



**UNIVERSITY OF NAIROBI**  
**INSTITUTE OF DIPLOMACY AND INTERNATIONAL STUDIES**

**CLIMATE CHANGE NEGOTIATIONS: THE AGENCY OF THE AFRICAN  
STATES**

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**DECLARATION**

I, Elizabeth N. Kahurani hereby declare that this research project is my original work and has not been presented for a degree in any other University.

Signed..... Date.....

**Elizabeth N. Kahurani**

This proposal has been submitted for examination with my approval as the University Supervisor.

Signed..... Date.....

**PROF. AMB. MARIA NZOMO**

## **DEDICATION**

To Ruby, Kim, Rhoda and Arthur. You inspire me to be great.

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## ABBREVIATIONS AND ACRONYMS

<b>ACPC</b>	African Climate Policy Centre
<b>AfDB</b>	African Development Bank
<b>AGN</b>	African Group of (climate change) Negotiators
<b>AILAC</b>	Independent Association of Latin America and the Caribbean
<b>AMCEN</b>	African Ministerial Conference on the Environment
<b>AOSIS</b>	The Alliance of Small Island States
<b>AUA</b>	African Union Assembly
<b>BASIC</b>	Brazil, South Africa, India and China
<b>BCA</b>	Border Carbon Adjustment
<b>CAHOSCC</b>	Committee of African Heads of States and Governments on Climate Change
<b>CD</b>	Cartagena Dialogue
<b>CDM</b>	Clean Development Mechanism
<b>CGIAR</b>	Consultative Group for International Agricultural Research
<b>COP</b>	Conference of Parties
<b>EIG</b>	Environmental Integrity Group
<b>EITs</b>	Economies in Transition
<b>ETS</b>	Emission Trading Schemes
<b>FPIC</b>	Free Prior Informed Consent
<b>GEF</b>	Global Environmental Facility
<b>GERD</b>	Gross Expenditure on Research and Development
<b>GGWSSI</b>	Great Green Wall for the Sahara and the Sahel Initiative
<b>GHG</b>	Green House Gas
<b>HLPF</b>	High Level Political Forum
<b>ICC</b>	Inuit Circumpolar Conference
<b>IDIS</b>	Institute of Diplomacy and International Studies
<b>INDC's</b>	Intended Nationally Determined Contributions
<b>IPCC</b>	Intergovernmental Panel on Climate Change
<b>JAES</b>	Joint Africa - European Union Strategy
<b>JI</b>	Joint Implementation
<b>LDCs</b>	Least Developed Countries
<b>LLDC's</b>	Land Locked Least Developed Countries
<b>LMDC's</b>	Like Minded Developing Countries

<b>NDC</b>	Nationally Determined Contributions
<b>NEPAD</b>	New Partnership on African Development
<b>NGO</b>	Non-governmental Organization
<b>ODA</b>	Overseas Development Assistance
<b>OHCHR</b>	Office of the High Commissioner for Human Rights
<b>OPEC</b>	Organization of Oil Producing and Exporting Countries
<b>PACJA</b>	Pan-African Climate Justice Alliance
<b>PPM</b>	Parts-per-million
<b>QERLOS</b>	Quantified Reduction and Limitation Objectives
<b>REDD</b>	Reducing Emissions from Deforestation and Forest Degradation
<b>SBI</b>	Subsidiary Body for Implementation
<b>SBs</b>	Subsidiary Bodies
<b>SBSTA</b>	Subsidiary Body for Scientific and Technological Advice
<b>SDGs</b>	Sustainable Development Goals
<b>SIDs</b>	Small Island Developing States
<b>UNCED</b>	United Nations Conference on Environment and Development
<b>UNCHR</b>	United Nations Council on Human Rights
<b>UNCSD</b>	United Nations Conference on Sustainable Development
<b>UNDP</b>	United Nations Development Programme
<b>UNECA</b>	United Nations Commission on Africa
<b>UNEP</b>	United Nations Environmental Programme
<b>UNFCCC</b>	United Nations Framework Convention on Climate Change
<b>UN-OHRL</b>	UN High Representative for the Least Developed Countries, Land Locked Developing Countries and Small Island Developing States
<b>WMO</b>	World Meteorological Organization
<b>WPCAA</b>	Work Programme on Climate Change Action in Africa
<b>WTO</b>	World Trade Organization
<b>WWF</b>	World Wildlife Fund

## **ABSTRACT**

This study investigates the impact of international negotiations on climate change with a focus on the role of Africa. Every year the UNFCCC convenes parties for international negotiations on climate change where agreements and decisions made inform international policy frameworks and strategies to deal with climate change. The stakes are high for Africa as it is among those continents worst affected by climate change. The study looks at the impact of climate change on development, human rights and security in Africa; evaluates international and regional institutional legal frameworks for climate change negotiation; and assesses the agency of African states in international negotiations on climate change. In the context of the present study, agency refers to the capacity of an actor to influence the outcome of global negotiations on climate change and strategies employed to achieve that objective. The current study is eclectic basing its analysis on the liberalism and realism theories. Neo-liberal institutionalism provides a suitable platform for global actors to agree on norms, rules and decision-making procedures. Realists opine that states are not pre-disposed to negotiations and only do so when negotiations increase their relative power resources. This explains the contemporary North-South conflict in climate change negotiations. This study assumes that climate change greatly impacts on Africa's economic growth, security and human rights; effective international and regional institutional legal frameworks on climate change provide strong basis for negotiations; and that the African agency contends with acute challenges in their role and influence in international negotiations on climate change. The present study adopts the research design of a survey. 12 African negotiators responded to questionnaires and 5 participated in interviews. Further interviews were conducted with 3 negotiators from other negotiating groups and 1 observer. On a scale of 5.0 where 1.0 represented very weak and 5.0 represented excellent, the Africa agency scored 2.12. Study findings show that the Africa agency has opportunities to leverage its potential to influence international negotiations on climate change but contends with acute challenges in its role, major being lack of a secretariat and high attrition of negotiators. The study recommends increased high-level commitment by African governments to the climate change negotiation process, more funding for African negotiators, formalization of the negotiation group; and robust strategies in preparation, during and after the annual negotiation meetings on climate change.

# CHAPTER ONE

## INTRODUCTION

### 1.1 Background to the Study

Separate studies by Joseph Fourier (1824) and John Tyndall (1860) showed that carbon dioxide gas in the atmosphere is responsible for trapping infra-red light from the sun.<sup>1</sup> This infra-red glow is what causes an increase in surface temperature of the earth.<sup>2</sup> An accumulation of too much carbon dioxide in the atmosphere leads to a corresponding increase in the atmospheric temperature. Such an accumulation may be caused by burning of fossil fuels and other human activities (anthropogenic activities). Since most industries are powered by fossil fuels, industrialization leads to the concentration of carbon dioxide gas in the atmosphere and hence the increase in surface temperature.<sup>3</sup>

In the pre-industrial age, the amount of carbon dioxide in the atmosphere was measured as 290 parts-per-million (ppm). By 2010, the concentration had increased to 390 ppm with an annual increase of 2ppm. Corresponding to the increase in the concentration of carbon dioxide in the atmosphere, the global average atmospheric temperature has increased by 0.74<sup>0</sup>C since 1901.<sup>4</sup> This increase in atmospheric temperatures leads to the interrelated phenomena of global warming and climate change. Industrialization is closely associated with the economic might of a country because through industrialization, countries provide jobs for their populace and exercise influence in the global market place by exporting technologies. This is the reason that has transformed climate change from being just a scientific or technological issue in international relations to being a political matter.<sup>5</sup>

The political dimension of climate change also touches on such interested parties like the oil producing countries whose economic mainstay will be negatively impacted should the world stop relying on oil to power industries. On the other hand, the effects of climate change are so pronounced even threatening the livelihoods of such countries like the island nations whose

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<sup>1</sup> The gases that trap heat in the atmosphere are called Green House Gases (GHG's). There are a number of other GHG's including methane, water vapour and nitrous oxide. However, carbon dioxide is the most abundant of the GHG's and is therefore most closely associated with climate change.

<sup>2</sup>Anthony Giddens, *The Politics of Climate Change*. (Cambridge: Polity, 2009), 18.

<sup>3</sup>Ibid,19.

<sup>4</sup> IPCC, "Climate Change 2013: The Physical Science Basis. " *Contribution of Working Group I to the Fifth Assessment Report of the Intergovernmental Panel on Climate Change*(New York.: United Nations, 2013), p.22.

<sup>5</sup> Anthony Giddens, *The Politics of Climate Change*. (Cambridge: Polity, 2009), 14.

land masses may get submerged should the oceans continue rising. The international climate change regime has further created other players like the rain forest countries whose forest resources provide sinks to absorb carbon. As regards Africa, the climate change discourse is of particular importance because the continent is the least developed in the world, yet it suffers the most from the impact of climate change due to poverty. Poverty renders the adaptive capacity of Africa to be very low and hence threatens the lives of its people.<sup>6</sup>

Global warming refers to the long-term increase in the Earth's average temperature. Climate change, on the other hand, refers to significant changes in temperature, precipitation, wind patterns among other factors. There is sufficient scientific evidence that climate change is caused by global warming.<sup>7</sup>

Climate change has become arguably the leading human and environmental crisis of the 21st century following its effects on the sustainability of the Earth due to adverse ecological, social and economic impacts<sup>8</sup>. The phenomenon is also an issue of great significance in international politics for a number of reasons. First, the environment is a common good such that the consequences of pollution by one state affect all the others. Secondly, reducing the use of fossil fuels to power industries is thought to compromise the economic standing of many nations.

International conferences in which matters on the environment are discussed have been held under the aegis of the United Nations (UN) since the 1960's. A vast assortment of international policy documents has also been produced. The interaction of states in the formulation of such policies entails vigorous negotiations as players seek to defend their interests. Atela et.al. define agency as the capacity of an actor to participate in negotiations and inform decisions within established norms. In global environmental negotiations, actors use their agency to turn their policy preferences into policy outcomes.<sup>9</sup> In the context of the present study, agency is taken to refer to the capacity of an actor to influence the outcome of global climate change negotiations as well as the strategies employed to achieve that

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<sup>6</sup> Ibid, p.145.

<sup>7</sup> Environmental Protection Agency, *Climate Change: Basic Information*. (Environment Protection Agency, 2016) <http://www3.epa.gov/climatechange/basics>, accessed on August 3 2016.

<sup>8</sup>The United Nations, *United Nations Framework Convention for Climate Change*. New York: Author, 2007

<sup>9</sup>JoanesAtelaet.al., "Exploring the Agency of Africa in Climate Change Negotiations: The Case of REDD+," *International Environmental Agreements: Politics, Law and Economics*16, no.3 (2016)

objective. The present study therefore seeks to establish the capacity and the strategies employed by the African States in advancing their positions at the global stage.

### **1.2 Statement of the research problem**

At the core of global environmental concerns is the phenomenon of climate change as manifested in global warming which in-turn has caused accelerated increase in the rise of sea levels due to the melting of land ice such as glaciers and thermal expansion. A rise in sea levels is the main cause of flooding especially in coastal areas. Drought is also becoming more prevalent in dry areas due to high temperatures. These in turn impact on core national interests concerning development, security, and human rights of all states.

Climate change negotiations raise sharp differences between states in the global North and those in the global South. Countries in the global North are reluctant to cut emissions because doing so would compromise their industrial and economic capacity. Those in the global South find themselves suffering the consequences of the pollution by the richer more industrialized countries.

In a world divided by self-seeking national and regional interests, and at the same time seeking for a common solution to the inescapable challenge of climate change, negotiation strategies and skills become crucial as determinants of whether a country/region's interests will be accounted for or sidelined by others in the final agreement. Every year the UNFCCC convenes parties for international negotiations on climate change where agreements and decisions made inform international policy frameworks and strategies to deal with climate change. The stakes are high for Africa as it is among those continents worst affected by climate change. This study seeks to analyze international negotiations on climate change with a focus on Africa's role and influence.

### **1.3 Research questions**

1. What is the effect of climate change on development, human rights and security in Africa?
2. How does the international and regional institutional legal framework on climate change impact on negotiations?
3. What are Africa's capabilities, contributions, strategies and challenges at international negotiations on climate change?

## **1.4 Objectives of the study**

### **1.4.1 General Objective**

To investigate impact of international negotiations on climate change with a focus on the role of Africa.

### **1.4.2 Specific Objectives**

1. To appraise the effect of climate change on development, human rights and security in Africa
2. To evaluate the existing international and regional institutional and legal frameworks for climate change negotiation so as to contextualize the negotiations and the outcomes
3. To assess the agency of African states in climate change negotiations

## **1.5 Justification for the study**

Climate change is a critical subject of global interest. While challenges of climate change are experienced on a global scale, Africa is among those worst affected. Although a number of studies have been conducted before focusing on the impact of climate change in Africa, the current study stands out by not only highlighting the impact of climate change in Africa but also by focusing on the development of effective negotiation capacity for the continent as one of the ways of solving the challenge facing the continent.

This study contributes to new knowledge on the role of Africa and its agency in international negotiations on climate change by focusing on the continuum of Africa's contribution to the international climate change discourse from 1992 when the United Nations Framework Convention on climate change (UNFCCC) was signed to the present. The study has not only focused objectively on the contributions that the continent has made towards the climate change regime but has interrogated the challenges that the African negotiators face in the course of their work.

The study will help policymakers in Africa identify challenges and opportunities to impact on international negotiations on climate change. It will also contribute to providing strategic direction for African countries in developing frameworks that inform policy positions and negotiations that strongly impact on international negotiations on climate change and



outcomes. In addition, the study benefits from the insights of representatives from African negotiating team. This expert-led contribution makes the study to be relevant to African Union, (AU), the African Ministerial Conference of THE Environment (AMCEN) and the Committee of African Heads of States and Governments on Climate Change (CAHOSCC).

## **1.6 Literature Review**

### **1.6.1 Introduction**

This section deals with past studies that have been done on the impact of climate change with a focus on Africa. It also looks at the landscape of climate change negotiations and the role of African agency as portrayed in existing literature. The literature review also focuses negotiation the definition of negotiation, justification for international climate change negotiations, factors contributing to the success of a negotiation group, and negotiation strategies.

### **1.6.2 Impact of Climate Change with a focus on Africa**

Climate change has had adverse effects at a global level as it affects economies, security and human rights. It bears negatively on the living standards of human beings as it affects food security among other critical basic needs infrastructure. Studies have cited the core of the Arab uprising as having originated from insecurity and conflicts due to scarce basic necessity, a situation aggravated by global warming with direct consequences on food production. Extreme weather events oscillating from droughts to floods have claimed lives and many have lost their livelihoods, homes and negative health implications resulting from extreme events. Evidence shows that the situation, if not contained, threatens the very existence of humankind.

Africa's challenge dealing with climate change is heightened by the fact that there are other competing development priorities and survival needs. Coupled with that, the continent is still young and facing problems with democratic governance with some countries still facing civil wars and government coup de tarts. As such, resource allocation is spread out too thin such that there is lack of investments in research, technology, infrastructure, that can inform adaptation measures. Although farmers in Africa are finding ways to adapt their agricultural

practices to prevailing climate conditions, evidence shows that this is not sufficient as worse climate change impacts are expected in the future<sup>10</sup>.

There are a number of factors that are unique to Africa that make the continent to be very vulnerable to the consequences of climate change. The first is the challenge of extreme poverty. Most of the countries of Africa are classified as the Least Developed Countries, meaning that most people live on less than a dollar for a day. Extreme poverty means that most Africans use wood and charcoal for fuel, not only adding more carbon dioxide into the atmosphere but also reducing the available forest cover that is essential for carbon sequestration.

Due to Africa's weak adaptive capacity, the continent experiences extreme destruction and loss of life whenever disasters associated to climate change happen. Such disasters include floods and droughts. For example during the floods that took place in Mozambique in 1999, more than a million people were displaced. An equally large amount of deaths were reported. The participation model of Africa in the global climate change discourse has also created attitudes among the African people that climate change is a topic associated with donors. That attitude suggests that the effects of climate change are out there, taking place far away or in a distant future. Such an attitude informs, for example the failure of Africans to associate climate change with the conservation of soil such that much of the top fertile soil in Africa gets wasted in erosion.<sup>11</sup>

A combination of colonial and cold war legacies have left certain spots in the continent of Africa engaged in long running conflicts. For example the conflict in Somalia and the horn of Africa region has left the region without credible governments for more than 30 years. This has given rise to international terror organizations for example the Al Shabaab controlling large swathes of the region. To sustain its operations, Al Shabaab has been exporting charcoal from Somalia in a large scale, an issue that has caught the attention of the United Nations Security Council. The resulting loss of vegetative cover has left Somalia exposed to Wind erosion and at risk of flooding. The use of charcoal that such a conflict encourages also leads to an accumulation of carbon dioxide in the atmosphere. Similar destruction of forests to fund

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<sup>10</sup>IPCC, "Climate Change 2013: The Physical Science Basis," 27

<sup>11</sup> IPCC, "Climate Change 2013: The Physical Science Basis," 27

conflict activities has also been reported in the Democratic Republic of Congo and Central Africa.<sup>12</sup>

Africa's political establishment is highly ethicized, partly because of the colonial heritage of the continent. This makes it difficult for governments to establish climate-change projects in regions that deserve such projects without appearing to have political considerations behind the projects. In addition, the weak governance structures of Africa have left the continent highly exposed to corruption, such that international players who would want to do, for example CDM projects in the continent get challenges to get a foothold in the continent. This may be one of the explanatory factors to explain why most CDM projects are situated in China, India and Brazil and gives Africa a wide berth.<sup>13</sup>

Africa's stewardship of large tracts of rainforests has come under the jeopardy of weak governance in the continent. Multinational companies from across the globe have been leasing large tracts of forest land from Africa causing further loss of forest land. The international climate change regime has also played some role because some of these companies are involved in the production of bio fuels such as palm oil. This leads to questions about the efficacy of the current international regime on climate change, where loss of forest land is weighed against the need for a country or a company to reach its targets in calculated carbon cuts, even when the resources required to achieve the results are more costly than the results achieved.<sup>14</sup>

Currently, more than 25% of Africa's population lives in water-stressed or water-deficient regions. With the population of Africa projected to increase to about 500 million by 2015, the challenge of providing water to the population is only going to increase further. Africa's forests are also going to experience greater strain due to deforestation and forest fires. Already changes in Africa's grasslands is noticeable with loss of biodiversity being reported. This impacts negatively on the tourism revenue from Africa because some of the animals and plant diversity from the continent is getting extinct.<sup>15</sup>

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<sup>12</sup> IPCC, "Climate Change 2013: The Physical Science Basis," 77

<sup>13</sup> Anthony Giddens, *The Politics of Climate Change*. (Cambridge: Polity, 2009), 18.

<sup>14</sup> Ibid p. 45

<sup>15</sup> Ibid.

Africa lacks proper sewage facilities and drainage pose a risk of diseases such as cholera outbreaks. Other diseases include malaria. Low agricultural production will also have health implications as large populations go without nutritional diets and these results in malnutrition especially in children<sup>16</sup>. Between 1989-2009, North Western Sahara in Northern Africa experienced increased heat waves of 40-50 days per year and this trend is expected to continue. Heavy precipitation with extreme rainfall days are expected to intensify in West Africa, while in Eastern Africa, observations over the past 30 years have recorded heavy rainfall in some places and extreme drought in others. It is projected that Southern Africa will continue to experience hotter days and nights, with South Africa having experienced increased heat waves over the last 20 years. Severe drought incidences are projected to occur in the Southwestern regions<sup>17</sup>.

Noteworthy is the fact that these conditions are not unique to the Africa continent. Across Europe, higher average temperatures are being experienced in all regions. While the Southern parts face low rainfalls, the Northern parts of Europe are experiencing increased rainfall. In addition, the effects of climate change have caused most of the Greenland snow cover to melt. The sea ice on the Arctic Sea has melted to such an extent that some scientists are predicting that new routes from Europe to Asia through the Arctic sea will become possible in future.<sup>18</sup>

### **1.6.3 Negotiation**

In this section, the concept of negotiation is defined. The section also assesses the justification for international climate change negotiations. Factors contributing to the success of a negotiation group and negotiation strategies are also considered.

#### **1.6.3.1 Definition of negotiation**

Negotiation is recognized in the Charter of the United Nations as one of the peaceful modes of conflict resolution.<sup>19</sup> Negotiation refers to a joint decision making mode where parties are

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<sup>16</sup>IPCC, "Climate Change 2013: The Physical Science Basis," 37.

<sup>17</sup>"Climate Change 2014: Impacts, Adaptation, and Vulnerability. Part B: Regional Aspect," IPCC, accessed September 15 <https://ipcc-wg2.gov/AR5/report/>

<sup>18</sup>"Climate Change evident across Europe, confirming urgent need for adaptation," European Environment Agency, accessed September 15 2016 <http://www.eea.europa.eu/media/newsreleases/climate-change-evident-across-europe>.

<sup>19</sup> United Nations, "Charter of the United Nations," (New York: United Nations, 1948), 33

left to themselves to combine their conflicting positions into a single decision. In the context of climate change regime, negotiation is the predominant decision making procedure as opposed to coalition, where decision making is by numerical strength, for example through voting, or adjudication where decision making involves an objective judge accepted to all parties involved.<sup>20</sup>

### **1.6.3.2 Justification for international climate change negotiations**

Iklé (1964:2) explains that negotiation becomes the preferred mode of dispute resolution in circumstances where the coincidence of conflict as well as anticipated benefits of interdependence occurs. He says that: “Without common interest, there is nothing to negotiate for and without conflict, there is nothing to negotiate about.” This statement is meant to emphasise the neoliberal thinking that even when countries have conflicting problems and solutions to the problems, there exists a common ground where mutual benefits can be achieved. Negotiation becomes an important decision making procedure internationally in this recognition. Seeking this common ground is a tedious process and some regimes, like the international climate change regime has taken many years to develop and has attracted many state and non-state players along the way.<sup>21</sup>

This coincidence of conflict and the need for interdependence has been immortalized in climate change negotiations by the allegory of the over-grazed field (Lienhard, 1968). In a 1968 article “*The Tragedy of the Commons*” Lienhard narrated the story of a village in medieval Europe where the local grazing field was jointly owned. All the villagers owned cattle and all the cattle were grazed in the common pasture field. Each individual’s interests were catered for by adding an extra cow to the grazing field because the gains accrued to an individual. The assumption made by the owner is that the damage caused by the additional cow to the grazing pasture is minimal and since it will be met by the entire village, the damage caused will be hardly noticeable. Through this thinking, everyone in the field is motivated to continue adding cattle to the grazing field such that the common resource, the grazing field, gets depleted and causes all the members to suffer. To curtail this suffering, the whole village is left with two options: Either to sub-divide the grazing land into individual portions or to enact commonly negotiated laws limiting the number of cattle that a villager

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<sup>20</sup>Walter Carlsnaes, Thomas Risse, and Beth A. Simmons eds., *Handbook of International Relations* ( London: Sage, 2007), 217.

<sup>21</sup>Fred Charles Ikle, *How Nations Negotiate*. (New York: Praeger, 1964) p.2.

can place in the common resource. The first solution informed the growth of capitalist systems in Europe. The second solution has provided an important model in international relations where countries have to share resources. Examples of the so called “Global commons” include *inter alia* the atmosphere as a carbon sink and the ocean as a dump for toxic substances.<sup>22</sup>

In climate change negotiations, the environment is a global common as a sink to absorb pollutants released in the process of the economic development of individual states. However, as different states continue exploiting the commons, its capacity gets exhausted and all members suffer the consequences. This explains the need for negotiations to establish regimes to regulate the code of conduct of states in the exploitation of the commons.<sup>23</sup>

#### **1.6.4 Factors contributing to the success of a negotiation group**

Multilateral negotiations like those regarding climate change require that states send large delegations. In the UNFCCC negotiations in Copenhagen (COP 15), Denmark had a delegation of 526, Brazil had 450 participants while China had 333. The average delegation size was 54 and the size of the delegation was said to correlate positively with the economic strength of a country.<sup>24</sup>

Delegation size is proportional to better representation of the interests of a country. Where a country does not have a large delegation, it is forced to accept the position adopted by a coalition even when the country was absent from the meeting where the position was adopted.<sup>25</sup> Governments quite usually create effective negotiating groups by ‘borrowing power from external actors’. This entails inclusion of experienced negotiators from NGOs, media, business community and the academia. (Bailers 2011) making observations at COP 15 observed that annex 1 countries append more industry players (44%) to their delegations than non-annex countries. (25%)<sup>26</sup>

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<sup>22</sup>John Lienhard, “The Tragedy of the commons” 2000, accessed June 5<sup>th</sup> 2016, <http://www.uh.edu/engines/epi1602.htm>

<sup>23</sup>Herbet Levine, *World Politics Debated: A Reader in Contemporary Issues*, 3<sup>rd</sup> Edition, (New York: McGraw Hill, 1989) p.74.

<sup>24</sup>S. Bailer, “Bargaining Resources and Strategies in Climate Change Negotiations,” *In Workshop Negotiating Climate Change* (Zurich: Centre for Comparative and International Studies 2011).

<sup>25</sup>Ibid.

<sup>26</sup>Ibid.

Another important factor that contributes to the success of a negotiating group is the experience and personality of the leader of the delegation. In the Copenhagen negotiations, the average length of negotiating experience was found to be 14 years. Countries that send negotiators who are not versed with negotiation norms and substance end up being sidelined in their coalitions and hence losing their influence. Countries are also encouraged to host side events at COP and other UNFCCC events. Such events help in distinguishing a group in the negotiations. Side events also serve to build the capacity of negotiators, sharing information, introducing potential negotiation themes, sharing information, and inter-connecting people and policy ideas.<sup>27</sup>

### **1.6.5 Negotiation strategies**

Negotiation strategies can be categorized as either soft or hard. Hard strategies are conflictive and may be characterized by any of the following actions by a party: Threatening sanctions, trade restrictions, or walking out of negotiations; strong declarations not to listen to alternative suggestions by the adversary; making unrealistic demands at the beginning of the negotiation; disparaging the other party; shaming tactics; creating defensive coalitions; delay of an agreement for example by seeking for more research on an issue; hiding the actual objectives of a delegation so as to reach a stronger negotiation position; or giving promises of concessions or aid in order to change the position of the other party.<sup>28</sup>

Soft strategies are less conflictive and are characterized of the following actions: signaling flexibility; coalition statements; seeking partners for compromise; offering compromises on issues not included in the negotiation agenda in exchange for favours on issues already raised in the agenda; making compromise proposals by inventing new offers; proposing new solutions in the common interest; and expressing understanding to the position of the other party whose interests are contrary to those of the party. While hard strategies are usually associated with developed countries, poor countries have also been known to resort to such strategies as withdrawal from negotiations, and delay tactics.<sup>29</sup>

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<sup>27</sup>Ibid.

<sup>28</sup>Ibid.

<sup>29</sup>Ibid.

In addition to the strategies mentioned above, it has been observed that there are two types of negotiations based on the relative power of the negotiating parties: symmetric and asymmetric negotiations. Symmetric negotiations occur when the parties are of equal power while asymmetric negotiations result when one of the parties is weaker. Climate change negotiations are usually asymmetric where states in the global North possess vast economic and capacity resources to influence the outcomes of the global talks. Pfetsch and Landau (2000) explain that in asymmetric negotiations, the weaker participant is not necessarily at the mercy of the stronger party because and there usually exists a common goal that matters to both participants. They say that indeed, the weaker participant tends to reach functional symmetry with the superior participant such that even in asymmetric negotiations, functional symmetry in terms of utility is possible.<sup>30</sup>

African negotiators may be interested in finding out circumstances under which the weaker party gains ground in asymmetric negotiations. First, in negotiations such as climate change negotiations, other types of resources, other than material contribute to determining the outcomes of the negotiation. Such resources include actor resources, procedural resources, issue-related resources, and joint resources. Actor resources point to the individuals representing the states in the negotiations and include attributes such as knowledge of the negotiation techniques, perseverance, master of language, intelligence, and the credibility of the actor. Joint resources include such capacities as coalition-building, joint action by different actors, as well as proposing solutions that provide win-win solutions for parties involved. Procedural resources are related to rules, regulations, and international norms. Activities associated to procedural resources include agenda setting, giving good examples and suggesting new rules. Issue related resources consist of package deals, issue-linkage and differentiation, switching to ideology, compromise and development of alternatives. Further, the weaker party, by participating in negotiations over a period of time develops skills to influence the direction of the talks.<sup>31</sup>

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<sup>30</sup> Frank Pfetsch and Alice Landau, "Symmetry and Asymmetry in International Negotiations," *International Negotiations* no.5 (2000):21-42

<sup>31</sup>Ibid.



### 1.6.6 Climate Change negotiations and the Africa Agency

Negotiation strategies can either be distributive or integrative. Distributive strategies are competitive, presenting a win-lose situation where negotiating parties work towards maximizing on benefits from a deal at the expense of the other parties. Tactics used in such a strategy include salami tactics, which involve extending negotiations in a very slow pace, only seeming to agree with the other side when it cannot be completely avoided<sup>32</sup>. This strategy seems to characterize negotiations at the UN climate talks, where parties postpone major decisions to future meetings in order to protect their economic interests. Integrative strategies on the other hand aim for win-win solutions that are mutually beneficial to all parties involved. This approach is likely to be used in a situation where parties believe they all stand to lose if they do not employ this means of negotiations. It involves identifying and recognizing the varying interests, looking for options and commonalities between those involved<sup>33</sup>.

Negotiations on climate change are talks that are held so as to strike agreement among global leaders on issues regarding climate change. They are in essence talks or discussions that enable the close management of global risks arising as a result of climate changes. These talks are aimed at seeking a reduction in global temperatures to low levels, which do not cause dangerous interference to the current climate system. These discussions are further aimed to compel developed countries to reduce greenhouse gas emissions. Low-carbon development is a key thing being advocated for to save the planet and safeguard the success of climate change mitigation efforts.

In climate change negotiations, consensus or lack of it stem from trying to accommodate a lot of diverse interests and mainly not from the reality of the consequences resulting from a lack of action. For instance, the United States and Canada are not signatories to the Kyoto protocol because it requires signatories to cut down on carbon emissions to certain levels and this has huge implications to the economy of their industrial sectors<sup>34</sup>. Analysis of the outcomes of the United Nations Framework Convention on Climate Change (UNFCCC)

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<sup>32</sup>Raymond Saner, *The Expert Negotiator* (The Hague: Klumer Law International, 2000), 54

<sup>33</sup>Tanya Alfredson and Azeta Cungu, "Negotiation Theory and Practice: A Review of the Literature," (Easypol: FAO, 2008), 179.

<sup>34</sup>Nicola Peart, "Dispute in climate change adaptation finance: towards a convergent outcome for the COP-15," *European Energy and Environmental Law Review*, 18, (2009): 307-333.

indicates that developing countries have generally been losers, and see themselves as being cheated.’ For instance, Brazil proposed a Clean Development Fund where the Annex 1 countries would channel funds to support non-Annex 1 countries adapt and reduce carbon emission activities that lead to climate change. This was accepted in the Kyoto Protocol, not as fund but as a Clean Development Mechanism (CDM) and so far has been criticized for neither reducing emissions significantly nor mobilizing substantial funds<sup>35</sup>. This has led scholars to conclude that developing countries are not firm to push for what they really want and their negotiating position is generally reactive, defensive and negative, for example to the “flexible mechanisms” of the Kyoto Protocol<sup>36</sup>. Richards argues that a more pro-active negotiation strategy would be for developing countries to accept targets and put pressure on industrialized countries for meaningful emission reductions<sup>37</sup>. However, developing countries see this position as important because asking them to reduce emissions the same way as the developed countries will be asking them to sacrifice their development goals for the sake of ‘big brother’ which is not fair.

Africa’s participation at the climate negotiation meetings has been described as being poor, asserting that Africa has no position and has not been able to represent its interests in the negotiations. This situation is attributed to Africa’s solidarity with the G77 and China group, where Africa tends to restate statements from the group instead of having their own distinct position. In addition, Africa’s failure at the UNFCCC negotiations to the continents ‘acute poverty’ characterized by a lack of resources needed to mobilize capacity to negotiate at the same level as with other countries with ‘bigger muscle’<sup>38</sup>.

A recent study by (Atela 2016)<sup>39</sup> seemed to have come to a similar conclusion that Africa is largely weak in its negotiating capacity and consequently has no major role or influence at the global climate talks. It recommends studies on strategies that could help improve Africa’s case.

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<sup>35</sup>Ibid.

<sup>36</sup>Richards, Mallet, “Poverty reduction, equity and climate change: global governance synergies or contradictions?” (London, Overseas Development Institute, 2003), 3

<sup>37</sup>Ibid. 4

<sup>38</sup>Ibid, Albert Mumma, 2000-2002.

<sup>39</sup>Atela, Exploring the Agency of Africa in Climate Change Negotiations: The Case of REDD+

In addition, Africa's capabilities at the UNFCCC process have been marred by various limitations including limited resources; weak capacity and adopted technical negotiators' organizational structure that seems to be transient have hindered Africa to be influential during such talks thus shadowing its presence and influence<sup>40</sup>.

Elsewhere, Africa is described as being deficient when it comes to negotiating complex issues and this hinders the ability of African countries to constructively contribute and influence the UNFCCC process<sup>41</sup>. Other studies point to Africa diplomacy being undermined due to various weaknesses that hinders it from becoming wholly active so as to change current political discourse that places more favors to the developing world. Various constraints including inadequate negotiating capacity as well as a general shortage of skilled people, development agendas, financial resources, a weak political will and lastly the omission of civil societies have seriously impeded Africa's capabilities to negotiate for better terms during climatic talks.

### **1.6.7 Research gaps**

There are few studies that objectively analyze the negotiation capacity of African countries with the objective of identifying both their potential and challenges.<sup>42</sup> Most studies have focused on the weaknesses and inadequacies of the Africa agency. This study provides an objective scrutiny of the agency of African countries in the negotiations. The current study makes an important contribution to Africa's climate change discourse by paying attention to both the inadequacies of the continent but also to its contribution towards the construction of the international climate change regime. Based on this objective approach, the study provides sound recommendations to combat challenges and leverage on Africa's potential to influence international negotiations on climate change.

### **1.7 Theoretical Framework**

The current study is eclectic basing its analysis on the liberalism theory and the realism theory. Modern liberalism traces its origin from the writing of John Locke. It is based on four

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<sup>40</sup>Clim-Dev Africa, "Africa's Journey in the Global Climate Negotiations: A Synthesis Report for Policy Makers," (Addis Ababa: Ethiopia 2015)

<sup>41</sup>Fabian Tondel et.al., *Africa and Europe Combating Climate Change: Towards a Common Agenda in 2015*, (Maastricht: European Centre for Development Policy Management, 2015), 8

<sup>42</sup> Albert Mumma, "The Poverty of Africa's position at the climate change convention negotiations," *Journal of Environmental Law and Policy*19, no. 1 (2000/2001): 18.

tenets namely: citizens possess juridical equality and other fundamental civic rights such as the freedom of religion as well as the freedom of press. Secondly, liberalism commits the sovereignty of the state on the people who express their power through representative legislatures. Third, liberalists recognize the rights of private property and finally, liberalists vouch for economic decisions being predominantly shaped by forces of demand and supply.<sup>43</sup> As regards states, Locke contended that states derive rights from individuals such that states are obliged to respect the rights of life, liberty and property. There, according to liberalists, is the foundation of international law. Contribution by other liberalists has espoused the role of International Organizations and international regimes in coordinating international policy and collaboration with other states.<sup>44</sup>

The global environment debate provides an excellent example of the collective goods problems. Every country has its economic interests served in burning more and more fossil fuels. On the other hand, long term benefits accrue to nations in reducing emissions and thereby forestall the effects of climate change. If nations reduced emissions, a free-riding nation may continue to enjoy the benefits even without itself reducing emissions. At the global scene, there exists no government or authority to enforce the rules of collective responsibility.<sup>45</sup> This dilemma is addressed through neo-liberal institutionalism where actors subscribe to agreed-on norms, rules and decision-making procedures. Regimes provide rules based on reciprocity to govern who gets the benefits and bears the cost of environmental protection. Functional International Organizations and other knowledge-based communities (such as NGOs) specialize in the technical and management aspects of the environment.<sup>46</sup> It is in this International Policy-making architecture that a number of international Conferences on the environment have been held. Such Conferences include the UN Conferences on the environment in Stockholm (1972); Nairobi (1982); Rio-de-Janeiro (1992); Kyoto (1997); and Paris (2015)<sup>47</sup> The United Nation Framework Convention on Climate Change (UNFCCC) creates the Conference of Parties, COP, which is an annual assembly through which states conduct negotiations on climate change. Equally, a number of international regimes on the

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<sup>43</sup>Badie Bertrand, Dirk Berg-Schlosser and Leonardo Morlino eds., *International Encyclopedia of Political Science* (Los Angeles: Sage, 2011) 1434-1439

<sup>44</sup>Ibid, *International Encyclopedia of Political Science*

<sup>45</sup>Joshua S. Goldstein, and Jon Pevehouse, *International Relations* (New York: Longman,2010), 391.

<sup>46</sup> Ibid. *International Relations*

<sup>47</sup>Anthony Giddens, *The Politics of Climate Change*. (Cambridge: Polity 2009),186.

environment have gained near-universal support. Examples of such regimes include: The Montreal Protocol on Ozone Layer Depletion, The United Nation Framework Convention on Climate Change, and The Kyoto Protocol.<sup>48</sup>

Realist theories are also relevant in the study of global climate change negotiations because the question of climate change involves conflict and cooperation. Realist theories opine that states reign sovereign in the international system and even when they cooperate, powerful states act in coercive a manner to realize their interests while weak states can't but accept their inferiority. Realists say that states are not predisposed to cooperation such that even when cooperation would result in absolute gains for all participants involved, its achievement is impeded by the uneven distribution of such gains.<sup>49</sup> While liberalism provides for the platform of negotiation to solve the problem of global commons among nations, the theory is "blind" to how nations get to the negotiating table in the first place. In the context of climate change, developed nations get to the negotiating table with the backing of resources and expertise built over years of capitalistic accumulation and colonial domination over nations of the global south.<sup>50</sup> The carbon markets as created by the contemporary climate change regime ignore the gains made by the Northern economies in their historical emissions. An analysis of the North-South politics in climate change will therefore be an inevitable part of the current study.

## **1.8 Hypotheses**

1. Climate change greatly impacts on Africa's economic growth, security and human rights situation.
2. Effective international institutional and legal frameworks on climate change provide strong basis for negotiations.
3. The African agency contends with various challenges in their role and influence in international negotiations on climate change.

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<sup>48</sup>Ibid. *The Politics of Climate Change*

<sup>49</sup>Tim Pfefferle, "Climate Change Politics Through a Constructivist Prism"(University of London, 2014)<http://www.e-ir.info/2014/06/18/climate-change-politics-through-a-constructivist-prism/>

<sup>50</sup>Ibid. *International Relations*. 451.

## **1.9 Research Methodology**

### **1.9.1 Introduction**

The following issues related to research methodology are discussed in this section: Research design, study population, sampling, sample size, instruments for data collection, methods of data collection, ethical considerations and validity & reliability.

### **1.9.2 Research Design**

The present study adopts the research design of a survey. Surveys are generally concerned with the present, but they may pay attention to past events so as to explain how the present conditions have been influenced by past events.<sup>51</sup> The research design of a survey is suited for the current study because the study aims at interrogating the evolution of the climate change regime from the 1970's to the present. In the context of the climate change regime, the study analyzes the capacity of African states in climate change negotiations and makes recommendations how the capacity can be strengthened in future. Since the topic of study is such that the researcher does not manipulate variables or arrange for events to happen, the survey is found to be suitable for the current study.

### **1.9.3 Study Population**

The main objective of the present study is to investigate the impact of international negotiations on climate change with a focus on the role of Africa. To achieve this objective, negotiators from African States were targeted for questioning through questionnaires and interviews. One negotiator from each country was targeted, making a total population of 54. Responses from a suitably qualified supportive staff to the lead country negotiator were accepted. Only 12 responses were received in time, accounting for a response rate of 22.22%. (See Appendix I) Five respondents from the African Group of Negotiators were also interviewed for the study (Appendix II). Further, Interviews were sought from negotiators from the following negotiating groups: the US, the EU, the AOSIS, and one observer group. The questions asked were on their understanding and opinion on the negotiating capacity of African states (Appendix III)

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<sup>51</sup> C.R Kothari, *Research Methodology: Methods and Techniques* (New Delhi: New Age International Publishers, 2004),31.

### 1.9.4 Sampling

The sampling method used to settle on the climate change negotiators as the population is the snowballing method. Snowballing is a non-probability method used when the desired sample characteristic is rare. Respondents are selected on the criteria of their ability to provide certain information that may be relevant to the study.<sup>52</sup>

### 1.9.5 Sample Size

The researcher established communication with negotiators from African States, other groups and observer groups through participation in COP 21 in 2015. Upon the approval of the questionnaire and interview questions by the University Supervisor, the respondents were asked to fill the questionnaires via e-mail. Telephone and Skype interviews were then conducted.

12 questionnaire responses were received from African countries. The researcher was also granted five expert interviews by different negotiators by African negotiators. In total, 17 negotiators contributed to this study. In addition, experts from the following negotiating groups: the US, the EU, the AOSIS, and one observer group were consulted on their knowledge and opinion on the negotiating capacity of African states.

The response rate is calculated as shown in the table below:

*Table 1: Response rate*

	Population	Response
Questionnaires To African negotiators	54	12
Interviews by African negotiators	5	5
Interviews by experts from other groups	4	4
Total	63	21
Percentage	100	33.33

This forms a percentage of 33.33%. According to Saunders et al.(2007) a sample size for a descriptive survey can be determined by taking 10% of the target population.<sup>53</sup>The selected

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<sup>52</sup> P.K Manoharan, *Research Methodology* (New Delhi: PH Publishing Corporation, 2009), 27.

<sup>53</sup>Mark Saunders, Philip Lewis and Adrian Thornhill, *Research Methods for Business Students*. (England: Pearson Education Limited, 2007)

sample exceeds the 10% threshold recommended by Saunders et al (2007) and is therefore considered to be representative. All the negotiators were familiar with the positions and the capacity of African states in climate change negotiations.

## **1.9.6 Instruments Used for Data Collection**

### **1.9.6.1 Questionnaires**

In the present study, questionnaires were administered to the respondents so as to inquire into their capacities as well as their views and attitudes towards various matters regarding climate change negotiations in Africa. The questionnaire used for this study is attached in appendix I. A questionnaire provides a way of converting abstract thoughts into concrete and measurable quantities. The results of the questionnaires can be quantified using a software package.<sup>54</sup>

### **1.9.6.2 Interviews**

C.R. Kothari in his book *Research Methodology: Methods and Techniques* recommends the method of unstructured interviews for collecting information as demanded of this study. He says that unstructured interviews allow the interviewer to restructure the questions to suit the understanding of different respondents. He also says that through this method, the interviewer obtains more information and that too in greater details. Through the method of unstructured interviews, the problem of missing returns and non-response is minimized.<sup>55</sup>

For the present study, unstructured interviews were used to collect data from five negotiators representing African states. The interviews were conducted via Skype between August 22<sup>nd</sup> and 25<sup>th</sup> 2016. A list of interview questions used for this study is attached in appendix II. Appendix III shows the interview questions asked to negotiators from US, EU AOSIS and observer group.

## **1.10 Validity and Reliability**

Validity refers to the ability of the research findings to reflect accurately the presence or absence of the concept that is being investigated in the study. On the other hand, reliability refers to the consistence of the research findings over time and place. The measure of

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<sup>54</sup> "Introduction to Research,"University of Surrey.Online teaching module accessed August 20<sup>th</sup> 2016, <http://www.http://libweb.surrey.ac.uk/library/skills-/index.htm>, 2015,.

<sup>55</sup>C.R Kothari, *Research Methodology: Methods and Techniques* (New Delhi: New Age International Publishers, 2004),31.



reliability indicates whether if the study were to be replicated by an independent researcher applying similar methodology would obtain similar results.<sup>56</sup>To enhance the validity of the instruments used to conduct this research, a pilot study was undertaken and the instruments adjusted accordingly before the instruments were subjected to the actual study. Reliability of the present study was taken care of by determining the length of time that a negotiator had been conducting negotiations in the UNFCCC framework. A measure of 3 years and above was considered reliable.

### **1.11 Data Analysis**

After collection of the questionnaires, the researcher read through them in order to ascertain their numbers and to see how/ if all the items were responded to. Secondly, the raw data was sorted out and edited to identify unfilled items, and those that could have been wrongly responded to. Questionnaires were then organized and classified according to the patterns of the responses given by the respondents, and their homogeneity. Questions were then coded for purposes of allocation of the magnitude of the variable being measured. Descriptive statistics which include frequency distribution, percentages, mean and standard deviation were used to summarize findings and describe the population samples involved.<sup>57</sup> Data was analyzed using descriptive statistics using statistics package SPSS version 20 and presented in tables.

### **1.12 Ethical Considerations**

All knowledge-material used for this study was referenced according to the guidelines of the Institute of Diplomacy and International Studies (IDIS) of the University of Nairobi. Anonymity of the respondents was guaranteed.

### **1.13 Scope and Limitations of the Study**

The present study focuses on the Diplomacy of Climate Change Negotiations. The institutional and legal frameworks in the UN set-up of the negotiations will be addressed. An analysis of the actors in the negotiations will be conducted, but only an empirical study of African states will be conducted in the present study. The study goes beyond the African Group of Negotiators to focus upon the negotiation capacity of African states in other

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<sup>56</sup>Olive Mugenda and Abel G. Mugenda, *Research Methods: Quantitative and Qualitative Approaches*, (Nairobi: Acts Press, 1999), 76.

<sup>57</sup>Ibid. *Research Methodology: Methods and Techniques*, p.95.

platforms such as BASIC and G-77. Scientific aspects of Climate Change which would have necessitated a scrutiny of the IPCC data are not studied in the current study. The study faced the limitation of a narrow scope of respondents. Although questionnaires were sent to all African countries, only 12 countries responded. Respondents from North African countries and the Portuguese speaking countries did not respond. These aspects prove to be sure limitations of the study.

The diplomatic nature of the information sourced for this study was considered sensitive. Respondents were granted anonymity and were assured that the responses will not be construed to represent their country position on matters addressed.

### **1.14 Chapter Outline**

Chapter one of the present study constitutes the research proposal and provides the skeleton of the entire study. **Chapter two** appraises the impact of climate change on the economy, security and human rights in Africa with a view to articulate Africa's regional interests in global climate change negotiations. **Chapter three** assesses the existing international and regional institutional and legal frameworks for climate change negotiation so as to contextualize the negotiations and the outcomes. **Chapter four** analyzes the agency of African states so as to determine their capabilities in climate change negotiations, challenges faced, their contribution to the negotiation outcomes and norms, as well as the strategies employed in securing their preferred outcomes. In **Chapter five**, the data collected is presented, analyzed and inferences made. In **Chapter six**, a study conclusion is made. A summary of the research findings is outlined. Study and policy recommendations with regard to the issues under consideration are made.

### **1.15 Operational Definitions**

**Adaptation:** This term as used in climate change discourse is borrowed from the biological sciences whereby upon the change of conditions, biological systems have been observed to develop mechanisms to enable them to cope with the changes. Adaptation measures aim at developing capabilities for humankind to survive in a warmer planet.<sup>58</sup>

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<sup>58</sup>IPCC, "Glossary of terms" .In *Managing the Risks of Extreme Events and Disasters to Advance Climate Change Adaptation. A Special Report of Working Groups I and II of the Intergovernmental Panel on Climate Change*, 2012, (Cambridge University Press, Cambridge, UK, and New York, NY, USA 2012), 555-564.

**Climate change:** This refers to the observed increase in global temperatures as a result of the accumulation of green house gases in the atmosphere. The phenomenon causes climate leads to such effects like the rise of the sea levels, thereby submerging islands and coastal lands. For such reasons, climate change has become not only a scientific matter but a political issue as well.

**Emissions trading:** concerns the trading of allowance rights to emit GHGs, which can only happen between industrialized country governments, as they buy and sell the rights to pollute up to their own limits or assigned amounts.<sup>59</sup>

**Epistemic community:** This refers to a global network of experts on a specific issue whose authority can be relied upon to give guidance on various challenges, policy solutions and assess the impact of the policy outcomes. In global climate change negotiations, IPCC is considered as an epistemic community.<sup>60</sup>

**Global warming:** When average global temperatures are on a steady increase over a long period of time because of emitting green house gases from the burn of fossil fuels.<sup>61</sup>

**Green House Gases:** These are atmospheric gases from nature and manmade. These gases are responsible for absorption and emission of rays at particular wavelengths in the spectrum of thermal infrared radiation from Earth's surface, atmosphere, cloud covering. This is what causes greenhouse effect.<sup>62</sup>

**Intended Nationally Determined Contributions (INDCs):** Communication by states to the Conference of Parties (COP) committing states to quantifiable reduction in emission of GHGs. INDCs also explains the methods to be used and why the state thinks the contribution is fair and ambitious.<sup>63</sup>

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<sup>59</sup>“Carbon Markets and Africa: A Quick Fact Sheet for Journalists,” African Carbon Asset Development, UNEP, accessed August 12, 2016, <http://web.unep.org/climatechange/cop21/african-carbon-asset-development-facility>

<sup>60</sup>Peter, M. Haas, “Introduction: Epistemic Communities and International Policy Coordination,” *International Organization* (1992).

<sup>61</sup>Ibid.

<sup>62</sup>IPCC, “Glossary of terms”. In *Managing the Risks of Extreme Events and Disasters to Advance Climate Change Adaptation. A Special Report of Working Groups I and II of the Intergovernmental Panel on Climate Change*, 2012, (Cambridge University Press, Cambridge, UK, and New York, NY, USA 2012), 555-564.

<sup>63</sup>“United Nations Framework Convention for Climate Change,” The United Nations, accessed August 12, 2016, <http://unfccc.int/2860.php>

**International Regime:** It is a collection of rules, norms, and procedures where interests of global actors converge on issues of global concern.<sup>64</sup>

**Mitigation measures:** These are measures placed by a country to directly reduce the amount of GHG emissions that a country emits to the atmosphere. Usually, mitigation measures involve neutralizing GHGs to less harmful alternatives.

**Resilience:** This refers to the ability of a country to anticipate, proactively prepare for and respond appropriately to a hazardous happening associated to climate change.

**Sustainable development:** It is a development paradigm based on the understanding that the earth's natural resources are exhaustible and should be utilized sparingly so as to cater for the current and future generations.<sup>65</sup>

### **1.16 Chapter conclusion**

This chapter lays down the structure of the entire study. The study seeks to investigate the impact of international negotiations on climate change with a focus on the role of Africa. An eclectic approach of both liberalism and realist theories is used and the study adopts the research design of a survey.

Literature review conducted on negotiation strategies have revealed that in order to safeguard individual economic interests, strategies used at the international negotiations include salami tactics, which involve extending negotiations at a very slow pace, only seeming to agree with the other side when it cannot be completely avoided. This negatively impacts on efforts to deal with climate change as it prolongs discussions, thus delaying decision and action. This study adds to existing knowledge by looking at Africa's role and influence in international negotiations on climate change.

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<sup>64</sup>Joshua S. Goldstein, and Jon Pevehouse, *International Relations* (New York: Longman,2010), 391.

<sup>65</sup>IPCC, "Glossary of terms".In *Managing the Risks of Extreme Events and Disasters to Advance Climate Change Adaptation. A Special Report of Working Groups I and II of the Intergovernmental Panel on Climate Change*, 2012, (Cambridge University Press, Cambridge, UK, and New York, NY, USA 2012), 555-564.

## **CHAPTER TWO**

### **IMPACT OF CLIMATE CHANGE**

#### **2.0 Introduction**

Climate change has affected the economic development of Africa in various ways. A number of studies have been conducted to project how it is going to affect Africa into the future. The discussion below briefly considers such studies. The study specifically focuses on the impact of climate change on human rights, development and security in Africa.

#### **2.1 How climate change impacts on the enjoyment of human rights**

There is increasing consensus between development partners and international political organizations that climate change has a bearing on the ability to access and benefit from human rights including the right to life, right to food, right to water, right to settlement, and at times, for example in the case of island states, the right to self determination.

In 2005, the Inuit, an indigenous peoples group living in North America and Canada made an appeal to the Inter-American Commission on Human Rights accusing the USA of violating their rights as an indigenous people group. Specifically, the Inuit Petition complained about the loss of habitat as the communities lost habitat to rising sea levels. The Inuit alleged that the United States continued to violate their rights by failing to adopt ambitious GHG emission mitigation strategies. While the Inuit Petition did not succeed, it nevertheless managed to draw global attention to the link between human rights and climate change.<sup>66</sup>

The organization of Small Island Developing States (SIDS) caught the attention of the international community by highlighting the human right violation associated to climate change through the Malé Declaration of 2007. The Declaration urged UN Human Rights Agencies to invigorate the establishment of the effects of climate change on their enjoyment of Human Rights. The Malé Declaration prompted the Office of the High Commissioner for Human Rights to ask COP-13 sitting in Bali to urge states and governments that they had both moral and legal obligations to recognize that there were specific implications on Human Rights and that states ought to protect and promote the observance of human rights when

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<sup>66</sup>*Climate Change and Human Rights*, (Nairobi: UNEP, 2015), 9.

tackling climate change.<sup>67</sup> A 2009 report the High Commissioner on Human Rights found that an increase of 2<sup>0</sup>C in average global temperatures will exacerbate the harmful effects of environmental pollution and will have consequences to a wide range of human rights including the right to food, water, health, housing and self determination. Since then, the United Nations Council on Human Rights (UNCHR) has issued four resolutions recognizing the linkages between climate change and human rights including Resolution 10/4, Resolution 18/22, Resolution 26/27, and Resolution 29/15.<sup>68</sup> -In 2010, the UNFCCC COP in Cancun formally recognized the link between climate change, development and human rights. Countries committed to respect human rights in all climate change related actions.<sup>69</sup>

Despite all this development in international legislation linking climate change and human rights, the High Commissioner for Human Rights said that it is difficult to establish whether and to what extent the effects of climate change can be qualified as human rights violations in a strict legal sense. This stance clearly favours the interest of the developed countries of the global north who continue to emit the largest proportion of GHG emissions and clearly reflects the influence of developed countries on key UN institutions.<sup>70</sup>

## **2.2 Climate change, Development and Human Rights in Africa**

Regarding Agriculture, the continent is expected to be affected both positively and negatively. Some areas that are currently arid or semi arid are likely to become suitable for agricultural production due to changes in rainfall patterns. A spectacular example that has been forwarded in this regard is Somalia, whose largest portion of land mass is currently semi-arid but is expected to become arable due to increased rainfall in the eastern coast of Africa.<sup>71</sup> However, the net impact on agriculture is expected to be negative considering that climate change is expected to increase desertification and loss of biodiversity. Loss of biodiversity is also expected to cause African countries to lose revenues earned through tourism.<sup>72</sup> Rising temperatures will lead to the loss of adaptability of agricultural crops and livestock leading to the loss of income. Extreme weather events such as heat waves, floods,

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<sup>67</sup>Ibid.

<sup>68</sup>Ibid.

<sup>69</sup>Ibid.

<sup>70</sup>Ibid.

<sup>71</sup>Pan-African Climate Justice Alliance, "The Economic Cost of Climate Change in Africa," (2009), 15

<sup>72</sup> Ibid.10

storms and landslides will lead to loss of lives, loss of agricultural land, loss of property and loss of income. In terms of human rights, these effects will affect the enjoyment to the right to life; right to health; right to food; right to water and sanitation; and the right to an adequate standard of living.<sup>73</sup>

Climate change will increase the disease burden of Africa considering that it affects the key determinants of human health – air, food and water. Warm conditions will favor the spread of Malaria and Dengue fever in different parts of Africa. Increased coastal and inland flooding caused by rise in the sea level and sporadic rainfall may cause increased transmission of vector-borne diseases and deaths from drowning.<sup>74</sup> Further, health implications will result from heat waves, and undernourishment due to reduced food productivity. In turn, this increased disease burden will compromise the enjoyment to the rights to health and the right to life.<sup>75</sup>

It is estimated that the glaciers on Mounts Kilimanjaro, Kenya and Ruwenzori will disappear by 2025. This will reduce the reliability of water supplied by mountain ranges to important river basins. Some countries will suffer from the intrusion of salty water into the coastal land. This will increase the burden of providing clean water to many countries of Africa. By 2025, it is expected that 50% of the countries of Africa will live in water-stressed countries.<sup>76</sup>

Climate change will also have an impact on settlements and infrastructure. The population of African people living in urban settings is expected to double from 375 million in 2007 to 750 million by 2030. Most of these urban populations will live in coastal cities. The cities will experience flooding and coastal erosion as a result of a rise in the sea level by about 1 meter. This will result in destruction of infrastructure and an increase in water-borne diseases. According to some studies, by 2080, approximately 70 million people in Africa could be at risk of displacement due to coastal flooding.<sup>77</sup>

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<sup>73</sup>*Climate Change and Human Rights*, (Nairobi: UNEP, 2015), 9

<sup>74</sup>Pan-African Climate Justice Alliance, “The Economic Cost of Climate Change in Africa,” (2009), 15

<sup>75</sup> Op cit, *Climate Change and Human Rights*

<sup>76</sup>Pan-African Climate Justice Alliance, 16

<sup>77</sup>Ibid.

### 2.3 Climate change and the rights of African indigenous peoples

The indigenous peoples of Africa include *inter-alia* the Babongo and the Bayaka of Congo, the Hailomand the Topnaar of Namibia, as well as the Ogiek, Maasai and Turkana communities of Kenya. Since indigenous people survive on a bare minimum, they are extremely vulnerable to climate change, which may be the factor that leads to a definite disruption of their traditional livelihoods, with enormous consequences in terms of human suffering and loss of cultural diversity and traditional knowledge. As a result of the discrimination faced by indigenous people with regard to their integration to western economic systems, their priorities including their traditional coping and adaptation strategies are not considered in the context of national climate change adaptation policies, strategies and programs.<sup>78</sup>

Some of the effects of climate change that are being experienced by indigenous peoples in Africa include droughts, floods, extreme rainfalls, strong winds, disruption of seasons, drying up of rivers, rising temperatures and frost. These hazards threaten their economic, social and cultural survival when, for example, livestock die, wild plants that form core elements of their diets rot or dry, or medicinal plants are no longer found in the forest. Their cultural values and institutions are challenged, when decreasing predictability of weather conditions is undermining their traditional knowledge and cultural notions of causal relationships.<sup>79</sup>

Specific ways in which the livelihoods of indigenous peoples are altered by the effects of climate change include that more energy and time is required for hunting and gathering activities to achieve the same return. The quality of life decreases with the disappearance of certain caterpillars and insects, which are major sources of protein for the people. As rivers dry due to prolonged droughts, river-resources such as fish and certain plants growing on the banks of rivers become rarer to find. Loss of plant diversity in forests affects the access of the people to traditional medicine. As water points dry out, the risk of conflict with other local communities have been observed to increase.<sup>80</sup>

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<sup>78</sup> Consult Charapa et al., *Indigenous People and Climate Change in Africa: Traditional Knowledge and Adaptation Strategies*. (London: World Bank Trust Fund for Environmentally and Socially Sustainable Development, 2011).

<sup>79</sup> Ibid.

<sup>80</sup> Ibid.



The effects of climate change have gender differentials in their impact on the communities with women and girls bearing the greater burden. For examples, during periods of severe water shortages, women spend whole days walking to and from the water point. In the process, women experience severe exhaustion, health problems and are exposed to other threats that include sexual assault and even attacks by wild animals. Furthermore, young girls are forced to abandon school so as to assist.<sup>81</sup>

Indigenous people are adversely affected by both mitigation and adaptation strategies. The commoditization of forest carbon sequestration services through REDD and REDD+ causes an increase in the demand for forest land and this may lead to the displacement of indigenous communities who do not have sufficient legal protection on their land tenure. Indigenous people are also susceptible to displacement to create space for bio-fuels such as palm oil. In 2008, Oxfam estimated that 60 million indigenous people all over the world were placed in the risk of displacement through such projects. Biofuel projects lead to shortage of food and price hikes and thus escalate poverty among the indigenous people. To the indigenous people of Africa, these effects of climate change affect their enjoyment to the right to life, the right to food, the right to clean water and sanitation, as well as their right to housing.<sup>82</sup>

#### **2.4 Climate change and security in Africa**

Although Africa is least responsible for GHG emissions, the continent is highly predisposed towards climate-induced conflict due to a number of factors. First, the largest population on the continent depends on climate-dependent sectors such as rain-fed agriculture such that reduced precipitation touches on the bare existence of the people. The continent also has a history of resource-based, ethnic and political conflict. Climate change is likely to exacerbate these conflicts. Africa's population is more dependent on natural resources than in other continents. Further, the governance structure of the continent is generally weak and fragile. This might render conflicts that wouldn't have escalated elsewhere to do so in Africa.<sup>83</sup>

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<sup>81</sup> Ibid.

<sup>82</sup> *Climate Change and Human Rights*, (Nairobi: UNEP, 2015)

<sup>83</sup> Oli Brown and Alec Crawford, "Climate Change and Security in Africa: A Study for the Nordic-Africa Foreign Ministers Meeting." (Manitoba: International Institute for Sustainable Development, 2009).

Recent research has established four main links between climate change and conflict in Africa. First, less supply versus high water demand is likely to trigger sectoral, community and even country competition and tension. Second, low agricultural yields and erratic weather will trigger increase in food prices, make the continent less food secure and increase competition over productive agricultural land. Third, rise in the sea levels will lead to large scale migration of populations and reduced viability of agricultural land. Finally, the overall impact of these factors will increase the likelihood of poverty becoming more widespread and inhibit government's capacity to deliver services to citizens.<sup>84</sup>

Even without the challenge of climate change, the water levels in Africa are already stressed. The Commission for Africa estimated that a third of African people live in drought-prone regions while a quarter experience significant water stress. Drought accounted for 31 per cent of all natural disasters in Africa between 1975 and 2002 with Ethiopia, Eritrea and Somalia being the worst hit.<sup>85</sup> By adopting a medium warming scenario, an additional 75 to 250 million people in Africa are likely to be at risk of increased water stress by 2050. This population is projected to rise to 350 and 600 million if a higher warming scenario was adopted.<sup>86</sup>

There have been more instances of cooperation over water resources than there have been conflicts. However, the twin pressures of demand growth and climate change may put existing international management mechanisms governing international water resources under severe strain.<sup>87</sup> For example, while the Nile water has been amicably managed through the Nile Basin Initiative since the 1990's, increased population in the Nile Basin and the effects of climate change are expected to upset the balance. A reduction of the flow of the Nile by 20% will affect the irrigation potential of the river downstream. Already, there are simmering conflicts between Sudan, Ethiopia and Egypt over the Nile waters. Sudan is seeking to irrigate the Sahel but Ethiopia has claimed that any Sudanese attempt to divert water from the Nile would provoke a military response. Likewise Egypt has threatened to clash with Sudan or Ethiopia over any effort by either to manipulate the waters that flow into

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<sup>84</sup>Ibid.

<sup>85</sup>Commission for Africa, "Our common interest: Report of the Commission for Africa," (London, 2005).

<sup>86</sup>Oli Brown and Alec Crawford, "Climate Change and Security in Africa: A Study for the Nordic-Africa Foreign Ministers Meeting." (Manitoba: International Institute for Sustainable Development, 2009).

<sup>87</sup>Aaron T. Wolf et al., "Water can be a pathway to peace not war: Global Security brief #5" in *State of the World 2005*, (Worldwatch Institute: Washington, 2005).

the Nile. Climate change will only make such conflicts become worse. Apart from the Nile Basin, 17 countries of West Africa share 25 trans-boundary rivers while the Nubian sandstone aquifer is shared by four countries. Any climate-induced shortage in these water resources is likely to cause intra and inter-state conflicts.<sup>88</sup>

The conflict in the Lake Chad basin has already been named as the first climate-change war<sup>89</sup>. Between 1960 -1963, the size of the lake was 25,000 km<sup>2</sup>, the largest area it occupied in the 20<sup>th</sup> Century. Hydrological and biophysical changes resulting from climate change and human activity have led to the shrinking of the lake by up to 90%. The shrinking of the lake has led to increased poverty and an increase in the frequency of conflicts among the communities of riparian states of Chad, Niger, Nigeria and Cameroon.<sup>90</sup> Indeed, the drying of Lake Chad has been mentioned as one of the causes of the Darfur conflict.<sup>91</sup>

The UNDP reports that of the 1.1 billion people who were food insecure in the world in 2004, 230 million were in Africa.<sup>92</sup> This food shortage is expected to increase as a result of climate change, basing projections on the warming scenarios of the IPCC. One study projects that as a result of climate change, arid and semi-arid area in Africa could expand by five to eight percent, resulting to a loss of 50 to 90 million hectares of productive land in Africa.<sup>93</sup>

There are a number of ways in which global warming leads to loss of arable land. First, increased global temperature leads to increased rate of evapo-transpiration i.e. loss of water from the soil and plants through evaporation. Increased evaporation will lead to reduced water for irrigation. Secondly, rising sea levels will make coastal land unproductive through inundation with salty water and through coastal erosion. A rise of the sea level by 37 cm has been projected to lower Egypt's food sufficiency by 50%, compared to 1990 levels.<sup>94</sup> Up to 75% of Nigeria's arable land lies along the coast. Such land may be rendered unproductive

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<sup>88</sup>Commission for Africa, "Our common interest: Report of the Commission for Africa," (London, 2005).

<sup>89</sup>Anthony Giddens, *The Politics of Climate Change*. (Cambridge: Polity, 2009), 209.

<sup>90</sup>Uche T. Okpara et al., "Conflicts about water in Lake Chad: Are environmental, vulnerability and security issues linked?" *Progress in Development Studies*, 15 no. 4 (2015):308– 325

<sup>91</sup>Op. cit. Anthony Giddens, *The Politics of Climate Change*

<sup>92</sup> UNDP, "Fighting Climate Change: Human Solidarity in a Divided World." *Human Development Report*(New York: UNDP, 2007).

<sup>93</sup>WBGU, *Climate Change as a Security Risk*.(London: Earthscan, 2007).

<sup>94</sup>Oli Brown and Alec Crawford, "Climate Change and Security in Africa: A Study for the Nordic-Africa Foreign Ministers Meeting." (Manitoba: International Institute for Sustainable Development, 2009).

due to rising sea levels and hence affect the level of food sufficiency for the country. Other countries depending on coastal agriculture include Kenya (mangoes, cashew nuts and coconut), Guinea (Rice), and Benin (Coconut and palm oil). Food shortage will lead to increase in the cost of living due to an increase in food prices. This will amplify inequalities in a country when the largest population is in extreme lack while a small percentage seems unaffected. Such a situation has been said to raise the likelihood of intra-state violence.<sup>95</sup>

Another factor that may have bearing on the security situation in Africa is large-scale climate-induced migration. In 2008, 30% of the world's refugees and internally displaced people were in Africa. Most refugees are forcibly displaced due to conflict, persecution or natural disaster. North Africa is already a migration destination with people from sub-Saharan Africa and Asia attempting to reach Europe. East Africa and the horn of Africa regions are refugee-source regions due to political instability.<sup>96</sup>

Climate change will increase migration hot-spots in Africa. This is due to such phenomenon as flooding, sea-level rise and destructive storms. This will have a dire impact on Africa's settlement and infrastructure. Six of Africa's largest cities are located on the coast. The Niger Delta alone is home to 20 million people and 40% of West African populations live in coastal cities.<sup>97</sup>

The United Nations Security Council recognizes large-scale migration as a potential threat to international peace and security. Large-scale migration has been identified either as a causal or a trigger factor in environmental conflicts in transit and target zones.<sup>98</sup> Africa has already witnessed climate-induced conflicts caused by large-scale migration. In the 1970's and 1980's, severe drought in the Sahel region forced thousands of Malians and Burkinabe to travel to Cote d'Ivoire looking for food and work. Although the government policy was initially welcoming, this changed in the 1990s when the policy of '*Ivorité*' was established. The resulting tension between the '*Indigènes*' and the migrants led to the civil war of 2002.<sup>99</sup>

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<sup>95</sup>Ibid.

<sup>96</sup>Ibid.

<sup>97</sup>Dennis Garcia, "The climate security divide: Bridging human and national security in Africa," *The African Security Review*, 17 no. 3 (Institute for Security Studies, 2008) : 2-17

<sup>98</sup>WBGU, *Climate Change as a Security Risk*. (London: Earthscan, 2007).

<sup>99</sup>Nick Mabey, "Delivering Climate Security: International Security Responses to a Climate Changed World." *Whitehall paper* (London, 2008), 69

Climate change in Africa will make governments more fragile, a factor that may increase insecurity in the continent. Governance structures in Africa are already fragile. 17 African countries are in the list of the most fragile states. This situation will become worse with the impact of climate change. Increasing frequency of droughts will impact on hydroelectric power generation, which accounts for 80% of total electricity generation for 18 countries in the continent. As has been discussed earlier, climate change will challenge the food security of the continent and impact on earnings from agriculture and tourism. Government fragility will result from the cumulative effect of food shortages, water shortages, forced migration, and reduced national productivity and may compromise the general security of the continent.<sup>100</sup>

## **2.5 Conclusion**

This chapter has focused on the impacts of climate change in Africa. Impacts on human rights, development and security have been explored. It finds that climate change has contributed to lack of enjoyment to rights to life, water, food, shelter and self determination. On development, the various ways in which climate change will disrupt life have been discussed. A liberalist approach was employed to analyze the impact of climate change on human rights, development and security. Liberalists hold that the state has fundamental responsibility to protect peoples' life and property. States are therefore obliged to seek for the best for their populaces in climate change negotiations. The hypothesis of the study that *'Climate change greatly impacts on Africa's economic growth, security and human rights situation.'* has been proved.

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<sup>100</sup>Oli Brown and Alec Crawford, "Climate Change and Security in Africa: A Study for the Nordic-Africa Foreign Ministers Meeting." (Manitoba: International Institute for Sustainable Development, 2009).

## **CHAPTER THREE**

### **INTERNATIONAL INSTITUTIONAL AND LEGAL FRAMEWORKS FOR CLIMATE CHANGE NEGOTIATION**

#### **3.0 Introduction**

In this chapter, the international institutional and legal framework for climate change is discussed. The chapter focuses on the various climate change / sustainable development conferences that have been held under the United Nations (UN) since 1972. In addition, international legislation on climate change are discussed. Specifically, the chapter focuses on the United Nations Framework Convention on Climate Change (UNFCCC), The Rio Declaration, the Kyoto Protocol, and the Paris Agreement. Key institutions such as IPCC and regional institutions such as the African Ministerial Conference on the Environment, AMCEN, the Committee of the Heads of State and Governments on Climate Change, CAHOSCC, and the African Group of Negotiators, AGN are also discussed.

#### **3.1 International Conferences on Climate Change and sustainable development**

The following Conferences comprise the subject of this section: The United Nations Conference on Human Environment (1972), The World Commission on Environment and Development (1987), The United Nations Conference on Environment and Development (UNCED, 1992), Johannesburg Summit on Sustainable Development (2002), and The United Nations Conference on Sustainable Development (UNCSD, 2012). Some other conferences specifically focusing on climate change before the UNFCCC came to force are also studied.

##### **3.1.1. The United Nations Conference on Human Environment (1972)**

By the time the United Nations Conference on Human Environment was held in Stockholm in June 1972, the attention of the global public had been drawn to the possible un sustainability of the western oriented liberal economy by such publications as *Silent Spring* (Rachel Carson, 1962), *This Endangered Planet* (Richard Falk, 1971), *The Tragedy of the Commons* (Garret Hardin, 1968), *Exploring New Ethics for Survival*, (1972) and *The Limits to Growth* (The Club of Rome, 1972).<sup>101</sup> Among the achievements of the Stockholm Conference include the centralization of the environmental agenda in the international

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<sup>101</sup> André Aranha Corrêa do Lago, "From Stockholm to Johannesburg: The Evolution of the International Environmental Agenda," (Brassilia: Funag, 2005), 28.

multilateral debate and the creation of the United Nations Environmental Programme (UNEP). After the Conference, the United Nations organized several thematic Conferences, all inspired by the success of the Stockholm Conference. Such Conferences include the Conference on Population (Bucharest, 1974), Women (Mexico 1975 and Beijing, 1995) and Habitat (1976). The Conference is also said to have motivated the widespread participation of NGOs and Civil Society in environmental matters.<sup>102</sup>

### **3.1.2. The Brudtland Commission on Environment and Sustainable Development**

The Commission was created by the United Nations General Assembly through Resolution 38/161. It was headed by the ex-Prime Minister of Norway Gro Bruntland and hence the name. The Commission noted that economic growth is important so as to bring prosperity to the developing world. However, the Commission noted that human kind had a responsibility to ensure that economic growth took place in a manner that considers the need of future generations. Hence, the Commission proposed that countries embrace the concept of ‘Sustainable Development’ and went ahead to define the term as a development paradigm based on the understanding that the earth’s natural resources are exhaustible and should be utilized sparingly so as to cater for the current and future generations.<sup>103</sup>

The Commission proposed the establishment of a fund to address environmental issues only. The model suggested by this Commission would be restructured and incorporated into the UNFCCC in 1992 to create the Global Environmental Facility (GEF).<sup>104</sup>

### **3.1.3. The United Nations Conference on Environment and Development (UNCED, 1992)**

The Conference was approved through Resolution 44/228 of the United Nations General Assembly in 1989. It is said to have revived the aspirations of the Global South on Environment and Sustainable Development at a time when the primacy of the environment had consistently been hushed by countries in the Global North.<sup>105</sup> In 1988, the UNEP and the World Meteorological Organization, WMO supported by the studies of the Intergovernmental Panel on Climate Change, IPCC, had started holding meetings of restricted groups to draft a

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<sup>102</sup> Ibid. 47.

<sup>103</sup> Anthony Giddens, *The Politics of Climate Change*. (Cambridge: Polity, 2009), 64.

<sup>104</sup> David Freestone, “The International Climate Change Legal and Institutional Framework: An Overview.” In *Legal Aspects of Carbon Trading* eds David Freestone and Charlotte Streck, (Oxford University Press, 2009), 38.

<sup>105</sup> Op Cit. André Aranha Corrêdo Lago, 60.

Convention proposal for Climate Change. In 1990, the work of the Intergovernmental Negotiating Committee for a Framework Convention was moved from the UNEP to the United Nations General Assembly.<sup>106</sup>

By 1992 when the UNCED conference was held, it had become clear that three divergent opinions on climate change had developed during the negotiations. Developing nations urged for more resources and technology transfer to enable them to develop sustainably. Some rich countries, like the European Community had already made progress towards reducing emissions and the targets of the proposed UNFCCC looked achievable to them. Finally, some rich countries, like the US and the oil producing countries opposed the main themes of the conference, pointing out that an economy devoid of fossil fuel combustion would demand excessive economic sacrifices from them.<sup>107</sup> In the end, the main document coming out of the UNCED, the United Nations Framework Convention on Climate Change (UNFCCC), in an attempt to accommodate divergent views, was so diluted that it did not mention that it did not give targeted cuts in emissions for specific countries. This controversy would emerge again in the negotiations for the Kyoto Protocol.<sup>108</sup>

The UNCED helped to clarify that the future of climate change negotiations would be a tough battle of negotiations between the global North and South. One such area of negotiation was in the creation of the Global Environment Facility (GEF). The fund was envisaged to finance the projects aimed at reducing the impacts of climate change. Considering that the finances were to come from developed countries (Under the “common but differentiated principle” of the Rio Declaration), G-7 countries established the fund without consulting with developing countries. This would allow the global North to define global environmental problems in their own terms. They would only invest in projects that furthered their interests and would dictate the limits of their responsibilities in assisting developing countries.<sup>109</sup>

Developed countries also influenced the decision to place the GEF under the World Bank system, an institution whose voting system is weighed, and not under the United Nations

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<sup>106</sup>Ibid.64.

<sup>107</sup> Ibid. 67.

<sup>108</sup> Ibid.

<sup>109</sup> Ibid. 70.



General Assembly, where developing countries wield greater influence.<sup>110</sup> By allowing all nations present in the Rio negotiations to veto, the UNCED created an undesirable precedence in climate change negotiations. Consensus building has since rewarded quite unambitious goals. Nevertheless, the UNCED is still considered one of the most successful UN Conferences. The legally binding UNFCCC was negotiated in the Conference. The Convention has received near-universal ratification. The Rio Declaration and the Agenda-21 Plan of Action were adopted in the Conference.<sup>111</sup>

#### **3.1.4. Johannesburg Summit on Sustainable Development (2002)**

This Summit was meant to examine the gains made in the decade after the Rio Conference. Coming so soon after the September 11<sup>th</sup> attack, the Summit could not gather the clout like that achieved by the UNCED in Rio ten years earlier. The fallout between the United States and the European Union in Kyoto in 1997 further dimmed the prospect of having a strong outcome. Civil society groups expressed their concerns that globalization was reversing the gains that had been made in prioritizing the environmental debate in the international agenda. In the midst of all these conflicting concerns, it is the African Group that pointed the way forward for the Summit: paying attention to matters related to the eradication of extreme poverty. The African Group produced a document advocating for greater Overseas Development Aid (ODA) and allowing for the access of African goods in the markets of developed countries. The document produced would be referred to as the New Partnership for African Development, NEPAD.

Rich countries supported the focus on extreme poverty as suggested by the African Group for three reasons. First, the debate neutralized the extreme attention on carbon emissions as the leading source of climate change as had been so eloquently advanced in Rio. Secondly, the developed countries wanted to grab on the opportunity to remind the world that extreme poverty is also associated with pollution, for example in the burning of vegetation and in deforestation. Third, the developed world hitch-hiked on the debate on extreme poverty to appease to the resentment of civil society groups who argued that the growing phenomenon of globalization was adding to extreme poverty in the world.

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<sup>110</sup> Ibid. 71.

<sup>111</sup> Ibid. 78

While the NEPAD proposal was accepted in the Summit, any strong focus on environmental matters was muted. The proposal by the African Group ended up being diluted by similar concerns by the Small Island Developing States (SIDS) and the Caribbean Group.

### **3.1.5 The United Nations Conference on Sustainable Development (UNCSD, 2012)**

Like a number of other international meetings on sustainable development, the UNCSD (2012) was received with far less enthusiasm compared to the UNCED (1992). Studies argue that its two main themes – The green economy and the Institutional Framework for Sustainable Development – should have elicited anticipation for a “constitutional moment”. Instead, the idea of the green economy was received with contempt and suspicion.<sup>112</sup>

Countries in the Global North protested that the concept was in contradiction to principle 12 of the Rio Declaration. According to the principle, free trade and liberal markets were meant to coexist with the goal of environmental protection. For countries in the Global South, the concept ignited fears that the environmental dimension of sustainable development would overshadow the social dimension.<sup>113</sup>

UNCSD 2012 provides a clear example of the decline of global multilateralism. To prevent the collapse of the talks, the host, Brazil was compelled to employ ‘rescue multilateral diplomacy’ by expending vast diplomatic capital to create consensus. At the end of it all, the final document consisted of very few items where parties were in agreement and postponed many decisions to consequent follow-up processes.<sup>114</sup>

Nevertheless, the UNCSD achieved three notable accomplishments. First, it proposed the reform of the UNEP to include an improved funding structure and improve the science-policy interface. Secondly, a decision was made to endorse a set of sustainable development goals (SDGs) and third a High Level Political Forum (HLPF) was created to replace the Commission on Sustainable Development.<sup>115</sup>

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<sup>112</sup>Steven Bernstein, “Rio +20: Sustainable Development in a Time of Multilateral Decline.” *Global Environmental Politics*, 13, no. 4 (2013).

<sup>113</sup>Ibid

<sup>114</sup> Ibid.

<sup>115</sup> Ibid.

### **3.1.6. WMO & UNEP Conferences on Climate Change (1979 and 1988)**

In 1979, an attempt by the World Meteorological Organization (WMO) and the UNEP to conduct a conference on climate change did not attract policy makers and the conference is thought to have failed. Another conference organized in 1985 was better attended, though US government officials in attendance did so without any specific instructions. The conference noted that significant climate change was highly probable and urged states to consider a convention on climate change.<sup>116</sup>

In 1988, Canada hosted an international conference where the scientific community urged states to cut carbon emissions by 20% by 2005. The need for a comprehensive framework convention on climate change was reiterated.<sup>117</sup> In the same year, the UN General Assembly called climate change a “common concern of mankind”. Netherlands hosted a summit in 1989 where “many” countries supported stabilization of emissions by 2000. In 1990, the WMO and UNEP co-hosted another conference and urged developed countries to establish emission targets and / or programmes or strategies. These preliminary conferences gave way to the UNCED in 1992 and the signing of the UNFCCC. The UNFCCC came to force in 1994 and annual COPs have been held since then.<sup>118</sup>

## **3.2. International Legal Framework on climate change**

In the section below, the United Nations Framework Convention on Climate Change, The Rio Declaration, The Kyoto Protocol and the Paris Agreement are discussed.

### **3.2.1 The United Nations Framework Convention on Climate Change (UNFCCC)**

The United Nations Framework Convention on Climate Change is the legally binding convention of the UN governing climate change negotiations. It came to force in 1994, having been opened for signatures at the United Nations Conference on Development (UNCED) in 1992 after it got ratified by fifty states.<sup>119</sup> This section will focus on the structure of the Convention.

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<sup>116</sup>Daniel Bodansky, “The History of the Global Climate Change Regime.” In *International Relations and Global Climate Change* eds Luterbacher, Urs. And Sprinz, Detlef, F. (Massachusetts: MIT Press, 2001).

<sup>117</sup> Ibid.

<sup>118</sup> Ibid,

<sup>119</sup> United Nations, *Framework Convention on Climate Change: Handbook*. (Bonn: Climate Change Secretariat, 2006), 20

Article 2 of the Convention seeks that states cooperate to stabilize GHG concentrations at a level that averts “dangerous anthropogenic interference with the climate system.” The meaning of the term “dangerous anthropogenic interference” has become an issue of intense legal, economic and political discussions since the Convention came to force with different scenarios based on the concentration of carbon dioxide in the atmosphere being projected.<sup>120</sup> Article 7.2 of the Convention establishes the Conference of the Parties (COP) as the supreme decision making organ of the convention. The COP meets annually unless the Parties decide otherwise. The COP has always held annual meetings since 1995. In 2001, the proceedings of COP 6 proceeded to an extra session held in Bonn.<sup>121</sup>

Among the responsibilities of the COP include examining whether parties are committed to the objective of the convention, emerging findings from science, actualization of policies based on agreed frameworks. The COP further creates awareness and communication between parties on actions taken by individual parties to combat climate change. It is also charged with the responsibility to raise funds and provide finance and other resources crucial to the accomplishment of the Convention’s objective.<sup>122</sup>

The COP usually elects a President of the COP by acclamation at the onset of the COP meeting. The role of the President is to coordinate the work of the COP and promote harmony among Parties. According to the rules of procedure the President remains under the authority of the COP and he or she remains impartial and does not exercise the rights of the representative of a Party. The President is usually the environment minister of his or her home country.<sup>123</sup> According to the rules guiding the operations of the COP, there is usually a bureau responsible for the day to day activities related to the COP. The bureau is made of eleven officials who include the President of the COP, seven Vice Presidents, respective chair persons of the two subsidiary committees and a Rapporteur. Each of the five UN regional groups nominates two members and one post is reserved for a representative of the Small

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<sup>120</sup>Michael Oppenheimer and Peterson, A., *Article 2 of the UNFCCC: Historical Origins, Recent Interpretations*. (Princeton: Princeton University, 2004).

<sup>121</sup>United Nations, *Framework Convention on Climate Change: Handbook*, 30

<sup>122</sup> Ibid, 20

<sup>123</sup>Ibid, 29

Island Developing States (SIDS). The Rapporteur is responsible for preparing the report of the session.<sup>124</sup>

The Convention establishes two permanent subsidiary bodies (SBs), namely the Subsidiary Body for Scientific and Technological Advice (SBSTA) and the Subsidiary Body for Implementation (SBI). The main role of these bodies is to advise the COP on the technical scientific matters touching on the implementation of the Convention. These bodies are normally staffed with technical specialists, not political negotiators.<sup>125</sup>

The Convention establishes a secretariat whose mandate is laid down in article 8 so as to service the COP, the SBs, and other COP bodies. Specifically, the secretariat is mandated to provide logistics to facilitate sessions of the Convention bodies. The secretariat further facilitates Parties to operationalize agreements by the convention. It lends support to countries in the north to actualize their commitments; facilitates them to attend and engage in the negotiations; and to liaise with other relevant international bodies, such as the Global Environment Facility and its implementing agencies (United Nations Development Programme (UNDP), United Nations Environment Programme (UNEP) and the World Bank), the IPCC.

The secretariat acts as an institution of the United Nations and therefore conducts its activities in the framework of the UN rules and regulations. The person in charge of the secretariat is the Executive Secretary, who is appointed by the Secretary-General of the United Nations in consultation with the COP through its Bureau. In the UN hierarchy of administration, the Executive Secretary to the COP Bureau is equivalent to an Assistant-Secretary-General. Accordingly, the Executive Secretary reports to the Secretary-General through the Under-Secretary-General heading the Department of Management on administrative and financial matters, and through the Under-Secretary-General heading the Department for Economic and Social Affairs on other matters. The secretariat is accountable, through the Executive Secretary, to the Conference of Parties.<sup>126</sup>

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<sup>124</sup>Ibid, 33

<sup>125</sup>Ibid, 35.

<sup>126</sup>Ibid, 20.

States and regional economic integration organizations may become Parties to the Convention. Parties become enlisted to the convention through ratification, approval and acceptance; terms that may have technical differences but which make the convention to be legally binding to the party. States and regional economic integration organizations may also accede to the Convention. Legally, accession is considered to have the same weight as ratification, acceptance or approval but contrary to the procedure of ratification, which requires that a signature precede it first, accession entails only one step, namely, the deposit of the legal mechanism of accession to the UN depository. The Convention has been open for accession since the day after the Convention was closed for signing, which was 19 June 1993. Signing alone does not make a party bind the signatory to the treaty, but requires the party not to take part in actions that would counter the intended objectives of the treaty. Legal liability ensues, only after ratification, acceptance or approval. Reservations to the convention are restricted under article 24.<sup>127</sup>

By 2015 197 parties had acceded to the UNFCCC, including the European Union, UN-Non-member Niue, UN Observer-status-state of Palestine, Cook Islands, and the Holy See. The Parties are listed in Annexes I and II of the Convention. There are 41 Annex I countries which are mainly developed countries and Economies in Transition. (EITs). The 17 EITs are the former centrally-planned Soviet economies of Russia and Eastern Europe which are transiting to the market economy. Annex II exclusively consists of developed-country Parties who are also required to provide financial and technical support to the EITs and developing countries to cater for mitigation and adaptation needs. Countries not listed in Annex I are mainly developing countries and Least Developing Countries. Non-Annex 1 countries may volunteer to become Annex I countries when they have attained sufficient economic development.<sup>49</sup> Parties who are listed as Least Developed Countries (LDC's) are granted special status in view of their limited ability to respond to climate change.<sup>128</sup>

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<sup>127</sup>Ibid, 46

<sup>128</sup>Ibid, 72

### 3.2.2. Rio Declaration

The Rio Declaration on Environment and Development was adopted during the UN Conference on Environment and Development in 1992. It has the normative principles that guide climate change negotiations since then. The declaration consists of 27 Principles which came as a result of vigorous negotiation between state parties ahead and during the conference.<sup>129</sup>

Principle 1 provides that human beings are central to sustainable development. Principle 2 assures states of their sovereignty to follow their own environmental and developmental goals in spite of the increasing multilateralism in climate change debate. Principle 7 is most commonly known as the principle of common but differentiated responsibilities. As amplified in the negotiations for the Kyoto Protocol, the principle says that developing countries have a responsibility to develop in a sustainable manner while developed countries have a responsibility to mitigate the effects of climate change.<sup>130</sup> The Precautionary Principle (Principle 15) says that technology should be put on hold if it is proven to be harmful to human beings and the biosphere. Rio Declaration also provides for the Polluter pays principle.<sup>131</sup>

### 3.2.3. Kyoto Protocol

IPCC's second assessment report was released in July 1996 at COP-2 in Geneva. The report endorsed Legally Binding Quantified Reduction and Limitation Objectives (QERLOS) for the first time and the EU and US indicated that they would go it alone without a consensus should the OPEC countries continue opposing the Protocol.<sup>132</sup> Negotiations for the protocol for legally binding emission cut targets were conducted in Kyoto, Japan during COP-3 meeting. The protocol was to come to force after 55 of more developed countries accounting for 55% of global emissions signed up to the protocol. The threshold was achieved in 2004 when Russia signed. The US, under the influence of the industrial lobby refused to sign arguing that the protocol gave a competitive advantage to big developing countries such as

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<sup>129</sup>Op. Cit. Anthony Giddens, *The Politics of Climate Change*, 60

<sup>130</sup>Ibid.

<sup>131</sup>Ibid

<sup>132</sup>Bodansky, "The History of the Global Climate Change Regime."

India, China and Brazil which were not required by the protocol to commit themselves to emission targets.<sup>133</sup>

The main hallmark of Kyoto protocol is the hybrid format where the US-backed “Flexible Mechanisms” were considered to be supplemental to reductions through domestic action.<sup>134</sup>The flexible mechanisms refer to emissions trading systems, mainly; the Clean Development Mechanism (CDM) and Joint Implementation.<sup>135</sup>

### **3.2.3.1. Clean Development Mechanism (CDM)**

The clean Development Mechanism is a market-based carbon reduction mechanism. It was created through article 12 of the Kyoto Protocol. It aims at reducing the global cost of GHG mitigation by opening up the markets for those countries with legally binding emission reduction targets (Annex 1 countries) to meet their targets by trading with non-industrialized countries (non-annex 1 countries). Non-Annex countries benefit from CDM as a source of revenue in form of domestic and foreign investment to enable their industries to adopt to a green development model.<sup>136</sup> The trade in carbon credits has been clouded with uncertainty as developing countries question the effectiveness of the mechanism in reducing carbon emissions.<sup>137</sup>

The UNEP has estimated the percentage of CDM projects invested in Africa to be 2.7% of the global total indicating how much insignificant Africa is in the global trade in carbon, despite being hardest hit by the consequences of climate change. Projects invested in Africa under the CDM include improved cooking stoves, energy efficient commercial lighting, solar lighting, solar water heating projects, hydro, wind, geothermal and tidal energy generation projects and water purification<sup>138</sup>.

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<sup>133</sup>Anthony Giddens, *The Politics of Climate Change*, 100

<sup>134</sup>Ibid.

<sup>135</sup>Ibid.

<sup>136</sup> Africa Carbon Asset Development, “Carbon Markets and Africa: A Quick Fact Sheet for Journalists.” (Nairobi: UNEP, 2014).

<sup>137</sup>Lauraine Dongo, “Negotiating Africa’s Interests on Climate Change: The African Group of Negotiators,” accessed September 29, 2016 <https://climate-exchange.org/2014/03/13/negotiating-africas-interests-on-climate-change-the-african-group-of-negotiators/>

<sup>138</sup>Op. Cit. Africa Carbon Asset Development



The CDM has been criticised for being supportive of projects in large developing countries such as India, Brazil and China. The benefits accruing from CDM projects are not equitably distributed among nations with Least Developing Countries (LDCs), most of which are in Africa, being left out.<sup>139</sup> Dongo, L. (2014) has argued that the negotiation position that Africa should adopt is to accept legally binding carbon emission targets and then advocate for more ambitious targets for industrialized countries.<sup>140</sup>

### **3.2.3.2 Joint Implementation (JI)**

Joint Implementation (JI) is similar to the Clean Development Mechanism in its operation as it is used by developed countries to buy carbon credits so as to mitigate their GHG emissions. The only difference is that in JI, credits are traded between two developing country parties, unlike in CDM, where projects are implemented in developing country parties.<sup>141</sup>

### **3.2.4. The Paris Agreement on climate change, 2015**

The Paris Agreement on climate change was the output document during the 21<sup>st</sup> conference of parties (COP-21). Opinion is divided on the import of the Agreement, with the optimists hailing the fact that the document represents a shift on world leaders towards consensus that fossil-fuel powered development is unsustainable due to the resulting climate change.<sup>142</sup> On the other hand, some critics say that the Agreement lacked in ambition.<sup>143</sup>

The agreement creates three different review processes for the post-2015 epoch. First, nations will give a review of implementation of individual Nationally Determined Contributions (NDCs). Secondly, a global stock take will be conducted every five years with the first one preceded by a migration-focused facilitative dialogue in 2018. Third, the agreement creates an expert-based committee that is non-adversarial and non-punitive to promote compliance and facilitate implementation.<sup>144</sup>

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<sup>139</sup>Op. Cit. Anthony Giddens,

<sup>140</sup>Op. Cit. Lauraine Dongo

<sup>141</sup>Op. Cit. Africa Carbon Asset Development

<sup>142</sup> Achim Steiner and Christiana Figueres, "Fast-Tracking Climate Change Action." accessed August 15, 2016 <http://www.project-syndicate.org/commentary/focus-on-reducing-short-lived-climate-pollutants>

<sup>143</sup> Maxim Shrestha, *COP-21 and the Paris Agreement: Achievement or Half Measure?* (Singapore: RSIS, 2016).

<sup>144</sup>Harrovan Asselt, "Maximizing the Potential of the Paris Agreement: Effective Review in a Hybrid Regime." (Stockholm: Stockholm Environment Institute, 2016).

Nevertheless, the agreement has been criticized over its un-ambitious targets in carbon cuts. Scientists project that a rise of 2.7<sup>0</sup>C to 3.0<sup>0</sup>C in average global temperatures is still expected if all the NDCs for all countries in the world pledged under the Agreement were to be considered. This is far above the 2.0<sup>0</sup>C threshold that scientists predict is the point beyond which catastrophic climate impact will become irreversible.<sup>145</sup>

Secondly, the Agreement post-pones important aspects such as who should fund for the effects of climate change and the criteria to be followed to allocate the money to the beneficiaries. Third, the agreement is not legally binding. In addition, the commitments under the Paris Agreement do not become effective until 2020, a time when scientists think that the targeted 2.0<sup>0</sup>C will not suffice to stop the irreversible effects of climate change.<sup>146</sup>

### **3.3 International Institutions dealing with climate change.**

There are many institutions in the UN system dealing with climate change. In this section, only the Intergovernmental Panel on Climate Change, IPCC, the African Ministerial Conference on the Environment, AMCEN, Committee of African Heads of State and Government on Climate Change (CAHOSCC) and the Africa Group of Negotiators (AGN) are discussed.

#### **3.3.1 Intergovernmental Panel on Climate Change, IPCC.**

The Intergovernmental Panel on Climate Change (IPCC) was set up in 1988 through a partnership between UNEP and WMO with the mandate to prepare scientific assessments on all aspects of climate change so as to enable the international community to formulate a credible response. The IPCC does this by releasing Assessment reports which extensively detail the extent to which climate change has impacted on the planet. The first report by the IPCC in 1990 highlighted the seriousness of the problem of climate change and was instrumental in the conception of the UNFCCC. The second IPCC assessment report was released in 1995 and played a role in the adoption of the Kyoto Protocol in 1997. The IPCC released its third and fourth assessment reports in 2001 and 2007 respectively. The fifth Assessment Report has been released in four parts between September 2013 and November 2016. The sixth Assessment Report is expected before 2022, in time for the global stock-take

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<sup>145</sup>Maxim Shrestha, *COP-21 and the Paris Agreement: Achievement or Half Measure?* (Singapore: RSIS, 2016).

<sup>146</sup> Ibid.

by countries, as scheduled in the 2015 Paris Agreement. The IPCC won a Nobel Peace Prize in 2007.<sup>147</sup>

### **3.3.2 African Ministerial Conference on the Environment, AMCEN**

The African Ministerial Conference on the Environment (AMCEN) was established in December 1985 and is interested in the implementation of environmental conventions established in the framework of the United Nations Conference on Environment and Development, such as the Convention on Biological Diversity and its Cartagena Protocol on Biosafety, the United Nations Convention to Combat Desertification and the United Nations Framework Convention on Climate Change and its Kyoto Protocol.<sup>148</sup> The Conference is the highest organ of AMCEN and consists of African ministers responsible for the environment. The Conference meets after every two years and has appointed a Bureau to act on its behalf in between the meetings. The UNEP Regional Office for Africa serves as the secretariat to AMCEN.<sup>149</sup>

### **3.3.3 Committee of African Heads of State and Government on Climate Change (CAHOSCC)**

The Committee of the African Heads of States and Governments on Climate Change, CAHOSCC was established in 2009 by the AU Assembly of Heads of State and Government with a mandate to ensure that Africa speaks with one voice in global climate change negotiations. Since 2014, the priorities of CAHOSCC are guided by the Malabo High Level Framework Work Programme on Climate Change Action in Africa (WPCAA). CAHOSCC has been active supporting AMCEN and AGN in climate change negotiations since 2009 in COP- 15 (Copenhagen); COP-16 (Cancun); COP-17 (Durban); COP-18 (Doha); COP-19 (Warsaw); COP-20 (Lima) and COP 21 (Paris).<sup>150</sup>

### **3.3.4 African Group of Negotiators (AGN)**

The African Group of Negotiators is a semi-formal alliance consisting of climate change negotiators from all African countries. AGN consists of all African member States' senior officials, experts and negotiators in the UNFCCC negotiations and benefits from the political

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<sup>147</sup> IPCC, "About Us," accessed September 10, 2016, [http://www.ipcc.ch/organization/organization\\_history.shtml](http://www.ipcc.ch/organization/organization_history.shtml).

<sup>148</sup> UNEP, "AMCEN at a Glance," accessed September 20, 2016, [http://www.unep.org/roa/Amcen/About\\_AMCEN/default.asp](http://www.unep.org/roa/Amcen/About_AMCEN/default.asp).

<sup>149</sup> Ibid.

<sup>150</sup> African Union, "African Climate Solutions in the New Climate Change Agreement," (Paris:COP 21, 2015).

oversight of the African Ministerial Conference on the environment (AMCEN) and the Committee of African Heads of States and Government on Climate Change (CAHOSCC). The Group also receives technical and financial support from various agencies including the African Climate Policy Centre (ACPC), Climate for Development in Africa (Clim-Dev Africa), and the African Development Bank (AfDB).<sup>151</sup>

The influence of the African Group of Negotiators (AGN) has steadily increased from the pre-1989 days when African country negotiators would attend environment negotiations without any clear guidelines from home. In 1989, the Organization of Africa Unity (OAU) adopted Africa's common position on environment and development. (Common Position). The Common Position emphasized the interrelatedness of environmental issues and poverty eradication. Similarly, the AU reached a common position on climate change in 2009, following the formation of the African Ministerial Conference on the Environment (AMCEN).<sup>152</sup> While the AGN still ranks poorly in global climate change negotiations when compared to other negotiation groups at climate change negotiations, deliberate efforts have been taken to increase its capacity in terms of agenda-setting, prominent brokering, advocating dynamic and ambitious positions and improving its bargaining strategies. Such efforts include rigorous training ahead of COPs, improving the matrix skills possessed by the negotiators in the Group, as well as improving the financial outlay of the Group.<sup>153</sup>

### **3.4 Conclusion**

This chapter sought to evaluate existing international and regional institutional and legal frameworks for climate change negotiation so as to contextualize the negotiations and the outcomes. The chapter has focused on a number of climate change / sustainable development conferences through which the climate change international regime has evolved. The conferences in focus include the 1972 United Nations Conference on Human Environment which led to the formation of the UNEP, the World Commission on Environment and Development, the 1992 United Nations Conference on Environment and Development (UNCED) from which the UNFCCC was negotiated, The Johannesburg Summit on

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<sup>151</sup>Op. Cit. Lauraine Dongo

<sup>152</sup>Anesu Makina, "Managing Climate Change: The African Group in Multilateral Environmental Negotiations." *Journal of International Organization Studies*, 4, (2012):36-48

<sup>153</sup>Op. Cit. Lauraine Dongo

Sustainable Development (2002), the 2012 United Nations Conference on Sustainable Development (UNCSD) and the WMO/UNEP Conferences on climate change in 1979/1988. The climate change legislation that has been discussed in the chapter includes the UNFCCC, Kyoto Protocol, and the Kyoto Protocol. While noting the importance of the conferences and the legislation to enhance cooperation on climate change, it has been observed that realist political considerations by states play out despite the regimes where states only commit to regimes that guarantee them an increase in their relative power. For this reason, climate change negotiations have tended to settle on the minimum of ambitions so as to accommodate the aspirations of all states. Powerful states like the United States have been observed to undermine the legislations or the conferences whose objectives upset the states' dominance. This can be said of the determination by the US to render the UNEP / WMO Conferences of 1979 and 1988 on climate change to appear muted. The US also attempted to sway the implementation of Kyoto Protocol, even after refusing to ratify it. However, international legal and institutional framework for negotiating climate change provides space and equal opportunities for states and agencies to participate and represent their interests. Even weaker actors can wield influence in climate change negotiations. Developing nations were the force that sustained the Kyoto protocol and managed to garner support from the European union. The hypothesis '*Effective international institutional and legal frameworks on climate change provide strong basis for negotiations.*' has been proved.

## CHAPTER FOUR

### THE AGENCY OF AFRICAN STATES IN CLIMATE CHANGE NEGOTIATIONS

#### 4.0 Introduction

This chapter seeks to assess the agency of African states in climate change negotiations. Agency refers to the capacity of an actor to participate in negotiations and inform decisions within established norms. In global climate change negotiations, agency refers to the capacity of an actor to influence the outcome of negotiations as well as the strategies employed to achieve that objective. The aspects of Africa's agency that are analyzed in the chapter include: Africa's contribution to negotiation outcomes and norms; A case study of positive contribution, role and influence by African negotiators; African personalities who have significantly influenced the global climate change regime; Strategies employed by African states in climate change negotiations; and the challenges faced by African countries in climate change negotiations.

#### 4.1 Africa's contribution to global climate change negotiations

This section focuses on instances when Africa's negotiation strategies have been successful in influencing the outcomes and the norms at the global climate change negotiations.

##### 4.1.1 Contribution to negotiation outcomes

Africa has made a substantial contribution to the outcomes of the UNFCCC climate change negotiations, either as a separate bloc or within the G-77 & China Group. For example, during COP-7 in Marakesh, Morocco, Africa advocated for a more ambitious agreement and the COP agreed to a set of agreements and decisions that led to the signing of the Kyoto Protocol. Secondly, through Africa's advocacy, the Nairobi Work Programme on the Development and Dissemination of Information that would support adaptation policies was adapted.<sup>154</sup>

Africa is also credited for having influenced the negotiation that led to the evolution and transition from REDD to REDD+ where REDD+ shifts the focus of legislation from deforestation to cover degradation, conservation and sustainable management of forests. Further, Africa through the Durban Platform negotiated for the strengthening of the pre-2020

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<sup>154</sup>Clim-Dev, "Africa's Journey in the Global Climate Negotiations: A Synthesis Report for Policy Makers," (Addis Ababa: Clim-DevAfrica, 2015).

targets for Annex 1 countries and heavily influenced the outcome of the post-2020 agreement i.e. the Paris Agreement of 2015. Africa also contributed in defining the global goal on adaptation and has successfully advocated for additional, predictable, transparent and sustainable climate change financing.<sup>155</sup>

#### **4.1.2 Contribution to negotiation norms**

Lohman, L(2001) says that one of the reasons why countries in the global south do not make much impact in global negotiations is because the accepted negotiation norms at the talks tend to be friendly to countries in the global north than those in the global south. He cites the concept of “incrementally building on agreements” as being contradictory to the norms practiced in the global south. In climate change negotiations, this is evidenced by the widespread mistrust in the global south of market-based mechanisms to control climate change. Many countries in the global south, despite their resistance to adopt them at home have greater faith in carbon- emission cut targets. <sup>156</sup>

Nevertheless, there is recognition for the contribution of the global south towards shaping the negotiation norms in various UN forums. One such contribution is the adoption of the Zulu “*Indaba*” consensus building strategy. The concept involves bringing participants with divergent views together and encouraging them to work in the spirit of the common good. Parties raise their positions in the hearing of their opponents. A small group of representatives from all parties having listened to all opinions then gather together to create a compromise position that is acceptable to all parties.<sup>157</sup>

The *Indaba* strategy was first employed in climate change negotiations in the 2011 ministerial meeting in Durban, South Africa. When the talks reached a deadlock, the South African Presidency asked the negotiators to form a standing circle and speak directly to each other. Instead of repeating stated positions, each party is encouraged to speak in the hearing of the rest and state their “red lines”, which are the thresholds that they do not want to cross.

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<sup>155</sup>Ibid.

<sup>156</sup>Larry Lohman, *Democracy or Carbocracy? Intellectual Corruption and the Future of Climate Debate*. (London: The Corner House, 2001), 24.

<sup>157</sup>UNFCCC, “Report of the Conference of the Parties on its Seventeenth session, held in Durban from 28 November to 11 December 2011,”(2012), 11.

They are then challenged to provide solutions that can lead to a compromise.<sup>158</sup> At the end of the COP, the Durban Platform for Enhanced Action became the first legally binding agreement among nations where all countries, both developed and developing, are bound to a ten year process to GHG reductions. The success of the *Indaba* strategy may be seen by considering that the US, India and China all signed the agreement and thus created the way for the 2015 climate change agreement. Significantly, the US observed that the Durban Platform for Enhanced Action provided the “symmetry” that the US had been looking for.<sup>159</sup> During the negotiation for the Paris 2015 Climate Change Agreement, COP-21 Conference President, French Foreign Minister Laurent Fabius resorted to the use of *Indabas* across the Conference. The *Indaba* of 10<sup>th</sup> December 2015 is better known and is attributed for having crafted the breakthrough that led to the historic agreement signed by 195 country participants. Fabius called it “The *Indaba* of Solutions”, asking country negotiators to avoid giving general statements during the *Indaba* and to remain focused on the sticky issues in the draft: ambition, differentiation and climate finance. When one country negotiator wanted to speak, they only had to pop up their country name plate. Negotiators would comment about given paragraphs of the draft agreement document and even suggest the wording, or express reservations to certain sections of the document. Some negotiators spoke in their own languages and had their speeches translated to all other participants. When faced with gridlocks, Fabius asked countries to go in a separate room and talk through the issues among themselves. He assigned “facilitators” to report back to the *Indaba* after 30 to 45 minutes.<sup>160</sup>

#### **4.2 Contribution to global climate change regime by African scholars**

In this section, the works of three eminent African scientists who have significantly contributed to the current legislation on climate change is evaluated. The three scientists are Prof. G.O.P. Obasi, former Secretary General for the World Meteorological Organization (WMO); Dr. Mustafa Tolba, former Executive Director for UNEP and the 2004 Nobel Peace Laureate Prof. Wangari Maathai.

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<sup>158</sup> AskathRathi, “Words and Deeds: This Simple Negotiation Tactic Brought 195 Countries to Consensus, Quartz,” accessed August 28, 2016 <http://www.qz.com>

<sup>159</sup> Jonathan Shopley, “Durban’s Indaba delivers a deal that might just work,” accessed August 20, 2016 <http://www.carbonneutral.com>

<sup>160</sup> Pauline Ranada, “COP-21: A Peek inside ‘Indaba’ meetings of Paris Climate Talks,” accessed August 28, 2016, <http://www.rappler.com>



The Intergovernmental Panel on climate change (IPCC) is the most authoritative scientific body informing decisions and activities of the UNFCCC. The IPCC was formed in 1988 through a partnership between UNEP and WMO. The partnership became successful partly because of the work between two Africans, Prof. G.O.P. Obasi, former Secretary General for the World Meteorological Organization (WMO) and Dr. Mustafa Tolba, former Executive Director for UNEP.

As early as 1988 when the developed world was skeptical about anthropogenic GHG gases as being the cause of global warming, it took the foresight and initiative of Prof. Obasi and Dr. Mustafa to lead the world towards the discussion of climate change. The two organizations not only formed the IPCC but also hosted its first session. During the first session, Prof. Obasi challenged the scientists gathered to work swiftly but accurately to ensure that sections of the world that were still skeptical of the science behind climate change could get convinced. He urged them to be cooperative despite their diversity in outlook and academic qualifications.<sup>161</sup>

In the same session, Dr. Mustafa Tolba noted that the establishment of the IPCC was a global milestone for environmental cooperation for environmental protection. He urged the Panel to, as a first step, identify the agreed facts and projections, separate them from speculations and inform the world about what ought to be done. He also proposed that the structure of the IPCC should consist of three working groups to deal with scientific assessment, socio-economic impacts and policy responses.<sup>162</sup>

One other eminent African personality who championed the cause of climate change long before world leaders appreciated its gravity was Prof. Wangari Maathai, the ecologist, environmental and political activist and the Nobel Peace Laureate for 2004. Maathai was the leader of the Green Belt Movement, a grass root organization that focuses on planting trees and practicing primary environmental care to the land so that the land becomes sustainable to support the livelihoods of communities. She was one of the first leaders to recognize the sequestration roles of forests and fought to save Karura Forest in Nairobi from deforestation. Up to 2004, the Nobel Peace Prize had never been rewarded to individuals working in the

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<sup>161</sup> World Meteorological Organization, "Report of the first Session of the WMO/UNEP Intergovernmental Panel on Climate Change," (Geneva: Author, 1988).

<sup>162</sup> Ibid.

Environment sector, with the committee opting for persons and organizations involved in active combat situations or in Human Rights. Through Maathai's work, the Nobel Prize committee established the link between Sustainable Development, Equity, Peace and Governance.<sup>163</sup>

Maathai's activism was important in pointing the importance of forests towards carbon sequestration from the atmosphere. While her attempt to have the role of forests in carbon sequestration being recognized in the Kyoto Protocol was unsuccessful, her advocacy may have contributed to the REDD and the REDD+ regimes. Shortly after the G-20 meeting for 2009, Maathai is reported to have said that up to 20% of green house gases come from deforestation and forest degradation. She challenged the world community to recognize the sustainable management of forest resources part of the UNFCCC process solutions. As the goodwill ambassador for the Congo forest, Maathai urged governments around the world to make legislation that would support the existence of Congo forest, Amazon forest and forests in South East Asia.<sup>164</sup>

#### **4.2.1 Case study of positive contribution and role by African Negotiators**

One of the most widely studied instances of Africa's success in global negotiations is the negotiation for the Cartagena Protocol on Biosafety which came to force in September 2003.<sup>165</sup> The Protocol aimed at controlling unregulated genetic engineering on Biodiversity. Controlling unregulated genetic engineering on Biodiversity was opposed by countries like the United States whose interests in the Biotechnology industry would be curtailed. The African Group was led by Tewolde Berhan Gebre Egziabher, a leading scientist on Biodiversity affiliated with the Environmental Protection Authority of Ethiopia.<sup>166</sup>

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<sup>163</sup>WangariMaathai, "Unbowed: Nobel Peace Laureate WangariMaathai on Climate Change, War for Resources, The Green Belt Movement and More," *Democracy Now*, October 1, 2007, accessed September 20,2016, <http://www.democracynow.org/2007/10/1>

<sup>164</sup>WangariMaathai, "If US Moves forward on Climate Change, Rest of the World will follow," *Democracy Now*, September 25, 2009, accessed September 20, 2016<http://www.democracynow.org/2009/9/25>

<sup>165</sup>The Cartagena Protocol on Biosafety is a protocol to the Convention on Biological Diversity. While this Convention is not directly associated with climate change, the environmental themes of the two Conventions makes this case study relevant for the present study.

<sup>166</sup>TewodeBerhan, "The Cartagena Protocol on Biosafety: History, Content and Implementation from a Developing Country Perspective," In *Biosafety First*, edsTraviik, T. and Lim, L.C. (Trondheim: Tapir Academic Press, 2007).

Developed countries did not want the protocol on Biosafety to be negotiated in the first place. They rooted for reliance on the UNEP International Technical Guidelines for Safety in Biotechnology. These guidelines had been developed with a lot of input from developed countries particularly the Netherlands and the United Kingdom. In further opposition to the Protocol, the Miami Group attempted to push for the regulation of trade in Living Modified Organisms (LMOs) through the WTO talks in Seattle. The WTO talks collapsed, partly because of the lobbying of African states opposing unregulated trade in LMOs. Nevertheless, upon the insistence of developing countries, the Executive Director of the UNEP convened an Intergovernmental Committee to consider a protocol on Biosafety. This led to the Panel IV committee of the UNEP whose third conference in Buenos Aires voted to consider negotiations on the Biosafety protocol.<sup>167</sup>

During negotiations, three coalitions emerged namely the Miami Group comprising of the United States, Australia, Canada, Argentina, Uruguay and Chile; the Like-Minded Group of Developing Countries comprising of developing countries except Mexico, Argentina, Uruguay and Chile; and the Compromise Group comprising of Mexico, Switzerland, Norway and New Zealand. Other countries like those in the EU and those in central Europe negotiated in their traditional negotiating groups. Despite making a number of compromises, African countries largely influenced the Protocol especially on insisting that the Protocol be based on the Precautionary Principle. A number of factors have been forwarded to account for the success of the African Group in this round of negotiations.<sup>168</sup>

First, Africa's position was informed by credible research works by Egziabher among other Biodiversity experts. This earned Africa the support of the scientific community from other regions of the world who opposed the political stances adopted by their respective countries. For example, Prof. Elaine Ingham of Oregon State University who had researched on *Klasiellaplanticola* demonstrated how the normally useful bacterium had been rendered dangerous to plant life through genetic engineering. Her work may have influenced the scientific community and civil society to support the position of the African Group. The African position gained the support of NGOs such as the Third World Network, Greenpeace, the Community Nutrition Institute, AccionEcologica, and Friends of the Earth.<sup>169</sup>

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<sup>167</sup> Ibid.

<sup>168</sup> Ibid.

<sup>169</sup> Ibid.

The second factor that contributed to Africa's success in the negotiations is strong coalition building. The African Group not only won the support of the Like-Minded Developing countries negotiation group but also managed to set the agenda for that group. Later, the European Union supported the position of the African Group, especially on the Precautionary Principle.<sup>170</sup>

There is a tendency for special interest groups in a matter to influence the agenda of negotiations. As far as biodiversity is concerned, Africa is considered to be a special interest group considering that 75% of global diversity is in Africa. This may have contributed to Africa's success in negotiations. In climate change negotiations, Africa fails to gather such a clout, often only appearing as a victim and not a proactive contributor of solutions and policy positions. Groups that carry greater corresponding influence in climate change include the AOSIS (whose existence has been threatened by rising sea levels), Rainforest Group (due to the importance of rain forests as carbon sinks) and the BASIC Group (due to their loud opposition to cuts in carbon emissions). Anesu Makina(2013) raises a different factor that may explain why Africa can succeed in a matter like biodiversity and not in climate change. He says that climate change is a "high politics" issue such that developed countries expend greater capital in opposing the stand-points of developing countries while biodiversity is considered a relatively "low politics" issue.<sup>171</sup>

#### **4.3 Negotiation strategies adopted by African states in climate change negotiations**

Negotiation strategies can be categorized as either soft or hard. Hard strategies are conflictive and may be characterized by any of the following actions by a party: Threatening sanctions, trade restrictions, or walking out of negotiations; strong commitments not to give in; entering negotiations with a high opening demand; criticizing the other party; shaming tactics; creating defensive coalitions; delay of an agreement for example by seeking for more research on an issue; hiding the actual objectives of a delegation so as to reach a stronger negotiation position; or giving promises of concessions or aid in order to change the position of the other party.<sup>172</sup>

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<sup>170</sup>Ibid.

<sup>171</sup> Anesu Makina, "Managing Climate Change: The African Group in Multilateral Environmental Negotiations," *International Organization Studies*, 4, (2013): 36-48

<sup>172</sup>Stefanie Bailer, "Bargaining Resources and Strategies in Climate Change Negotiations," In *Workshop Negotiating Climate Change*.(Zurich: Centre for Comparative and International Studies, 2011).

Soft strategies are less conflictive and are characterized of the following actions: signaling flexibility; coalition statements; seeking partners for compromise; offering concessions on issues not included in the negotiation agenda in exchange for concessions on issues already raised in the agenda; making compromise proposals by inventing new offers; proposing new solutions in the common interest; and expressing understanding to the position of the other party whose interests are contrary to those of the party. While hard strategies are usually associated with developed countries, poor countries have also been known to resort to such strategies as withdrawal from negotiations, and delay tactics.<sup>173</sup>

An analysis of Africa's negotiation strategies at global climate change negotiations show that Africa has at different times resorted to both soft hard and soft negotiation tactics. Africa's strategies in global climate change talks are predominantly 'soft' strategies including coalition building and making compromises. It also borrows power from civil society actors. However, at certain times, the continent has been forced to resort to hard negotiation strategies like giving rigid threats and staging walk outs. African negotiators explained that Africa seeks to be the "conscience" of the world and to build important bridges between different players in global negotiations. Africa strives to balance principle and stance with pragmatism in order to expedite the emergence of dynamic and effective agreements. It does so while seeking to safeguard the interests of the continent through the principles of equity and common but differentiated responsibilities.<sup>174</sup>

To illustrate Africa's negotiation through coalition building, Africa's relations with the EU are highlighted here. After the collapse of the Copenhagen COP in 2009, the EU and Africa created a period of rapprochement where each sought to understand the interests of the other party and seek for a unified stand. This has led to the creation of the Joint Africa-EU Strategy (JAES). Under JAES, inter-ministerial meetings have been organized in preparation of multilateral negotiations so that EU and African institutions may share their positions and address their divergences ahead of the global meetings. Such meetings were held ahead of the Warsaw COP in 2013, and ahead of the Lima COP in 2014.<sup>175</sup>

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<sup>173</sup>Ibid.

<sup>174</sup>Op. Cit. Clim-Dev

<sup>175</sup>Fabien Tondel, Hanne Knaepen and Lesley-Anne van Wyk, "Africa and Europe Combating Climate Change: Towards a common agenda in 2015,"(Maastricht: European Centre for Development Policy Management, 2015).

Through the JAES, Africa benefited from the EU from capacity building of its actors on climate change including public institutions, civil society organizations (CSOs) and private actors in integrating adaptation and mitigation objectives and actions into their development strategies, building capacity for climate-related policy planning and formulating positions in the UNFCCC negotiations and mobilizing resources. This EU support has been offered through Clim-Dev Africa, a partnership of the United Nations Economic Commission for Africa (UNECA), the ACPC and the AfDB. Through the programme, Africa has gained experience particularly in agricultural adaptation.<sup>176</sup>

One other area where Africa has benefited from the Africa-EU cooperation is through the Great Green Wall for the Sahara and the Sahel Initiative (GGWSSI). This initiative originally aimed at establishing a 15-kilometer-wide strip of vegetation across the continent, from Senegal to Djibouti, but over time its objectives have broadened to encompass poverty reduction and food security. Overall, this partnership might have improved the communication among African and EU actors and the coherence among some of their joint actions related to climate change compared to a situation without the JAES.<sup>177</sup>

Africa also has a long history of forming coalitions with civil society organizations. More specifically, the Pan-African Climate Justice Alliance has been instrumental in ‘lending’ power to Africa in UNFCCC negotiations. The Pan-African Climate Justice Alliance (PACJA) is a continental coalition of Civil Society Organizations from diverse backgrounds in Africa with a membership of more than 500 organizations which campaign for pro-poor policies on climate change.<sup>178</sup>

Civil society groups were consulted during the process of drafting Africa’s common position in 2008. Since then, it has become a tradition for the continent’s negotiators and the leaders of civil society to hold meetings during COP negotiations in order to appraise one another on the status of the process and decide on what can be done in order to pressure for a meaningful outcome for Africa.<sup>179</sup> During COP 19 taking place in Warsaw, Poland, the interests of the

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<sup>176</sup>Ibid.

<sup>177</sup> Ibid.

<sup>178</sup>Pan-African Climate Justice Alliance, “Report of PACJA on the UNFCCC-COP 19 held in Warsaw Poland from 11<sup>th</sup> to 22<sup>nd</sup> November 2013,”(PACJA , 2013).

<sup>179</sup>Ibid

African Group and those of the civil society coincided because both parties were advocating for the fulfillment of climate finance pledges made in the previous COP at Cancun, Mexico. The parties noted that the US and Japan had not honoured their pledges on climate financing while the EU had only paid 18% of its commitment. In this COP, Africa allied with civil society organizations to stage a walk-out to protest the failure of the developed countries to keep their pledges on climate financing. Other civil society groups who coalesce with Africa to advocate for given positions include Greenpeace International, Oxfam, WWF, Action-Aid, the International Trade Union Confederation, Friends of the Earth Europe and 350.org.<sup>180</sup>

While Africa's stated position is to be the force that helps create bridges in climate change negotiations, the continent is at times forced to resort to hard negotiation tactics like making threats, using aggressive language and staging walk-outs. In August 2009 during the preparation for COP-15 in Copenhagen, the AU in a draft resolution called for the rich countries to pay \$67 billion annually to counter the impact of global warming in Africa. The chairman of the AU commission, Jean Ping is quoted to have said "This is the time for Africa to aggressively engage to ensure that climate change is effectively addressed." This threat was later tempered down by the head of the African delegation at Copenhagen, Ethiopian Prime Minister Meles Zenawi. He was deliberately vague in his remarks and set no specific compensation amounts, only urging for ambitious targets from rich countries.<sup>181</sup>

African negotiators have also severally been forced to walk out of negotiations so as to push for their interests. During the preparations for the Copenhagen COP 15 in 2009, the African Group walked out of the Barcelona-round of negotiations because their demand of a 40% reduction of Green House Gasses (GHG) by developed countries was not met. A deal to get Africa back to the negotiations was brokered by the EU upon the commitment that more time will be allocated to discuss the Kyoto targets.<sup>182</sup>

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<sup>180</sup>Ibid.

<sup>181</sup>Jean-Christophe Hoste, "Where was United Africa in the Climate Change Negotiations?"(London: Royal Institute of International Relations, 2010).

<sup>182</sup>Ibid.

The EU and Africa were to differ sharply during the COP such that Africa staged another walk-out in COP-15, delaying negotiations for half a day. Africa protested that rich countries had planned to use the COP to kill the spirit of Kyoto.<sup>183</sup> As has been mentioned earlier, Africa joined efforts with civil society actors to stage a walkout in COP 19 in Warsaw Poland. Africa and the civil society protested Australia's stance in the talks claiming that the country did not take the talks with the seriousness that they deserved. Australia had not sent a Minister to the COP and its delegation was led by the ambassador to Poland, Justin Lee. The walk-out also protested the failure by developed countries to meet their climate finance pledges as had been pledged in Cancun, Mexico in the previous COP.<sup>184</sup>

#### **4.4 Challenges faced by African states in climate change negotiations**

##### **4.4.1. Small delegations**

Minang, P. (2009) says that one of the most serious handicaps for African states is that they send very small delegations to climate change negotiations. In climate change negotiations, the size of the delegation matters because several meetings are scheduled to take place concurrently and therefore an underfunded delegation is forced to miss some of the events whose deliberation would contribute to the overall position adopted in the event. At times, the venues are far apart from each other such that members in such an underfunded delegation rush over long distances to catch up with a meeting, arriving late or exhausted. Negotiators from such delegations may be unable to attend late night meetings due to exhaustion, yet crucial decisions may be made during such meetings. Typically, African delegations at COPs consist of one to four negotiators in a meeting compared to fifty for the US and ten for the EU.<sup>185</sup>

##### **4.4.2 Deficiency of strategic and technical assistance**

African countries fail in having their priorities addressed in COP meetings due to their weak agenda-setting capacities. In a workshop sponsored by the African Climate Policy Centre (ACPC) and Clim-Dev Africa in 2013 in Addis Ababa, Ethiopia for African Group of Negotiators, negotiators said that there was need for Africa to improve the 'backstopping'

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<sup>183</sup>John Vidal and Suzanne Goldenberg, "Copenhagen Talks Stall as African Bloc Accuses UN of Trying to Kill Kyoto," *The Guardian*. (London: The Guardian, 2009).

<sup>184</sup>John Vidal, "Poor Countries Walk Out of UN Climate Talks as Compensation Row Rumbles on," *The Guardian* London: *The Guardian*, (London: The Guardian 2013).

<sup>185</sup>Peter Minang, "Africa in Post-2012 Climate Change Negotiations: Some Policy Perspectives," *Pan-African Parliamentary Conference*, (Yaounde :2009).



services during negotiations. They also said that AGN should have a ‘chair-in-waiting’ and alternative lead coordinators so as to improve Africa’s participation during breakaway and late night meetings. The workshop was told that such capacity can be built through the African Union Assembly (AUA), African Development Bank (AfDB) and the African Climate Policy Centre (ACPC). Negotiators recommended that the three organizations should share the responsibilities of building such capacity in the continent by investing in the areas of their respective comparative advantages.<sup>186</sup>

Anesu Makina considered this deficiency of technical support for African negotiators. He found that delegations from developed countries are composed of delegates of different abilities including policymakers, academics, lawyers, business leaders and scientists such that the lead negotiator is always backed up with up-to-date information as negotiations proceed. This is not the case for African negotiators. African negotiators habitually negotiate from a point of isolation. At times, the negotiator is not in touch with policy makers at home and therefore decisions requiring the input of policy makers are left unchallenged. The negotiators lack proper technical information regarding the decisions being adopted at such events, making their efficiency at the meetings pretty weak.<sup>187</sup>

It has been observed that a negotiating group gets more productive when their position is based on credible research. African negotiators lack such research-based support and are therefore unable to make evidence-based contributions in COPs and during the proceedings of subsidiary bodies (SBs). Most research in Africa is funded by foreigners and foreign NGOs who may not be allowed by their organizational mandates to release all the data sets supporting particular research findings. Anesu Makina investigates the Gross Expenditure on Research and Development (GERD) for various regions in 2000 and finds Africa’s allocation at 0.6% compared to Europe (27.2%), Asia (30.5%) and North America (37.7%). The figure for Sub-Saharan Africa is found to 0.4%. In addition, research in Africa is impeded by lack of or slow internet facilities in the continent. Researchers in the continent are hardly get access to reliable government-held data and where the data is available, it is unreliable or may lack sufficient historical latitude.<sup>188</sup>

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<sup>186</sup>Op. Cit. Lauraine Dongo

<sup>187</sup>Anesu Makina, “Managing Climate Change: The African Group in Multilateral Environmental Negotiations,” *Journal of International Organization Studies*, no. 4, (2013): 36-48

<sup>188</sup> Ibid.

#### **4.4.3 Fragmentation of the African Group of Negotiators**

Possibly one of the most significant hindrances to the effectiveness of African negotiators at climate change negotiations is the fragmentation of the African Group based on the competing interests of individual countries vis-à-vis the collective continental position. The African Group coalesces with the G-77 & China coalition in climate change negotiations. This group consists of more than 130 developing countries. However, the interests of the countries are so diverse and the group struggles to project a strong common stand on issues. Within the G-77 & China Group are countries allied to some other coalitions having stronger influence at climate change negotiations such as the BASIC, AOSIS, OPEC and The Rainforest Coalition.<sup>189</sup>

For example, with regard to the CDM as adopted in the Kyoto Protocol, Sub-Saharan countries were opposed to the mechanism, arguing that their regional energy consumption was only 3%. The mechanism would however benefit industrialized developing countries like China and South Africa. The negotiation position coming out of the G-77 & China group was generalized so as to accommodate the aggregate sum of the views of all members. In the end, the CDM was adopted as part of the Kyoto Protocol, to the disadvantage of African countries. This minimalist approach in negotiations also contributes to the reactive rather than proactive stance that has been attributed to the African Group at the negotiations.<sup>190</sup>

#### **4.4.4 Language barrier**

One other impediment to effective negotiation by the African Group is the challenge of language barriers which rises from the colonial heritage of the continent. This researcher found out that negotiators from Francophone and Lusophone Africa are usually disadvantaged because unlike the plenary sessions which are translated into all the UN languages, small contact group meetings and late-night sessions are held in English. Delegates from such countries are forced to learn English so as to be able to participate in the negotiations<sup>191</sup>. One must observe the unevenness of negotiations conducted between parties where one of the parties barely understands the language of negotiation. Similar findings were made by Anesu Makina(2012) who made similar observations in COP-15.<sup>192</sup>

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<sup>189</sup> Ibid.

<sup>190</sup> Ibid.

<sup>191</sup> Interview conducted by the author with the representative of Gabon in the SBSTA meeting in Bonn, Germany in 2013.

<sup>192</sup> Op. Cit. Anesu Makina

#### **4.4.5 Difficulty in preparing for COP meetings**

It must be understood that that COP meetings only make decisions based on issues that have been raised in related events through out the year. It is important that Africa prioritizes participation in such run-up events; otherwise participation at COP will not yield optimal results. The 2013 workshop for African Group of Negotiators was told that Africa should convene additional contact meetings among negotiators during regional UNFCCC meetings which are financed by the secretariat. AGN should also call upon non-AGN members to such meetings so as to enrich the awareness of members on climate change and negotiation matters. Such members would come from the media, NGOs, professionals, consultants, young people and the private sector. The organizers of the workshop noted that the continent had a vast variability in terms of economic development, political stability, cultures, and exposure to climate change such that it was very difficult to organize such lead events as may be required before a COP meeting.<sup>193</sup>

#### **4.4.6 Inadequate financial resources**

The 2013 workshop was informed that the AGN are so poorly financed that African delegates in COP-19 were forced to cut short their participation at the conference due to limited funding. The conference learnt that the continent did not prioritize funding climate change negotiations because climate change was not perceived as being urgent. Dongo, L. (2014) attributed this problem to the fact that climate change was initially presented as an abstract problem; complex, confused and even contested science. The debate would take place in developed countries and Africa was always presented as a victim not a participant in the talks, a recipient not a formulator of policy. This socialized outlook on the part of Africa has ensured that Africa is reactive; not proactive in addressing climate change. The continent only acts to solve the repercussions of climate change such as drought and floods and ignored policy positions that could have prevented such repercussions in the first place.<sup>194</sup>

Due to lack of finances, African countries hardly hosted side events at COP meetings. Bailer, S. (2011) has explained the importance of hosting side events at COP and other UNFCCC meetings. He says that such events help in distinguishing a group in the negotiations. Side events also serve to build the capacity of negotiators, sharing information, introducing

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<sup>193</sup> Lauraine Dongo, "Negotiating Africa's Interests on Climate Change: The African Group of Negotiators," accessed September 29, 2016, <https://climate-exchange.org/2014/03/13/negotiating-africas-interests-on-climate-change-the-african-group-of-negotiators/>

<sup>194</sup> Ibid.

potential negotiation themes, sharing information, and inter-connecting people and policy ideas.<sup>195</sup> However, despite the low cost associated with hosting such events, African countries rarely host them, possibly due to the financial constraints associated in having extra staff to operate the stands. For example in COP-15, only two African countries, i.e. Ethiopia and Malawi presented manned stands. This problem leads to the perpetuation of the problem of having the African narrative being told by non-Africans at the global stage.<sup>196</sup>

#### **4.5 Conclusion**

This chapter assesses the agency of African states in climate change negotiations. In global climate change negotiations, agency refers to the capacity of an actor to influence the outcome of negotiations as well as the strategies employed to achieve that objective. Under consideration in the chapter is Africa's contribution to negotiation outcomes and norms and a case study of successful negotiation by African negotiators in the Cartagena Protocol on Biosafety. The contribution of African scholars such as Prof. G.O.P. Obasi, former Secretary General for the World Meteorological Organization (WMO); Dr. Mustafa Tolba, former Executive Director for UNEP and the 2004 Nobel Peace Laureate Prof. Wangari Maathai who have significantly influenced the global climate change regime is also studied.

The chapter has also examined the strategies employed by African states in climate change negotiations. Such strategies include coalition building, making compromises and borrowing power from civil society actors. Hard negotiation strategies like giving rigid threats and staging walk outs are also utilized. Challenges faced by African countries in climate change negotiations include weak financial capacity to sponsor large delegations to COP negotiations and fragmentation of African negotiators. The analysis is done in a realist context where a region's agency in climate change negotiations adds to the power resources of the region. The study finds that African states contend with various challenges in their role and contribution in global climate change negotiations but have shown potential to increase their agency. The hypothesis is therefore proven.

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<sup>195</sup>Stefanie Bailer, "Bargaining Resources and Strategies in Climate Change Negotiations," In *Workshop Negotiating Climate Change*.(Zurich: Centre for Comparative and International Studies, 2011).

<sup>196</sup>AnesuMakina, "Managing Climate Change: The African Group in Multilateral Environmental Negotiations," *Journal of International Organization Studies*, no. 4, (2013): 36-48

## CHAPTER FIVE

### THE AGENCY OF AFRICAN STATES AT CLIMATE CHANGE NEGOTIATIONS: AN INQUIRY

#### 5.0 Introduction

An empirical study was conducted to determine the agency of African states in climate change negotiations. The study consisted of 12 questionnaire responses from African negotiators from different countries, 5 interviews from African negotiators, 3 interviews from negotiators in other groups (US, EU and AOSIS) and 1 interview with an observer at COP-21. The questionnaire used is attached in appendix one of this study. This chapter presents the results of the study.

#### 5.1 Questionnaire responses from negotiators from African states

##### 5.1.1 Demographic information

##### 5.1.1.1 Gender

*Table 2: Questionnaire respondents according to gender*

Gender	Frequency	Percentage
Male	6	50%
Female	6	50%
Total	12	100%

##### 5.1.2 Countries Represented

The responses below were obtained from 12 respondents, each representing an African country.

*Table 3: Questionnaire responses according to country represented.(In alphabetical order)*

Botswana	Namibia
Gabon	Nigeria
Ghana	Senegal
Kenya	South Africa
Lesotho	Tanzania
Mauritius	Uganda

### 5.1.3 Questionnaire responses according to profession

Table 4: Questionnaire responses according to professions

Profession	Frequency	Percentage
Agronomy	1	8.33%
Communication	2	16.67%
Economist	1	8.33%
Forestry	2	16.67%
Law	3	24.99%
Meteorology	2	16.67%
Science	1	8.33%
Total	12	100.00%

### 5.1.4 Area of expertise in the negotiations

Table 5: Questionnaire responses according to area of expertise in the negotiations

Area of Expertise	Frequency	Percentage
Adaptation	2	8.3
Legal issues	3	16.7
LULUCF	1	8.3
Mitigation	1	16.7
National Communication	2	16.7
REDD+	2	25.0
Technology Transfer	1	8.3
Total	12	100.0

### 5.1.5 No. of years as a negotiator at UNFCCC COPs.

Table 6: No. of years as a negotiator at UNFCCC COPs.

No. of years	Frequency	Percent
1 to 3 years	2	16.7
3 to 7 years	4	33.3
7 to 10 years	2	16.7
Over 10 years	4	33.3
Total	12	100.0

## **5.2 Conductive analysis**

Responses were received from delegations from the following African countries: Botswana, Gabon, Ghana, Kenya, Lesotho, Mauritius, Namibia, Nigeria, Senegal, South Africa, Tanzania, and Uganda. The responses are strictly personal and do not represent country positions on the matters raised in this study. While the researcher made an attempt to get a representative from every region in Africa, representation of North African countries was insufficient, posing a limitation to the study. Responses from 6 male and 6 female respondents were received, accounting for 50% of either gender. Proportionate distribution of men and women in the sample ensured that the results are not affected by gender differentials in the perception of climate change. As shown in Table 4, the academic backgrounds of climate change negotiators are quite divergent, an indication of the wide scope of climate change negotiations, forming an appeal to disciplines in social sciences, physical sciences and law. Most of the questionnaire respondents held more than three years experience in negotiations at UNFCCC COPs. (83.33%). The length of time that the average respondent had taken as a negotiator was used as a measure of the reliability of the present study, with a negotiation experience of three or more years considered reliable.

## **5.3 Impact of climate change in Africa**

Respondents were asked to state some of the impacts of climate change in Africa. Among the responses raised included the higher risk of flooding that is likely to occur in low lying coastal areas due to rise in the sea level. This will lead to displacement of coastal communities and loss of arable lands as the sea submerges agricultural land which in turn leads to loss of agricultural productivity. This finding is in agreement to the findings of a study done by the Pan-African Justice Alliance who found that climate change will cause the destruction of infrastructure and an increase in water-borne diseases. The study found that by 2080, approximately 70 million people in Africa could be at risk of displacement due to coastal flooding.<sup>197</sup>

Regarding health, a warmer climate is expected to be more conducive to disease carrying vectors such as increasing the disease burden on the continent. Malaria was mentioned as one of the diseases that are likely to spread even into African highlands which have been unsuitable for the spread of the vector. In some areas like North Africa, health facilities will be

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<sup>197</sup>Pan-African Climate Justice Alliance, "The Economic Cost of Climate Change in Africa," (2009), 15

overstretched due to the occurrence of heat waves. Increased likelihood of flooding will lead to the contamination of drinking water sources and hence lead to water-borne diseases. This finding corroborates the findings of a study by UNEP and the Columbia Law School (2015) who found that climate change will increase the disease burden of Africa by favouring the spread of Malaria and Dengue fever in different parts of Africa.<sup>198</sup>

Increased temperatures will lead to reduced ground water and might cause rivers and lakes to dry up. One of the immediate implications of the loss of ground water will be the loss of irrigation water and hence food shortages. Lack of water may also lead to increased chances of conflicts between countries and between communities. Lack of water for example is expected to increase the likelihood of conflict between pastoral and agricultural communities. Related to this is the likelihood of increased desertification in Africa which will lead to shortages of food. This finding agrees with the finding of Oli Brown and Alec Crawford that an additional 75 to 250 million people in Africa are likely to be at risk of increased water stress by 2050 even when a medium warming scenario is considered.<sup>199</sup>

One respondent noted that the glaciers of Mounts Kenya, Kilimanjaro and Ruwenzori in Kenya, Tanzania and Uganda respectively will disappear as a result of climate change. This will affect the climatic systems around the mountains. The loss of the glaciers will also negatively impact on tourism and will cause the rivers around the mountains to dry up. The finding is a reflection of a 2001 UNEP and UNFCCC study which predicted that the ice on the East African water towers might disappear due to increasing global temperatures by 2025.<sup>200</sup>

Tourism revenues will also be negatively impacted by the loss of biodiversity expected as the climate warms up. Some plant and animal species will become extinct and this will heavily impact on the economies of African countries. Acidification of oceans due to an increased concentration of carbon dioxide in the atmosphere will lead to the bleaching of corals along the coast of Africa. A 2007 study by the IPCC found that El Nino, a concept related to climate change caused a 30 per cent loss of corals in coral bleaching leading to a financial

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<sup>198</sup>UNEP, "Climate Change and Human Rights," (Nairobi: UNEP, 2015), 26.

<sup>199</sup>Oli Brown and Alec Crawford, "Climate Change and Security in Africa: A Study for the Nordic-Africa Foreign Ministers Meeting," (Manitoba: International Institute for Sustainable Development, 2009).

<sup>200</sup> UNEP and UNFCCC, "Climate Change Information Kit," (Nairobi: UNEP, 2001).



loss of tourism revenues of US\$ 12 – 18 million affecting the East African destinations of Mombasa and Zanzibar.<sup>201</sup>

The respondents noted that the impact of natural disasters like floods and droughts are going to be more severe as global temperatures increase. This finding agrees with that of Boko et al. (2007) who noted that recent cyclones hitting Mozambique displaced more than 500,000 people and left 950,000 others dependent on humanitarian assistance. Droughts in the Sahel and the horn of Africa had been observed to increase in severity from 1960 to 1990 claiming the lives of an estimated 500,000 people.<sup>202</sup>

#### 5.4 Perception of the risk of climate change in Africa

The respondents were asked to give their perceptions about the nature of the threat of climate change in Africa. The results are presented in the table below.

*Table 7: Perception of the threat of climate change in Africa*

Statement	Frequency	Percentage
Poses an existential threat to the continent	2	16.7%
A strategic threat and has greatly affected economic growth	5	41.7%
Is a major threat in some countries but not in others.	3	25.0%
Is a serious threat but can be contained.	2	16.7%
Total	12	100.0%

Five respondents said that climate change was a strategic threat and had greatly affected economic growth. Only two of the respondents classified climate change as an existential threat to the continent. Other respondents classified climate change as either ‘a major threat in some countries but not in others’ or ‘a serious threat but one that can be contained.’ Generally, the finding shows that the continent needs to strategise for measures to contain climate change and the respondents expressed optimism on the ability of the continent to contain the threat.

<sup>201</sup>Oli Brown and Alec Crawford, “Climate Change and Security in Africa: A Study for the Nordic-Africa Foreign Ministers Meeting,” (Manitoba: International Institute for Sustainable Development, 2009).

<sup>202</sup>Michel Boko et al., *Africa Climate Change 2007: Impacts, Adaptation and Vulnerability*.(Cambridge UK: Cambridge University Press, 2007), 438.

### **5.5. Mechanisms that African States have been advocating for in global climate change negotiations to address climate change.**

According to the respondents, African countries have been advocating for financial compensation by developed countries for the loss of natural, economic and social resources due to climate change. They emphasize the historical role of developed countries in GHG emission and insist that 1.5% of the GDP of developed countries should go towards mitigation efforts and compensation in Africa.

African countries have consistently insisted on negotiations being conducted in the framework of the principle of common but differentiated responsibilities. Through this principle, African countries urge for ambitious targets in GHG emission by developed countries while they themselves want to be uncommitted to emission cuts. African countries under the umbrella of G-77 & China insist on their right to development which they say can only be achieved when they continue to reserve their right to carbon emission by continued use of fossil fuels. In Copenhagen, (2009) African countries advocated for a 2-track outcome where the rights of developing countries to emission will be safeguarded through the UNFCCC while developed countries will be forced to take up emission cuts of up to 40% of their 1990 levels through a mechanism to be created through the Kyoto Protocol.

Through the Bali Action Plan, African countries have urged developed countries to fulfill their commitments for adaptation, mitigation and technology transfer funds. They also call for funding for capacity building and technology to enable African countries to adapt to a greener model of development and gradually reduce reliance on fossil fuels.

African countries have also sided with the EU to ask for clear, concise, verifiable and transparent communications by all countries regarding the actions taken in mitigation and adaptation measures. This requirement has seen African countries disagree with China which has insisted that such a requirement for transparency infringes on its sovereignty.

### **5.6 Capacity of the African Group of Climate Change Negotiators**

A part of the questionnaire consisted of twelve Likert- type set of questions in which the respondents were asked to indicate their views on given statements using a scale. The scale was scored as follows: 1 = strongly disagree 2 = Disagree 3 = Neutral 4 = Agree 5 =

strongly agree. Mean and standard deviation of the responses were computed using the statistical package for social sciences, SPSS. They are presented below:

*Table 8: Capacity of the African Group of Climate Change Negotiators*

Statement	Mean	Std. Deviation
AGN is a formal group	3.67	1.073
There are no major divergences/conflicts within the group.	3.17	0.835
AGN has put in place proper mechanisms for conflict resolution within the group.	2.08	0.669
African negotiators are usually well prepared for climate change negotiations.	2.25	1.055
Political appointment of negotiators is not a problem affecting the efficiency of AGN.	1.92	0.493
Representatives of African countries in climate change negotiations usually stick on their agreed positions to the end on agreed positions.	1.83	0.723
African climate change negotiators do not suffer from low self confidence in global negotiation forums.	2.03	0.261
State delegations in AGN are usually well funded for negotiation.	1.83	0.718
AU organizes consultations between members of the African Group ahead of global negotiations.	3.75	0.866
AU and AMCEN frequently provide support to the AGN in training and exposure.	3.08	0.793
There are no occasions when an individual African country deviates from group positions.	2.93	0.888
The AGN has been very successful in influencing global climate change negotiations.	2.12	0.084

Regarding whether AGN is a formal or informal group, a mean of 3.67 indicates that most of the negotiators consider the group as being formal. Nevertheless, there is some level of disagreement as may be evidenced by the large standard deviation which shows that some of the negotiators consider the AGN completely as an informal group. The reason for this could

be that while individual countries appoint their own negotiators, the negotiators are expected to work together and front an African stand point in negotiations. Some of the negotiators are not appointed based on merit and therefore the informal tag hangs on the group. This observation is supported by the respondents' response to the statement 'Political appointment of negotiators is not a problem affecting the efficiency of AGN.' The mean was 1.92 indicating that political appointment is a hindrance towards the effectiveness of the AGN. The standard deviation of 0.493 indicated that there was a high degree of agreement among the respondents about the issue.

According to the responses received, African Climate Change Negotiators have been successful to speak in one voice at global negotiations. This is shown by a mean of 3.17 which is considerably a high mean. The standard deviation of this statement was 0.835 indicating a high level of disagreement among the respondents. The pursuit of a united stand among African negotiators has been of priority to the AU since 2009 when the Conference of African Heads of State and Government on Climate Change (CAHOSCC) was established. Since 2010, the common stand for the African continent has been reinforced through the establishment of the African Climate Policy Centre (ACPC). Coordination for a common stand in global negotiations has also been done through the African Ministerial Conference on the Environment (AMCEN)

From the responses, African negotiators do not receive prior preparation ahead of the negotiations. The statement used to test this is 'African negotiators are usually well prepared for climate change negotiations.' The lack of preparation is deduced from the mean of 2.25 although there is a significant disagreement of 1.055 among the respondents. This result corroborates the findings of other previous studies where the need for African negotiators holding sessions before the main COP was emphasized. Even when the negotiators cannot hold a regional meeting, they may take advantage of regional UNFCCC meetings held across the year to decide on an African position.

The findings of this study indicate that Representatives of African countries in climate change negotiations do not always stick on their agreed positions to the end on agreed positions. This is evidenced by the low mean of 1.83 to the statement 'Representatives of African countries in climate change negotiations usually stick on their agreed positions to the end on agreed positions.' This was explained by one of the negotiators in a follow-up

interview that by balancing between principled stance and pragmatism, Africa seeks to create important bridges between actors to ensure that dynamic and effective agreements are reached at climatic change negotiations.

This study concludes that African negotiators were said to suffer from low self esteem in global climate change negotiations. The low self-esteem is from a lack of preparation and experience with the international negotiation process. In most cases, appointments to attend the conferences are political and some negotiators maybe attending a conference for the first time without a hindsight of previous proceedings. This further explains the tendency to engage in tourist activities and shopping instead of contributing to the negotiations. This low esteem can be described in terms of the low financial support given to the negotiators, even to those experienced and conversant with the negotiation process. Most decisions are made outside the negotiating rooms while lobbying over social activities like dinner or over a drink. Without funding, it is hard for African negotiators to participate in these social activities and they often are the ones being hosted in such events, increasing their likelihood of supporting views of other negotiating groups other than that of their own. One respondent explained that sometimes African negotiators are forced to cut short their trips abroad during COPs due to the low funding available for negotiation purposes. Another respondent said that Africa depends on the goodwill of donors to fund the negotiating team, yet, at times, the interests of the funding party are in contrast to the interests of Africa. This means that financing from one interested party may derail the participation of Africa in the negotiations and hence tip the balance of the negotiations against Africa. This finding was also confirmed by the respondents' in their answer to the statement 'State delegations in AGN are usually well funded for negotiation'. The mean for this statement was 1.83 indicating that state delegations are poorly funded.

There is sufficient AU sponsored consultation between negotiators, based to the finding of this study. The statement 'AU organizes consultations between members of the African Group ahead of global negotiations.' received a mean of 3.75 out of 5 while the statement 'AU and AMCEN frequently provide support to the AGN in training and exposure.' received a mean of 3.08. As has been explained earlier, there has been a deliberate pursuit for a united stand among African negotiators since 2009. The establishment of the African Climate Policy Centre (ACPC) and the coordination by AMCEN has also contributed to this perception of support in terms of capacity building from the AU.

The common position from African states has had challenges due to the lack of agreement between members. This is evidenced by the low mean of 2.93 to the statement that ‘There are no occasions when an individual African country deviates from group positions.’ In a follow up interview, one of the respondents said that the categorization of some of the countries of Africa as ‘Developing’ and others as ‘Least Developed Countries’ had brought some disagreement among African countries and was a challenge to the unified position of Africa In global climate change negotiations. The challenge is related to the fact that some funds from a number of UNFCCC climate funding facilities are only meant to aid LDCs. This has seen South Africa, in particular express reservations to differentiation in financing during the negotiations for funding. South Africa is keen that any funding to Africa does not specifically accrue to Least Developed Countries (LDCs) only because such a stance would leave out South Africa from the deal.

Overall, the respondents think that Africa has not been successful in influencing the global climate change negotiations. The statement ‘The AGN has been very successful in influencing global climate change negotiations.’ was scored with a mean of 2.12 and a high level of agreement among the respondents as evidenced by the standard deviation of 0.084.

### **5.7 Challenges faced by African States in global climate change negotiations.**

According to the respondents, the challenges faced by African negotiators include lack of training on the proper conduct of the negotiations. African negotiators expressed also that they generally lacked a proper grasp of the issues being discussed which indicated challenges in capacity building. The respondents also said that African delegations were too small to be effective in the climate change negotiations. The negotiators would not agree on issues due to variance based on differences in economic development, language and cultural differences, and their geopolitical status. For example, one respondent noted that South Africa was at times addressing issues that were contrary to those being pursued by the African delegation owing to its relatively developed status compared to the rest of Africa. She explained that South Africa tended to negotiate better under the auspices of the BASIC group than in the African Group. The African Group of negotiators was noted to lack a secretariat such that member countries could appoint negotiators with no recourse to AGN. The lack of consistence by the negotiators affected Africa’s agency. There was a high turnover of negotiators to international organizations and civil society. This weakened Africa’s negotiating capacity.

Among the solutions suggested to the challenges of Africa's negotiation capacity at climate change negotiations include: Africa should strive to finance climate change by itself. Seeking for funding from the international community has been found to cripple the effectiveness of the continent in negotiation as the continent is forced to sway from its agreed common position in recognition of the political and financial favours done to it by others. Financing for climate change negotiation can be done, for example through country quotas. Secondly, there is need for the continent to formalize the negotiating party, making it hard for countries to recall civil servants without recourse to the AU. This can be done by embedding AGN to the African Climate Policy Centre (ACPC). Further, it is important for the AU to meet the cost of remuneration of the negotiators so that the continent does not lose the negotiators to international organizations and civil society. Finally, the continent should ensure better preparation of the negotiating team ahead of COP meetings.

### **5.8 Strategies employed by African states in negotiations**

The respondents observed that African negotiators tended to be more inclined towards consensus building. One interviewee however noted that Africa's inclination to consensus building had worked against the interests of the continent as developed states ended up with un-ambitious emission cuts at the expense of Africa. African negotiators were also said to be adept at coalition building and had at various times influenced the stands of the G-77 & China as well as the LDCs. Africa's partnership with civil society organizations was also noted to be stronger than in other parts of the world. This, according to one of the respondents, is due to the fact that Africa has always tended to be portrayed as a victim of climate change such that the interests of the civil society organizations had coincided with those of Africa severally. African negotiators had at times consciously lowered their demands especially for climate finance in an effort to make credible outcomes to the talks. One other strategy associated with African negotiators was coming up with win-win solutions and had beckoned opposing parties towards such solutions. When no solution could be found to some issues, African negotiators had at times joined with the rest of the world in accepting the lowest common denominator or postponing controversial matters until a later COP. It was noted that occasionally Africa had tended to be aggressive in not only in the use of the language but also in staging walk-outs to enforce their positions.

## 5.9 Aspects of climate change negotiations where Africa had been

Africa was said to have been active in a number of areas in climate change negotiations for example on mitigation, Africa has been urging developed countries to set aside climate change financing to meet the costs incurred by developing countries in their mitigation and adaptation activities. Until recently, Africa has been resisting emission cuts for developing countries based on the common but differentiated principle. On adaptation, Africa has been campaigning for a global goal for adaptation that enhances the implementation of adaptation commitments, which takes into account adaptation investments by developing countries, adaptation needs and costs including support. Africa has decried the huge adaptation gap that exists currently and has been urging developed countries to fulfill their pledges on climate finance.

Another area where Africa has been active in is on “Response Measures”. Africa has been protesting and sought compensation for the use of measures meant to green supply chains of developed countries, but which affect the productivity of developing countries. For example, the introduction of emission trading schemes (ETS), border carbon adjustments (BCA), subsidies and environmental labeling schemes. African countries protest that this area lacks a robust basis on science and may be used as a non-tariff barrier to lock African commodities from the global trade.

## 5.10 Interview Responses

### 5.10.1 Demographic Information

*Table 9: Demographic information for interviewees.*

Respondent	1	2	3	4	5
Gender	M	F	F	M	M
Country Represented	Liberia	Malawi	Ethiopia	Sudan	Zambia
Professional Background	Economic s	Law	Science	Science	Geography
Area of Expertise in Negotiations	REDD+	Legal	Adaptation	Adaptation	Mitigation
Time In UNFCCC Negotiations (Years)	3	2	4	5	4



### 5.10.2 Conductive Analysis

The demographics above show that the five interview respondents were negotiators from Liberia, Malawi, Ethiopia, Sudan and Zambia. The responses are strictly personal and do not represent country positions on the matters raised in this study. An attempt was made to collect views from both women and men to avoid biases associated with gender differentials in the perception of climate change. The respondents held more than three years experience in negotiations at UNFCCC COPs. The length of time that the average respondent had taken as a negotiator was used as a measure of the reliability of the present study, with a negotiation experience of three or more years considered reliable.

### 5.10.3 Africa’s position on certain issues at climate change negotiations

According to the respondents Africa urges for ambitious targets for developed countries<sup>203</sup> but no targets for developing countries under the common but differentiated responsibilities principle.<sup>204</sup> In addition, Africa has been urging for increased compensation<sup>205</sup> from developed countries for damages associated with climate change including droughts, and floods under the polluter pays principle.<sup>206</sup> African countries wish that developing countries should continue using the fossil economy longer so as to catch up to a level of development that guarantees the fulfilment of human rights<sup>207</sup> for their populations under the equity principle. They also negotiate for technology transfer from developed countries to assist developing countries to develop on a green model.<sup>208</sup>

## 5.11 Responses from respondents from other negotiating groups

### 5.11.1 Demographic information

*Table 10: Demographic information for respondents from other negotiating groups.*

Country/negotiation group	EU	US	AOSIS	Observer
Gender	F	M	M	F
Professional background	Finance	Communications	Scientist	Sociology
Area of expertise	Carbon finance	Support services	Mitigation	Adaptation

<sup>203</sup>Skype interview with Respondents 1, 3 and 5, Conducted by the writer on August 22<sup>nd</sup> 2016.

<sup>204</sup>Skype interview with Respondents 2 and 5, Conducted by the writer on August 22<sup>nd</sup> 2016.

<sup>205</sup>Skype interview with Respondent 4, Conducted by the writer on August 22<sup>nd</sup> 2016.

<sup>206</sup>Skype interview with Respondent 2 and 5, Conducted by the writer on August 22<sup>nd</sup> 2016.

<sup>207</sup>Skype interview with Respondent 4 and 3, Conducted by the writer on August 22<sup>nd</sup> 2016.

<sup>208</sup>Skype interview with Respondents 1, 3 and 5, Conducted by the writer on August 22<sup>nd</sup> 2016.

### **5.11.2 Conductive Analysis**

The demographics above show that the four expert interview respondents were negotiators from US, EU, AOSIS and an observer. Representatives from these groups were selected due to their perceived higher agency at climate change negotiations vis-à-vis African states. The responses are strictly personal and do not represent the positions of their organizations on the matters raised in this study. An attempt was made to collect views from both women and men to avoid biases associated with gender differentials in the perception of climate change. The respondents held more than three years experience in negotiations at UNFCCC COPs. The length of time that the average respondent had taken as a negotiator was used as a measure of the reliability of the present study, with a negotiation experience of three or more years considered reliable.

### 5.11.3 Ranking for Africa's negotiating capacity

(According to the scale: 1= Mediocre 2 = Feeble 3=Average; 4=Good; 5=Excellent.)

Table 11: Africa's negotiating capacity

Country/negotiation group	EU	US	AOSIS	Observer
Ranking	2	2	2	2

The ranking was based on the perceived measure of Africa's influence at climate change negotiations by the negotiators.

### 5.11.4 Nature of support needed by African countries to strengthen their negotiation capacity

According to the respondents, the nature of support needed by African countries to strengthen their negotiation capacity include: Training, Financial facilitation for better representation at COPs<sup>209</sup>, Climate policy formulation and implementation, and national communication of INDCs. Of the respondents interviewed, only the EU<sup>210</sup> and the US<sup>211</sup> had extended any form of support to African countries to strengthen the negotiation capacity. The support was channelled through the AU.<sup>212</sup>

## 5.12 Chapter conclusion

This chapter presents the findings of a study conducted to establish the agency of African states in climate change. The study found out that the effects of climate change have impacted negatively on the state of security, development and human rights in the continent. The respondents ranked the negotiation capacity of the continent low, scoring 2.12 in a score where 1 represented 'very poor' and 5 represented 'excellent'. Nevertheless, respondents noted that Africa had made useful contributions in the negotiations in areas like adaptation, and climate financing among others. The agency of Africa in climate change negotiations was noted to be on the increase and the respondents were optimistic of the continent making greater impact in the future. The hypothesis '*African negotiators contend with various challenges in their role and contribution in global climate change negotiations but have shown potential to increase the continent's agency*' was therefore proven by the study.

<sup>209</sup>Skype interviews with Respondent 6, 7, 8 and 9, conducted by the writer on August 24<sup>th</sup> 2016.

<sup>210</sup>Skype interview with Respondent 6, conducted by the writer on August 24<sup>th</sup> 2016.

<sup>211</sup>Skype interview with Respondent 7, conducted by the writer on August 24<sup>th</sup> 2016.

<sup>212</sup>Skype interviews with Respondents 6 and 7, conducted by the writer on August 24<sup>th</sup> 2016.

## **CHAPTER SIX**

### **SUMMARY, CONCLUSION AND RECOMMENDATIONS**

#### **6.0 Introduction**

The study sought to determine Africa's agency in global climate change negotiations. Agency was defined as the ability of an actor to participate in negotiations and inform decisions within established norms. In global environmental negotiations, actors use their agency to turn their policy preferences into policy outcomes. In the context of the present study, agency was taken to refer to the capacity of an actor to influence the outcome of global climate change negotiations as well as the strategies employed to achieve that objective. Specifically, the study sought to establish the capacity and the strategies employed by the African States in advancing their positions at the global stage.

#### **6.1 Summary**

The study was presented in six chapters. Chapter one provides the basic outline of the whole study and defines the objectives of the study, the hypotheses, literature review, theoretical framework, research methodology and the scope of the study. Definitions of the basic concepts used in the study are also provided. Chapter two focuses on the impact of climate change in Africa. Specific attention is paid to the impacts in development, security and human rights. Chapter three seeks to contextualize the study by focusing on the International Institutional and Legal Frameworks for Climate Change Negotiations. The chapter focuses on the various climate change / sustainable development conferences that have been held under the United Nations (UN) since 1972. In addition, some pieces of international legislation on climate change are discussed. Specifically, the chapter focuses on the United Nations Framework Convention on Climate Change (UNFCCC), The Rio Declaration, the Kyoto Protocol, and the Paris Agreement. Key institutions such as IPCC and regional institutions such as AMCEN, CAHOSCC, and the AGN are also discussed. Chapter four and five focus on the agency of African states in climate change negotiations. Chapter four is based on secondary data from related studies and focuses on the agency of African states in climate change negotiations in terms of their capabilities, challenges faced, Africa's contribution to the negotiation outcomes and norms, as well as the strategies employed in securing their preferred outcomes. Chapter five is an empirical study based on questionnaire responses from 12 African climate change negotiators, five interviews with African negotiators and four

experts from other negotiation groups. Chapter six provides a summary of the study, a summary of the research findings, a conclusion and suitable recommendations.

## **6.2 Conclusion**

The study has found that Africa is taking significant steps to improve its agency in climate change negotiations. Examples of actions taken to improve its agency include the formation of the Committee of Heads of State and Government on Climate Change (CAHOSCC) in 2010 which ensures that climate change matters are prioritized at the Summit level. The study has also appreciated the contribution of African states towards the UNFCCC negotiation norms, for example through the *Indaba* consensus building technique. African content has also contributed to the outcomes of COPs especially as regards to adaptation. By the assessment of this study, the agency of African states is still weak, with the continent scoring 2.12 out of a possible 5.0 in an empirical study involving 12 negotiators. Four climate change experts from other regions rated the continent's agency as 'weak', all scoring it at 2.0 out of a possible 5.0.

Three significant challenges for the agency of African states in climate change negotiations were identified. First, African negotiators are not properly equipped in terms of capacity building as well as in support services for proper representation of the continent at global negotiations. It was noted that Africa does not prioritize funding climate change research negotiations. Secondly, negotiators were found to be inconsistent due to frequent civil service transfers from their respective countries or due to recruitment by international organizations and civil society. Finally, Africa's agency is hindered by the fragmentation of the continent based on colonial heritage, climatic conditions, natural resource endowment, and geopolitical status. The challenge is to the AU to sustain the common stand of the continent in negotiations.

As regards the strategies used by Africa, it was found that Africa had formed coalitions with other negotiating groups with similar interests. Particularly, Africa had formed alliances with China through the G-77 & China Group. Africa had also formed alliances with the EU on both mitigation and adaptation issues. Africa had also coalesced with civil society organizations not only in crafting its common negotiation position but also in advocating for better financing for climate change for the global South. Sometimes, Africa was found to

have resorted to hard negotiation tactics including threats, aggressive language and walk-outs.

### **6.3 Testing the hypotheses**

The hypotheses for the current study were:

1. Climate change greatly impacts on Africa's economic growth, security and human rights situation
2. Effective international institutional and legal frameworks on climate change provide strong basis for negotiations
3. Africa contends with various challenges in their role and contribution in global climate change negotiations

The findings of the study have proven the first hypothesis. The impacts of climate change on various facets of Africa's development, security and human rights have been expounded.

The second hypothesis has been proven. The international legal and institutional framework for negotiating climate change provides space and equal opportunities for states and agencies to participate and represent their interests. Even weaker actors can wield influence in climate change negotiations.

The third hypothesis has been proven correct. The study has found that while Africa's agency is still feeble, with a score of 2.12 in a scale where the agency was ranked as:

1= Mediocre 2 = Feeble 3=Average; 4=Good; 5=Excellent. The agency of African states in climate change has however been noted to be on the increase following a number of interventions including the formation of the Committee of African Heads of State and Government on Climate Change (CAHOSCC) and improved coordination of negotiations ahead of COPs. Africa however still faces very acute challenges including the fact that the AGN does not have a secretariat such that negotiators get rotated quite frequently.

## **6.4 Recommendations**

### **6.4.1 Study recommendation**

The findings of this study can be reinforced further if observation was used as one of the methods of collecting data. Kawulich, B.B. (2005) says that observation is suitable in instances where the researcher wishes to assess the nonverbal communication accompanying contributions. In addition, observation allows the researcher to establish how much time is spent on an activity. Observation allows the researcher to collect data regarding the events that the informant may be unwilling or unable to disclose due to diplomatic encumbrances. Observation is usually the only safeguard that the researcher has against misinformation, distortion or inaccuracies provided by these informants.<sup>213</sup> These attributes best suit a study involving diplomatic negotiations. The use of the diplomats as informants has the disadvantage of allowing the informants to filter certain elements of truth that they consider palatable to the researcher and leaving other aspects that equally contribute to the agency of the negotiation group.

There is room for further research on the strategies that African states have utilized in negotiations since 1992. This cumulative study will inform the strategies to be utilized by the African group in future. Such a study would make use of data collected through the *Earth Negotiation Bulletin* of the International Institute of Sustainable Development, which is a record for all events involving sustainable development since 1992.

Research is also recommended on the contribution of Africa in stimulating research on adaptation. Through out the cycle of climate change negotiations, the developed world resisted recognizing adaptation as one of the responses to climate change and paid greater attention to mitigation measures. The recognition of adaptation as one of the responses in the 2015 Paris Agreement came as a result of Africa's advocacy. More systematic research on the role of Africa in this manner is recommended.

Finally, Africa offers the international community with an opportunity to study the most suitable ways of transiting to a green economy. Africa's emission levels are about 3% of global emission, indicating that the level of development in Africa is very low. This provides Africa with an opportunity to adapt to a green model of development.

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<sup>213</sup>Barbara Kawulich, "Participant Observation as a Data Collecting Method," *Forum Qualitative Research*, 6 no.2 (2005),43

### **6.4.2 Policy Recommendations**

The present study has identified three major hindrances to Africa's effectiveness at global climate change negotiations: Lack of finances; inconsistencies among the negotiators as they get recalled and are replaced with others who are not familiar with negotiations; and fragmentation of African delegates as they pursue individual national interests. The following policy recommendations aim at addressing the challenges identified.

First, there is need for the continent to formalize the negotiating party by creating a secretariat for the African Group of negotiators (AGN). This will make it hard for countries to recall civil servant negotiators without recourse to the AU. This can be done by embedding AGN to the African Climate Policy Centre (ACPC). Further, it is important for the AU to improve the remuneration of the negotiators so that the continent does not lose the negotiators to international organizations and civil society.

Secondly, Africa should strive to finance climate change by itself. Seeking for funding from the international community has been found to cripple the effectiveness of the continent in negotiation as the continent is forced to sway from its agreed common position in recognition of the political and financial favours done to it by others. Financing for climate change negotiation can be done, for example through country quotas.

Third, Africa should prioritize climate change as an urgent issue that deserves the prime attention of the continent. Better funding of the negotiation parties will ensure that the AGN delegation is larger in size and consists of greater variety of resource personnel. For example, AGN may need to source from the media, scientists, the legal fraternity, private sector and the young people.

Finally, better preparation ahead of COP meetings will ensure that contentious issues are identified and consensus built before the continent appears at COP meetings. It is only then that Africa's common strategy can hold ground.



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### **Interviewees**

Interviewee 1 to 5: African negotiators.

Interviewee 6: US negotiator

Interviewee 7: EU negotiator

Interviewee 8: AOSIS negotiator

Interviewee 9: Observer.

## APPENDICES

### APPENDIX I: QUESTIONNAIRE

(To be filled by country head of delegation or other entrusted member of country delegation.)

My name is Elizabeth N. Kahurani, a postgraduate student at the University of Nairobi. In partial fulfilment of the requirements of the degree of Master of Arts in International Studies, I am conducting a research on *Climate Change Negotiations: The Agency Of The African Group*. This survey is being conducted in order to gain knowledge of the negotiation strategies of African States and the challenges that need to be addressed in order for them to become more influential in international climate change negotiations. I would be very grateful if you would help this research by answering to this questionnaire. You can get more information about this research by contacting me at [ekahurani@cgiar.org](mailto:ekahurani@cgiar.org) or [liz.kahurani@gmail.com](mailto:liz.kahurani@gmail.com). All your responses will be treated with utmost confidentiality and the data collected will only be used for academic purposes only.

#### Section A: Demographic Information

1. Gender: .....
2. Country Represented:.....
3. Profession: .....
4. Area of expertise in the negotiations: .....
5. For how long have you been part of the negotiation process at the UNFCCC COPs:

a) 1-3 years

b) 3-7 years

c) 7 to 10 years

d) More than 10 years


**Section B: Impact of climate change in Africa**

1. Explain some of the ways in which Africa is affected by climate change.

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2. How would you rate the challenge of climate change on Africa?

- a) Poses an existential threat to the continent.
- b) It is a strategic threat and has greatly affected economic growth.
- c) Is a major threat in some countries but not in others.
- d) Is a serious threat but can be contained.
- e) Is a mild threat.

3. State and explain some of the mechanisms that African Group has been advocating for in global climate change negotiations to address climate change.

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### Section C: Capacity of the African Group of Climate Change Negotiators

Indicate how you rate the following aspects of the African Group of Climate Change Negotiators using the scale given below.

1 = strongly disagree 2 = Disagree 3 = Neutral 4 = Agree 5 = strongly agree

	STATEMENT	1	2	3	4	5
1	AGN is a formal group					
2	There are no major divergences/conflicts within the group.					
3	AGN has put in place proper mechanisms for conflict resolution within the group.					
4	African negotiators are usually well prepared for climate change negotiations.					
5	Political appointment of negotiators is not a problem affecting the efficiency of AGN.					
6	Representatives of African countries in climate change negotiations usually stick on their agreed positions to the end on agreed positions.					
7	African climate change negotiators do not suffer from low self confidence in global negotiation forums.					
8	State delegations in AGN are usually well funded for negotiation.					
9	AU organizes consultations between members of the African Group ahead of global negotiations.					
10	AU and AMCEN frequently provide support to the AGN in training and exposure.					
11	There are no occasions when an individual African country deviates from group positions.					
12	The AGN has been very successful in influencing global climate change negotiations.					



**Section C: Challenges and Strategies adopted by African States in global climate change negotiations.**

What challenges does the African Group face in climate change negotiations?

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How can the challenges mentioned in 1 above be addressed?

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What strategies do African climate change negotiators employ?

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In which aspects of climate change negotiations has Africa been most influential?

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*Thank you for your time.*

## APPENDIX II: INTERVIEW QUESTIONS

(To be filled by country head of delegation or other entrusted member of country delegation.)

My name is Elizabeth N. Kahurani, a postgraduate student at the University of Nairobi. In partial fulfilment of the requirements of the degree of Master of Arts in International Studies, I am conducting a research on *Climate Change Negotiations: The Agency Of The African Group*. This survey is being conducted in order to gain knowledge of the negotiation strategies of African States and the challenges that need to be addressed in order for them to become more influential in international climate change negotiations. I would be very grateful if you would help this research by answering to this questionnaire. You can get more information about this research by contacting me at [ekahurani@cgiar.org](mailto:ekahurani@cgiar.org) or [liz.kahurani@gmail.com](mailto:liz.kahurani@gmail.com) All your responses will be treated with utmost confidentiality and the data collected will only be used for academic purposes only.

### Section A: Demographic Information

Gender: .....

Country Represented:.....

Profession: .....

Area of expertise in the negotiations: .....

.....

For how long have you been part of the negotiation process at the UNFCCC COPs:

a) 1-3 years

b) 3-7 years

c) 7 to 10 years

d) More than 10 years


## **Section B: Interview Questions**

1. What negotiation positions does the African Group advocate for at global climate change negotiations?
2. What kind of support does AU and AMCEN extend towards the African Group of negotiators?
3. What strategies do African Negotiators employ at global climate change negotiations?
4. What are some of the challenges faced by African Negotiators in their work?

*Thank you for your time.*

**APPENDIX III: EXPERT INTERVIEW**

*(To be filled by negotiators from the EU, US, AOSIS and Observer Groups.)*

My name is Elizabeth N. Kahurani, a postgraduate student at the University of Nairobi. In partial fulfilment of the requirements of the degree of Master of Arts in International Studies, I am conducting a research on *Climate Change Negotiations: The Agency Of The African Group*. This survey is being conducted in order to gain knowledge of the negotiation strategies of African States and the challenges that need to be addressed in order for them to become more influential in international climate change negotiations. I would be very grateful if you would help this research by answering to this questionnaire. You can get more information about this research by contacting me at [ekahurani@cgiar.org](mailto:ekahurani@cgiar.org) or [liz.kahurani@gmail.com](mailto:liz.kahurani@gmail.com) All your responses will be treated with utmost confidentiality and the data collected will only be used for academic purposes only.

**Section A: Demographic Information**

Gender: .....

Country Represented:.....

Profession: .....

Area of expertise in the negotiations: .....

.....

For how long have you been part of the negotiation process at the UNFCCC COPs:

- a) 1-3 years
- b) 3-7 years
- c) 7 to 10 years
- d) More than 10 years

**Section B: Interview Questions**

1. On a scale of 1 to 5, how would you objectively rank the Africa group in terms of influence and strong positions at the UNFCCC.

According to the scale: 1 = Very weak; 2 = weak; 3 = Average; 4 = Good; 5 = Excellent

2. Give reason (s) for your choice in (1) above.

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3. Do you think African States need support to conduct their negotiations more effectively? If Yes, what kind of support? If No, Why do you think so?

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4. As an institution, have you ever provided any kind of support towards African States to strengthen their negotiation capacity? If Yes, what Kind of support was provided? Which African Countries?

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*Thank you for your time.*

#### APPENDIX IV

### KEY MILESTONES FOR AFRICA'S PARTICIPATION IN CLIMATE CHANGE / SUSTAINABLE DEVELOPMENT GLOBAL NEGOTIATIONS<sup>214</sup>

YEAR	EVENT
1985	First meeting of the African Ministerial Conference on Environment (AMCEN) in Cairo
1989	African delegates attend Noordwijk Ministerial Conference on Climate Change
1991	African Heads of State recognize the need for an African Common Position ahead of Rio Earth Summit at OAU Abuja Summit
1991	First Regional African Ministerial Preparatory Conference for the Earth Summit held in Cairo
1992	African states participate in United Nations Conference for Environment and Development (UNCED) in Rio, Brazil.
1992	49 African states sign the United Nations Framework Convention on Climate Change (UNFCCC)
1995	African States participate in 1st UNFCCC Conference of the Parties (COP1)
1998	African states sign the Kyoto Protocol
1998	African states complete Common Position on the Clean Development Mechanism (CDM)
2001	First African COP held in Marrakesh, Morocco
2006	Kenya hosts COP12 in Nairobi
2007	African states sign Bali Plan of Action
2009	AMCEN holds 3rd Special Session on climate change. Ministers agree to Algiers Declaration on Climate Change
2009	Climate for Development in Africa Initiative (ClimDev-Africa) launched as a tripartite initiative under the collective leadership of the African Union Commission (AUC), the African Development Bank (AfDB) and the Economic Commission for Africa (ECA).
2009	African Union establish Conference of African Heads of State and Government on Climate Change (CAHOSCC)

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<sup>214</sup>Taken from Clim-Dev Africa, *Africa's Journey in the Global Climate Negotiations: A Synthesis Report for Policy Makers*. Addis Ababa: Clim-DevAfrica, 2015.

- 2009 28 African states sign Copenhagen Accord
- 2010 African Climate Policy Centre (ACPC) established at the Economic Commission for Africa (ECA) as part of the ClimDev-Africa programme
- 2012 South Africa hosts COP17 in Durban.
- 2012 African Pavilion launched in Durban.
- 2012 African states agree on Durban Platform for Enhanced Action.
- 2014 ClimDev-Africa Special Fund launched.
- 2015 AMCEN holds 15th Regular Session in Cairo. Ministers agree on an African Strategy for Climate Change and the need to speak with one voice at COP 21, Paris, France.