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## **The principle of ‘common but differentiated responsibility’ and the UNFCCC**

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# Common but differentiated responsibilities

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## The principle of 'common but differentiated responsibility' and the UNFCCC

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### Common but Differentiated Responsibility in the UNFCCC and Kyoto Protocol

Article 3 of the UNFCCC states that “parties should protect the climate system for the benefit of future and present generations of human kind on the basis of equity and in accordance with their common but differentiated responsibility and respective capabilities. Accordingly, developed countries should take the lead in combating climate change and the adverse effects thereof”.<sup>1</sup>

The word “principle” is notably absent from the text of Article 3, as the US, with support from other industrial nations, opposed the inclusion of the principle in the formation of the UNFCCC as it added uncertainty to treaty obligations. Its inclusion is thus more a guiding ideal than prescriptive principle.<sup>2</sup>

While not a legal obligation itself, the ideal of common but differentiated responsibility has provided the legal and philosophical basis for the existing legal obligations including the instruments designed to achieve the objectives of the Kyoto Protocol.

### Ethical and theoretical underpinnings of common but differentiated responsibility

Common concern and the shared responsibility of humankind to address climate change underpin the UNFCCC and are a longstanding notion of international environmental law.

Differentiated responsibility is based upon both historical responsibility of States and differing capacities of States to address climate change.

Fairness to all parties of the UNFCCC/Kyoto Protocol is addressed via the concept of historical responsibility. The bulk of responsibility is placed on those who have most contributed to- and benefited from- the build-up of carbon in the atmosphere.

The differing capacities and needs of nations also underpin this notion of equity. Industrialized nations have the technical and economic capacity to address climate change, both through mitigation and adaptation, whereas developing nations may not.

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<sup>1</sup> United Nations, 1992, *UN Framework Convention on Climate Change (UNFCCC)*, New York: United Nations.

<sup>2</sup> Rajamani, L., 2000, 'The Principle of Common but Differentiated Responsibility and the Balance of Commitments under the Climate Regime', *RECIEL*. 9(2), pp: 120-131.



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Based upon differing responsibilities and capacities, the Kyoto Protocol stipulates asymmetric priorities and commitments for industrialized and developing countries, which are defined by UNFCCC Annex I. It is the responsibility of developing countries to develop in a sustainable manner and take measures to adapt to the effects of climate change, whereas developed countries must commit to mitigating their emissions in accordance with the targets and timelines established by Article 4.2 of Kyoto Protocol.<sup>3</sup>

The Clean Development Mechanism (CDM) links industrialized (Annex I) and developing (non-Annex I) nations by allowing Annex I nations to invest in projects leading to emissions reductions in non-Annex I countries that would not have otherwise occurred. This enables both parties to meet their differentiated responsibilities, with the Annex I nation receiving mitigation credit for the emissions avoided and the non-Annex I nation achieving their sustainable development objectives.

## Role in Kyoto negotiations

Differentiated responsibility is particularly important for ensuring participation by developing countries; countries will not be a party to an international treaty in which they do not perceive they are being treated fairly. Parties to the Kyoto Protocol, the G77/China have warned that they will not accept new commitments under the Protocol, under any guise.<sup>4</sup>

However, a lack of binding commitments for developing countries has proved to be a stumbling block for securing commitment from some industrialized nations; the U.S. cited the failure of key developing countries to take on commitments as a justification for not ratifying the Kyoto Protocol.<sup>5</sup>

## The future of common but differentiated responsibility

There is a diversity of opinion on how responsibilities and commitments should be distributed among industrialized nations, developing nations, and nations with economies in transition, both between these distinctions and within them.

However, low stabilization targets cannot be met without the participation of developing countries, whose aggregate annual emissions presently comprise roughly half of global emissions and are rapidly increasing.<sup>6</sup>

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<sup>3</sup> United Nations. 1997, *Kyoto Protocol to the United Nations Framework Convention on Climate Change, Conference of the Parties on Its Third Session, FCCC/CP/1997/L.7/Add.1*, December, 10<sup>th</sup>.

<sup>4</sup> Rajamani, L., 2000, 'The Principle of Common but Differentiated Responsibility and the Balance of Commitments under the Climate Regime', *RECIEL*. 9(2), pp: 120-131.

<sup>5</sup> *Ibid.*

<sup>6</sup> Chakravarty, S., A. Chikkatur, H., et al., 2009, 'Sharing global CO2 emissions reductions among 1 billion high emitters'. *Proceedings of the National Academy of Sciences*. Early edition. 1-5.



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## **About Climatico**

Climatico is a network of researchers and experts providing independent analysis of climate change policy. We cover national and international policy and negotiations focusing on policy developments in the G20 countries.

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