

# Summary

## **The Principle of Common but Differentiated Responsibilities and its Reflection in International Environmental Law**

The purpose of my thesis is to analyse the inception and evolution of the principle of common but differentiated responsibilities (CBDR principle), to describe its character and its appearance within international environmental law. In spite of being significant phenomena, the CBDR principle as well as the differentiation in international law in general have not been dealt with by Czech scholars almost at all; that is the main reason for choosing the topic. This thesis can be understood as a limited attempt to improve the situation. The methods I used in this study are primarily the analytical, logical and historical method. The thesis consists of four chapters that are divided into sections. The more extensive sections are subdivided into subsections.

Chapter One is concerned with differentiation in the international law in general. The chapter is subdivided into four parts. Part One examines reconcilability of the CBDR principle with the traditional principle of sovereign equality, a principle that international law is based on. Part Two deals with the New International Economic Order as a first notable effort to introduce complex differentiation into one area of international relations. Part Three looks at the differentiation in favour of developing countries, particularly within the international human rights law and international economic law, whereas Part Four focuses on differentiation in favour of developed countries, namely within the international arms control and disarmament law and international institutional law.

Chapter Two examines the evolution of the international environmental law leading to the creation of the CBDR principle and its subsequent development. The chapter consists of three parts. Each part describes one notable international environmental conference, namely the United Nations Conference on the Human Environment held in Stockholm in 1972, the United Nations Conference on Environment and Development in Rio de Janeiro in 1992 and the World Summit on Sustainable Development taking place in Johannesburg in 2002.

Chapter Three deals with the CBDR principle itself. The core of this chapter is the Part One and Part Two. Part One examines the ‘common’ aspect of the principle especially with respect to concepts of common heritage of mankind and common concern of humankind. Part Two explores the ‘differentiated’ aspect of the CBDR principle and its justification – differentiation based on contribution to environmental degradation and differentiation based on capacity to take remedial measures. Part Three is concerned with the legal status of the CBDR principle and Part Four with the relationship between the principle and the concept of sustainable development.

The last chapter, Chapter Four looks at categories of differential treatment in international environmental agreements as a practical effect of application of CBDR principle. The method being used here is analysis of the respective provisions of these agreements. Among them I particularly focus on the five environmental treaties with nearly universal acceptance. Norms of differential treatment described here can be classified into the following categories: norms that provide double standards and norms granting assistance. The former consist of provisions that differentiate between countries with respect to the central obligation of the treaty and provisions that differentiate between countries with respect to the implementation of the treaty. The latter are composed of provisions dealing with financial assistance including multilateral funds, technology transfer, capacity building and other forms of assistance.