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Mexican Congress Approves Far-Reaching Environmental Legislation

By Carlos Navarro

The Mexican Congress made a bold statement this month by approving comprehensive legislation to reduce greenhouse-gas emissions and take other actions to help the country address global climate change. The ambitious plan—approved 128-10 in the Chamber of Deputies and ratified unanimously in the Senate in April—only awaits the signature of President Felipe Calderón. The president has been an outspoken advocate of measures to address climate change, so his signature is virtually guaranteed. With the law's passage, Mexico would become the second nation to enact legally binding emissions restrictions. Great Britain is the only other country to take such a step.

The far-reaching legislation is the result of three years of debate and revisions. The new law would take several concrete steps to stem climate change. The following goals are part of the legislation:

- * Reduce emissions by 30% by 2020 and by 50% by 2050 in relation to 2000 levels
- * Produce 35% of electricity from renewable sources by 2024
- * Make renewable energy economically competitive by 2020
- * Phase out subsidies to coal, oil, and gas
- * Create the Fondo para el Cambio Climático to help finance environmental projects
- * Launch the Instituto Nacional de Ecología y Cambio Climático (INECC), a semi-independent organization, to make recommendations on environmental policy
- * Mandate the development of national policies dealing with mitigation, strategy, and adaptation
- * Monitor and reduce emissions from deforestation and land degradation, which represent the third-largest source of atmospheric contamination in the country.

Legislators felt that it was urgent for Mexico to pass climate legislation because global warming was already significantly affecting Mexico, particularly its agriculture. Mexico is also one of the world's largest sources of carbon emissions, ranking 11th globally.

The climate-change legislation had strong support across the parties, but the main proponent was the Partido Verde Ecologista de México (PVEM), which convinced most of the other parties

in Congress to solidly support the bill. "Climate change is threatening the survival of our ecosystems, our biodiversity, and even human life," said PVEM Deputy Ninfa Salinas, who took a lead role in promoting the measure.

New law allows faster response to climate change

Salinas said a principal objective of the legislation is to develop norms to reduce greenhouse-gas emissions and to adapt the country to better respond to climate change. One goal would be to eventually reach zero deforestation in Mexico.

"The proposal seeks to establish mechanisms that would allow our country to transition to a competitive economy that promotes low carbon emissions but also encourages a state vision that incorporates all sectors of society," said Salinas. "The ultimate goal is to reach equilibrium between economic development and protection of the environment."

The measure also found strong support across party lines in the upper house. Sen. Francisco Labastida, the floor leader for the opposition Partido Revolucionario Institucional (PRI), said the legislation created a framework for the government to curb emissions from the two largest state-run energy entities, Petróleos Mexicanos (PEMEX) and the Comisión Federal de Electricidad (CFE). "These are two principal sources of contamination and greenhouse gasses in our country," said Labastida.

Legislators agreed to create the Fondo para el Cambio Climático to provide a constant source of funding for environmental projects. The government would support the fund with annual budget allocations, supplemented by revenues collected on land and other usage rights. The fund would also be augmented by domestic and international donations, including some money from a special US\$100 billion Green Fund created at the Cancún Summit on Global Climate in December 2010.

Some critics cautioned Mexico not to depend too much on Green Fund funding, at least not in the short term. With the global economic crisis, wealthy nations might slow down their contributions to the fund. If funding from these sources is not forthcoming, Mexico might have difficulty meeting its goals. "Mexico, as a developing country, is not reducing its emissions," said BBC America. "It will require international financial support to meet its objectives, as stated at the UN summit in Cancún."

The congressional legislation also created the INECC, an independent entity with its own federal budget and the power to make decisions apart from those coming from the Secretaría de Medio Ambiente y Recursos Naturales (SEMARNAT).

Among other things, the INECC's task is to issue recommendations about policies and actions to address climate change as well as evaluate actions by the federal, state, and municipal governments to reduce harmful emissions. The institute is also charged with coordinating studies and scientific and/or technological research in partnership with academic institutions on matters related to addressing climate change and restoring environmental balance.

Opposition from some center-left legislators

The center-left parties were divided on the legislation, with the nay votes in the Chamber of Deputies cast by members of the Partido del Trabajo (PT), which raised concerns that the initiative could open the door for privatization of the electricity sector. "[This legislation] hides an intention to privatize," said PT Deputy Laura Itzel Castillo. She noted the measure received strong support from the PVEM, the PRI, and the Partido Acción Nacional (PAN), all of which have advocated for ways to open energy investments to the private sector.

Other PT members questioned provisions in the law that allow private-public partnerships in energy generation. "This favors privatization in the electric and hydrocarbon sectors," said PT Deputy Jaime Cárdenas.

But Salinas said the PT legislators are reading too much into the law. "Perhaps they didn't read the text carefully," said the PVEM deputy. "It doesn't have anything to do with privatization of hydrocarbons. We are referring simply to promoting energy sources that reduce greenhouse gases."

Itzel Castillo also took issue with the level of citizen input that the law allows. "While there are some mechanisms for citizen participation, these are insufficient because they allow only evaluation and not a direct input on development of public policies," she said.

But the legislation gained strong support from the main center-left party, the Partido de la Revolución Democrática (PRD). And the PT was not unanimous in opposing the legislation.

Deputy Porfirio Muñoz Ledo, who chairs the foreign affairs committee (Comisión de Asuntos Exteriores), endorsed the legislation as a symbol of Mexico's long tradition of supporting multilateral initiatives. "This legislation represents Mexico's strong commitment to the resolutions adopted at the Climate Change Summit in Cancún in 2010, said Muñoz Ledo."

Environmental community pleased

International environmental organizations also congratulated the Congress on the approval of the climate-change initiative. "A climate law may not sound very inspiring, but Mexico's is special. It requires the whole country to get on track for a cleaner, greener future, one with 50% less carbon by 2050," said the World Wildlife Fund (WWF).

Several environmental organizations with operations in Mexico, including the WWF, issued a joint statement in support of the bill, calling it a "great step" for Mexico because of the emphasis on reducing harmful emissions and creating financial structures and incentives to attain this goal. Among those signing the statement were Fundar, Consejo Civil Mexicano para la Silvicultura Sostenible (CCMSS), Comunicación y Educación Ambiental, Centro Mexicano de Derecho Ambiental (CEMDA), Centro de Transporte Sustentable (CTS), Equidad de Género, Transparencia Mexicana, Fundación Heinrich Böll Stiftung, Instituto de Políticas de Transporte y el Desarrollo (ITDP), and Greenpeace México.

These same organizations issued a statement advocating passage of the law while Congress was debating the initiative. "Mexico is one of the countries with the greatest renewable-energy resources," said the statement. "If we don't move in that direction, we would be missing a great opportunity for green growth."

Some question President Calderón's commitment addressing climate change

President Calderón, who is widely expected to sign the climate bill, has been a strong proponent of renewable energy. But some critics point out that his statements in favor of green energy do not always translate into actions. For example, they noted that the energy plan released by Calderón for 2012-2025 does not put enough emphasis on renewable energy but instead has a strong focus on nuclear energy and hydrocarbons.

Calderón also came under criticism for failing to use his position as president of the Group of 20 to promote a green agenda. The organization is scheduled to meet in Los Cabos in June of this year. "The impression that I have of Mexico is that it is taking the safest path," Marcelo Furtado, director of Greenpeace Brasil, said in an interview with the Mexican press at an economic summit in Puerto Vallarta in mid-April. "[Calderón] is saying the right things, making the politically correct statements, but he is not taking on a leadership role to guarantee the results."

The legislation's passage has prompted some Mexican states to consider complementary actions within their borders. For example, Oaxaca state legislator Aleida Tonelly Serrano Rosado has launched an effort to create an environment ministry in her state. "It is important to seize the momentum from the passage of this initiative...to create an entity that will have the power to preserve and protect the diverse ecosystems in Oaxaca as well as promote sustainable development," said Serrano, a member of the PAN.

In Coahuila state, the state legislature has proposed a law that mirrors the federal legislation. Deputy José Refugio Sandoval, a member of the PVEM, was the chief promoter of the legislation. The measure ran into some opposition from businesses in the state's coal-producing region, but the initiative advanced after a compromise was struck that allowed flexibility for some mining companies.