

Viewpoint

A New Delhi Mandate?*

There is a consensus in the policy analysis community and beyond that developing countries will play a significant role in determining the success of the multilateral climate change regime under the UN Framework Convention on Climate Change (FCCC). It is equally widely understood that, as a consequence, success will not be forthcoming if the key concerns of developing countries –in particular those pertaining to inequities– are not adequately taken into account in the future development of the regime.

The Problem. A surprisingly clear North-South Divide exists in the views on what is the paramount climate change equity problem. In the Northern hemisphere, where the relevant discussion is spearheaded by non-government stakeholders (academic, NGO), it is regarded to be the issue of allocating emission mitigation targets; in the South, the concern –backed by many governments– is above all about the discrepancy between the responsibility for, and the sharing of climate impact burdens.

The continued existence of such a Divide has been confirmed in the wake of the seventh session of the Conference of the Parties (COP7) in Marrakech.¹ A review of COP7 media reports and ministerial statements was found to provide significant positive evidence that (i) the most pressing inequity issue for developing country stakeholders is having to bear human impact burdens disproportionate with causal responsibilities, and (ii) their view that this issue has hitherto largely been ignored. A look at recent academic climate equity literature lent support to this view. Indeed it indicated that while ‘equity’ is often being put on the agenda by developing country experts, the scope of the agenda itself –namely emission mitigation– was firmly set by the industrialised world

The Causes. One of the root causes of this Divide is a fundamental difference in the perception of climate change itself. In the industrialised North there is a widely held ‘ecological view’ of the problem. Climate change is perceived as a problem of polluting the environment, of degrading the eco-system. As such, it’s essence is seen to be that of a wrongful act against ‘Nature.’ Accordingly, environmental effectiveness –the capacity to ‘make good’ the human-inflicted harm on Nature– becomes a key criterion in assessments of climate change measures. The chief victim from this perspective is Nature, mankind’s role is primarily that of culprit. And while climate impacts on human welfare are regarded as potentially life-style-threatening, they are taken to be self-inflicted and hence largely ‘deserved.’ Environmental integrity (‘to do justice to Nature’), is the overriding moral objective. Issues of distributive justice are only of concern insofar as they could become obstacles in the pursuit of this paramount objective.

The reality in the South is quite different: climate change has primarily come to be seen as a human welfare problem –not least because of the assessment work carried out by the Intergovernmental Panel on Climate Change (IPCC). The harm is against humans, it is largely

* This Viewpoint is based on written evidence presented to the Inquiry into Global Climate Change and Sustainable Development of the House of Commons’ International Development Committee on 29 January 2002, and on Benito Müller, ‘The Global Climate Change Regime: Taking Stock and Looking Ahead,’ in *Yearbook of International Cooperation on Environment and Development 2002/2003*, Oslo: Fridtjof Nansen Institute (forthcoming August 2002; e-print: www.wolfson.ox.ac.uk/~mueller, February 2002).

¹ Benito Müller, *Equity in Climate Change: The Great Divide*, Oxford: OIES, August 2002.

other-inflicted, and it is not *life-style-*, but *life-threatening*. In short, the chief victim of climate change is not ‘Nature’, but people and the paramount inequity is one between human victims and human culprits. Climate change is a development problem, no doubt! But for the developing world it is *not* a problem of sustainable development –in the technical sense of “learning to live within one’s environmental means”– it is a problem of *unsustainable* development, in the non-technical sense of failing to survive.

The Lessons. At the *decision-making* level, human impacts and their differentiated causal responsibilities must be fully acknowledged and taken into account in the multilateral negotiations under the Framework Convention (FCCC). Notwithstanding the necessity to negotiate architectural extensions (e.g. second commitment period targets) of the mitigation regime established under the Kyoto Protocol, the issue of sharing climate impact burdens must be given room centre stage, particularly since many impact burdens have become inevitable.

To enable such a redress in negotiating balance, the lesson at the level of *policy analysis* must be to put much greater effort into thinking of innovative ways in which these human impact burdens could be distributed. The fact is that –apart from the controversial monetizations of economic cost-benefit analysis (themselves fraught with intrinsic equity problems)– we seem to have little if any idea how such burdens –such as that of 25 million expected Bangladeshi refugees– could actually be ‘shared’, let alone be shared in an equitable manner.

The Next Steps. During the high-level segment at COP7 in Marrakech, Thiru T.R. Baalu, India’s Minister for Environment and Forests, left no doubt about his government’s view on these matters:

The efforts so far have been focussed on mitigation. In the coming decades, adaptation needs to be given much greater attention. The next decade, Mr. President, therefore should see concrete implementation of existing mitigation commitments and active consideration and action on adaptation to the adverse impacts of climate change.

In light of India’s offer to host COP8 in New Delhi immediately after the World Summit Sustainable Development (WSSD), and given the attention to the role of developing countries which this COP will inevitably attract (particularly if the Kyoto Protocol comes into force as planned at the WSSD), there seems to be an unique chance for India to take the lead and have her Capital associated with a Mandate which could become a catalyst for a genuine human impacts regime under the FCCC, in the same way in which the Mandate associated with the German capital managed to catalyse the formation of the emissions mitigation regime in 1995. Indeed, a first step in this direction might be the call for a legally binding, mandatory Disaster Response Instrument under the FCCC.

It is questionable if the feat of the Ad Hoc Group on the Berlin Mandate (AGBM) –drawing negotiations to a close in less than three years– could be emulated so as to conclude an ‘Impacts Protocol’ by 2005, the scheduled start of the ‘second commitment period’ negotiations. But there can be little doubt that substantive progress on such a protocol would facilitate these Kyoto successor negotiations. Whether India will wish to grab this opportunity and take such a lead, and whether the rest of the world would be willing to follow her, remains to be seen. The fact remains that the international climate change regime under the Framework Convention can only hope to achieve its objective if it addresses these concerns by being as much about innocent humans as about healthy eco-systems.

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