Major Research Paper

The Common but Differentiated Responsibilities Principle: An excuse for weak climate targets?

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Abstract

The Common But Differentiated Responsibilities (CBDR) principle in global climate politics recognizes that all states have a common responsibility to mitigate the climate crisis, yet they have differing capabilities to respond to the crisis and different historical contributions to the state of the current environment. This paper seeks to understand the relevance of the CBDR principle in today's global climate regime, namely considering the role played by high-emitting emerging countries such as China. Specifically, the paper asks: Has the CBDR principle allowed China to hide from climate action? Through an integrative literature review and a combination of discourse and historical analysis, I find that although the CBDR principle has helped China delay climate commitments such the phasing out of fossil fuels, China has not entirely hidden behind the principle to avoid ambitious climate action and has assumed a greater leadership role in the global climate regime in the last decade. The findings in this paper help situate the role of high-emitting emerging countries in global climate politics, as well as the importance of the CBDR principle today.

Keywords: Common But Differentiated Responsibilities Principle, CBDR, Global Climate Regime, China, Equity

1.0 Introduction

This year's United Nations Climate Change Conference (COP 28) in Dubai is expected to, amongst other things, elaborate the design of the Loss and Damage fund (Elgendy, 2023). This fund, adopted at COP 27 in Sharm El Sheikh, serves to provide financial compensation to the countries most affected by climate-related events – primarily Global South countries – to better cope with the aftermath of such catastrophes, which are occurring at an increased rate (Abnett, 2022). As Global South countries are disproportionately affected by the effects of climate change and their consequences (International Institute for Sustainable Development, 2019), this fund addresses some of the inequities that exist between Global North and Global South countries[1], specifically in their ability to cope with the impacts of climate change.

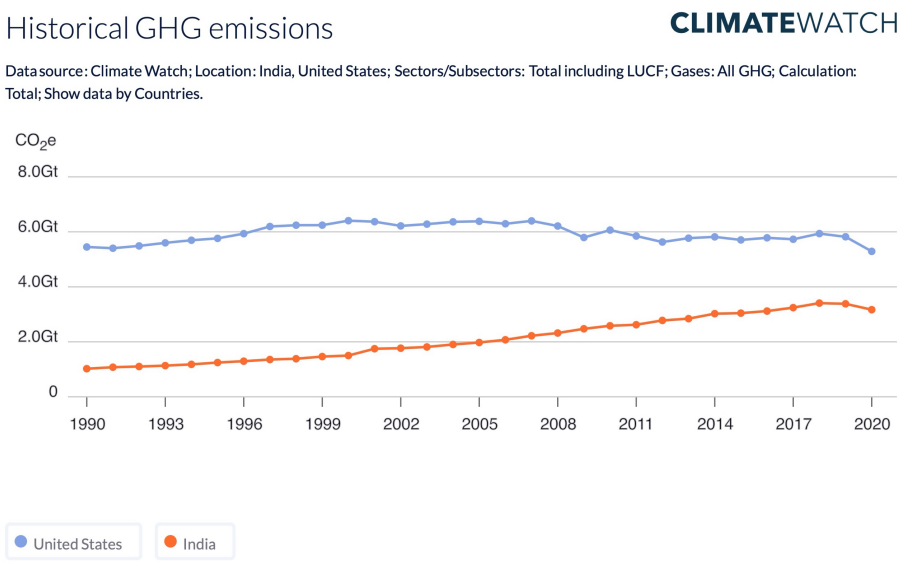
Such equitable designs in the global climate regime are the result of guiding norms and principles that lay at the heart of the United Nations Framework Convention on Climate Change (UNFCCC). Equity is one of such norms, which was central in the design and establishment of the global climate regime in the 1980s and 1990s, and continued to be used as a guiding principle for subsequent agreements (Will & Manger-Nestler, 2021). In fact, it is inconceivable that the global response to climate change would not in some way account for the differences in development levels between Global North and Global South countries (German Institute of Development and Sustainability, 2014). From equity was derived the concept of Common but Differentiated Responsibilities (CBDR), which served to unite all states under a common problem, climate change, while also accounting for the

[1] In this paper, I use interchangeably the terms 'Global North/Global South', and 'Developed/developing' to classify countries. The terms 'developed/developing/emerging' are more commonly used in the UNFCCC language. However, it is sometimes argued that such terms have a neocolonial connotation (Rist, 2014). I thus use those terms interchangeably with the North/South classification.

uneven development levels of different parties.

The CBDR principle in international environmental law establishes the idea that all states have a common responsibility to mitigate the climate crisis, yet they have differing capabilities to respond to the crisis and different historical contributions to the state of the current environment (Eckersley, 2015, p. 486; Gonzalez et al., 2015; McGee & Taplin, 2009; Peel, 2016, p. 247; Rosencranz & Jamwal, 2020). This means that a country such as the United States has a greater responsibility to commit to significant measures to mitigate climate change than a less developed country, such as India; not only because the United States has contributed to the issue of climate change at a greater rate than India (See Figure 1), but also because it has a greater financial and institutional capability to do so.

Figure 1. Historical GHG emissions for India and the United States (1990-2020)



Source: Climate Watch

Differentiating between countries under the global climate regime is complex. In fact, the CBDR principle has been used differently throughout the years, which has contributed to changing its meaning. In addition, it is difficult to situate how emerging countries, especially so-called 'BASIC' countries, namely Brazil, South Africa, India and China, should be classified under the CBDR principle. Historically, they may not have contributed to the same level of emissions as developed countries as their economies have taken more time to develop. However, not only are their emissions levels increasing to the point reaching the ranks of large emitters (Friedrich et al., 2023), but their financial capacity has also grown significantly, namely in the global energy markets (Gerasimchuk et al., 2019).

In this paper, I seek to first establish how the meaning of the CBDR principle has evolved in the global climate regime since the introduction of the Kyoto Protocol, understanding how its mention and use in climate negotiations have contributed to different forms of, and ends to, differentiation between states. This will serve to question the significance of the CBDR principle in today's global climate regime, as well as the prospect of this shifted meaning for the role of emerging countries climate governance.

Then, to understand how emerging countries have utilized and associated to the CBDR principle through the years, a case study on the role that China has undertaken in climate negotiations will help assess the use and relevance of the CBDR principle. The case of China is particularly compelling as China negotiates in the global climate regime as a developing country, and allies itself with other developing countries (Joselow et al., 2022). Yet, it has become the world's largest emitter of net GHG emissions since 2006, and its cumulative historical emissions are expected to surpass those of developed countries by 2050 (Hallding et al., 2011; Stevens, 2023). Amongst the top ten net emitters, China ranks

as the sixth highest per capita emitter (World Economic Forum, 2023). In addition, China is generally considered as a great power in geopolitics (Kopra, 2018). China thus holds an ambiguous position when facing the CBDR principle. The case study will thus expand the reflection by answering the following question: Has the CBDR principle allowed China to hide from climate action? To answer this question, I look at how China has specifically positioned itself in climate negotiations according to this principle, to find if it used the CBDR principle to its advantage to build consensus and momentum on climate ambition, or as a means to hide behind insufficient commitments. These findings will demonstrate whether or not the CBDR principle is still significant in international climate politics today.

The analysis in this paper finds that the CBDR principle remains meaningful today thanks to its flexible and redefined meaning, which was acquired through the 2015 Paris Agreement. While it is true that China's defence of the CBDR principle and self-differentiation from developed countries has helped it delay climate commitments and justify its heavy reliance on non-renewable sources of energy such as coal, even as today, the paper nevertheless argues that China has not entirely hidden behind the CBDR principle to avoid ambitious climate action. This is the case for three reasons. First, China has assumed a greater leadership role in climate negotiations since Paris. Second, China has assumed a leading role in renewable energy generation globally. Third, China has adopted a plan to reach carbon neutrality by 2060. That being said, with China having one of the most major economies of the world and being the highest net emitter, its differentiation under the CBDR principle as a developing country is no longer warranted in the same way as prior to the Paris Agreement. Differentiation under the principle has now become more relevant for acknowledging the needs of the countries that are most vulnerable to climate

change, and recent climate policy tools, such as the loss and damage fund, demonstrate the remaining need for the CBDR principle as well as a continued need for China's leadership.

2.0 Situating the Research Problem in the Literature

2.1 The origins of CBDR and the Right to Development

The CBDR principle first originated in the 1990s (Zhang, 2022). Initially, the principle related closely to the concept of sustainable development (Ye, 2016). The 'right to development' was at the time newly recognized as a universal and inalienable human right as a result of the 1986 Declaration on the Right to Development, meaning that states were henceforth bound to uphold sustainable, economic, political, social, and cultural development at the national and international levels (Akram, 2019; Sengupta, 2004; Xigen, 2019). The tension between the right to development and environmental protection has been an ongoing question for academics and policymakers (Xigen, 2019). The link between the universal human right for development and environmental protection was namely established in the 1991 Beijing Declaration, which states that "the right to development in developing countries must be fully recognized and measures to protect the global environment should support the economic growth and development of developing countries, which have the right to use their natural resources in accordance with their developmental and environmental objectives and priorities" (United Nations, 1991; X. Wang et al., 2019). In this context, requiring all developing countries to adopt significant measures to protect the environment at the same level and rate as developed countries ran counter to the logic that developing states were entitled a right to develop, and consequently maintain or increase their GHG emissions level in the process.

It is in this context that the CBDR principle was formally coined and adopted at the 1992 United Nations Conference on Environment and Development in Rio de Janeiro (also known as the Rio Earth Summit). The conference can be considered as having established the foundation of today's climate change and biodiversity framework at a global scale (Tollefson & Gilbert, 2012). The Rio Declaration namely laid out 27 principles on the rights and obligations of countries on environmental protection and sustainable development (Schnoor, 1993). Of these 27 principles, Principle 7, which establishes the CBDR Principle, states that:

> 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. (United Nations, 1992a)

The Rio Summit established the UNFCCC, the main global framework that is "tasked with supporting the global response to the threat of climate change" (UNFCCC, 2023a). Article 3(1) of the Convention 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 capabilities.

> Accordingly, the developed country Parties should take the lead in combating climate change and the adverse effects thereof (United Nations, 1992b).

These landmark documents make it clear that the current global climate regime was founded on the recognition that some states ought to make more efforts to combat climate change than others due to their varying levels of development. Therefore, any agreement that is to take place within the UNFCCC must inevitably account for states' common but differentiated responsibilities. The way in which this has been integrated in climate negotiations throughout the last 25 years will be explored in sections 2.3 and 2.4.

2.2 Main components of CBDR

The CBDR principle is two-fold (Sands, 2012). First, it recognizes that states have a *common* responsibility to protect the environment[2]. Environmental resources, such as waterways, air, or species, know no national boundaries – the activities of one state can have an impact not only on its own environment, but also on the environment under other jurisdictions. To share a common good such as a safe global climate thus implies a common responsibility amongst states. The Rio Declaration specifically recognizes this common responsibility under Principle 2 (United Nations, 1992a). This common responsibility under the CBDR principle is not to be neglected – despite countries' differentiation, there remains a need for each state to bear their own responsibility over the common issue of climate change.

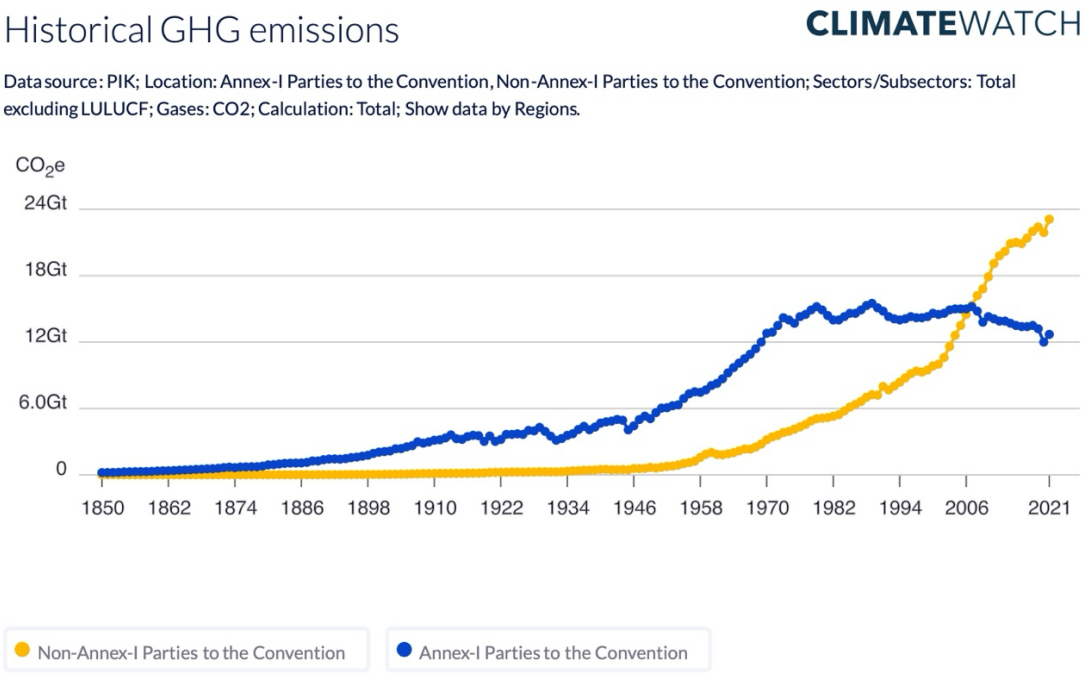
Second, states have *differentiated* responsibilities to protect the environment, meaning that some states bear greater responsibility than others to do so. This is because first, states do not and have not all equally *contributed* to the issue of climate change (Sands, 2012).

[2] In this case, 'the environment' is a term broader than 'climate change', and encompasses all land, air, and water resources and ecosystems.

Since the Industrial Revolution, human activity has increasingly had negative impacts on the world's climate; inevitably, the countries that have industrialized earlier in history have increasingly contributed to climate change. Figure 2 shows that developed countries (Annex I) have contributed to a much greater share of global CO_2 emissions than non-developed countries (non-Annex I) for most of history. Interestingly, however, this trend has reversed around the years 2006-2007 when non-Annex I countries became the largest net emitters of GHG emissions, with China becoming the largest global emitter. But it is important to note that there are various other measures of GHG emissions that speak for states' responsibilities for global GHG emissions, such as emissions per capita (see Figure 3) or emissions by consumption (see Figure 4). These show that the global climate is disproportionately impacted by a certain number of players, with top emitters being

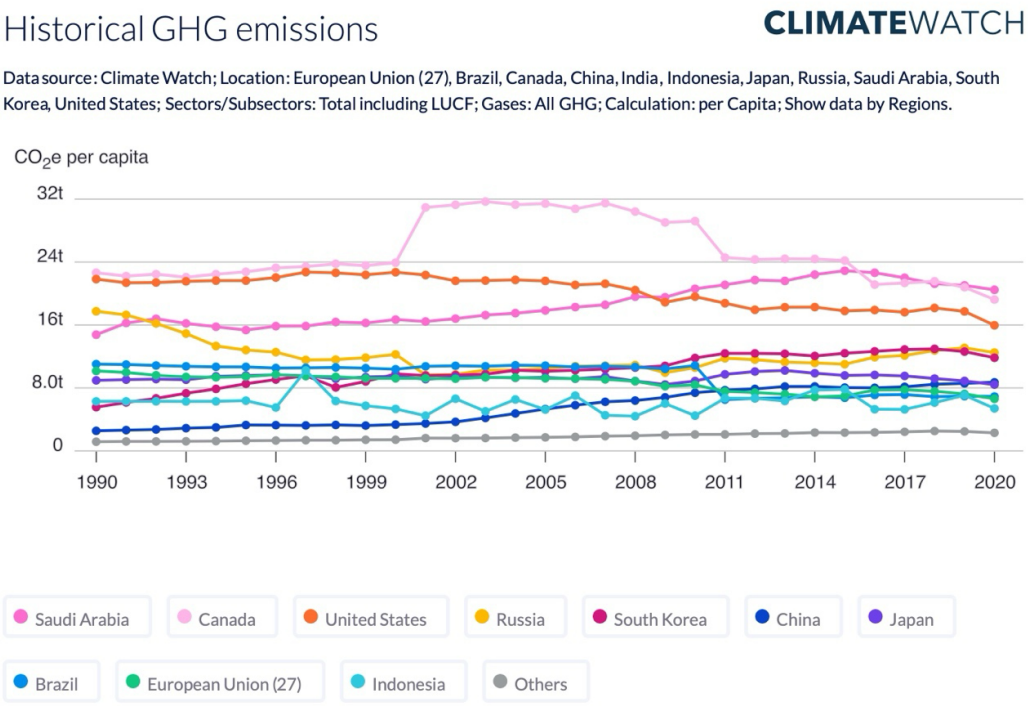
constituted of different countries from one measure to another. This makes differentiating states on the basis of their responsibility a contentious exercise.

Figure 2. Cumulative GHG emissions between Annex I and Non-Annex I countries (1850-2021)



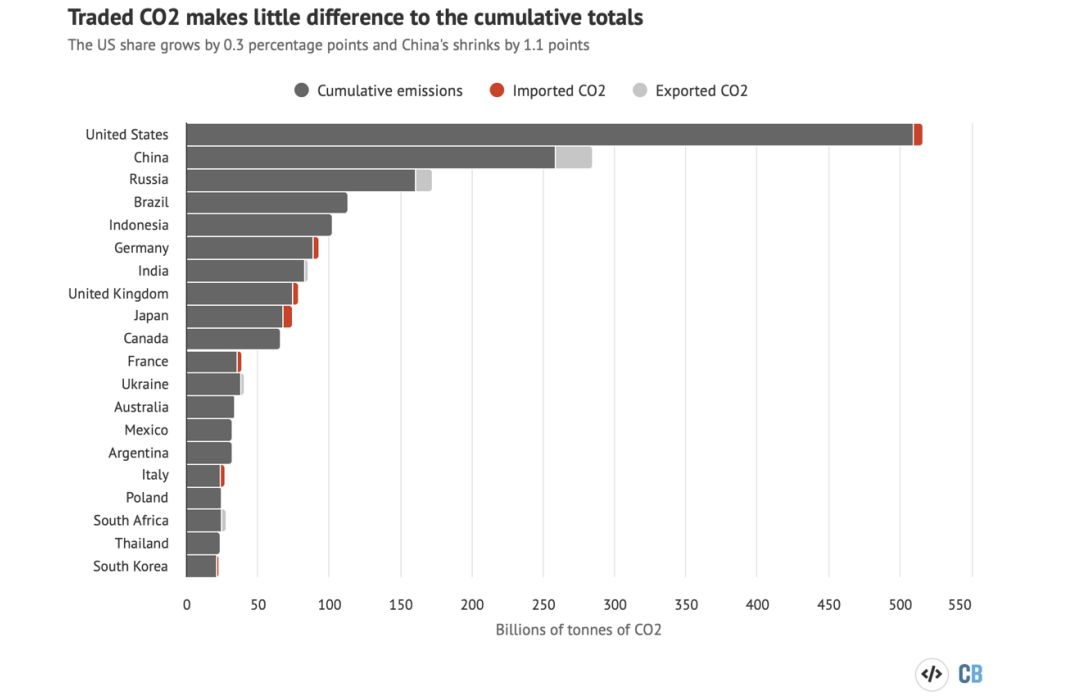
Source: World Resource Institute

Figure 3. Per Capita GHG Emissions of Top 10 Net Emitters (1990-2020)



Source: Climate Watch

Figure 4. Consumption-Based GHG Emissions (1850-2021)



The 20 largest contributors to cumulative consumption-based CO2 emissions 1850-2021, billions of tonnes. Grey bars show emissions on a territorial basis with exported CO2 shown in light grey and imports shown in red. Source: Carbon Brief analysis of figures from the Global Carbon Project, CDIAC, Our World in Data, Carbon Monitor, Houghton and Nassikas (2017) and Hansis et al (2015). Chart by Carbon Brief using Highcharts.

Source: Carbon Brief

The second element of the differentiated responsibilities implies that states do not all have an equal *capability* to respond to the issue of climate change through mitigation and adaptation measures (Sands, 2012). This relates to the "respective capabilities" stated in paragraph 3(1) of the Convention. There is no agreed-upon significance of the term 'capabilities', nor is there an agreed-upon significance of the relationship between responsibilities and capabilities when differentiating states in the global climate regime (Rajamani, 2018b). A common assumption of this concept consists of associating it to states' 'ability to pay' for mitigation measures (i.e., the opportunity cost for cutting down on fossil fuel production) or adaptation measures (i.e., the cost of limiting infrastructure

development in areas where sea level is expected to rise) (Klinsky et al., 2017). However, some authors, such as Wang and Gao (2018), conceptualize differentiated capabilities – especially as related to transparency in climate policy – by attributing it three components: institutional capacity, technical capacity, and experience reporting and participating under the UNFCCC (T. Wang & Gao, 2018). Others, such as Klinsky et al. (2017), go further by identifying five state characteristics: human development, economic capacity, resilience to climate impacts, governance capacity, and technical and innovation capacity (Klinsky et al., 2017). These varying conceptions show that a state's capability to mitigate and adapt to climate change is not easily quantifiable. Consequently, the categorization of states under the CBDR principle, according to either responsibility or capability or both, is clearly a subjective exercise, and it is even more contentious for emerging countries like China, which stand between developed and developing countries on much of these characteristics. Despite this, however, the existence of differentiation by capabilities under the CBDR principle, albeit murky in definition, adds a layer to the principle by allowing for a differentiation that goes beyond mere lack of political will from developing countries (T. Wang & Gao, 2018).

2.3 CBDR in Policy

In practice, the CBDR principle has served to differentiate states in different climate and environmental agreements to ensure that the means to solve a specific environmental issue were more equitable. Differentiation can take various forms in policy terms; Wang and Gao (2018) identify four: mitigation, technical or financial support, transparency, compliance. Mitigation-based differentiation implies that countries will adopt varying levels of stringency in their mitigation commitments. An example of this is in the 2015 Paris

Agreement, where countries set their own Nationally Determined Contributions (NDCs) by setting different levels of emissions reduction targets. International support-type of differentiation can take the form of technical or financial support. For instance, the Montreal Protocol, which aims at limiting hazardous substances that deplete the ozone layer, included provisions to provide financial assistance to developing countries through a multilateral fund and technology transfer to help developing countries buy technologies from private companies to fulfill their obligations (Aman, 1993; Luken & Grof, 2006). Transparency-based differentiation entails different reporting and monitoring expectations for developed and developing countries, whether by the frequency of reporting or the level of detail, which has been the case since 2010 under the UNFCCC (T. Wang & Gao, 2018). Compliance-based differentiation was used in the Kyoto Protocol, as Annex I countries (developed) had binding emissions targets, while non-Annex I countries (non-developed) had non-binding targets (Athya et al., 2019, p. 127; Ferreira, 2016, p. 345; Qiao-Franco, 2021).

The CBDR principle is an important guiding principle for achieving greater equity in the global climate regime, especially considering the way in which climate change disproportionately impacts states. In fact, countries who are less likely to have contributed to the state of the current climate are more likely to be increasingly impacted by the effects of climate change, generally because of their weaker socio-economic capacity and capability for adaptation (Fussel, 2010). In turn, the effects of climate change contribute to exacerbating global inequalities as it diminishes developing countries' economic output and increases that of wealthier countries, and with lower economic output, developing countries' ability to adapt is continuously weakened (Diffenbaugh & Burke, 2019). This

creates a vicious cycle between countries' socio-economic capacity and vulnerability to climate change. For these reasons, in the name of fairness and equity, it is difficult to achieve an international agreement if countries feel like the agreement does not reflect the disparate disadvantages, capabilities, and responsibilities of states, and the lack of consensus for measuring such metrics creates an additional challenge for agreements (Friman & Hjerpe, 2015). This makes differentiation under the CBDR principle not only a subjective exercise but also a very important one; it leads to important differences in environmental and climate policy application; thus its proper employment is key to generating consensus.

2.4 From Kyoto to Glasgow

There is broad consensus in the literature that the CBDR principle has evolved and translated to different forms of agreements throughout the years (Brunnée & Streck, 2013; Ferreira, 2016; McGee & Taplin, 2009, pp. 29–31; McGinn & Isenhour, 2021, p. 384; Peel, 2016; Qiao-Franco, 2021, p. 1080; Stalley, 2018, p. 158). The evolution of the Principle as described below can also be found in Table 1 of the Appendix. The start of this evolution can be traced back to the CBDR's first use in the Kyoto Protocol, which was the first agreement to be negotiated and reached under the UNFCCC. Broadly speaking, the Kyoto Protocol in 1997 established a binary form of differentiation by dividing countries under two categories, Annex I and non-Annex I countries, where the former were constrained by binding emissions targets and the latter non-binding targets (Athya et al., 2019, p. 127; Ferreira, 2016, p. 345; Qiao-Franco, 2021). The Protocol states that Annex I countries include all 'industrialized' (or developed) countries as well as "[c]ountries that are undergoing the process of transition to a market economy", such as Russia, Bulgaria, Czech

Republic, and Hungary (United Nations Framework Convention on Climate Change, 1997). Non-Annex I countries contains all countries which are not included in Annex I, including primarily countries from the Global South. States were differentiated under these two categories in three main ways (Rajamani, 2018a, p. 50):

1. Differentiation in emissions reduction targets and timetables;
2. Differentiation in implementation (i.e., compliance and reporting schedule, base year, non-compliance mechanisms); and
3. Differentiation in eligibility to provide or receive financial and technological assistance.

In a nutshell, the differentiation under the Kyoto Protocol meant that Annex-I countries had stricter and binding emissions targets, stricter implementation rules, and had to provide financial and technological assistance to non-Annex I countries; while non-Annex I countries had more lenient and non-binding targets, looser implementation guidelines, and were the recipients of financial and technical assistance.

This differentiation was key to obtain the consent of the Global South on the agreement (Jiang, 2022). However, it generated controversy amongst other parties to the Protocol, including the United States, who opposed the protocol because it "[exempted] 80 per cent of the world, including major population centres such as China and India, from compliance" (Bush, 2001; Jiang, 2022). The Kyoto Protocol is considered a failure to many due to the U.S. and other developing countries withdrawing their participation to the Protocol (Jinnah, 2017; Keohane & Oppenheimer, 2016), which hindered it from achieving its objectives of reducing global GHG emissions.

The next major change to the CBDR principle came with the Paris Agreement in 2015. In the meantime, the climate conferences that took place between Kyoto and Paris continued to include the CBDR principle, in such was that slowly shifted from a dichotomous form of differentiation to a more flexible one (Zhang, 2022). In the 2007 Bali Action Plan, G77 countries attempted to argue for further differentiation within developing countries based on GDP or emissions per capita as emissions disparities grew bigger between BASIC countries and the rest of developing countries, but BASIC countries refused to budge (Appleton et al., 2007; Jiang, 2022; Luomi, 2020; UNFCCC Secretariat, 2008). In the resulting Agreement, the language changed from 'Annex I/non-Annex I' to 'developed/developing' countries, and developing countries increased their responsibility by consenting to voluntary mitigation activities under Nationally Appropriate Mitigation Actions (NAMAs), which were eligible for financing under Monitoring, Reporting and Verification (MRV) (Jinnah, 2017).

The Copenhagen Accord in 2009 set the stage for the Paris Agreement and the latter's bottom-up, Nationally Determined Contributions (NDCs) (Luomi, 2020). However, the Copenhagen Accord was considered to be a failure as countries could not reach consensus on a new legally binding agreement, namely due to disagreements on how to differentiate between countries on the basis of equity (Clémençon, 2016; Dong, 2017; Dubash, 2009; Ferreira, 2016; Kolmaš, 2023). The CBDR principle was reinstated in the Accord, specifically through mitigation and climate finance. Industrialized countries had to submit their emissions reduction targets for 2020, while developing countries were to submit NAMAs (UNFCCC, 2009). In addition, the Accord's language created a three-tiered type of differentiation: the Agreement stated that developed and developing countries "*will*

implement mitigation actions" while Least Developed Countries (LDCs) and Small Island Developing States (SIDS) "*may*" implement mitigation actions "voluntarily and on the basis of support" (Jinnah, 2017; UNFCCC, 2009). On the finance front, the Accord established a $100 billion target by 2020 for climate financing to developing countries, with priority to LDCs, SIDS, and African countries (Jinnah, 2017; UNFCCC, 2009). The agreement was criticized by many, namely for its non-binding nature as well as its inability to reconcile ongoing North-South tensions (Dubash, 2009; Luomi, 2020).

The Cancun Agreements in 2010 built on the existing conception of the CBDR principle and established a Green Climate Fund, a Technology Mechanism for development and transfer, as well as an Adaptation Framework which aims to "enhance action on adaptation" and explicitly takes "into account [states'] common but differentiated responsibilities and respective capabilities" (Luomi, 2020; Rajamani, 2018a; UNFCCC, 2011). Developing countries continued to be differentiated from developed ones by being encouraged but not obligated to submit emissions reduction plans.

The most major turning point for the CBDR principle took place at the 2015 Paris Climate Conference, COP 21. The binary type of differentiation, as was conceptualized under the Kyoto Protocol, completely changed with the Paris Agreement, which introduced Nationally Determined Contributions (NDC) and abolished the 'Annex' language. From there, *all* states self-determined their emissions targets and their reporting and monitoring methods, 'in the light of different national circumstances' (Brunnée & Streck, 2013; Ferreira, 2016, p. 346; Peel, 2016, p. 248; Tørstad & Sælen, 2018; UNFCCC, 2016; Voigt & Ferreira, 2016, p. 303). This wording came directly from a joint statement released by China and the U.S. prior to the conference. Ahead of COP 21, the two leaders attended

bilateral meetings and announced a series of joint measures on a variety of climate-related issues, such as emissions reduction targets, inefficient fossil fuel subsidies, and clean energy research and innovation in order to facilitate global consensus and ambition. The announcement states that the two leaders "are committed to reaching an ambitious 2015 agreement that reflects the principle of common but differentiated responsibilities and respective capabilities, *in light of different national circumstances*." (White House, 2014, our emphasis). Interestingly, nearly the same wording is employed in the Paris Agreement under its third paragraph (UNFCCC, 2016). This bilateral meeting arguably contributed to the success of the Paris Agreement (Jiang, 2022).

This wording led to a bottom-up type of differentiation, where states were to self-determine their level of ambition for climate mitigation (Wang & Gao, 2018). The erasure of the Annex language, and the inclusion of 'national circumstances', means that there was now more space for differentiation within developing countries, such as between emerging and rising powers (i.e., BASIC countries), least developed countries, as well as countries that are most affected by the adverse effects of climate change. For instance, paragraph 5 of the Agreement states that it recognizes "the specific needs and special circumstances of developing country Parties, especially those that are particularly vulnerable to the adverse effects of climate change", and paragraph 6 recognizes "the specific needs and special situations of the least developed countries about funding and transfer of technology" (UNFCCC, 2016). The CBDR under the Paris Agreement is also understood as applying to *all elements* of the Agreement, as was requested by BASIC countries ahead of the Conference (BASIC countries, 2021). The agreement thus includes differentiation for

mitigation, adaptation, finance, technology, capacity building, and transparency (Rajamani, 2018a).

Finally, the Glasgow Conference, which took place in 2021, included a commitment to phase down coal and inefficient fossil fuel subsidies, and the completion of the Paris Agreement's rulebook for market mechanisms, transparency and reporting of climate ambition, and support provided such as for loss and damage (UNFCCC, 2022). The Glasgow Climate Pact recognizes CBDR in a similar manner as the Paris Agreement, in light of different national circumstances, and 'urges' developed countries to aid with, and provide financial support, technology transfer, capacity-building, mitigation and adaptation. It also encourages other parties (non-developed countries) to voluntarily provide such support (UNFCCC, 2022; Yan, 2023). We see that from Kyoto to Glasgow, differentiation became more flexible and less binary, allowing for increased responsibility from developing countries.

2.5 Building consensus or masking poor ambition?

The meaning attributed to CBDR throughout the years sparks debate amongst scholars on whether these developments are beneficial to climate governance. Pessimists hold that the CBDR principle has historically generated more disagreements within developed and developing countries as each state attaches different meaning to it (Kolmaš, 2023). In addition, some argue that the CBDR principle, when applied, loses its essence; for instance, Rosencranz and Jamwal (2020) claim that the Clean Development Mechanism (CDM) under the Kyoto Protocol constitutes a 'right to pollute' for developed countries, as it allows them to maintain or increase their emissions while investing in clean energy projects in developing countries, which the authors believe runs counter to the essence of the CBDR

principle (pp. 292, 293). Finally, many consider that the CBDR principle holds little-to-no legal significance because its defining criteria is not sufficiently robust nor transparent enough (Kolmaš, 2023; Leclerc, 2021; Will & Manger-Nestler, 2021). There are thus serious doubts on the relevance and benefits of the Principle for climate action.

Optimists, in turn, argue that the self-differentiation approach of the Principle since Paris is rather favourable because it leads to greater consensus and momentum in climate politics; the fact that it is a more politically viable option than Kyoto's binary differentiation means that it generates more climate action and gives it centrality to the global climate regime (Clémençon, 2016, pp. 17–18; Stalley, 2018, p. 157; Voigt & Ferreira, 2016, p. 303; Zhang, 2022). In addition, contrary to critics who claim that its meaning has been diluted following its enhanced adaptability, some authors claim that it holds important normative power (Shapovalova, 2020) and allows for a more flexible interpretation (Ferreira, 2016, p. 346; Shapovalova, 2020; Voigt & Ferreira, 2016, p. 297). Because of this flexibility, Zhang (2022) argues that the CBDR principle helps developing countries assume greater responsibility. In this light, the CBDR principle is said to lead to more durable agreements (Clémençon, 2016). According to these perspectives, the Principle serves the global climate regime well despite allowing developing countries to adopt less stringent climate targets.

Considering the rapid economic development of BASIC countries, there are also concerns about how the CBDR principle should be applied to differentiate countries like China in climate governance in such way that generates consensus and brings about real global emission reductions (Clémençon, 2016; McGee & Taplin, 2009, p. 43; Peel, 2016, p. 248; Qiao-Franco, 2021, p. 1080). BASIC countries are amongst the top emitters of CO_2

in the world (Brunnée & Streck, 2013, p. 591), yet they continue to differentiate themselves from developed countries in climate negotiations by setting lower targets, which has created dissatisfaction amongst both developed and developing countries (Brunnée & Streck, 2013, p. 591; Clémençon, 2016, p. 5; Hamdi-Cherif & Waisman, 2016, p. 673; Jiang, 2022; McGee & Taplin, 2009, p. 43; Okereke, 2008, p. 45; Olmstead & Stavins, 2012, pp. 69, 70). There is thus a lack of agreement on how BASIC countries should fit into the current global climate regime, especially considering the now-flexible meaning of the CBDR principle.

The existing literature does not directly address this specific question. Some authors (Abeysinghe & Arias, 2013; Brunnée & Streck, 2013; Jinnah, 2017; Jolly & Trivedi, 2021; Kolmaš, 2023; Leclerc, 2021; Okereke, 2008; Rajamani, 2018a; Rosencranz & Jamwal, 2020; Shapovalova, 2020; Stone, 2004; Zhang, 2022) have written about the evolution and developments of CBDR in the global climate regime and whether or not the principle works the way it is intended to. Others (Hamdi-Cherif & Waisman, 2016; Jiang, 2022; Liu & Raven, 2010; Qiao-Franco, 2021; Stalley, 2013; H. Wang et al., 2021; Yang, 2022; Ze et al., 2023) have explored China's climate ambition, or how emerging countries, including China, have made use of the CBDR principle at various points in history. But there is a lack of exploration of what to make of BASIC countries' role in a global climate regime that does not provide clear guidelines for differentiating between countries' level of responsibility.

In addition to this, geopolitical tensions between the West and China have made way for an increasingly negative view of China, its foreign policy, and its human rights practices from a Western perspective (Silver et al., 2022, 2023). By making this point, I do not wish

to fully dismiss the fact that China does partake in harmful policies – such as the incarceration and mistreatment of Uyghurs – and contributes to high levels of emissions which generate harmful impacts for humans and ecosystems, domestically and abroad. Rather, I wish to point to this perception as it brings about further questions as to China's perceived and actual role in climate governance. Should China be looked down upon for pretending to be a climate victim while it should bear greater responsibility? Or has China contributed to climate ambition more than is claimed by the West? In light of these reflections, my research aims to fill a gap in the literature as to how the position of China in the global climate regime can be conceptualized, keeping in mind the current adaptability of the CBDR principle. Hence, my research aims to uncover: Has the CBDR principle allowed China to hide from climate ambition?

3.0 Methodological Approach

The analysis in this paper contains two components: an integrative literature review and a case study. An integrative literature review is "a form of research that reviews, critiques, and synthesizes representative literature on a topic in an integrated way such that new frameworks and perspectives on the topic are generated", and that "includes all studies that address related or identical hypotheses or research problems" (Labaree, 2023). The integrative literature review, found in the previous section, aims to understand the CBDR principle's evolving status in global climate governance, how the principle has impacted climate ambition, as well as the debates that surround its use. The documents reviewed to conduct the literature review include academic publications that discuss and evaluate the CBDR principle and climate agreements; academic publications that analyze the practices and role of developing countries in global climate politics; news articles and journals on

UNFCCC negotiations; and climate agreements themselves. The secondary literature served to provide a picture of the CBDR's meaning, design, and use in climate negotiations, as well as the debates surrounding its effects and efficacy. It also helped put into context the COP meetings, namely on whether they were considered a success or a failure, and on what basis; this helped contextualize if the CBDR principle generated consensus or friction, and if there were external factors that played a role on the outcome of agreements. In the primary literature, I have looked for specific mentions of the CBDR principle, and broader mentions of equity and differentiation between countries based on their level of development. This has helped me find how equity was designed into agreements on the basis of CBDR, specifically as to which basis states were categorized on, as well as the purpose of their differentiation (i.e., level of stringency of emissions reduction, financial contribution, etc.).

The case study, found in section 4, serves to analyze how China has associated to the CBDR principle in climate negotiations as well as its level of climate ambition to understand if it has used CBDR to avoid climate ambition. To conduct the case study, I have conducted a combination of discourse analysis and historical analysis. Although there is no agreed-upon methodology for conducting discourse analysis in international relations (Holzscheiter, 2014; Milliken, 1999), discourse analysis is simply defined as "the study of the meanings we give language and the actions we carry out when we use language in specific contexts" (Gee, 2023; see also Hodges et al., 2008). The discourse analysis carried in this research reflected the critical policy discourse analysis approach, which views language and discourse as "being partly constitutive of social practices, particularly policies – which are therefore always contingent", and focuses specifically on power

relations (Blommaert & Bulcaen, 2000; Montesano Montessori, 2023). This approach namely helped understand the continuities and changes in China's identity and role in the global climate regime since Kyoto, in relation to other countries and in the context of equity in climate governance (Milliken, 1999). As part of the discourse analysis, I have analyzed the language adopted by China in the context of climate negotiations through official publications from the Chinese government, such as joint statements and press releases. In this data, I have specifically looked at how China conceptualizes itself in global climate negotiations, whether as a developing or emerging country, or whether as a victim of climate change or as a leader. I have looked at how China positions itself in opposition to other countries when it mentions the CBDR principle or principles of equity. I have also looked at how China partners with other countries in negotiations, namely with developed, developing, or BASIC countries.

As an example, during COP 26 in Glasgow, the Chinese government mentioned in a press conference that it would support the establishment of a loss and damage fund, but that it should not be obligated by the international community to contribute to the fund as a donor, clearly stating its position as a leading yet developing country:

> "We strongly support the claims from developing countries, especially the most vulnerable countries, for claiming loss and damage compensation because China is also a developing country and we also suffered a lot from extreme weather events… It is not the obligation of China [to financially contribute to the fund] but we are willing to make our contribution and make our effort." Xie Zhenhua, China's chief climate negotiator (Dickie & James, 2022)

This quote from China's chief climate negotiator shows the ambiguous, dual nature of China's position in the global climate regime (Jiang, 2022; Pan, 2022; Yang, 2022). On the

one hand, China differentiates itself from developed countries by claiming that China is a developing country, and that there is *no obligation* for China to contribute financially to the fund. On the other hand, China being *willing to make a contribution and effort* demonstrates its position as a leader in the regime and differentiates it from other developing countries.

The discourse analysis in this paper was complemented by a historical analysis. Historical analysis, or historiography, is defined as "the writing of history based on a selective, critical reading of sources that synthesize particular bits of information into a narrative description or analysis of a subject" (Thies, 2002). This combination of discourse and historical analysis is consistent with Lundborg & Vaughan-Williams' post-structural approach to discourse analysis, which promotes the inseparability of materiality and discourse to understand International Relations (Lundborg & Vaughan-Williams, 2015).The historical analysis in this paper helped trace the evolving role that China has played in global climate diplomacy and put into context the discursive data by providing an understanding of the changing relationships between China and other countries (developed, developing, BASIC), of the significance of each meeting in their historical context, as well as the domestic policies that China has undertaken. To conduct the historical analysis, I reviewed academic publications on climate agreements and on China's role in climate politics, news articles and journals on UNFCCC negotiations, as well as climate agreements. The article titled *Revisiting "Leadership" in Global Climate Governance: China's Normative Engagement with the CBDRs Principle* by Jiang (2022) was especially helpful in framing my research. I also analyzed the level of ambition of China's climate plans in recent years to assess if its use of the CBDR principle has

contributed to climate action that is better adapted to its development needs, or if it has been used to hide behind insufficient commitments. I have looked at its most recent climate plans, as well as announcements on different climate-related measures, such as on energy and natural resource extraction.

The timeframe of this research paper focuses on the major COP negotiations that occurred between 1997 and 2021. The timeframe starts in 1997 as the Kyoto Protocol was the first significant utilization of the CBDR principle to differentiate between Annex I and non-Annex I countries (Clémençon, 2016, p. 4). The timeframe ends in 2021 as the claims made in this paper require an analysis of the most recent country positions and developments in international climate governance, which are taken from the COP 26 that took place in Glasgow in 2021.

4.0 CBDR in Practice: The Case of China

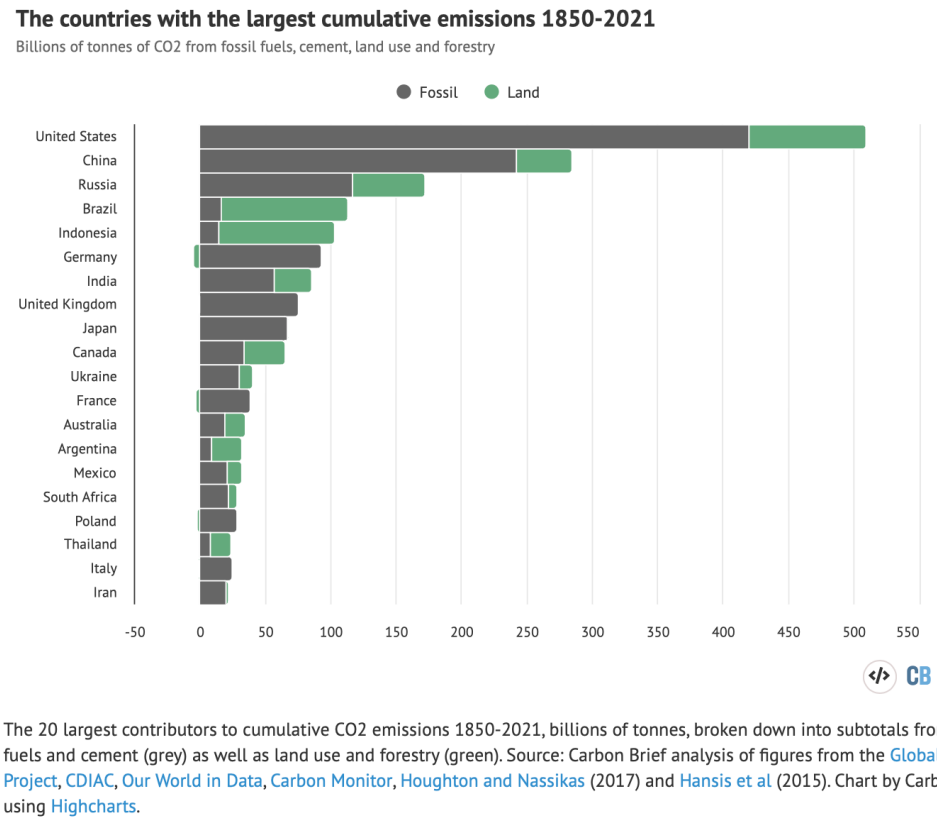
4.1 China's climate profile

The case of China as it relates to the evolution of the CBDR principle is telling because of its ambiguous position in the global climate regime. Typically considered as a geopolitical great power (Medeiros, 2019), China has had a different developmental trajectory from Western emitters, as it has started contributing to global GHG emissions later on and at a different rate (see Figure 2 on historical GHG emissions). In 1997, China was classified as a non-Annex I country under the Kyoto Protocol, which was based on OECD's measure of economic development (UNFCCC, 2023b). China has also consistently allied itself with developing countries in climate negotiations (Joselow et al., 2022; Li et al., 2013). Recent development measures show that China finds itself between higher-income countries and middle-income countries. According to GDP per capita, China

ranks lower than high-income countries, but higher than lower- and middle-income countries (World Bank, 2023b). Under the Human Development Index (HDI), China ranks as 'high' at the 79th place; its HDI has significantly increased since the 1990s, by nearly 60% (United Nations, 2022), a growth consistent with its GHG emissions growth. China's classification under the CBDR principle is thus murky due to its ambiguous status as an emerging and arguably nearly-developed country.

China has contributed a great amount to global GHG emissions since the 1990s. Looking only at yearly net emissions, China has been the greatest net emitter of GHG emissions since 2006 (Climate Watch, 2023). In terms of net cumulative emissions, China ranks second globally after the United States (see Figure 5). However, amongst the 10 highest net emitters, China stands as the sixth highest per capita emitter (see Figure 3). Necessarily, not all measures of GHG emissions lead to the same country ranking, which can generate disagreements on how to quantify responsibility. Some could argue that the planet does not care about emissions per capita measures, or emissions per GDP measures, since net emissions will have the same effect on the global climate regardless of their origin. However, speaking in equity and human development terms, each individual should be entitled to a similar level of GHG emissions to live (Hayward, 2007), which would mean that countries with a higher per capita emissions count, such as Qatar, Bahrain, Saudi Arabia, Australia and Canada, are increasingly to blame (World Bank, 2023a).

Figure 5. Countries with the Largest Cumulative Emissions (1850-2021)



The 20 largest contributors to cumulative CO2 emissions 1850-2021, billions of tonnes, broken down into subtotals from fossil fuels and cement (grey) as well as land use and forestry (green). Source: Carbon Brief analysis of figures from the Global Carbon Project, CDIAC, Our World in Data, Carbon Monitor, Houghton and Nassikas (2017) and Hansis et al (2015). Chart by Carbon Brief using Highcharts.

Source: Carbon Brief

The size of China's economy can also partly speak for its respective capability – China's economy is the second largest in the world, although its GDP per capita does not compare to those of major Global North countries (Liu & Raven, 2010). Speaking economic capability only, it can be argued that China is economically capable of responding to the climate crisis. However, following Klinsky et al. (2017) 5 elements of capability (human development, economic capacity, resilience to climate impacts, governance capacity, and technical and innovation capacity), this is only a part of the picture.

In climate negotiations, China holds a unique position; that of a dual actor who is neither a fully developed country nor a fully developing country, but who is yet accountable to

both groups of countries (Jiang, 2022; Pan, 2022; Yang, 2022). In fact, China is said to face dual pressure in climate negotiations because, on the one hand, developed countries will scale down their climate ambition if they feel like China is not contributing enough to the global effort. On the other hand, developing countries hold China accountable as they feel like they are direct victims of the repercussions of China's GHG emissions (Pan, 2022). China is thus accountable to both groups of countries.

4.2 China's use of the CBDR principle

There is a tendency to perceive China's use of equity principles in international climate negotiations as a way for it to dial down on ambition and pursue self-interest and economic interests (Stalley, 2013; Wu, 2016). Although some of China's actions in the global climate regime point in this direction, the picture is more nuanced than this. Over the decades, China's role in climate politics has shifted in a similar rhythm to the shifts taking place in the UNFCCC, and many scholars (Dong, 2017; Stalley, 2013; Yang, 2022) attribute this change in China's position as a result of domestic politics. Overall, China has gone from conceptualizing itself from a victim of climate change (from Kyoto to Copenhagen), to a leader of the global climate regime (starting at the Paris Agreement) (Dong, 2017; Pan, 2022; Wu, 2016; Yang, 2022). This is true for both its domestic climate policies as well as its discursive practices in global climate negotiations. Accordingly, China's position and conceptualization regarding the CBDR principle have evolved in the same manner. The evolution of China's role and climate ambition is also found in Table 1 of the Appendix.

From the very beginning of the UNFCCC, China was a leader amongst developing countries who pushed for the adoption of the CBDR principle as a foundational principle within the UNFCCC (Stalley, 2013). At COP 3 in Kyoto, China formed a united front with

developing countries during the negotiations and argued for developed countries to lead climate mitigation efforts while developing countries were to be bound by no commitments (Jiang, 2022; Stalley, 2013). Under the Protocol, China was classified as a non-Annex I country, and was therefore not bound by any mitigation targets (United Nations Framework Convention on Climate Change, 1997). As a result of this categorization, China was also a valid recipient of any financial or technological transfer. This included receiving credits under the Clean Development Mechanism (CDM), which allowed Annex I countries to buy GHG reduction projects in non-Annex I countries to offset their emissions (United Nations Framework Convention on Climate Change, 1997). By the time of the 2010 Conference in Cancun, China hosted approximately half of UNFCCC's CDM investments, making it the most important recipient of CDM credits (Li et al., 2013).

At COP 13 in Bali and COP 15 in Copenhagen, pressure grew from developing countries – namely the Alliance of Small Island States (AOSIS) – for China and other emerging countries to be differentiated from the rest of developing countries and assume greater responsibility in the UNFCCC. In fact, in the early 2000s, the emissions gap within non-Annex I countries was growing significantly, leading developing countries to require further differentiation within their group (Bangladesh, 2008). In the face of this pressure, China worked closer to BASIC countries through bilateral meetings and multilateral forums to gain negotiation power and avoid being grouped with developed countries for greater climate leadership (Jiang, 2022). For instance, in Copenhagen, BASIC countries threatened to walk away from the Agreement if further differentiation were to be imposed on them (Hochstetler & Milkoreit, 2014). China also conceptualized itself as a 'climate victim' and refused to accept binding emissions targets (Hochstetler & Milkoreit, 2014;

Yang, 2022; Yu, 2016; Zhenhua, 2010). This made China remain in the developing countries' category, bearing low responsibility in the climate regime.

However, China and other BASIC countries were not exclusively obstructionist and uncooperative to driving climate action during this time (Hochstetler & Milkoreit, 2014). Between Kyoto and Paris, China and other BASIC countries acknowledged the fact that they could no longer hide under the CBDR principle to avoid commitments in the long run, and that their participation and ambition were key to global agreements; this is true when looking at the Copenhagen Accord, whose failure was attributed to lack of ambition from both developed and developing countries (International Institute for Sustainable Development, 2009). Prior to the Bali conference, China released its 5-year climate plan, the first climate change plan from any developing country, and committed to reducing its GHG emissions per GDP by 40-45% below 2005 level (Hallding et al., 2011; Jiang, 2022; Li et al., 2013). At the conference, China agreed for the first time to set non-binding GHG reduction targets (Jiang, 2022). China also promised, in Copenhagen, to voluntarily provide financial assistance to developing countries (Zhenhua, 2010). Up until this period, relying too heavily on the CBDR principle has halted global climate ambition, not only from BASIC countries but also from other countries who have been left with no agreement during this period.

The Paris Agreement was both a turning point for the CBDR principle as well as for China's leadership. Although it continued to reiterate its position as a developing country with less historical responsibility under the CBDR principle, China assumed a significant leadership role in the making of the Paris Agreement (Jiang, 2022). It was seen as a leader, active participant and promoter of the Agreement (Dong, 2017; Pan, 2022). As previously

mentioned, China met bilaterally with the U.S. ahead of the Agreement to generate momentum and constructed NDCs as "in light of different national circumstances", which is seen by many as having contributed to the success of the agreement. China agreed to adopt voluntary NDCs and put them under binding review (Wu, 2016). These included peak emissions and carbon neutrality targets, participation on emissions trading with the EU, and providing significant amount of financial aid (Department of Climate Change, National Development and Reform Commission of China, 2015; Yang, 2022).

China's climate ambition leading up to, and during, the Paris Conference, is commonly attributed to Xi Jinping's work; since he became President, he claimed to work towards making China a leader on the world stage (Yang, 2022). This increased leadership role is even more significant considering that China has not backed down from the Agreement nor its commitments even after the U.S.'s withdrawal from the Agreement under Donald Trump, which consisted of a leadership test for China (Dong, 2017; Yang, 2022).

It could be argued that China has scaled down its ambition since the Glasgow Conference in 2021. It refused to sign an agreement aimed at limiting methane emissions, and has instead promised to develop a national plan to address these emissions (BBC, 2021). In addition, in the final hours of the Glasgow Conference, China, along with India, pushed to tone down the language from 'phasing out' to 'phasing down' unabated coal, making the commitment less stringent (International Institute for Sustainable Development, 2021). China still grouped with developing countries to establish a loss and damage funding facility to help developing countries cope with the adverse effects of climate change, which was later adopted at COP 27 in Sharm El Sheikh (Abnett, 2022). Its

current position in the global climate regime is at a crossroads; it is to be seen if China will continue its leadership trajectory.

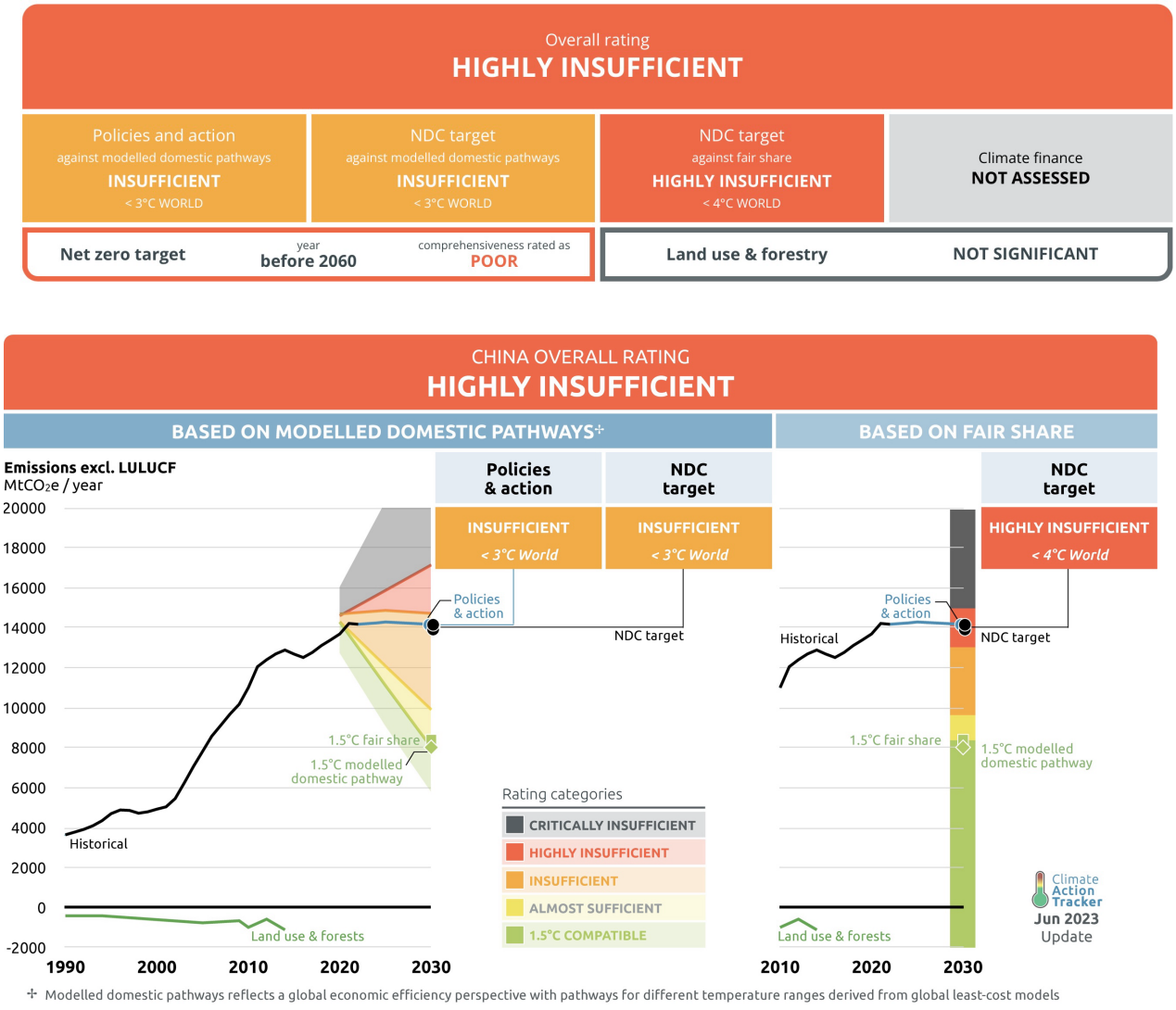
4.3 China's current climate ambition

While it is impossible to conduct a complete and thorough, cross-sectoral analysis of China's climate policies, an overview of its existing climate plan, and analyses provided by the Climate Action Tracker, International Renewable Energy Agency, and International Energy Agency, can provide a picture of where China stands on climate mitigation. China's first climate plan, published in July 2007, was the first developed by a BASIC country. The plan included legally binding targets on reducing emissions intensity by 20% by 2010 according to 2005 levels, and the adoption of the *Renewable Energy Law*, which aimed for the expansion of the renewable energy ratio from 5% in 2005 to 15% in 2020 (Hallding et al., 2011). This was the start of China setting achievable climate targets. Over time, China has developed a reputation for achieving its climate targets – for instance, it has already achieved its goal of reaching a 25 per cent of its energy mix to be from renewables, which had a 2030 deadline (Friedman, 2023).

China's current climate plan rests on its Mid-Century Long-Term Low Greenhouse Gas Emission Development Strategy (LTS) established in 2021, which China presented to the UN General Assembly (UNGA) in 2022 (Climate Action Tracker, 2023; UNFCCC, 2021). This strategy plans for China to peak its CO2 emissions by 2030, with carbon neutrality to be reached by 2060 (UNFCCC, 2021) – note that this addresses CO2 emissions, but not other types of greenhouse gases. Currently, this target is deemed highly insufficient in limiting global temperatures to rise above the Paris two-degree target (See Figure 6; also see Carlson et al., 2021; Climate Action Tracker, 2023). Areas to improve China's climate

ambition include the addition of targets for international aviation and shipping, a smaller reliance on external offset credits, clearer carbon-removal targets, the coverage of all GHGs, and increased transparency (Climate Action Tracker, 2023). On international aviation, China has continuously argued for the International Civil Aviation Organization (ICAO) to follow principles of equity and CBDR and allow countries to set their own emissions reduction schemes (Argentina, Brazil, China, India, Panama, Russian Federation and Saudi Arabia, 2016; Shengjun, 2019).

Figure 6. China's Climate Plan is Insufficient to Reach Paris Agreement Target



Source: Climate Action Tracker (2023)

Another part of the picture is China's role in the global production and consumption in renewable and non-renewable energy. China is the biggest producer and consumer of energy globally (International Renewable Energy Agency, 2022a), which represents both a challenge and an opportunity in itself. When it comes to renewables, China is the world leader in the production of solar energy, and a leader in electric vehicles (Friedman, 2023;

Lai, 2021). Additionally, China is a main driver in renewable energy growth globally – it is estimated that it has contributed to 34 to 53 per cent of global annual growth in renewables from 2013 to 2021 (International Renewable Energy Agency, 2022b). China's leadership in renewables is key for it to meet its climate targets, but this is very dependent on the electrification of its end-use sectors (International Renewable Energy Agency, 2022a). Renewable energy is a crucial piece of the climate action puzzle; China holding such a leading role in this sector means that it does contribute to advancing global efforts to mitigate climate change.

However, a major obstacle to China's climate ambition is its heavy reliance on coal. Coal is the main source of primary energy in China (International Renewable Energy Agency, 2022a). China's consumption continues to rise to this day as China has approved the construction of new coal plants, mentioning energy security as a justification (Friedman, 2023; Hayley, 2023). China also invests significantly in overseas fossil fuel projects (Yang, 2022). Although its reliance on coal can be directly attributed to the fact that China has had a delayed industrialization and hence delayed climate action, China still cannot contribute to a 2-degree Celsius future with its current trajectory in the coal sector. In this sense, it can be argued that China's identity as a non-developed country is reflected in its fossil fuel use.

China faces multiple obstacles to achieving green growth. Institutionally, China has a fragmented government structure, gaps in compliance and enforcement bodies, and weak social infrastructure for a just transition (Li et al., 2013; Yang, 2022). Economically, China lacks in incentives and disincentives capacity, and as of 2022, half of its investments in R&D were attributed to sectors that are incompatible with its net zero targets (International

Renewable Energy Agency, 2022a; Li et al., 2013). Structurally, China faces important environmental impacts and pollution, wide regional disparities in access to energy, and its economy relies heavily on high-polluting sectors such as iron and steel making, cement and petrochemicals (International Renewable Energy Agency, 2022a; Yang, 2022). These barriers to climate ambition validate China's position as distinct from the developed group. Despite its newly adopted leadership role in climate negotiations, China still has a long road ahead to meaningfully contribute to global climate mitigation efforts, especially as it contributes to 28% of global GHG emissions (World Bank, 2021).

5.0 Discussion: Is the CBDR Principle Still Relevant?

As previously mentioned, there remains a lack of understanding of how emerging countries fit into the present global climate regime, considering the flexible meaning of the CBDR principle. According to Pan (2022), the CBDR principle should be 'diluted and weakened', as it is no longer necessary to explicitly emphasize the principle and sufficient to merely understand it and "sympathize with the situation and interests of the least developed countries and give moral support" (p. 313). However, by evaluating China's climate ambition and historical trajectory in the global climate regime, this point proves to be irrelevant.

In fact, looking at the way China has shifted its position throughout the years as the CBDR principle has helped differentiate countries in a more nuanced way, it would be incorrect to assume that China has fully hidden behind the CBDR principle to avoid committing to significant climate action. In the first decades of the UNFCCC, China identified itself as a developing country and victim of climate change, which has served it delay commitments to phase out fossil fuels and lower emissions. In the last decade,

especially since COP 21 in Paris, China has assumed a greater leadership role, not only by assuming greater responsibility and sticking to the Agreement despite the U.S.'s withdrawal, but also by adopting more serious climate plans (Climate Action Tracker, 2023; International Energy Agency, 2021) and leading on global renewable energy generation (International Renewable Energy Agency, 2021). Considering this now prominent role for China, it can no longer differentiate itself as a developing country under the CBDR principle. This does not mean that the CBDR principle has lost its significance; on the contrary, it remains as important to address the needs of the most vulnerable to climate change in adaptation and loss and damage.

It is true that the CBDR principle has allowed China to use its position as a developing country, or as a victim of climate change, to delay the adoption of climate targets in the beginning of the global climate regime, to avoid the phasing out of fossil fuels, and to be on the receiving end of financial transfers. There are two consequences resulting from this, or rather, two developments following this dynamic. First, China's emissions have significantly grown since the beginning of the global climate regime and positioned it as the most important GHG emitter. Second, as it has increased its emissions, China has increasingly adopted the position of a leader, in both its ambition and its negotiation role. It is fair to assume that this latter is a result of increased pressure from both developed and developing countries. But it may as well be a result of the CBDR principle helping China reach a higher level of development, enough that it could start adopting bolder climate policies and investments in renewable energy.

At the same time, the CBDR's now flexible meaning makes it easier for each country to set targets and participate to financial and technological transfers in such way that is

adapted to their specific national circumstances (Yu, 2016); the binary differentiation under Kyoto was not nuanced enough, which lead to major disagreements and barriers to progress. Under this new meaning, emerging countries can no longer 'hide' behind the CBDR principle to tone down their ambition, and the way in which China has redefined its position has given the principle continued significance. The 'respective capabilities' of CBDR also automatically creates the right conditions for emerging countries to gradually augment their ambition and mitigation targets, and least developing ones to receive greater financial and technological assistance.

China's primary role in the renewables market and the size of its economy forces it to assume greater responsibility in the global green transition as it now has a greater respective capability to act. It can therefore be reasonable to expect it to be bound by the same rules as developed countries for mitigation, evaluation, and reporting. When it comes to providing financial support to the countries that are more vulnerable to climate change, China finds itself in a privileged position for having more proximity with developing countries than developed countries (Pan, 2022). A common argument for Western countries such as Canada is to claim that Western investments in developing countries' green growth– for instance in the critical minerals sector or through infrastructure initiatives – are superior to those of China as the latter are conducted without respect for human rights. Although this is not entirely unfounded (Business & Human Rights Resource Centre, 2023; Human Rights Watch, 2021), developed countries are not entirely isolated from this as well – as the case of Canadian mining company Dynasty Gold Corp allegedly using the forced labour of Uyghurs can speak for, for instance (Global Affairs Canada, 2023). In addition, developed countries have also proven to be widely insufficient in providing the necessary

funds to developing countries to mitigate and adapt to climate change, as the unsuccessful $100 billion by 2020 pledge illustrates (OECD, 2022). Given the severity of the crisis, the financial and technical contributions of China to vulnerable states for mitigation, adaptation, and loss and damage should not be unwelcome, and it should increasingly be held accountable for its financial contributions.

By claiming that China has not exclusively used the CBDR principle to lower climate targets, I do not claim that China has adopted sufficient and adequate climate targets. It cannot be stressed enough that China's climate ambition remains insufficient to adequately limit global temperatures to the critical target of 2 degrees Celsius, and as the greatest GHG net emitter in the world, this is immensely problematic. The point here, is that when we compare how insufficient most climate plans are in both developed and developing countries, we cannot attribute China's deficiency to the mere fact that it has benefitted from the CBDR principle. There are other factors to point to, such as global competition.

In addition, global inequalities in facing the global climate crisis still exist and are exacerbated as the adverse effects of climate change are being felt around the globe (IMF, 2021; IPCC, 2022; UNFCCC, 2018). Concurrently, global emissions, regardless of where they originate from, continue to impact the global climate. We are in a crisis, and as emissions keep rising as they currently do, all major emitters must increase the stringency of their targets to *truly* mitigate climate change and be held accountable for their actions. Those with the most developed economies are in the best position to financially contribute to helping the most vulnerable countries. In light of these conditions, the CBDR principle becomes less important for differentiating countries in a binary way for mitigation targets, and increasingly important for providing technical and financial transfers to vulnerable

countries, especially in the context of adaptation and loss and damage. In this sense, the CBDR principle now matters more for its intrinsic 'respective capabilities' component (Abeysinghe & Arias, 2013), and the NDCs automatically allow for this distinction to be made as countries set the level of ambition that they can afford to reach – still keeping in mind that current levels of ambition are widely insufficient (Climate Action Tracker, 2022).

In consideration of these factors, the CBDR principle remains meaningful for global consensus on climate action – with the condition that it is referred to with appropriate reasoning and empirically sound. Developing countries continuously reaffirm the CBDR principle, and were an agreement to be drafted without a recognition for it, consensus could not be reached (International Institute for Sustainable Development, 2021; H. Wang et al., 2021). As long as the principle continues to be used to recognize structural inequalities and the need to redress and account for such inequities, it is bound to lead to more conducive agreements and arrangements. If, on the contrary, China were to make use of the principle to justify weakening its climate targets or delaying further its commitments to reduce GHG emissions in all sectors of its economy, the principle would be stained and lose its legitimacy, to both the eyes of developed and developing countries. For instance, China relying on the CBDR principle to delay commitments in aviation emissions is becoming less legitimate now that it has proven to be a leader in climate negotiations and renewable energy. But overall, China has ambition levels near those of developed countries – albeit all insufficient – and served as a leader in pushing for more equity in the global climate regime. In other words, the principle has not hindered China in scaling up its ambition and assuming a position of leadership in the last decade.

6.0 Conclusion

Frustration is common for Western countries when faced with the fact that China, the world's largest polluter, is bound by less stringent targets to fight climate change. This frustration, as discussed, has been felt since the very first climate agreement, the Kyoto Protocol, due to the Common but Differentiated Responsibilities Principle. This concept, foundational to the global climate regime, suggests that states are all responsible for responding to the climate crisis, but have different historical roles in causing the crisis in the first place, as well as respective capabilities for responding to the issue. The meaning of this principle, as well as emerging countries' ability to justify their climate commitments from it, has changed throughout the years. This research has aimed to answer the question: Has the CBDR principle allowed China to hide from climate action? In short, the analysis in this paper has found that it has not. China's defence of the CBDR principle and its self-differentiation from developed countries did help it delay climate commitments and justify its heavy reliance on non-renewable sources of energy, and continues to today, as seen from its reliance on coal and reluctance to adopt meaningful reduction targets in aviation emissions. However, considering the growing leadership of China in climate politics and the renewables market, and its plan to reach carbon neutrality by 2060, it is incorrect to assume that China has exclusively hidden behind the CBDR principle to avoid committing to significant climate action, as Western perspectives tend to assume.

Despite this, it must be pointed out that China has less legitimacy to use the principle to lower its targets today. I have argued that differentiation under CBDR has now become more significant for acknowledging the needs of countries most vulnerable to climate change, which is further demonstrated by the existence of global climate policy tools such

as the loss and damage fund. The need for the CBDR principle thus remains although China's differentiation as a developing country isn't as warranted anymore.

Further research would be needed to assess if the same can be said for other BASIC countries, namely Brazil, South Africa, and India, who all have their fair share of net global emissions (European Commission, 2023) and also face similar challenges to China to tackling their emissions as emerging countries. In addition, the first days of COP 28 have put on the spotlight the controversial role that oil-rich countries such as the United Arab Emirates play in the global climate regime, as has shown the UAE's attempt to push for oil and gas deals at COP 28 despite the IPCC's indications on decreasing oil and gas demand (Bois von Kursk & Muttitt, 2022; Camut, 2023). Consensus is key to striking deals and generating momentum for bolder climate policy plans domestically, and a just transition must integrate the perspectives of major emitters as well as major oil powers, especially as the global markets turn to more renewable sources of energy.

Another notable point raised by this research is how joint bilateral agreements between parties from both the developed and developing groups have been successful in generating momentum and consensus ahead of climate meetings. This is true when looking for example at the U.S. and China joint statements ahead of COP 21 in Paris. However, climate change is not always an issue that unites states who may be at geopolitical odds. In fact, geopolitical tensions can have a direct influence on the global capacity to fight climate change. The Russian invasion of Ukraine and its associated impact on Europe's energy security is one example of this; in this case, the crisis motivated Europe to accelerate its transition to renewable energy (International Energy Agency, 2023). Issues like this one show that geopolitical crises present both a challenge and opportunity for global climate

ambition. With increased tensions between Western countries, China and Russia, it is imperative that climate leadership and cooperation between all great powers and high emitters continues, and that the voices of those most vulnerable to climate change are not only integrated in the design of global climate policymaking, but also at its forefront. But the success of this approach and of future climate cooperation certainly depends on how emerging countries can maintain leadership and continue promoting the CBDR principle the right way.

7.0 Appendix

Table 1. Major outcomes and China's ambition at different Conference of the Parties (COP)

Year of Adoption	Conference of the Parties (CoP)	Document	Application of CBDR	China's position & climate ambition

1997	COP 3	Kyoto Protocol	• Binary (Annex I, non-Annex I) differentiation
			• Top-Down, binding mitigation targets for developed countries only
			• Applies to mitigation targets, implementation, financial and technical transfer
				• Pushes for CBDR inclusion
				• Part of non-Annex I:
				  ○ Not bound by any targets
				  ○ Recipient of CDM credits
				• Works closely with G77

2007	COP 13	Bali Action Plan	• Binary (developed, developing) differentiation • Developing countries gain mitigation responsibility with NAMAs	• Adopts first five-year climate plan • Accepts (non-binding) GHG reduction targets for the first time

				• Works closely with BASIC group, self-identifies as developing
2009	COP 15	Copenhagen Accord	• 3-tiered differentiation (developed, developing, LDCs & SIDS) • Applies to mitigation and climate finance, with priority to LDCs and SIDS	• Provides voluntary financial assistance to developing countries • Insists on non-binding Agreement • Blamed for the lack of consensus • Works closely with BASIC group
2010	COP 16	Cancun Agreements	• Applies to climate finance, technology transfer and development, adaptation, mitigation	• China hosts the majority of CDM credits under the UNFCCC
2015	COP 21	Paris Agreement	• Flexible differentiation ("in light of different national circumstances") • Bottom-up targets (NDCs) for all countries	• Leader, promoter, contributor of the Agreement

			• Applies to mitigation, adaptation, finance, technology, capacity building, transparency	• No longer categorized as anything • Accepts binding agreement by setting targets, subject to monitoring • Cooperates with developed and developing countries
2021	COP 26	Glasgow Climate Pact	• Applies to financial support, technology transfer, capacity-building, mitigation and adaptation • Encourages non-developed countries to voluntarily provide such support	• Conceptualizes itself as a voluntary donor • Works closely with developing countries to establish the loss and damage fund • Works closely with India to tone down language on coal phase out

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