

Regional Integration and Climate Change Governance (SADC & EAC)

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Intro

- A) Not materialized inspite of :
 - a) objective developments in other sectors;
 - b) pronouncements on necessity of regional response to climate change,
- B) programs towards effecting b, visible at two levels:
 - i) climate change projects, and
 - ii) Focus on EU eg.---monetary union, > merits of the EU model
- C) Constraints to adoption of a binding legal regime and how it could look like

Consensus on regionalizing climate change governance

- Global recommendations: UNFCCC; Agenda 21;
- AU
 - AMCEN (talk of forging common African position
 - African Climate Change Strategy (2011).
- Pan African Parliamentary Network on Climate Change (PAPNCC).
- Popular pronouncements (especially in context of food security—strategy by bureaucrats to concretize C/C & attract attention policymakers)
- LVBC (outlier?)

Current efforts fall short of a statutory mechanism?

A) Efforts

- Treaties: objectives—Environment
 - -e.g. SADC: g) achieve sustainable utilization of natural resources and effective protection of the environment
- Protocols
 - = EAC: -- Environment and Natural Resources Management (abeyance)
- Objectives: (e) promote development and harmonization of policies, laws and strategies for environment and natural resources management to support sustainable development.

A) Efforts cont.

- C/C: Policy; Master Plan; Strategy
- e.g. Master Plan TORs:
 - ...Review the policies, legal and regulatory frameworks in the region pertaining to the environment and Climate Change and propose the most appropriate plan of action for their harmonization, and
 - xiv) Propose legal and institutional frameworks required for the successful implementation of the master plan;
- -yet: Policy: prioritises adaptation over mitigation; notion: not compromise socio-economic development (can a binding legal regime originate from this?)

Efforts cont.

- SADC – Fisheries, Forestry, Wildlife Conservation
- Tripartite Agreement (EAC; COMESA; SADC—donor funded)
 - a climate change response program

Que.:

- Enforceable? = yes? but not because of a climate change regime?
- What is the nature of justiceability?
- Precedents at EACJ : owned jurisdictions

Efforts cont.

- Account for the absence of a binding statutory mechanism
- --Interruptions by National sentiments
- -Que. of demand
 - Know suppliers, but
 - Who are the actors?

Actor constellation and their impact on regime formation

a) State actors (Organs of REC)

=Summit—H/States and Consensus principle

--Council of Ministers

--Sectoral Committee (E &NR)

--Directors: water, environment, energy, wildlife, minerals, forestry, fisheries, NEMA/C (diversity of preferences?)

=EALA (under Summit?; legislative powers constrained by budgetary clause # SADC

=EACJ/SADC Tribunal

= Secretariat : Directorates—Envir/NR ; EAC: heavier than SADC

b) Non –state: Donors; Industry; CSO—C/C

Incentive structure argument?

- who needs a regional regime?
 - C/C constituency e.g. Wildlife, Forestry, land?
 - (by design) Industry –see above ; but also on NTBs
- Policymaking class: C/C caucus—Resolution on Climate change (regional vs. state)
- Donors: no discernible interests (cf. trade e.g. EPA; NTBs)

Conclusion

- C/c. R = actor interactions >> Preferences // strategies <<< R/endowments + I/settings.

I/setting :

- SADC –segmented : ltd bureaucracy; no roots of a critical mass on C/C
- EAC – towards regimentation; hence basis of a critical mass on C/C
 - heavy bureaucracy (self-interests > technical back up vs. National counterparts)
- --- EALA (committee of Agric/NR & Tourism; proposal EALA Committee on C/C >> C/C caucus— Resolution on Climate change
- Regional cabinet (vs. national cabinet reps) ?
- Regionalize global funding?