



## EIA Interview: Darrel Moellendorf on the Climate Change Negotiations in Copenhagen

Darrel Moellendorf , John Tessitore

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Darrel Moellendorf

**JOHN TESSITORE:** Hello. Welcome to another in our series of interviews sponsored by the Carnegie Council and the Council's quarterly journal, *Ethics & International Affairs*. I'm John Tessitore, editor of the journal. I have the pleasure of hosting this series, which is available on the Carnegie Council's website in video, audio, and print format.

I'm delighted to be speaking via telephone with [Darrel Moellendorf](#), Professor of Philosophy and Director of the Institute for Ethics and Public Affairs at San Diego State University. Professor Moellendorf is the author of *Cosmopolitan Justice*, in 2002, and *Global Inequality Matters*, 2009, and is currently working on a book on climate change and morality.

Welcome, Darrel, and thank you for joining us from the West Coast.

**DARREL MOELLENDORF:** Thanks very much for having me, John. It's a pleasure to be here.

**JOHN TESSITORE:** I should tell our listening audience that you are also the author of the article, "[Treaty Norms and Climate Change Mitigation](#)," which appeared in the fall 2009 issue of *Ethics & International Affairs*. That was just shortly before the much-heralded December meeting on climate change in Copenhagen.

As a follow-up to that article, we have asked Professor Moellendorf to talk to us today about what happened in Copenhagen back in December and what it means for the future of climate change negotiations and negotiations.

Darrel, let's get right to it. How about we start with a sweeping question? At the end of your article in *Ethics & International Affairs*, you state that there are basically three possible outcomes for climate negotiations:

- (a) You can satisfy the norm of fighting climate change, but not satisfy the norm of development for developing countries.
- (b) You can satisfy both.
- (c) You satisfy the norm of development for developing countries, but not that of fighting climate change.

Obviously, a trade-off.

So here we are. December 2009 is behind us. Tell us where you think we now stand in terms of these three possibilities, and if you would, in responding, perhaps you could briefly summarize the key points of the Accord.

**DARREL MOELLENDORF:** Sure thing, John. I think that we are closest to the third of those three options, with a slight modification, perhaps, of just the way you put it. It's not—

**JOHN TESSITORE:** The third being—let me just say it for the sake of our audience—satisfying the norm of development for developing countries, but not that of fighting climate change.

**DARREL MOELLENDORF:** Yes. I think it's not that we are not fighting climate change, but I think we are not, at least at this point, anywhere near where we ought to be, or even where the ambitions of the [Copenhagen Accord](#) say that we ought to be.

The Copenhagen Accord—maybe I should just say a few things about that to put it in context, as you asked—it's an interesting and important document in some ways. It has several features that are new and set the stage for, I think, further negotiations in the international forum for climate change.

One thing that's remarkable about it is that it's the first time in [United Nations Framework Convention on Climate Change](#) history in which there has been agreement about a 2-degree Celsius warming limit. This is something that had been advocated by a number of NGOs. It had been advocated by the United Nations Development Programme and by the European Union for a number of years. It found its way into the Copenhagen Accord, which is remarkable. It amounts, I think, to an interpretation of the Framework Convention's language about what dangerous climate change should be.

**JOHN TESSITORE: And the 2 degrees is the mutually agreed-upon or the best-guess figure, is it? Is that why it plays so prominently in your article?**

**DARREL MOELLENDORF:** It plays prominently, I think, because it's something that people had been advocating around and organizing around. It's not uncontroversial. There were countries in Copenhagen who wanted to see a lower limit. Some of the island countries wanted to see a limit of 1.5 degrees. But it amounts to an interpretation of what the threshold for dangerous climate change is, which, of course, is, at the end of the day, a normative question. It's not something that in and of itself is going to be uncontroversial. But it puts all of the countries who are signers of the Framework Convention on the same page, at least, with respect to what the target ought to be for the threshold beyond which warming shouldn't go.

Another interesting feature to the Accord is that it has a couple of appendices attached to it in which the signers to the Convention are supposed to declare their domestically agreed-upon commitments to reduce their CO<sub>2</sub> emissions, either with respect to a 1990 or some other historical benchmark or with respect to a business-as-usual trajectory. The leading industrialized countries, the so-called Appendix I countries in the [Kyoto Protocol](#), are expected to make reductions as against the historical baseline. But then there is a second appendix in the Copenhagen Accord where developing and underdeveloped countries can declare what sorts of mitigation obligations they are going to take on.

This is entirely voluntary, in the language of the Copenhagen Accord—

**JOHN TESSITORE: All voluntary, you say.**

**DARREL MOELLENDORF:** That's problematic. It's nonbinding.

Another aspect in which this Accord itself, in general, is nonbinding is that it has this curious status of merely being noted by the [Conference of the Parties](#). At the very beginning it says that the Conference of the Parties take note of the Copenhagen Accord, December 18, 2009. So its status in international law is peculiar, and it's generally agreed-upon that it doesn't have any binding status for the countries who have made their commitment. This is that the so-called group of BASIC countries—Brazil, South Africa, India, and China—have stressed since the meeting that any obligations that they take on under the Accord are entirely voluntary. So they are not obligations in any strict sense of the term, but they are what they decided upon as a result of their domestic policy, without any commitment to the larger international community.

Another important feature of the Accord is that it contains a commitment or a pledge to provide money to developing countries, to the tune of \$100 billion a year after 2013, and in the lead-up to that, \$10 billion per year. This is something that the United States brought to the table and was generally, I think, well received. There were certain developing countries that wanted to see more. But that's quite a chunk of money to be offering, and I think it provided some goodwill gestures on the part of the United States, in a—

**JOHN TESSITORE: And that \$100 billion coming from the developed world.**

**DARREL MOELLENDORF:** Yes. A problem, I think, here is that it's not clear what the funding sources are going to be for this. It's not put into the agreement. The agreement allows for there to be both public and private sources for this. Alternative sources of finance are mentioned. It's not clear how it's actually going to be distributed. All of this remains in the air. It has the character of a kind of a pledge, but with very little detail associated with it.

This is another, I think, problematic aspect of the Accord.

The Accord itself and the time frame for which the Accord should take effect are also a bit odd. It ends by saying that it will be revisited in 2015, but without any indication of what the next steps might be.

Of course, most people hope and expect that there will be something much more substantive that will come out of the next Conference of the Parties meeting in Mexico later this year. It will be at the end of November and the beginning of December. It will be the 16th meeting of the Conference of the Parties. And there's a great deal of anticipation. You can see this in some of the documents that have come forward from countries like South Africa and Brazil. They expect there to be a much stronger document, a document that actually has binding emissions limits and that sort of thing.

But there's nothing in this particular Accord about that.

So I think what we see in the Accord, because of its nonbinding character and because what it essentially does is to provide a way in which there can be some recognition for mitigation obligations that parties—that is, states—have already taken on board, but doesn't require the parties to engage in any additional mitigation, we have a kind of dynamic in place in which there is no additional impetus towards mitigation as a result of the Copenhagen Accord.

Going into the Accord, people who had done the math with respect to the kinds of emissions obligations that countries were taking on board—and this came out, actually, also in a United Nations document while the meeting was taking place—people have analyzed the emissions obligations or the emissions agreements that countries have adopted domestically and have said that we are on target for something like a 3-degree Celsius increase in temperature by the end of this century. Of course, that's higher than the ambitions of the Accord itself.

That's why I say that I suspect that we are on the track toward the third of those three options in your question. Developing countries are going to jealously protect their right to develop and to have their economies grow and to provide a better life for their citizens, so many of whom live in poverty. I think there's very little danger that that norm is not going to be satisfied, simply because of the power of developing countries in the negotiation process.

But what looks to be the norm that is threatened is the norm of preventing dangerous climate change. The 2 degree target is something that—I suspect we are seeing right now a process in which that target is just going to be fudged. It's going to be very difficult, given the nature of the Accord and the agreement, to actually realize that target.

**JOHN TESSITORE: We have the benchmark of 2 degrees, as you say, Darrel, and we have maybe a reality mark of 3 degrees. We have an agreement that is not binding; it is all voluntary. But we are talking about moving toward something more substantial in 2015. Can we call this progress, if only incremental? In your opinion—it's all in the eyes of the beholder—in your opinion, have we made progress?**

**As a kind of addendum to that, what is this new discussion about climate adaptation, as opposed to climate change? It almost suggests that there is a certain amount of compromise in the air—for some, that they are giving up the fight. Is this a fallback position or is it just reality?**

**DARREL MOELLENDORF:** John, let me take the question of progress first. I think this is a question that really divides people's political judgments. I think part of the reason it does is that we are clearly so far from where we need to be with respect to mitigating climate change that it's hard to know whether a small step in the right direction should be heralded as progress or should be judged as entirely inadequate to the task.

**JOHN TESSITORE: This is the old glass-half-full-or-half-empty.**

**DARREL MOELLENDORF:** Exactly. I think in this case it's a question of whether or not it's seven-eighths empty or an eighth full, perhaps, and where to lay the stress.

On the one hand, we have this, I think, important agreement about a 2-degree warming limit; on the other hand, we have no clear means for knowing how that is actually going to be attained, given the level of reductions that are being pledged at this point. On the one hand, we have [\\$100 billion being pledged](#) for aiding developing countries, which is significant; on the other hand, we don't have any clear financing mechanisms for it or any clear institutional arrangements for distributing the funds.

So it's difficult, I think, to judge this, and a lot is going to depend upon what happens next and what happens between now and the conference in Mexico and what actually comes out of Mexico.

I also think we can't really have a discussion of the Copenhagen Accord itself and whether it's progressive without looking at the U.S. position itself. The U.S. position itself is problematic. It's problematic because it's not clear that the United States is going to be able to deliver on its pledge to reduce greenhouse gases by 17 percent, against a 2005 historical baseline, by 2020.

**JOHN TESSITORE: That's 17, 1-7 percent?**

**DARREL MOELLENDORF:** Yes, 1-7 percent, which is what's in the [Waxman-Markey legislation](#) that barely passed Congress last year and is what the United States brought to the table in Copenhagen.

And it should be noted that that's a remarkably modest goal in comparison to what other industrialized countries brought to Copenhagen.

**JOHN TESSITORE: Didn't Britain come up with a rather dramatic—**

**DARREL MOELLENDORF:** The European Union brought to the table an unconditional pledge of a 20 percent reduction against a 1990 baseline. They were willing to increase it to 30 percent if there was significant movement towards greater mitigation on the part of other industrialized countries. In comparison, if you look at the United States' position, the 17 percent as against the 2005 benchmark turns out to be about a 4 percent reduction against the 1990 benchmark. So it was much less than what Europe was willing to offer. It's not even clear that the United States is going to be able to deliver on that very modest pledge that they made at Copenhagen.

What I think is perhaps even more significant over the longer term is that if Waxman-Markey is the best that we can hope for—and it probably is—it's entirely inadequate to the task of keeping warming to below 2 degrees Celsius. The Waxman-Markey target of an 83 percent reduction of CO<sub>2</sub> emissions by 2050 measured against a 2005 baseline will simply not provide enough reductions for—if we were to generalize that across the globe, it would be entirely insufficient for meeting the 2-degree threshold, at least according to what the [Intergovernmental Panel on Climate Change](#) suggests is what's required.

The Intergovernmental Panel on Climate Change says that reductions on the order of 50 to 85 percent against the year 2000 baseline are needed in order to have significant hope of keeping warming below the 2-degree limit. Given population growth, if we assume that there are about 9 billion people by 2050, that means that we are looking at per-capita emissions of about 1.3, at the maximum end, to less than half a metric ton at the lower end of the range. The Waxman-Markey per-capita emissions, by 2050, would put the United States well over that, at about 2.5 metric tons.

So we are much over what would be necessary in order to achieve the 2-degree goal if it were generalized across the globe. And it's hard for the United States to argue that they should be emitting much more than everybody else in a 2-degree framework.

So I think there are real problems with respect to achieving this 2-degree goal, and there is not much sign that we are making progress in that regard, given the commitments the countries have made under the Copenhagen Accord.

**JOHN TESSITORE: Darrel, I'm a non-specialist. Let me ask you the kind of question that I think a lot of citizens ask. You talk about the U.S. being able to meet that goal. I think inherent in that comment, of course, is the role of industry. Industry, of course, is the big player in greenhouse gases, et cetera. Some of us are old enough to remember that the banning of [chlorofluorocarbons](#) back in the 1980s—perhaps one of the first great environmental victories—really had the backing and considerable support of industry. Without it, that probably would not have happened, or would not have happened when it did. What is your opinion on the role of industry, and the corporate sector in general, in facilitating or encouraging a global climate agreement? In other words, can industry help, if it wants to, move this process forward?**

**DARREL MOELLENDORF:** There are entrenched old energy-production industries—coal, in particular—that obviously have interests that are opposed to raising the price of carbon production and carbon emissions. They have been out there lobbying, and they have been lobbying to some effect, both to politicians and to the broader public. They have been able to also speak to the concerns of people about unemployment who might lose their jobs if there is a tax or a price put on carbon.

But, of course, on the other side, there is much to be gained from new forms of technology, from cleaner forms of producing energy. There is much room for job growth, both from the production of energy and for doing things like insulating buildings.

I think it's very much a mixed bag. There are financial interests that are opposed to seeing significant mitigation in climate change and then there are going to be other winners if we move towards a stronger mitigation policy. A lot of this has to do with the kinds of incentives that public policy establishes. If we can manage to forestall or frustrate the interests of the polluting industries and put a price on carbon, then that's going to produce incentives for other forms of industry and job growth in other areas.

So I think it's by no means clear that industry is necessarily going to play a negative role in all of this, and, in fact, there are many reasons to think that there is much to be gained for some industries in a cleaner energy regime.

**JOHN TESSITORE: Still taking the position of the non-specialist, but the concerned citizen, I read that the essential partners in this deal were the U.S. and China, with India, Brazil, and South Africa playing supporting roles, and that together they created the deal that came out of Copenhagen, basically representing the existing major economies. Do you look at this as a backroom agreement? Do you look at this as Realpolitik? What does this say about the multilateral process? How multilateral is this process?**

**DARREL MOELLENDORF:** I wasn't there, but it's hard for anybody who is an observer of this to not think that this agreement had something of an air of desperation about it, that it was done at the last minute, during the course of a long night, amongst a few major players and then presented to the rest of the players there at the meeting.

It was certainly an effort by a small group of countries, which are now known as the BASIC group—that is, Brazil, South Africa, India, and China—being a group that has, since the Copenhagen Accord, met on its own, at least on one occasion, in India. So there is a movement, I think, towards a series of multilateral processes rather than negotiation under the Framework Convention itself. We see this also in some of the efforts that the United States has been engaged in. President [Obama](#) has this initiative called the [Major Economies Forum on Energy and Climate](#), which is a group of, I think, 17 major countries that are meeting to try to discuss climate change and climate change mitigation. And even Bolivia is trying to get in on the action. They are having a conference in April.

**JOHN TESSITORE: So these 17 countries are working in concert, or to some degree in concert. Are they working directly toward the goals of the conference?**

**DARREL MOELLENDORF:** I think each of these efforts represents an effort to try to come to an understanding of what needs to be done and how to push the climate change mitigation process forward. I guess the real question connected with what you are asking is whether or not these are going to feed into the next meeting of the United Nations Framework Convention on Climate Change—

**JOHN TESSITORE: Exactly, yes. That is my question. Thank you.**

**DARREL MOELLENDORF:** —or whether or not they are going to take on a dynamic of their own. And I think it remains to be seen. It seems pretty clear at this point that the United Nations Framework Convention on Climate Change process is weakened, that what came out of Copenhagen—and I think it should be said that nobody should have had high expectations for Copenhagen going into it. It was clear by the middle of November—the statement was made that there wasn't going to be a binding agreement. That was clear. But I think even what came out of Copenhagen was less than what people expected, even given the November statement.

The multilateral process under the Framework Convention has been weakened. The question, I think, is, it remains to be seen whether or not these various other efforts will feed into that and strengthen it or take on a dynamic of their own. I think we'll know more about this by the end of November and the beginning of December, when the Mexico meeting takes place.

**JOHN TESSITORE: You raise a good question. My follow-up on that would be, then, does this really have to be a UN process? Do we absolutely need the UN framework, with its legally binding commitments, in order for this to work or for us to get to where we need to be? Or is there an alternative route that might be just as good or, very possibly, better?**

**DARREL MOELLENDORF:** It's hard to see how an alternative route would be better. There are certain features of the UN process, I think, that are important.

**JOHN TESSITORE: Tell us about that.**

**DARREL MOELLENDORF:** What we need is a comprehensive agreement, and the best way to get a comprehensive agreement, of course, is to take all of the countries that are already signers to the United States Framework Convention. To try to replicate that process over again I think would be diplomatically disastrous.

We also need a comprehensive agreement that is going to have binding commitments. We are going to need the framework of international law to get those binding commitments. We can see already, from the dangers of the Copenhagen Accord, that without binding commitments, if we just rest upon the domestic commitments of individual countries and try to fold them into some multilateral agreement, it seems very unlikely that we are going to get a climate change treaty that is going to sufficiently mitigate climate change to meet the expectations,

the aspirations of those of us who think that warming greater than 2 degrees is truly dangerous.

**JOHN TESSITORE: I don't wish to sound skeptical, but as someone who has worked with the UN and knows the UN—both of us, indeed—we know that there is such a thing as binding commitments and then there's the issue of enforcement mechanisms, or lack thereof. In other words, to your mind, will these binding commitments bind or is there really underlying all of this a kind of giant leap of faith?**

**DARREL MOELLENDORF:** That's an excellent question. Again, I think a lot has to be done to show that it's possible to have agreements that are truly going to bind.

But unless we have a comprehensive agreement, it seems to me, an agreement that includes all countries, the ability to achieve the kind of target that we want is severely compromised. We are going to have to see whether or not there are means by which parties will want to hold themselves accountable. There have been other international agreements that have included enforcement mechanisms and mechanisms for dispute resolution. The WTO has mechanisms for dispute resolution. One can argue about the success of all of these with respect to actually holding parties accountable, but—

**JOHN TESSITORE: But the mechanisms are there.**

**DARREL MOELLENDORF:** But the mechanisms are there, and we have some experience with this internationally.

**JOHN TESSITORE: Between now and 2015, there will be a number of differences, one of which is that the Framework's executive secretary, [Yvo de Boer](#) of the Netherlands, has announced he is going to resign as of July 2010. Does that have any impact? I'm wondering, for example—I know that there has been some criticism of his position. Some have said he has been too pro-U.S. Do we expect, then, that the next executive secretary might be someone who is a little more acceptable to the South, and perhaps a little more sympathetic? Does the role of the executive secretary really matter?**

**DARREL MOELLENDORF:** I think it's hard not to take his announcement that he's going to resign as just another piece of evidence of the weakened state of the Framework Convention post-Copenhagen. It was clear in the statements that he made that he was disappointed with the outcome of Copenhagen. I think it's probably the case that he feels like he can't make any further progress in his role there. And that doesn't speak well, I think, for the future of the process.

So it's sobering and it's clearly connected to the concerns that you were raising in the question prior to the question before about whether or not there is a future to the United Nations process. Again, a lot remains to be seen in the lead-up to the Mexico meeting. I think it will be the case that there is going to be a significant amount of discussion about whether the next leader should be from the South or one of the industrialized countries. I suspect that these discussions are going on even as we speak. But I'm not privy to them, so I don't have much to say, really, about what might be happening there. But it wouldn't be at all surprising, it seems to me, if there was an effort, say, on the part of the BASIC group to vet a candidate and to put some pressure on the process.

**JOHN TESSITORE: Let me finish up with getting something very objective. In your opinion, best-case scenario—or let's call it a wish list—what are the one or two things that could happen in the next couple of years leading up to 2015 that could make a difference, that could, in effect, make it likely that we will have a really significant agreement coming out of that particular meeting? What would you like to see happen?**

**DARREL MOELLENDORF:** It would be nice to see progress in that direction well before 2015. Without significant progress at the Mexico meeting at the end of this year, I think there would be a real loss of faith in the United Nations process for handling this problem. So it would be nice to see strong commitments over the short term—say, over the time period between now and 2020—strong binding commitments, rather than the nonbinding commitments of the Copenhagen Accord—

**JOHN TESSITORE: Any particular countries that you see—I mean, the U.S. is an obvious one.**

**DARREL MOELLENDORF:** Certainly the U.S. needs to be involved, and I think it needs to be comprehensive. What we want to see is significant agreement amongst all of the parties for binding commitments by 2020. This would obviously have the effect of building, I think, goodwill amongst the parties. And we need to see some real progress made in the financing of mitigation for developing and underdeveloped countries and also for adaptation. We need to know where the \$100 billion per year is going to be coming from and we need to know how it's going to be distributed. I think over the short term, if we can get answers to those questions, we will be in a much better position.

A lot of it really, I think, at this point depends upon what we are able to do in the United States. That, I think, has

to temper the optimism of all of us, because it's not clear that—Waxman-Markey, as we said, barely passed Congress. I think it passed by four or five votes. The future of the analogous bill in the Senate isn't particularly rosy at the moment.

**JOHN TESSITORE: That's a sobering and realistic assessment, Darrel. I thank you so much for joining us today. We were delighted to run your article, "Treaty Norms and Climate Change Mitigation," in the fall 2009 issue. I refer our listeners to that article. We are equally delighted and grateful to have this follow-up. We intend to stay in touch with you. This is an issue that is not going away, obviously. You're our man. So we thank so much for this, and I look forward to speaking with you in the future.**

**DARREL MOELLENDORF:** Thank you very much, John. It was my pleasure.

**JOHN TESSITORE: You take care.**

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