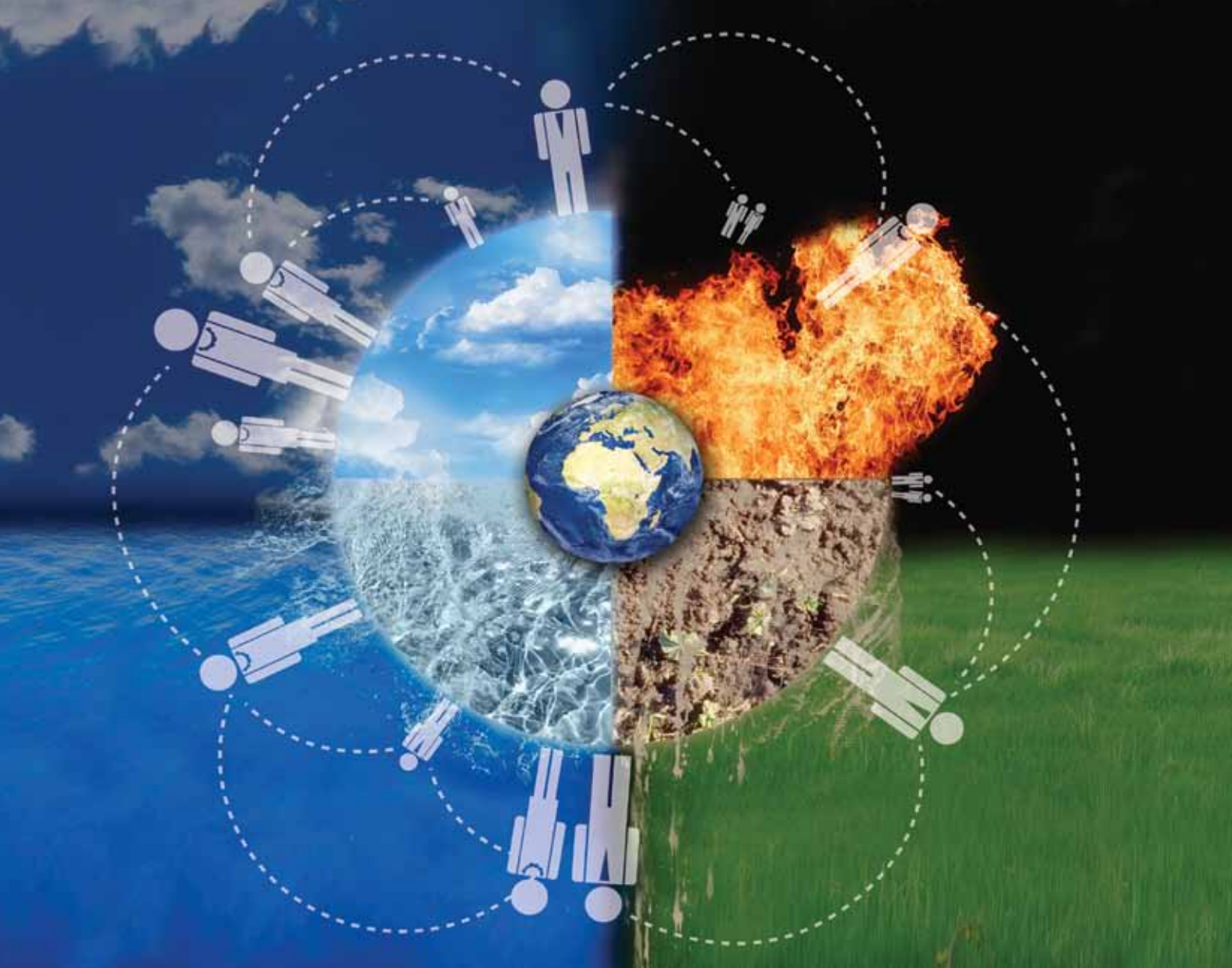




COP17:

SOUTH AFRICA AND THE ROAD TO DURBAN 2011



**FRIEDRICH
EBERT
STIFTUNG**

Rapporteur Mr Anton Pillay
Report compiled by Lesley Masters



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Proceedings Report of the International Workshop focused on South Africa's Multilateral Diplomacy and the Climate Change Negotiations

Tshwane/Pretoria, 4-5 July 2011



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Institute for Global Dialogue
3rd Floor UNISA Building
263 Skinner Street
Pretoria

Tel: +27 12 337 6082

Fax: 086 212 9442

info@igd.org.za

www.igd.org.za

Sponsored by Friedrich Ebert Stiftung

SA Office

34 Bompas Road

Dunkeld West

Johannesburg

Tel: +27 11 341 0270

Fax: +27 11 341 0271

Email: info@fes-southafrica.org

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EXECUTIVE SUMMARY

On 4-5 July 2011, the Institute for Global Dialogue (IGD) and the Friedrich Ebert Stiftung (FES) co-hosted a conference at the Burgers Park Hotel, Pretoria, giving consideration to South Africa's multilateral diplomacy, and role as both host and participant, in the United Nations Framework Convention on Climate Change (UNFCCC) negotiations to be held in Durban in 2011.

The two-day conference was opened by **Mrs Valerie Matlou**, Chief Director for Economic and Social Development at the Department of International Relations and Cooperation (DIRCO). This set the context for the conference in highlighting the need to maintain a sense of urgency in the negotiations. Furthermore the address provided insights into South Africa's focus on delivering an acceptable, fair, and transparent outcome, and importantly, an outcome that is balanced and equitable. South Africa has a key role to play in finding common ground on the future of a climate change regime. As such there has been an intensification of engagement and consultations with all countries.

Session one gave attention to the concepts of environmental diplomacy and multilateralism with **Dr Chris Abongo** asking, 'What is so green about the foreign policy of African states?' The analysis considers the development of multilateral relations as a key approach in addressing environmental concerns. The complex nature of environmental diplomacy (bio-diplomacy) presents a particular challenge in Africa. Here communication on these issues is important in light of the 'filibuster' techniques of developed countries during the negotiation process. In his analysis, **Francis Kornegay** notes the need to take into account the changing geo-political landscape and the 'stand-off' between developed countries, industrialising emerging powers and developing countries. Central to the discussion is whether the emerging power group of BASIC will address questions of 'responsibility' in order to reach an 'accommodation'. The discussion considers the role of the vested economic and political interests of the North as well as the impact of Africa's own growing population, which has specific implications for development and the environment. As such climate change is just one

aspect of a larger challenge in terms of 'ecosystem sustainability' where there may be a growing need for consideration of a tri-continental environmental security force.

The **second session** gave particular attention to the experience of the climate change negotiations held in Copenhagen (COP15) and Cancun (COP16), drawing out lessons for the Durban negotiations in terms of both process and anticipated outcomes. Despite the gloomy picture that has been painted of the Copenhagen negotiations, **Ambassador Dan Frederiksen** noted that COP15 formed a key step in the negotiation process. Its success was that it delivered on three key elements: (1) it raised international awareness; (2) it delivered a political agreement; and (3) it increased private sector awareness and involvement. Some of the lessons shared include the idea that the process has to be incremental and that there is a need for cooperation between the private and public sectors in working towards a green economy.

In reflecting on the Cancun negotiations (COP16) **Dr Andrés Avila Akerberg** points out that a number of key issues were left over from Copenhagen. One of the positive impacts of hosting the talks was that the focus on climate change within Mexico reached a peak, yet at the same time the country faced the challenge of grappling with the huge undertaking following Copenhagen. Central to the Mexican approach was, however, the holding of informal governmental consultations to build trust.

Following South Africa's transition to democracy and re-entry onto the world stage, Pretoria became an active participant in multilateral negotiations, hosting large-scale diplomatic engagements. The **third session** highlighted both the achievements and challenges that have faced the country in multilateral diplomacy more broadly. In the first instance **Dr Kgamadi Kometsi** reflected on the case of South Africa as host of the World Conference Against Racism (WCAR) in 2001. This came against the background of Afro-pessimism regarding the future of the continent, yet South Africa's transition created a shift in this thinking. One of the key lessons drawn was that resolving the world's challenges requires commitment to agreements reached at these international conferences. Indeed, South Africa is still working towards addressing issues of xenophobia and discrimination within the country. Secondly, he highlighted the importance of understanding the diversity of positions on the challenges to be faced within South Africa, creating space for divergences but pushing forward the importance of remaining in the process.

In the second case study, focused on South Africa as hosts of the World Summit on Sustainable Development (WSSD) in 2002, **Mr Lincoln Marais** indicates that this was a missed opportunity in negotiating a 'concrete path forward' in addressing the challenges to sustainable development such as

climate change. The importance of the preparatory process is highlighted along with the role of presidential leadership in leading discussions of representatives of Friends of the Chair. Despite challenges, the WSSD in Johannesburg 'produced a practical, realistic and action-orientated plan that included the financial and technical means to implement the agreements'.

In addition to hosting complex multilateral negotiations, South Africa has also been party to protracted international trade negotiations. In the third paper, **Dr Brendan Vickers** considers lessons from the WTO concerning inclusivity and fairness. The paper highlights the 'golden triangle' of multilateral negotiations – 'the dominance of contracting parties, the consensus principle and the single undertaking'. The role of Groups in shaping decisions is addressed in terms of its representivity, efficiency and inclusiveness. From the WTO experience the following lessons are highlighted for COP17: strengthen the consensus principle; rethink the approach to informal small group negotiations; and finally, adopt a code of conduct for Chairs.

Lessons from the WTO negotiations are crucial in any effort to avoid a similar fate for the climate change negotiations. **Catherine Grant** indicates that engagement in negotiations such as those at the WTO has provided lessons of South African diplomats in the international system. Among the factors identified for successful participation are: preparation; broad-based representation and the building of relations with other delegates and WTO Secretariat staff; building coalitions with like-minded members; and clear leadership is needed within government.

In the **final session**, the focus turned to South Africa's current role as hosts of the UNFCCC COP17/CMP7, considering South Africa's position ahead of Durban and the importance of providing an inclusive and transparent process. In opening the session, **Dr Godwell Nhamo** highlighted the importance of understanding the negotiation process, the formal and informal negotiation groups as well as the key issues on the negotiation agenda including mitigation, adaptation, technology and finance. These are linked to questions of equity in reaching a fair and legally binding agreement. Yet the challenges presented by a North/South divide persist. In the second presentation **Dr Lesley Masters** revisited the idea of South Africa as a middle power in international affairs. It is noted that this position has not been vigorously pursued in the context of the climate change negotiations, yet can provide strategic value in pursuit of an internationally agreed outcome. There is further discussion on the challenges South Africa faces in balancing domestic imperatives and international geo-political realities and the key difference between moderating and managing expectations in the lead-up to Durban.

In the paper providing the view from civil society, **Percy Makombe** points to the challenges in hosting a transparent and inclusive COP17 within the context of the division between the developed and developing countries. In reaching an agreement in Durban the importance of climate justice is highlighted with South Africa able to set an example by committing to 'drastic and radical reduction' and 'taking a stand and challenging the world to break the logjam'. The discussion notes government has been open in recognising the need for engagement, as long as CSOs 'remain organised'.

Communication through the media will form a crucial element in the Durban negotiations. In highlighting the media coverage of climate change related issues, **Jocelyn Newmarch** indicates that there has been a downward trend in covering the environment in the first half of 2011. In addition these stories have tended to be in the negative. One of the key challenges has been in getting local reports and coverage by local reporters. A further point raised in the discussion is the appropriateness of reporting and providing a balanced approach, and the link between language and the society's understanding of climate change issues. In the end it was noted that while there are 'excellent science writers' in South Africa there is a shortfall in a more broad focus on science journalism.

Policy Considerations:

In enhancing South Africa's role, and Africa's role more broadly, in multilateral climate change negotiations in shaping the future climate change regime the following policy considerations can be drawn from the analysis:

- In order to effectively participate in the burgeoning number of environmental initiatives, there is a need for capacity development and support in understanding the complex terrain of environmental diplomacy on the continent;
- Attention should be given to advancing the protection of the continent's ecosystem sustainability through strategic policy development;
- Consultation (formal and informal) and trust-building ahead of key international negotiations offers an additional means to determine positions and facilitate multilateral negotiations;
- Efforts need to be undertaken to ensure engagement with all stakeholders, both governmental (states, regional organisations) and non-governmental actors (civil society groups, research organisations, academics, community-based organisations);

- South Africa's international position as a bridge-builder/middle power should be used strategically in bringing divergent country positions towards a negotiated agreement;
- The development of a communication strategy on climate change, both with representatives attending and the wider South African public, will play an essential role in conveying the process and outcomes of COP17.

ACRONYMS AND ABBREVIATIONS

3GF	Global Green Growth Forum
AOSIS	Alliance of Small Island States
ASEAN	Association of Southeast Asian Nations
ATF	Agricultural Trade Forum
AU	African Union
AWG-KP	Ad Hoc Working Group on Further Commitments for Annex I Parties under the Kyoto Protocol
AWG-LCA	Ad Hoc Working Group on Long-Term Cooperative Action
BAP	Bali Action Plan
BASIC	Brazil, South Africa, India and China
BRICS	Brazil, Russia, India, China and South Africa (BRIC – prior to SA joining)
CO ₂	carbon dioxide
COP	Conference of the Parties
CRL	Commission for the Promotion and Protection of the Rights of Cultural, Religious and Linguistic Communities
DDA	Doha Development Agenda
DDPA	Durban Declaration and Programme of Action
DEA	Department of Water and Environmental Affairs (South Africa)
DIRCO	Department of International Relations and Cooperation (South Africa)
DTI	Department of Trade and Industry (South Africa)
EU	European Union
FES	Friedrich Ebert Stiftung
G77	Group of 77
G20	Group of 20 coalition on agricultural trade issues
GATT	General Agreement on Tariffs and Trade
GCF	Green Climate Fund

GHG	greenhouse gas
IBSA	India, Brazil and South Africa
IGD	Institute for Global Dialogue
IMF	International Monetary Fund
KP	Kyoto Protocol
LDC	Least Developed Country
MEA	multilateral environmental agreements
MOP	Meeting of Parties under the Kyoto Protocol
NAMA	non-agricultural market access
NEDLAC	National Economic Development and Labour Council
REC	regional economic communities
REDD	Reducing Emissions from Deforestation and Degradation
SAARC	South Asian Association for Regional Cooperation
UNEP	United Nations Environment Programme
UNFCCC	United Nations Framework Convention on Climate Change
WCAR	World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerances
WSSD	World Summit on Sustainable Development
WTO	World Trade Organisation

PREFACE

SA's multilateral diplomacy and the climate change negotiations

The fact of global climate change is generally accepted by governments worldwide which, despite diverging national interests and priorities, are committed to preventing 'dangerous interference' with the global climate. Indeed, as pointed out by Keynote Speaker Valerie Matlou¹, international climate change is a fundamental crisis of our times. Despite this, the recent UNFCCC meetings in Copenhagen in 2009 and Cancun in 2010 have failed to produce a comprehensive, legally-binding climate change agreement – thereby serving to somewhat undermine public confidence in the climate change negotiation process. As such, many observers have questioned the ability of the multilateral process to achieve an agreement on a future international climate change regime. Indeed, what little headway was made (especially at the Copenhagen Summit) was achieved through so-called 'closed-door' diplomacy, where key states (such as the BASIC group) reached limited agreement without the participation of other actors (both state and non-state).



Dr Siphamandla Zondi and Mr Axel Schmidt

As far as South Africa is concerned, multilateralism is an important component of its foreign policy – not only as a vehicle for global cooperation, but also as a means for compensating for its relatively small size in international affairs. For this reason, South Africa frequently adopts the role of ‘bridge-builder’ between groupings – most commonly between the global North and South. This middle-ground position inherently displeases both sides as witnessed during the Copenhagen negotiations where its work with the BASIC group led to criticism in the global south for ganging up with the powerful, while some in the global north expressed worry about the new hierarchy in global affairs that BASIC epitomised.

To consider the options that South Africa and other emerging countries have in bringing about a more effective negotiations diplomacy in the build-up to the South Africa-hosted COP17 negotiations, the Institute for Global Dialogue in partnership with the Friedrich Ebert Stiftung, undertook a research and dialogue project to look at lessons learned from previous conferences and negotiation fora that would enable South Africa to effectively use its position as the chair and host of the climate change negotiations. Within the overriding goal of highlighting the value of multilateral engagements in bringing about just and acceptable outcomes on climate change, the research and discussions considered South Africa’s role within the forum in order to develop policy recommendations for considerations in the run-up to the UNFCCC conference.

The project would not have been possible without the excellent cooperation between the IGD and FES, and especially work done by Dr Lesley Masters of IGD as the project leader and Olivier Serrão of the FES as the project administrator.

Olivier Serrão

Programme Manager: Friedrich Ebert Stiftung, South Africa

Siphamandla Zondi

Director: Institute for Global Dialogue

August 2011

1 Chief Director: Economic and Social Development, Department of International Relations and Cooperation.

NOTES ON THE CONTRIBUTORS

ABONG'O, CHRIS

Dr Chris Abong'o is a diplomat by training. He teaches MA/Msc courses in Diplomacy, International Relations, Environmental Diplomacy and International Environmental Law and Policy at the Institute of Diplomacy and International Studies (IDIS), University of Nairobi. He is the Chair-designate of the Department of Environmental Diplomacy at the new Centre for Advanced Studies in Environmental Law and Policy (CASELAP) also at the University of Nairobi. He holds a PhD in International Studies, University of Nairobi, 2005, with the thesis 'Problems of Environmental Conflict Management in the IGAD Sub-region: A Reconceptualization of the Approaches and Processes of Environmental Conflict Management', as well as an MA in International Studies, University of Nairobi. He has just completed post-doctoral research in Environmental Diplomacy at Montesquieu University, Bordeaux, France in 2008–2010.

AMBASSADOR FREDERIKSEN, DAN E

Ambassador Frederiksen has represented Denmark in Southern Africa since 2007. He has an MSc in Political Science from the University of Aarhus, Denmark. He has been heavily involved in foreign affairs most of his career, and headed the Department for UN, IFIs and Global Development Issues at the Ministry of Foreign Affairs in Copenhagen before his appointment as Ambassador. He has served as the Head of both the Department for Environment and Sustainable Development, and the Department for Southern Africa at the Ministry of Foreign Affairs in Copenhagen, and has represented Denmark in World Bank deliberations on resources to the International Development Association.

AVILA AKERBERG, ANDRES

Dr Andrés Ávila Akerberg is Director of the GLOBE Legislators Forest Initiative in Mexico, and the Mexican representative of the Center for Clean

Air Policy (CCAP). He has experience in government, Congress, civil society and academia. In government, he worked at the Mexican Ministry of Trade, the National Council on Security, and the Ministry of Environment and Natural Resources (SEMARNAT). He has worked as a consultant for the Inter American Development Bank and for SEMARNAT as an international climate change policy analyst. In the Mexican Senate, he was foreign affairs and climate change adviser. Dr Akerberg helped in the establishment of the Mexican chapter of GLOBE International, the global legislator's organisation for a balanced environment. Since 2002 he has taught a course on Environment and Development at the National University and has given numerous conferences on international environmental issues. He has written widely on environmental issues, and holds a PhD in Political Sciences from the National Autonomous University of Mexico and a Master's degree in International Relations from the School of Advanced International Studies of the Johns Hopkins University.

GRANT MAKOKERA, CATHERINE

Ms Grant was a diplomat for New Zealand for over ten years and was posted in New York, Geneva and Pretoria, where she held the position of Deputy High Commissioner. She has participated in United Nations and World Trade Organisation negotiations. Ms Grant also worked as a consultant on trade and development matters before joining Business Unity South Africa in April 2007 as Executive Director: Trade Policy. Her portfolio at BUSA included trade negotiations, trade and investment promotion activities, international relations and trade policy matters. She represented BUSA at NEDLAC on trade and other related issues. Ms Grant was the Secretary of the SADC Employers Group and SADC Business Forum from 2007 to 2010 and continues to support efforts towards strengthening private sector participation in regional and trade policy debates.

KOMETSI, KGAMADI

Dr Kometsi is National Coordinator: Racism and Non-Discrimination at the South African Human rights Commission. He has worked as a clinical psychologist and a lecturer at the University of the Witwatersrand in Johannesburg. He has also taught in the Department of Psychology at the University of Cape Town. His professional interests include using psychodynamic theories to explore social issues. He spent time at the Wits Institute for Social and Economic Research as a Doctoral Fellow, where his thesis focused on a psychodynamic analysis of racial identities. His project was part of the 'Rethinking Race' flagship programme.

KORNEGAY, FRANCIS

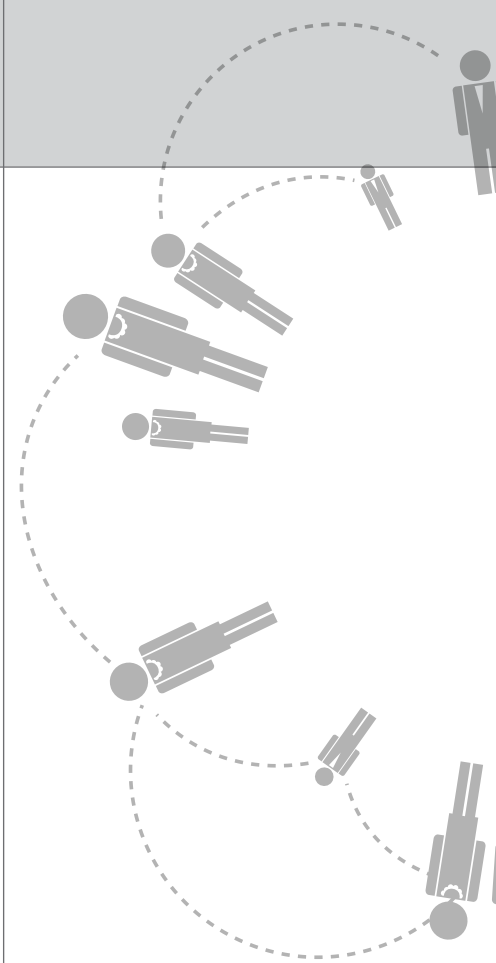
Mr Kornegay is a Senior Research Fellow Associate at the Institute for Global Dialogue (IGD), with Master's degrees in African Studies from Howard University and in International Public Policy from the School of Advanced International Studies at Johns Hopkins. He served two stints in the US Congress as a professional foreign affairs staffer and established the Research and Evaluation Unit for the African Development Foundation, an independent US agency. In South Africa, he served as the country director of the African-American Institute (AAI) and was involved in electoral support activities. His research includes global geopolitical issues, South African and US foreign policies and South-South co-operation issues on which he has written and published extensively. He is a former 'Cape to Cairo' *Business Day* columnist, managed a Ford Foundation-funded project on IBSA, and has organised seminars on IBSA both in South Africa and India.

MAKOMBE, PERCY

Percy Makombe is a Programmes Manager with the Economic Justice Network (EJN) in Cape Town. EJN is the economic arm of the Fellowship of Christian Councils in Southern Africa. Percy has advocacy experience in issues that are of concern to the South, such as trade, aid, development, climate change, governance and human rights. Percy has also worked as deputy director for the regional NGO, SEATINI (Southern and Eastern African Trade Information Negotiations Institute). He has also worked as a journalist and editor on magazines and newspapers including *Zimbabwe Independent*, *Moto*, *Mundo Negro* and *Africa News Bulletin*. Percy has also worked for the Zimbabwe Institute as well as for the University of Aberdeen in Scotland. He has also previously sat in the steering committee of EQUINET, the Regional Network on Equity in Health in Southern Africa. He holds a BA and a post-graduate diploma in media and communication studies from the University of Zimbabwe and a Master's degree in Globalisation and Communications from the University of Leicester (England).

MARAIS, LINCOLN

Lincoln is the Director for Institutional Development in the Secretariat of the African Tax Administration Forum (ATAF), currently housed at the South African Revenue Service (SARS). In this capacity, he is responsible for the organisation's institutional meetings, and oversees the implementation of its Capacity Development Programme and Research Projects. Having lived in Hamburg since 1984, he completed studies in Development Diplomacy at the German Foundation for International Development in Berlin in 1994. He returned to South Africa in 1996, joining the then Department of Foreign Affairs (DFA). In 1997, he was posted to the South African Embassy in Paris,



and also completed a Master's Degree in Diplomatic Studies through the University of Westminster. He was assigned to the DFA Policy Unit for the 2002 World Summit on Sustainable Development (WSSD). He later joined the Department's Economic Development Division. Lincoln joined SARS in 2005 as the Manager: International Cooperation and Development, responsible for SARS' relationships with international organisations, foreign tax administrations and donor agencies, as well as coordinating its capacity building and technical assistance programmes. From 2008, much of his work focused on the preparations for the African Tax Conference. As of 2010, he has been seconded to the ATAF Secretariat on a full-time basis until such time that the organisation becomes a fully independent entity.

MASTERS, LESLEY

Dr Masters is a Senior Researcher in the Foreign Policy and Diplomacy Programme at the Institute for Global Dialogue (IGD), Pretoria. She received her PhD from the University of Leicester, with a focus on South Africa's foreign policy. Her current research interests lie in foreign policy as well as international environmental diplomacy with recent publications covering Africa and the UNFCCC; climate change, energy and South Africa's foreign policy; and the international politics of energy security.

NEWMARCH, JOCELYN

Ms Newmarch is a freelance writer and journalist, and co-owner of The Writing Project, which offers corporate writing services. She is currently researching carbon offset projects in South Africa for an MA degree at Wits University. She has previously attended COP15 in Copenhagen and COP16 in Cancún, where she reported on the negotiations for *Business Day*. Jocelyn is interested in environmental economics, sustainability and development.

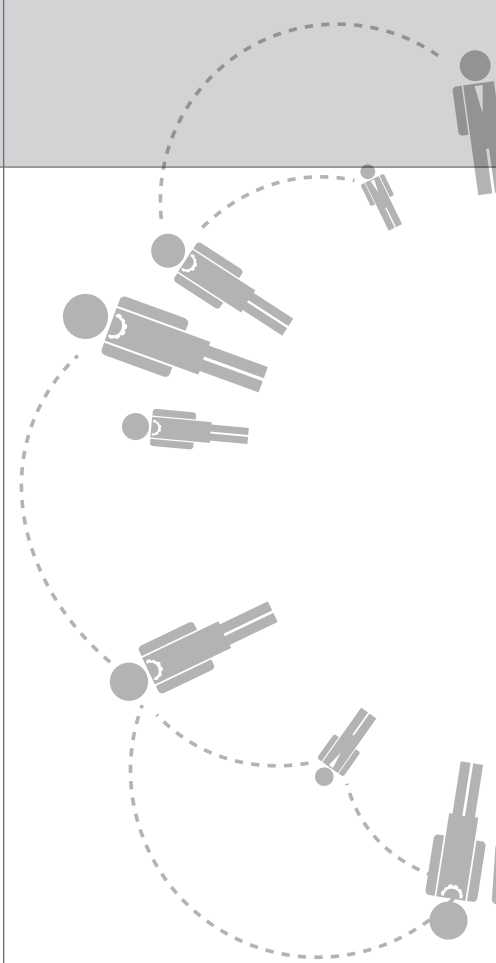
NHAMO, GODWELL

Dr Nhamo is a Programme Manager for the Exxaro Chair in Business and Climate Change. The Chair is hosted by the Institute for Corporate Citizenship that falls within the College of Economic and Management Sciences (CEMS) at the University of South Africa. Dr Nhamo holds a PhD from Rhodes University and did his postdoctoral work at the University of Witwatersrand. Dr Nhamo has interests in business and climate change; global climate change, climate policy negotiation regimes; as well as general environmental management and policy. Some of Dr Nhamo's current responsibilities are in teaching, research and training in corporate citizenship, sustainability sciences, climate policy, green economy as well as business and climate change. Dr Nhamo has spent the past 15 years in the

research, consulting and academic worlds. He has published widely across his areas of research interests.

VICKERS, BRENDAN

Dr Vickers is Head of Research and Policy in the International Trade and Economic Development (ITED) Division of the Department of Trade and Industry. Previously he held the position as Programme Head: Global Economy and Development at the Institute for Global Dialogue and worked in the Policy Unit in the Presidency. He has also lectured at various South African universities and Goldsmiths College in London. He holds a PhD in Politics from the LSE through the award of a Commonwealth Scholarship and an MA (cum laude) from the University of Johannesburg. He has published extensively on South Africa's international relations and political economy debates, including a co-edited volume (with Amrita Narlikar of Cambridge University) on *Leadership and Change in the Multilateral Trading System* (2009, Marthinus Nijhoff/Republic of Letters) and a study on investment climate reform for the World Bank's 2005 World Development Report.



INTRODUCTION

COP17: South Africa and the Road to Durban 2011

Lesley Masters

The importance of multilateral engagement has been emphasised as a means to address international challenges such as terrorism, the proliferation of nuclear weapons, trade and development, and climate change, issues which cannot be addressed within a purely national context. Yet despite the prominence given to multilateralism over the course of the last century (with some successes), this form of international engagement is being challenged as the best forum for building common positions in foreign affairs. This has been increasingly evident following the failure of the World Trade Organisation's (WTO) Doha Development Agenda, and the UN Framework Convention on Climate Change (UNFCCC) conference in Copenhagen (December 2009). Increasingly, states have adopted a more exclusive form of group diplomacy such as the development of the G20 in response to the stalled trade talks, and the BASIC group (Brazil, South Africa, India and China) at the COP15 negotiations in Copenhagen. The argument presented by proponents of this evolving 'elite multilateralism' is that in order to attain an agreement, it is necessary to limit participation to the most significant players and to formulate a system where one state cannot disrupt proceedings and block the attainment of an agreed outcome. This, however, leaves a number of small and particularly vulnerable states languishing in the corridors rather than being present at the negotiating table.

For the 'new' democratic South Africa, multilateralism has been a cornerstone of foreign policy. The *Foreign Policy Discussion Document* of 1996 argues that '[m]ultilateral cooperation at all required levels is essential and is supported by South Africa'. The document goes on to highlight that 'Government's foreign policy objectives in the field are to ensure that South Africa plays a role commensurate with its status and abilities in respect of the global issues which preoccupy the world today and which are at the same time of

major national concern'. Indeed, the Department for International Relations and Cooperation (DIRCO) identifies the importance of multilateralism in protecting and promoting South Africa's national interests and values, as well as securing a rules-based international system, as among the country's strategic objectives.

South Africa continues to promote the importance of multilateralism and the importance of international institutions. Nevertheless, South Africa has had a mixed track record of participation in, and hosting of, multilateral negotiations. Following the country's re-integration within the world community every effort was made to demonstrate its role as a good international citizen and bridge-builder between the geo-political North and South. Yet within multilateral negotiations on trade and climate change, perceptions exist that Pretoria has undermined the interests of the developing states that it claims to represent through a willingness to engage with the developed states behind closed doors.

In addition to the proliferation of South Africa's participation in multilateral fora, the re-entry onto the world stage saw Pretoria accept a number of leadership roles in multilateral institutions and it volunteered to host key large-scale events, including the World Conference Against Racism, Racial Discrimination, Xenophobia and Related Intolerance (WCAR) in 2001, and the World Summit on Sustainable Development (WSSD) in 2002. In both instances the country faced numerous challenges as it grappled with wider geo-political realities and national political and economic expediencies in trying to forge common positions among member states. Yet there have been some successes in driving multilateral negotiations including the Kimberley Protocol and the global campaign to ban landmines.

In 2011 South Africa will host the UNFCCC climate change negotiations that seek to shape the future of the climate change regime. This is one of the most politically divisive and broad-ranging areas currently under discussion within the multilateral context. Careful consideration will need to be given not only to the planning of the conference (logistics), but to building an understanding of current international geo-political divisions, the importance of drawing Africa and other vulnerable states into the centre of the discussions, competing national priorities and interests, interaction with civil society and the media, as well as underpinning the importance of transparency, equality and fairness throughout the negotiation process.

It is against this context that the Institute for Global Dialogue (IGD) and the Friedrich Ebert Stiftung hosted a two-day conference at the Burgers Park Hotel in Pretoria, focusing on South Africa and the build-up to the hosting of the UNFCCC COP17 in Durban 2011. The meeting was attended by over 50 participants, representing diverse interests including government,

research organisations, civil society groups, practitioners and the diplomatic corps.

The objectives of the conference were:

- to understand the wider challenges facing multilateral environmental negotiations;
- to examine South Africa's record in multilateral negotiations, and the potential challenges to be faced at COP17 both in terms of the negotiating process and the expected outcomes.

This proceedings report is a compilation of the papers presented at the conference. It is intended to act as a platform from which to launch further discussion and debate on South Africa's role in the climate change negotiations, as well as South Africa's engagement in the international milieu more broadly.

The keynote address by Mrs Valerie Matlou (DIRCO) set the context and tone for the conference providing an overview and reflection on the challenges facing South Africa in hosting the UNFCCC in 2011 as well as South Africa's preparations for these large-scale multilateral negotiations against the backdrop of a changing geo-political order.

Session 1: The first session set out to address the strengths and potential pitfalls of multilateralism as a tool of international diplomacy, with a specific focus on the concept of environmental diplomacy. The session also drew attention to the role of environmental diplomacy within Africa and the changing international geo-political context.

Session 2: Drawing on the knowledge of those close to the COP process in Copenhagen and Cancún, the second session provided an opportunity to reflect on the experience and lessons from COP15 and 16. This relates particularly to the insights from these countries as host of this large-scale UN conference. This included consideration of both the process and the outcomes anticipated.

Session 3: The 'new' democratic South Africa has played a prominent role in multilateral institutions such as the WTO, and volunteered to host some of the large-scale UN conferences including the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerances (WCAR, 2001), and the World Summit on Sustainable Development (WSSD, 2002). Ahead of Durban, contributors to Session 3 addressed the challenges South Africa faced in hosting these conferences as well as Pretoria's own experience of engaging in the WTO multilateral negotiations.

Session 4: As the world grapples with the unprecedented evidence of climate change and the shortfall in political will in reaching a common agreement on the future of the climate change regime, South Africa will be under the spotlight in facilitating these negotiations – providing the means to re-emphasise its role as a bridge-builder and as a state that can provide innovative proposals that draw together divergent positions. The final session gave consideration to the positioning of South Africa ahead of COP17 and the importance of providing for an inclusive and transparent process that supports the foreign policy principles of multilateralism and the African Agenda.

KEYNOTE ADDRESS

South Africa's state of readiness and Engagements in the Build-Up to COP17/ CMP7

Valerie Matlou

Department of International Relations and Cooperation

Programme Director,

Your Excellencies,

Ladies and Gentlemen,

I would like to thank the IGD and the FES for this opportunity to address you on one of the most topical concerns of our times: climate change. Allow me also to seize the opportunity of this gathering to congratulate



Mrs Valerie Matlou

you on the work you have done on the topic and also wish you very fruitful deliberations as you interrogate this phenomenon called climate change from different perspectives.

Climate change is one of the most fundamental challenges of our times, and if left unchecked it will fundamentally alter our way of life. However, this sense of urgency is not being felt in the negotiations. What we notice in the negotiations is that the debate is no longer around environmental integrity but rather it has become far more political and economic. It is a vehicle that is being used to shape a new world order especially with regard to the new emerging economies, without taking into account the issue of the historical responsibilities of developed countries.

The concern from developing countries is that the issue of addressing poverty is a priority. Still these countries, including South Africa, have agreed to take on voluntary climate change action provided that they are supported by new funding, technology and capacity building.

Therefore, it is our hope that South Africa will deliver an outcome that is balanced and equitable and does not make the life of the global poor worse. We will endeavour to deliver an outcome that must bring hope and equity so that we are able to pass on a better Earth for our future generations.

Ladies and gentlemen,

As you may know, the world has tasked South Africa through our Presidency of the Seventeenth Session of the Conference of the Parties to the United Nations Framework Convention on Climate Change (COP17) and the Seventh Session of the Conference of the Parties serving as the Meeting of the Parties to the Kyoto Protocol (CMP7), to lead the world in forging a common consensus in order to deal with the question of climate change. In this regard, we have committed ourselves to deliver an acceptable, fair, transparent and equitable deal in the upcoming climate change negotiations in Durban. It is our strong belief that anything outside this approach has the potential to put the integrity of the UNFCCC process at stake, with negative implications for the wider multilateral system.

Your Excellencies,

Our unique role and position in the current climate change talks enjoins us to intensify consultations with the express objective of finding common ground and agreement within the broader climate change community. Our consultations with the broader climate change community have revealed that the parties to the UNFCCC are unanimous that Durban must produce outcomes that will be a synthesis of the Bali Roadmap as well as the Cancún Agreements, as well as striking a balance between and within both the Convention and the Kyoto Protocol negotiating tracks.

Your Excellencies,

In our consultations, we have noted that developing countries are firm in their conviction that Annex 1 Parties must accede to the second commitment period under the Kyoto Protocol and that any failure on their part will put the whole integrity of the climate change negotiations into disrepute. The major concern of the developing countries is the urgent need to avoid an emissions gap between the first and second commitment period under the KP.

On the other hand, most developed countries have indicated their unwillingness to accede to a second commitment period under the Kyoto Protocol without the inclusion of 'major emerging economies in a comprehensive climate change framework' (Brazil, South Africa, India and China) and this has the potential to undermine the UNFCCC principle of 'common but differentiated responsibilities and respective capabilities' as well as the issues of equity and historical responsibility.

Your Excellencies,

Following the conclusion of the Bonn climate change meetings, there were positive movements on the climate change negotiations, and we intend to intensify our consultations by engaging all countries in a transparent and inclusive manner in an effort to pave the way towards the Durban outcome. We also intend to seize the opportunity of upcoming multilateral events to drum up support and consensus on the outcomes of Durban.

So, where are we with regard to the preparations for the COP17/CMP7? I could easily reassure you all that the logistical arrangements are on track. We are ready to receive all the delegates to Durban in a manner expected of us. We will do our best to facilitate understanding among the parties and ensure that they hear each other and do not talk past each other in confronting the big political issues, which if not addressed will put us all at the risk of collapsing the UNFCCC framework.

Therefore, ladies and gentlemen, in helping to strike whatever balances have to be struck in Durban, it is our hope that this is the spirit that will infuse the negotiations at all levels to ensure that while we consolidate the gains thus far made, we secure these by addressing the big political issues as well as the future in good faith.

Mindful of all of this, ladies and gentlemen, the central focus of our preparations with respect to the Durban outcomes necessarily must be to ensure that we do not lose the gains made in Cancún, particularly for developing countries in finance, technology, adaptation and capacity building. Furthermore we need to deal with what must be done when the first commitment period of the Kyoto Protocol comes to an end in 2012 as well as the question of the legal form under the convention track. Parties

cannot avoid or postpone this any longer. Therefore in Durban, we hope for a spirit of give and take informed by ambitious realism with regards to the level of ambition in both mitigation and finance.

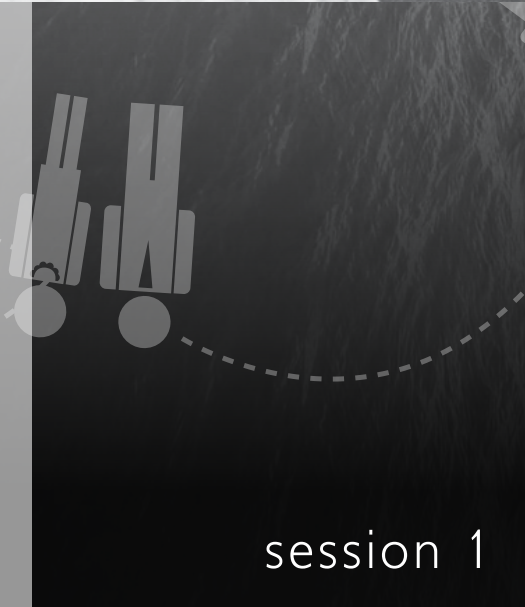
To ensure that parties rise to all these challenges, as mandated by the Cancún decisions as contained in COP16, we have been consulting widely and intend to intensify our consultations bilaterally, regionally, multilaterally and at other fora to build the political will and courage necessary to deliver a credible outcome at the COP17/CMP7 in an inclusive and transparent manner.

In conclusion, South Africa will be carrying the banner of hope and daring captured so aptly in the words of former President Nelson Mandela that, 'It always seems impossible until it is done!', and I am certain that working together we will certainly rise to the challenge. Success in Durban rests on all parties. As South Africa we will do the best we can in terms of our mandate as the President.

I thank you all.



Mr Francis Kornegay and Dr Chris Abongo



session 1

THE POLITICS OF MULTILATERAL NEGOTIATIONS

CONTEXTUALISING DURBAN 2011 UNFCCC NEGOTIATIONS ON CLIMATE CHANGE: CHALLENGES, OPPORTUNITIES AND THE ROLE OF ENVIRONMENTAL DIPLOMACY

Chris Abong'o

Introduction

This paper is a sojourn into the classical development of environmental diplomacy, its links with general diplomacy and the challenges strewn along 'COP17: Road to Durban 2011'. Its aim is to shed adequate light on environmental issues in



Dr Chris Abongo

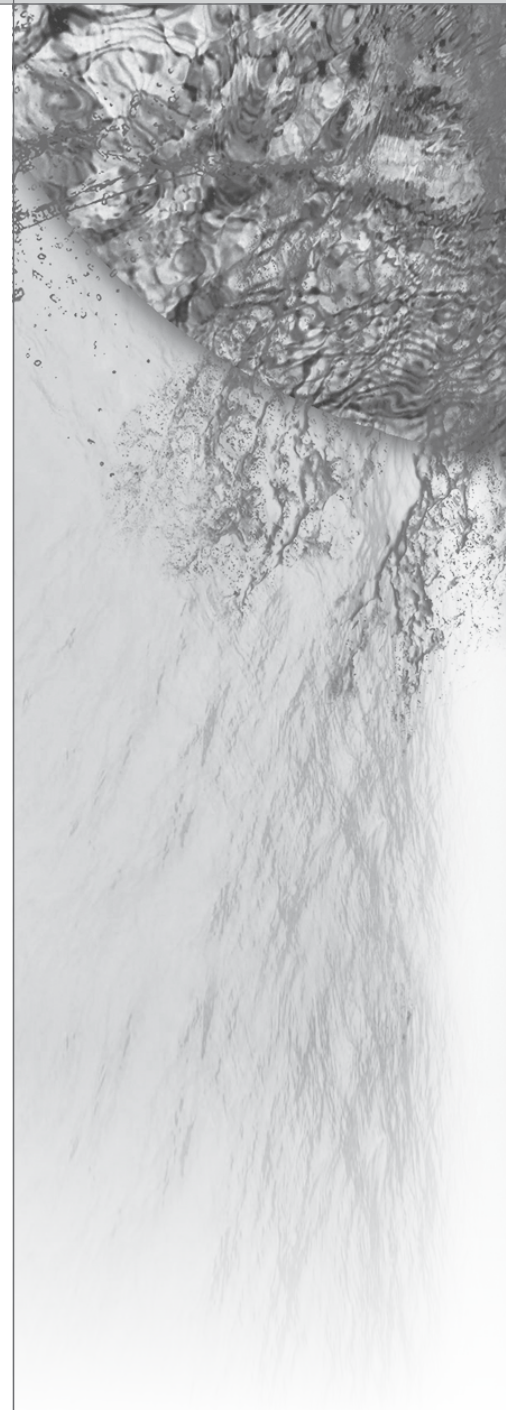
the foreign policy of African states, with specific reference to the forthcoming Road to Durban 17th Conference of Parties (COP) United Nations Framework Convention on Climate Change (UNFCCC) negotiations. It surveys, identifies and pinpoints the potential political pitfalls (challenges) of multilateralism as a tool of international diplomacy. In essence, it asks: What is so green about the foreign policy of African states? In answer to this, the paper offers a compressed overview of South African foreign policy and highlights key components domiciled within it. These components, the paper argues, are building blocks which can be used to make the foreign policy greener not only in South Africa, but the entire continent.

The first part outlines the advent or origin of multilateral diplomacy and the place of environmental issues in the development of environmental diplomacy. The second part examines the goings-on in various international environmental negotiations as a prelude to Durban's COP17. In its third part, I discuss the poor showing of African states in environmental issues pointing out that in most African states' foreign policy, the environment is treated as a footnote. Little wonder, therefore, that despite Africa hosting two UN agencies (UNEP and Habitat in Nairobi, Kenya), little gain has been made in advocating national environmental issues to the international fora. In the same vein, there is nothing to write home about when it comes to effectively cascading down international environmental issues to the national orbit.

The paper concludes by saying to be forewarned is to be forearmed. Thus South Africa should pull out all the stops (and utilise all its opportunities) in order to engineer another world event (after the successful football World Cup of 2010) and ensure UNFCCC COP17 negotiations catapult Africa onto a new environmental plane. The paper offers and underlines a menu of key critical issues that the South African Presidency at the UNFCCC negotiations could be geared to more visibility in the international environmental regime. The paper in essence acts as a prompt to agenda-setting among African states in capitalising on the opportunities provided by COP17, laying firm ground to address the looming global environmental crisis due to climate change.

The Context

Diplomacy, they say, is as old as the hills. But this refers specifically to bilateral diplomacy which is the oldest form of diplomacy. Multilateral diplomacy, however, is only approximately 170 years old – starting from the Congress of Vienna (1814/1815) when multilateral diplomacy was used for the very first time. To many an ordinary person, the term environmental diplomacy is a remote issue almost bordering on the abstract. But in today's International Relations (please note the upper case characters), the environment is at the heart of global political issues. From the Stockholm Conference in 1972, it was realised that some germane environmental problems demand solutions which transgress





national boundaries. This is to say that environmental issues are frontier-blind.¹ The palliative to this innate disregard for political boundaries is international environmental cooperation or environmental diplomacy.

Thirty years ago, the nascent environmental movement was fully preoccupied with localised issues like urban air pollution, unsafe water supplies and waste disposal. These problems are still relevant especially in developing countries of the South. Africa is very much in the midst of all this. However, the environmental challenges of climate change are quite different in scope. Climate change, the thinning of the stratospheric ozone layer, the spread of dry lands and soil erosion, pollution of the oceans and depletion of fish stocks, massive forest destruction, widespread extinction of fauna and flora, persistent organic pollutants that spread their poison all over the globe: these problems pose a new kind of threat to human well-being now and in the future. Much as these issues may appear disparate, they are in fact closely interlinked in their causal factors and physical, chemical and biological feedback. The global dimension of these risks has rekindled calls for far-reaching solutions and for new levels of international cooperation.

It is fallacious to assert that environmental diplomacy was first talked about after the end of the Cold War.² In its infancy, environmental diplomacy had to grapple with the choice of either developing its own analytical frameworks or continue standing on the shoulders of general diplomacy. An examination of the classical development of diplomacy helps put this argument into a better perspective.

General diplomacy tends to draw much of its genealogy from international relations. This is evident in the classic works of Francois de Callieres, Mattingly and Nicolson. Traditional diplomacy has been dominated by bilateral diplomacy, but starting from the Congress of Vienna, a multilateral dimension developed. Even though multilateral diplomacy has not wholly eclipsed and replaced bilateral diplomacy, it is presently the most prevalent. Indeed, many of the important landmarks of modern diplomacy – such as the United Nations Charter, the Vienna Convention on Diplomatic Relations, and the United Nations Convention on the Law of the Sea – have been crafted through the medium of multilateral diplomacy.³

General diplomacy is perceived as a wide area of practice due to its diverse functions. In modern times, and with the increasing complexity of diplomatic issues, the notion of an all-round diplomat has been rendered debatable. The need has arisen, therefore, and is now broadly accepted, of the specialised cadre of diplomats – environmental, scientific, military attachés and even nuclear attachés. Contemporary and future diplomacy requires a firm grasp of more specialised knowledge in the field of science. Emergent areas such as environmental diplomacy (and even more so the infant bio-diplomacy) require the mastery of disciplines such as physics, chemistry, geology, oceanography, air and outer space in order to deal with the manifold issues that arise. In today's world, the role of diplomats has undergone a rapid transformation. Thus requirements which are

sine qua non for the profession of diplomacy have become far more diversified, complex and demanding. Today's diplomat is not only concerned with political developments, but also environmental, economic and social needs, trade union and labour matters, educational and cultural dimensions, and scientific and technological development.

The 1972 Stockholm Declaration opened the doors for the elevation of the question of the environment as a significant issue among states. In 1974, the call for a New International Economic Order (NIEO) and the Charter of Rights and Duties of States at the UN General Assembly, raised the profile of some issues affecting the environment, such as sovereignty over natural resources. International relations, therefore, heaved on board a new issue to grapple with. But this was seen more as a concern of general diplomacy – a substantial area of international relations. As more environmental issues arose, the broad structural formulation and concerns of general diplomacy were not able to pursue and address these new problems efficaciously. Consequently, the birth of a specialised branch was heralded – that of environmental diplomacy. Given the trans-boundary nature of environmental issues, most negotiations were carried out under a multilateral framework, drawing from international treaties in a bid to come up with an international environmental regime. This, however, did not stamp out general diplomacy; in fact, those multilateral negotiations were carried out chiefly by diplomats. The rapidity of the development of environmental diplomacy was accompanied by the immense diversity of issues, to the bewilderment of diplomats, hence the creation of new sub-branches to competently handle arising issues. Even though the areas of environmental diplomacy were new to diplomacy, its paradigms (analytical frameworks) remained clamped to those of international law.⁴ This is because international law has been instrumental in the development of the rules that govern usages of the environment:⁵

environmental diplomacy as a sub-discipline of general diplomacy still dug a little deeper into causes of environmental problems, and the individual responsibility for them. Particularly, emerging knowledge about genetic resources questioned some of the then accepted doctrines that had developed within environmental diplomacy.

Environmental diplomacy thus exhibited the intra-disciplinary dynamism that scientists crave.

Africa in general, and South Africa in particular, are renowned for their rich environmental diversity, which constitutes an attraction to people from other parts of the world and also forms the basis of national sustainable development. This wealth is under increasing pressure leading to depletion and degradation, both of which threaten the basis of sustainable utilisation of the environment and the natural resource for inter-generational equity. That trend is generally intensified by the rapid increase in demographic numbers, the hasty and indiscriminate process of industrialisation and extravagant consumption patterns, both locally and by



people from abroad. These threats are increasing at a time when existing legal and management regimes have not fully developed conceptual and regulatory mechanisms for integration of environmental exigencies into development planning and management. Because of geographical proximity and environmental relations, most of the problems assume a regional (continental) character with a preponderance of trans-boundary effects. The panacea to these must be regional and sub-regional interventions through well-crafted and negotiated agreements.⁶ For the mitigation of the impact of climate change, Africa must mind judiciously the opportunities brought about by the Presidency of COP17 later this year in Durban.

Innate Challenges in African States

This section looks at the embedded challenges African countries face on the one hand and those specific challenges facing the Durban COP17 UNFCCC negotiations on the other. One of the major shortcomings of the Cancún talks was the failure to negotiate a new commitment protocol to address deficiencies in the Kyoto Protocol's implementation. As in most multilateral fora geo-groupings are expected to feature. This is not a new phenomenon, but its magnitude may be felt more in Durban as a rider to the ever-increasing geo-political interests.

Historically, the responses of those concerned with environmental degradation were at two levels. The loudest voices have denounced the increasing degradation and called on the perpetrators to cease their improper practices. This moral suasion has largely been ineffective. This is more so in Africa where awareness of the consequences of bad environmental practices has been confined to a tiny fraction of societies. At the second level, one of legal intervention, the legal regimes were limited to fixing liability *ex post facto*, for violation of legally protected interests or simply by penal sanctions. These approaches have been, at best, below C-level because they are devoid of preventive and precautionary mechanisms.

The paradigm of environmental management and regulation has gradually shifted over the past three decades. Firstly, there has been increasing awareness that measures should be taken to prevent socio-economic activities from threatening the threshold of sustainability of environmental resources; legal regimes have gradually been developed to facilitate such intervention through regulatory participation. Secondly, for almost two decades now after the Rio Conference it is widely accepted that environmental exigencies should be integrated into development planning and management if sustainable development is to be realised. This shift requires policy and management practices that involve the public as role occupants, and beneficiaries of the development activities, in rational management of natural resources for sustainable development. Thirdly, juridical arrangements now require implementation of prudence and precaution through anticipatory impact assessment, risk assessment, audits and monitoring.

Unfortunately in nearly all African countries (South Africa included), the change of management and regulatory paradigms, as well as the Rio Principles, are largely honoured in rhetoric. This trend does not exist because of intended deceit or neglect. On the contrary, it is a derivative of limited institutional capacity and inadequate expertise to develop comprehensive policy planning and management frameworks, as well as legal and institutional machineries capable of systematic implementation at national and regional levels.

As of today, there are just over thirty African countries with framework environmental laws of varied levels of sophistication. Similarly, the countries have a wide array of sectoral or functional statutes and implementing regulations which are hardly harmonised against one another and, invariably, diametrically opposed to framework law. In some cases, the laws have been developed by some foreign itinerant consultants working with donor funding, who eschew the input from national counterparts, because very few or no such experts exist. In the end, the consultants leave draft laws with scarcely any national who actually understands the origins thereof. Parliaments adopt the laws, not just mystified, but somewhat bewildered, and without clear conceptualisation.

Worse still, there is hardly any serious implementation of laws principally because there are so few people who have the expertise in the executive or the judiciary to implement the new regulations. There is a similar gap in civil society or the public at large to press for enforcement action, even in cases where existing laws make provisions for public access to administrative and judicial remedies. In most cases, litigants are not well prepared and are unaware of the jurisprudence in the changed paradigm of environmental management and laws. The upshot is improper judicial decisions which undermine the legal order of the environment. Moreover, the ill decisions set out correspondingly bad jurisprudence which is difficult to rectify in future.

This trend applies *ipso facto* to the wide array of bilateral and multilateral environmental agreements adopted to deal, *inter alia*, with trans-boundary environmental issues. Implementation or enforcement of the over 300 existing agreements is even more complex than the national statutes and regulations. The crucial problem is that failure to ensure proper compliance and enforcement of such agreements will in future lead to inter-state conflicts, of which Africa is at great risk. In sum, there is as much urgent need to extend the frontiers of environmental law and policy to cover environmental diplomacy and build expertise in environmental treaty-making and enforcement as there is for the national level.

In most African States, international environmental conventions are seen as sophisticated, complex and delicately balanced statutes whose domestication presents a formidable challenge to the executive, judiciary, legal practitioners, the private sector, civil society and the general public. Each of these cadres plays a different but complementary role in full implementation. Unfortunately, none of



these groups has the critical mass of expertise to play their respective roles in the implementation of domesticated environmental laws, especially when it comes to climate change.

In October 2010 the United Nations climate change conference in Cancún, Mexico, failed to address a number of issues. Some of the highlights of the Cancun Agreements:

- Industrialised countries agreed to develop low-carbon development plans and strategies;
- Parties meeting under the Protocol agreed to continue negotiations with the objective of completing their work and closing any would-be gaps between the first and second commitment periods;
- Parties launched initiatives and institutions to protect the vulnerable from climate change;
- A total of 30 billion USD was pledged by the industrialised countries as fast-start funding to support climate action in developing countries;
- Governments agreed to augment action to curb emissions from deforestation and forest degradation (REDD+) in developing countries with technological and financial aid.

This means for the new Presidency of the UNFCCC, South Africa faces a myriad of challenges. Many thorny political issues remain unfinished business and have been carried forward to Durban 2011. For any gainful move from Cancún to Durban to be registered, the innate political pitfalls ought to be identified, isolated and remedies concocted to serve as an antidote. One of the salient outcomes of the Cancún talks was the call for a two-track legally binding outcome as regards the Kyoto Protocol. In 1997, the industrialised countries agreed to reduce greenhouse gas (GHGs) emissions. This Protocol shall have run its full course in 2012, albeit without having met the envisaged goals. It is natural, therefore, that developing states sought a new commitment by the developed countries towards significant reduction in GHG emissions. The developing states will certainly push concertedly for the adoption of a new two-track that is legally watertight.

The question of methodology in negotiation techniques is yet another challenge. This is closely allied to commitment in terms of in-depth preparation and active participation. Despite South Africa having participated in numerous high-level negotiations, there is always room for sharpening the 'mouth-to-mouth' skills. If South Africa can rally the African countries, parts of Asia and the South Americans to adopt a solid evidence-backed standpoint, then many are the Working Groups (WGs) that will register 'A' grade.

There is the perennial danger of a filibuster technique in negotiations. This has been witnessed in many multilateral diplomatic negotiations. Using this technique, industrialised countries usually deploy a combination of hi-tech and convoluted language to wear out stiff opposition. How? The industrialised countries employ

technical jargon and go round and round in circles during the actual debates. The ultimate intention is to water down any scientifically credible opposition, thus either suspending opposition or carrying the day. My own feeling is that Durban 2011 will see a lot of the filibuster technique in use by the Western delegates.

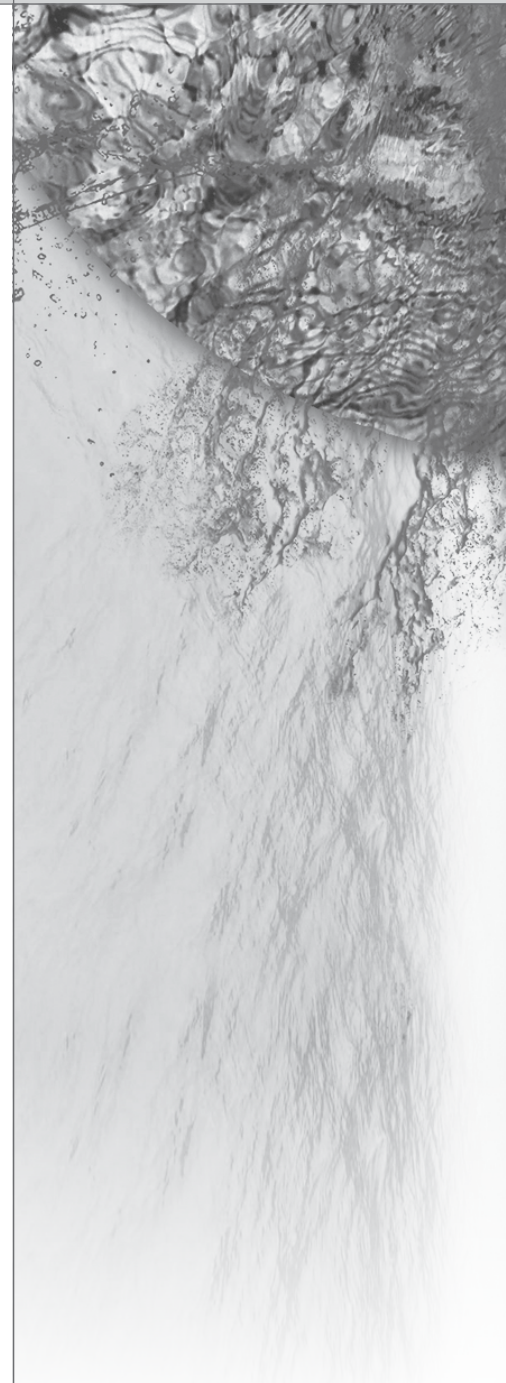
Common interest groups like the Association of Small Island States (AOSIS) may not be necessarily geo-focused in their make-up but have been brought together having envisaged the frightening danger they face should temperatures keep soaring and glaciers melt. So whether a small island is in Nauru, Bahamas, Seychelles, Madagascar or somewhere in Asia their *raison d'être* is to press for their well-being and that of their future generations.

Past Diplomatic Initiatives

In the recent past (about two and a half decades) we have witnessed a virtual explosion of multilateral negotiations aimed at addressing the new global environmental issues. These include the 1985 Vienna Convention on Protecting the Ozone Layer; the 1987 Montreal Protocol on Substances that Deplete the Ozone Layer; the 1989 Basel Convention on the Control of Trans-boundary Movement of Hazardous Wastes; the establishment in 1991 of the Global Environmental Facility; the 1992 UN Conference on Environment and Development, and its offshoots Agenda 21 and the Commission on Sustainable Development; the 1992 UN Framework Convention on Climate Change; the 1992 Convention on Biological Diversity; the 1993 UN Conference on Straddling Fish Stocks and Highly Migratory Fish Stocks; the 1994 UN Conference on Sustainable Development of Small Island Developing States; the 1994 UN Convention to Combat Desertification; the 1994 International Conference on Population and Development; the 1997 Kyoto Protocol on Climate Change and numerous intergovernmental negotiations and working groups on such subjects as sustainable forest management, land and water resources, economic instruments and biotechnology.

Even though these were one-off events, continuous processes of reporting and review of national policies and scientific evidence have been launched. Soon after Rio, the environment captured global headlines over a sustained period of time as the subject matter itself became too important to be left to 'environmentalists'. Foreign Ministries have now taken over environmental issues, while other departments of governments – notably Finance, Planning, Science, Energy, Agriculture and Development Cooperation – have hastened to buttress their own competence in environmental themes. Special envoys have been designated to coordinate and oversee increasingly complex negotiations, which require expertise not only in the traditional ecological disciplines but also in economics, finance, technology, and often arcane branches of science.

As a consequence of the UNCED process, foreign offices and finance ministries have integrated environmental concerns as a *sine qua non* in the wheels of sustainable development. UNCED was not a culmination, but rather a milestone





along the diplomatic pathway that had commenced a decade earlier. The benchmark in the development of environmental diplomacy was the signing of the Montreal Protocol in 1987. The ozone protocol was the first international agreement to mandate world-wide preventative action prior to an occurrence of any environmental harm. This accord contained unprecedented provisions that significantly influenced future environmental negotiations, thus altering the landscape of international diplomacy.

The Stakes in Durban COP17

Today, five major factors distinguish the new environmental diplomacy: (1) the nature of the subject matter, (2) the role of science and scientists, (3) the complexity of negotiations, (4) the unique equity issues involved, and (5) innovative features and approaches. Indeed, these will be germane in Durban 2011 UNFCCC negotiations from an African (developing countries) standpoint.

It is prudent to examine them with the aim of providing links to Durban COP17. First, ecological challenges have the same characteristics since they are as a result of anthropogenic activities. As population numbers increase, consumption patterns change. The dangers are global in scope, crossing national boundaries and affecting all people. Despite their slow pace of development, their cumulative impact can be devastating. For example, annual variations in atmospheric temperatures are miniscule and can be affected by transient non-anthropogenic such as volcanic eruptions and solar radiance. The predicted effects are often long-term, and far into the future. On the other hand, the potential damage to earth systems may be extremely difficult to mitigate, perhaps even irreversible, once they have become entrenched like the Antarctic 'ozone hole' which, even after strenuous measures of the Montreal Protocol, will take nearly a century to make good. The difficulty facing politicians and policymakers is that, complexity aside, these problems are characterised by a high degree of scientific uncertainty. Politicians are thus placed in the uncomfortable position of having to weigh short-term costs against long-term risks. The nature of the problems themselves requires coordinated actions on a global scale. This is because the real magnitude of ecological interdependence is just beginning to unravel. Even if the industrialised nations were to stop using fossil fuels, this would not be sufficient to halt impending climate change if the far more populous developing countries continue to clear forests and burn cheap coal and oil to fuel their growing economies. New forms of cooperation among nations are necessary – hence, an environmental diplomacy.

Secondly, science and scientists have a role of unprecedented importance in the new environmental diplomacy. Negotiations over recent years on the ozone layer alone have involved not only stratospheric chemists, physicists and meteorologists, but also microbiologists, agricultural chemists, oncologists, physical chemists, soil engineers, pharmacologists, rocket scientists, chemical engineers, oceanologists, entomologists, and many other specialists in the natural sciences. In the face of

incomplete scientific evidence, it becomes necessary to create an international scientific consensus on the timing, extent of future dangers and the feasibility of alternative mitigation strategies. The Scientific Assessment Panel on Stratospheric Ozone and the Intergovernmental Panel on Climate Change has thousands of scientists in overdrive research gear. But having spent many years in a continual round of workshops, research seminars and peer-reviewed papers, they must come out of their laboratories and offer judgements on the policy implications of their findings. Scientists will not always find comfort in sharing the limelight with politicians but the mix was a plus in the success of the Montreal Ozone Protocol. New environmental diplomacy thus became the discipline of the moment.

Thirdly, the complexity of climate change negotiations cannot be gainsaid. In September 1987, only 24 countries had signed the Montreal Protocol. Less than five years later in Rio de Janeiro, more than 150 nations signed both the climate change and the biodiversity conventions. By the mid-1990s up to 180 states, including dozens of intergovernmental organisations, were known to take part in environmental negotiations. Similarly, large numbers of non-governmental actors have found roles in the new multilateral diplomacy. All of this makes for increasingly complex negotiations. For the traditional diplomat it can mean negotiating in a goldfish bowl. The sheer numbers, additional new actors, categories, topics and sub-topics makes it imperative for the negotiations to be divided into succinct topics, rather than attempting to resolve all outstanding issues in a single plenary or committee of the whole. Thus a panoply of working groups, informal contact groups, smaller closed meetings of key delegations, as well as complementary meetings of nations from a given region (continent) like the African group evolve. In these groups, like-minded countries attempt to mould common principles and positions prior to the broader global negotiations.

Fourthly, environmental diplomacy entails some rather unique issues of equity. The global environmental threats have their historical origins in the untrammelled production and consumption over the last 60 years or so of a paltry number industrialised nations. These approximately 40 countries (including the BRICs) have achieved remarkable levels of economic prosperity. Nevertheless, in the process they have inflicted monumental potential damage – unintended – on the global commons, through their use of energy, the generation of hazardous wastes and chemicals, and their huge demand for forestry products, beef cattle, fish supplies, and many other natural resources. Then there are the developing countries which more than treble the number of industrialised nations, accounting for 90% of the world's population now and in the future. Sadly, these 150-plus countries have adopted the same destructive economic development patterns. It is estimated that because of the developing countries' growing demand for energy, their emissions of GHGs will surpass those of the North in about a decade! This situation has led to considerable mistrust between the North and the South. Most developing nations have argued that it is the responsibility of the rich North to





change their own policies, simultaneously providing new and additional financial resources, modern technologies to the South.

Fifthly, we will need some creative diplomacy come the Durban 2011 negotiations. Why? Because the lessons learned in the structure and flexibility of the Montreal Protocol have borne fruit (albeit minimal). It was realised much earlier that one cannot send in 'green helmets' to enforce environmental obligations, and so economic/trade sanctions have worked miracles. The Montreal Protocol also created a unique, equitable voting procedure for decision-making in the absence of consensus, requiring separate majorities among industrialised and developing countries. This could be skillfully deployed in the forthcoming Durban talks with amazing results. In sum, because of the nature of their subjects and the scientific, technological, and equity considerations involved, the new environmental treaties must be designed to encompass dynamism and flexibility of instruments rather than as static solutions. Politics is the art of making good decisions on sufficient evidence. For the negotiators of modern international environmental agreements, this observation assumes the quality of a maxim.

Environmental Issues in the Foreign Policy of African States

Having agreed that environmental diplomacy has come of age and is multilateral, it is apt and proper to examine the green component in the foreign policy of African states. Beginning from the days of Burmese U Thant at the helm of the United Nations stewardship, running through the immediate former (our very own) Kofi Annan to Ban Ki Moon, the determinants of African foreign policy have been indeterminate. In times of rapid change and increasing complexity, in-depth analyses and well-thought-out arguments are particularly welcome. The irony is that even though environmental issues are increasingly generally, and particularly in developing countries, the expertise and resources needed to solve them is concentrated in the industrialised countries. The critical study of foreign policy and comparative foreign policy analysis is just taking root in Africa. Indicators of regional diplomatic behaviour, if taken collectively, depict an Africa without clear integration of environmental diplomacy in the foreign policy strategies of those states which constitute the continent.⁷ The process of converting inputs to outputs is the 'how' of foreign policy.

It is undoubtedly the most crucial factor, especially in Africa, but the continent lags behind in analysis. In effect the psychological traits of the leadership have become a substitute for the analysis of how different foreign policy determinants shape foreign policy decisions. At its most basic level the internationalisation of environmental politics is a response to the emergence of new types of environmental problems.

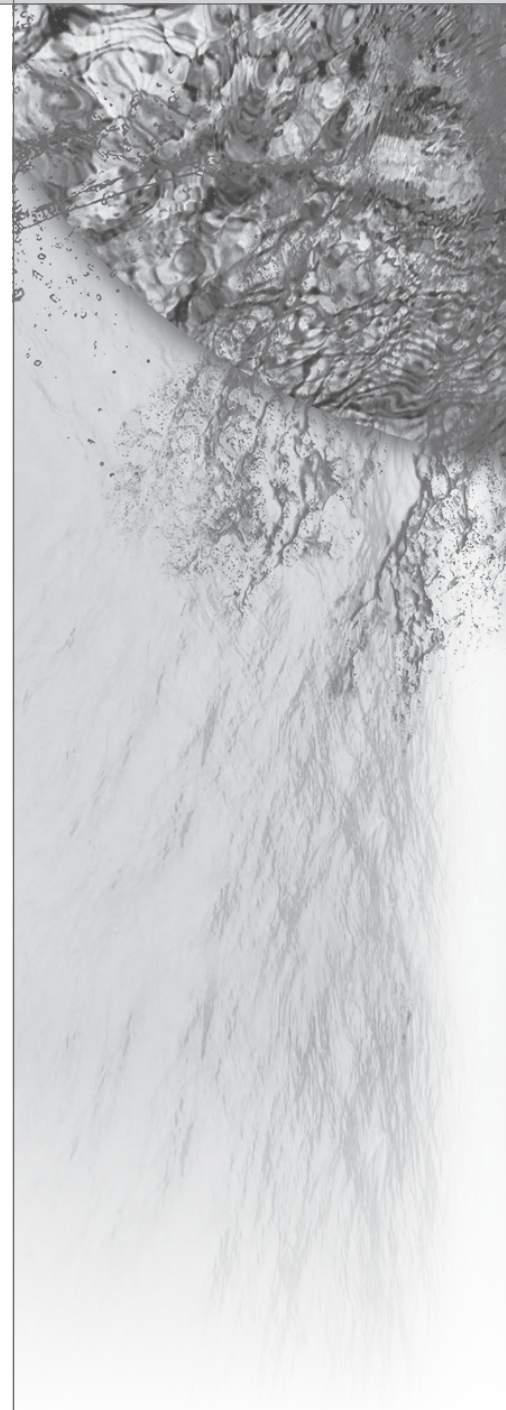
As Caldwell writes, the Stockholm Conference of 1972 was a watershed in international relations.⁸ It legitimised environmental policy as a universal concern among states and so created a place for environmental issues in many national

agendas where they had been previously unrecognised. The 1992 Rio UN Conference on Environment and Development was attended by nearly all African Heads of State and Government. What is more, one of the four major agreements arising from this historic meeting, the Convention on Biodiversity (CBD), was negotiated and concluded on African soil, in Nairobi, Kenya in May 1992. The old OAU was primarily concerned with matters other than environmental. However, the AU has sponsored the 1968 Treaty on the Protection of African Wildlife, and has also sponsored the College of African Wildlife Management at Mweka, Tanzania founded in 1963! The concern for the environment within the AU appears to have grown with increasing appreciation to its relevance to development and to such basic human priorities as food, water, shelter, health and employment. The eco-development concept and the conservation for a sustainable growth strategy advocated by the IUCN, UNEP and several of the UN specialised agencies have helped to cover whatever gap may have existed in the way that African leadership perceived environment and development.

The OAU Lagos Plan of Action 1980-2000 brought environmental concerns directly into socio-economic planning. The LPA identifies eight priority areas which include desertification and drought, air pollution control and environmental education and training. At its 37th session (May-June 1981), the UN Council of Ministers, with specific reference to the Lagos Plan of Action, recommended adoption of the draft of the World Charter for Nature which had been proposed to the UNGA by an OAU member, Zaire (now DRC). It is therefore clear that Africans had kept pace with a litany of environmental problems. If this is so, how do we explain the outlandish omission of the same issues in the foreign policy documents of the AU member countries? Before the end of the Cold War environmental issues were given a lower-rung treatment despite their salience and significance. As old problems are being looked at anew, Africa must clothe itself with the 21st century garb delineating a rebirth of its diplomacy. Because environmental issues require cooperation and coordination, African countries must stop removing their gloves to shadow box with one another (and their own shadows) while they continue receiving diplomatic knock-out punches in the tyrannical world of international politics. Environmental issues ought to occupy the nerve centre of African foreign policy formulation. The most salient African-born convention came into being in 1981. Indeed, the Bamako Convention on the Dumping of Hazardous Wastes created rigorous clauses. African foreign policy needs not only a new architecture, but actually (and truly) new midwifery in the third millennium.

Highlights of South African Foreign Policy

In three years' time, the democratic Republic of South Africa will be only two decades old yet it has shown the steel and spine of a real African warrior in the international community. This emanates from its well-defined national interest which feeds into foreign policy. Some of the outstanding features of the foreign



policy strategy are an ardent belief in its human capital – its people – and that the foreign policy belongs to the people. This epitomises the pluralist paradigm in foreign policy analysis. It also signifies a tapestry of South African international heritage with the desire to live in harmony with not only immediate neighbours but even those farther afield. The same foreign policy has clearly signalled the country's intention to contribute creatively to Africa's future, thus beckoning the rank and file of South Africa's populace to international service in order to fulfill its calling as a responsible global player.

In consolidating the African agenda, which entails conflict resolution, peaceful socio-economic environment and friendly relations with nations of the world, the foreign policy strategy South Africa has scored good grades. This is also mirrored in the promotion of South-South cooperation and the strengthening of North-South partnerships including the transformation of global power structures. In working for a stable African continent, it also aims at the creation of a just and equitable world order. The mention of trans-boundary resources is firmly etched in South African foreign policy, and thus cleaner, renewable and sustainable energy resources is a possible achievement. It also acknowledges that global trends will necessitate a changed global process. These components can be harnessed, fine-tuned and applied as the backbone to negotiation briefs and positions for the Africa group prior to Durban COP17.

Way Forward

Today, environmental history has summoned all of us to a reflective exercise, in what compares to Martin Luther Jnr's famous quote that "We are not makers of history; we are made by history". The forthcoming COP17 therefore presents a time to reflect on our gains and to consolidate them into firm commitments for present and future action. It is a time to look back (in a bid to look forward), and remind ourselves that the 21st century belongs to us.

It is not in dispute that history has no life of its own; living and future generations must breathe life into it and relive it if it is to be useful. By the same token, African history is rich and full of heroic deeds and unparalleled developments, but unless it is used in advancing humanity, we may not be doing any justice to the initiators of the Montreal Protocol. I therefore beseech you to a consideration of the responsibility COP17 confers on us in realising our aspirations of turning back the tide of threatening climate change.

Requesting your attention to such an approach, it is not unfitting to adopt the title "Making the COP17 an African Showcase: Why We Can't Wait". The idea of the 21st century has been clearly articulated by African and Africanist leaders who have called for a 'renaissance' that would reinvent Africa at a time of global need. Stripped of all technicalities, the chief idea is to forge an African solidarity on common climate change issues. The Heads of State and the Council of Ministers

under the ambit of the African Union must vigorously craft a scientific evidence-backed and sound African position on the germane issues within COP17.

When the Magna Carta was being written in England in the 13th century, West Africa was already advancing in the arts and public administration. Indeed, the various civilisations that were founded in various parts of West Africa showed beyond any reasonable doubt that they were already on the path of development, and without foreign influence and interventions, would have grown to be definers of world thought and precepts in several fields (climate change included). Today, Africa seems to be moving towards a bright future. There is light at the end of the tunnel, but we must pause and ask ourselves whether the brightness is the headlight of an oncoming train emerging out of the tunnel at full speed heading towards a tunnelled Africa.⁹ We must remember that for a long time, Africans have been told that there are certain things that they cannot do. They were told that it is not possible for them to understand Mathematics, Physics or Chemistry. Rather, they should stick to being a hewer of wood and drawer of water! But a change can be made. The Koreans have demonstrated that it can be done. The Thais have demonstrated that it is possible. The Japanese have shown how easy it is. South Africans have begun to show that it is do-able. Former Tanzanian Head of State, the late Julius Kambarage Nyerere, succinctly sums it all up: “The recipe for development is its people, land and good politics”. Mahatma Gandhi underlines it thus: “Good politics is right action”. A *caveat emptor* is in order. There are too many voices from the North saying what is right for Africa. We must determine that which is right ourselves and do it.

Finally, I submit that there is still a lot to be done. In the swift dynamic rush of events, we find ourselves groping to understand the sense and meaning of hazy scientific evidence from the scientists’ climate change laboratories. In our quest to understand, we summon all our knowledge of the past 16 COPs, especially the last two in Copenhagen and Cancún, and scan all signs of the future. Are we nearing that light we saw earlier? A light of environmental security, economic security, and social security? I am convinced that we will not let another shadow of another night close on us. If there are beautiful dreams about climate change in Africa, then there are roads that lead to that dream. Two of these roads could be named South Africa 2011 and Durban COP17 2011.

Notes

- 1 By the time the Stockholm Conference (pre 1972) was being proposed it had already been foreseen that certain environmental issues could not be addressed succinctly by individual states or a group of states but only through a multilateral forum.
- 2 Sascha Muller-Kraenner in a November 1998 Conference Report on Environmental Diplomacy (American Institute for Contemporary German Studies, The Johns Hopkins University) observes that environmental diplomacy was first talked about after the end of the Cold War. In my view nothing can be further from the truth. Evidence abounds since 1972 which proves the contrary. Books have been



published on the same subject and scholars of diplomacy decades before then that a new branch of diplomacy had come of age.

- 3 See M. Mwagiru, *Biodiplomacy: Towards a Framework of Analysis*, Institute of Diplomacy and International Studies(IDIS), University of Nairobi, Mimeo, 1996.
- 4 Ibid, p.5.
- 5 Diplomacy does not have its own analytical frameworks *per se* but borrows from the paradigms of its sister disciplines like international relations, foreign policy analysis, international law and international conflict management. In looking at diplomacy from the lenses of international law therefore, we borrow and apply positivism, pluralism and social state theory paradigms.
- 6 See Centre for Advanced Studies in Environmental Law and Policy (CASELAP), University of Nairobi, Concept Paper (2009).
- 7 See C. Abong'o, 'Environmental Issues in the Foreign Policy of African States: New Architecture of New Midwifery?' *African Review of Foreign Policy*, Vol. 1, Number 3, July 2000.
- 8 K.L. Caldwell, *International Environmental Policy* (Durham University Press, 1990) offers a superb analytical/historical growth of environmental policy.
- 9 See P.L.O. Lumumba, *The Searching Soul: Selected Speeches and Essays*, Nairobi, Mvule Africa Publishers, 2009, p. 401.

CLIMATE CHANGE: THE CHANGING GEOPOLITICAL CONTEXT OF MULTILATERAL NEGOTIATIONS

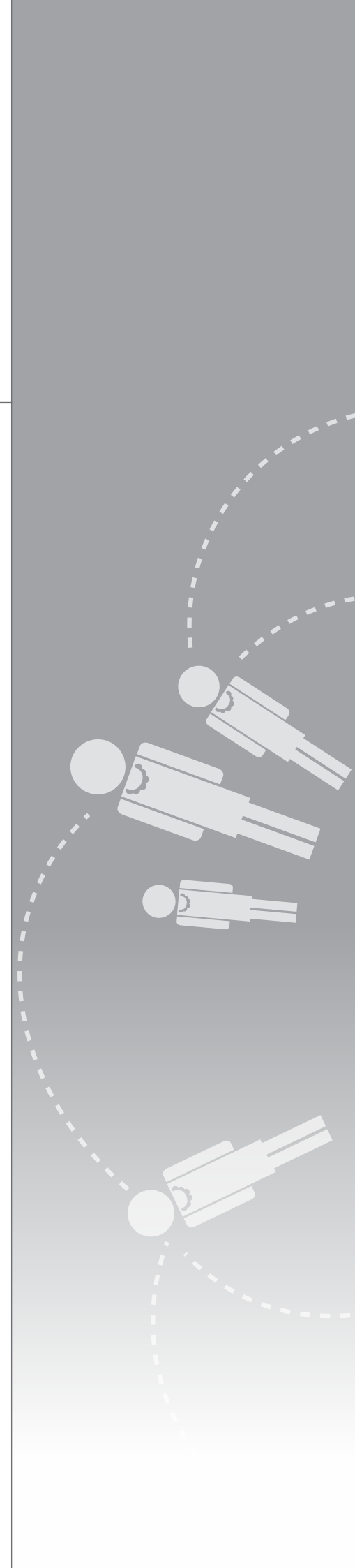
Francis Kornegay

Introduction

From a geopolitical standpoint the current balance of forces characterising global negotiations is a situation of stalemate; a stand-off between developed countries, industrialising emerging powers and a large group of developing states including the least developed. So what obtains on issues of global governance is a stand-off. This has become reflected most graphically in what is now recognised as the failure of the WTO Doha Trade Round. It is also reflected in what is recognised as an uphill struggle to get a climate agreement as COP17 approaches. The overriding



Mr Francis Kornegay





geopolitical reality is that the developed industrialised North can no longer unilaterally dictate the terms of international regulatory regimes and agreements. While this may be considered a good thing as far as a more democratic multipolar international system is concerned, it does not augur well for negotiating a new rules-based international order any time soon. The ethic of such an order would have to be something akin to what the Dalai Lama calls 'universal responsibility.' Instead, what obtains is the Westphalian ethic of 'national interest,' a situation that runs counter to realities of global interdependence.

The question confronting emerging powers during COP17, and as reflected in the vanguard coalition of BASIC – Brazil-South Africa-India-China – is whether or not these countries can bridge the issue of 'responsibility' sufficiently to reach an accommodation. So far, the politics of climate change, complicated by an unavoidable politics of historic redress embracing emerging powers and developing countries alike, has been reduced essentially to a 'blame game'.¹ The closest movement towards some balance between developed, emerging and developing countries is articulated as a notion of 'shared but differentiated responsibilities'.

This sounds like normative progress. The rub is that national interest in the service of the development challenges facing the BASIC countries intrudes to rule out any universally binding targets. Thus global negotiations become highly problematic when accompanied by the entrenched economic and political vested interests of the North. This has especially been the case regarding agricultural subsidies, which depress agricultural sectors in emerging markets and developing economies alike. Hence, stalemates in trade negotiations carrying over into climate talks. In fact, both China and India, as well as Brazil, are innovating in developing green technologies and policies as emerging cutting-edge sectors in global economic competitiveness.

While the emerging powers, in the interest of global South/developing countries solidarity, champion a transfer of funding and technologies to developing countries and rightly so, a perception emerged from Copenhagen that, in fact, they really did not want any agreement. Beijing, indeed, had it both ways as a member of the G77+China as well as being among the leading emerging powers, while President Barack Obama had the audacity to hope for a G2. As a member of the G77+China, Beijing was solicitous of the militant posturing of the Sudanese spokesperson of this group augmented by a rejectionist Bolivarian caucus of mainly Latin American states led by Venezuela and including Iran. In the end, this rejectionist coalition was isolated by a majority among the developing countries wanting some kind of understanding to emerge as an outcome from Copenhagen.

Yet the Bolivarians served as something of a smokescreen for Chindian reluctance to see any binding agreement emerge from the talks, at the same time strenuously avoiding developing bloc disunity (Sino-Indian coordination in climate talks makes eminent historical sense since, according to a recent *Asia Times Online* article, "India, China share a monsoon tango," and the two giants share "an

ancient, interlinked monsoon dependency”). Thus, the geopolitics of global negotiations surrounding climate change as well as trade looks like one big arena for the conflict mediation-arbitration industry.

Beyond COP17: Emissions as the tip of the climate change iceberg

Meanwhile, one must question whether the climate change fixation on emission levels may not be missing a more fundamental point affecting developing countries in particular; the challenge of what can be termed ‘ecosystem sustainability.’

To be sure, the REDD (Reducing Emissions from Deforestation & Degradation) initiative addressing the deforestation crisis which, in turn, impacts on biodiversity constitutes a major contribution to the climate change process. But the rate at which the world’s remaining rainforests are being decimated and river basins are coming under pressure irrespective of conservation efforts seems emblematic of the problem in coming to terms with the climate change challenge over all. REDD needs multilaterally funded (including from conservation organisations like the World Wildlife Fund and Worldwide Fund for Nature) environmental security forces on all continents. The demilitarised ex-combatant human resources are aplenty for such a reconversion. BASIC ought to be in the forefront of such an initiative.

Moreover, the sustainability of ecosystems has direct implications for the viability of the economies of developing countries. These concerns also hold grim implications for various natural disaster outcomes of climate change or exacerbated by climate change such as:

- Deforestation and the illegal trafficking and poaching of wildlife;
- The need for river basin and water resources management along with enforced and internationally supported criteria for hydroelectric schemes and the building of dams;
- Land grabs by some members of the global South in acquiring land resources of other developing countries, especially in Africa;
- The need for the coordination of food and energy security with a mainstreaming of ecological criteria guiding food and energy production.

Given the extent of Asia’s economic ascendancy over the past decade, and how it has become a major factor impacting on global consumption on ecosystems in Asia and elsewhere in the developing world, it may be useful to explore some projections into the future based on a confluence of pressures. These are pressures which, overall, impinge on Asian security which, in turn, hold implications for global security. They involve interacting demographic, economic, environmental, cultural and political dynamics. And with Asia as the epicentre of global growth, it forms the geopolitical fulcrum around which much else revolves impacting on other continental regions such as Africa but also internally within Asia itself. But



this Asian ascendancy may well be a double-edged sword given the confluence of pressures driven by environmental counter-trends to this ascendancy.

Environmentally related threats linked to climate change have already showing signs that they could become a counter-trend compromising Asia's ascendancy. 2010 was a particularly grim year in this regard. The catastrophic monsoon flooding that inundated Pakistan, impacted on northern India and much of China, along with the equally catastrophic fires that swept Russia impacting on its wheat production and affecting food prices internationally, seemed harbingers of grimmer times to come. These events were seen as potentially signalling future Asian adversity.

Coastal Asia, vulnerable to tsunamis, will become inundated, driving growing land scarcity. This could force migratory movements into Central Asia and the Russian Far East, which will become relatively more habitable than elsewhere in Asia, with resulting tensions and conflicts. Possibly a worst case scenario that may not materialise, it nevertheless is one that cannot be totally dismissed given Asian demographic pressures. And this is even as some countries, notably China, are beyond their 'youth bulge' and are maturing into an ageing trend. Yet, consumption is on an upward trend. More on this later.

The Afro-Asian geo-climatic nexus

Meanwhile, the demographic geography of the environmental security future is daunting all in itself. As mid-century approaches, Africa will overtake India and China with two billion inhabitants. What is notable about this projection is that hardly a decade ago, population specialists were projecting that Africa would cross the one billion mark by 2050. In fact, Africa is already at the billion mark. Asia, overall, by 2050, even with population ageing and a decline in China (with India yet to reach the ageing cross-over along with Africa), will have a combined population of five billion.

What this means is that the global demographic centre of gravity is increasingly reflecting an Afro-Asian axis that will eventually reach a combined population of seven billion in the fastest growing economic regions of the world. This is a picture that increasingly brings into sharp relief a triple security nexus of food, water and energy trade-offs and synergies in need of calibrating in order to refashion the international order as a global environmental system. This is the macro 'neo-Malthusian' picture within which emissions must be factored as a benchmark of control in determining the need to keep climate from rising above two degrees centigrade, though in Africa, the limit is being insisted on at 1.5 degrees centigrade. Given the fact that Asian growth has become the engine of the global economic rise of the non-West, increasingly driving momentum in Africa and the American southern hemisphere, the Asian environmental future requires close scrutiny.

Global regime change: Multilateral regionalism

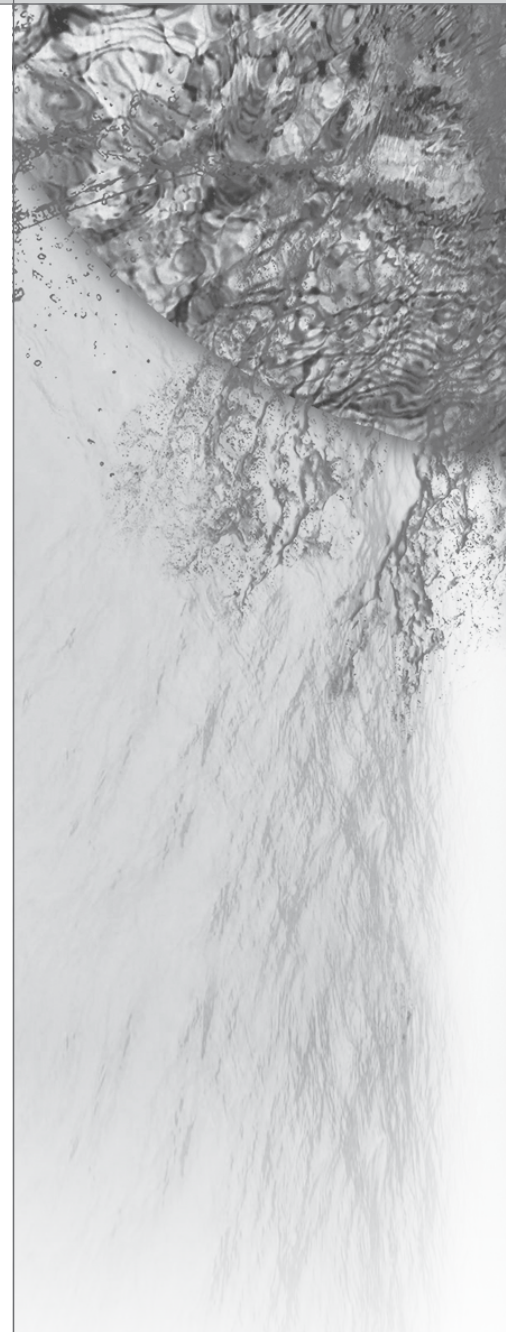
Ultimately, the foregoing should be the concerns of environmental governance. They suggest the need for a global environmental security regime with regionally adapted frameworks and responsibilities in the management of ecosystems. In this regard, the highly technical and narrowly focused emphasis on emission targets may not do justice to the multi-dimensionality of the climate change challenge. Geopolitically, ecosystemic sustainability linked to climate could, and indeed should, form one of the pillars for fleshing out the fledgling but moribund 'New Asia Africa Strategic Partnership' (NAASP).

The emerging Afro-Asian nexus around which a matrix of contentious sustainability issues are taking shape (such as Asian land acquisitions in Africa) should lend a sense of urgency to fashioning a global South environmental governance architecture. This should happen irrespective of global negotiations and as a necessary complementary corollary to them. (This may have to inform the reconfiguring of the WTO as well.)

In global terms, given the regionalised character of 21st century multipolarity, a more practical approach to climate change and environmental security, might be a system reconfigured around continentalised regional negotiations. Call this the *regionalisation of multilateralism and multilateral negotiations as a sort of a 'bottom-up' evolution towards global multilateral convergence within an increasingly multipolar international system*. What might emerge out of such a framework would be continental or regional environmental security regimes and sub-systems. Continental bodies like the African Union (AU) interacting with its regional economic communities (RECs) as well as similar REC structures in Asia like the South Asian Association for Regional Cooperation (SAARC) and the Southeast Asian ASEAN could serve as the nodal points in a multipolarised system of climate-focused environmental security regimes. Addressed would be broader ecosystem sustainability concerns as well as emission targeting.

The UN Framework Convention on Climate Change (UNFCCC) could serve as the global coordinating liaison body interfacing with such regionalised continental and/or subregional regimes (as these would have to also factor a Euro-North Atlantic system, a Caricom-based sub-system and a South American system linked to the Union of South American Nations). Such a UNFCCC liaising and interfacing role could factor in northern hemispheric North American and Euro-Atlantic concerns as well as means of ultimately arriving at North-South policy and political convergence.

The meaning of such a regime system would have to see concerted efforts at combating and rectifying governance challenges to environmental security impinging on climate change. This would have to involve combating corruption, the rigorous enforcement of laws affecting the environment and ecologically threatened biomes, the controlling of scrambles for resources by elites and the bringing to justice of murderers of environmental activists who give their lives to



protect forests and the rights of indigenous peoples. Environmental assassinations have been particularly rampant in contested regions of the Amazon. A more aggressive and concerted engagement with the timber and logging industry and, with regard to marine environment, the fishery industry would have to be integral to environmental security regime, including the funding of environmental security forces.

These are considerations that exacerbate climate change which, in any case, is an evolutionary inevitability. But the consumption pressures on the carrying capacity of ecosystems is what threatens to erode the resilience of these systems in dialectically accelerating adverse climate change impacts.

The ethical implications of 'consumptiononomics'

This prospect has begun to influence a rethink within the global South and among emerging powers about the terms of ascendancy in the West-to-East economic shift. Thus, Chandran Nair has recently come out with an aptly titled work: *Consumptiononomics: Asia's Role in Reshaping Capitalism and Saving the Planet*. In it, Nair, essentially addressing an Asian audience, argues that capitalism's deficiency remains its inability (or perhaps, as some might suggest, its contemporary unwillingness) to acknowledge the natural resource limitations that confront most of the developing world. This is the message that comes across to Benjamin A. Shobert, reviewer of *Consumptiononomics*. Shobert contends that Nair's message may fall on deaf ears in the West, and in America especially:

The US may be insensitive to Nair's concern over natural resource limitations simply because *for so much of its history, the country has rarely had to confront any itself. America's relative lack of population density, its enormous arable land holdings, and its vast natural resources* have all combined to make Americans less aware of the reality faced by most of those in Asia.² *In many ways, Asia remains the mirror image to America's bounty:* where America has vast arable land holdings, Asia faces a chronic inability to grow enough food to feed itself. Where America has – absent pockets in the West – large sources of natural water, Asia confronts a chronic water shortage that has the potential to dislocate tens of millions of people.³

The pregnant question that Shobert poses is whether or not Asians will consciously buy into these realities and refashion capitalism along a more globally sustainable path: "... to do so, Asia must develop a coherent ideology that incorporates these natural resource limitations into policies and practices".⁴ Will their shared buy-in to a politics of historical redress with the rest of the developing world, allow them to concentrate their minds and political will sufficiently to develop such an ideology and norms and values along with it? Right now, catching up with the West in terms of standards of living and consumption are the overriding preoccupation driving Asian development and the international relations of Asian geo-economic strategies.

This is a preoccupation that allows ample room for marginalising all sorts of other considerations that require political will such as safeguarding Asia's rich biodiversity contained in its shrinking rainforests. Rampant corruption and failure to enforce the rule of law contributes mightily to the denuding and degradation of the Asian environment with catastrophic consequences when the weather runs amok during monsoon seasons. Or when tsunamis strike. Indonesia, in fact, is emblematic of this Asian predicament. Environmentalists there are continually waging an uphill struggle against a conspiracy to transform the archipelago into one gigantic Palm Oil Plantation.

As China internalises its dire environmental predicament, including the unintended consequences of the Three Gorges Dam, it externalises this predicament throughout the rest of Asia and the developing world. This is driven by its scrambles, willy-nilly, for resources to fuel its economic growth. It is accompanied by unscrupulous Chinese entrepreneurs in illegal logging, poaching and wildlife trafficking affecting biomes the world over.

As Asians economically invade Africa, the continent is similarly fighting an uphill struggle to safeguard its ecological integrity; uphill because expanding African economic growth, consumption and middle-income expansion is likely to similarly marginalise the imperatives of ecological consciousness as an ethical basis for late capitalism.

The Asian 'land grab' momentum in Africa is indicative of African elite rentier mentalities that will play into an Afro-Asian complicity in the generation of environmental insecurity. Given how vulnerable it is generally recognised that Africa is, amid the impacts of anthropogenic climate change, such insecurity is a sure threat to determine future crisis scenarios on the continent. This is a dimension of the much-debated China-Africa relationship that receives little attention. Yet, any threat perception regarding China would have to consider the possibility that the 'Middle Kingdom' is an ecological threat. This perhaps is a threat embedded in its DNA given Chinese 'indigenous knowledge systems' driving predation on all manner of animal products from tiger penis to bear paws to any number of other of nature's consumables.

Conclusion

'Consumptionomics' is not just an Asian predicament. It is a global South/emerging powers predicament; one made increasingly acute by capitalism's global expansion interacting with the political redress dynamics animating the foreign policies, economic diplomacies and resource acquisitiveness of the South and emerging market economies. Hence, the need for a tricontinental environmental security system of continental and regional regimes embracing Africa, Asia and the American southern hemisphere accompanied by a new ethic along the lines suggested by Chandran Nair. At least in terms of the Afro-Asian connection, such an agenda could possibly help rescue the NAASP from the current oblivion it



seems stuck in since the 50th anniversary of Bandung co-sponsored by Indonesia and South Africa in 2005. Environmental security forces deployed on the three continents, for example, could be a BASIC/NAASP initiative placing emerging powers and developing countries at the forefront of the security dimensions of an international ecological sustainability agenda. In terms of the Americas, is there any reason why Brazil should not undertake to mobilise a UNASUR environmental security detachment in the Amazon? Given the war of murderous vested interests in Amazonia, such a force is certainly needed.

Such an agenda should also be incorporated into FOCAC and into India-Africa summitry (although the commitments emerging from the Addis Ababa India-Africa summit in May 2011 does address a joint strategy in terms of the 'earth sciences'). The issues that such an agenda must confront are ones that emerging powers and the global South will have to come to terms with irrespective of whether or not common ground can be found with the North. Indeed, this may be necessarily preconditional for finding common ground as a means of overcoming the geopolitical divides of the climate change challenge. For the sake of genuine relevance, perhaps these are the basics that BASIC should preoccupy itself with.

Notes

- 1 On the politics of redress, see: Francis A. Kornegay, 'The Geopolitics of Redress: Reconfiguring Africa's diplomacy', *Global Insight*, No. 13, October 2001.
- 2 Benjamin A. Shobert, 'Asia rolling headlong toward disaster', *Asia Times Online*, July 2, 2011, p. 3. Also in follow-up: Interview: Benjamin A. Shobert and Chandran Nair, 'Asking the tough questions about capitalism', *Asia Times Online*, July 2, 2011. Italics added.
- 3 Ibid., p. 3. Italics added.
- 4 Ibid., p. 4.

DISCUSSION SESSION 1: The Politics of Multilateral Negotiations

Following the presentations, several key points were raised in the open discussion. In the first instance questions were raised concerning the role or position of South Africa and the African agenda. Here it was highlighted that an African position is a priority, yet it was also noted that the foreign policy of many of Africa's states lacks an environmental context, and if there is reference to the environment it remains at the rhetorical level. It was further noted that in many African judiciary systems it is difficult to find a magistrate who is an expert in environmental law. It was further indicated that preparation committees are needed and so far there has been relatively little in terms of this type of preparation. Copenhagen was characterised by a lot of walkouts and COP17 must not follow this pattern.



From the left: Mr Francis Kornegay, Dr. Chris Abongo and Dr Siphamandla Zondi

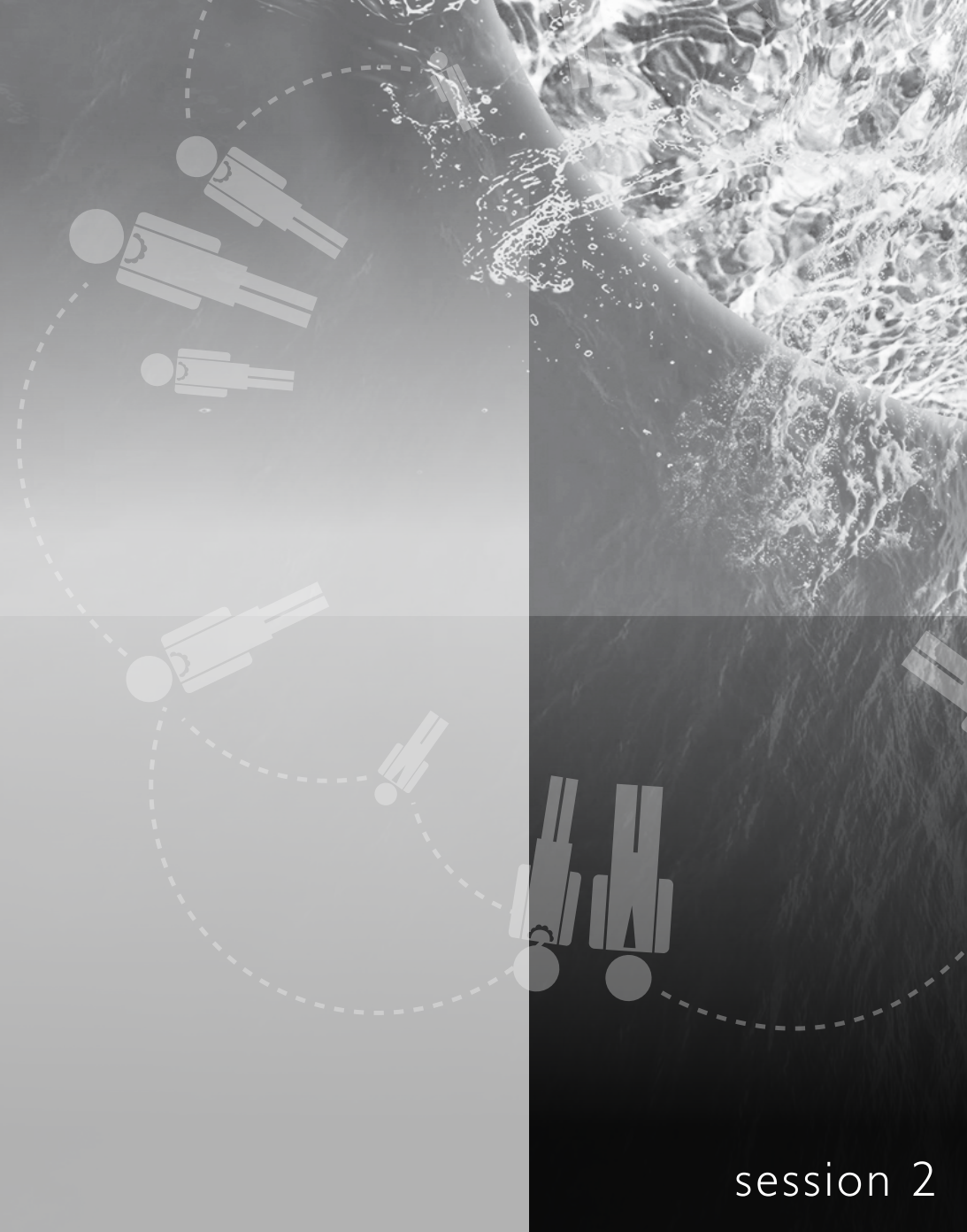


This led to questions of the quality of environmental experts in Africa, which has served as a problem for both policy makers and analysts. Indeed, Africa's representatives at the climate change negotiations do not always have the necessary knowledge to engage meaningfully in these negotiations. Understanding the issues and interests facing the continent, as well as the nature of negotiations, will play a vital role in forming common group positions. Moreover, African heads of states need to pool funds to be able to showcase to the world that Africa is taking and making progress. The key word is commitment and, as there is no time for actual training, 'mouth-to-mouth' (communication) skills are key.

In response to concerns raised on limiting global warming to 2°C it was indicated that this would be disastrous for Africa and that the focus should rather be on 1.5°C. With so many states in question trying to remedy a consensus, it is vital that 'diplomacy' be used as the building blocks from which a common position can be drawn.

The discussion indicated that, overall, Africa will need to work hard in 'pulling up our socks' in terms of building and maintaining a common framework and position. It was suggested that what is needed is pro-activity in creating an African agenda that is self-generating and self-motivating given how Africa stands to be affected. It was noted that Africa needs to be objective in its policies towards polluting the environment, yet there is still a window of opportunity. The problem is in creating a proactive model for dealing with climate change and its impacts. Africa's own external relations are also shaped through the engagement of the emerging powers of China, India, and Brazil and their resource extraction and own particular agendas.

The South African government regards climate change as one of the greatest threats to sustainable development. Government also believes that climate change, if unmitigated, has the potential to undo or undermine many of the positive advances made in meeting South Africa's own development goals and the Millennium Development Goals. Participants further expressed that one of the greatest outcomes from Durban would be a transition and transference of technology and funds to the continent; an area in which the developed countries need to improve. It was further posited that Africa needs a clear agenda. Finally, reinforcing the protection of the environment will be considered an achievement; the question is, how can this agenda be achieved? The only way is by the cooperation of like-minded countries. As host, South Africa has a favourable advantage in bringing like-minded countries together.



session 2

CLIMATE CHANGE
NEGOTIATIONS AND
THE CHALLENGES OF
MULTILATERALISM

LESSONS FROM COPENHAGEN

Ambassador Dan E. Frederiksen¹

Good afternoon,

I am pleased to be here today to share the Danish government's lessons learnt from our COP15 presidency in 2009. Denmark's overall assessment of COP15 is that it was a success. The world did not agree on a legally binding climate change agreement in Copenhagen as outlined in the Bali Action Plan adopted at COP13. However, COP15 was a success because it delivered three major accomplishments:

- First of all, we succeeded in creating *high-level international political awareness* of climate change. The issue of climate change made it onto the agendas of international summits of Heads of State or Government in the context of the UN, G20, G8 and regional meetings.



Amb. Dan E. Frederiksen

- Secondly, we forged a *political agreement*, the so-called Copenhagen Accord, which to a large extent was later adopted during COP16 in Cancún.
- Last, but not least, we managed to *increase private sector awareness and involvement in the climate agenda*. A pivotal factor in ensuring concrete actions to fight climate change through the greening of the economy.

Let me elaborate a bit on these three major accomplishments.

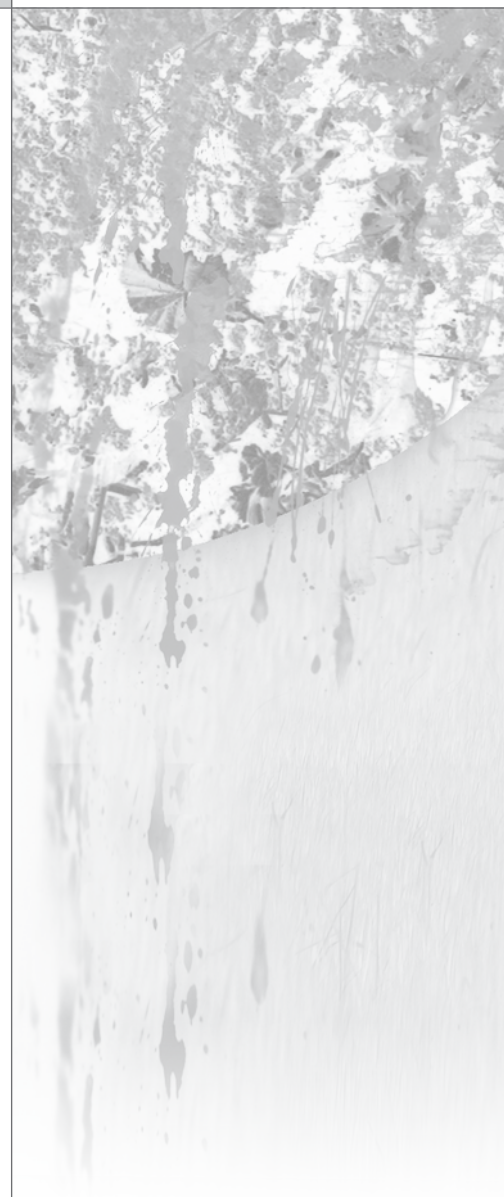
First of all, the increased political international awareness. Before the build-up to COP15, the topic of climate change was only one among many environmental topics. And the UN Convention on Climate Change only one among many environmental conventions. That all changed during the build-up to COP15. Denmark worked towards creating high-level political awareness and mobilising political will at the highest levels to solve the climate challenges. The decisions required are of such a magnitude and economic importance, that Heads of State and Government must be at the table to create sustainable solutions. Moreover, climate change is a cross-cutting issue and must be discussed in many international fora. Not only technical ones, but also economic and political ones. We did manage to get climate change onto the agendas of all relevant international fora like the UN, G20 and G8 and to get Heads of State and Government engaged.

It has often been highlighted that the major challenge in Copenhagen was “expectation management”. My government did their utmost to manage these expectations by communicating broadly that the ambition was to obtain a “political agreement” in Copenhagen. A political agreement, which would not only lead the way to a legally binding agreement, but also allow for immediate start of implementation of the much-needed actions against climate change. The choice of aiming at a political agreement in Copenhagen was a strategic one. It was made, as it became increasingly clear in the run-up to COP15 that the political will and dividing lines among the parties to UNFCCC would not allow for a legally binding agreement to be adopted in December 2009. Not all parties agreed with this choice, I am aware of that. However, it was a political necessity as parties at that stage were not ready to deliver on the vision of the Bali Action Plan to agree on a legally binding agreement by COP15.

Secondly, we succeeded, as COP15 did result in a political agreement called the Copenhagen Accord. Most countries, including big greenhouse gas emitters such as China and USA, but also South Africa endorsed this agreement. That was a major achievement! However, due to resistance among a few parties, the Copenhagen Accord could not be formally adopted by the COP15. But an important stepping stone had been laid for the future work. Analysing the outcome of COP16, the so-called Cancun agreement, it is clear that it is to a large extent based on the Copenhagen Accord and the balances and compromises it contains.

To mention a few:

- the 2 degree Celsius ambition;



- the 2050 global emissions target;
- the compromises on MRV;
- the establishment of a Green Fund;
- the fast-start financing of 30 billion USD from 2010 to 2012 which is already benefitting developing countries. Here I would like to highlight that Denmark is actively implementing climate programs for the 1,2 billion DKK, which the government has allocated to fast-start financing;
- the long-term goal of climate financing of 100 billion USD per year by 2020;
- Because of the pressure before Copenhagen all major emitters – and a vast number of countries altogether – presented their mitigation pledges. We managed to capture these through the Accord, and in Cancún the pledges were finally anchored in the UN process. We still work on the basis on these pre-Copenhagen pledges.

In other words, COP15 did to a large extent provide for many of the main pillars of the international climate architecture, which are currently being pursued – and which Durban will also focus on delivering on.

Thirdly, COP15 also increased private sector awareness and involvement in the climate agenda. The high-level political focus on COP15 and the massive media coverage, contributed to bringing the private sector on board. It was realised that doing business as usual is no longer an option. It became increasingly clear that an important parameter for competing in future markets will be the greening of production patterns and output. Reduction of carbon footprints and reduced dependence on increasingly expensive fossil fuels has become a must. The Danish government has continued to build upon this momentum created by COP15 among private sector actors. One example is the Global Green Growth Forum – 3GF – that was launched at COP16 in Cancún. 3GF is a joint initiative between the governments of Denmark, Korea and Mexico. It aims at exploring and demonstrating how better collaboration among business, experts and governments can accelerate the transition to a green economy and at the same time pursue economic growth and job creation.

In conclusion, I think the first lesson learnt from COP15 is that progress in solving the international climate challenges has to be incremental. COP17 in Durban will be the next opportunity to make progress and move closer to what many of us hope for: an ambitious, legally binding agreement!

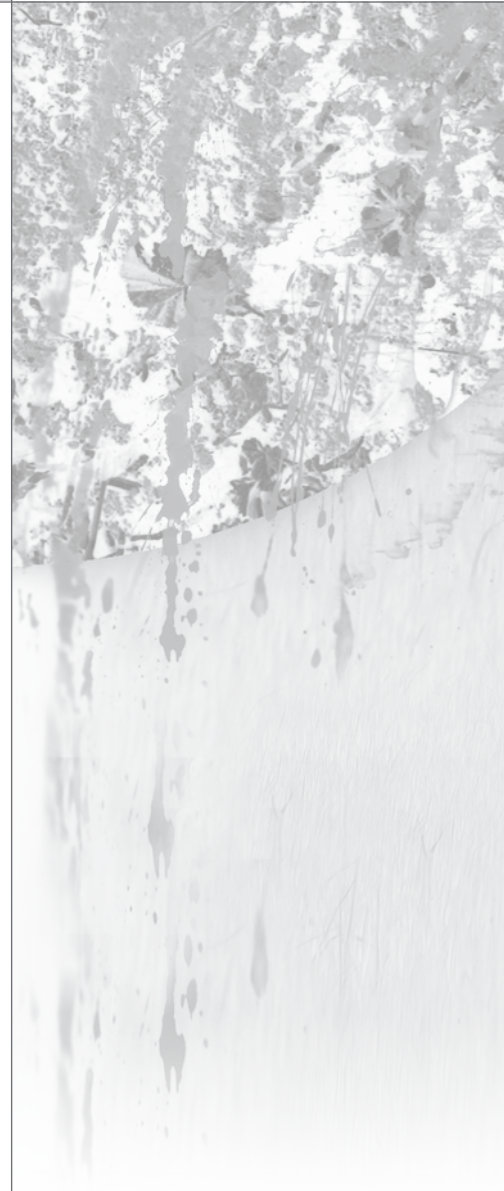
The second lesson learnt is that the negotiation of climate change agreements will not do it alone. We also need cooperation between the private and public sector to greening our economy. Many such parallel measures take place as we speak. But we need to explore it further. In this regard COP15 has left a significant legacy to further build upon public-private partnerships when it comes to greening the economy.

The challenge we are facing now, is to ensure that the processes towards a future legally binding agreement on climate change and the greening of the economy will be mutually reinforcing. South Africa and Denmark have for many years worked together bilaterally on greening the economy and would be very pleased also to further strengthen our cooperation on the international climate challenges!

With these lessons learnt, I would like to thank all of you for your attention.

Notes

- 1 This presentation is also available at <http://www.ambpretoria.um.dk/en/menu/AboutUs/NewsSpeechByTheDanishAmbassadorToSouthAfricaMrDanEFrederiksenAtTheConferenceOnCOP17SouthAfricaAndTheRoad.htm>



THE MEXICAN EXPERIENCE ON THE WAY TO COP16 IN CANCÚN

Andrés Avila Akerberg

Introduction

It is easy to be pessimistic about reaching a solution for the climate change problem. For at least 19 years the world has been trying to find ways of tackling this problem without much success. To date there have been 16 COPs (the next to be held in South Africa), 34 meetings of the subsidiary bodies of negotiations, 15 sessions of the AWG-KP, 14 sessions of the AWG-LCA and additional negotiation meetings without reaching a common understanding to stop a problem that affects us all.



Dr. Andrés Avila Akerberg

Billions of dollars have been spent and thousands of tons of GHGs emitted, resulting in a significant carbon footprint in bringing negotiators to the table, whether they are technical or policy makers or even civil society representatives. Thousands of experts have contributed to demonstrating to the world that this phenomenon is real and that it will affect us all, some more than others. For the first time in history, nearly 120 Heads of State gathered in Copenhagen in December 2009 to try to reach an agreement. While negotiators may excuse themselves for not taking a decision because they don't have the authority to do so, in Copenhagen there was no excuse for that since the highest level of decision makers were there. Nevertheless, they failed to reach an agreement.

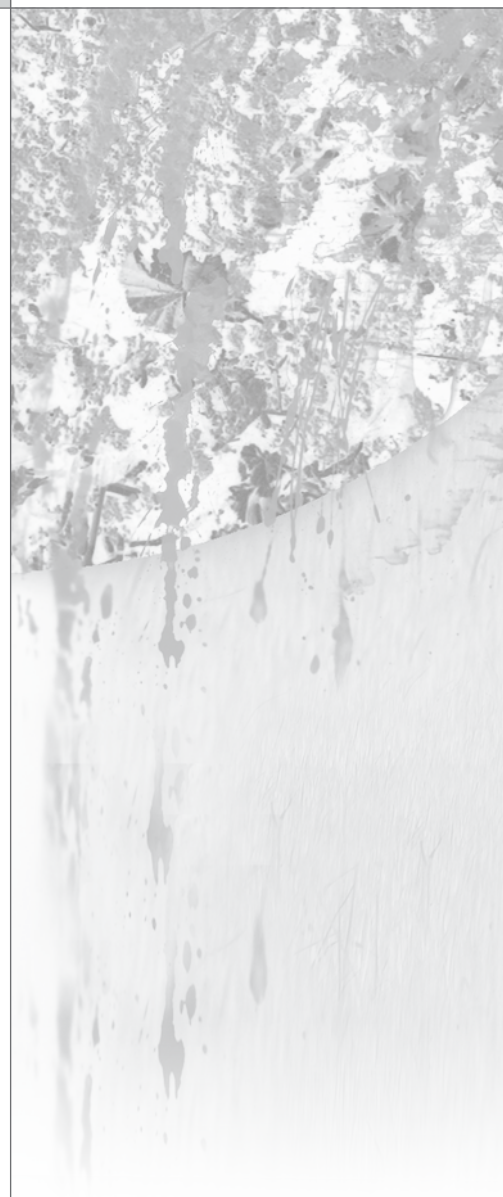
The challenge after COP15

In Cancún, the decisions that were postponed from Copenhagen needed to be addressed. These included decisions derived from the Bali Action Plan¹ (BAP) on the long-term vision, adaptation, mitigation, technology and financing. The negotiation of the five topics was the responsibility of the Ad Hoc Working Group on Long Cooperative Action (AWG-LCA) also created in Bali. In addition, COP15 had to finish the process derived from the work of the Ad Hoc Working Group on Further Commitments for Annex I Parties under the Kyoto Protocol (AWG-KP), a group created at COP11 (Montreal). However, neither the AWG-LCA nor the AWG-KP was able to conclude their work in Copenhagen, so the COP extended its mandate to continue its activities and present it at COP16.

COP15 had an enormous task to accomplish, but did not give the expected results. However, it provided a basis for future work. COP15 was attended by 43,000 people, much more than expected. For some people, the success of Copenhagen was that it was attended by 119 Heads of State, the highest participation in the history of these events, confirming climate change as one of the most important issues on the international agenda. Combined, these 119 heads of state represented 89% of world GDP, 82% of the population, and 86% of total emissions worldwide.

The main result of COP15 was the Copenhagen Accord. Although it was not the fair, ambitious and legally binding instrument that the world needed to tackle climate change, it provided a basis for future work towards such an agreement, and served as the basis for the Cancún Agreement. In terms of financing, the Accord set out that developed countries will commit 30 billion dollars to a fund for supporting developing countries between 2010 and 2012. The fund will grow to 100 billion annually by 2020.

It established a new set of pledges by countries in terms of their emission reduction objectives (although not enough to achieve the 2°C limit). From January 2010 on, countries that decided to adhere to the Accord would do so by establishing its pledge. This included both developed and developing countries. Just before COP16, around 140 countries had provided their reduction pledges.



Mexico's experience during 2010

During 2010, climate change reached the highest level of attention in the history of Mexico as a result of the interest in COP16. That was one of the positive legacies of hosting the COP. The Mexican government had the difficult task of re-building trust in the multilateral climate change process after the shortfall in results from Copenhagen. Indeed, the year started with a sort of hangover not only in Mexico but worldwide. Following the expectations that had been associated with COP15, and the lack of decisions in terms of outcome, there was a significant amount of work to be done prior to COP16. In Mexico, it took the whole month of January for the authorities to understand the challenge in front of them.

One of the decisions that had to be made internally was to decide who was going to be the leading institution for climate change: the Ministry of Environment and Natural Resources (SEMARNAT), as historically had been, or the Ministry of Foreign Affairs (SRE), the experts in negotiations but without expertise in climate change. This decision was not taken until March-April 2010. Meanwhile, clashes between the two ministries were commonplace.

As part of the planning for the way to COP16, many topics had to be covered including the schedule of meetings and high-level visits; the promotion of consensus and common understandings with different countries and regions; positioning of Mexico's priorities; a strategy for reaching agreements in COP16; coordination of logistics for COP16, among many other topics that such a big and important event implied. Eventually, despite a lot of doubts about their capacity, the President of Mexico decided that SRE was going to lead negotiations leaving SEMARNAT as the 'loser' in this battle for power. It proved to be a good decision. Since then, according to one of the leading figures in the process towards Cancún, Mexico started a course of action based on principles such as being proactive, in terms of becoming a facilitator to build understandings within negotiations. Specifically, Mexico's objective was to obtain a set of decisions that covered the four pillars of the BAP.

Additionally, an intense consultation process started with all countries and relevant actors with the aim of getting trust back. One of the tactics that the Mexican government developed to achieve this was holding informal governmental consultations in order to build trust, through a process where government officials from many countries could explain their perspectives without a record of who said what, with no text produced and without modifying negotiation texts. Moreover, in order to build transparency to the process, the Mexican government organised meetings with different stakeholders such as indigenous people, the private sector, NGOs, and academia.²

Other stakeholders involved

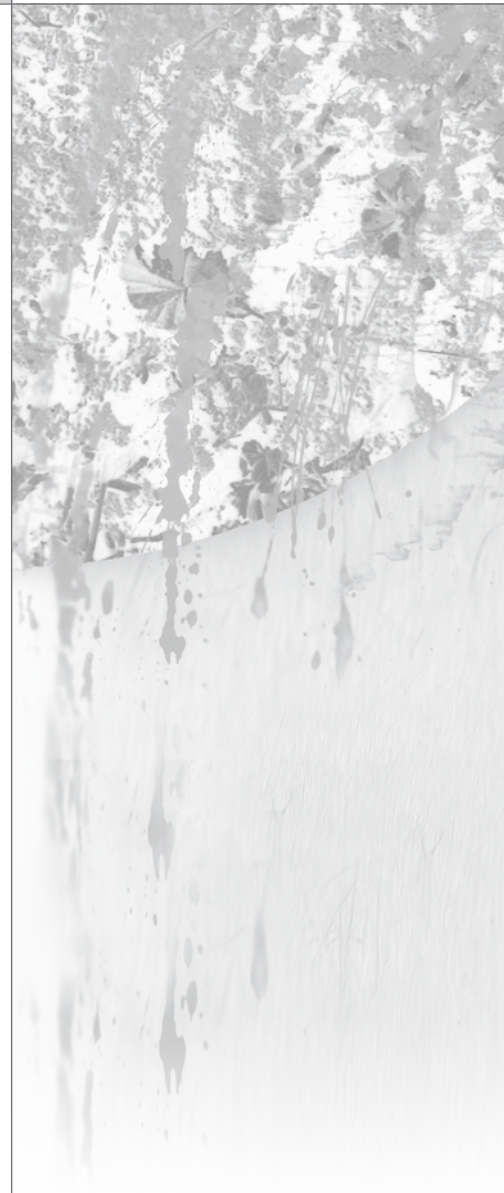
Not only was the government involved in the climate change process, but Congress³ saw a lot of activity beginning with COP15. To start, before COP15, the Mexican Chapter of GLOBE International was created (the global legislator's organisation for a balanced environment). It included senators and deputies comprising around 50 legislators from all different parties. During January 2010, in the Chamber of Deputies, the Special Climate Change Commission was created, the first one of its type in Mexico, although its 'special' status meant that it did not have a budget nor decision-making powers. Something similar happened in the Senate, where, in September 2010, the Special Commission on Climate Change was created.

In March 2010, the first of three climate change initiatives was formally presented in the Senate.⁴ The General Law on Climate Change aimed at harmonising all existing efforts in climate change, create the National Climate Change System (with all relevant actors involved), and create the Mexican Green Fund. Its purpose was to be ready for COP16, but political situations impeded it. The law was politicised, meaning that many of the legislators against the law were not against the law itself but against the political party that proposed it. This initiative is planned for discussion at the Senate's plenary session in September 2011, a year and a half after its original submission.

By November 2010, the General Law on Adaptation and Mitigation was presented in the Chamber of Deputies. This initiative, which is still being discussed by the relevant Commissions, establishes the policies, strategies, programmes and general actions for climate change adaptation and mitigation. It also states that responsibilities to tackle climate change will be distributed among the federation, states and municipalities.

NGOs were a very active sector during 2010. As contact points for their international counterparts, NGOs such as Greenpeace, Oxfam, WWF, CCAP and also those with a national base, actively participated during the run-up to COP16 as organisers of events and as active participants in negotiations. For many, hosting the Mexico COP provided a very important opportunity to influence the agenda. As a result of this context, a group of NGOs gathered around the topic of financing and became a very solid and influential group that persists to date.

Academia was also very engaged. It was a particularly good moment in terms of accessing funding for promoting climate change research, with academics with specialisation in these issues a very hot commodity. Their services were required both in government and the legislature, either to make studies or to develop legislation. As an example of the importance that climate change achieved in academia, the Research Program of Climate Change was created within the National Autonomous University of Mexico.



Cancún, results and pending issues for South Africa

As part of the formal negotiation process, during 2010, both the AWG-LCA and the AWG-KP met on four occasions (three in Bonn, Germany, and one in Tianjin, China). In general terms, the issues that experienced better results during these negotiations were technology, financing, adaptation and REDD+. Conversely, topics such as the future of the Kyoto Protocol, mitigation commitments (from both developed and developing countries) and the Monitoring, Reporting and Verification (MRV) process, encountered more difficulties in reaching an agreement. The most important result of Cancún was in saving the UN negotiation process. The Cancún Agreements were adopted by the COP and did not require signing or ratifying. As such they are like the BAP, and based on the BAP, in terms of setting the base for following action.

The Cancún Agreements were a modest step forward. They extended the mandate (again) for the AWG-LCA and AWG-KP to COP17 and formalised some key elements of the Copenhagen Accord such as limiting the temperature increase to 2°C, the emission pledges by countries set in the Copenhagen Accord, and the funding of 30 billion USD that will be provided by developed countries to developing countries by 2012, which will increase to 100 billion USD in 2020. The Agreements also keep the two tracks of negotiation set by the BAP: the Convention track and the Kyoto Protocol track. Other relevant decisions in Cancún were with regard to Reducing Emissions from Deforestation and Forest Degradation (REDD+), a new mechanism for improved transfer of technology to developing countries and the consideration of adaptation as important as mitigation, adopting the Cancún Adaptation framework. In terms of Chief of State attendance, COP16 only received around twenty Heads of State, far from the number reached at COP15.

Expectations for Cancún were intentionally low. The United Nations could not afford to have another setback in negotiations. The big and tough decisions were again postponed for a year:

- No decision on the future of the Kyoto Protocol (strong opposition of Japan, Australia, Russia, and Canada). With the first commitment period of the Kyoto Protocol ending in 2012, COP17 will provide the last opportunity for punting that contentious issue.
- There is no legally binding commitment to reduce emissions, only based on goodwill (even if all the Copenhagen pledges were actually realised, the world would reach only 60% of the cuts needed to keep warming below 2°C or 450 ppm).
- Pending decisions on how and who will provide the funds for the 30 billion USD in aid to developing countries.

In general terms, for Mexico, COP16 left a positive legacy. Climate change had never received as much attention as it did in 2010. This topic actually became a

priority in the Mexican political agenda including the creation of new positions within government to specifically address climate change, and the involvement of the private sector. It also triggered the development of new public policy instruments such as the Adaptation Framework for the Mid Term and the drafting of Mexico's National REDD Strategy.

On the negative side, as could be expected, political attention decreased after COP16. In congress, for example, both Special Commissions on Climate Change from the Chamber of Deputies and the Senate could not hold formal meetings since they did not reach a quorum in the months following Cancún.

Conclusions

Based on the Mexican experience during 2010, 2011 is the year when South Africa will have climate change at the top of the agenda, and it could provide momentum to achieve some results internally to catch opportunities since all the attention will be in Durban. At the same time, it will be a huge challenge for South Africa due to the end of the first commitment period of the Kyoto Protocol, where it is expected that the world should decide whether to continue or not with this agreement.

Notes

- 1 The Bali Action Plan (BAP) was adopted during COP13 of the United Nations Framework Convention on Climate Change, held in Bali, Indonesia in 2007. Its purpose is to strengthen the implementation of the Convention now, until and after 2012. One of the most important decisions that the BAP included was that it had to be concluded by COP15.
- 2 An interesting approach about the Mexican government experience during 2010 can be found at Luis Alfonso de Alba [Cancún, una nueva era de acción climática efectiva] [Cancún, a new era of effective climate change action] in *Foreign Affairs Latinoamérica*, Vol. 10, Num. 4, 2010, pp. 2-12.
- 3 Mexico has a bicameral legislature and is constituted by the Chambers of Deputies and the Senate.
- 4 The other two were the General Law on Adaptation and Mitigation to Climate Change presented at the Chamber of Deputies on November 2010, and the General Law on Sustainability and Climate Change presented in the Senate on June 2011.

DISCUSSION SESSION 2: Climate Change Negotiations and the Challenges of Multilateralism

Session 2 gave particular consideration to the processes and outcomes of UN Framework Convention on Climate Change (UNFCCC) during COP15 in Copenhagen and COP16 in Cancún respectively. The role of communication was highlighted as well as pointing out that an effective climate change response requires collective action at the international level, yet commitments by states to that collective action are largely constrained by geopolitical dynamics and domestic socio-economic interests. In addition the decision-making rules that govern the UN Framework Convention on Climate Change (UNFCCC) can be taken advantage of to reduce substantive negotiations into simple procedural games.



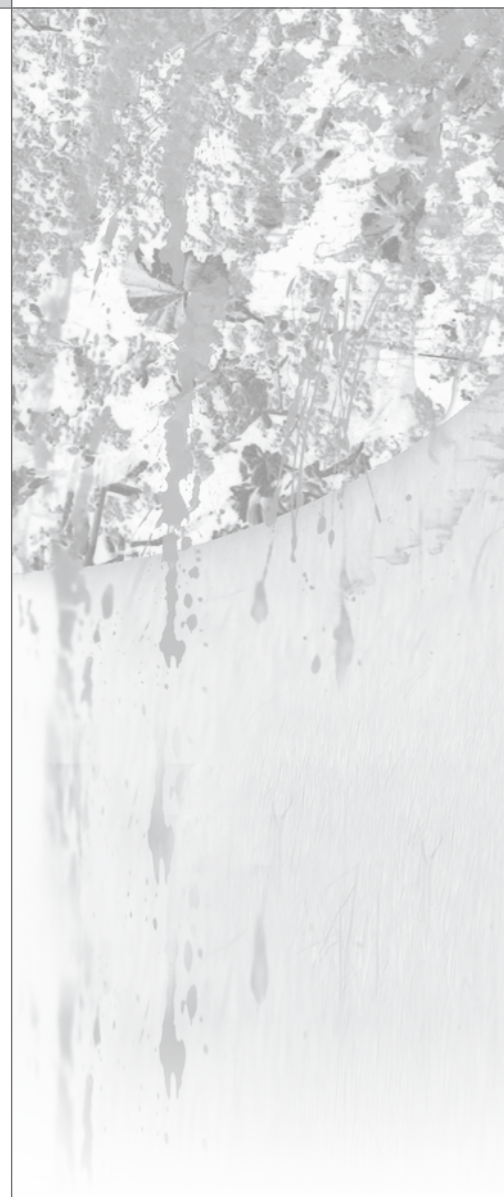
Amb. Dan E. Frederiksen and Dr. Andrés Avila Akerberg

South Africa's international image as a bridge builder between the North and South could act as a pivotal role in the international community. Emphasis was given to the importance of building relationships prior to and during the COP17 negotiations. The discussion further highlighted the role of dialogue sessions in building trust between stakeholders. This was a key focus in Mexico where diverse interests needed to be brought together.

It was pointed out that COP17 needs clear leadership focused on engagement rather than waiting for a crisis to unfold. As such it was argued that the most important thing for South Africa will be in building the political will and broad understanding, but that this should take into consideration that which can be accomplished beyond short-term political timeframes.

The discussion went on to highlight concerns relating to South Africa's position and whether Pretoria has a clear understanding of what can be achieved. It was also noted that there needs to be a clear link between development and political commitments. A key point raised was that the momentum and focus on climate change within South Africa needs to continue post-COP17.

Substantial commitment and engagement will be required from South Africa in supporting the UNFCCC climate change negotiation process. Indeed, key political questions remain to be addressed at COP17 including the future of the Kyoto Protocol and the ending of the first commitment period in 2012. Diplomatically the key to an agreement will be in how to make it attractive to everyone, bringing divergent positions together. It was noted that during the Cancún negotiations, a central focus was an attempt to close the gap between the developing and developed countries. South Africa too faces this challenge. In addition questions were raised concerning the role of South Africa's private sector in addressing climate change and the opportunities (and challenges) that effective engagement with this sector could afford.





From the left: Dr. Kgamadi Kometsi,
Mr Lincoln Marais, Dr. Brendan Vickers,
Ms Catherine Grant and Prof Narnia
Bohler-Muller



session 3

TAKING STOCK OF SOUTH AFRICA'S MULTILATERAL NEGOTIATIONS

LESSONS FROM SOUTH AFRICA AS HOSTS OF THE WORLD CONFERENCE AGAINST RACISM

Kgamadi Kometsi

Introduction

The transition of South Africa into a democracy has been applauded far and wide – particularly because for all those who were following developments in this country, over decades, it was clear to see that indeed, South Africa had turned away from a precipice. Progressing along any other alternative route could have easily turned catastrophic. It seems the world was ready to welcome the new democracy in Africa in its fold, not least because the phenomenon of Afro-pessimism was rife. A relatively peaceful transition into a new dispensation



Dr. Kgamadi Kometsi



was not something that Afro-pessimists expected, and prophecies of doom by these were commonplace. The context painted by Afro-pessimism is important to highlight here, particularly because it is when Africa as a continent is viewed as having survived and developing in spite of this pessimism, and that the allure of South Africa as a country and as a significant player in multilateral relations is fully appreciated. A reference to an online article written by Ian MacDonald may be instructive in describing the shift of the international community away from this pessimism. Making reference to the Commission for Africa as a source, he states as follows:

Africa is changing. Twenty years ago it was commonplace for African countries to be run as dictatorships; today, such governments are a minority. Democracy has new life. In the past five years, more than two thirds of the countries in sub-Saharan Africa have had multi-party elections – some freer and fairer than others – with a number of examples of peaceful democratic changes of government. War has given way to peace in many places.¹

Africa is the least populated continent in the world and it has the highest level of economic growth in present times, as growth exceeded 5% in 24 separate countries during 2003. Yet, Africa suffers from a legacy of past economic failure, caused by poor economic policies, dysfunctional governments, high investor risk and insufficient capital. The continent continues to be plagued by war, poverty, corruption, HIV/Aids, genocide and famine. It is this image of Africa that is constantly, almost exclusively, portrayed by the news media. As a result, a universally pervasive sense of Afro-pessimism is inevitable. More recently, however, a different view of Africa is beginning to emerge.

South Africa is commonly referred to as the gateway to Africa, depicting the important role this country has come to play both in regional and international affairs. In a nutshell, South Africa is seen as a country which has chosen rationality over irrationality, restraint over the explosive unleashing of violence. It is a country in which diplomacy triumphed and ushered in a democracy, although civil war was more than possible. Archbishop Desmond Tutu makes reference to what could have happened, had South Africans chosen a different route to a peaceful transition (see Truth and Reconciliation Reports, Vol. 1). An over-idealised picture of South Africa would be unwarranted and inappropriate at this stage, given the recent African Peer Review Mechanism statement that this country still struggles with a number of issues, including racism and xenophobia. It is therefore apt to end this introduction with the very obvious but important first lesson for COP17: a conference is an important opportunity to draw the relevant role players together, for the purposes of dialogue. Resolving world challenges, however, requires years of much more work and commitment to agreements arrived at during conferences.

The fact that in this country, racism, racial discrimination, xenophobia and related intolerance are still cited as current (not historical) challenges does not diminish the important work done both prior to and during the World Conference Against Racism in 2001. However, this fact reflects on the recalcitrant and complex nature of the problem at hand, challenging South Africans constantly to find new ways of combating it, and to pursue the anti-discrimination agenda with more energy and goodwill. The ensuing discussion reflects on the work of the South African Human Rights Commission in the build up towards WCAR 2001, and the involvement of the Commission in WCAR-related activities and processes since then.

The National Conference: Promoting National Dialogue

In its preparation for hosting the WCAR, the South African Human Rights Commission was tasked with hosting a national conference on racism. This was held in Sandton, in the year 2000. In retrospect, it seems it was crucial that this conference took place, firstly considering that South Africa had just emerged from a history infested with legislated racism, which wreaked havoc on the social fabric of this country. South African citizens were, therefore, still trying to find their feet as citizen in a democracy, characterised by the constitutional values of equality, human rights and freedom for all, including non-racism and non-sexism, amongst others. In the year 2000, one year prior to the WCAR, South Africa was still a divided nation, united only by the will of the people not to descend into a bloodshed situation. So disparate were the views and lives of South Africans, that for a host country, it was critical that the dialogue happened. For COP17, an important point to make is that the conference was not an attempt to discipline (à la Foucault) South Africans into sharing one view of how race relations should be. Instead, the conference assisted in pointing to the destructive nature of racism, and the need to deal with the legacy of years of discrimination. Approaching COP17 in Durban later on this year, a country as diverse in views, historical experiences, interests and other ways, is likely to come with disparate understanding of the challenges to be dealt with at the conference. Knowing these, all of them, can only serve participants in the conference positively in the long run.

Even though the aim of the national conference against racism was not to produce a singular view of race relations in South Africa, it still provided important groundwork which would prove invaluable during the tumultuous events of WCAR in Durban. Held together by the experience of the national conference, South Africans were able to play the leadership role they had to in respect of the WCAR, even as they had their own differences. Amongst others, participants at the national conference emerged with the South African Millennium Statement and Programme of Action which held the disparate national views together. Inter alia, South Africa as a nation committed as follows:

- Recognise the period 2001–2010 as a decade to mobilise against racism.



- Through agents of civil society, spearhead initiatives, which would develop into a movement against racism at all levels of South African society.
- Develop and adopt, through the SAHRC, a comprehensive National Action Plan and Strategy to Combat Racism – with time frames, indicators of success and effective monitoring systems.
- That in as much as the twin evils of racism and patriarchy define social inequality in South Africa on the bases of race and gender, it was imperative that any strategy against racism should seek to address gender inequality with the same vigour.
- That measures be adopted which would restore and enhance the usage and recognition of diverse cultures, languages and religions extant in our country and that steps to establish the Commission for the Promotion and Protection of the Rights of Cultural, Religious, and Linguistic Communities (CRL), be sped up.

These are but some of the commitments which had to be developed and/or implemented in the years to follow 2000. They represented an insight gained through the national dialogue, and a promise that South Africa could share with the world. Some of the commitments have not yet been realised in 2011. Most notably, South Africa as a leading player in racial conflict resolution and processes of reconciliation, has not adopted a national action plan to combat racism, racial discrimination, xenophobia and related intolerance. Reasons abound in explaining why this is still the case, including competing priorities on the national programme, the complexity of South African society and lack of resources. However, having spited the Afro-pessimists, the lack of this national action plan remains a terrible blemish on an otherwise illustrious history of the country in overcoming racism. With this in mind, the views issued in the context of the APRM about racism and xenophobia in South Africa come as no surprise. On a more positive note, South Africa has established the CRL, as committed following the national conference, and this is one of the achievements held up during instances where country achievements following the WCAR are reviewed.

The Durban Conference: WCAR

It is a tried and tested approach within the UN system, to provide a number of platforms alongside the main meeting of State Parties during such major conferences as the WCAR. These platforms provide for and accommodate the expression of a multiplicity of views, which are then fed into the main discussion in more manageable and synthesised versions, processed internally by specific sectors. In the case of the WCAR, some of the role players, other than State Parties, were national human rights institutions (NHRIs) and a multiplicity of NGOs. Although a document that results from the conference cannot take every divergent view on board, it was still possible for Mary Robinson, the United Nations High Commissioner for Human Rights at the time, and the Secretary-General of the

World Conference against Racism, Racial Discrimination, Xenophobia and Related intolerance, to say of the Durban Declaration and Programme of Action:

The Declaration represents the commitments arising from the complex dialogue which took place. It addresses past manifestations as well as contemporary forms of racial discrimination. The Programme of Action is a road-map illustrating how the international community will follow up on these commitments ... If pursued with energy and vigor by all actors – States, the United Nations, national institutions, non-governmental organizations – this anti-discrimination agenda can bring new hope and change to the lives of millions of human beings the world over who are victims of racial discrimination and intolerance (Foreword, DDPA).

It is a well-known fact that negotiations during the WCAR were intensive and difficult. It is also a known fact that there are states which felt that they could not be party to what they felt was an ulterior agenda of other participants at the conference, which they felt would give an unfair negative portrayal of themselves. The lesson to be learnt here is that it is important to have clearly and collectively set objectives of the conference, which should help to keep process on course, in spite of such challenges. The process could have been very easily derailed were such objectives not in place. Similarly, a non-partisan, adept leadership collective is crucial, when discussions are heated, and at times when differences between parties are drawn along alliances that have been developed outside of the processes and agenda of the conference.

A related lesson to learn is the need to define the main constructs around which the conference has been organised. The Durban Declaration and Programme of Action leave one with no doubt as to who are the victims of racism, racial discrimination, xenophobia and related intolerance. This has become very important post-WCAR, because indeed, there are many victims of discrimination, who have to be protected and advanced in a whole variety of ways. Would making the DDPA a catch-all programme of action have advanced the fight against discrimination? This is still being argued by some interest groups. The programme of action to be followed through is best served by not having too many constructs that are open to interpretation.

The Durban Review Conference 2009

In brief, the Durban Review Conference by its very nature was meant to evaluate the achievements of the WCAR. More specifically, the Durban Review Conference (or the DRC as it has come to be known as) had the following objectives:

To review progress and assess implementation of the DDPA by all stakeholders at the national, regional and international levels, including assessing contemporary manifestations of racism, racial discrimination, xenophobia and related intolerance, through an inclusive, transparent and collaborative process, and



identifying concrete measures and initiatives for combating and eliminating all manifestations of these phenomena.

- To assess the effectiveness of the existing Durban follow-up mechanisms and other relevant UN mechanisms dealing with the issues of racism, racial discrimination, xenophobia and related intolerance.
- To promote the universal ratification and implementation of the ICERD, and proper consideration of the recommendations of the CERD.
- To identify and share good practices achieved in the fight against racism, racial discrimination, xenophobia and related intolerance.

Similar to the WCAR, the Durban Review Conference threatened to disintegrate in the face of reactions to the speech of President Ahmadinejad. Both the United Nations General Secretary and the United Nations High Commissioner for Human Rights contained the conference and its processes by emphasising the need to provide space for different points of view, and the need to remain in the process and raise opposition against points made by those one differed with.

COP17 represents a follow-up to a number of other meetings and conferences dealing with climate change and state party obligations. However, there will be follow-up meetings to COP17 too, which will reflect on the value of the conference and related exercises, including the assessment of COP17 implementables. It is possible that views differ greatly in regard to positions to be taken and implemented, given the heterogeneity of social and economical characteristics of the role players in this regard. Hopefully, a mechanism such as the Intergovernmental Working Group in the case of the Durban Review Conference, has been put in place to facilitate the achievement of common ground between role-players.

Notes

- 1 *Our Common Interest: Report of the Commission for Africa*. Commission for Africa. 2005, p. 20.

LESSONS FROM SOUTH AFRICA AS HOSTS OF THE WSSD

Lincoln Marais

Introduction

The World Summit on Sustainable Development was called to reinvigorate the global commitment to sustainable development and assess the progress made one decade on from the 1992 Earth Summit in Rio. It was much more than just a discourse on sustainable development. It reflected and fed back into ongoing consultations and negotiations on a wide-ranging set of issues, from trade and development financing, to climate change and biodiversity, to peace and human rights. It was to focus on all three pillars of sustainable



Mr Lincoln Marais



development, these being social, environmental and economic, or – to use the terminology coined by many at the time – “people, planet and prosperity”. The broader context was threefold, that of: (a) a world community struggling to find common solutions to the challenges of poverty and environmental degradation; (b) divided governments, unable to agree on the fundamental changes necessary to move the world towards sustainable development; and (c) civil society holding governments accountable for the consequences of environment and development decisions and for implementing sustainable development on the ground. But a summit of this magnitude takes place only once every decade, and for some, its failure to negotiate a concrete path forward for many of the critical sustainable development challenges facing the global community – such as climate change and globalisation – was clearly a missed opportunity.

The Preparatory Processes

In many respects, the WSSD Preparatory Process was even more important than the Summit itself – it was certainly more dramatic in many ways. National consultations on sustainable development would feed into sub-regional consultations, which in turn would contribute to regional consultations. Some examples were as follows:

WSSD sub-regional consultations

- SADC: 17–19 September 2001, Mauritius
Much of the preparation took place at a workshop of senior officials in South Africa shortly before, the outcomes of which strongly influenced the sub-regional consultations.
- The Central African consultations of the ECCAS sub-region were more disorganised, but eventually found direction through the outcomes of the SADC sub-region.

WSSD regional consultations

- African Preparatory Conference: 15–18 October 2001, Nairobi, Kenya
- West Asia Preparatory Conference: 24 October 2001, Cairo, Egypt

The outcomes of these consultations clearly reflected the diverse spectrum of ideas and focus areas of the various regions. If anything, they could possibly have been an indication of how difficult it would be to reconcile positions that would be adopted later in the process.

Preparatory Committee (WSSD PREPCOM) Meetings

- 1st Prepcom Meeting: 30 April – 2 May 2001, New York

- 2nd Prepcom Meeting: 28 January – 8 February 2002, New York
- 3rd Prepcom Meeting: 25 March – 5 April 2002, New York

While the first three Prepcom meetings did get the various parties into WSSD process mode, and also produced a plethora of documents and much of the draft text for the Summit itself, they were merely the “calm before the storm” of the failure of the 4th and final Prepcom meeting in Bali, less than three months before the Summit was to commence.

- 4th PrepCom Meeting: 25 May – 7 June 2002, Bali, Indonesia

In Bali, delegates fell far short of their intended goal to finalise the WSSD Plan of Implementation. The main stumbling blocks were:

A. Trade and finance discussions moved behind closed doors – but ended in deadlock

5 June – a facilitator’s text put forward by chair of the contact group on trade and finance

6 June – a compromise text prepared jointly by EU and G-77/China ministers

7 June – a text compiled by Minister Valli Moosa of South Africa

The Moosa text was tentatively accepted by the G-77/China and supported by Mexico, Norway and New Zealand. The EU objected to the provision on subsidies, favouring language to “encourage reform of subsidies” rather than “to reduce or phase out, as appropriate”. The US rejected the Moosa text as it was, proposing over a dozen amendments. The G-77/China refused to enter into further negotiations, arguing that the text already represented the bottom line and that they were not prepared to make any more concessions.

Following the collapse of the talks, discussions on Trade and Finance in the lead up to, and at, the WSSD were to be based on the 5 June facilitator’s text.

B. Some movement on WTO-MEA relationship

Delegates succeeded in finalising the use of the contentious term ‘coherence’ in most paragraphs of Section X on an Institutional Framework for Sustainable Development. But they failed to agree on a formulation in the context of the relationship between multilateral environmental agreements (MEAs) and WTO rules.

C. One small gain on fisheries

Delegates agreed to “eliminate subsidies that contributed to illegal, unreported and unregulated fishing and to over-capacity”.

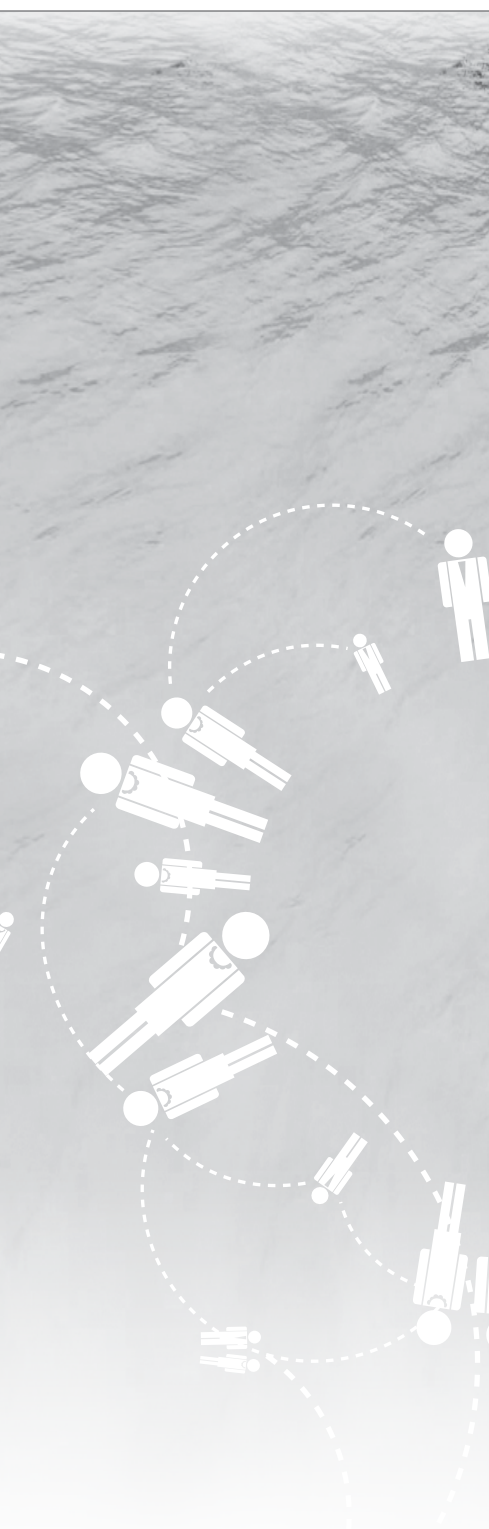


So the 4th PrepCom negotiations on the Political Declaration failed to yield an agreement. Between 65 to 75% of the text was agreed, but key contentious issues remained. Many civil society groups, however, welcomed delegates' failure to finalise the text, saying that an unfinished text was better than a bad deal.

So what next to get the Summit on track ...

Meeting of the "Friends of the Chair"

- Following the collapse of preparatory talks in Bali in June 2002, agreement was yet to be reached on the summit's main goal – the drafting of a detailed plan for global economic development that preserved and protected the environment while battling hunger and poverty.
- As part of efforts led by then President Thabo Mbeki (who was to become chair of WSSD at the summit), the South African Minister of Foreign Affairs, Dr Nkosazana Dlamini Zuma, and the UN Secretary-General, Kofi Annan, led discussions at a meeting held in New York on Wednesday 17 July 2002 of representatives of Friends of the Chair for the World Summit.
- The decision to establish the Friends of the Chair flowed from a meeting held between President Thabo Mbeki and Kofi Annan held in Canada during the 2002 G8 meeting. A select group of countries was invited to the meeting, based on (a) geographical representation, (b) common interest in resolving outstanding issues, and (c) their overall commitment to the success of the WSSD. These included Nigeria, Uganda, Senegal, Egypt, Brazil, Ghana, Jordan, Canada, Argentina, China, Denmark, France, Germany, Italy, India, Indonesia, Jamaica, Japan, Mexico, Norway, Russia, Sweden, the UK, the USA, and Venezuela.
- It was hoped that representatives to the Friends of Chair meeting were either Ministers or Sherpas with the mandate to report back directly to the Heads of State or Government of the countries invited. The South African delegation also included the Minister of Environmental Affairs and Tourism, Valli Moosa; then President Mbeki's Legal Advisor Adv. Mojanku Gumbi and Ambassador Dumisani Khumalo, South Africa's Permanent Representative to the UN.
- The closed-door New York talks laid out paths towards agreement on some of the most contentious unresolved issues, but confirmed progress was being made.
- The meeting of the Friends of the Chair was an attempt to find consensus between developing and developed nations ahead of the hosting of WSSD. In this regard, the meeting would take stock of preparations for WSSD and



discuss some of the outstanding issues that flowed from the 4th PrepCom Meeting.

- The parts still under negotiation also touched on issues such as the setting of specific development targets and timetables for achieving them, and the question of how to pay for the programmes required to achieve these goals.
- This was a last-ditch effort for a final conference declaration and a concrete plan for achieving environmentally friendly development that all 189 UN member nations could agree on. It was then up to South Africa to translate the outcomes of the talks into specific draft language for UN members to consider. Many felt, however, that the group of “Friends of the Chair” was simply too diverse for significant progress to have been made during the New York meetings.

The WSSD Outcomes

The Summit resulted in two outcome documents referred to as Type-I-Outcomes:

- a Political Declaration, expressing commitments and direction for implementing sustainable development;
- a negotiated programme of action (known as the Plan of Implementation) to guide government activities.

Most NGOs, who were furious at the attitude of governments led by the USA, notably on the environment, criticised both the action plan and the declaration for not having real new commitments, targets and funding for implementation provided.

The World Summit also resulted in so-called Partnership Initiatives, referred to as Type-II-Outcomes. These initiatives were voluntary and non-binding, and included action-oriented programmes between governments, business or civil society. Analysts saw these initiatives as a possibility to deliver some results without really committing governments to hard action (which was also the main criticism from the NGO side).

When the World Summit ended, governments congratulated each other on the successful outcome of the summit. But civil society described the summit as a missed opportunity to come up with a meaningful plan of concrete targets, timeframes and funding for implementation. NGOs blamed mostly the United States for blocking meaningful progress, with the European Union (weighed down by having to find consensus among its own members) being too weak in the negotiations and the G77/China group keen on getting new funding for their development. The strongest feelings were aroused by the lack of agreed targets on renewable energy.

In the final phase of the Johannesburg Summit, the European Union submitted a declaration of like-minded countries on increasing the share of renewable energies.



Apart from that, limited targets were agreed in the Implementation Plan on issues such as biodiversity loss, restoration of fish stocks and the use of toxic chemicals.

Nevertheless, the outcome documents more explicitly acknowledged the links between poverty alleviation and environmental protection than the outcome documents of the Rio Earth Summit in 1992. And, despite all fears, the World Summit did not sacrifice the precautionary principle (to act to protect the environment even if evidence of potential future damage to the Earth's ecosystem was not conclusive) and the paradigm of common but differentiated responsibility (all nations must try and save the planet but rich countries are expected to shoulder more of the financial burden than poor nations).

Gains and Losses

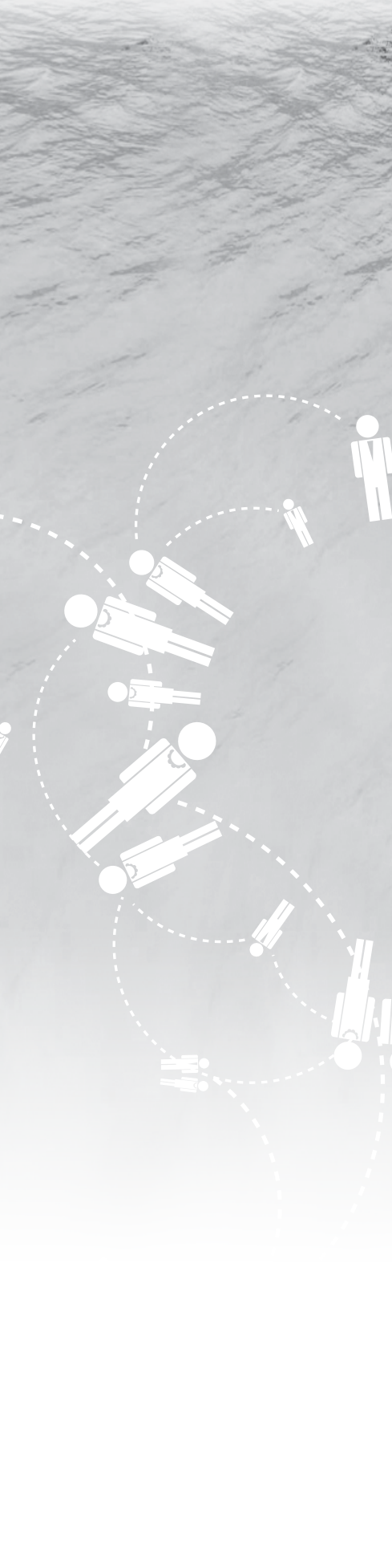
Successes at the WSSD

In brief, the successes of the official summit included:

- decisions on a sanitation target,
- recognition of the rights and roles of communities in natural resources management,
- the promotion of greater corporate responsibility and accountability,
- reaffirmation of the principle of access,
- the incorporation of ethics into the implementation plan,
- acceptance of the need to delink economic growth from environmental degradation,
- the launching of key initiatives and partnerships on sustainable development.

Perhaps the most important gain made at WSSD was the announcement that the governments of Russia and China would ratify the Kyoto Protocol, making implementation of the climate change treaty nearly a sure thing – even without participation of the US. Also, **measures in the WSSD Plan of Implementation to reduce lead in motor fuel and to limit ‘flaring’** (burning of waste gases at oil refineries) were agreed to rather handily, as was a somewhat tepid resolution encouraging the formation of more Marine Protected Areas in the next decade. A US-backed plan to require that the Plan of Implementation be vetted for “WTO consistency” – subjugating global environmental law to free trade policy – was dropped.

Other victories at WSSD were more ambiguous. Governments agreed to help the world's poor to gain access to renewable sources of energy, but there was argument over whether nuclear fission and large hydro should be included as “renewables”, and in any event, the USA blocked agreement on date or percentage goals.



The Failures of Johannesburg

Many were disappointed with the official outcomes of the WSSD, believing that the world had not moved forward in any meaningful way since the 1992 Earth Summit in Rio de Janeiro. In Johannesburg, governments:

- recognised the immense development and environment problems,
- acknowledged the need to respond in a greater way to these challenges, but
- concluded weakly by ratifying existing efforts and approaches which themselves have been found wanting.

Gaps in the Outcomes:

The absence of new commitments and innovative thinking was evident:

- Ambitious and strong sustainable development targets with firm timeframes could have made a major difference, but governments, for the most part, could not agree on new goals other than those already incorporated into the UN Millennium Declaration Goals and other prior agreements.
- Nor did governments provide direction or guidance, from a sustainable development perspective, on how the opportunities offered by globalisation could be maximised or how its challenges could be overcome.

In this sense, Johannesburg was a missed opportunity for governments (a) to give a sustainable development dimension to globalisation and (b) to reform the global environmental governance system in order to establish rigorous and meaningful accountability for the decisions of the WSSD.

The Political Dimensions of the WSSD

Despite the gloomy judgement of environmental NGOs, an important achievement was the nature of the deal struck at Johannesburg. Getting any commitment to global action through the Johannesburg Plan of Implementation was certainly a hard-won victory achieved against significant opposition by the various groupings.

It was through this quagmire that the South African hosts found themselves having to navigate. The differences between developing countries (represented by the G77 negotiation block under chairmanship of Venezuela) and the developed world (represented mainly by the European Union and JUSCANNZ negotiating blocks) at times threatened to reduce the Summit to a classic, but ultimately unconstructive, stand-off.

Within the developed world, the European Union's more ambitious environmentalism, linked to a global trade agenda, stood in stark contrast to the anti-environmentalist, pro-partnership stance of the USA, Canada, Australia and Japan. These countries formed a bloc of developed countries that wanted no new



targets agreed at Johannesburg, and generally sought to weaken any multilateral agreement.

Even within the G77 there were competing forces. The strong Oil and Petroleum Exporting Countries (OPEC) were determined to downplay the focus on energy, let alone find agreement on targets for renewables. There were also tensions between the pro-Nepad (New Partnership for Africa's Development) agenda of the Africa bloc and the interests of other developing regions, including small island developing states (SIDS), least developed countries (LDCs), land-locked developing countries (LLDCs), and a broad caucus of developing countries within the G77. Issues such as 'desertification' competed with 'rising seas' for importance on the agenda, threatening to divide the bloc.

These prevailing interests – diverse and competing as they were – highlighted the difficulty for South Africa in achieving a common global commitment to action at the Summit. They also lay bare that any agreement was inevitably going to be a reflection of the 'lowest common denominator' of commitments that countries would agree to. Nevertheless, many countries – including South Africa – had indicated that they intended to go beyond those commitments.

Given the many opposing interests prevailing during both the WSSD Preparatory Process as well as the Summit itself, it is heartening that the Johannesburg Plan of Implementation went as far as it did. It encompassed a total of 37 targets as focal points for implementation in key sectors. These included critical new targets in the areas of sanitation, biodiversity, chemicals, production and consumption patterns, and fisheries. The Implementation Plan also reflected a focus on all three pillars of sustainable development – this having been hard-won, with developed countries having tried for many months to push the social and economic issues off the agenda.

Conclusion

NGOs anticipated that the Political Declaration of the World Summit would be of a very weak nature. Nevertheless, given the complexities of the substantive and the prevailing political climate, the WSSD Declaration:

- reaffirmed principles already agreed upon at the Rio Earth Summit UNCED in 1992 and the UN Millennium Summit in 1999;
- recognised poverty eradication as a key condition for sustainable development;
- addressed cultural diversity, patterns of production and consumption, health issues, armed conflicts, the new dimension created by globalisation, gender issues and financing for development, among others.

Considering that an entire chapter in the WSSD Implementation Plan had been dedicated to Africa, the continent could be seen as having emerged a winner.

This can, to some degree, be attributed to the preparations during its Regional Conference in Nairobi. Also, the tension between Nepad and other regional initiatives was carefully managed so as to keep the support of the broader developing world.

If anything, South Africa and its allies succeeded in convincing the world, well beyond government representatives, that poverty and inequality are the single greatest obstacle to sustainable development, and that achieving a sustainable future needed a more equitable world economy and systems of global governance.

Some critics at the time said that the Summit was trying to solve too many of the planet's problems at one time – an almost inevitable recipe for failure. However, considering the outcomes of the Summit, the WSSD does not fare badly in the global political environment of today. In spite of its shortcomings, it produced a practical, realistic and action-oriented plan that included the financial and technical means to implement the agreements. Coming at a time when multilateralism itself was under threat, this was a great achievement for a young democracy such as South Africa to have managed.

The Summit also proved to be of immense value to the country in honing its negotiating skills, both as host and as party to the negotiations. Important for South Africa was to find the balance between pushing for its own national interests through its various alliances and, as host country to the Summit, working towards finding common ground to achieve outcomes accepted by all. This experience will stand South Africa in good stead as it prepares for the complexities to be encountered during the hosting of the COP17 meeting towards the end of 2011. Considering that many of the South African senior government officials who were part of the WSSD process in 2002 are also involved in the preparations for the Climate Change talks in Durban, the experience gained then will be much needed if a worthy outcome is to be achieved.

Notes

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2. Making Participation Work: Lessons from Civil Society Engagement in the WSSD. A Report by Antonio La Viña, Anne Marie DeRose, Arthur Getz Escudero, Jesse Ribot and Gretchen Hoff, with Patrick Bond and Sandra Moniaga. World Resources Institute, October 2003.
3. Report of the African Preparatory Conference for the World Summit on Sustainable Development. Nairobi, 15 - 18 October 2001.
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TOWARDS FAIR AND INCLUSIVE CLIMATE CHANGE NEGOTIATIONS: LEARNING FROM THE WORLD TRADE ORGANISATION

Brendan Vickers

Introduction

The world economy is undergoing a profound structural shift in economic power, broadly from North to South and West to East. The emerging economies, led by Brazil, Russia, India and China (BRICs), are fast becoming the new sources of global economic growth, trade and investment. In this emerging multipolar/interpolar world, multilateral negotiations to achieve collective global governance



Dr. Brendan Vickers

outcomes have become increasingly complex and difficult. In this regard, the respective experiences of the multilateral trading and climate change regimes are not uncommon.

The maiden trade round of the World Trade Organisation (WTO), the Doha Development Agenda (DDA) launched in 2001, is today the longest running trade round in history. Compared to its predecessor, the rich man's club of the General Agreement on Tariffs and Trade (GATT), the WTO's negotiating process is today far more politicised and complex. This partly reflects the growing weight, diversity and expectations of the WTO's 153-country membership, two-thirds of which are developing countries.¹ Trade diplomats in Geneva (and climate negotiators elsewhere) must therefore strike a careful balance between three competing demands, namely greater *efficiency*, *legitimacy* and *inclusiveness* of process and outcomes in multilateral negotiations. This is never easy, often resulting in deadlock and brinkmanship.²

At the heart of both the WTO and UNFCCC negotiations lies a broader dynamic, namely the shifting centres of global economic competitiveness. In the WTO, this has translated into the gradual erosion of the Doha Round's development mandate, which had promised to place the needs and interests of developing countries at the heart of the Doha Work Programme. Developed countries have instead had a strong market-opening agenda directed at the emerging developing economies in the areas of industrial tariffs and services, while seeking greater flexibility that would maintain their high levels of protection in agriculture. In climate change, there has been a similar erosion of the seminal principles that launched the UNFCCC negotiations, including the principles of common but differentiated responsibility and historical responsibility. This paper explores the established principles and emerging practices for WTO negotiations, in order to draw broad lessons for the UNFCCC process.

Established principles in WTO negotiations

Multilateral negotiations in the WTO are historically based on a 'golden triangle', namely the dominance of contracting parties (i.e. a 'member-driven' organisation), the consensus principle, and the single undertaking.

The consensus principle has historically been the hallmark of the multilateral trading system, distinguishing the GATT/WTO as more formally democratic than its Bretton Woods counterparts. The formal equality of the members was one of the few victories developing countries achieved in the negotiations on the proposed International Trade Organisation (ITO), since the major Allied powers had sought a system of weighted voting similar to the International Monetary Fund (IMF). This approach was carried into the GATT, where consensus diplomacy underpinned by bargaining and consultation became the norm rather than the rule. Upon its establishment in 1995, the WTO further internalised this consensual model, as spelt out in Article IX of the Marrakesh Agreement:



“The WTO shall continue the practice of decision-making by consensus followed under GATT 1947”.

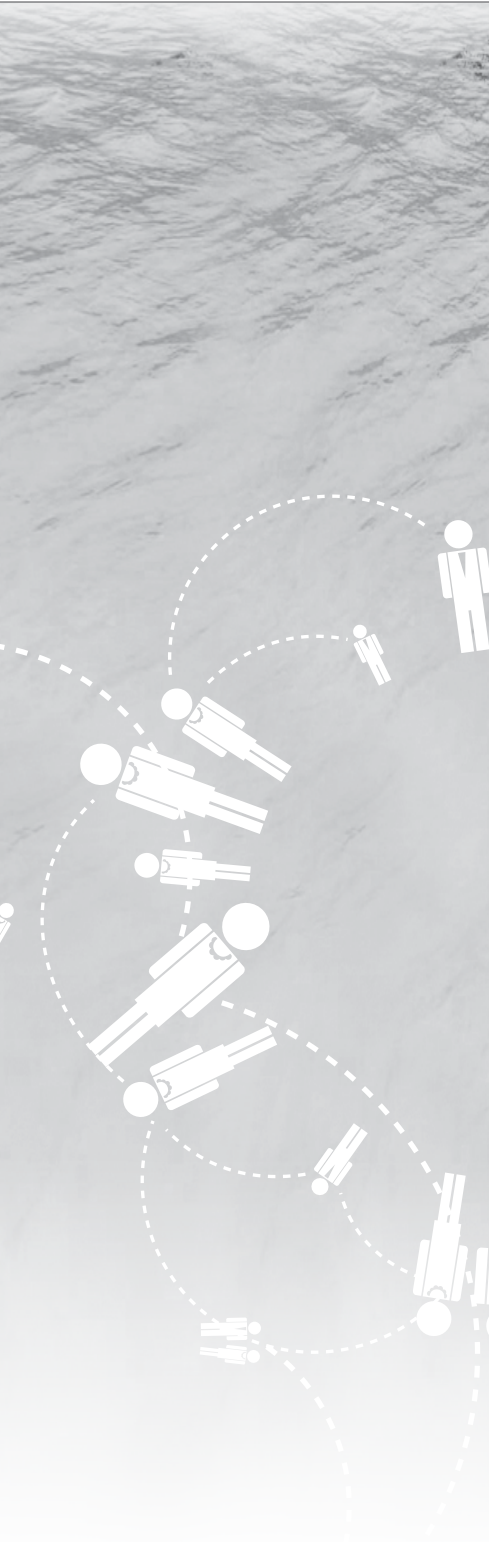
Importantly, consensus and unanimity are not the same. In actual GATT/WTO practice, consensus is assumed when no party present at the meeting when a decision is taken objects to that decision, rather than that all the members must agree. This amounts to a default rule of consensus when members are not able to participate in meetings or abstain; of course, this arrangement prejudices smaller developing countries that have limited representation and negotiating capacity in Geneva to cover fully the WTO's agenda. In the absence of consensus, the GATT and the WTO prescribe voting for particular circumstances, each requiring specified majority thresholds ranging from unanimity to a two-thirds majority. The latter rarely happened in the GATT, apart from sanctioning new accessions and waivers.

The second cornerstone of the multilateral trading system is the principle of the single undertaking, namely that during multilateral negotiations, “nothing is agreed until everything is agreed”.³ This principle aims to maximise cross-linkages and trade-off possibilities within a grand package deal, and discourages members from ‘cherry-picking’ results as happened during the Kennedy (1963-1967) and Tokyo (1973-1979) Rounds. By permitting a voluntary, *à la carte* approach to multilateral trade rules, the latter rounds established an asymmetry of rights and obligations among the GATT's growing membership.

Some critics argue that this golden triangle of established rules, principles and practices of WTO negotiations are ill-suited to respond to the fast changing needs of the trading system and an increasingly globalised world. Frustration with the Doha Round's lethargy, coupled with the proliferation of ‘WTO-plus’ regional trade agreements (RTAs), has led to a raft of reform proposals that seek to make the WTO a more effective and efficient negotiating institution. These proposals range from relaxing the single undertaking in favour of variable geometry (i.e. plurilateral clubs or ‘coalitions of the willing’),⁴ to weighed voting as an alternative to the organisation's consensus culture.⁵ Unfortunately the bulk of these proposals place too heavy emphasis on the formal processes of decision-making, privileging efficiency over other principled objectives, such as inclusiveness and legitimacy. Few address the representation problem in the WTO, namely the inclusion of developing countries at the High Table of the negotiations. The reality is that developing countries today constitute the bulk of the WTO's membership. It is therefore critical that WTO negotiations are more inclusive so that trade opportunities can be made available to all members on a more equitable basis and trade rules do not subvert their development prospects.

Emerging Practices at the High Table of WTO Negotiations

During the GATT years, multilateral trade diplomacy was an exclusive and opaque enterprise, initially conducted only among the principal suppliers of products and



later, through informal and secretive ‘Green Room’ bargaining. Under this ‘club model’ of diplomacy, the bulk of the members were excluded from the inner locus of bargaining, presenting the GATT and its successor, the WTO, with serious participatory and legitimacy deficits. Following the Seattle protests in 1999 and the failure to launch the Millennium Round, there have been some improvements in the WTO’s internal and external transparency, albeit not without challenges.

Today, multilateral trade negotiations are conducted through concentric circles: the first circle involves the WTO majors in various configurations (e.g. G4⁶, G5/FIPS⁷, G6⁸, G7⁹ and G11¹⁰); the second circle is constituted as a ‘Green Room’, which accommodates about thirty trade ministers at the invitation of the WTO’s Director-General; and the third circle encompasses bodies that are open to all members (e.g. the Trade Negotiation Committee, Heads of Delegation meetings, etc).¹¹

In recent years, informal small group diplomacy represented by the ‘G-x’ has emerged as the main fora that shape the content of proposed WTO deals. These core groups have no legal status and any ‘breakthroughs’ arrived at must be taken to the broader membership for decision. Nonetheless, developing countries have raised several concerns about this emerging practice at the WTO’s High Table. First, small group diplomacy undermines a more genuine and inclusive multilateral process, often shifting the negotiations away from Geneva to negotiations among a few capitals pursuing their own national interests. Second, this approach resurrects the old ‘principal supplier’ approach adopted by the US and the EU during the earlier GATT period, which effectively locked out developing countries from the tariff-cutting negotiations, a tendency that persists under Doha.¹² Third, this practice is exclusionary, since the ‘outsiders’ are left waiting in the wings (literally!).

A fourth major concern is that small group diplomacy does little to improve the efficiency of the negotiations. Almost all past ‘G-efforts’ have resulted in collapse or failure, with important lessons for the UNFCCC. The suspension of the Doha Round in 2006 resulted mainly from deadlock among the bigger players with the greatest commercial interest, while small developing countries expressed disappointment with the impasse. In 2008, it was disagreement among the G7 – specifically the US, China and India – which frustrated the process of consensus formation.¹³ Clearly, no small group process (e.g. G11 or G-x) will resolve the Doha Round’s persistent deadlock, since there are major substantive differences between the members, namely the North’s offensive commercial interests versus the South’s legitimate developmental agenda.

Ultimately, this informal small group mode of negotiations tends to undermine the Doha Round’s development mandate. During the July 2008 ministerial negotiations in Geneva, not one African representative – not even South Africa, now a member of the BRICS grouping – was invited to the inner locus of bargaining. This meant that Africa’s agenda, including cotton, bananas, and duty/



quota-free market access for the least-developed countries (LDCs), was simply deferred and not resolved. Clearly, the continuation of this form of negotiation in its present form requires urgent review in favour of more inclusive, democratic and genuinely multilateral methods.

Towards COP17: What does the WTO experience offer?

Strengthen the consensus principle

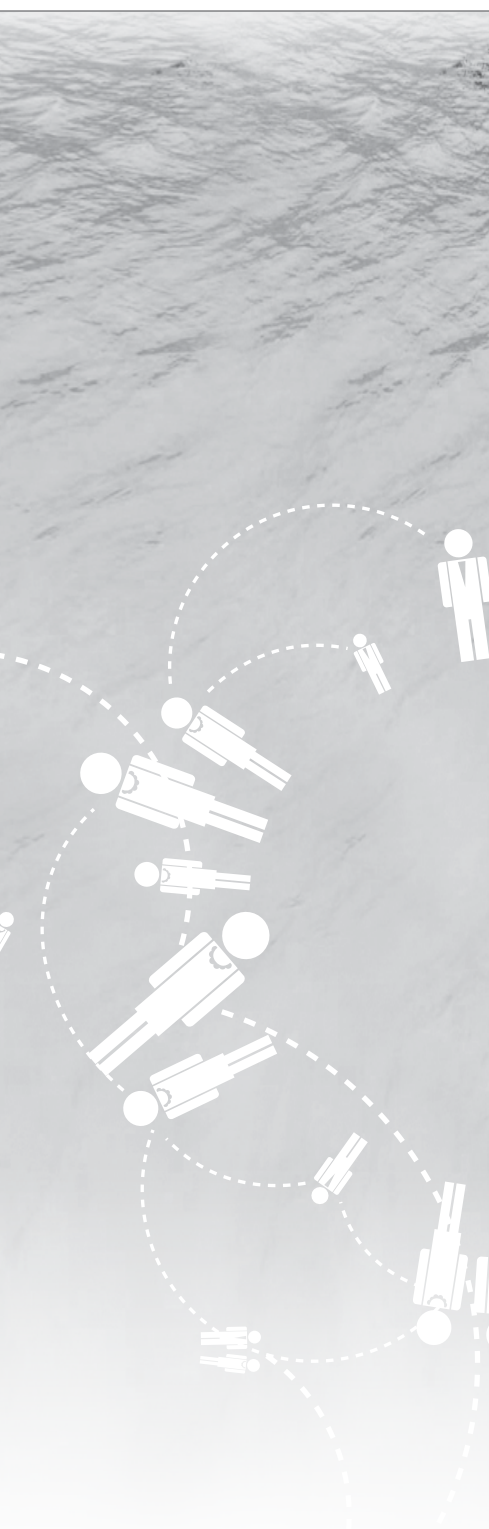
In an increasingly multipolar world where diverse political and economic interests prevail, consensus among developed and developing countries remains the keystone for collective action and successful outcomes at the global level. The experience of the GATT/WTO is that the process of consensus formation may be protracted, politicised and challenging, punctuated even by episodes of brinkmanship, crisis and collapse, but it is worth it in the end.¹⁴

In the case of the WTO, the politics of consensus risks frustration and ultimately disengagement through greater recourse to RTAs for generating new market access and rules. In the UNFCCC, parties may similarly opt for bilateral or regional environmental accords, or choose to pay their way out of making commitments. Whilst consensus-building is more complex and challenging than a simple majority or weighted voting system, it is more sustainable, efficient and fairer in the long term. Most importantly, it is inclusive on multiple fronts. Not only does consensus force WTO members to build convergences in their positions and make compromises in the interests of the system as a whole, but it also creates learning opportunities and empowerment for developing countries. In the WTO and elsewhere, the process of negotiating comprises not only *bargaining* over known interests, but also *learning* through argumentation and deliberation.

This more inclusive approach means that the WTO should not deviate or abandon the consensus method of negotiations in favour of other concepts, such as variable geometry and critical mass agreements. The Sutherland Report's recommendation to strengthen this principle should be adopted.¹⁵ In an attempt to reduce the resort to blocking measures by some countries, the Report held that there should be a responsibility by the country seeking to block a decision to declare in writing that the matter is one of vital national interest to it. This Luxembourg-type compromise, if implemented, could help the WTO to strengthen the consensus approach to decision-making and neutralise the efforts of large members to block consensus, where the underlying reasons are extraneous to trade issues. A similar approach to build consensus could be considered in the UNFCCC.

Rethink the approach to informal small group negotiations

The current debate in the WTO on the formation of small informal groups that become the main decision-making forums or that shape the main content of proposed deals has significant resonance in the debate in the GATT since its



inception. A similar ‘pressure cooker’ mode of negotiations has been perpetuated in new forms in the WTO through the formation of the G4, G5/FIPS, G6, G7 and G11.

There may be merit to informal small groups, whether in the WTO or UNFCCC. However, in future, the WTO should carefully consider how it constitutes these groups to advance the negotiations. China, India, the USA and the EU can claim to be part of any small group that is created to broker a deal because of their size. However, to promote inclusiveness and transparency, the interests of the rest of the membership should also be represented in any negotiating group. The model of small groups that includes members simply on the basis of their economic and political weight – or ‘principal supplier approach’ – is not suited to the diversity of economic interests and the political expectations of members to be represented and included at every stage of the negotiating process.

The role of developing countries in the current Doha Round has been unprecedented, with the building of powerful developing country groupings or alliances such as the G20, G33, NAMA-11 and ACP, LDC and Africa Group, amongst others. These coalitions can play an important role in building joint negotiating positions and convergence among the membership. In future negotiations, Green Room processes or small group bargaining must include the mandated representatives of recognised developing country groups. There should also be sufficient time and space for subordinate negotiations and intra-coalitional caucusing and compacts. But with participation comes responsibility, hence coalitions should strengthen their own internal mechanisms governing representation and accountability by their designated spokespersons.

Likewise, the UNFCCC negotiations have seen the emergence of coalitions and alliances – the Alliance of Small Island States (AOSIS)¹⁶, the Umbrella Group¹⁷, the Environmental Integrity Group¹⁸ and BASIC¹⁹, amongst others – which should be represented in any informal small group processes.

Adopt a code of conduct for chairs

The Director-General of the WTO acts as the chair of the Trade Negotiations Committee, which gives him or her overall responsibility for the Doha Round negotiations. During the previous Uruguay Round, the Director-General of the GATT was tasked with similar responsibilities. In addition, member states give special influence to ministers and ambassadors who temporarily chair the organisation’s ministerial conferences and subsidiary negotiating bodies. WTO chairs clearly occupy asymmetric positions in the negotiations by virtue of their privileged access to information about the real preferences of members and the backup they receive from the WTO Secretariat, and their control over the negotiating process. In other words, chairs have limited, but significant, capacity to influence the efficiency of consensus-building and the resulting distribution of gains and losses and its legitimacy of these outcomes.²⁰



Whilst the decision-making system (generally of consensus) and the institutional design of decision-making (election and appointment of chairs by members) in the WTO creates more controls and less discretion for the chair to influence the decisions towards his or her own preferences, there still exists significant room for the chair to influence the negotiations towards inefficient outcomes that result in imbalanced and unfair agreements or the collapse of the negotiations.

A study of the role of the chairs in the agriculture and non-agricultural market access (NAMA) modalities negotiations in the period before the July 2008 Ministerial Meetings reveals significant differences and weaknesses in the WTO system of chairing negotiations.²¹ Outcomes are also inefficient if the overwhelming majority of members are dissatisfied with the results, and expect to make more losses than gains from the results, and if developing countries perceive that they will make a greater contribution than developed countries. In addition, outcomes that lead to breakdowns of the negotiations only serve to delay the process further and can be deemed to be inefficient.

The WTO does not have clear rules or guidelines regarding the role of chairs, except that: “chairpersons should continue the tradition of being impartial and objective, ensuring transparency and inclusiveness in decision making and consultative processes; and aiming to facilitate consensus”.²² It would be important to strengthen the selection process with the use of a code of conduct for prospective chairs. The code of conduct should pay attention to the attributes of a prospective chair and his/her willingness to work for the common good of the organisation, with due regard for the broader goals of the WTO and the agreed mandates of the negotiations.

There are a number of attributes that a chair requires to be competent to contribute to efficient outcomes in the WTO and UNFCCC negotiations. These include, first, the willingness to rise above his or her national interests and provide a fair and unbiased judgement of the compromises that would be required to build convergence in the negotiations, with due regard to the development dimensions and mandate of the negotiations. Second, the chair must be capable of listening carefully to the members, without being unduly influenced by the more powerful groups (usually the major developed countries), in a bottom-up process, building confidence and ownership of the process among the members. Third, the chair must be capable of offering solutions to the blockages in the negotiations in a step-by-step manner using a variety of negotiating tools (i.e. tools of brokerage) available to the chair in the negotiating process.

The code of conduct should require chairs to make an explicit undertaking to subordinate their national interests to that of the general good of the organisation and to exercise a fierce independence from the influence of the major developed or developing country groups. The development of such a code of conduct would raise awareness of the role of the chair, create greater pressure on chairs to be objective and fair, and empower the membership to seek greater commitments

from prospective chairs during the selection process to abide by such a code of conduct. This would reduce the tendency of chairs to be influenced by the *realpolitik* of the negotiations – that is, the dominant interests of the major powers and the tendency of the system to strike a compromise in their favour.

The WTO members should also consider the use of supranational chairs drawn from the ranks of the Secretariat where a suitable chair is unavailable from among the members. It is often the case that WTO members have to choose from a limited number of available candidates. Developing countries are often unable to field candidates due to their limited capacity and staff levels. Thus the members are bound to choose from a small pool of members that may not satisfy all the criteria for a suitable chair discussed above. However, the WTO Secretariat itself must build greater confidence among the membership about its own capacity and objectivity to play an efficient role in the chair. With judicious consideration, there may also be merit in strengthening some aspects of the role-agency of the UNFCCC Secretariat in the climate change negotiating process.

Notes

- 1 See Narlikar, A. and Vickers, B. (eds.) 2009. *Leadership and Change in the Multilateral Trading System*. Dordrecht: Republic of Letters Publishing/Martinus Nijhoff.
- 2 See Narlikar, A. (ed.) 2010. *Deadlocks in Multilateral Negotiations: Causes and Solutions*. Cambridge: Cambridge University Press.
- 3 This principle was introduced with the previous Uruguay Round (1986-1994). Following the establishment of the WTO in 1995, the single undertaking required that the organisation's founding members must adopt obligations across the board, including trade in services, intellectual property protection and investment, with some caveats at the margins for developing countries.
- 4 See for example Lawrence, R. Z. 2006. 'Rulemaking Amidst Growing Diversity: A Club-of-Club Approach to WTO Reform and New Issue Selection', *Journal of World Trade* 35(4): 575-602; and Warwick Commission. 2007. *The Multilateral Trade Regime: Which Way Forward?* Coventry: University of Warwick.
- 5 See for example Cottier, T. and Takenoshita, S. 2008. 'Decision-making and the Balance of Powers in WTO Negotiations: Towards Supplementary Weighted Voting', in Griller, S. (ed.) *At the Crossroads: The World Trading System and the Doha Round*.
- 6 The G4 consists of the EU, US, Brazil and India.
- 7 The Five Interested Parties (FIPS) in agriculture comprised the EU, US, Brazil and India (representing the G20), and Australia representing the Cairns Group.
- 8 The G6 consists of the EU, US, Japan, Australia, Brazil and India.
- 9 The G7 consists of the EU, US, Brazil, India, China, Australia and Japan.
- 10 The G11 consists of the EU, US, Japan, Canada, Australia, Brazil, India, China, Argentina, South Africa and Mauritius.
- 11 Elsig, M. 2006. 'Different facets of power in decision-making in the WTO', NCCR Working Paper No. 23, September.



- 12 A country could only be asked to make tariff cuts on a particular product by the principal supplier of that product to that country. This meant that for any particular product the importing country negotiates its tariff rate with its principal supplier and not with all suppliers of the same product. Developing countries at the time were seldom principal suppliers of any product, except raw materials that entered industrialised countries duty-free. Only at the fourth Geneva Round of the GATT in 1956 was this rule modified to allow developing countries to negotiate collectively in requesting concessions. However, they were still effectively prevented from requesting concessions in any products that they did not produce in large quantities.
- 13 Harbinson, S. 2009. 'The Doha Round: "Death-Defying Agenda" or "Don't Do it Again?"', European Centre for International Political Economy (ECIPE), Working Paper No. 10.
- 14 Wilkinson, R. 2006. *The WTO: Crisis and the Governance of Global Trade*. London: Routledge.
- 15 Sutherland, P. et al. 2004. *The Future of the WTO: Addressing Institutional Challenges in the New Millennium*. Geneva: World Trade Organisation.
- 16 AOSIS is a coalition of some 43 low-lying and small island countries, most of which are members of the G77, which are particularly vulnerable to sea-level rise.
- 17 The Umbrella Group is a loose coalition of non-EU developed countries which formed following the adoption of the Kyoto Protocol. Although there is no formal list, the group is usually made up of Australia, Canada, Iceland, Japan, New Zealand, Norway, the Russian Federation, Ukraine and the US.
- 18 The Environmental Integrity Group comprises Mexico, the Republic of Korea and Switzerland.
- 19 BASIC comprises Brazil, China, India and South Africa.
- 20 Odell, J. 2005. 'Chairing a WTO Negotiation', *Journal of International Economic Law* 8(2): 425-448; Tallberg, J. 2010. 'The Power of the Chair: Formal Leadership in International Cooperation', *International Studies Quarterly* 54(1): 241-265.
- 21 Ismail, F. 2009. 'The role of the chair in the WTO negotiations. From the Potsdam collapse in June 2007 to July 2008', *Journal of World Trade* 43(6): 1145-1171. In this study, Ismail compares the role of the Chair of NAMA, Ambassador Don Stephenson of Canada, with that of the Chair of Agriculture, Ambassador Crawford Falconer of New Zealand. The study concludes that Stephenson failed to provide efficient formal leadership. By contrast, Falconer displayed a capacity to listen carefully to the views of different members, to act in an objective manner, to make judicious use of the tools of brokerage (i.e. providing alternative options, single texts, etc) and appropriate timing of single texts, and a fierce independence from the influence of any of the major developed or developing country groups in the WTO.
- 22 WTO. 2003. WTO doc. WT/L/510, Guidelines for Appointment of Officers to WTO Bodies. Adopted by the General Council on 11 December 2002, paragraph 2.2, 21 January.

SOUTH AFRICA'S ROLE IN THE NEGOTIATIONS AT THE WORLD TRADE ORGANISATION: LESSONS FOR THE CLIMATE CHANGE NEGOTIATIONS

Catherine Grant

Introduction

South Africa has been an active member of the World Trade Organisation (WTO), and its predecessor the General Agreement on Tariffs and Trade (GATT), since the rules-based multilateral trading system was founded in 1947. Many years of interaction and participation in trade negotiations have provided lessons for



Ms Catherine Grant



South African diplomats involved in the multilateral system. This paper seeks to identify some of the approaches used by South Africa in the WTO and how they could be applied to climate diplomacy, specifically the chairing and hosting of COP17 in December 2011.

South Africa at the WTO: Context

Since joining the GATT in 1947 and then becoming a founder member of the WTO in 1994, South Africa has been an active participant in the world trading system. The country is often described as “punching above its weight” for its foreign policy achievements, most recently for becoming the fifth member of the BRICS group, and it would be fair to also use this description for the role played by South Africa in the WTO. South Africa was the world’s 28th largest economy in 2010 based on GDP. It is therefore not among the largest of the WTO member’s yet it has been regularly included in important negotiating groups (such as the Green Room sessions hosted by the WTO Director-General) and has chaired WTO structures, including the Committee on Trade and Development. In the experience of the author, South Africa is viewed by other members of the WTO as having effective negotiators.

During its time as a member of the GATT, South Africa was classified as a developed country and it negotiated in the Uruguay Round from this perspective (adopting commitments in line with those taken by developed countries). This provided a particular negotiating challenge for South Africa in the WTO. Following the transition to democracy in 1994, South Africa has had to reposition itself as a developing country under the rules of the multilateral trading system. This has not always been easy and has been a test for the skills of the South African negotiators. It has required the support of other African and developing countries plus the understanding of the rest of the WTO membership. This particular issue is mentioned here as it provided an opportunity for South Africa to hone its negotiating skills in the WTO and therefore provides a useful context for the success factors described below.

Factors for Successful WTO Participation

There are a number of factors which explain the success of South Africa in being an active and effective participant in WTO negotiations. Some of these are difficult to quantify and to describe, including the importance of strong personalities who are able to network effectively and gain the respect of their peers. Personal attributes and capacities of negotiators are critical but are not often easy to replicate. While the impact of relationships cannot be underestimated, the following section focuses on those factors which could be translated from the context of the WTO to that of climate diplomacy and COP17 more specifically.

Preparation

At the heart of any successful negotiation are well-prepared positions which reflect national development priorities as well as the views of various stakeholders. In the context of the WTO, South Africa has put in place a well-established and resourced process for the development of negotiating positions. This includes the commissioning of research on specific issues by the Department of Trade and Industry (DTI) on occasion and the ongoing education of government officials involved in the WTO negotiations about the different dynamics involved as well as the technical issues being discussed. For example, the DTI recently had a seminar for its staff on trade and climate change so as to continue the learning process for its negotiators. Research and resulting positions are developed in the context of the framework provided by South Africa's Trade Policy Strategy. This sets out the guiding principles from which all trade-related matters are considered.

Once the government has some idea of the issues which it will be facing at the WTO then it embarks on an extensive consultation process in order to prepare for the multilateral interactions. This includes inter-departmental discussions with colleagues from other government agencies who have an interest in the issues, such as the Department of Agriculture, Forestry and Fisheries and the Economic Development Department. Representatives of the DTI also regularly brief and appear before the Parliamentary Portfolio Committee on Trade and Industry to discuss WTO matters. South African Members of Parliament have shown a long-standing interest in following the WTO negotiations and in ensuring that they are involved in the preparation of positions taken on various issues.

With respect to non-governmental stakeholders, there are two formal mechanisms through which WTO issues are regularly discussed. The first is specific to agriculture and is the Agricultural Trade Forum (ATF). The second is the social policy dialogue platform of National Economic Development and Labour Council where government, business, organised labour and civil society come together to consider a wide range of issues with implications for economic development in South Africa. National Economic Development and Labour Council has a permanent sub-committee of the Trade and Industry Chamber which deals with trade matters – Teselico – and which meets on a monthly basis for most of the year. Teselico has a standing agenda item on WTO negotiations as well as a number of task teams which consider specific issues, such as non-agriculture market access (NAMA), trade in services, trade and environment, and technical barriers to trade. The DTI has shown a strong commitment to actively involving Teselico and its constituencies in the preparations for WTO negotiations.

In addition to the ongoing interaction between stakeholders at National Economic Development and Labour Council, the DTI arranges national dialogues or conferences on WTO issues before significant events such as Ministerial Conferences. These specifically focus on the development of South African position papers in advance of negotiations. They also provide an opportunity for



stakeholders to be updated on recent developments and the expected dynamics of the WTO engagements. Such interactions are usefully supported by an active community of researchers and think-tanks who engage on WTO issues. Their ongoing work contributes to the debate and often keeps the WTO on the radar for the media as well as the broader public.

Broad-based Representation

The day to day activities at the WTO are managed by the South African permanent delegation based in Geneva. This team is largely made up of officials from the DTI who are responsible for participating in WTO Committee meetings and for following developments. The permanent delegation is often supplemented by additional staff based in Pretoria from the DTI and other government departments. These capital-based officials will attend negotiating sessions and other significant meetings. Through these regular engagements, the South African representatives have built up strong relationships with other delegates and also the WTO Secretariat staff. These personal links are important for accessing information, advocating South Africa's views effectively and ensuring South Africa's strong participation in all WTO activities.

For WTO Ministerial Conferences themselves, there is now a well-established precedent for the South African delegation to be inclusive of a wide range of stakeholders. Organised business and labour as well as civil society are invited through their NEDLAC representatives to nominate delegates (some of who receive funding from the DTI to enable them to attend the conference). Parliament is usually also represented by a number of MPs. The stakeholder delegates are able to attend formal meetings that take place as part of the WTO Ministerial Conference. There are also briefings held with ministers and senior officials on a daily basis during the conference so as to ensure that everyone is kept up to date on developments. Having an inclusive delegation of this nature results in a number of positive spin-offs – for government there is the ability to consult and adapt national positions as the dynamics of the negotiations require; and for stakeholders there is direct exposure to the negotiating process and an opportunity to increase their knowledge and experience on WTO matters.

Coalitions

One of the key features of South Africa's engagement in the WTO is its active participation in a number of coalitions or small alliances on issues. These alliances with like-minded members can focus on either a general approach to the negotiations (e.g. informal interactions between IBSA delegations at the WTO) or on specific themes such as agriculture (e.g. G20) or industrial negotiations (e.g. NAMA11).

There are a number of benefits from participating in coalitions in the WTO and these can also be translated to other multilateral negotiations. - They include the following:

1. Coalitions provide greater weight in negotiations than the individual members would be able to achieve in their individual rights.
2. Working in an alliance provides a greater possibility of widespread support for national positions. This is particularly the case if it is possible to influence the development of the coalition's approach to largely reflect South Africa's position.
3. For smaller members of the WTO, coalitions are also extremely useful tools for gathering information and for sharing knowledge on technical matters as well as on the dynamics in the negotiations. It might not be possible for smaller delegations to attend all meetings but if the coalitions in which they participate are effective then they will remain up to date and able to engage.
4. Alliances can come into their own when the negotiations involve discussions in small groups that only include a select part of the WTO membership (e.g. the Green Room). Here a coalition can be part of the deliberations even if it is only represented by one or two of its constituent members. In the July 2008 mini-Ministerial in Geneva, South Africa experienced this benefit directly when it was not included in the G7 group that was at the heart of the process but was able to get information on developments from and convey its views to its IBSA colleagues – India and Brazil.

South Africa is a member of a number of WTO coalitions and there is not the scope in this paper to explore all these interactions. It is worth noting that traditionally the coalitions involved both developed and developing countries, such as the Cairns Group alliance of agricultural exporters. This type of grouping is particularly effective for taking positions on issues that have cross-cutting implications (such as export subsidies for agricultural products) and for ensuring a broad base of support for national positions. More recently, South Africa has been active in coalitions with other developing countries, including the G20 and NAMA11. Here there is a clearly shared purpose not just on technical matters but on the overall approach to rebalancing the multilateral trading system in favour of developing countries.

Leadership

At the national level in South Africa, there is clear leadership on WTO issues provided by the DTI. This government department is responsible for the development of negotiating positions, consultations with other government agencies and stakeholders, day to day interactions at the WTO in Geneva through



its team based at the permanent mission, leading delegations to WTO events and negotiating on behalf of the country. It is clear-cut and there is no questioning of the roles and responsibilities of different national players.

At a regional level there is also an aspect of leadership with regard to the WTO negotiations. It has become increasingly important for South Africa to consider and consult with fellow members of the Southern African Customs Union (SACU) on a variety of issues, specifically those which will have an impact on the common external tariff (such as the NAMA negotiations). South Africa is well-placed to provide guidance and direction to the other members of SACU given its stronger presence in Geneva and its close involvement in a number of the smaller negotiating groups. This role is more complicated, however, when the broader Africa Group is considered. Here South Africa finds it more difficult to lead as there are diverse interests among the members with South Africa being a more advanced economy than many other African states. Within the WTO context, there are differentiated levels of commitment with many LDC African countries not required to participate to the same extent as South Africa and some others.

Within WTO structures itself, South Africa has assumed leadership when opportunities arise. For example, South African delegates have chaired both formal and informal groupings at the WTO. These include the Committee on Trade and Development as well as coalitions such as the NAMA 11. Being in a position to step up and take on these additional responsibilities has assisted in raising the profile of South Africa as an active WTO member. It has also resulted in opportunities for South Africa to pursue issues of specific interest and concern. There are additional resource burdens when such leadership positions are assumed but overall the benefits usually outweigh the costs.

Recommendations

The following are specific recommendations for South Africa's role as chair and host of COP17 as well as more broadly for the climate change negotiations that are ongoing under the UNFCCC. They are based on the lessons learnt from South Africa's experience in the WTO as set out above.

1. At the outset there need to be clearly defined roles among the various South African government departments involved in climate change negotiations. Internal government coordination is imperative, especially when faced with the additional role of chairing and hosting an important event such as COP17. This should be accompanied by a hierarchy that makes it clear where the leadership responsibilities rest for various aspects of the process, including development of national positions and representation of South Africa's interests at COP17.
2. An extensive and robust national preparation process involving all stakeholders will assist the South African negotiators and chair of COP17,



including in identifying the priorities from a domestic perspective. This could involve consultations through established forums, such as NEDLAC, as well as through specifically convened workshops and conferences to develop positions on different aspects of the climate change debate.

3. As chair of COP17, South Africa will need to be prepared to engage in a broad range of processes in support of the negotiations themselves. This will include participating in various regional meetings, conferences and preparatory sessions. It will be important for South Africa to get a sense of the different views of the parties as well as external stakeholders. This will also assist in building South Africa's profile as well as the personal relationships which are often critical in ensuring a successful outcome in multilateral negotiations.
4. South Africa should build strong links with the Secretariat staff supporting the COP17 negotiations. These people can provide significant insight into technical and political issues. It is important that they are supportive of the agenda being pursued by South Africa as chair of the negotiations.
5. Once South Africa has identified a clear agenda for what it wants to achieve at COP17 then it needs to build strong coalitions in support of the priority issues. These can be formed along familiar lines, such as with the Africa Group and other developing countries, but there may also be some value in considering cross-cutting groupings that bring together players from the North and South.
6. For COP17 itself, South Africa should build on the example set by the delegations to WTO Ministerial Conferences and take an inclusive approach that includes representatives of different stakeholders (e.g. the private sector, organised labour, parliament and civil society) in the negotiating team. This can assist in covering all aspects of the event but more importantly will ensure a well-supported, coherent national position.

In conclusion, COP17 provides South Africa with a unique opportunity to play a leadership role in the field of climate change. It is a chance for the country not only to pursue issues of critical importance at a domestic level but to also prioritise the interests of African and developing countries more broadly in the negotiations. If the opportunity is not to be squandered then South Africa could well learn lessons from its ongoing successful participation in WTO negotiations. Consultation and broad-based participation by stakeholders under the clear leadership of the DTI have all contributed to a well-respected South African role in the multilateral trading system. The technical issues may differ but many of the same approaches could be used to strengthen South Africa's hand as chair and host of COP17.



Notes

1. WTO Secretariat, 'Groups in the WTO', Available at http://www.wto.org/english/tratop_e/dda_e/negotiating_groups_e.pdf.
2. Keet, D. 'South Africa's Official Position and Role in Promoting the WTO', Trade Negotiations Insight. Available at <http://www.tni.org/sites/www.tni.org/files/WTOpositions%20and%20role%20of%20SouthAfrica.pdf>. www.thedti.gov.za www.nedlac.org.za

DISCUSSION SESSION 3: Taking Stock of South Africa's Multilateral Negotiations

Session 3 broadened the scope in considering South Africa's role as both host and participant in complex multilateral negotiations. A key point drawn from the speakers was the role of politics in shaping these negotiations. Against this context it was noted that there is a clear need for leadership and national preparation as COP17 approaches. The Copenhagen negotiations brought to the forefront one of the weaknesses of the UNFCCC's decision-making rules, specifically its reliance on consensus, which means that all countries must approve a particular decision before it can be officially adopted. It was argued that it is important to



From the left: Dr. Kgamadi Kometsi, Mr Lincoln Marai, Dr. Brendan Vickers and Prof Narnia Bohler-Muller

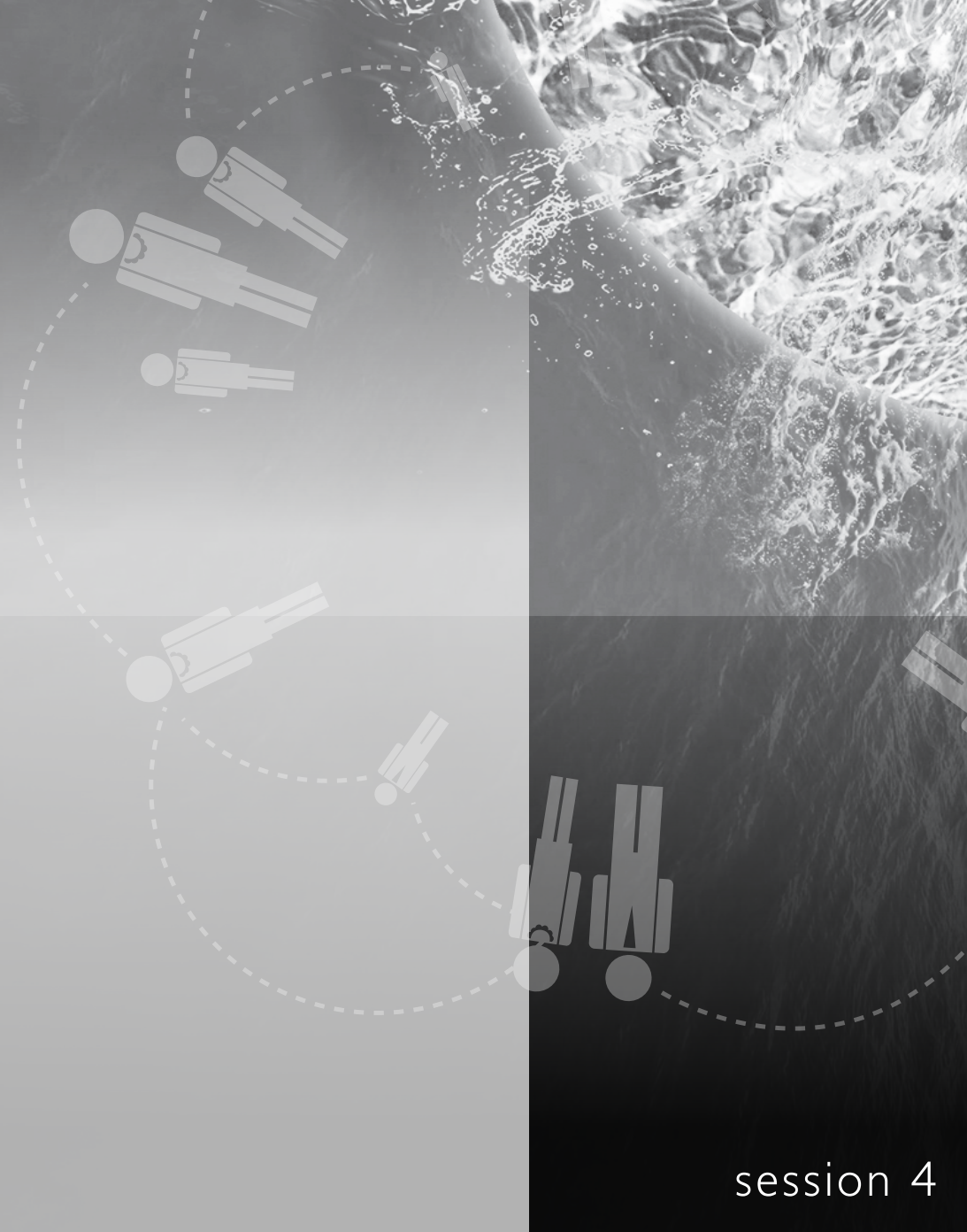


ensure engagement between all stakeholders, both government (departments) and non-governmental actors.

There are an increasing number (and diversity) of actors seeking to influence the climate change negotiations. Article 7, paragraph 6, of the UNFCCC provides for the admission of non-governmental organisations to sessions of the convention as observers. It was indicated that more NGOs and civil society organisations have brought a new dimension to these negotiations. It was posited that civil society could play a key role in global environmental governance through:

1. collecting, disseminating, and analysing information;
2. providing input to agenda-setting and policy development processes;
3. performing operational functions;
4. assessing environmental conditions and monitoring compliance with environmental agreements;
5. advocating environmental justice.

The subject of trade provided a focal point for the session's discussions. This included questions concerning the trade mechanisms in place to ensure environmental awareness. Policies aimed at establishing a democratic and participatory process for decision making and policies related to markets, including the establishment of market institutions, need to be addressed. The South African government has taken an active interest in this with regard to border taxes. It was further noted that attention will need to be given to the linkages between trade and environmental agreements, particularly in the context of WTO agreements. Indeed, the linkages between international agricultural trade, environmental concerns and sustainable agriculture and rural development are a growing focus of controversy and debate. While it is clear that governments and various groups in civil society differ sharply in their interests and priorities regarding agricultural trade, environmental protection and sustainable development, it is imperative that the international community seek common ground in addressing these crucial challenges. A debate about trade and sustainable development brings in issues such as poverty, food security, social wellbeing, and natural resources management and pollution control.



session 4

SOUTH AFRICA AND THE HOSTING OF COP17

THE ROAD TO DURBAN 2011: BALANCING COMPETING INTERESTS AND VALUES

Godwell Nhamo

Introduction

The Seventeenth Session of the Conference of the Parties (COP17) of the United Nations Framework Convention on Climate Change (UNFCCC) and the Seventh Meeting of Parties under the Kyoto Protocol (MOP7) takes place in Durban, South Africa in 2011. The COPs and MOPs take place each year under the auspices of the UNFCCC. The last two COPs and MOPs took place in Copenhagen, Denmark in 2009 and Cancún, Mexico in 2010. Such COPs and MOPs are characterised by policy domains informed by a global



Dr. Godwell Nhamo



agenda to address the negative impacts of climate change as well as the need to safeguard sub-regional and domestic interests. The climate change policy space is complex and contested. Different policy domains push for their positions to carry. The climate negotiation should be seen as a token or quasi-object that involves complex interactions in space and time of different actors (humans), actants (non-humans) and their networks.¹ As a token, climate negotiations are simultaneously real and a socio-political construct. During negotiations actors from the global, sub-regional, continental, national and local space interact in a non-linear manner. Hence, there is a need to understand that what seems global is as much sub-regional, as it is continental, national and local.

Among the key issues of interests in climate negotiations are: the need to understand the negotiations process; formal and informal negotiation groups; the science and contestations of climate change; mitigation, adaptation, technology, finance and capacity building; the rise of the low carbon and green global economy; trade; and carbon markets and key actors. The division between countries of the North and those from the South always surfaces. Issues pertaining to equity, fairness and transparency have been on the global climate agenda for a long time. Since COP13 in Bali 2007,² the aspect of having a legally binding second Kyoto Protocol commitment period has dominated negotiations.

Global Legal Framework for Climate Negotiations

Two key global pieces of legislation are worth mentioning when deliberating on climate negotiations. These include the UNFCCC of 1992³ and the Kyoto Protocol of 1997.⁴ The provisions of these pieces of legislation, upon which key global interests in climate negotiations emerge, are considered in brief in the next paragraphs.

The UNFCCC clearly acknowledges that although climate change has always taken place naturally, increased human activities that result in greenhouse gas (GHG) emissions have accelerated global warming, which causes climate change. As a result, for the world to be a better place, human-induced GHGs that include among them carbon dioxide, methane and nitrogen oxide need to be reduced. To reduce GHGs, Article 3 of the UNFCCC realises that nations should take responsibility in a manner that reflects their differentiated but common responsibilities and capabilities. This should be done in an equitable manner.⁵ The UNFCCC also stipulates that the developed countries must do more to correct the negative impacts associated with past and current GHG emissions. In order to implement the UNFCCC, the Kyoto Protocol was put in place.

The Kyoto Protocol identified 37⁶ industrialised countries that were allocated GHG emission reduction quotas based on 1990 emissions levels. These industrialised countries (also known as Annex 1 countries) had to reduce their GHG emissions collectively by an average of 5.2% between 2008 and 2012. The Kyoto Protocol established three market-based mechanisms by which Annex 1 countries would reduce emissions namely: the clean development mechanism

(CDM), joint implementation (JI) and emissions trading (ET). Of these three mechanisms, the CDM is the only one involving developing countries (also known as Non-Annex 1 countries).

Key Interests, Contestations and Players

Four key focus areas are usually included in climate negotiations: mitigation (the need to reduce GHG emissions), adaptation (measures to cope with climate change), technology and finance. Superimposed on the four key focus negotiation areas are issues of equity. The questions that arise in terms of equity include:

- Should negotiations use historical and cumulative emissions calculations?
- Should negotiations use per capita emissions calculations?
- Should negotiations use current emissions computations?
- Should negotiations use future emissions figures?
- Should negotiations consider emissions relative to gross domestic product?
- What about climate change and national interest, including the arguments for basic needs?

Figure 1 shows per capita CO₂ emissions from fossil fuels for the six largest emitting countries for the period 1950–2007. What is clear is that the current argument that China is the heaviest polluter becomes shaky when we consider both the historical and per capita emissions.

Climate negotiations are often embedded in the old North-South binaries. The North currently argues that some countries of the South, especially rapidly industrialising countries like Brazil, China, India, Mexico and South Africa (G5), must be responsible and do more in terms of reducing their emissions.⁸ This

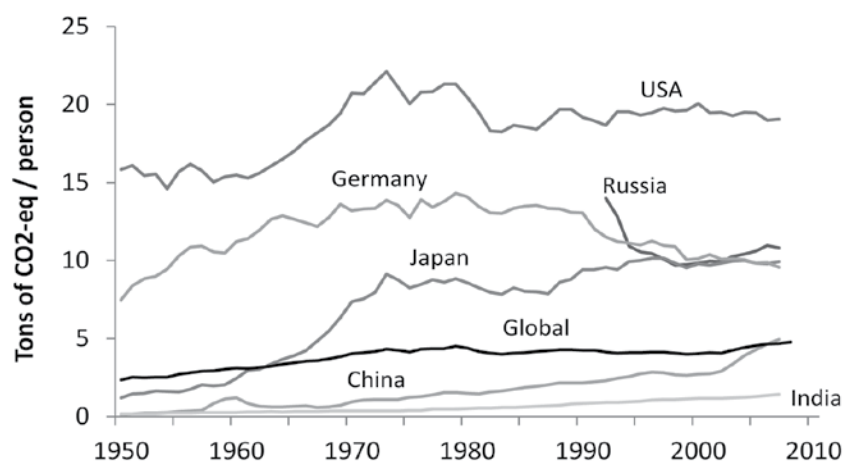


Figure 1: Per capita CO₂ emissions from top six countries (1950–2007)

Source: McCluskey and Thurlow, 2011 (data from CDIAC)⁷



argument is commonly used by the USA as justification for its refusal to ratify the Kyoto Protocol. The USA's failure to ratify the Kyoto Protocol means that close to 21% of total global GHG emissions are not included in the formal global mitigation path. Until 2006, the USA was the world's top GHG emitter.

In terms of the key players, two such actors have emerged over time. These are the formal UNFCCC negotiation groups and the informal negotiation groups.⁹ Among the recognised formal negotiation groups are the Africa Group, the Alliance of Small Island States, Least Developed Countries, G77+China, European Union, Umbrella Group and the Latin America and Bolivian Group. During Copenhagen as well as in Cancún, a number of powerful traditional and new informal negotiation groups could be noticed. These groups protect their interests and included OPEC, BASIC (Brazil, South Africa, India and China) and Basic + USA. The Basic + USA Group were instrumental in developing the architecture of the Copenhagen Accord.¹⁰ During Copenhagen, it emerged that negotiators from the developing countries were not happy with the processes and lack of transparency. In fact, the Copenhagen Accord was drawn up outside the UNFCCC. As such, it could not be adopted under the UNFCCC system and was just 'noted' as a political agreement.

Copenhagen via Cancún to Durban 2011

After the climate negotiations that took place in Copenhagen, the Copenhagen Accord emerged. The two and ¾ paged document¹¹ was not only inadequate in terms of what many developing nations expected as the final outcome, but was also contested. In the end, only 28 countries agreed to the contents of the document after protracted consultation. In his speech following the conclusion of the so-called political deal, the United Nations Secretary General described the document as a good starting point as it did not present all that was expected from the Copenhagen Climate Summit. The main provisions of the Copenhagen Accord include:¹²

- A need to keep global temperatures to within 2°C as required by science;
- Facility to record binding emission reductions targets by developed nations that also includes the USA as a 'newcomer';
- Facility to monitor, record and verify emissions reductions by developing nations, especially the G5 and other major emerging economies;
- Establishing the Copenhagen Green Climate Fund for developing countries initially supported by a US\$10 billion annually Fast Start Climate Finance till 2010 to be increased to US\$100 billion annually by 2020 (probably the greatest achievement by non Annex 1 countries during Copenhagen 2009);
- Creating an institutional framework for technology development and transfer to non Annex 1 countries.

Table 1: Fast Start Climate Finance pledges and committed amounts

COUNTRY TOTAL PLEDGED		TOTAL COMMITTED		PROGRAMMES	
		As of 19/09/10	As of 28/11/10	As of 19/10/10	As of 28/11/10
Australia	AUD 599 million	-	-	-	5
Belgium	EUR 150 million	-	EUR 42,0 million	-	-
Canada	CAD 400 million	-	-	-	-
Denmark	DKK 1 200 million	DKK 308 million	DKK 308,0 million	-	-
European Union	EUR 150 million	EUR 50 million	EUR 50,0 million	-	8
Finland	EUR 110 million	-	-	-	7
France	EUR 1 260 million	EUR 1 260 million	EUR 1 260,0 million	-	-
Germany	EUR 1 260 million	-	EUR 291,9 million	7	51
Luxembourg	EUR 9 million	-	EUR 9 million	-	-
Malta	EUR 1 million	-	EUR 1 million	-	2
Netherlands	EUR 310 million	EUR 310 million	EUR 310,0 million	7	7
Norway	-	USD 357 million	USD 357,0 million	11	7
Portugal	EUR 36 million	-	EUR 12,0 million	-	-
Slovenia	EUR 8 million	-	-	-	2
Spain	EUR 375 million	-	-	-	6
Sweden	EUR 800 million	-	-	-	17
Switzerland	CHF 140 million	-	-	-	-
United Kingdom	GBP 1 500 million	GBP 511 million	GBP 511,0 million	7	7
USA	-	-	USD 1 700,0 million	-	-

Source: Nhamo, 2011¹⁴

In September 2010, the Fast Start Climate Finance (FSCF) website hosted by the UNDP was launched in partnership with UNEP, the UNFCCC and the World Bank. The website¹³ was developed in response to international calls from key stakeholders in climate policy demanding publicly available and reliable information on the FSCF pledged during Copenhagen. Details on the amounts committed against the pledges are shown in Table 1. The amounts pledged differ substantially, and the reasons for this merit further research.

The Copenhagen discord¹⁵ meant that the Mexico meeting had to do its best to avoid a repeat of COP15. Major red flags included the need to follow proper procedures, keep negotiations within the UNFCCC system and maintain the twin tracks of negotiation, avoid pushing for pre-determined negotiation positions and texts, recognise the equality of UNFCCC parties, venues and



movement of delegates, listen to the voices of smaller countries, and to play a facilitator's role. Cancún was praised as a success story following the conclusion of the Cancún Agreements (numbering 25 in total). The success of Cancún was best reflected by the UNFCCC statement of 11 December 2010.¹⁶ Introducing the UNFCCC Statement, the Executive Secretary to the UNFCCC, Christiana Figueres, indicated that Cancún had delivered a balanced package of decisions that restored faith in multilateral processes. This was in apparent comparison with the chaos that took place in Copenhagen. However, there were serious set-backs in Cancún one of which was Japan's announcement that it was not going to be associated with the second Kyoto Protocol commitment period in 2013. Prior to Cancún, the International Institute for Environment and Development (IIED) identified five major concerns for the shared vision, adaptation, climate finance, technology transfer and emission reduction targets and the manner these were viewed by both the Annex 1 and non-Annex 1 countries (Table 2).

Since Copenhagen, the climate finance debate has intensified. The developing countries view financial contributions from the developed countries as a good indicator of their political commitment to addressing climate change. Discussions on finance leading to Durban 2011 are focusing more on the governance and implementation structures of the Green Climate Fund (GCF).¹⁷ A Transitional Committee for the GCF has been established and held its first meeting in April 2011 in Mexico. Overall, developing countries are not happy to have the World Bank involved in the GCF for more than the three years stipulated in the Cancún Agreements.

Table 2: Selected divisive issues for Cancún 2010¹⁸

Major Concern (interests)	Non-Annex 1 Countries wanted ...	Annex 1 Countries wanted ...
Shared vision	...all 'building blocks' in the Bali Action Plan included	...a focus on the long-term global goal for emissions reductions
Adaptation	...financial compensation for the unavoidable loss and damage caused by climate change	...further study
Climate finance	...new and additional money through public funding sources	...more binding action from developing countries
Technology transfer	...easy and affordable access to patented technologies	...strong patent laws to protect intellectual property rights
Emissions reduction targets	...to set a global target and then define individual countries' contributions	...to set national targets that are then aggregated into a global goal

Before Cancún, we witnessed the creation of the troika that includes Denmark, Mexico and South Africa. In a Joint Communiqué of the Troika Meeting of Host Countries of COP15, COP16 and COP17 of 24 September 2010, the governments of Denmark, Mexico and South Africa indicated that they had decided to establish a troika.¹⁹ The troika's roles are to facilitate close cooperation by the three governments in climate negotiations. Before Cancún, the troika called upon all parties to contribute to the achievement of substantive progress. The troika indicated that the fast-start financing from Copenhagen was crucial in building trust between Annex 1 and non-Annex 1 countries. The issue of transparency in climate negotiations was raised and efforts undertaken by national and local governments, businesses and civil society in transition to low-carbon and green economy were acknowledged.

Events from Cancún 2010 reflected a global climate negotiation regime with hope.²⁰ As part of follow-ups to Cancún as well as preparatory work leading to Durban 2011, a number of issues have emerged. By the time of completing this paper, two preparatory events under the UNFCCC had taken place including the April Bangkok and June Bonn meetings. In Bangkok,²¹ the USA indicated that it was not interested in top-down rules for GHG emissions targets and compliance. In addition, the USA categorically stated that it was not going to adopt the Kyoto Protocol. The USA made it clear that the issue of compliance was a domestic matter. To this end, the country was working on alternative measures that would apply the cap and trade mechanism, clean air standards, renewable energy and energy efficiency. To support its views on self regulation, the USA mentioned that it had reduced its emissions between 2005 and 2009 to a level 8% below 2005 and that this model reflected national interests and circumstances.

In Bonn, in June 2011, the developing countries highlighted that the developed countries' pledges from Copenhagen were not enough to lead the world towards a less than two degrees Celsius rise. Drawing from the work of the Stockholm Environment Institute and UNEP on GHG abatement to within two degree Celsius, Bolivia indicated that the abatement gap ranged between 7.4 to 5.3 Gt of carbon dioxide equivalent.²² If nothing was done to increase the pledges, this could result in a global temperature rise of between 4 and 5 degrees Celsius by the turn of the century. A sea-level rise of more than one metre by 2100 was also a real possibility according to the Alliance of Small Island States. The developing countries also hinted that they were embarking on significant climate mitigation measures despite the lack of support from the developed nations. The developing countries also demanded that there be a political commitment to the institution of a second commitment period for the Kyoto Protocol.

South Africa's Role

The Stockholm Environment Institute²³ sees multiple identities behind South Africa's approach to climate diplomacy. The country is viewed as playing a



midwifery role between countries of the North and South. However, South Africa's economic and political constraints make coherent domestic climate policy difficult to implement. Energy security is an urgent political priority, and this is informed by an old culture of cheap electricity from Eskom's coal-fired power plants. To this end a dominant minerals-energy complex presents powerful corporate interests and labour movements against any ambitious efforts to tackle GHG emissions. At the international scale, South Africa belongs to major economic blocs that include the African Union, G20, G77+China, IBSA (India-Brazil-South Africa Forum), BRICS (Brazil, Russia, India, China and South Africa), G8+3 and many more. Such a web of networks is critical as these have an influence on climate diplomacy and on foreign policy agenda in general. Hence, balancing such divergent interests going to and during Durban 2011 is a tall order. South Africa therefore prefers maintaining climate negotiations within multilateral channels. The Stockholm Environment Institute²⁴ sees the need to maintain multilateralism helping to soften any perceptions of South Africa working against its key foreign policy partners. The move also assists the country in building legitimacy within the rest of Africa.

Expectations from various stakeholders that South Africa must take a strong leadership role now and during COP17 in Durban are already very high. To achieve this, more transparent and decisive communication is required. There are fears that the May 2011 local government elections could have consumed time for the country to prepare fully for Durban. The World Wide Fund South African Office²⁵ is encouraging the government to work hard and present a coherent low-carbon action plan for the country. Such an action plan would showcase a package of ambitious and nationally appropriate mitigation actions as required by the Cancún Agreements. This action would possibly encourage other countries in South Africa's category to do likewise. South Africa hopes to finalise the National Climate Change Response Green Paper²⁶ before COP17. Another proposal on the Carbon Tax Option²⁷ of 2011 has been circulated for public comments. This proposal is currently facing strong resistance from industry and labour. Industry, particularly carbon-intensive sectors, feels this policy is a threat to their operations whilst labour fears employment loss. South Africa pledged to reduce emissions by 34% in 2020 and 42% in 2025 respectively during Copenhagen 2009. The pledge was conditional – provided there is adequate finance, transfer of technology and capacity development.

Outstanding Issues and Interests for Durban 2011

Key to the success of COP17/CMP7 is the fact that the event must attract the main stakeholders to the negotiation table, among them the USA and China. The parties to the Bangkok meeting agreed that the Copenhagen GHG emission reduction pledges fall far short of limiting the global temperature rise of two degrees Celsius. Hence COP17 needs to make another call for deeper cuts in GHG emissions and revisit the Copenhagen pledges. Lessons regarding global

transparency in climate negotiations, building confidence and the creation of mechanisms for finance and environmentally sound technology development, diffusion and deployment are noted as excellent starting points for COP17. The G77+China have reservations in terms of having Annex 1 Parties mitigate against climate change through the extensive use of carbon offsets. The failures of Copenhagen and Cancún on the Kyoto Protocol's second commitment period will be the test for the success or failure of Durban. The developing nations wish for a fair, ambitious, transparent and legally binding second Kyoto Protocol commitment period. In addition, all eyes will be on the implementation of the Green Climate Fund now embedded as one of the Cancún Agreements in 2010. The developing countries have declared that they are ready to play ball provided the developed nations honour their financial pledges.

Notes

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BUILDING BRIDGES: SOUTH AFRICA AS HOSTS OF THE UNFCCC CLIMATE CHANGE NEGOTIATIONS, DURBAN 2011

Lesley Masters

Introduction

In the brief period from 28 November to 9 December 2011, South Africa will host the United Nations Framework Convention on Climate Change (UNFCCC) climate change negotiations. In terms of international negotiations these talks are amongst the most urgent, yet politically divisive, in reaching an agreement for the future of our planet. This has been clearly apparent in the limited gains made in reaching a binding international agreement at both the 2009 Copenhagen (COP15) and the Cancún (COP16) talks. This leaves significant ground to be



Dr. Godwell Nhamo, Dr. Lesley Masters and Mr. Percy Makombe



covered, with key elements such as equity, deeper reductions in carbon emissions, the form of an agreement, and future of a second commitment period of the Kyoto Protocol, left for discussion at Durban.¹ As South Africa's foreign minister, Maite Nkoana-Mashabane, indicated, "[a]s the incoming President of the UNFCCC COP17/CMP7, South Africa has an onerous task of assisting state parties to deliver an acceptable, fair, transparent and equitable deal in the upcoming climate change negotiations in Durban".²

As in the case of Mexico, the South African Department of International Relations and Cooperation (DIRCO) will host these complex multilateral negotiations, while the Department of Environmental Affairs (DEA) will lead on the country's negotiating position. This signposts Pretoria's focus on diplomacy and the politics of international negotiations in reaching an acceptable agreement among so many divergent positions; yet, as this paper indicates, managing these complex negotiations will require dexterity in balancing competing domestic priorities and international expectations. In considering the potential that these negotiations present for the country's role in bridging the gap between developed and developing country positions, this paper revisits South Africa's position in international relations as a middle power state.

Balancing domestic imperatives and international geo-political realities

In the context of the climate change negotiations questions of development, energy and environmental impacts are intertwined. For South Africa, the importance of development based on an energy sector that remains dependent on fossil fuel, has raised a number of challenges in balancing rhetoric with practice. Socio-economic development imperatives underpin South Africa's domestic focus in addressing the gap between the rich and poor within the country. Indeed, under the Zuma administration priority has been given to new economic infrastructure, sectors and activities; the creation of prosperity and jobs; the transformation of the economy and society; reducing poverty; and improving health and quality of life for all. Protecting this developmental agenda has been reflected in Pretoria's negotiation position, which gives attention to the importance of fairness in accessing the remaining carbon space for development as well as supporting the concerns raised among developing nations that this may speed up discussion on the implementation of green 'border adjustments' by industrialised countries.

Since early 2000, under former environmental Minister Marthinus van Schalkwyk, Pretoria positioned itself as a leading voice of the South calling for greater leadership from developed countries as well as emphasising the importance of the principle of common but differentiated responsibility and respective capabilities. In this context government has focused on calling for finance that is significantly scaled up, transparent, accessible, and additional (different from ODA), and pushing for developed countries to meet their commitments to the fast-start finance for

developing countries (US\$30bn a year 2010-2012 and US\$100bn by 2020). Similarly, South Africa has prioritised the calls for technology transfer as well as the importance of adaptation within the negotiations. These broad positions are shared by a number developing countries including the Africa Group, BASIC (Brazil, South Africa, India and China), and the G77 plus China. Nevertheless, while there may be agreement on these priorities at a general level within these groupings, there are clear disparities when it comes to the details.

If there is to be any prospect of reaching an agreement on the future shape and form of the climate change regime then competing positions and interests, not only between developed and developing countries, but between developing countries themselves, will need to find a balance. This is the complex landscape which South Africa will have to traverse, littered with challenges in finding a common position on which to bring negotiating parties together. Indeed, while the BASIC countries agree on the need for a second commitment period of the Kyoto protocol, and the importance of adaptation and finance and technology transfer, there have been differences in positions on 'levels of per capita income and economic development as they relate to emissions, and sources of greenhouse gases'.³ In addition, divisions have emerged where South Africa's approach to achieving a legally binding outcome from the negotiations under the Ad Hoc Working Group on Long Term Cooperative Action (AWG-LCA) has been opposed by China and India.⁴

South Africa's own region could act as a platform for or a constraint on progress within these negotiations. On the one hand COP17 has been framed as an 'African COP' to showcase the challenges the continent faces in addressing the impacts of climate change as well as the opportunities and actions that have been undertaken. Engagement with the Africa Group and support of the African common position should be a key focus in line with South Africa's foreign policy focus on the African Agenda. Already this Group has been able to give significant weight to the importance of maintaining the two track process and in ensuring the continuance of the principle of common but differentiated responsibility and respective capabilities through their unified position. Nevertheless, the Africa Group is itself comprised of myriad interests between regions, LDCs, small island states, and OPEC member states. For instance, while there may be international agreement on the need to keep global warming under 2°C, this was not a unanimous position with the small island states, supported by the least developed countries (LDCs), calling for a 1.5°C limit to global warming.

South Africa will also need to manage relations between developed and developing countries. On the one hand, the ALBA group, comprising Bolivia, Cuba, Dominica, Ecuador, Nicaragua and Venezuela, has been vociferous in their protest regarding the process in reaching an international agreement. They have also been ardent in highlighting the role of excessive (western) consumerism as a central cause of the current climate change predicament. On the other hand, efforts in bringing developed and developing countries towards finding common



ground have been further hampered by the increasingly hard-line position assumed by Japan, Canada and Russia in their indication that they would not accept a second commitment period of the Kyoto Protocol. The US continues to call for greater commitments from the large emerging powers, but remains outside of the Protocol with its own climate change bill blocked in Congress. The role and position of the European Union (EU) is less clear. Although the Europeans have adopted a prominent role in the past, substantial leadership in terms of emission reduction commitments has not been forthcoming.

Moderating or Managing Expectations?

As hosts of COP17, South Africa faces a difficult task in balancing complex domestic and international dynamics. In addition, Pretoria will need to address expectations of what is possible in terms of the process and outcome, particularly as the first commitment period of the Kyoto Protocol draws to a close (2012). There are a number of international expectations for the role that South Africa can play in facilitating dialogue and building momentum within these important talks. In the first instance, South Africa's own successfully negotiated transition to democracy has been an inspiration internationally, creating expectations as to what the country can achieve in terms of bringing parties with disparate positions together. Indeed, as Warren Christopher (former US Secretary of State) posited, "[w]hen I look around the world, I see very few countries with greater potential to help shape the 21st century than the new South Africa".⁵ In other words, the international community is looking towards South Africa to provide leadership and new ideas, and facilitate a negotiated solution to intractable positions. This expectation creates a space for Pretoria to engage parties in driving the negotiations towards an inclusive, transparent and fair agreement.

Secondly, there has been growing pressure to ensure that these negotiations remain within the multilateral framework of the UNFCCC. South Africa's own foreign policy attributes a key position to multilateralism in guiding the country's international engagement. Following Cancún, Pretoria has sought to engage a number of parties through informal consultations at the Bonn talks (June 2011) as well as the Mexico Dialogue. Attention has also been given to engaging with specific groups such as the G77 plus China, BASIC and the Major Economies Forum. In terms of processes, DIRCO has actively sought to "enhance cooperation between the UNFCCC Secretariat and the COP17/CMP7 Presidency to ensure that we deliver positive outcomes in Durban".⁶ Moreover, the slow progress on substantial issues since Cancún has seen calls for an additional inter-sessional meeting (in September), to build on elements for agreement ahead of Durban, along with a meeting convened on the fringes of the UN General Assembly aimed at gauging support for positions and the best approach to engaging on the second commitment period of the Kyoto Protocol.⁷ The proliferation of activities will also see a leaders meeting co-chaired by South Africa President, Jacob Zuma, and Mexican President, Felipe Calderon.⁸

One of the challenges for South Africa will be in the difference between *moderating* expectations and *managing* expectations. Expectations of an agreement ahead of Copenhagen saw a significant turnout in terms of attendance from both governments and NGOs, as well as the elevation of the meeting from ministers to Heads of State or Government. Ahead of Durban there have already been a number of negative comments and perceptions emanating from developed countries as to what can be achieved. While this may lower expectations, there needs to be some pressure in the negotiations reflecting the importance of the challenge globally. In other words, a degree of expectation should be encouraged as pressure from stakeholders can be harnessed in guiding states to an agreement and to maintain a sense of urgency and momentum.

Meeting Expectations: Middle Powermanship Revisited

COP17 will see South Africa in the spotlight in supporting international efforts to reach an agreement on the future of the climate change regime. The outcome of Durban will not only be significant for the climate change negotiations, but for multilateral negotiations and global governance more broadly, while signalling South Africa's own position within global society. The 'new' democratic South Africa has sought an active role in international affairs. This has attracted a number of different labels including a state that "punches above its weight", a pivotal power, a regional hegemon, and an (emerging) middle power. The idea of South Africa as a middle power gained traction towards the end of the 1990s. The concept of a middle power is used to indicate states that have a clear role conception, place an emphasis on multilateralism for the solution of international challenges; seek compromise positions; consider themselves a good global citizen; use coalitions; and seek to use a 'moral position' or status in shaping international positions to exert influence where big power influence is not enough in finding a solution to identified problems.⁹

In the context of human rights and the promotion of democracy internationally, the idea of South Africa as a middle power has been highlighted in the country's potential in shaping international positions. This, however, has not as yet been fully realised as a means of engagement in the green diplomacy 'toolkit' in helping to shape the future climate change regime. As hosts of COP17, and in pursuit of an internationally acceptable outcome, the opportunity exists for South Africa to revisit the potential offered by middle powermanship in acting as a bridge between disparate positions. There are, however, a number of areas that need attention in support of this position. Firstly, since the early 2000s South Africa has increasingly assumed a position as a leading voice from the South rather than the more compromised position of a bridge builder. This has, on occasion, seen an acrimonious relationship between Pretoria and the developed countries.¹⁰

Secondly, in support of being perceived as a 'good international citizen' in addressing climate change, South Africa has set out a number of documents



and policies including the Long Term Mitigation Scenarios (LTMS, 2007), a White Paper on Renewable Energy (2003), a National Climate Change Response Strategy (2004), and the National Climate Change Response Green Paper (2010). The challenge is that while there has been commitment in the rhetoric, there is a gap in terms of implementation. In practice pressure on government to meet its domestic imperatives in terms of socio-economic development has seen the country firmly locked into a dependency on fossil fuel for the immediate future.¹¹ Government's own Climate Change Response White Paper has been further delayed. Having missed the June/July 2011 deadline, hopes are that it will still be released ahead of COP17.¹²

Thirdly, South Africa's commitment to multilateralism has been challenged through participation in 'club diplomacy', or engagement in groups such as BASIC (Brazil, South Africa, India and China), behind closed doors. While this may be perceived as having benefits in reaching an agreement between the major players, states that have a key stake in the outcome are left languishing on the periphery of the negotiations. This was particularly apparent during the Copenhagen negotiations, and while it may be argued that it was discussions between BASIC and the USA that resulted in the Copenhagen Accord, the lack of transparency and engagement called into question the credibility and legitimacy of the UNFCCC processes.

In confronting these challenges, over the course of 2011 Pretoria has indicated that as host it will adopt a position of engaging with all parties in a transparent manner in order to best judge what might be possible in terms of reaching an international agreement. Ensuring a fair, transparent and inclusive COP means that Pretoria will have to work hard to build a platform for negotiations to take place. In the first instance defining the role and position of South Africa will be important in guiding these negotiations. Although progress was made in terms of maintaining the UNFCCC multilateral process at Cancún, as hosts South Africa will need to continue building trust and finding positions where agreement is possible. The climate change negotiations cannot afford to suffer the fate of the World Trade Organisation's Doha Development Agenda. As such South Africa will need to assume a dynamic and proactive position in providing a bridging role between participants. This will entail rigorous planning and assessment of positions and interests represented at the negotiation table, leaving recourse for a number of potential pitfalls.

In using a 'moral position' or building consensus in international relations middle power states rely on their soft power capabilities (co-option and attraction). Durban provides the opportunity for South Africa to hone its soft power capabilities, demonstrating the country's own role in the facilitation of dialogue in international affairs. To this end defining a clear communication strategy, not only with those parties involved in the negotiations, but with those stakeholders on the outside, will be key. 'Citizens' diplomacy' or second track diplomacy, provides a unique opportunity in South Africa's green diplomacy toolkit as its

value lies in the ability of these groups to do what governments may not be able to do on the more formal track.

Conclusion

Indications are that there will be no legally binding outcome from the Durban talks. The implication is that COP17 will be yet another step in the process of attaining an internationally accepted outcome. How significant that step it will be, will depend on South Africa's role as host. While the focus of the negotiations will be predominantly occupied with progress on the operationalisation of the mechanisms, instruments, and processes discussed at Cancún, through the adoption of a bridging position South Africa has the opportunity to build the necessary political will in the search for an internationally accepted agreement. As indicated, consideration has been given to co-hosting a 'Leaders' Dialogue', which would see Pretoria (with Mexico) in discussion with a number of heads of state. Caution, however, will need to be taken in avoiding the negative impacts of summitry so patently apparent in Copenhagen.

Assuming a position as a middle power, or a state that can provide 'cooperative' leadership in building coalitions, seeking compromises and bridging divides, will pay dividends not only in terms of a successful COP and future climate change regime, but will have implications for South Africa's role in international affairs. In order to successfully pursue this role of middle powermanship in the context of climate change negotiations, South Africa will need to reconcile its negotiation position (through the DEA) with its role as host (through DIRCO) in managing the complex web of domestic and international priorities and interests in reaching a fair, transparent and inclusive outcome from Durban.

Notes

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CHALLENGES IN HOSTING A TRANSPARENT AND INCLUSIVE COP17: A CIVIL SOCIETY PERSPECTIVE

Percy F. Makombe

Introduction

From 28 November to 9 December 2011, governments of the world will gather in Durban, South Africa for the Seventeenth Conference of Parties (COP17) of the United Nations Framework Convention on Climate Change (UNFCCC) to continue ongoing climate change negotiations. The ongoing negotiations reveal that obtaining a global legally binding agreement to solve one of the most pressing issues facing humanity is becoming an impossibility as economic self-interest trumps just equitable solutions to address climate change. This paper seeks to



Mr Percy Makombe



address three interrelated issues: the rationale for a transparent and inclusive COP negotiating process; the challenges of hosting a transparent and inclusive conference; and South Africa's prospects for ensuring a transparent and inclusive process at COP17 in Durban.

Context

There is no doubt that climate change is happening and that it poses serious challenges for the world. In climate change, the world faces the greatest threat that humanity has ever faced. In climate change we have an environmental, social, economic, energy, food, political and ethical crisis. The preparations for, and the outcomes of, the UNFCCC are shaping up as an increasingly vehement contestation between two opposite approaches to global action.

On the one hand, African and other developing countries are demanding to continue with and improve the existing framework. This comprises an international regime, with compliance mechanisms, which sets obligations for countries based on what science tells us is necessary, within which the developed countries with historical responsibility for the climate crisis, but also with the most resources, can undertake the necessary mitigation commitments, and support African and other developing countries with the means both to adapt to the effects of climate change as well as to contribute to the global mitigation efforts.

On the other hand, the developed countries are embarked on a path to replace the current regime with a voluntary pledge and review system in which countries take only those actions that are consistent with their own national circumstances and prescriptions. This will enable the developed countries to escape their historical, moral and legal responsibilities, and provide only token support to developing countries to meet the challenges of climate change – indeed, leave the latter countries with the greater burden of addressing climate change than the developed countries. The expectation amongst African countries is that developed countries make further binding commitments to reduce their carbon emissions, commit to climate financing and boost technology transfers. Developed nations are reluctant to adopt further legally binding commitments to reduce their carbon emissions.

Climate change is a threat to development. In its Human Development Report 2007/2008, the United Nations Development Programme (UNDP) sounds alarm bells:

How the world deals with climate change today will have a direct bearing on the human development prospects of a large section of humanity. Failure will consign the poorest 40 percent of the world's population – some 2.6 billion people – to a future of diminished opportunities. It will exacerbate deep inequalities within countries and it will undermine efforts to build a more including pattern of globalisation, reinforcing the vast disparities between the haves and the, have nots.¹

The report argues that the poorer will suffer most and their right to development will be threatened because vulnerability to climate shocks increases as poverty increases.

Southern Africa is responsible for a tiny portion of the world's carbon emissions but is a region that is most vulnerable to its effects. If current global emission levels persist and we continue with business as usual, the African sub-continent faces a grim future. Growing climatic uncertainty and unpredictable weather events threaten Africa's fragile ecosystems and many of her people who are dependent on rain-fed agriculture. Rural livelihoods are already being affected by climate change induced habitat degradation and destruction resulting in increasing numbers of climate refugees, as well as growing poverty, unemployment and hunger.

The approach being pursued by the developed countries runs counter to the entire history of global understanding and efforts to address climate change, starting with the UNFCCC, the Kyoto Protocol, and the Bali understanding. At this 'African COP', to be held in Durban in November, countries must seek climate justice and this should largely focus on reducing carbon emissions and avoiding further emissions increases. As host country, South Africa should set an example to the world by committing to drastic and radical reductions, without waiting for global climate funding or commitments by other countries. Africa and specifically South Africa as host country must take a stand and challenge the world to break the logjam and bring about a meaningful and legally binding agreement.

Rationale for a transparent and inclusive COP negotiations process

The last two COPs (Copenhagen in 2009 and Cancún in 2010) were memorable for their opaqueness and thrashing out of multilateral processes. In December 2009, the world's attention was riveted on Copenhagen in Denmark as delegates from 192 countries met (at COP15) to discuss a climate deal. The Copenhagen Climate Conference ended in confusion against the background of an exclusive meeting by leaders of 26 countries.² This rather secretive meeting was convened by the Danish Presidency. Some of the countries in this group of 26 were the USA, Russia, Japan, Germany, the UK, France, China, India, Brazil, South Africa, Saudi Arabia and Ethiopia. The more powerful countries in this group hoped that the group of 26 would reach an agreement and then push the Conference of Parties (COP), with over 190 members, to endorse it. It is from that meeting that the so-called Copenhagen Accord, which then became the basis for COP16 in Cancún, Mexico. The Accord was an unfortunate development calculated to quash any movement towards a comprehensive binding agreement that would mitigate the negative impact of climate change.

Most developing countries were angry with the secretive meeting leading to the Accord being 'noted' rather than adopted. What this meant is that there was no conference deal that was adopted in Copenhagen. If a document is noted, it



means that it has neutral status. An Accord that is taken note of is not a treaty to be signed or agreed to, it merely means the existence of the Accord is recognised without taking an opinion on it.

A quick look at the Accord shows the following:

1. The Accord was three pages in length and its major failure is that it did not mention any emission reduction figures that developed countries would undertake after 2012 when the first commitment period for reductions under the Kyoto Protocol comes to an end.
2. There was also nothing in the Accord that committed the developed countries to the Kyoto Protocol especially the taking on of emission reduction targets in a second period starting in 2013. This lack of commitment fuelled speculation that developed countries wanted to kill the Kyoto Protocol.
3. The Accord stated that developed countries would mobilise funds to the extent of US\$100 billion a year by 2020 to support developing countries. This commitment was suspect because it is a promise to mobilise funds; it was not a pledge for actual funds. There was also the further problem that the figure of US\$100 billion being bandied about was not said to be either new or additional, this meant that it may well include already existing funds. This is a cause of concern especially as developed countries have been failing to meet their commitments to increase Official Development Assistance.³
4. The three-page document hardly had any new commitments from developed countries; instead it seemed to be aimed at getting developing countries to do more. This was evident in the long paragraph on mitigation actions by developing countries and how these should be reported, verified and measured.

In the confusion surrounding the 'noting' of the Accord, the passage of reports of the chairs of the working groups on Ad Hoc Working Group on Long-term Cooperative Action (AWG LCA) as well as the Ad Hoc Working Group on Further Commitments for Annex 1 Parties under the Kyoto Protocol (AWG KP) went on without fanfare. These two working groups were established under the UNFCCC and the Kyoto Protocol respectively. Critically, these are the working groups within which governments had been negotiating climate change. The outcome documents from these two groups were accepted by the Copenhagen Conference as the basis for discussions when negotiations resume.⁴ These two working groups were requested to continue their work and present results at the COP meeting in Cancún, Mexico.

As is now known, the decisions that were noted in Copenhagen gained currency in Cancún, Mexico. Consistent with the Copenhagen Accord, the financial responsibility of developed countries is expressed as a goal to mobilise funds

and there is still no guarantee of new additional funding; it is just said that this funding will be mobilised from 'a variety of sources'. Instead of a strong regime for reducing emissions, what developed was a voluntary pledge and review system pushed by the US. The market mechanisms of Kyoto were strengthened despite strong criticism of carbon markets. And, despite significant protests that the World Bank should get out of climate funding, the Cancún decisions put the World Bank as interim trustee of a new Green Fund.

The climate talks have been taking place under a two track process; on the continuation of the commitments under the Kyoto Protocol, and on the Bali Action Plan on long-term cooperative action (LCA). This would entail amending the KP, which would bind Annex 1 countries (including all industrialised countries excluding the USA) into further carbon emission cut commitments from 2013. The US would then make comparable actions under the LCA. Parties to the protocol have been in heated discussions on subsequent commitments and this is where developed countries have shied away from making adequate reduction commitments. The climate talks reached fever pitch in Barcelona when the African Group threatened to walk out because of the failure by developed countries to make a commitment on figures for emission cuts.

The Kyoto Protocol is a legally binding document and a major problem is that the United States abandoned it in 2001. The US is not interested in an internationally legally binding documents, which partly explains why it pushed strongly for the Copenhagen Accord. At the Bali climate meeting in 2007, it was thought that if the US did not return to the protocol, then it would be treated separately and dealt with under the United Nations Framework Convention on Climate Change, of which it is a member. At the climate talks in Copenhagen, other industrialised countries were giving signals that they want to join the US bandwagon and were therefore not interested in a second period of Kyoto. This angered the G77 members and China. This bloc of developing countries, with over 130 members, has called for renewed respect for the Kyoto Protocol. They went so far as to suggest that Copenhagen would be "a disastrous failure if there is no outcome for the commitments of developed countries for the second commitment period of the Kyoto Protocol".⁵

Climate change is a long-term struggle and it was always going to be difficult to resolve the arguments in Copenhagen or in Cancún. In Cancún, the US-led approach that each developed country should pledge what it can do and a review would then be conducted, held sway. What this means is that the developed countries' mitigation has been downgraded from a binding system to one of voluntary pledges. On the other hand, the mitigation actions of developing countries should first be submitted to the UNFCCC and be registered as intended targets that would then be heavily scrutinised. This places heavy responsibilities on developing countries and runs contrary to the spirit of common but differentiated responsibility.



Just like the climate meeting in Copenhagen, COP16 in Cancún, Mexico was also problematic both in process and content. The decisions taken at COP16 point to the demise of the Kyoto Protocol and threaten the foundation of what was agreed at the Bali Climate Conference in December 2007. A key principle of climate change is that of common but differentiated responsibility. COP16 blurred the distinction between developed and developing countries, especially the responsibility to combat the effects of emission of greenhouse gases. The global climate talks are supposed to ensure legally binding and deep emission cuts by Annex 1 parties under the Kyoto Protocol and comparable mitigation efforts by the US as it is not a member of the Kyoto Protocol. This would then be the basis for developing countries to strengthen their own mitigation actions, supported by finance and technology transfers.

The Cancún process, just like the Copenhagen process, was contrary to the UN consensus building approach. Under the UNFCCC process, negotiators finalise the negotiating texts for ministers to consider. In Cancún, the host country Mexico organised small informal meetings where delegations were asked their positions by pairs of ministers chosen by Mexico. The final text was thus not developed through the normal process of negotiations and what made this serious is that no amendments were allowed. This was evident when Bolivia rejected the text, as the Mexican Foreign Minister argued that the views of Bolivia would be noted but those views could not prevent a consensus. This was a new interpretation of consensus within the UN as the common understanding of consensus is that no member present formally objects to the proposed decision. The way the Cancún text was adopted therefore raises critical questions about the UN negotiating procedures and the tactics that it has now adopted. South Africa must therefore show that it can do things differently.

Challenges of hosting a transparent and inclusive conference

The politics around climate change negotiations which are driven largely by the interests of developed countries make it difficult for South Africa to host a transparent and inclusive conference. This is made worse by the fact that South Africa has interests that diverge from other African countries. South Africa has different material needs to the rest of Africa, but it has a political interest in a good outcome from Durban. The challenge therefore is how to address the differences between South Africa's interests and the interests of Africa as a whole. Emerging economies like Brazil, South Africa, India and China (BASIC) always argue during climate negotiations that they need to grow their economies to meet their developments needs. South Africa's position and stance must be understood within the context of it being a wealthier and more polluting country that contributes significantly to the continent's (Africa's) emissions. It is against that background that South Africa has at times taken positions that can be interpreted as contrary to African positions. For example, South Africa is reluctant to discuss atmospheric space and the carbon budget because they are consuming most of

Africa's share. There are concerns around the 1.5°C goal vs. the 2°C goal. There have been calls from civil society organisations that a just climate deal should set clear short and long-term targets for carbon emission reductions that keep average global temperature increases well below 1.5°C. There has been a push by African countries for 1.5°, but South Africa is asking for 2°. In its National Climate Change Response Policy Green Paper, South Africa sets a 2° scenario as scientific fact. The drafters put forward a 2° increase as a scientifically safe target. Yet the level of warming in Africa will be about 1.5 times the global average – this means that if the world warms by 2°, Africa will warm by 3°.

There are also differences in intellectual property when it comes to international trade. This is especially pertinent on the issue of the financial mechanism where South Africa wants a mechanism that will pay for intellectual property rights, rather than an approach which removes them. This is because South Africa will be the point through which lots of technology enters Africa. So there is potential in buying and selling intellectual property and carbon technology to other African states, whereas it would be in the interest of other African states to remove intellectual property rights.

Lastly, there are differences around the future of the Kyoto Protocol. The Africa group seems to be very firmly behind the continuation of the Kyoto Protocol, but it is not clear that all members of the South African government share that view, even though the level of political statements suggests that they agree.

South Africa's prospects for ensuring a transparent and inclusive process

In July 2010 civil society organisations based in South Africa working on climate change had a consultative meeting and a decision was taken to engage the government on the planning for the Durban meeting. Recognising that COP17 would involve coordination between many national and international actors, the meeting recommended to government that:

- Civil society's inclusion and participation is recognised and supported as vital to the success of a legitimate COP17.
- The event is conducted in a manner that promotes a culture of inclusivity, transparency and freedom of speech and movement.
- Civil society is meaningfully involved in the planning process for COP17, and that frequent scheduled meetings are held with a broadly representative group as preparations progress.
- National government and the host city provide generous space for civil society offices, meeting rooms and side events within the UNFCCC venue.
- National government and the host city provide for logistical support within the civil society space that includes administrative support as well as offices, internet access, and computer and printing facilities.



- There is a strong policy of inclusion of civil society representation at the formal negotiations venue and security is not used as an excuse for excluding participation.

The government of South Africa has been open to these concerns and has said it will do what is in its power to see to it that they are adequately addressed. It has also declared its willingness to continuously engage with CSOs as long as they remain organised. But as can be seen, these are merely the logistical aspects of hosting a COP. It is likely that South Africa will not struggle to take care of these. The real problem, is how to deal with the enormous political pressure that developed countries assert on Africa. As has already been pointed out, South Africa has different material needs to the rest of Africa, although it has a political interest to have a success in Durban. It is very likely that South Africa will lower expectations in Durban so it can claim success. South Africa is however also sensitive to the 'African' voice. It has for instance been battered within the African Union for its pandering to the interests of the EU and the US in stance on Libya. It may therefore be the case that it feels it has to placate the African Union. South Africa will try hard to ensure a transparent and inclusive process if African governments strengthen their collective positions and action. In particular, the South African government must support the interests of all 54 African states and their peoples to make sure that the Durban process adheres rigorously to UN practices and principles to avoid the undemocratic and opaque processes of Copenhagen and Cancún, and guarantee effective civil society participation.

Conclusion

The key contributor to global warming is human-induced climate change as a result of unsustainable economic growth, consumption and production patterns that are exploitative, especially from the global North and the elites in developing countries. Governments and international institutions are not facing up to the urgency of dealing with the systemic issues around climate change. The international negotiations on climate change, their ongoing processes and the results of COP15 and COP16, have shown the difficulties in facing the problem of climate change effectively, fairly and ambitiously, due to the diversity of interests among the parties to the UNFCCC. It is unlikely that the Durban climate change meeting will deliver a fair and just climate agreement.

Notes

- 1 UNDP. (2007). *Human Development Report 2007/2008. Fighting climate change. Human solidarity in a divided world*. New York: UNDP, p. 8.
- 2 Khor, M. (2010). Copenhagen Climate Summit Ends in Discord. *Third World Resurgence*, 233 (9-13), p. 9.
- 3 Bals, C. (2008). Climate Change, Food Security and the Right to Adequate Food. *Diakonie*, p. 112.

- 4 Raman, M. (2010). Developing countries call for working groups to resume climate talks. *Third World Resurgence*, 233 (22-24), p. 22.
- 5 G77. (2009). Statement from G77 and China on the imperative to continue Kyoto Protocol as key part of Copenhagen.

CLIMATE CHANGE AND THE MEDIA

Jocelyn Newmarch

Introduction

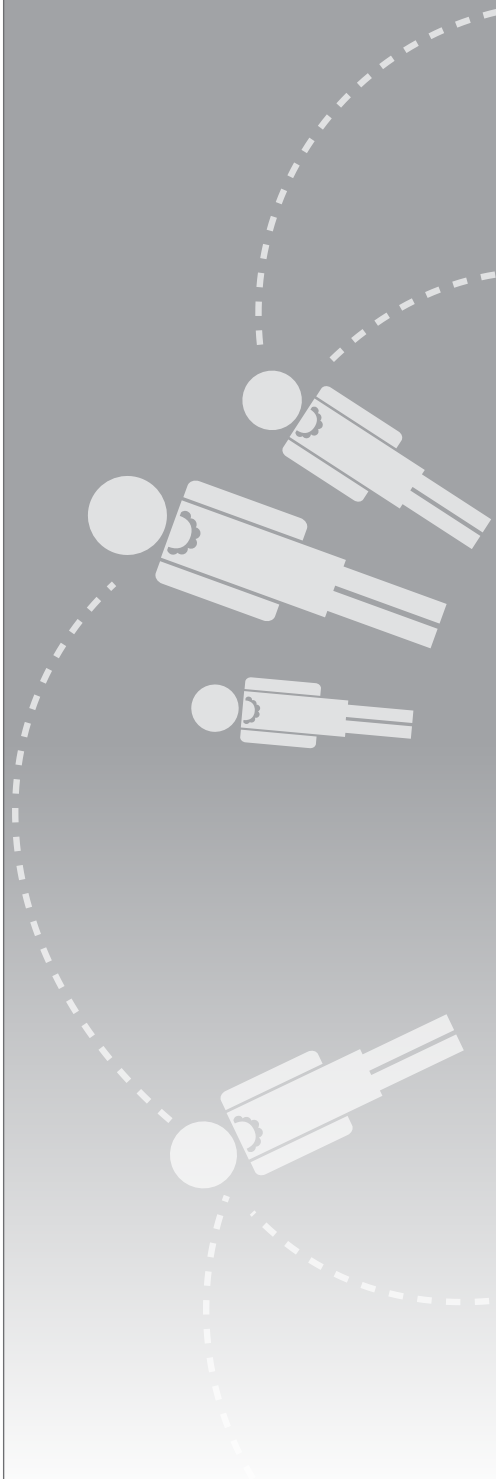
When it comes to ensuring that communities and the wider public are informed and educated about climate change, the media is a key stakeholder. In many developing countries, climate change awareness remains limited. In looking at the role of the media in the context of the climate change negotiations this paper gives consideration to what has been covered in the media, the appropriateness of the coverage, what readers think, and finally, the way forward.

What is being reported?

Firstly, let's take a look at what is actually reported, looking at the broader categories of environment and science and technology. According to data provided by



From the left: Dr. Godwell Nhamo, Dr. Lesley Masters, Mr Percy Makombe and Ms Jocelyn Newmarch



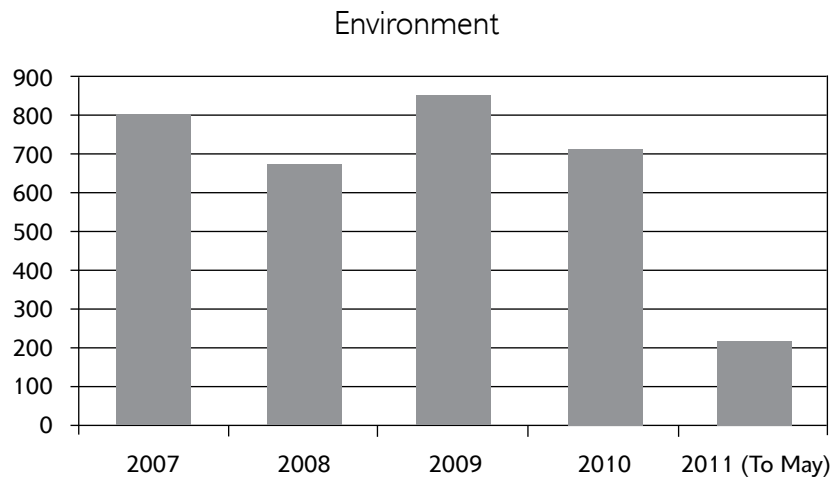


Figure 1: Environmental coverage in the media

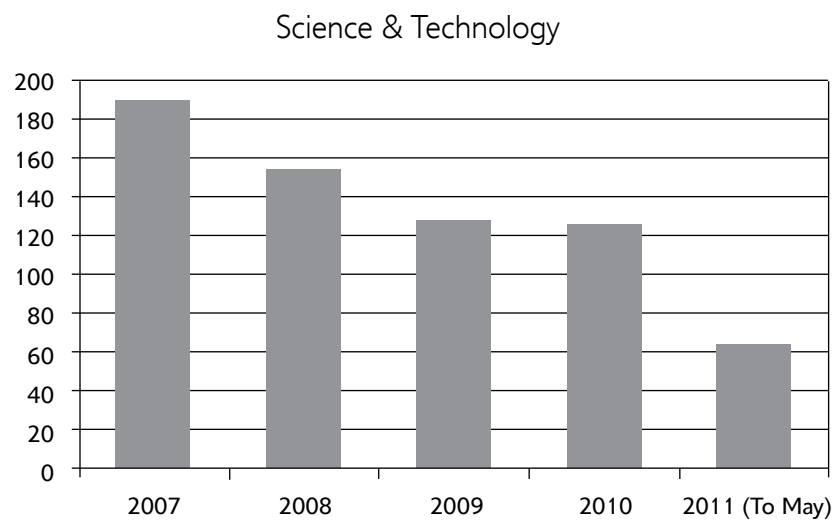


Figure 2: S&T coverage in the media

media monitoring agency Media Tenor, just 200 stories on the environment were published between January and May this year (2011). Although we are looking at only the first five months of the year, indications are that the trend is downwards. In 2009, over 800 stories were published on the environment, and in 2010, 700 stories were published, as you can see in Figure 1. Much of the environmental coverage published so far this year is on fracking and acid mine drainage. The number of science and technology stories, however, is in keeping with the trend for previous years.

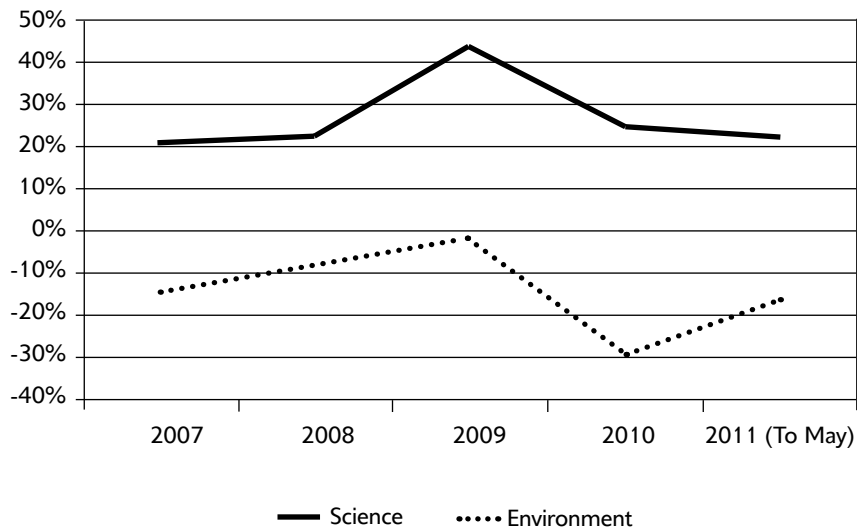


Figure 3: Ranking of media coverage

When it comes to climate change mitigation, the debate in South Africa is largely around energy, which is not analysed here. In addition, environmental stories tend to be negative. This is Media Tenor's ranking of the coverage given to science and environment, using 3 247 reports on the environment and 661 reports on science and technology (Figure 3).¹

The COP15 conference in Copenhagen in 2009 generated intense media attention. According to the Reuters Institute for the Study of Journalism, it was attended by 4 000 journalists from 119 countries.² Of these, 85% percent of journalists were from the developed world, but 600 journalists from the G-77+China group also attended. The Reuters Institute analysed 400 articles written on the conference which were published in 12 countries. They found that less than 10% of these articles were about the science, while 80% of articles mentioned the science only in passing. Internationally, climate change stories are often restricted to specialist environmental pages or as international news, without relevance to locals, according to the International Institute of Environment and Development.

Looking at local newspapers, Evelyn Tagbo has analysed climate change coverage in *The Star* and the *Mail & Guardian* (M&G), in a paper prepared for the Reuters Institute for the Study of Journalism.³ Tagbo has compared coverage in the first quarter of 2009 with coverage in the first quarter of 2010, i.e. before and after Copenhagen. She relies on newspaper websites rather than the printed version.

Tagbo found that *The Star* gave 0,58% of its coverage to climate change during the entire period Jan-Mar 2009 and Jan-Mar 2010, while the M&G gave 0,3% of its coverage to climate change. Coverage increased after the Copenhagen conference. *The Star* relied mainly on international articles supplied by Reuters.

Fifteen percent of articles were on COP15, while 23% were on international conferences other than COP15, 21% on scientists' reports, 10% on Earth Hour, a WWF initiative, and 5% on ClimateGate and Himalayagate. The question of UNFCCC chief Yvo de Boer's successor, and speculation that Tourism Minister Marthinus van Schalkwyk could take his place, also accounted for coverage.

As for the M&G coverage, 70% of stories were international with neither South African nor African background. Eighteen percent of stories were from COP15, 16% were on scientists' reports, a further 16% covered Climategate and Himalayagate, 10% covered Earth Hour, 6% looked at regional climate issues, such as the Nile delta, 16% covered local events, and original content accounted for just 6% of coverage.

Climate change stories are overwhelmingly framed in terms of politics and economics. This accounted for 41% of *The Star's* coverage and 34% of the *M&G's* coverage. In my own reporting, I frame my coverage of climate change issues in this way. I consider myself an environmental economics writer. I believe this is important as it positions climate change as a hard news issue, and that in this way we can make the case for strong action. However, it is not the only perspective which is important. Perhaps the way we cover climate change is unbalanced.

The Star:

- 41% politics and economics
- 30% mitigation
- 13% impact
- 10% adaptation
- 6% other

The M&G:

- 34% politics and economics
- 24% mitigation
- 18% impact
- 16% adaptation
- 8% other

These results are in line with an earlier study, that of Cramer in 2008,⁴ which analysed media coverage of climate change between January and December 2005, in the *Cape Times*, *Cape Argus*, and *Die Burger*. Out of 507 stories, over 45% had no South African or African context. Only 10% of stories were human interest.

These results lead us as journalists to ask: Are we reporting appropriately?

We need to question whether our stories are relevant to our audience, and whether we are framing climate change as an issue that only the elite needs to worry about.



Furthermore, action on climate change must be based on the science. Do we report sufficiently on the science? How do we report appropriately on climate change denialism? Should we be allowing climate change sceptics to write regular columns in our publications?

It is clear that climate change scepticism and denialism holds a certain allure. On subjects other than politics and corruption, our reporting is too often unquestioning. As long as an expert makes a claim, we don't do too much digging. Perhaps we don't know enough to dig. As reporters, too often we are not used to thinking scientifically, in evaluating evidence. As a public, we're suspicious of "established thinking" because it's often been wrong. Climate change sceptics sound like they're independent thinkers. They're questioning what we've been told. We need to find a way to contextualise these voices, to balance our responsibility to report accurately with freedom of speech.

As the media, our role is to inform and educate the public on climate change and its impacts. We can empower vulnerable communities and promote mitigation efforts. Much as climate change is a cross-cutting issue, it is also one which is grounded in environment and science. Coverage of these categories is particularly lacking in South Africa. Environmental and science issues traditionally receive under 1% of total media coverage in mainstream media.

As journalists, we often don't know what we're talking about. This is particularly dangerous in reporting science. As a country, we still think of environmental issues in relatively shallow terms: saving the rhino, for example, not the loss of biodiversity. According to Tagbo's analysis, less than 30% of journalists in Nigeria and South Africa have been reporting on climate change for more than three years, indicating a relative lack of knowledge. Also, there are fewer environmental journalists in South Africa compared to developed countries. *The Guardian* has six environmental journalists while most South African publications only have one or two.

We also face particular constraints. For example, few developing country journalists attend international climate change events, which means that the Western / Northern view of climate change dominates climate change discourse. Sometimes there is a lack of training and knowledge with regard to climate change, which can leave journalists ill-equipped to report on this issue. We need more communication with policymakers and scientists, so that we can inform our public accurately and appropriately.

In addition, we have language constraints. Many African languages have no comparable term for "climate change" and this presents difficulties in communicating effectively. Although climate change is rooted in science, it is more than a science story. Mainstream journalists, not only environmental and science writers, must also report on climate change. Climate change is a difficult issue to communicate. It is horribly technical, crammed with jargon, complicated science, and wide-ranging impacts. Climate change does not translate well into

soundbites. Furthermore, as a species, we're not good at thinking long term – witness the low numbers of South Africans who plan adequately for their retirement. Finally, climate change is a bad news story.

What do our readers think?

Polls have found that there is significant public concern around climate change, but also that there is a lack of awareness. The Synovate survey found that in 2010, 77% of South Africans were concerned about climate change.⁵ However, 9% were not concerned at all because they believe climate change is part of a natural cycle. This survey was based on telephone interviews conducted with 500 respondents in Pretoria, Johannesburg, and Cape Town, and so cannot be considered representative of broader South Africa.

A quarter of respondents blamed industrialisation for climate change, 21% blamed pollution, and 18% blame human causes. While 5% blame cars, 47% have bought or will buy a smaller car. Thirty percent say the biggest danger from climate change is erratic or extreme weather conditions, and 15% say poor health or disease is the biggest threat. The survey also found that 34% of respondents would pay up to 9% more for greener products.

Most of Synovate's respondents are taking action on climate change, with 95% saying they are saving electricity. Almost 80% have also reduced water consumption, and the same number have reduced their use of packaging and bags. Over 70% recycle their waste, and 68% have informed themselves about climate change, while nearly 60% have encouraged friends and family to do the same. Over 50% have bought energy-efficient devices, and 48% have changed their travel activities. However, just 23% use a green energy source, and only 17% contribute to a carbon offsetting scheme.

The BBC World Service Trust's Africa Talks Climate report found that many South Africans are familiar with climate change terminology, but don't know what these terms mean.⁶ Most South Africans are uncertain about how climate works, while even those who are informed associate climate change with remote global impacts. Although there is a near-universal sense among Africans throughout the continent that the weather is changing, they draw on their existing beliefs to explain it – blaming deforestation, the effects of visible pollution, or seeing it as the will of God. South Africans tend to view the destruction of the environment as an inevitable consequence of development, and there is a tendency to see green issues as something only the wealthy need worry about.

Conclusion: Where do we go from here?

As a country, we need to recognise that we have other serious problems too. Biodiversity gets almost no coverage. And though we're starting to be more aware of the water constraints South Africa faces, we need to ask whether our water



constraints are starting to influence policy making to an appropriate degree. We must prioritise providing decent housing and clean energy.

We have some excellent science writers in South Africa, but newsrooms lack a broad focus on science journalism, often simply reproducing overseas wire copy. Given that, as a country we lack a general understanding of science, we need to promote science reporting, and find ways to make science more accessible. According to *The Times*, under 30% of matriculants gained more than 40% in last year's physical science exam.

We need to keep reporting on climate change and we need to explain the basic science over and over. Although fear can lead to immobility, we also need to report the bad news – not doing so is tantamount to lying. We need to explain what we can do to build a better future, and give people concrete ways in which they can help. Most importantly, we need to tell people's stories.

Notes

- 1 Media Tenor, 2011. Personal correspondence.
- 2 Reuters Institute for the Study of Journalism, <http://reutersinstitute.politics.ox.ac.uk/>
- 3 Tagbo, E. 2010. Media Coverage of Climate Change in Africa: A Case Study of Nigeria and South Africa. Reuters Institute Fellowship Paper, University of Oxford. Accessed from: http://reutersinstitute.politics.ox.ac.uk/fileadmin/documents/Publications/fellows__papers/2009-2010/Media_Coverage_of_Climate_Change_in_Africa.pdf
- 4 Cited in Tagbo 2010.
- 5 Synovate, 2010. Climate change concerns amongst South Africans remain high. Accessed from: <http://www.synovate.com/southafrica/news/2010/2010ClimateChange.html>
- 6 BBC World Service Trust, 2010. Africa Talks Climate. Accessed from: <http://africatalksclimate.com/>



DISCUSSION SESSION 4: South Africa and the hosting of COP17

Session 4 concerned South Africa as host of COP17. The initial discussion raised concerns regarding the re-classifying of negotiating groups. The importance of the principle of common but differentiated responsibility and respective capacity was highlighted in pointing out the historical contribution from industrialised countries, yet it was also noted that there needs to be commitment from the world's top ten polluters.

The discussion also highlighted that debates surrounding trade liberalisation and environmental protection are complicated by the fact that the perspectives of developed and developing countries are often quite different. This difference relates not only to their differing circumstances and priorities but also to the potential for differential impacts of a given policy. It was posited that rural positions need greater consideration. When dealing with carbon assets, the question is how the local community will benefit and what structures should be in place. Capacity building needs experts and the main focus needs to be on the debate concerning the road to take towards the 'green core'.

Food and water security is a growing concern for African states and a lot of innovation and improvement is needed. As such technology transfer and financial support will be required. Yet there are issues concerning bio-foods and bio fuels while local people have not been empowered on this issue.

In terms of South Africa's role as bridge-builder it was argued that promoting multilateralism and engaging Africa is key. An important point raised is that developing countries are not homogenous, certainly there are clear points of difference among the BASIC nations. It was cautioned that South Africa should not get caught up in 'club diplomacy' to the detriment of multilateralism. In order for COP17 to have the expected outcome, cross national networks and coalition building is the direction needed towards building the framework for interaction. This framework is the key for smaller countries to ensure their voice is heard at the table. In terms of South Africa's seriousness towards the COP17, questions were raised as to the role of coordination committees in ensuring decision makers get the necessary information.

ANNEXE I: Programme



CONFERENCE

COP17: SOUTH AFRICA AND THE ROAD TO DURBAN 2011

Institute for Global Dialogue and Friedrich Ebert Stiftung

Burgers Park Hotel, Pretoria, 4-5 July 2011

DAY ONE:

- | | |
|----------------------|--|
| 09:00 – 09:30 | Arrival and registration |
| 09:30 – 09:45 | Welcome and introduction |
| | Dr. Siphamandla Zondi |
| | <i>Director: Institute for Global Dialogue (IGD)</i> |
| | Mr. Axel Schmidt |
| | <i>South Africa Representative, FES</i> |

Keynote address:

- | | |
|----------------------|--|
| 09:45 – 10:15 | Mrs. Valerie Matlou |
| | <i>Chief Director: Economic and Social Development</i> |
| | <i>Department of International Relations and Cooperation</i> |

The keynote address will set the context and tone for the conference. It will provide a broad overview and reflection on the challenges facing multilateral environmental negotiations. It will also consider the challenges facing South Africa in hosting the UNFCCC in 2011 and the prospect for a future agreement and the development of a new climate change regime against the backdrop of a changing geo-political order.

Session 1:
The politics of multilateral negotiations.

The importance of multilateral engagement has been emphasized as a means to address international challenges such as terrorism; the proliferation of nuclear weapons; trade and development; and climate change; that cannot be addressed within a purely national context. Yet this form of engagement presents its own challenges in forging agreements between many disparate positions. This session aims to consider the strengths and potential pitfalls of multilateralism as a tool of international diplomacy.

Chair: **Dr. Siphamandla Zondi**
Institute for Global Dialogue

Speakers:

10:15 – 10:40 **Dr. Chris Abongo**
University of Nairobi
Contextualizing Durban 2011 Negotiations on Climate Change: Challenges, Opportunities and Role of Environmental Diplomacy

10:40 – 11:00 **Mr. Francis Kornegay**
Institute for Global Dialogue
The Changing Geo-political Context of Multilateral Negotiations

11:00 – 11:30 **Discussion**

11:30 – 11:40 **TEA**

Session 2:
Climate Change Negotiations and the Challenges of Multilateralism

This session provides the opportunity to assess lessons from Copenhagen and Mexico in unpacking the challenges the host country faces in the staging of such a large scale UN conference. This includes consideration of both the process and the outcomes anticipated.

Chair: **Dr. Lesley Masters**
Institute for Global Dialogue

Speakers:

- 11:40 – 12:00** **Ambassador Dan. E. Frederiksen**
Danish Embassy to South Africa
Lessons from Copenhagen
- 12:00 – 12:20** **Dr. Andrés Avila Akerberg**
Director, GLOBE Legislators Forest Initiative
Mexico and COP16: A post-mortem
- 12:20 – 13:10** **Discussion**

LUNCH: 13:15 – 14:00

Session 3:
 Taking Stock of South Africa in Multilateral Negotiations

The 'new' democratic South Africa has played a prominent role in multilateral institutions such as the WTO, and volunteered to host some of the large-scale UN conferences including the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerances (WCAR 2001), and the World Summit on Sustainable Development (WSSD 2002). In both instances Pretoria faced numerous challenges as it grappled with wider geo-political realities and national political and economic expediencies in trying to forge a common position between states. This session seeks to unpack the successes and weakness of South Africa as both a host and participant in multilateral negotiations.

Chair: **Prof. Narnia Bohler-Muller**
Africa Institute of South Africa

Speakers:

- 14:00 – 14:20** **Dr. Kgamadi Kometsi**
South African Human Rights Commission
Lessons from SA as hosts of the WCAR
- 14:20 – 14:40** **Mr. Lincoln Marais**
Secretariat of the African Tax Administration Forum
Lessons from SA as hosts of the WSSD
- 14:40 – 15:00** **Dr. Brendan Vickers**
Department of Trade and Industry
Towards Fair and Inclusive Multilateral Negotiations –
Lessons from the World Trade Organisation
- 15:00 – 15:20** **Ms. Catherine Grant**
South African Institute of International Affairs

*South Africa's role in negotiations at the World Trade
Negotiations: lessons for the climate change negotiations.*

15:20 – 16:00 **Discussion**

Close of Day One

Day 2

09:30 **Welcome**

Session 5: South Africa and the hosting of COP17

As the world grapples with the unprecedented evidence of climate change and the shortfall in political will in reaching a common agreement on the future of the climate change regime, South Africa will be under the spotlight in facilitating these negotiations – providing the means to reemphasize its role as a bridge-builder and as a state that can provide innovative proposals that draw together divergent positions. This session will consider the positioning of South Africa ahead of COP17 and the importance of providing for an inclusive and transparent process that support the foreign policy principles of multilateralism and the African Agenda.

Chair: **Ms. Romy Chevallier**
South African Institute of International Affairs

Speakers:

09:30 – 09:50 **Dr. Godwell Nhamo**
UNISA, Exxaro Chair in Business and Climate Change
The Road to South Africa 2011: Balancing Interests and Values

09:50 – 10:10 **Dr. Lesley Masters**
Institute for Global Dialogue
From Mexico to Durban: South Africa as a Bridge-Builder in the Climate Change Negotiations.

10:10 – 10:30 **Mr. Percy Makombe**
Economic Justice Network
The Challenges in Hosting a Transparent and Inclusive COP17: A Civil Society Perspective

10:30 – 10:50	Ms. Jocelyn Newmarch <i>The Writing Project</i> <i>Climate Change Negotiations and the Media</i>
10:50 – 11:00	Discussant: Mr. Andrew Gilder <i>Imbewu Sustainability Legal Specialists</i>
11:00 – 12:00	Discussion
12:30	Close

LUNCH: 12:30



ANNEXE II: Attendance list

CONFERENCE

COP17: SOUTH AFRICA AND THE ROAD TO DURBAN 2011

Institute for Global Dialogue and Friedrich Ebert Stiftung

Burgers Park Hotel, Pretoria, 4-5 July 2011

Project no. 2761-3415

NAME	ORGANISATION
Axel Schmidt FES	
Siphamandla Zondi	IGD
Lesley Masters	IGD
Francis Kornegay	IGD
Lyndsey Duff	IGD
Fritz Nganje	IGD
Anton Pillay	IGD
HE Amb T Msimang	DIRCO
Suhayfa Zia	DIRCO
Musa Marawu	DIRCO
Mishumo Madima	DIRCO
Valerie Matlou	DIRCO
Sivu Maqungo	DIRCO
Brendan Vickers	DTI
Godwell Nhamo	UNISA
David Roche-Kelly	WITS
Chris Abongo	Uni. Of Nairobi

NAME	ORGANISATION
HE. Amb Dan E Frederiksen	Danish Embassy
Andres Avila Akerberg	GLOBE LFI
Kgamadi Kometsi	SAHRC
Lincoln Marais	SARS
Catherine Grant	SAIIA
Romy Chevallier	SAIIA
Percy Makombe	Justice Network
Jocelyn Newmarch	Writing Project
Andrew Gilder	IMBEWU
Lise Pretorius	Financial Mail
Xuehua Li	Daily Technology
Christy van der Merwe	Engineering News
Mpho Ramatlo	UNISA Press
Sean Christie	Mail and Guardian
Puleng Lenka Bula	UNISA
Sandrine Diangani	UNISA
Huguette Kingambo	UNISA
Richard Moses	SANDEF
Mike Hadebe	SANDEF
Xolani Ngubane	DEFENCE
Evelien Hennekens	Dutch Embassy
Cecile Vigneau	French Embassy
Johanna Jochim	German Embassy
Mohd Yani Daud	Malaysian HC
Geoff Randal	New Zealand HC
Andrey Alekseev	Embassy of Russia
Tim I.B Lund	Norwegian Embassy
Jason M. Wells	Embassy of USA
Catherine	Pye
Thapelo	Motlogeloa
Boipelo	Moloabi
Fumani	Mthembi
Nhamo	Samasuwo
Morgenie	Pillay
Suhayfa	Zia

NAME	ORGANISATION
Tumba	Dieudonne
Shumete	Belete
Natasha	Francis
Wilson	Manganyi

ANNEXE III:

About the IGD

The IGD is an independent foreign policy think tank dedicated to the analysis of and dialogue on the evolving international political and economic environment, and the role of Africa and South Africa. It advances a balanced, relevant and policy-oriented analysis, debate and documentation of South Africa's role in international relations and diplomacy.

The IGD was initially established in 1995 as the Foundation for Global Dialogue after several years of effort led by the former South African president, Nelson Mandela, in his capacity as the president of the African National Congress. He and his team of leaders saw a need for a research organisation that would facilitate the new South Africa's engagement with the changing global order after 1994. This was a period in which three vectors of change coincided: the tectonic shift in global power politics after the collapse of the Soviet Union; the wave of democratisation that hit Africa and South America; and the near miraculous transition from apartheid to democracy in South Africa. The initial funding came from the German government and went towards establishing the Foundation's competitive edge, a combination of policy-oriented research, catalytic dialogue, tailor-made publications and grant-making for NGOs interested in international relations.

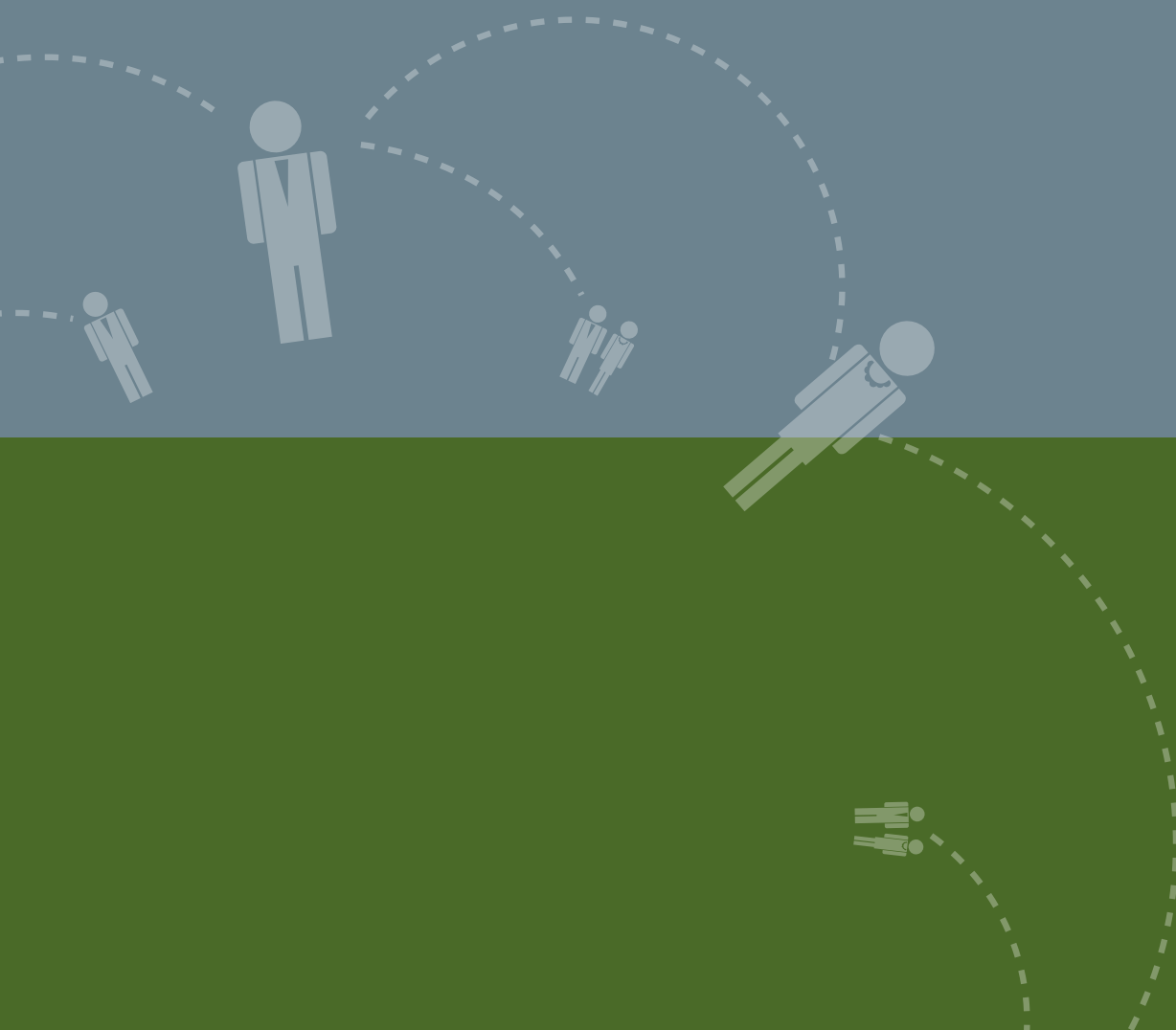
The IGD's research agenda has three broad programmatic focus areas: foreign policy analysis with special reference to the making and management of foreign policy and diplomatic tools like economic, developmental, and public diplomacy; African studies focusing on the role of regional and continental integration in African politics and development as well as the study of peace diplomacy; and international diplomacy, analysing dynamics in international diplomacy that have a bearing on African peace and prosperity.

Mission: The IGD strives for a prosperous and peaceful Africa in a progressive global order through cutting edge policy research and analysis, catalytic

dialogue and stakeholder interface on global dynamics that have an impact on South Africa and Africa



3rd Floor, UNISA Building
263 Skinner Street
Pretoria, South Africa
www.igd.org.za
info@igd.org.za
Tel: +27 12 337 6082
Fax: +27 86 212 9442



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