

Suggestions on use of the principle of common but differentiated responsibilities

1. One of the key principles on which responsibilities under the FCCC are based is the principle of common but differentiated responsibilities of the Parties to the Convention. The Article 3.1 states that "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 capacities. Accordingly, the developed country Parties should take the lead in combating climate change and the adverse effects thereof".

However, text of the Convention does not contain a definition of the principle of common but differentiated responsibilities, in particular in its relation to determining specific commitments of the Parties in future protocols or other legal instruments.

2. Provisions of the Convention which to some extent reflect the differentiated approach to the capacities of the countries can be outlined as follows. Articles 4.1 and 4.2 generally describe division of commitments between developed and developing countries. Articles 4.3, 4.4 and 4.5 further specify some commitments of developed countries related to new and additional resources, transfer of technology, etc. Article 4.6 contains the provision taking into account special situation in the countries with economies in transition. Articles 4.7 to 4.9 touch upon specificities of the developing countries. Article 4.10 relates to countries whose economies are highly dependent on production of fossil fuels.

3. Considerations mentioned above as well as today's world realities require their adequate reflection in the Berlin Mandate process. In this connection, it is proposed to give a definition for the principle of common but differentiated responsibilities, and to adopt certain criteria for its practical implementation. The criteria should reflect social, economic and some climatic parameters relevant in the context of sustainable development.

The Convention itself contains indications that even among Annex I Parties there are countries with different economic potentials; thus potential of countries with economies in transition is presently lower in comparison to the countries of the European Union. Among developing countries there is a group of least developed countries (Article 4.9). These differences are reflected in the classification adopted by the World Bank and UNDP.

We can be more specific after analyzing a number of criteria, which should be developed for application of the principle of common but differentiated responsibilities. Among these criteria one could mention:

- GDP per capita;
- amount of anthropogenic emissions, first of all of carbon dioxide and methane, per capita and per a unit of territory;
- amount of sinks and net emissions per capita and per a unit of territory;
- levels of production and consumption of energy per capita.