to give better understanding of the change-in 'national circumstances'.

Introduction

The climate change debate by and large revolves around the commitments and actions of all Parties under the Convention. Though all Parties realize the importance of stabilization of GHG concentrations in the atmosphere at a level that would prevent dangerous anthropogenic interference with the climate system in its Article 2, absolute commitments or actions in terms of GHG reductions or entitlements, i.e., who does what, by how much and how has always been a contentious issue.

According to the Article 3.1 of the Convention, the Parties should act on the basis of equity and in accordance with their common but differentiated responsibilities and respective capabilities (CBDRRC). Accordingly, the developed and developing country Parties have had different levels of commitment and obligations under the Convention. The Convention asks that developed country Parties should take the lead, thereby explicitly stating that developed countries should

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