
REGIONAL FOCUS & CONTROVERSIES

Towards a New Global Agreement under the Doha Climate Gateway: A Chinese Way

Hui Zhang*

The Doha Climate Gateway launched the second commitment period of the Kyoto Protocol and restated the vision of a new global agreement binding all countries. To reach the goal of the new agreement and further to save the Earth, the principles regarding CBDR of UNFCCC and the Kyoto Protocol may need a reflection and re-interpretation. The common responsibility would be emphasized more than before, and the differentiated responsibility might improve the feasibility to be operated considering the principles of equity and respective capabilities. In climate change conferences, China has shown its flexibility on the issue of a new agreement. As a developing responsible power, China should contribute to addressing climate change upon the call of common responsibility, but it also needs an appropriate differentiated treatment according to its capability.

Keywords

New Global Agreement, Doha Climate Gateway, CBDR principle, Common Responsibility, Differentiated Responsibility, Chinese Way

* Professor of law at Wuhan University School of Law and Institute of International Law, P.R.C. LL.B., LL.M., LL.D. (Wuhan), Diploma (Paris 1). ORCID: <https://orcid.org/0000-0001-6238-6672>. This study was supported by China National Social Sciences Foundation (Project No. 11AZD105) and the Key Research Institutes Project of China Ministry of Education (Project No. 2009JJD820005). The author may be contacted at: fxzyh@whu.edu.cn / Address: Luojiashan, Wuchang District, Wuhan, Hubei Province, 430072, China.

DOI: <http://dx.doi.org/10.14330/jeail.2014.7.2.07>

1. Introduction

The current climate changes may be the most serious environment crisis that Earth has experienced in the modern times. “It is extremely likely that more than half of the observed increase in global average surface temperature from 1951 to 2010 was caused by the anthropogenic increase in greenhouse gas (“GHG”) concentrations and other anthropogenic forcing together.”¹ Reduction of GHG emissions would be thus one of the direct ways to mitigate the climate change. Recently, the international community has achieved some legal progresses regarding this issue through, *e.g.* the United Nations Framework Convention on Climate Change of 1992 (“UNFCCC”)² and the Kyoto Protocol of 1997.³ UNFCCC provides:

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 capabilities.⁴

According to the principle of “common but differentiated responsibilities” (hereinafter CBDR Principle),⁵ the developed countries should take the lead in combating climate change, provide financial resources, and promote the transfer of technologies to developing countries in their implementation of UNFCCC.⁶

The main ideas of UNFCCC have been enforced by the Kyoto Protocol, which provide concrete obligations in reduction of GHG emissions with the developed countries.⁷ Pursuant to the Kyoto Protocol, the developed countries shall ensure that their emissions of GHG do not exceed their assigned amounts; they should reduce their overall emissions by at least 5 percent below 1990 levels in the commitment

¹ IPCC, 2013: *Summary for Policymakers*, in CLIMATE CHANGE 2013: THE PHYSICAL SCIENCE BASIS, Contribution of Working Group I to the Fifth Assessment Report of the Intergovernmental Panel on Climate Change, at 17, available at <http://www.ipcc.ch/report/ar5/wg1> (last visited on Sept. 5, 2014).

² United Nations Framework Convention on Climate Change, May 9, 1992, S. Treaty Doc. No. 102-38, 1771 U.N.T.S. 107.

³ Kyoto Protocol to the United Nations Framework Convention on Climate Change, Dec. 10, 1997, U.N. Doc FCCC/CP/1997/7/Add.1, reprinted in 37 I.L.M. 22 (1998) [hereinafter Kyoto Protocol].

⁴ UNFCCC art. 3(1).

⁵ The CBDR Principle was formulated as Principle 7 in Rio Declaration on Environment and Development, see Report of the United Nations on Environment and Development, June 3-14, 1992, *Rio Declaration on Environment and Development*, Annex I, U.N. Doc. A/CONF.151/26 (vol. I) (Aug. 12, 1992).

⁶ UNFCCC art. 4(3), (4) & (5).

⁷ Kyoto Protocol art. 3. (The US did not accept the Protocol).