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Transcript Q&A

An International Climate Treaty: Is it Worth Fighting for?

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Michael Jacobs:

Many thanks indeed, Yvo. I don't know whether that is the speech that you originally had or the one that you gave after tearing up the original, but I found that extremely interesting. We have twenty minutes for questions and answers. I will take this in groups of one. Those of you who are familiar with conferences will know that at least one of the groups of three is generally not very useful, and therefore it means that the speaker doesn't have to answer it. On this occasion, with this audience, we know all the questions are going to be entirely to the point. Who is interested in asking a question?

Question 1:

How do you reconcile the overall goal of a treaty with the fact that the OECD countries have huge emissions per capita, the non-developed countries have extremely low emissions per capita, yet global warming is based on an absolute level?

Yvo de Boer:

I think that the challenge that we're facing – it's a much broader challenge than climate change alone I think it's a much broader sustainability challenge – to fundamentally re-shape the way in which we produce and consume. I don't know if that goes to answering your question, but I think that means on the one hand we significantly have to change patterns of consumption and production in industrialised countries, so that emissions become significantly lower. That implies a different mode of consumption. At the same time, I think we have an in-escapable responsibility to lift hundreds of millions of people out of poverty in developing countries and the challenge there is by helping them to follow a different development path than that which was followed in industrialised countries. That is why I have put so much emphasis on trying to shape a different kind of growth agenda in developing countries.

Question 2:

I want to ask about the European Union, which you didn't specifically say very much about. The EU has, so far, been considered the leader of the world and it is remarkable we got all of the countries together, but do you think we could be doing more?

Yvo de Boer:

Yes, I think that Europe could be doing more. The main problem that I have with Europe at the moment is that Europe seems to have forgotten why it's doing what it's doing. What I mean by that is that I can remember very clearly that when, in 2005, European heads of government committed to reduce their emissions by 80% at least by the middle of the century, that decision was not formulated in the context of a climate change concern per se, but in the context of a vision of a different kind of European economy moving in to the future. I think that as we have become increasingly confronted with the economic and financial pressures of today, we seem to have forgotten about that broader vision and seem to have forgotten about the need to make a transition. And are viewing these goals purely in a purely climate-related context and therefore we we are having increasing difficulty justifying them to electorates around Europe.

So I think that there is certainly more that we can do in Europe to address the issue of climate change but for that to happen I think we need to get back to that broader vision of what we want the economic future of Europe to be. And that is where, I think interestingly in this moment in a time, there is a very stark difference between how China, on the one hand, is approaching this debate, and how Europe is approaching it on the other.

Question 3:

I'm going to take the title of today a bit more literally, and ask you about the security dimension of climate change. I thought the economic case had already been made by the Stern Report, and yet a few years have gone by now and clearly hasn't had the impact that some of us would have liked. Do you think there is any benefit to viewing climate change as a security issue? Do you think that it garners more attention in the right circles or do you think it is more of a distraction?

Yvo de Boer:

First of all, I think that Nick Stern, with his review, was incredibly successful. I think that what the OECD is doing at the moment on the green growth agenda is very significant. I think that work of companies like McKinsey have done in terms of marginal abatement cost curves has been very significant as well. Where I think all of that trips up is that it's still too generic. You need the case to be made in the context of your municipality, your city, your county, your country. And it is only when you can put on the table a national road map, that

shows you how you can marry economic growth and addressing climate change, that the case becomes real and convincing. I certainly think its important to look at climate change also from a security point of view; I think it was actually the UK that first put climate on the agenda of the security council of the United Nations – exactly for the purpose of seeing the debate in that context. I think that that is very significant and important.

One of the things we know about climate impacts is that 250 million people in Sub-Saharan Africa who are not having a great time at the moment anyway, are going to be confronted with extra impacts of climate change. Is this going to be the thing that pushes them over the edge? At the moment we are investing a great deal of European money in patrol boats to keep people out of Europe, but shouldn't we be investing much more in getting the issue under control and giving people a better prospect from a security point of view?

At the same time, that is a topic that you need to handle very carefully. Many years ago there was an American General who referred to the Amazon as the 'lungs of the United States' and therefore said that 'preserving the Amazon should be a national security issue' which then freaked out the Brazilians who thought that the rainforest was becoming an American national security issue and that soldiers would be all over them, hugging every tree. You need to be careful how you approach it.

Question 4:

I was wondering about the flexibility that we saw from China and India in Durban in terms of being willing to proceed with a legal approach. Do you think this was in part because of the threat of some kind of trade sanction in terms of European input tariffs, or something like that, and if you do think that, whether or not there is a greater role for that kind of approach? Because given what you were saying about needing to sell it as a growth strategy to major emerging economies, to what extent can you, on the one hand sell it as a growth strategy, and on the other hand offer sticks as well?

Yvo de Boer:

One of the things that I have been saying, including to European Climate Commissioner Connie Hedegaard, is that you need to get ministers together before the next round of negotiations in May. If you want to preserve the political spirit of Durban, which I think is incredibly important then you have to get ministers together before May to give political guidance to the negotiators when they meet in May. Because my bitter experience after a moment of

huge euphoria in Bali, when we got the Bali Mandate, was to see it be torn apart by negotiators three months later when we had the first negotiating session after Bali in Bangkok. So I think it's really important to preserve that spirit. I know that for many countries in the negotiating process, a simple decision of the conference of parties is a decision of legal force.

There are many others in the negotiations who would argue that only a treaty or a protocol actually has legal force and is legally binding. I think part of the reason why we managed to get to an agreement in Durban was because the language was formulated in such an open way. Because different options are open. That then basically can mean two things: that you have an endless fight on what you are supposed to be working towards; or that you can concentrate on how to design something that is actually going to be meaningful and then at the end decide what kind of legal jacket needs to be put around it.

I think that if you were to ask me to give you a list of the five countries that are most serious about addressing climate change; I think a significant number of developing countries would be on my list. I think that is motivated by the realisation in those developing countries that they fundamentally need to change their pattern of economic growth or they are in deep trouble. I think that China is actually on the top of that list. But there is a huge suspicion in those countries that the goal of industrialised nations it to come to an international treaty, which imposes a legally binding, emission-reduction target on developing countries, that doesn't at this moment in time understand how they can make that green growth story come true. I think the emphasis at the moment should be on making the green growth story come true and then creating an international architecture that can allow us to engage more quickly on that.

When people talk about internationally legally binding, they generally talk about targets. And that to me is a lot like imposing a maximum speed limit but then not bothering to have radar guns, policemen, courts and penalties. I actually find an internationally legally binding target – if that's all it is you're working towards – to be rather meaningless. We've had, in the past few years, incidences where a number of European countries have been removed from the emission trading system because they didn't have their inventories and their bookkeeping in order. In other words, in terms of the robustness of an international agreement, there is probably a great deal more that you can do through effective rules and tools than you can do through an international legally binding target alone.

Questions 5:

What concerns me most about your lecture is the fact that you didn't project, in my view, sufficiently, the gravity of the situation. You used the word 'important' on several occasions, that it was important to achieve an international climate treaty… it's not important, it's essential. You know that. Why didn't you use that word?

Beyond that, you also said in your introductory remarks that you are unaware of anything that approaches towards a global solution. You are I'm sure aware of the Global Commons Institute's framework proposal on contraction and convergence. It seems to me that that should be the point of departure on the understanding that we now know that the atmosphere has a finite capacity to absorb further burning of fossil fuels. That seems to me should be the subject on which we focus. When we then divide that by the world population, we arrive fairly logically, morally, practically at an equal share across the world population because as we contract so we converge towards equal per capita shares.

Yvo de Boer:

Well I think for me to say in all honesty that an international legally binding treaty is essential; I would want to understand better what exactly it means. I think part of the problem at the moment is that people are using those terms very loosely. I would agree with you absolutely that we need an international agreement that measures up to the environmental challenge we are faced with. I think in terms of measuring up to that challenge, we need to be realistic.

I know about contraction and conversions; I think that the first time I asked an American negotiator what do you think of contraction and convergence – I think it must have been in 1996-7 – his reaction was well we don't contract or converge on anything else in life so why should we do it on climate change. I fully agree with you on the merits of the concept, but I think we need to be pragmatic in terms of how we can build an architecture that gets us to that concept. I think the concept in itself is very difficult to get adopted in a formal sense. Therefore, being a pragmatist, I would much more focus on the architecture that will get us to that result, rather than having a conceptual debate.

Question 6:

You have mentioned that in your view the regional approach would not be as efficient as getting together on an international level. Do you still see a leadership role for federated states to help reach a goal of an international agreement especially to make up for the lack of leadership of central governments?

Michael Jacobs:

I think this is a pitch for Quebec's role in Canada, I suspect.

Yvo de Boer:

The short answer to your question is yes. I saw your Premier in Davos a couple of weeks ago and I know that your province is very active in the R20. I think that regions can be very important and cities can be very important. We have a tendency that nothing is happening in the United States on climate change given the position of the federal government. What we forget is that pretty close to 50% of the US economy is either under an emission trading scheme or on the way to getting one. Look at California. If California were a country, not a state, then it would be a member of the G8 given its economic size.

So I do think there are very important things that cities and regions can do to keep this agenda moving forward.

Question 7:

What do you think of the importance of the movement to create an international court for the environment in the context of an international climate treaty?

Yvo de Boer:

I think an international court could help enormously, but in line with my earlier remarks on form follows function, it is something that I would want to get to at the end of a process rather than at the beginning. I think that at the moment, given the lack of clarity that is out there, many of the issues of legality are preventing countries from embracing something which seems to make such incredible sense to embrace.

Question 8:

You have almost answered the question that I was going to ask you. You did agree, I gather, from an earlier response, that talk about legal force without some means of enforcement doesn't make much sense. The last speaker asked you specifically about the idea that has been canvassed a good deal by Stephen Hockman, the former chair of the Bar Council, for what he calls ICE, the International Court of the Environment. Polly Higgins has had another idea of trying to get *ecocide* recognised as a crime that can be looked at by the international criminal court. So a little bit more on those issues please.

Yvo de Boer:

As I have tried to explain I think that that's important but for me it comes more towards the end of a process rather than at the beginning. For you to be able to take somebody to court you obviously need to have a court. But you also need to have a definition of crime and you need to have a definition of penalty. At the moment we are not in the situation of having defined either the crime or the penalty. I think we need to do that first.

Secondly, I think there is a great deal that we can do through implementing architecture that I think in legal terms might be more effective than only an illegally binding target in and of itself. For example, if you were to write down in some international piece of paper that you only get access to resources from the Green Climate Fund, if: your national inventory is in order; you report on your emissions every two years; and you do a couple of other things. I think that that can have a very significant impact in terms of making an international agreement rigorous.

So I think we need to do a great deal more to use the operating architecture to inject credibility into an international regime as we work towards it. And then once we have determined the legal nature, whether it's for treaty or protocol or decision of legal force we can then, to my mind, turn to the question of the enforcement mechanisms that we need to put around that.

Michael Jacobs:

Thank you very much, Yvo de Boer, for that extremely interesting lecture but also answering those questions in such a way. Thank you for all of you for coming. Thank you for Chatham House; I do commend the Chatham House

programme in this field which is doing really interesting working. Thank you very much to Yvo De Boer.