

"Common but differentiated responsibilities" debates takes a turn

Rio de Janeiro, 18 June (Chee Yoke Ling and Bhumika Muchhala) - As divergence over the reaffirmation of the principle of "common but differentiated responsibilities" intensified in the final days leading up to the Rio+20 Summit, a compromise was finally reached in the early hours of 18 June.

The negotiation group that subsequently met this morning accepted the following formulation: "We reaffirm all the principles of the Rio Declaration, including, inter alia, the principle of common but differentiated responsibilities as set out in Principle 7 of the Rio Declaration." This compromise was reached in a smaller "huddle" group.

Under the guidance of the host country, Brazil, debate over the principle took place on Sunday, 17 June in two negotiating groups: on sections I and II ("Our Common Vision" and "Renewing Political Commitment"), and on Sustainable Development Goals.

Common but differentiated responsibilities (CBDR) is contained in Principle 7 of the 1992 Rio Declaration on Environment and Development and it reads:

"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 to sustainable development in view of the pressures their societies place on the global environment and of the technologies and financial resources they command."

In the consolidated text tabled by Brazil, as mandated by the preparatory committee of the

Rio+20 conference on Friday, 15 June, paragraph 15 under section II A ("Reaffirming Rio principles and past action plans") reads:

"We also reaffirm that all the principles contained in the Rio Declaration on Environment and Development, including the principle of common but differentiated responsibilities, and equity, serve as the basis for cooperation, coherence and implementation of sustainable development commitments, including this outcome, and will continue to guide the international community in the achievement of sustainable development and the future we want."

In the meeting on sections I and II that took place from 3 to 6 pm on Sunday, Ambassador Luiz Figueiredo Machado who facilitated the negotiations emphasized to the delegates that they should focus on fundamental issues, reiterating that the outcome document had to be finalized by today (18 June). At an early stage of the discussion Machado emphasized that he wanted to be "extremely focused" and that "we are going to deal with red lines and fundamental issues". He also reminded delegates from time to time that the consolidated text incorporates the paragraphs that had been agreed ad ref until 15 June, and paragraphs that had not been agreed on but are now presented, that reflect the host country's sense of balance from the positions attributed to different countries in the previous text.

When comments were solicited for Section II of the document, **Canada** asked for deletion of "equity" in paragraph 15, saying that it is not principle. It queried whether it would not be better to choose principle 3 or 4 or another and that the current text is focusing on one issue. "We are not happy at all with this paragraph," said Canada.

Machado responded that principle 3 and other

principles were not in last text (of the preparatory committee). He further said that there is a comma after the word "responsibilities" and this means that the word "equity" is not considered as part of the principle.

Switzerland said that the paragraph crossed its red line too, pointing to the phrase "serve as the basis for cooperation, coherence and implementation of sustainable development commitments, including this outcome", and that the paragraph cannot single out a principle.

In response Machado said that he was surprised by Switzerland's comment since this concern was not captured in the last text. "I do not like surprises," he added.

The **United States** envoy for climate, Todd Stern said he would not give surprises. "We tend to agree to stop at the Rio principles and should not single out any principle. There is no reason, in our view to single out CBDR."

Stern said, "We are disturbed that CBDR is everywhere", adding that principle 7 applies only to the environment and that para. This is an extraordinarily broadly written para.

(CBDR is referenced in paragraph 15, paragraph 192 in relation to the UN Framework Convention on Climate Change where it is legally applied, and paragraph 249 in relation to sustainable development goals.)

Stern said that the paradigm of the CBDR is a non-starter and "certainly crosses a red line for us." He also said that equity is not a Rio principle.

Machado said that the US position is not a surprise. He reminded the US that the second sentence of principle 7 is "the process that takes you to development".

Stern replied that "there is an inherently evolving quality to that sentence." He said that the reason developed countries take responsibility is because of the responsibility they bear in view of the pressures their societies place on the global environment, and that as the situation evolves the US "can point to countries that progressively put pressure (on the environment) and sometimes at a level that is very very high."

Machado responded that it is a question of stock and flow, but that is another conversation.

[Observers note that the Brazilian facilitator was referring to the accumulation of greenhouse gases in the atmosphere that resulted in global warming,

that is the primary responsibility of developed countries (stock) and the current emissions (flow) that are contributed to by developing countries. Observers also note that Stern's direct negotiation role on CBDR is linked to the US move to remove CBDR as an operating principle in the climate negotiations under the UNFCCC.]

The Algerian chair of the **G77 and China** supported the formulation in paragraph 15, stressing that the paragraph is talking about the (1992) Rio Declaration and CBDR is part of the Declaration. He said that there can be interpretation of the principle that can be considered appropriate.

The **European Union** said it was also quite concerned on the CBDR inclusion in the text, adding that in earlier discussions it had noted that the way the principle is referred to will make it difficult for the EU.

It said the scope of the application of the principle is substantially increased as CBDR applies to environment and not cannot be used for development.

Norway said it supported the reaffirmation of all the principles (of the Rio Declaration), and not single out any principle.

Japan said it also has to reject singling out of one principle of the CBDR as well as the part on CBDR as a "basis" as it sounds like CBDR is the basis for cooperation and also the entire outcome document. It also agreed with Canada on "equity" (thus calling for the deletion).

India, on behalf of G77 said that it knows where the concerns of the US are coming from, emphasizing that "we would not want Rio+20 to retract from Rio 1992". India pointed out that "our heads of states agreed to CBDR and in the JPOI (Johannesburg Plan of Implementation), CBDR is mentioned 10 times. We find it strange - the world surely has not changed that much as to make this principle an anathema."

India also said that paragraph 15 uses the word "including" CBDR whereas the G77 has consistently used "in particular".

It went on to address the issue of interpretation of principle 7, saying that it had listened carefully to the US but that "different interpretations should not, and cannot stop us from reaffirming the principle. For the Group (G77 and China) this is a matter that is non-negotiable."

The **Republic of Korea** joined in rejecting the singling out of CBDR. **Australia** said it supports the principle of CBDR but share the concern of singling out as all principles are important.

Machado rounded up the discussion of CBDR and the rest of sections I and II by saying that the point of the exercise is to have a balance of unhappiness and that type of balance is not easy to achieve. Based on the positions and the red lines and the difficulties he urged delegates to talk to each other. He said that the Brazilian host country will prepare in most cases text that will reflect its perception of the balance.

He reminded delegates again that "we are in the final stage of the exercise" and that work has to finish this evening (18 June).

CBDR and Sustainable Development Goals

There was corresponding divergence between developed and developing countries over the specific reference to the CBDR principle to guide the sustainable development goals (SDGs).

At a meeting on the evening of 17 June, the Brazilian facilitator, Ambassador Raphael Azeredo, proposed a way forward for the political framework for SDGs. The proposal is to mention all the Rio Principles, including CBDR, while "taking into account different national circumstances, capacities and priorities consistent with international law".

Alternately, several distinct Rio Principles could be highlighted, such as Principle 3 on the right to development, Principle 4 on environmental protection as an integral part of the development process and Principle 6 on the special needs of developing countries. The Brazilian Ambassador clarified that the essence of the proposal is not to highlight CBDR but rather to spell out the specific relevant Rio principles.

The proposal specifically concerned Paragraph 249 in the draft outcome document put forth by the Brazilian Presidency of the Rio+20 Summit on Saturday 16 June. The paragraph, which concerns the principles upon which the SDGs will be based, reads as such:

"249. 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 Johannesburg Plan of Implementation, fully respect the Rio Principles, in particular common but differentiated

responsibilities, and international law, build upon commitments already made, and contribute to the full implementation of the outcomes of all major Summits in economic, social and environmental fields including this outcome document. These goals should address and incorporate in a balanced way all three dimensions of sustainable development and their inter-linkages. They should be coherent with 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."

The **G77 and China (G77)** countered the Brazilian facilitator's proposal with a consistent and forceful message that for the G77 member states, the SDGs must be "particularly consistent with CBDR." This is a red line for the G77, in that what is at stake is not whether the other Rio Principles are or are not included, but rather if this is an approach that the SDGs should be foundationally based on.

The G77 said that while the precautionary principle (Rio Principle 15) is equally important, the discussion on SDGs has not gone into the depth of what the nature of the SDGs will be. What is meant by CBDR is that the lead has to be taken by the developed world, meaning that the level of consumption in the developed part of the world simply cannot be matched by developing countries.

The purpose of the current discussion on SDGs in Rio+20 is not to debate the detailed process of the SDGs but rather to provide political guidance on how SDGs should be perceived and identified. And political guidance for the SDG process is very important, because it is precisely this determination that must be embedded into the process.

The facilitator responded by highlighting that for many developed countries mention of CBDR is a red line. In this context, the Chair asked the G77 if it is willing to budge?

The G77 responded by saying that not reflecting Rio Principle 7 on CBDR is unacceptable. While all 27 of the Rio Principles are important, the emphasis on CBDR is crucial for the G77 group.

However, the developed countries uniformly resisted the G77's position and supported the facilitator's proposal instead. The **US** asserted that

they are not comfortable singling out only the 7th Rio principle, and that it is important to protect voluntary national action and diverse country priorities.

The US also said that Rio Principle 7 on CBDR is specifically about the environment and is therefore antithetical to the key message set out by the Brazilian Presidency in the beginning of the Summit process, which is that in order to mainstream how the world community perceives sustainable development, economic and social issues must also be paid attention to.

The EU was on the same line as the US, saying that they are ready to accept a reference to CBDR where it adds value to the text, implying that a CBDR reference does not make sense in reference to SDGs. There will have to be a solution on how to rely on various previous texts, the EU said.

The EU also said that this disparity of views with the G77 is an issue that they have been working

with over the last 20 years. The EU concluded by saying they “believe there is no possibility for this interpretation.”

Australia also favoured the Chair’s text, saying that a specific mention to any one Rio Principle will be problematic and may bring up several issues.

The **G77** reiterated that CBDR is one of the key principles of sustainable development. It stressed that CBDR, as it reads in the Rio Principles, is about the responsibility that the developed world bears in the international pursuit of sustainable development. What is lacking is a perspective that the developing world has about responsibility and equity. The principle of CBDR is not just about the environment alone, it is rather the international pursuit of sustainable development.

The facilitator concluded by saying that if member states refuse to agree on these key paragraphs, the Brazilian Presidency will be forced to make some unilateral choices.