

**INTERNATIONAL TRIBUNAL FOR THE LAW OF THE SEA**

**REQUEST FOR AN ADVISORY OPINION SUBMITTED BY THE  
COMMISSION OF SMALL ISLAND STATES ON CLIMATE  
CHANGE AND INTERNATIONAL LAW  
(CASE NO. 31)**

**WRITTEN STATEMENT BY THE REPUBLIC OF INDIA**

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## LIST OF ABBREVIATIONS

- **CBDR-RC:** Common but Differentiated Responsibilities and Respective Capabilities
- **COSIS:** Commission of Small Island States on Climate Change and International Law
- **GHG:** Greenhouse Gas
- **IPCC:** Intergovernmental Panel on Climate Change
- **ITLOS:** International Tribunal for the Law of the Sea/ “The Tribunal”
- **UNCLOS:** United Nations Convention on the Law of the Sea / “The Convention”
- **UNFCCC:** United Nations Framework Convention on Climate Change

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**I.**  
**INTRODUCTION**

1. On 12 December 2022, the Commission of Small Island States on Climate Change and International Law ("COSIS") requested an advisory opinion from the International Tribunal for the Law of the Sea ("the Tribunal"/"ITLOS"). The questions submitted to the Tribunal read as follows:

*What are the specific obligations of State Parties to the United Nations Convention on the Law of the Sea (the "UNCLOS" or "the Convention"), including under Part XII:*

- a) *to prevent, reduce and control pollution of the marine environment in relation to the deleterious effects that result or are likely to result from climate change, including through ocean warming and sea level rise, and ocean acidification, which are caused by anthropogenic greenhouse gas emissions into the atmosphere?*
- b) *to protect and preserve the marine environment in relation to climate change impacts, including ocean warming and sea level rise, and ocean acidification?*

2. The Tribunal by its order, dated 16 December 2022, invited the States Parties to UNCLOS and others to present written statements on the questions submitted to the Tribunal for an advisory opinion. Accordingly, the Government of India has the honor to hereby submit this written statement.

3. Before addressing the merits of the Case, the Tribunal should consider (a) whether it has jurisdiction to render its advisory opinion, and (b) if so, whether the Tribunal should exercise its discretion to give the opinion.

4. In **Chapter-II** of this Written Statement, the Republic of India suggests that the Tribunal lacks jurisdiction to render an advisory opinion; or alternatively, the Tribunal should exercise its discretion to decline the request; and **Chapter-III** addresses the case on its merits.

## II . JURISDICTION AND DISCRETION

### A. *The Tribunal lacks advisory competence*

5. The Tribunal derives its jurisdictional authority, primarily, from Article 288 of the Convention and Article 21 of the Statute of the Tribunal. Part XV of the Convention deals with “Settlement of Disputes”, and Part XV Section 2 provides for “Compulsory Procedures Entailing Binding Decision”. It may thus be seen that Article 288 of UNCLOS provides for the contentious jurisdiction of the Tribunal in clear and express terms and so does Article 21 of the Statute. Neither the Convention nor the Statute provides for advisory jurisdiction of the full Tribunal.

6. In fact, there are express provisions within the Convention, such as Article 159(10) and Article 191, under which the Tribunal through its Seabed Disputes Chamber can render advisory opinions to the organs of the International Seabed Authority (ISA). If a similar competence were to be conferred on the full Tribunal, over the interpretation or application of the Convention as a whole, it would have been expressly provided for. But there is no such provision found under Part XV of the Convention.

7. Furthermore, the Tribunal adopted Rules of Procedure for carrying its functions, whereby under Article 138 it provides itself the competence to provide advisory opinions. It is the only text that makes provision for the Tribunal to render advisory opinions. The relevant portion of Article 138 reads as follows:

*“The Tribunal may give an advisory opinion on a legal question if an international agreement related to the purposes of the Convention specifically provides for the submission to the Tribunal of a request for such an opinion.”*

8. It is submitted that the Rules of Procedures of the Tribunal is not a negotiated text between the States Parties, rather adopted by the Tribunal to regulate its functions. As a judicial body, the Tribunal has inherent powers necessary for the proper conduct of proceedings over which it has jurisdiction, but this does not include the conferral of a new jurisdiction. Consent of States Parties is fundamental when the full Tribunal seeks to exercise jurisdiction over interpretation or application of the Convention.

**B. Discretion to decline the request**

9. Without prejudice to the submission made above that the Tribunal is without jurisdiction to give advisory opinions under the Convention, the Republic of India submits, that the Tribunal should exercise discretion and decline the request to give an advisory opinion.

10. On the present request the advisory opinion of the Tribunal is sought to determine the obligations of the States Parties under UNCLOS, in relation to climate change. However, the question *prima facie* appears to be unconnected to the Convention. The question put to the Tribunal reads as follows:

*What are the specific **obligations of State Parties** to the United Nations Convention on the Law of the Sea (the "UNCLOS" or "the Convention"), including under Part XII:*

*a) **to prevent, reduce and control pollution** of the marine environment in relation to the deleterious effects **that result or are likely to result from climate change**, including through ocean warming and sea level rise, and ocean acidification, which are caused by anthropogenic greenhouse gas emissions into the atmosphere?*

*b) **to protect and preserve the marine environment in relation to climate change impacts**, including ocean warming and sea level rise, and ocean acidification? (emphasis added).*

**Legal framework to protect marine environment**

11. Part XII of the Convention provides the most comprehensive regime for the protection and preservation of the marine environment. In fact, Article 1, paragraph 4 of the Convention provides a complete definition of 'pollution of marine environment' which means "the introduction by man, directly or indirectly, of substances or energy into the marine environment including estuaries, which results or is likely to result in such deleterious effects as harm to living resources and marine life, hazardous to human health, hindrance to marine activities, including fishing and other legitimate uses of the sea, impairment of quality for use of sea water and reduction of amenities."

12. Furthermore, Article 192 titled “General Obligations” provides “States have the obligation to protect and preserve the marine environment”. This obligation involves an obligation of conduct, as opposed to obligation of result. It is a due diligence, best endeavour obligation cast on all States to preserve and protect the marine environment. Article 192 obligates both Parties and non-parties to adopt positive measures of protection and preservation of marine environment, and negative obligations not to further degrade existing marine environment.

13. Complementing this obligation, Article 194 provides for “measures to prevent, reduce and control pollution of the marine environment”. Para 1 of Article 194 reads “States shall take individually or jointly, as appropriate, all measures consistent with this Convention that are necessary to prevent, reduce and control pollution of the marine environment from any source, using for this purpose, the best practicable means “at their disposal and in accordance with their capabilities, and they shall endeavour to harmonize their policies in this connection”. It may be noted that Paragraph 1 provides a due diligence obligation depending upon the capacities/abilities of States to prevent, reduce and control pollution of the marine environment. There is no fixed standard, but a relative one, which States are to meet in controlling pollution. Moreover, the abilities of developing countries to protect and preserve the marine environment are without detriment to their sovereign right to exploit their natural resources.

14. Para 1 of Article 194 also provides for controlling such pollution from “any sources”. These sources are clearly listed in Section 5 of Para 12 titled “*International Rules and National Legislation to prevent, reduce and control pollution of the marine environment*” The sources listed in Section 5 are: pollution from land bases sources (Article 207); pollution from seabed activities subject to national jurisdiction (Article 208); pollution from activities in the area (Article 209); pollution by dumping (Article 210); pollution from vessels (Article 211); and pollution from or through the atmosphere (Article 212). Section 5 while listing out the different ‘sources’ provides a minimum threshold of due diligence applications to be undertaken by States to protect and preserve the marine environment.

15. States are free to adopt higher thresholds depending upon their capacities, as well as economic development. Some of the rudiments of the principle of **Common but Differentiated Responsibilities and Respective Capabilities (CBDR-RC)** which came up after the Rio Declaration are clearly seen in Part XII of the Convention. The Convention, adopted in 1982, which provides for a comprehensive legal framework

to protect and preserve the marine environment, is an essential pillar of the legal order for seas and oceans.

16. In view of the above, it is thus seen that there is nothing in the Convention to prevent, reduce and control pollution that results or likely to result from climate change; nor is there a mandate to *protect and preserve the marine environment in relation to climate change impacts*. The United Nations Framework Convention on Climate Change (UNFCCC), along with its Kyoto Protocol and its Paris Agreement, are the multilateral treaty regime that deals with the subject of climate change. The UNFCCC process has adopted a *sui generis* mechanism to address issues arising from and pertaining to climate change, with the customary law principle of CBDR-RC as its cornerstone.

17. Part XII of the Convention contains general principles of international law on environment that provides for measures to prevent, reduce and control pollution as well as to protect and preserve the marine environment. Whereas the UNFCCC framework contains principles and provisions, to specifically address the issues arising from and pertaining to climate change. In accordance with the principle of *generalia specialibus non derogant*, when two legal systems are being considered to address a situation, the special law takes precedence over general law. The question raised before the Tribunal is, primarily, to determine the obligation of States Parties to the UNCLOS in relation to climate change. Climate change being a specialized legal regime, the question should be addressed within the UNFCCC framework.

18. Alternatively, if the Tribunal assumes jurisdiction in the instant Case, it may need to inevitably refer the principles specific to climate change while answering the question posed. In this process, there is a likelihood that obligation of States Parties under Part XII will be expanded through interpretation, for which the States Parties never consented to. In order to avoid any such anomalies, the Tribunal should refrain from exercising its jurisdiction.

19. A similar case has also been filed before the International Court of Justice (ICJ) on 29 March 2023. The cases before ICJ and the ITLOS, are on the same subject albeit with different questions. The substantive briefs by interested parties in both these proceedings are likely to be similar. A deliberate pursuit of parallel proceedings may lead to the inevitable risk of conflicting opinions and findings.



### III.

#### MERITS OF THE CASE

**A. Climate change and obligations of States in relation to impacts of climate change, including on the marine environment, are not dealt under the Convention but under a specialised climate treaty regime**

20. India understands that the Convention provides obligations of States with regard to the protection and preservation of the marine environment, and more specifically in Part XII of UNCLOS.

21. The subject of climate change has evolved over a period of time as a distinct and specialized legal regime, under international law. The United Nations Framework Convention on Climate Change (UNFCCC), 1992 along with its Kyoto Protocol, 1997 and its Paris Agreement 2015 constitute the comprehensive legal regime that deals with the subject. The States Parties to the three treaties meet annually at the relevant Conference of the Parties and adopt decisions aimed at implementing the UNFCCC, its Kyoto Protocol and its Paris Agreement.

22. Climate change today is a complex issue calling for global responsibility and concerted action in a comprehensive manner under a cooperative framework as envisaged under the UNFCCC regime. The protracted and inclusive multilateral negotiation within the UNFCCC framework address the obligations of the States with respect to climate change in a manner that respects the delicate balance of the different aspects of climate change that need to be seen together as a whole, including mitigation, adaptation, means of implementation and support in terms of climate finance, development and transfer of technology, and capacity building.

23. The negotiations under the UNFCCC framework include consideration of the protection of the oceans and marine ecosystems. The UNFCCC and its Paris Agreement include such references<sup>1</sup>. The recent Conference of Parties (COPs) under UNFCCC<sup>i</sup>, have increasingly included discussions on oceans and the outcome documents from the COPs have included references to Oceans and marine environment. COP25 mandated the first Ocean and climate change dialogue and the COP26 decision welcomed the summary report from the first ocean dialogue. Subsequent to COP26, Ocean and Climate Change Dialogue continue to be held at meetings of Subsidiary Bodies under the UNFCCC as well as in the annual Conference of Parties. It is submitted that as the Ocean and Climate Change Dialogue, the

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<sup>i</sup> Particularly the Conferences of Parties COP25 (2020), COP26 (2021), and COP27 (2022)

Intergovernmental Panel on Climate Change (IPCC) as well as other work streams of the UNFCCC are undertaking a comprehensive review of linkages between oceans and climate change, it would be premature for the Tribunal to provide an Advisory Opinion on effects of greenhouse gas (GHG) emission on oceans.

24. India contends that addressing the question of impact of climate change on marine environment, and whether effects of climate change are responsible for deleterious effects goes beyond the legal interpretation of the provisions of UNCLOS. The Tribunal, in the exercise of its judicial function, may consider refraining from rendering an opinion on the direct linkages between climate change and pollution of the marine environment as the underlying science is still evolving.

**B. The obligations of States with respect to the impact of climate change is not uniform, rather the States have differentiated responsibilities**

25. The UNFCCC states that the global nature of climate change calls for the widest possible cooperation by all countries and their participation in an effective and appropriate international response, in accordance with their common but differentiated responsibilities and respective capabilities and their social and economic conditions.

26. **Common but differentiated responsibilities and respective capabilities (CBDR-RC):** Widest possible cooperation by all countries to address global collective challenge of climate change, can happen only in a cooperative framework which respects the agreed principles enshrined in the UNFCCC such as the principles of equity, climate justice and common but differentiated responsibilities and respective capabilities.

27. The differentiated responsibilities for developed and developing countries towards meeting the collective global goals on climate change are well enshrined in the UNFCCC and its Paris Agreement<sup>2</sup>. For example, Article 4 of the UNFCCC which deals with the commitments of the Parties and lists several obligations of Parties, is qualified by *“taking into account common but differentiated responsibilities and their specific national and regional development priorities, objectives and circumstances of the parties”*.

28. **Historical responsibility:** Developing countries have contributed little to global warming and climate change. The UNFCCC (Preamble) notes that *“the largest share of historical and current global emissions of greenhouse gases has originated in developed countries, that per capita emissions in developing countries are still relatively low and that the share of global emissions originating in developing*

*countries will grow to meet their social and development needs*". Reports of the IPCC<sup>ii</sup> have noted that, from the net historical cumulative net anthropogenic emissions between 1850 and 2019, North America and Europe alone have contributed almost 10 times more to global cumulative emissions in this period though they have only about 13% of the global population. On the other hand, contribution of entire South Asian region is only about 4%, even though the region includes almost 24% of the global population.

29. **Equitable carbon space for developing countries:** In the pursuit of global net zero emissions by 2050, a current discourse under the UNFCCC, the principles of equity, climate justice and CBDR-RC of the UNFCCC, requires that developing countries have a fair share of the global carbon budget. The Paris Agreement emphasizes the importance of achieving *"a balance between anthropogenic emissions by sources and removals by sinks of greenhouse gases in the second half of this century, on the basis of equity, and in the context of sustainable development and efforts to eradicate poverty"* [Article 4]. The legitimate needs of developing countries for equitable carbon and development space are also provided for in the UNFCCC<sup>3</sup> and the Paris Agreement<sup>4</sup>.

30. **Means of Implementation:** The ability of the developing countries to meet their obligations related to climate change are interlinked with and dependent upon the developed countries fulfilling their obligations on providing the means of implementation such as climate finance, transfer of technology and capacity building. The same is unambiguously spelled out in several articles of the UNFCCC and Paris Agreement<sup>5</sup>. Article 4.7 of UNFCCC states:

*"The extent to which developing country Parties will effectively implement their commitments under the Convention will depend on the effective implementation by developed country Parties of their commitments under the Convention related to financial resources and transfer of technology and will take fully into account that economic and social development and poverty eradication are the first and overriding priorities of the developing country Parties."*

### **C. Importance of global cooperation in enabling Parties to meet their climate goals**

31. International cooperation is a fundamental obligation for the effective implementation of the UNFCCC and its Paris Agreement. For developing countries with huge development challenges, climate goals can be fully realized only with

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<sup>ii</sup> The Summary for Policy Makers (SPM) of the Working Group III contribution to the Sixth Assessment Report (AR6) of the Intergovernmental Panel on Climate Change (IPCC) [2022]

support in terms of finance, low-carbon technology transfer, and capacity-building, as envisaged under the UNFCCC and its Paris Agreement, which call for fulfillment of these obligations by the developed country parties. Developing countries cannot deploy low-carbon climate technologies at a significant scale unless a facilitative global technology transfer regime is in place, and the incremental and associated costs of these technologies are met by grant-based and concessional public-sources finance provided by developed countries. A collaborative international mechanism needs to ensure that barriers, such as intellectual property rights, are lowered by developed countries to facilitate technology transfer from developed countries to developing countries.

32. India has actively contributed to the global fight against climate change and its impacts despite having contributed little to global warming historically and its current per capita GHG emissions are about a third of the global average. India has consistently made ambitious commitments under the UNFCCC framework and has led by example with ambitious domestic actions to meet its climate change commitments. India has also pioneered, together with partner countries, some important global initiatives including **International Solar Alliance (ISA)** – a global alliance of about 100 member countries working together for increased deployment of solar energy technologies), **Coalition for Disaster Resilient Infrastructure (CDRI)** – a coalition of international agencies and over 30 member countries working towards promoting the resilience of infrastructure systems to climate and disaster risks in support of sustainable development), **Infrastructure for Resilient Island States (IRIS)** – an initiative dedicated to promote resilient, sustainable, and inclusive infrastructure development in Small Island Developing States), and **Leadership Group on Industry Transition (LeadIT)** – to foster collaboration among decision-makers in public and private sectors towards accelerating industry transition). Further, the **India-UN Development Partnership Fund** supports demand-driven and transformational sustainable development projects across the developing world with a focus on least developed countries and SIDS. India has also launched the **Mission LiFE** (Lifestyle for Environment) to bring individual behavioral change at the forefront of the global climate action narrative, and envisions replacing the prevalent use-and-dispose economy with a circular economy. Through various initiatives, India has been assisting developing countries in scaling up rural households' use of renewable energy, developing climate disaster risk financing framework, climate information and early warning systems in vulnerable communities and capacity building.

## IV. CONCLUSION

33. For the reasons set out above, India contends that:
- i. The Tribunal lacks advisory competence as consent of States Parties remains fundamental to the jurisdiction of the Tribunal, particularly, when it seeks to exercise jurisdiction over interpretation or application of the Convention.
  - ii. Should the Tribunal assume jurisdiction over the case, the Tribunal, in the exercise of its discretion, may decline rendering an advisory opinion on the present request.
  - iii. The obligations of States in relation to climate change and its impacts are not dealt under UNCLOS. They are dealt under a separate climate change treaty regime, namely the UNFCCC, its Kyoto Protocol and its Paris Agreement.
  - iv. The Tribunal may refrain from rendering an opinion on the direct linkages between climate change and pollution of the marine environment.
  - v. The obligations of States are not uniform as they are guided by the principles of equity, climate justice and common but differentiated responsibilities and respective capabilities (CBDR-RC).
  - vi. A global cooperative framework and fulfillment of obligations by the developed countries, such as providing the means of implementation and support in terms of finance, technology transfer and capacity building, are crucial for enabling developing countries to take effective climate action.

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### END NOTES

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1 Relevant references in the UNFCCC and Paris Agreement include:

Article 4.1 (d), UNFCCC: "All Parties, taking into account their common but differentiated responsibilities and their specific national and regional development priorities, objectives and circumstances, shall:..... (d)Promote sustainable management, and promote and cooperate in the conservation and enhancement, as appropriate, of sinks and reservoirs of all greenhouse gases not controlled by the Montreal Protocol, including biomass, forests and oceans as well as other terrestrial, coastal and marine ecosystems;"

Preamble, Paris Agreement: "Noting the importance of ensuring the integrity of all ecosystems, including oceans, and the protection of biodiversity, recognized by some cultures as Mother Earth, and noting the importance for some of the concept of "climate justice", when taking action to address climate change,"

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- 2 The principle of common but differentiated responsibilities and respective capabilities (CBDR-RC) is embedded in several articles throughout the UNFCCC and Paris Agreement.

**Explicit references to the CBDR-RC principle in the UNFCCC include:**

Preamble: “Acknowledging that the global nature of climate change calls for the widest possible cooperation by all countries and their participation in an effective and appropriate international response, in accordance with their common but differentiated responsibilities and respective capabilities and their social and economic conditions”

Article 3.1: “The Parties should protect the climate system for the benefit of present and future generations of humankind, on the basis of equity and in accordance with their common but differentiated responsibilities and respective capabilities. Accordingly, the developed country Parties should take the lead in combating climate change and the adverse effects thereof.”

Article 4.1: “All Parties, taking into account their common but differentiated responsibilities and their specific national and regional development priorities, objectives and circumstances, shall: ....”

Article 4.7: “The extent to which developing country Parties will effectively implement their commitments under the Convention will depend on the effective implementation by developed country Parties of their commitments under the Convention related to financial resources and transfer of technology and will take fully into account that economic and social development and poverty eradication are the first and overriding priorities of the developing country Parties.”

**Explicit references to the CBDR-RC principle in the Paris Agreement include:**

Preamble: “In pursuit of the objective of the Convention, and being guided by its principles, including the principle of equity and common but differentiated responsibilities and respective capabilities, in the light of different national circumstances,”

Article 4.1: “All Parties, taking into account their common but differentiated responsibilities and their specific national and regional development priorities, objectives and circumstances, shall:.....”

Article 2.2: “This Agreement will be implemented to reflect equity and the principle of common but differentiated responsibilities and respective capabilities, in the light of different national circumstances.”

Article 4.3: “Each Party's successive nationally determined contribution will represent a progression beyond the Party's then current nationally determined contribution and reflect its highest possible ambition, reflecting its common but differentiated responsibilities and respective capabilities, in the light of different national circumstances.”

Article 4.19: “All Parties should strive to formulate and communicate long-term low greenhouse gas emission development strategies, mindful of Article 2 taking into account their common but differentiated responsibilities and respective capabilities, in the light of different national circumstances.”

Additionally, the differentiated responsibilities of developed and developing countries are also clearly reflected in Article 4.1, Article 4.5, Article 7.13, Article 8, Article 9.1, Article 9.3, Article 10.4, Article 11.3, Article 13.1, Article 13.9 of the Paris Agreement. Some are reproduced below:

Article 4.1: “In order to achieve the long-term temperature goal set out in Article 2, Parties aim to reach global peaking of greenhouse gas emissions as soon as possible, recognizing

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that peaking will take longer for developing country Parties, and to undertake rapid reductions thereafter in accordance with best available science, so as to achieve a balance between anthropogenic emissions by sources and removals by sinks of greenhouse gases in the second half of this century, on the basis of equity, and in the context of sustainable development and efforts to eradicate poverty.”

Article 4.5: “Support shall be provided to developing country Parties for the implementation of this Article, in accordance with Articles 9, 10 and 11, recognizing that enhanced support for developing country Parties will allow for higher ambition in their actions”

Article 7.13: “Continuous and enhanced international support shall be provided to developing country Parties for the implementation of paragraphs 7, 9, 10 and 11 of this Article, in accordance with the provisions of Articles 9, 10 and 11.”

Article 9.1: “Developed country Parties shall provide financial resources to assist developing country Parties with respect to both mitigation and adaptation in continuation of their existing obligations under the Convention.”

Article 9.3: “As part of a global effort, developed country Parties should continue to take the lead in mobilizing climate finance from a wide variety of sources, instruments and channels, noting the significant role of public funds, through a variety of actions, including supporting country-driven strategies, and taking into account the needs and priorities of developing country Parties. Such mobilization of climate finance should represent a progression beyond previous efforts.”

Article 11.3: “All Parties should cooperate to enhance the capacity of developing country Parties to implement this Agreement. Developed country Parties should enhance support for capacity-building actions in developing country Parties.”

Article 13.9: “Developed country Parties shall, and other Parties that provide support should, provide information on financial, technology transfer and capacity-building support provided to developing country Parties under Articles 9, 10 and 11.”

3 Relevant references in the UNFCCC include:

Preamble: “Affirming that responses to climate change should be coordinated with social and economic development in an integrated manner with a view to avoiding adverse impacts on the latter, taking into full account the legitimate priority needs of developing countries for the achievement of sustained economic growth and the eradication of poverty,”

“Recognizing that all countries, especially developing countries, need access to resources required to achieve sustainable social and economic development and that, in order for developing countries to progress towards that goal, their energy consumption will need to grow taking into account the possibilities for achieving greater energy efficiency and for controlling greenhouse gas emissions in general, including through the application of new technologies on terms which make such an application economically and socially beneficial,”

Article 2: “The ultimate objective of this Convention and any related legal instruments that the Conference of the Parties may adopt is to achieve, in accordance with the relevant provisions of the Convention, stabilization of greenhouse gas concentrations in the atmosphere at a level that would prevent dangerous anthropogenic interference with the climate system. Such a level should be achieved within a time frame sufficient to allow ecosystems to adapt

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naturally to climate change, to ensure that food production is not threatened and to enable economic development to proceed in a sustainable manner”

4 Relevant references in the Paris Agreement include:

Article 2.1: “ This Agreement, in enhancing the implementation of the Convention, including its objective, aims to strengthen the global response to the threat of climate change, in the context of sustainable development and efforts to eradicate poverty,..”

Article 4.1: “ ..... so as to achieve a balance between anthropogenic emissions by sources and removals by sinks of greenhouse gases in the second half of this century, on the basis of equity, and in the context of sustainable development and efforts to eradicate poverty.”

Article 6.8: “Parties recognize the importance of integrated, holistic and balanced non-market approaches being available to Parties to assist in the implementation of their nationally determined contributions, in the context of sustainable development and poverty eradication, in a coordinated and effective manner, including through, inter alia, mitigation, adaptation, finance, technology transfer and capacity building, as appropriate.”

5 Relevant references include:

Article 4.8, UNFCCC: “In the implementation of the commitments in this Article, the Parties shall give full consideration to what actions are necessary under the Convention, including actions related to funding, insurance and the transfer of technology, to meet the specific needs and concerns of developing country Parties arising from the adverse effects of climate change and/or the impact of the implementation of response measures, especially on...”

Article 9.1, Paris Agreement: “Developed country Parties shall provide financial resources to assist developing country Parties with respect to both mitigation and adaptation in continuation of their existing obligations under the Convention.”

Article 11.3, Paris Agreement: “All Parties should cooperate to enhance the capacity of developing country Parties to implement this Agreement. Developed country Parties should enhance support for capacity-building actions in developing country Parties.”

Article 13. 9, Paris Agreement: “Developed country Parties shall, and other Parties that provide support should, provide information on financial, technology transfer and capacity-building support provided to developing country Parties under Articles 9, 10 and 11.”

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