



MAX PLANCK INSTITUTE

FOR COMPARATIVE PUBLIC LAW
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***Common but Differentiated Responsibilities
in the Paris Agreement: Meanings, Approaches and
Implications***

MPIL Agora

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As one of the key principles in international environmental law, “common but differentiated responsibilities” (CBDR) has been enriched and transformed in the Paris Agreement. CBDR is the most important legal reasoning in global climate change governance, symbolizing different parties undertaking different legal responsibilities based on different contributions to climate change and different developing levels. In the Paris Agreement, differential standards have been enlarged, such as “different national circumstances”. However, the new shape of CBDR has not been fully and rationally explored thoroughly, such as the meaning and nature of “responsibility” in CBDR, “Respective Capabilities” and “National Circumstances”, terms which need further clarification.

In the context of the “Kyoto Protocol”, developed countries should burden the quantitative cutting of emissions. However, all parties including developing countries submit their own self-determined targets, plans, steps and measures, called “Nationally Determined Contributions” (NDCs) in the Paris Agreement. NDCs are both legal obligations and approaches towards international climate governance. Consequently, the nature of NDCs and their symbolized approach will also be explored. Additionally, the United States’ withdrawal of the Paris Agreement and its effect will be discussed.

CBDR is one of the typical expressions in the distribution of international responsibility and diversified governance of common or public goods. It demonstrates that, as international lawyers, we should find an empirical and practical method to make international legal rules and institutions more accommodating of different histories, cultures, economics and political situations of nations.



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