

Manmohan responds to letter on Copenhagen Accord from Danish Premier and UN Chief

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As India gets ready to host the important meeting of the BASIC countries India, China, South Africa and Brazil - on Sunday to decide on a collective strategy . for the way forward in 2010 following the Copenhagen Accord of December 18, 2009 at the 15th Conference of Parties (CaPI5), Prime Minister Manmohan Singh is understood to have sent a strong reply to the letter the Indian government received on the definitive follow-up action to the Accord from Danish Prime Minister Lars Lokke Rasmussen and United Nations Secretary-General Ban Ki-moon. The Prime Minister has apparently questioned the legal status of the various provisions included in the Accord.

As has been reported, on December 30, 2009, a *note verbale* was sent by the Permanent Mission of Denmark to the U.N. to all missions of UNFCCC (United Nations Framework Convention on Climate Change) Parties in New York "inviting Parties [to the UNFCCC] to inform the UNFCCC secretariat of their willingness to be associated with the Copenhagen Accord" (Emphasis added. Since the Accord was only taken note of by the Conference of Parties, and not adopted, there is no requirement of its being signed by the Parties.)

But, more importantly, the same day, a separate joint letter was also sent by Mr. Rasmussen and Mr. Ban to all heads of state and governments urging them (in particular the 26 Friends of the Chair involved in drafting of the Accord) to "publicly associate themselves with the Accord."

The joint letter apparently also reiterated the deadline of January 31, 2010, set in Accord for both Annex 1 Parties (developed countries including the U.S.) and non-Annex 1 Parties (developing countries) to submit to the UNFCCC secretariat their emission reduction commitments to be listed in the Accord. These commitments include unilaterally chosen quantified economy-wide emission reduction targets for 2020 (with a base year also to be unilaterally decided) for Annex 1 countries and nationally appropriate mitigation actions for non-Annex 1 countries.

The fact that the U.N. Secretary-General has chosen to throw his weight behind the Accord rather than the Kyoto Protocol, especially when the Accord was not a consensual decision of COP15, is being viewed with concern by analysts here. Since the Accord was not adopted by COP15, its legal status, particularly with regard to the various measures that it requires the UNFCCC to take, remains highly ambiguous and hence the UNFCCC secretariat cannot seek to implement it, say experts.

Apprehension

The developed countries, in particular the European Union, have been promoting the Accord as a first step towards a new legally binding agreement to be evolved during 2010, something that the developing countries have been apprehensive of. The statement by UNFCCC Executive Secretary Yvo de Boer, at the press conference soon after the Accord, which made no mention of either the Kyoto Protocol or the reports of, the two Ad Hoc Working Groups on the Long-Term Cooperative Action and the Kyoto Protocol that had actually been adopted by consensus at COP15, had indeed raised eyebrows. Now that the U.N. Secretary-General himself has chosen to promote the Accord as the basis for a future binding agreement, it has lent credence to the impression that is gaining ground that the U.N. too seems to be working towards dumping the Kyoto Protocol altogether.

Political declaration

Dr. Singh's response basically rejects the premise that the Rasmussen-Ban letter seeks to legitimise, as this was not the understanding of the BASIC countries at Copenhagen. The BASIC Four had endorsed the Accord at Copenhagen with a clear understanding that it was only a political declaration and that their commitments continued to lie with the Kyoto Process and the Bali Action Plan. It is believed that Dr. Singh has written that if this understanding is now being belied, then the Indian government would be constrained to not submit the national mitigation actions by the January 31 deadline set by the Accord.

The Indian position, analysts say, should be acceptable to all the BASIC countries and this could form the basis for their response to the January 31 deadline. Further, this position should also help in evolving a collective strategy to revive the Kyoto Process during the 2010 climate negotiations.

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