

A REVIEW OF



**COP 21  
FOR  
AFRICA**

AS A NEW HOPE AND  
ONGOING CHALLENGE:

A MULTIDISCIPLINARY PERSPECTIVE

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# PREAMBLE

## 0.1 Terminology

### 0.1.1 COP 21: In Paris

This refers to the *Twenty First Session* of the Conference of the Parties (COP) and the Eleventh Session of the Conference of the Parties. It served as the meeting of the Parties to the Kyoto Protocol (CMP). It took place from 30 November to 11 December 2015 in Paris, France. It remains a remarkably historic breakthrough, particularly in responding to the ever growing and worsening of climate change and global warming, with ever-increasing multiple socio-economic environmental human technological, biological and existential challenges ever.

### 0.1.2 Multidisciplinary Perspective

As an adjective, it connotes relating, referring or employment of several disciplines together. From a methodological viewpoint, “multidisciplinary” entails a holistic integration of various approaches to reality using a plethora of scientific and human approaches, views and realities of analysis, both in quantitative and qualitative manner.

## 0.2 Thought-Provoking Questions

What are the two sides of COP 21? What does the Paris Agreement mean for Sub-Saharan Africa? Legally? Technologically? Environmentally? Politically? Interdisciplinary? What are the indicators that determine COP 21 to be termed as a *breakthrough*? What are the practical and tangible takeaways for Africa from the COP 21 gathering and the Paris Agreement?

Could we identify any credible indicators or signs of the Paris International Climate Change Conference as a starting point of a new era for African and global climate actions? Do we agree that the success of the Paris Agreement was built on *persistence, determination* and *ethical values*?

What makes the Paris Agreement particularly significant from its legal structure? What are the concrete weaknesses of the Paris Agreement, substantially and methodically? How will the Paris Climate Change Agreement concretely help the East African Community (EAC) in particular to pro-actively reduce its carbon footprint in terms of mitigation, adaptation, financial undertaking, etc.? What are the short-, medium- and long-term consequences of the *Individual National Contributions* (INDCs) as long as they will be non-binding and insufficient?

Do we all agree that the stage is set and waiting for more action locally, regionally and globally? As EAC in particular and Africa in general, do we have a post-COP 21 common denominator vision and understanding for a new and sustainable model towards a really decarbonizing culture?

Has the EAC and Africa in general learnt how to develop a new multidisciplinary solution as a credible toolkit for climate change mitigation? What is the role of investors after the Paris Agreement?

Does Africa carry the most work to meet the required implementation of the Paris Agreement? What is the role of African academia, politicians, climate change ambassadors and activists, economists, policy makers, alternative energy gurus, lawyers, professionals, social scientists and engineers in promoting true global governance and international laws for future climate fitness?

Do we agree that solutions against climate change will never be found from one discipline? What noble future implementation strategy of the Paris Agreement for Africa and the EAC in particular has been earmarked?

### 0.3 Methodologies

This paper tries to employ a profound multidisciplinary approach that amalgamates a plethora of disciplines and sciences that are natural, human, ethical, and scientific, etc. All these are converged in the “ACTION” method (*Aidan G. Msafiri*), which connotes the following:

|          |   |                        |
|----------|---|------------------------|
| <b>A</b> | = | <b>Analysis</b>        |
| <b>C</b> | = | <b>Convince/Commit</b> |
| <b>T</b> | = | <b>Transform</b>       |
| <b>I</b> | = | <b>Innovate</b>        |
| <b>O</b> | = | <b>Observe</b>         |
| <b>N</b> | = | <b>Network</b>         |

### 0.4 Structure

This work entails two key parts. Part One tries to uncover the positive aspects of the Paris Agreement, in terms of substance, process and method. In Part Two, focus is made to critique the Paris Agreement in terms of substance, process as well as method. The last part underpins some key concluding reflections for action.

# PART ONE

## 1.0 The Paris Agreement as a Unique Breakthrough: A Multidisciplinary Approach

### 1.1 Methodological Breakthrough and Strength

First, methodically the 31-page (unlike the Copenhagen 300-pages) draft of the Agreement contains no data that indicates areas of disagreement. This was echoed in the story and strong words of COP 21 President Laurent Fabius, saying, *“nothing is agreed until everything is agreed”*.

Second, the Agreement marked a new global climate masterpiece particularly in a transformative stance for collective responsibility. This is succinctly re-echoed in the welcoming the adoption of the United Nations General Assembly resolution A/RES/70/1, which states “Transforming Our World: The 2030 Agenda for Sustainable Development,” in particular its good 13...

The Agreement developed a new method and/or approach of universal climate change awareness model for action. Hence, the perspective that needs to be adopted by all parties should no longer be “their” business but “our” business.

## 1.2 Diplomatic Breakthrough and Strength

First, the accord was a real landmark of a remarkable broad consensus of 195 nations agreeing to the deal. Indeed, nations that agreed to the agreement embedded commitments, not “*mere pledges*”, in cutting greenhouse gases (GHGs), both by the developed and developing nations.

Second, the accord marked a new global diplomatic landscape and scenario whereby high-level diplomats worked for almost nine years. It radically changed the “*status quo ante*” by enforcing a certain form of change and general paradigm shift by all nations, developed and developing.

As Ban Ki-Moon, the UN Secretary General said at a press interview, “This is truly a historic moment... For the first time, we have a truly universal agreement on climate change, one of the most crucial problems on earth.”

Admittedly, this new global diplomatic stance “soothes” most of the previous climate change tensions, indifferences, skepticisms, lukewarmness, antagonisms, inaction, selfishness, approaches, etc. Briefly, the agreement marks a global diplomatic monumental triumph. What does this imply concretely in Africa in general and the EAC in particular?

### 1.3 Legal Breakthrough and Strength

First, from a legal point of view, the following are the multiple relevant trajectories:

- i. A universal climate change management based for and with the world
- ii. A universal “cloning” and synergy of both foreign relations law and public international law. Article 4(2) of the Accord states “Each Party shall prepare, communicate and maintain successive nationally determined contributions that it intends to achieve”
- iii. A binding and non-binding character. However, it underscores a long-termism climate change philosophy that is a futuristic and ideological approach than ever.
- iv. A new “package” of multiple instruments of legal forms. This is a core legal agreement stemming from decisions made at COP 21, with provisions and potential political declarations.

Second, the legal force of the agreement is largely determined by content as key and not its name. The content underpins its legal force and the obligations that the Parties have, for instance, in reference to the INDCs, whether they are annexed or separate. Briefly, the accord remains as a crucial initial global legal breakthrough for reflection and action, locally and globally. What does this mean for Africa in general and the EAC in particular?



## 1.4 Ethical (Justice) Breakthrough

First, the agreement reiterates the *Principle of Common but Differentiated Responsibility (CBDR)*. It answers the questions and the perennial cynical dilemmas: Who should be responsible and to what extent should that responsibility be operationalized here and now (Art. 2, Para 2). Admittedly, unlike earlier agreements, the Paris Agreement puts greater focus and emphasis particularly on common obligations as encapsulated in the nationally determined commitments (NDCs) (Refer to Art. 4, Para 2).

Second, the accord reiterates both the culture and principle of climate and environmental justice. As such, the so-called “Clean Power Plan” of the accord entails collaborative accountability to “co-pollutants” as well as “co-pollutant benefits” package, stringent reductions particularly to “traditional” pollutants. This new value-based approach underpins the other justice ethical principle and norms of farmers’ equity, common good/welfare, precaution, punitive justice, inclusivity, sustainability, interdisciplinarity, efficiency, revolution, modernity, transparency, human rights, care, foresight, trust, stewardship, concern, governance and global leadership.

Lastly, as Pope Francis said in his *Environmental Encyclical (LS: No. 159)* “We can no longer speak of sustainable development apart from intergenerational solidarity.”

Further, the Paris Accord developed an ethical-based dynamic method of “naming and shaming” in order to spearhead mandatory transparency and realistic review provisions called “ratchet”.

## 1.5 Technological Breakthrough

First, indeed, the Paris Agreement marks a remarkably significant step forward in the further operationalizing of the *2° C limit*. The Parties agreed that GHGs need to peak as “soon as possible” and also that “a balance between anthropogenic emissions by sources and removals by sinks of GHG in the second half of the Century.” (Art. 4)

Second, according to the *International Energy Agency (IEA)*, the demand dropped notably, particularly in the last ten years. The report maintains that demand for coal in China, which uses 50% of the world’s coal supply, has begun to fall. Hence, a new paradigm shift particularly to cleaner, smarter and renewable energies has been put in place.

Third, it has been observed that an increase in renewable energy usage up to 36% in the entire global mix by 2030 would definitely reduce GHG emissions to the *2° C* threshold, according to a statement issued by the *International Renewable Energy Agency (IRENA)*.

Fourth, the Paris Agreement has positively spearheaded efforts in changing the pessimistic views of considering climate change action as solely negative phenomena. Today, more than ever before, the international Renewable Energy Agency (IREA) attests that “we are not seeing climate change as a cost, but we are starting to see it in terms of opportunities”.

Lastly, a very significant and effective aspect tool for developing nations to meet the INDCs is mainly substantial access to technologies that make a shift from the “curse” of fossil fuel based models. Undoubtedly, a rapid switch to renewable energies (RE) locally and globally can make the Paris Dream become true!

# PART TWO

## 2.0 Critical Critiques of the Paris Agreement: Weaknesses and Inconvenient Truths for Africa

### 2.1 Methodological Discrepancies and Limitations

First, the Agreement might be considered in circles as an end in itself – not as a means to an end. Indeed, it is a beginning of a very long and tedious climate justice itinerary. As it has been observed, it “sees the updating of voluntary pledges every five years... a formal stock-taking has only been agreed for 2023... Why are we waiting till 2023 to take stock?” How could this be reconciled with the ambitious *1.5° C limit*?

Second, the *historical principle of compensation for loss and justice*, that is, punitive justice, was eliminated particularly in the entire process of the Paris Agreement. What does this mean for Africa and the EAC?

## 2.2 Financial Weakness

First, it has been observed that the financial component of the Agreement is rather weak. It shuns away from any obligatory or compulsory vocabulary in scaling up climate finance. Some of the losses cannot be compensated, however, the then Copenhagen's USD 100 billion target for North-South financial flows remains valid. In this context pledges still remain as pledges, not as realistic commitments.

Second, as Surya P. Sethi's remarks is worth paraphrasing, *"To those who hailed the Paris Agreement as a 'turning point' in climate change negotiations and a 'major leap for mankind', I say it is a turn into a dead end and a leap into disaster, foretold by science. To those who say 'it signals and end to the fossil fuel era and send signals into the heart of the markets', I say look at the Bloomberg's Commodities page – fossil fuels are being produced in never before quantities and sold at the lowest ever prices in real terms... the Paris Agreement sets no date for peaking by either OECD or China!"*

Third the Agreement does not clear the financial action that needs to be taken particularly for renewable subsidies. Admittedly, this has far reaching negative future consequences to Sub-Saharan Africa and tropic island nations worldwide. Briefly, it contains a vague language. What does this imply to Africa and other developing nations?

## 2.3 Legal Weaknesses and Discrepancies

First, in terms of a linguistic perspective, the Agreement remains ambiguous. Many question its legal character, wondering whether or not it is a treaty or whether it should be or not be regarded as such. The questions arise as to whether the Agreement is a protocol, package or agreed outcome with judicial force under the Convention applicable to all Parties. The main question that is being asked is to what extent can the Agreement be considered as a true instrument of ratification.

Second, Parties to the Paris Agreement have also asked whether all the key provisions are legally binding. They also ask what is the determining legal force of the Agreement. At this juncture, there is a need to differentiate between the Agreement's political importance on one hand, and its legal importance on the other.

Lastly, more legal questions and ambiguities have been raised as pertaining to the fact that we can call the Agreement as a package or a treaty. Briefly, we are forced to ask what is really imbued in the Agreement. Also what do all these implications mean for Africa in particular?

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## 2.4 Ethical Discrepancies

First, despite the global outcry for “*climate justice now*”, before, during and after COP 21, one observes little or almost directly nothing in the Agreement dealing with qualitative ethical values for climate justice. Among others, these would have included passages from Pope Francis’ “*Laudato Si*”, as well as the values and virtues of eco-justice, dignity, equity, hope, agape, foresight, care, compassion, peace, faith, trust, etc.

The ethical component should have been underpinned as the judicial aspect. Instead, greater emphasis has been on quantifiable mathematical and pure economic costs of emissions as a whole.

Second, from justice and equity perspectives in particular, the Agreement lacked a broad spectrum of ethical and value-based approach to the multiple perspectives. It should have been clearly and forcefully inculcated as an ensemble of ethical principles, particularly the following:

- The Principle of Interdisciplinarity
- The Principles of Eco-Justice, Fairness and Equity
- The Principle of Intergenerational Justice
- The Principle of Moderation (“Middle Path”)
- The Principle of Globalization of Concern (*Aidan G. Msafiri*)
- The Principles of Personality and Plurality
- The Principle of Common Good/Welfare
- The Networking Solidarity Principle

## 2.5 Technical Discrepancies

First, the Agreement lacks a clear “*modus operandi*” to the effective implementation of the countries’ nationally determined contribution. The greatest challenge is the access to eco-friendly technologies that make a real paradigm shift from fossil fuel-based infrastructure, locally, regionally, continentally and globally. The issues of the *Convention’s Technology Mechanism Executive Committee (TEC)* and the *Climate Technology Centre and Network (CTCN)* received insufficient focus and emphasis. Again, what are the negative impacts of this trend to African and developing nations?

Second, the Agreement lacks a concrete mechanism of operationalizing the goals for technology transfer, intellectual property rights (IPRs) in order to reduce greenhouse emissions and improve resilience to further negative climate change scenarios. As Pope Francis puts it, a “global consensus is essential for confronting the deeper problems that cannot be solved by unilateral actions on the part of individual countries.” (Pope Francis – “Laudato Si” Number 164)

Let us now conclude our critical multidisciplinary exposure of the Paris Agreement by proposing “takeaway” value based toolkits for Sub-Saharan Africa in general and the EAC in particular.

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# WAY FORWARD

## 3.0 Towards a Transformative Climate Change Toolkit for Africa

Undoubtedly, a truly transformative post-COP 21 accord for Africa and the East African Community needs to navigate around the multidisciplinary approaches as well as trajectories and landscapes.

First, *methodologically*, Africa needs to disentangle itself from both methodological and substantial weaknesses of its hitherto outmoded and business as usual views and hypocrisy. Africa needs more than ever before an affirmative conviction and willingness for innovation as well as suitable solutions to the perils of climate change. Further, Africa needs to “term” climate change as *priority number one* with one voice, one strategy and one political will. This needs to be translated into concrete actions and not mere political and diplomatic hypocrisy and rhetoric. This must be measurable, smart and timely.

Second, it is high time for Africa “to own” the entire process and substance of the Paris Agreement. Technologically, Africa needs to embark on a collective model and mechanism of both migrating and enforcing the implementation of the INDCs (Intended Nationally Determined Contributions). This involves the process of planning and “walking” together, side-by-side. Consequently, climate change policies, laws, strategies, etc. in Africa need to have a transformative homogenic mission, vision and strategy.

Third, there is an urgent need for African countries, politicians, lawyers, policy makers, business leaders, social engineers, faith- and community-based organizations (FBOs and CBOs), etc., to really bring climate change knowledge and awareness to the Bottom of Virtues, particularly across Africa. Indeed, Africa is not the “*tabula rasa*” of the Earth’s supporting traditions for sustainable communities and livelihoods. Among others, the ethical values of “*Ubuntu*” (“mindful actions”, culture, solidarity) solidarity, good leadership, moderation, openness, innovation, compassion, stewardship, foresight, to mention a few.

Lastly, but not the least, Africa needs to move away from the cancer of selfishness and greed, particularly towards adequately searching for sustainable climate change solutions, nationally and continentally. It almost seems that humanity has a death wish.

Which Article of the Paris Agreement needs to be the key priority for Africa?

Will the Kigali Climate Change Conference have any concrete, transformative effects to our nations and Africa?

**Let us start now.**

## ABOUT THE AUTHOR

Rev. Prof. Dr. Aidan G. Msafiri is Tanzania's Ambassador for Climate Change. He undertook his doctoral studies at the Vienna University in Austria specializing on Environmental Ethics. Prof. Dr. Msafiri was the 2003 Winner of the Austrian Prize for Dissertation on the Dialogue between Economics, Ethics and Religion. He has presented different papers nationally and internationally, particularly on climate justice ethics, at the COP 17 (Dec. 2011, Durban, South Africa) and COP 21 (Dec. 2015, Paris, France).

He also serves as a Tanzania Advisory Board Member to the GLOBETHICS.NET East Africa in Nairobi, Kenya. Prof. Dr. Msafiri has published about ten books and dozens of papers worldwide. He also serves as a Senior Lecturer at the different universities in Tanzania and worldwide. Pastorally, he is the Director of Youth for the Catholic Diocese of Moshi, in Kilimanjaro Region, Tanzania.