COP 17 debacle: Is this the beginning of the failure of international environmental diplomacy?

10th Colloquium of the IUCN Academy of Environmental Law,
July 1 - 5 2012

University of the Witwatersrand, Johannesburg

Tumai Murombo
Associate Professor of Law
Email: Tumai.Murombo@wits.ac.za
Outline…

1. Introduction…
2. Taking stock of intl’ env’ law diplomacy - context of UNFCCC
3. Persistent impediments to diplomacy
4. Alternative approaches to global diplomacy – going regional.
1. Copenhagen?

2. Durban – outcomes.

RIO +20 – regionalism being favoured approach.

Possibility of a successor to Kyoto Protocol?

Since 1992 – UNFCCC, UNCBD, UNCCD etc.

Successes of UNFCCC

Kyoto Protocol – did it work?

2. Taking stock of diplomacy.


3/CP.17 Launching the Green Climate Fund

4/CP.17 Technology Executive Committee – modalities and procedures.

5/CP.17 National adaptation plans.
3. Persistent impediments to diplomacy

- Institutional weaknesses – CoPs, MoPs, Committees
- Substantive impediments – conceptual basis of
- Procedural impediments – implementing measures
- Geopolitics, sovereign ego and renegades
Manifestation of weaknesses:

✧ Failure/fear to agree to long-term commitments.
✧ Failure to agree to legally binding obligations.
✧ Allow other issues to trump global env’tl problems.
✧ **Big question:**

✧ How long are we to scramble for the low-hanging fruit when the top of the tree is breaking under the weight of better fruits?
Since 1992 successive COPs have represented regressions.

Fortuitously explained away by some urgent events or situation e.g. Sept 2011 and global security; global financial crisis; etc.

Evidence that global environmental diplomacy is not working to address climate change...

With further research this could easily extend to other regimes e.g. CBD, Desertification, etc.

Success regimes few and far between...
4. Alternatives to global diplomacy...

- Global diplomacy not the only option
- Could regionalism be the key?
- Non formal and non-state driven - corporate initiatives - should we trust them?

✓ Regionalism MAY reduce complexity on points of disagreements - commonalities.
✓ Examples regional initiatives: EU on climate change.
✓ Some regions are still (institutionally) weak e.g. SADC, AU, Americas, Asia e.t.c
5. Looking into the future...

- Working together again globally or regionally and hope for the best...
- RIO + 20 assessment – global South and North chasm growing – main obstacle to legal commitment.

Countries with similar/comparable social, economic, cultural and political traditions tend to achieve consensus quicker?
The thinking must continue.....

Thank you