



## UNFCCC DETOUR: A SNAPSHOT

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Climate change is the defining human development challenge for the 21<sup>st</sup> Century that represents the greatest existential threat for humankind and non-human nature.<sup>1</sup> Justice and equity claims have been the major part of the climate change discourse so that considerations of fairness are incorporated into efforts to protect global climate change and to prevent socio-economic policies that are antithetical to sustainable development. The United Nations Framework Convention on Climate Change (UNFCCC) in its preambular assertion contains a recognition that “the largest share of historical and current global emissions has originated in developed countries, that per capita emissions in developing countries are still relatively low and that share of global emissions originating in developing countries will grow to meet their social and development needs”.

In its quest for climate justice, the principle of Common but Differentiated Responsibilities and Respective Capabilities (CBDR-RC) has reflected a lasting political consensus with widest possible co-operation by all countries to combat climate change with shared responsibility. CBDR-RC establishes unequivocally the common responsibility of States for the protection of the global environment but builds on the acknowledgment by industrial countries that they bear the primary responsibility for creating the global environmental problem by taking into account the contributions of States to environmental degradation in determining their levels of responsibility under the regime.<sup>2</sup> This dynamic differentiation is reflected in the structure of UNFCCC as well as in the Kyoto Protocol whereby developed countries agreed to an average emission reduction of 5 percent below 1990 levels. The further differentiation through CBDR-RC was evident in Bali Action Plan which envisioned ‘measurable, reportable, and verifiable’ mitigation ‘actions or commitments’ by developed countries. The Nationally Appropriate Mitigation Actions (NAMAs) did not constitute binding obligations for developing countries in contrast to those of developed countries. With the Copenhagen Accord and Cancun Agreements, the parties established a parallel ‘bottom-up’ framework,<sup>3</sup> with countries undertaking national pledges for 2020 thereby attracting broader participation, including, for the first time, specific mitigation pledges by developing countries. The recently concluded Paris Agreement reflected a ‘hybrid’ approach blending bottom-up flexibility, to achieve broad participation, with top-down rules, to promote accountability and ambition. The Agreement strikes a delicate balance between collective ambition of global efforts to lower GHG emission, differentiation between developing and developed countries and mobilization of financial resources needed for support. The Agreement ends the strict differentiation between developed and developing countries that characterized earlier efforts, replacing it with a

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<sup>1</sup> Available at: <http://www.dailyexcelsior.com/conference-climate-change-sustainable-development-concludes/> (last visited on Feb. 10, 2019).

<sup>2</sup> Available at: <http://www.cprindia.org/system/tdf/policy-briefs/1253776076-PolicyBrief.pdf?file=1&type=node&id=3453&force=1> (last visited on Feb. 10, 2019).

<sup>3</sup> Edwar Saja Sanneh, *Systems thinking for Sustainable Development* 60 (Springer Nature, New York, 2018).

common framework that commits all countries to put forward their best efforts and to strengthen them in the years ahead.<sup>4</sup> Many provisions establish common commitments while allowing flexibility to accommodate different national capacities and circumstances, either through self-differentiation, as implicit in the concept of nationally determined contributions (NDCs) or through more detailed operational rules still to be developed.<sup>5</sup> Transparency is the watchword in the Paris Agreement for holding countries accountable. Further, the developed countries are committed to provide finance for mitigation and adaptation in developing countries.

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<sup>4</sup>*Available at:* <https://www.c2es.org/content/cop-21-paris/> (last visited on Feb. 10, 2019).

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