

Rabbi Deloso

ENGO Influence in International Climate Change Negotiations - Case Study of the Issue of Post-2012 during COP 11 and COP/MOP 1

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**NGO INFLUENCE IN INTERNATIONAL CLIMATE CHANGE NEGOTIATIONS:
CASE STUDY OF THE ISSUE OF POST-2012 DURING
COP 11 AND COP/MOP 1**

by

Rabbi Deloso, BA, LLB, MSc.

In partial fulfillment of the requirement
for completion of the degree
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School of Law

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I. Introduction

There is recently a resurgence of attacks in the media against the scientific basis of global climate change and the necessity for political action. Some global warming sceptics from the academic and political sectors accuse majority of climate experts, the media, governments and environmental NGOs of a conspiracy to deceive the public on what they term ‘the great global warming swindle’¹. Although the scientific community is virtually united behind the idea that the earth’s climate is indeed changing and that human activities are the primary cause of it, it is not difficult to comprehend why a political debate surrounding the issue of whether political action should be undertaken continues to flourish. Global warming is, after all, arguably the greatest scientific and political concern confronted by humanity.

It also comes as no surprise that the scepticism surrounding climate change

Since the first major gathering of states and nongovernmental organisations (NGOs) in the 1972 Stockholm Conference to address global environmental problems, the role of environmental NGOs (ENGOS) in international policy making is elevated to the level of significance. States are no longer viewed as the exclusive actor in the formation of international environmental policy. The growing complexity of global environmental problems paved the way for states and international organisations to turn to ENGOS for their expertise and resources. However, despite changes in the role ENGOS play in the global political arena their influence in the formation of international law remains contentious.

One environmental issue characterized by complexity and exigency that concerns ENGOS and states alike is the global warming phenomenon. No other environmental issue has the potential of affecting the way people of all regions of the world live. Indeed, climate change is arguably the international community’s most serious environmental problem to date.

Since its early discovery in the 1960s (Luterbacher and Sprinz, 2001: 24), the science of climate change has advanced and there is now scientific evidence that global climate is warming (IPCC, 2001; 1). The potentially global and long-term detrimental effects of climate change require the concerted action of international actors—states and non-states. Thus, the

¹ Wheldon, J., “Greenhouse effect is a myth, say scientists,” *The Daily Mail* (5 May 2007). Accessed at http://www.dailymail.co.uk/pages/live/articles/technology/technology.html?in_article_id=440049&in_page_id=1965 on 5 March 2007.

Kyoto Protocol is envisioned to serve as an initial step taken by all countries in the long battle to address climate change. If science is to be believed, further global action is necessary to achieve the objective of the United Nations Framework Convention on Climate Change (UNFCCC), of “stabilization of greenhouse gas concentrations in the atmosphere at a level that would prevent dangerous anthropogenic interference with the climate system” (Art. 3, UNFCCC).

Unfortunately there are significant players in the climate debate that did not ratify the Kyoto Protocol, and states parties to it are divided on how to move forward when the agreement expires in 2012 (hereinafter ‘post-2012’). This dilemma needs to be addressed soon as 2012 is fast approaching. The eleventh sessions of the Conference of the Parties to the UNFCCC and the Conference of Parties serving as the first Meeting of Parties to the Kyoto Protocol (COP11 and COP/MOP1) was the first official gathering of states that formally addressed the issue of post-2012. How the ENGOS, represented by the umbrella organisation Climate Action Network (CAN) took part in the negotiations and whether it has influenced the results in light of the apparent differences of opinion among states is the concern of this thesis.

1. Subject of the Thesis

States and international organisations are formal actors in drawing up international environmental agreements. As mentioned, nongovernmental organisations also has a key role to play. From the time of the adoption of the United Nations Charter in 1945, which provided for accreditation of NGOs (Art. 71), the NGO world experienced exponential growth. Some scholars believe that a critical mass has been reached making NGOs the new “fifth state” on the field of global governance (Fitzduff et.al., 2004:2)². NGOs have, in many places, become significant political actors, and this heterogeneous group has made its presence felt at the local, national, and international levels.

However, the growing numbers of NGOs do not entail a similar transition of their official status under the UN system. As provided in the UN Charter (Art. 4), only states can be members of the organisation. Hence, only voting states have formal powers to determine the outcome of international treaty negotiations. NGOs are subject to rules established by states,

² In 1994, the Union of International Associations listed over fifteen thousand NGOs (Weiss and Gordenker, 1996: 17), while in 2000, it was estimated that there were over two million NGOs in the United States, sixty-five thousand in Russia and twenty-one thousand in the Philippines (Ibid: 7).