

India's National Response to Climate Change and Peoples Participation¹

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International negotiations in climate change faces continued bottlenecks. Conference of Parties, Annual High Level meetings of the United Nations Framework Convention on Climate Change (only international treaty to ensure global cooperation towards climate stabilization) and Meetings of Kyoto Protocol (CMP), which laid down science based targets for the developed countries emission reduction) have failed to lead to adequate mitigation efforts by the developed countries. The Conference of Parties at Durban decided to have a new framework of international cooperation where going beyond Kyoto Protocol, all developed and developing countries are likely to contribute to mitigation and adaptation doing away with the concept of Common but differentiated responsibility based on respective capacity, which was bedrock of the equity consideration in the climate change agreement. Without going into details of this proposed transformation, it is highly unlikely that the new treaty will provide the transformational shift, which is required to keep the rise in global temperature below 1.5 or 2 degrees Celsius and 400 ppm of carbon concentration in the atmosphere.

In the face of global impasse, national and sub national policies on climate change are becoming increasingly important. A number of developed and developing countries have adopted policies and legislations at national and sub national levels to reduce emissions and emission intensity. It is encouraging to see that developing countries have taken a lead in adopting national and sub national policies and offers on the tables show that developing countries are leading the way in mitigation than the developed countries that have been primarily responsible for bringing about this crisis. The current paper attempts to track India's progress on its national and sub national climate policies, and peoples participation in the climate or environmental policies (or rather the lack of it).

India's position in International negotiations

India's national policy on climate has essentially drawn its reference from its international position in climate negotiation and therefore, it would be worthwhile to have a look at India's stance at global climate negotiations.

India has been one of the important countries to have acknowledged importance of having development strategies integrated with objectives of environmental and social protection. Mrs. Indira Gandhi was one the only Head of the State to have participated in the famous Stockholm Conference (1972), which for the first time brought environment on the global political agenda. Subsequently, Rio Conference on Earth and Development (UNCED, 1992) reiterated this global intention by listing impressive outcomes in the UN Convention on Biological Diversity (UNCBD), UN Convention against Desertification (UNCCD), and UN Framework Convention on Climate Change (UNFCCC), and Agenda 21. India played a significant role in shaping global environmental policies. Nationally also India enacted a slew of legislations for protection of environment, biodiversity, water and ambient air etc. However, over the period there has been a significant and

¹ The paper was prepared for the APRN Biennial Conference, 1st to 4th September, Hong Kong. It draws from an earlier paper of the author "Reflections on the National and Sub national Climate Policies of India; Leader Abroad and Laggard at Home" (Occasional Paper Series, published by PAIRVI, Nov 2013)

perceptible shift in India's policy and its position in international negotiation, which has raised curiosity internationally, but has also been subject to scathing criticism at home.

Having the advantage of very low per capita emission of the GHG (1.6 per tone of carbon emission n per capita, as opposed to 20 tonnes of the US, and 4 tonnes global average), India initially harped on the per capita principle (right of countries to atmospheric space should be determined on per capita emission basis) and refused to acknowledge any role for developing countries and India in climate stabilization efforts. Prime Minister of India declared in 2008 that India's per capita emission will never surpass those of the developed countries. However, gradually India could understand that the position has led to its isolation in the international community, and a shift was necessitated to maintain its leadership role globally and among developing countries. Preceding the Copenhagen COP Meeting (2009), India declared in the Major Economies Forum Meeting at La, Aquila that India will reduce its emission intensity (emission per unit of the GDP). In Copenhagen COP, following China's declaration, India declared that it would reduce its emission intensity by 20-25% (on a 2005 baseline) by 2020. Since then India has steadfastly guarded its position and India's domestic policies have also targeted 20-25% reduction in emission intensity, and have been essentially based on India's international pledge. The nature of the current paper does not allow us to go deeper to explore whether this target is ambitious enough, however, it will suffice to say that many countries have understood that having ambitious climate policies is in their national interest, and have gone beyond their international pledges and adopted more ambitious national and sub national policies.

India's National Action Plan on Climate Change and recent developments

Prime Minister of India declared a National Action Plan on Climate Change (NAPCC) on 30th June 2008. The NAPCC laid down 8 following Missions;

1. National Solar Mission, seeks to create 20 GW of installed capacity by 2022, 16 GW with the external funding, 4 GW domestically, off grid target 2GW, achieving 15% RE in the energy mix by 2022
2. Mission on Enhanced Energy Efficiency, aims to save fuel in excess of 23 mtoe, avoid capacity addition of 19,000 MW, and mitigate 98 million tons of CO₂ emissions per year by 2014-15
3. Mission on Sustainable Habitat seeks to promote sustainable buildings, urban planning, management of solid and liquid waste, modal shift toward public transport, and conservation through appropriate changes in the legal and regulatory framework, no clear targets
4. Green India Mission, seeks to enhance forest and tree cover in 5 million ha (in forest and non forest land) and improve quality of forest cover in 5 million ha
5. National Water Mission, seeks to improve water use efficiency by 20%
6. National Mission on Sustainable Agriculture, aims at increasing resilience in agriculture with emphasis on dryland agriculture
7. National Mission on Sustainable Himalayan Ecosystem, aims to protect Himalayan ecosystem from climate change impacts, improve resilience and ecosystem services.
8. National Mission on Strategic Knowledge to enhance cutting edge knowledge on Climate change through research.

The NAPCC attracted severe criticisms from the civil society and the experts. It was alleged "the NAPCC has been formulated through a most non transparent manner, and it

will neither benefit people or the climate.”² It was alleged that NAPCC does not question the current non sustainable, high emissions pattern of economic development. This must include differentiated ecozone planning, district level vulnerability and contingency planning for disasters, industry based reduction of emissions, and peoples control mechanisms over the commons.³ Another criticisms were based on lack of clarity on goals, targets and timelines, lack of prioritization, and complete lack of equity.⁴It was dubbed as a wish list without any roadmap. Women’s organizations criticized it for being insensitive to gender concerns in the climate change.

Even after 5 years of being launched, there has been no systematic review or assessment of the NAPCC by the government. An informal stocktaking of the NAPCC, in late 2011, summed up the developments as “many of the missions except solar mission, energy efficiency, green India, water mission have failed to take off due to lack in the clarity of targets at operational level.” Planning Commission working group, while formulating 12th FYP suggested merging many missions and scrapping few, for the lack of financial resources and implementability. An assessment done by the IIT Madras and IIT Mumbai groups (2011-12) reiterated the lack of clarity on targets, timelines, modalities and financial resources, as major constraints hampering the implementation of the NAPCC.⁵As a matter of fact, only few missions of the NAPCC have moved forward as expected.

Jawaharlal Nehru Solar Mission has registered an impressive growth, and has achieved the target of generating 1000 MW of solar PV in the first phase (2010-2013). However, the progress on off grid and solar thermal has remained limited with solar thermal capacity creation of only 5.5 MW against the target of 470 MW. However, the achievements have been marred by gaps in the policy and regulatory lapses. LANCO cornered 1/3rd of the projects (235 MW) in the first phase by operating through many front companies of dubious credentials, while the target was to limit the participation to 20 MW-40 MW, so as to prevent monopolistic practices in the solar sector. Flawed policies and lack of emphasis on domestic content requirement (DCR) also resulted in most capacity creation through imports rather than enhancing domestic capacity, and focusing on big projects it neglected people participation through small cooperatives. The Solar Mission is the most expensive solar programme of the world (will require 2 lakhcrore of investment of public money).⁶As far as domestic capacity creation is concerned, it is wilting under US and Chinese competition. The big players in the solar market have lobbied against DCR as it might increase their costs.⁷

The National Mission on Enhanced Energy Efficiency has also witnessed a major progress. Partial Risk Guarantee Fund (PRGF) and the Venture Capital Fund for Energy Efficiency (VCFEE) set up as incentives for companies to achieve emission efficiency. PAT (Perform, achieve and trade) was launched as another incentive on the lines of the Cap and Trade Scheme of the USA. Under the PAT specific energy consumption (SEC) targets have been identified for designated consumer (DC) companies across 8 sectors, with targets to be achieved by 2014-2015. Bureau of energy efficiency (BEE) has also framed labeling standards for a number of home appliances. However, it also remains

² There is little Hope, South Asia Network on Rivers and Dam, August, 2008

³ Coalition for Dignity and Survival, 2010.

⁴ NAPCC between Devil and Deep Sea, Ajay K Jha, Occasional Paper Series, Paper Series, PAIRVI, August 2008

⁵ National Action Plan on Climate Change, IFMR, 2012

⁶ Centre for Science and Environment, 2013

⁷ TOI, Delhi, June, 2014

beset with many problems; viz. focus on EE without integration with R&D, poor coordination with states, PAT is available only for big companies, not SMEs while Indian industry is dominated by SMEs.

National Water Missions seeks to introduce water use efficiency of 20%. However, it is largely focused on mountain watersheds and wetlands, with little concerns for water demand management and irrigation. The mission continues with age old model of centralized water resource development projects, long distance water transfers and canal irrigation. Emphasis could have been better laid on developing and strengthening local authorities for management of water resources. The mission also reveals poor inter disciplinary coordination and fails to capture the complexity of the domain. The only benefit that mission provides to the people is that it promises to put all data related to water use in public domain.⁸ There has been little progress besides release of some policy documents, National Water Mission, restructuring of Central Water Commission, and draft Guidelines for development of water use efficiency in rural, urban, industrial and irrigation sector, web enabled water resources information system of India (India-WRIS), are few things that the Mission could achieve till now.

The Mission on Green India has progressed faster than the NAPCC, because of lure of international funding that India looks forward to seek from REDD+ Programme. However, the achievements have been limited on the ground. The states were supposed to provide bridge plans (by the end of 2011) and five to ten years perspective plans (by Feb 2012), which they are yet to submit. The state governments are also supposed to identify land and seek funding. A fund of INR 45,00 crore per annum has been earmarked for the GIM, any additional support required is planned to be met from external funding. Ministry of finance has allocated INR 500 crore from the National Clean Energy Fund (NCEF) for the bridge plan and for the GIM.⁹ Union Budget 2011-2012 announced INR 200 crore as the take off fund for the GIM. However, recent developments suggest fast movement and MOEF is organizing one workshop in each state every month on REDD + preparedness. All the SAPCCs are also bent upon earning money from REDD + Programme.

National Mission on Sustainable Agriculture seeks to mainstream mitigation and adaptation in agriculture through a number of centrally sponsored schemes namely National Food Security Mission, National Horticulture Mission, Rashtriya Krishi Vikas Yojana. The Mission was launched with the 12th Five Year Plan in 2012. The mission is highly technology driven and promotes GMOs, Bio-fuel, no till agriculture, which is not in consonance with the reality of the small and marginal farmers. There is very little support for adaptation, risk insurance and coverage etc. also there was no coordination between centre and states and centre having no control over state projects and priorities. The mission is so much obsessed with improving water use efficiency in irrigation so it spent INR 950 crore out of the budget of INR 13500 crore on drips and sprinklers!!

Besides, these missions there have been almost no development in the rest of the missions worth mentioning.

⁸ There is Little Hope, SANDRP, 2008

⁹ NCEF has been created by putting a cess of USD1 per ton of coal (both imported and domestic), lies largely unused due to lack of innovative renewable energy projects.

Sub National Plans; State Action Plan on Climate Change¹⁰

The MOEF asked the states to formulate State Action Plan on Climate Change (SAPCC) to support the NAPCC in Aug 2009. States started reluctantly to formulate the SAPCCs after flunking many deadlines. By now over 20 states are in the various stages of formulation and submission. 5 SAPCCs (MP, Rajasthan, Sikkim, Tripura, Arunachal Pradesh) have been approved by National Steering Committee on Climate Change and 6 SAPCCs (AP, Assam, Mizoram, Meghalaya, Odisha, West Bengal) are under consideration by the Expert Committee. Many coastal and highly vulnerable states like Gujarat, Tamilnadu and Kerala, and Maharashtra are yet to submit their plans. Most of the plans are based on the framework of the NAPCC, have a very wide sweep and include energy, agriculture, water, forests, urban development, health, animal husbandry, energy efficiency etc.

A peep in the SAPCCs manifests that it is highly non transparent and top down. No information is available even with the MOEF regarding the process and timeline. It has been essentially a consultant driven and bureaucratic exercise, with no ownership of the states. Except in the MP, nowhere meaningful consultation with experts, affected communities, civil society has taken place. There is no deadline, no clarity till when and how plans will be finalized, what is the basis. There is also huge amount of hankering over finances to implement the plans.

Most of the plans have no concern for equity, rights of people and gender. Plans do not talk at all about increasing access and equity in energy, water or natural resources. They also remain equally insensitive to gender concerns in climate change. None of them even mention the UN Declaration on the Rights of Indigenous Population (UNDRIP). Many of the states are being helped by World Bank, UNDP, DFID, GIZ etc. and have clear imprints of international negotiations rather than local concerns and priorities. Most of the states have actually developed these plans without any mapping, vulnerability assessment of regions or sectors. States either do not have much vision in missions on energy efficiency, industries, health, livelihoods and urban planning. None of the plans show even scant affinity with the people who are being affected due to climate change impacts. Most of these plans pay lip service to agriculture and food security. While most of the states acknowledge importance of agriculture many of them propose actions which will harm agri and endanger Food Security. Plans talk about “modern scientific agriculture”¹¹ propose a set of actions to improve agriculture including “modernization of agriculture, biotechnology, seed replacement increased use of fertilizers....,”¹² and “zero tillage agriculture”¹³ etc. Rajasthan includes “exploring carbon sequestration potential of carbon deficient soil” and “increased use of biotechnology”. Odisha has also given extensive treatment to agriculture in the plan however; it failed to allocate single Rupee to agriculture in the first draft! As far as agriculture is concerned, “it’s more of the same” except for some research proposed for vulnerability mapping for specific agro-climatic zones and crops.”¹⁴ The actions suggested will harm small holder farmers and endanger food security than enhancing it.

¹⁰ This section is largely based on the authors previous critique on SAPCCs titled “Much Ado about State Action Plans; they are business as usual” published as Occasional Paper Series of PAIRVI in 2012.

¹¹ Manipur State Action Plan on Climate Change

¹² Madhya Pradesh State Action Plan on Climate Change

¹³ West Bengal State Action Plan on Climate Change

¹⁴ “Much Ado about State Action Plans; they are business as usual” published as Occasional Paper Series of PAIRVI in 2012.

SAPCC have been criticized for being consultant driven, having inappropriate procedure, process and institutional arrangements, and lack of vision on implementation and funding. Till now none of the states have started implementation, and there is no timeline declared. Financing has been the most knotty issue with states expecting big money from the central government, while central government wants them to depend on their own resources. States have failed to make a robust financing plan for the implementation of the SAPCC. While Odisha's estimated budget for climate change is INR 17,000 crore, West Bengal's budget is more than INR 30,000 crore (excluding many activities that don't have budget estimates) and Haryana's is around INR 50,000 crore. Sikkim has allocated nearly INR 7000 crore on improving floriculture activities and INR 10,000 crore on replantation for area expansion under the cardamom programme (next 10 year period). This accounts for almost 20% of the budget for the national Mission for Sustainable agriculture (NMSA) for 2011-2016. Haryana proposes to use INR 15,000 crore on energy efficiency in agriculture, which is more than 15% of the NMSA budget for 2011-2016.

According to recent estimates, the NAPCC will require INR 230,000 Crore (USD 37.16 billion). There is very little clarity on how it will be mobilized. Similarly with SAPCCs, there is very little understanding on whether the state government will be provided any resource to implement SAPCCs, and how the centre will determine vulnerability and establish equity between the states in providing finances. Finance besides institutional arrangement, monitoring, and interdepartmental cooperation are going to be major challenges in implementation of the State Action Plans.

Peoples Participation in Climate Policies¹⁵

Indian culture has extreme reverence for nature, and natural resources and communities have worshipped them for their economic, social and ecological values since time immemorial. During the colonial period too, felling of trees were resented with vengeance. The Constitution of India, embodies this reverence in the Directive Principles of State Policy and Fundamental Duties.

Indian peoples value for nature and natural resources and especially tree attracted international attention during the 1970 when, in the leadership of Sunderlal Bahuguna and Chandi Prasad Bhatt, people of Chamoli district (in the erstwhile state of Uttara Pradesh) intensified the "Chipko Movement" against the clear felling of green trees. As a result, the government banned the clear felling of trees for 15 years. Later this ban was extended to Himachal Pradesh, Western Ghats, Rajasthan, Bihar and central India.

Indian civil society's engagement with environmental and climate change issues is very sustained locally and precedes UNFCCC globally. In the UNCED (1992), environmentalist like Anil Aggrawal (CSE) played a key role in bringing clarity to the concept of sustainable development. Great mobilization at Rio UNCED Conference also reflected in the outcome document stating "environmental issues are best handled with participation of all concerned citizens."¹⁶

His most important contribution in the international negotiation has been by rebutting a report of the WRI and making an empirical analysis that developed countries per capita emissions were far ahead of the developing countries emissions. This in its turn led to the

¹⁵ Climate policies include environmental policy too, as climate policymaking is a very recent phenomenon, and we do not have enough meaningful experience of peoples participation in climate policies per se. Peoples participation is supposed to include civil society participation too.

¹⁶ Principle 10 of the Rio Declaration

per capita emission formula in climate negotiation, which government of India has steadfastly maintained. In the first COP in Berlin (1995) the CSE report helped galvanize more than 200 southern and northern NGOs (which later christened itself as CAN) who forced Germany's Angela Merkel to withdraw her proposal, which sought to implicate developing countries by looking at future projections only. The resulting "Berlin Mandate" was the precursor of the CBDR, which is the foundation of equity in the climate agreement till date.

Civil society engagement increased since the India adopted the policy of globalization beginning in 1991 and its resultant discontent and India drifting more towards the US, created synergy among the NGOs who became more vociferous. In 1997 the then Prime Minister I K Gujral had to withdraw a statement in Coomonalath Communique in which he said that after Kyoto all countries will have to play a role by pursuing policies that would result in significant reduction of greenhouse gases.

Globally the engagement of civil society organization with climate politics decreased after the Kyoto when they were pushed to the margins. However, Bali COP 11 saw the resurgence of NGOs and a new solidarity resulted in CJNI. The CJNI took a left oriented political position and articulated its demands in the language of justice. The engagement saw its pinnacle in Copenhagen COP with massive mobilization and more than 1 million people participated in the protest.

In the Indian context public hearings with project affected people mandatory for environmental clearance, has embodied the spirit of public participation.¹⁷ Though a number of instruments are available for people's participation on paper, however, it has little effect on the actual decision making. Several projects have been approved despite significant protests by large number of people. In July 2009 public hearing for 1200 MW thermal power plant at village Badadarha, Tundri distt. In Janjgir-Champa proposed by DB Power Ltd. Was wound up in just 20 minutes, even though more than 1000 people continued protesting. The MoEF failed to take action despite being alerted by local people.¹⁸ In Mundhra, Gujarat, Machhimar Adhikar Suraksha Samiti (MASS) has been leading a campaign against the UMPPs of Tata, Adani and OPG Power Plants, which has shown the flaws in the EIA, lack of marine EIA, destruction of mangroves and livelihoods of fishing community besides many other damages. Despite this the projects have received approvals. In the case of Tata Power Plant, on a complaint initiated by the MASS, the CAO conducted an audit and confirmed shortcomings in the EIA. However the WB which has partially supported the project, refused to accept the findings.¹⁹ These are not one off cases but largely a trend, which makes a mockery of the people's right of participation in environmental decision-making. A study published in International Research Journal of Environmental Sciences concluded that till date environmental public hearing has failed to achieve its objective. It noted "Institutional constraints including lack of political will and administrative will, unavailability of information, lack of transparency, inadequate capacity of participants and misconceived perception about

¹⁷ Besides, people get a chance to comment on the critical policies, can provide written and verbal submission to the parliamentary Committees in charge of particular bills, and can also take legal action through individual or class actions in the court of law.

¹⁸ The sites of new knowledge's: citizens' participation in environmental decision making, Manju Menon, Centre for Education and Documentation, Mumbai, 2011.

¹⁹ The author has been involved in several discussions with the organizations who conducted a fact finding on the issue, and with the MASS.

public involvement are some of the major hindrances which should be properly addressed to make environmental clearances participative.”²⁰

As far as climate change is concerned, there has been little public participation in the policymaking. The NAPCC was declared without any public consultation, Prime Minister’s Council on Climate Change, which is the nodal agency for its implementation is though multidisciplinary in its composition including the NGOs however, it has only one member from outside the capital.²¹ The Committee has only met twice in the last 5 years.²² In a private discussion, representatives of the Ministry of Environment and Forest, which is the nodal Ministry for the Climate change (has been rechristened as Ministry of Environment, Forests and Climate Change since the BJP government came into power in 2014), conceded that NAPCC was brought without any consultation but extensive consultations will take place when Mission Plans are discussed and later in the process of developing the Climate change Action Plans. However, the exclusionary practices continue and hardly any State conducted Public Consultations in the process of developing SAPCCs. Even those states, which held Public consultations, it was more of a formality rather than participatory decision making. With the new government in power, which is obsessed with economic growth, environmental safeguards are likely to be sacrificed for misconceived economic gains.

Concluded

Comments and reaction are welcome at kajay.j@gmail.com

²⁰ Patra HS and Satpathy P, Legality and legitimacy of Public Participation in Environmental Decision Making Process: A Review of Scenario from State of Odisha, India, International Research Journal of Environmental Sciences, Vol 3(3), 79-84, March (2014)

²¹ PM’s Council on Climate Change constituted, the Financial Express, June 2007

²² PM headed panels, hardly ever meet, says RTI query, Sandeep Pai, The Hindustan Times, New Delhi, February 21 2014, last accessed 23rd August, 2014