

论文

碳排放权：一种新的发展权

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摘要：

近年来，国际社会逐渐把碳排放权作为一种新的发展权来看待，其法理依据主要有：《联合国气候变化框架公约》、《京都议定书》以及可持续发展原则、“共同但有区别的责任原则”和公平正义原则等。后京都时代碳排放权的分配应考虑发展需要、人口数量、历史责任以及公平正义原则等因素。作为温室气体排放大国，中国在坚守“共同但有区别的责任原则”的前提下，应逐步实现从“差别原则”到“共同责任”的转变，在加强与发展中的大国协调的同时，适当支持小岛国联盟和最不发达国家的要求，并重视碳排放权分配中的发展权问题。

关键词： 气候变化 碳排放权 发展权

The Right to Carbon Emission: A New Right to Development

Abstract:

For the past few years, the international community has gradually regarded the right to carbon emission as a new right to development. The legal basis of the right to carbon emission as a right to development mainly includes 'the United Nations Framework Convention on Climate Change', 'the Kyoto Protocol' as well as the sustainable development principle, the principle of common but differentiated responsibilities and the principle of fairness and justice, etc. The distribution of the right to carbon emission of post-Kyoto age should consider the need of development, population size, historical responsibility, the principle of fairness and justice and other factors. As a big emitter of greenhouse gas, on the premise of sticking to 'the principle of common but differentiated responsibilities', China should achieve the transformation from the 'difference principle' to 'common responsibilities' progressively. Meanwhile, in strengthening coordination with developing countries, China should appropriately support the requests of Alliance of Small Island States and the least developed countries. China should also attach importance to the issue of the right to development in the distribution of the right to carbon emission.

Keywords: climate change the right to carbon emission the right to development

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