



'The Road to Mexico'
Foundation for International Environmental Law and Development (FIELD)
International Panel Discussion
25 February 2010, London
Summary Report

This report provides a brief overview of the discussions at the above mentioned event. It is not intended as a detailed record.

Joy Hyvarinen, Director of FIELD, noted that although concerned about the potentially divisive effects of the Copenhagen Accord, FIELD wants to look towards the next major negotiating session in Mexico in December. Despite low expectations, such as Connie Hedegaard, now EC Climate Change Commissioner, being quoted as not expecting a legally binding outcome in Mexico, FIELD would like to take a more optimistic approach.

Bruno Sekoli, Chief Climate Change Negotiator for Lesotho and Chair of the Least Developed Countries (LDC) Group in Copenhagen, recalled that after Bali the two-track negotiating process appeared to be going well. The US made it clear that it would not join the Kyoto Protocol in April 2009, shattering hopes.

At the same time many parallel high-level developed country initiatives confused official negotiators. This led to a loss of trust among the negotiating parties. The atmosphere on arrival in Copenhagen was not conducive to a meaningful agreement.

The majority of countries have associated themselves with the Copenhagen Accord. The African Group was the first negotiating bloc to do so.

Attendance by heads of state in Copenhagen showed that climate change is a core issue. Countries will be able to make decisions more promptly once the air of mistrust is removed. Mr Sekoli was pessimistic that sufficient trust for an agreement could be restored by Mexico.

He suggested that a focus between now and Mexico could be enhancing the status of the Copenhagen Accord within the negotiation process. The Copenhagen Accord will probably not become a third track of negotiations, but handling it remains a challenge. He observed that some people are in a hurry to place the Copenhagen Accord on the same level as the other negotiating tracks and that this could cause problems.

Camilla Toulmin, Director of the International Institute for Environment and Development (IIED), did not feel optimistic about Mexico or the following major negotiating session, which will take place in South Africa in 2011.

Ms Toulmin emphasised the need to understand the various interests that do not want a deal on climate change. The US is very unlikely to pass climate change legislation soon and the Chinese press is equivocal about the climate science. She feared the UNFCCC process could sink into World Trade Organisation-type doldrums.

There is a need to rebuild confidence in the science and to make progress where we can. The stage will be dominated by those with power and those with emissions to negotiate. There is a need to think about how the most vulnerable states can break into this new power geometry.

Ehsan Masood, Editor of Research Fortnight and Research Europe, noted that in international environmental negotiations it is rare to have a big success. Few environmental issues could have garnered the presence of 113 heads of state and the media coverage that Copenhagen did.

He pointed out that the amounts of funding referred to in the Copenhagen Accord are larger than before. The other major change is the resurgence of the developing nations as negotiating partners driving the policy agenda. He also noted a sense of disarray in the EU.

Mr Masood suggested that the vacancy left by outgoing UNFCCC Executive Secretary Yvo de Boer is an opportunity to consider what kind of leadership the climate change agenda needs. The process may require a political operator instead of the typical diplomat or scientist.

Jan Thompson, Head of International Negotiation, Department of Energy and Climate Change (DECC), noted that many countries have associated themselves with the Copenhagen Accord. At the top end of the pledges submitted by countries mitigation could be consistent with global peaking of greenhouse gases in 2020.

Ms Thompson agreed that the financial commitments in the Copenhagen Accord are positive. She also found some of the pledges from developing countries ambitious and encouraging. Challenges include how to operationalise the Copenhagen Accord and how it might be rolled into the UNFCCC process. Some would like the Copenhagen Accord to be a freestanding agreement outside the UNFCCC. One way could be to roll parts of it into the UNFCCC process.

She suggested that it may be worth re-examining whether a treaty is needed, although other models are wanting in various respects and a treaty can establish a global ambition that is consistent with the science. The negotiating process needs examining: it may for example be worth considering whether a more permanent location is needed for the negotiations. Supporting processes may help, such as the Major Economies Forum (MEF), or a grouping more closely linked to the UNFCCC.

Ms Thompson emphasised that this should be a year of implementation. Trust may begin seeping away if fast-start finance does not flow by mid-year. Risks ahead include lack of progress with domestic legislation in the US, lack of ambition, developing country concerns about carbon space and finding a place for the Kyoto Protocol in the post-2012 framework.

In response to questions from the audience, Mr Sekoli replied that although smaller negotiating groups are at times unavoidable, their style and timing matter. Transparency and confidence-building will help.

Regarding disbursement of funds, Ms Thompson suggested that fast-start funding will need to be made available through existing channels. Disbursement of longer-term finance should be negotiated between developing and developed countries. Mr Sekoli noted that the immediate focus should be on substantive issues such as availability and direct access to funds.

One questioner noted that the US has queried which documents should form the basis for continued negotiations and asked whether the EU and some G77 countries should move forward to agree principles and rules that the US could join later. Ms Toulmin agreed that this might be the best way forward in the current circumstances.

In response to a question about selection of the next UNFCCC Executive Secretary, Mr Masood noted that the post requires a strong personality, who could encourage world leaders to act, but that for example the new EU President's post has created confusion and potential policy paralysis.

In response to a question regarding the future of the G77, Mr Sekoli replied that the challenge for the G77 will be to adapt. If business continues as in the past, the G77 may face problems.

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