

“Common but differentiated responsibilities” under threat

Rio de Janeiro, 13 June (Chee Yoke Ling) – Developed countries are diluting the principle of “common but differentiated responsibilities”, with the United States even calling for its deletion, in the outcome document to be adopted at the UN Conference on Sustainable Development.

More than 100 heads of states and governments adopted the 1992 Rio Declaration on Environment and Development with its 27 principles, after long, difficult and often heated debate.

Ten years later, the Rio+10 summit adopted the Johannesburg Plan of Action that opens with the following sentence in paragraph 1:

“The United Nations Conference on Environment and Development, held in Rio de Janeiro in 1992, provided the fundamental principles and the programme of action for achieving sustainable development. **We strongly reaffirm our commitment to the Rio principles**, the full implementation of Agenda 21 and the Programme for the Further Implementation of Agenda 21 ...” (emphasis added).

A cornerstone of the global partnership forged in 1992 to meet the ecological crisis recognised even back then, and to integrate the three pillars (environment, social and economic) of sustainable development is Principle 7 of the Rio Declaration:

“States shall cooperate in a spirit of global partnership to conserve, protect and restore the health and integrity of the Earth's ecosystem. In view of the different contributions to global environmental degradation, States have common but differentiated responsibilities. The developed countries acknowledge the responsibility that they bear in the international pursuit of sustainable development in view of the pressures their societies place on the global environment and of the

technologies and financial resources they command.”

The application of this principle was similarly negotiated in the parallel negotiations of the UN Framework Convention on Climate Change (UNFCCC), the Convention on Biological Diversity and the Convention to Combat Desertification. CBDR is explicitly contained in Article 3.1 of the UNFCCC. In all 3 “Rio Conventions” it is manifested in the commitments of developed countries to provide financial resources (including on concessional and preferential terms), technology transfer and capacity building to developing countries.

However, the Rio principles, and in particular common but differentiated responsibilities (CBDR) in Principle 7, are systematically threatened in the negotiations leading to the Rio+20 Conference that will take place on 20-22 June with heads of states and governments convening to renew their political commitment to sustainable development.

This was evident in the third “informal informal” meeting of the Rio+20 preparatory committee held in New York on 29 May to 2 June when Member States worked through the week on a streamlined text dated 22 May prepared by the Co-Chairs of the preparatory committee, John Ashe (Antigua and Barbuda) and Kim Sook (Republic of Korea).

At the first meeting of the “splinter group” in the evening of 29 May that was tasked to work on paragraphs 2, 3 and 23 of Section I (“Our Common Vision”) of the draft outcome document, the United States as facilitator opened the discussion by saying that “we are not going to agree on CBDR at this (week's) meeting”.

The US wants all references to CBDR deleted, and in several of the paragraphs concerned, different developed countries support such deletion. The

developed countries are generally of the view that no single Rio principle should be singled out. Some can accept selective reference to CBDR.

At the same time, references to the Rio principles themselves have diluting language inserted by several developed countries, too.

In Section I on “Our Common Vision” the Group of 77 and China (G77) asks that the words “in accordance with the principle of common but differentiated responsibilities” be included but the US supported by Canada, Japan and the European want these deleted.

Paragraph 2.bis currently reads: “We acknowledge the need to further mainstream sustainable development at all levels through integrated approaches, incorporating economic, social and environmental aspects and recognizing their interlinkages, so as to achieve sustainable development in all its dimensions [, **in accordance with the principle of common but differentiated responsibilities. -G77; US, Canada, Japan, EU delete.**]

In Section II (“Renewing our Political Commitment”) paragraph 14, the Co-chairs’ text reads: “We also reaffirm that all the Principles contained in the Rio Declaration on Environment and Development will continue to guide the international community in the achievement of sustainable development and the future we want and will serve as the basis for cooperation, coherence and implementation of agreed commitments, including in this outcome.”

This is under the sub-heading “A. Reaffirming Rio principles and past action plans.”

The G77 has introduced alternative text to “reaffirm the Rio Declaration on Environment and Development and all its principles, in particular the Principle of CBDR and equity”.

The US wants deletion of both formulation of reaffirmation language, and the text on CBDR and equity. Japan asks for deletion of CBDR and equity.

In the same paragraph 14, the US, Japan and Canada ask for deletion of the phrase “and will serve as the basis for cooperation, coherence and implementation of agreed commitments, including in this outcome.” The G77 wants this retained.

The first sentence of paragraph 15 is untouched: “We reaffirm our commitment to fully implement the Rio Declaration on Environment and Development, Agenda 21, the Programme for the Further Implementation of Agenda 21, the Johannesburg Declaration on Sustainable

Development and the Plan of Implementation of the World Summit on Sustainable Development, the Barbados Programme of Action and the Mauritius Strategy for Implementation ...”

In paragraph 16 that refers to the three Rio Conventions, the Co-chairs’ text reads: “We recognize the importance of the three Rio Conventions to advancing sustainable development and in this regard we urge all parties to fully implement their commitments under the United Nations Framework Convention on Climate Change, in accordance with the principle of common but differentiated responsibilities, the Convention on Biological Diversity and the United Nations Convention to Combat Desertification, to take effective and concrete actions and measures at all levels, and to enhance international cooperation.”

An earlier version had the words “in accordance with the principle of CBDR” coming after the listing of the 3 Conventions. Following the objections of developed countries that CBDR is explicitly mentioned in the UNFCCC and not the other two, the 22 May Co-Chairs’ text shifted its placement to after the reference to the UNFCCC.

In the last New York informal meeting, Canada and New Zealand proposed “on the basis of equity and their CBDR and respective capabilities” which the US wants deleted. Instead of “the principle of CBDR” Canada and New Zealand proposes “their CBDR” which is objected to by the US.

The US, Japan and the EU want deletion of the phrase “in accordance with the principle of CBDR” in the original text.

Paragraph 16 currently reads: “We recognize the importance of the three Rio Conventions to advancing sustainable development and in this regard we urge all parties to fully implement their commitments under the United Nations Framework Convention on Climate Change, **[on the basis of equity and – Canada, New Zealand; US delete; Japan reserves]** [in accordance with [the principle of / **their –Canada, New Zealand; US delete; Japan reserves]** common but differentiated responsibilities **[and respective capabilities – Canada, New Zealand; US delete; Japan reserves]**,-US, Japan, EU delete; G77, RoK, Norway retain] the Convention on Biological Diversity and the United Nations Convention to Combat Desertification **[in accordance with their respective principles - New Zealand]**, to take effective and concrete actions and measures at all levels, and to enhance international cooperation.”

In Section III on “Green Economy in the context of sustainable development and poverty eradication” there was a long discussion on paragraph 51, which covers the general objective and Principles of green economy.

The G77 inserted language to re-orientate the approach to “equity” and “the Rio Principles, in particular the principle of common but differentiated responsibilities”. These proposals were bracketed by most developed countries with the US asking to delete both concepts.

The US also suggested that reference to being “guided” by “all the Rio Principles” should be amended to “informed by the Rio Principles.”

In contrast, the G77 introduced language that green economy policies should be guided by Rio Principles, “in particular the Principle of common but differentiated responsibilities”. The Group said on the issue of “guided” or “informed” that there are so many things that inform but do not necessarily get applied in life and that it preferred the stronger language.

The US objected saying that “in no way” do the elements of the paragraph “guide our domestic policy making.”

The Republic of Korea (RoK) said that “CBDR is a sticky issue” and said it thought it was limited to environmental issues. The G77 responded that it was a Principle of sustainable development. Mexico added that it came from the (1992) conference on environment and development.

RoK explained that its understanding was that there are different Principles in different areas and that the words of Principle 7 (of Rio) limited it to environmental issues. Given that sustainable development is composed of three pillars, RoK did not believe CBDR could be applied to economic issues nor applied in general.

The G77 noted that RoK had “forgotten” to read the second part of the Principle which has an economic element and a reference to sustainable development and the Group felt it was quite clear how it links to ‘green economy.’

RoK responded that the second part (of the Principle) was about developed countries while only the first part was about differentiation. G77 said it did not agree with the interpretation but was happy to have the whole Principle written down.

The US intervened to say that the Principles were adopted as a set and so singling out one of them was not necessary as they were agreed to as a package.

RoK, Switzerland, New Zealand, Australia, the EU and Japan prefers to retain the original paragraph 51 proposed by the Co-chairs: “We affirm that the development and implementation of policies for a green economy in the context of sustainable development and poverty eradication should be guided by and in accordance with all the Rio principles, Agenda 21 and the JPOI, and contribute towards achieving relevant internationally agreed development goals including the MDGs, recognizing national capabilities and priorities”.

The current paragraph 51 is: “We affirm that policies for **[a – G77 reserve]** green economy in the context of sustainable development and poverty eradication should be **[guided / informed –US]** by **[and in accordance with [international law, including human rights law – Liechtenstein][equity and –G77]** all – US delete] the Rio principles, **[in particular the principle of common but differentiated responsibilities, – G77; US delete]** Agenda 21 and the JPOI, and contribute towards achieving relevant internationally agreed development goals including the MDGs. **(RoK, Switzerland, New Zealand, Australia, EU, Japan retain original para 51)”**

The G77 has also asked for the insertion of CBDR in paragraph 69 of Section IV on “Institutional framework for sustainable development”: “... We recognize that an improved and more effective institutional framework for sustainable development at the international level should **[be consistent with Rio Principles in particular common but differentiated responsibilities, – G77]** build on Agenda 21, and JPOI and its objectives on the institutional framework for sustainable development ...”

In Section V on “Framework for action and follow-up” in sub-heading A (“Thematic areas and cross-sectoral issues”), the G77 proposes insertion of “taking into account the principle of CBDR and historical responsibilities in paragraph Energy 4 in the sentences that recognises “the importance of cleaner and energy-efficient technologies in addressing climate change and in achieving the objective of limiting the global average temperature increase.” The US and Russia want deletion of the G77 proposed text.

In paragraph Climate 1, the G77 also inserted the CBDR principle to which the US, Japan, Canada, New Zealand and Switzerland asked for deletion with the EU seeking clarification. The sentence now reads: “We reiterate that countries should protect the climate system for the benefit of present and future generations of humankind **[, consistent with**

the principle of common but differentiated responsibilities –G77; EU requests clarification; US, Japan, Canada, New Zealand, Switzerland delete].

In sub-heading B on “Sustainable Development Goals” the facilitator of the SDG splinter group (from Barbados) has proposed the following text:

“SDG 2. We recognize that the development of goals could also be useful for pursuing focused and coherent action on sustainable development. We further recognize the importance and utility of a set of sustainable development goals, which are based on Agenda 21 and JPOI, fully respect the Rio Principles, in particular common but differentiated responsibilities, build upon commitments already made, respect international law and contribute to the full implementation of the outcomes of all major Summits in economic, social and environmental fields, taking into account that these goals should ensure a holistic coherence with the goals set out in Agenda 21. These goals should address and incorporate in a balanced way all three dimensions of sustainable development and their inter-linkages These goals should be incorporated and integrated in the United Nations Development Agenda beyond 2015, thus contributing to the achievement of sustainable development and serving as a driver for implementation and mainstreaming of sustainable development in the United Nations system as a whole. The development of these goals should not divert focus or effort from the achievement of the Millennium Development Goals.” (emphasis added).

In the first version of the 2 June (5 pm) text that was available on 5 June this paragraph was indicated as “**agreed ad ref**” (**ad referendum**, meaning it is provisionally agreed with no bracketed text and subject to the whole outcome document being agreed to). In the new version at the time of writing the “ad ref” reference has been removed.

This paragraph will now be negotiated in Rio next week. This means that whether CBDR will be recognised as a principle to guide the SDGs will be contested.

Back to the beginning

In the preparations for the 1992 Rio Conference, it was agreed that a set of principles on general rights and obligations of States would be the political centrepiece of the conference. Developed countries such as Canada, Japan, New Zealand and Russia wanted a short and inspirational "Earth Charter". The US also wanted a short document. The emphasis was that as inhabitants of one planet, everyone had individual and collective responsibility to protect the environment. The Canadian delegation at one point said that the document should be something that every child in the world could understand and put at the top of his or her bed.

The Group of 77 and China wanted a declaration that would link the right to development with environmental concerns, while addressing North-South equity issues. They stressed that the causes and responsibilities for overcoming the environmental crisis had to be differentiated between the North and South. Pakistan, negotiating for the G77 also stressed that for millions of children in the developing world, there was no bed over which to hang a poetic charter unless poverty was first eradicated. Developing countries wanted to see development issues receive a "balanced" treatment.

It was in the negotiation group of the Rio Declaration that the concept of "sustainable development" was most debated. While the dilemmas and apparently conflicting objectives of development and environment were also evident in the Agenda 21 negotiations, the fact that the Declaration was a package of inter-related principles made it the focus for directly addressing those dilemmas.

When it was finally agreed upon there was optimism and hope that this set of principles would be the political framework for a new era of North-South cooperation to strive for sustainable development.

The future of Principle 7 and its CBDR will now be determined in Rio where it was born.

(With contribution from Alex Rafalowicz.)