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## Background note

Open dialogue with Ambassador Patricia Espinosa Cantellano of Mexico on Climate Change Diplomacy / from Cancun to Durban

Geneva, Switzerland, Palais des Nations, Room XVI,  
15:00 to 16:30, 28 February 2011

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Parties are currently seeking to find an agreement on climate change to succeed the Kyoto Protocol, the commitment period of which will end in 2012. According to the Bali Action Plan and Road Map as launched at COP13, Parties were meant to reach an agreement on the form of post-2012 climate action policy by COP15, however this was not possible, and once again was not possible at COP16, despite various decisions being taken in Cancun which mark important steps forward in finding consensus on various technical aspects of the negotiations. COP17 is the last opportunity for Parties to reach an agreement on a post-2012 global climate change agreement, in order to avoid a gap period between the end of the first commitment period of the Kyoto Protocol and the start of any successive period of emission limitation and reduction commitments.

The effect of such a gap will undoubtedly be damaging to the momentum and ethos of multilateral environmental negotiations and many fear that such a gap without UN legislation will be extremely damaging in the long term to the UN's credibility as the correct and most appropriate forum within which to tackle this problem. We may then see a fragmentation of global efforts to confront the challenges, which some argue would enhance the efficiency of efforts, but others see as a fundamental signal of our failure to confront the challenge of climate change and to protect the security of our societies.

COP17 must therefore define the legal structure and substantive content of any post-2012 agreement on climate change. Tensions between Parties exist at all levels of negotiations; at the level of specific, technical details of trade,

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economic, and scientific considerations, but also at the more macro level of the legal structure of a post-2012 agreement; some Parties advocating for a successor to the Kyoto Protocol, with its specific differentiation between Annex I and non-Annex I Parties, whilst others wanting a new form of agreement that abandons the Kyoto Protocol and redefines the framework in which emitters are legislated and committed to restrictions. However the possible and/or realistic form of any such alternative agreement is still very unclear. Japan, for example at COP16 made it very clear that it would not agree to any second commitment period of the Kyoto Protocol since it is wanting a fairer and more effective form of emissions legislation in which all major emitters - including China and the United States - can participate as one to succeed the legally binding Kyoto Protocol. Russia has also taken a similar adversity to a continuation of the KP.

Climate change has become intensely political at the multilateral level, since negotiations encompass and challenge many issues that are dealt with traditionally by domestic policy or are already legislated under other UN negotiation tracks and processes, such as those of the WTO or UN human rights council.

In 2010 the US Senate passed a resolution saying the USA should not sign any protocol that failed to include binding targets and timetables for both developing and industrialized nations or that "would result in serious harm to the economy of the United States"

. Given the global financial crisis, many Parties' positions have been further pressured by financial constraints and hence competing priorities for domestic and international policymaking.

Despite difficulties, that could be discussed at great length, the Mexican Presidency was able to lead Parties at COP16 towards a balanced set of agreements under the AWG-KP and AWG-LCA which go somewhat towards paving the road to more substantive work to be done during 2011 and beyond. Exactly what form any post-2012 agreement will take still remains unclear, but the intention of Parties to continue efforts to tackle climate change in the long term and to avoid a gap in policy between commitment periods was confirmed by the agreement texts concluded on the morning of the 11th December.

The Cancun agreements represent valuable progress in the areas of REDD+ (taking concrete action to tackle deforestation, which accounts for nearly one-fifth of global carbon emissions), finance, mitigation commitments (the formalization of the mitigation pledges made in Copenhagen and measures for ensuring accountability for them), adaptation and technology transfer, although many details of each of these aspects are still open to negotiation in order to facilitate implementation of the intended actions detailed in the final outcome



texts. "The Cancún Agreements are a small step for the planet, but they are nonetheless a beginning that can spark more action," said Christiana Figueres, Executive Secretary of the UN Framework Convention on Climate Change (UNFCCC), said in a speech this month to the Conference of the Secretariat General Iberoamericana in Madrid, Spain.

The Mexican Presidency upheld a policy of open, transparent and inclusive negotiations throughout the COP16 conference, which was in stark contrast to the conduct of the COP15 negotiations the year before in Copenhagen, where the final text was construed by a group of approximately 25 world leaders at the last moment and presented to Parties as a compromise text - which was angrily rejected by Parties who saw themselves as having been shut out of an essentially exclusive, closed doors consultation process between a small number of key Parties, including major players such as the US, China and the EU.

The Mexican Presidency was determined not to let the best be the enemy of the good, and hence conducted negotiations in such a manner as to wherever possible seek consensus amongst Parties - even if many criticized this approach as resulting in a relatively weak outcome text which represented somewhat of a compromise, or lowest common denominator of all that was put on the negotiating table. Despite criticisms, all Parties, with the exception of Bolivia, welcomed the text (with different volumes of expressed concern as to its strength and added value) on the morning of Saturday 11th December, after all night consultations, negotiations and meetings.

Given that 194 Parties to the UNFCCC bring a very broad spectrum of interests, values and priorities to the negotiating table, it is no wonder that negotiations on climate change often face obstacles. The COP has also never adopted its draft rule of procedure on voting (rule 42 of the draft rules of procedure FCCC/CP/1996/2) and no consensus still exists on this issue (informal consultations are still underway). This has meant that the question of what defines consensus is still live, and hence many have called into question whether decisions can be adopted by consensus legitimately in the absence of a Party's support, such as in the case of Bolivia who objectively denied its support to the outcome texts under the AWG-KP and AGW-LCA on the morning of the 11th December. However Amb. Espinosa's strong presidency will be remembered for the decisive manner in which she led 193 Parties towards their desired and supported outcome agreements, such that one Party cannot veto the will of 193 Parties.

The Mexican Presidency will also be remembered amongst the Latin American governments and communities for leading to strong and important agreements on REDD+, backed by the financial resources to implement actions. Reducing



Emissions from Deforestation and Forest Degradation (REDD) is an effort to create a financial value for the carbon stored in forests, offering incentives for developing countries to reduce emissions from forested lands and invest in low-carbon paths to sustainable development. REDD+ goes beyond deforestation, and includes the role of conservation, sustainable management of forests and enhancement of forest carbon stocks.

REDD+ represents a key element to the Cancun agreements for the Latin American countries, where REDD+ is already being tested in some large-scale demonstration projects. For example, Norway's commitment of \$1 billion to help protect the Amazon rain forest contributed to Brazil's pledge to reduce deforestation by 80 per cent by 2020. Ms. Christiana Figueres, the Executive Secretary of the UNFCCC, stated earlier this month that "Latin American countries need to seize this opportunity and craft forest-related policies on the national level that go hand-in-hand with the Cancun Agreements so that the greatest benefits can be achieved." She also noted that Latin American countries have "huge" potential for renewable energy generation, citing for example ideal wind conditions in Mexico, Central America, Northern Colombia and Patagonia, as well as significant geothermal resources.

One of UNITAR objectives for 2011 is to enhance its training delivered to Latin American countries in the field of climate change diplomacy, by working more closely with governments and decision-makers to enhance their capacities to take part in multilateral climate change negotiations, and to implement action on the ground on a local scale within regions. The Multilateral Diplomacy programme will run its successful Climate Change Diplomacy e-learning course in Spanish later this year, and is working with UNITAR Brazilia and seeking other partnerships to extend its face-to-face training programmes within the Latin American countries.

UNITAR's Multilateral Diplomacy Programme worked closely with the UNFCCC Secretariat prior to and throughout COP16 to provide support to Cancun's presiding officers, and hopes to continue this support programme in the run-up to COP17. There is much to be achieved in the forthcoming months with respect to making progress on key details of the climate change negotiations, and the Multilateral Diplomacy Programme is committed to strengthening the process and providing capacity development and support to all those involved, wherever and however possible.

MDP is currently (28 Feb. - 4 March) delivering training on climate change diplomacy to the South African delegation and ministerial officials preparing for the handover of the Presidency of the Conferences to them at COP17 to be held in Durban this December.

Additional information are available at: <http://www.iisd.ca/vol12/enb12498e.html>