



Report on the Training Workshop 'Negotiating International Treaties: Training Program for Diplomats' held at the Intercontinental Addis Hotel in Addis Ababa, Ethiopia on July 31st and August 1st 2014



I. Introduction

The workshop jointly organized by the African Institute of International Law and the Konrad Adenauer Stiftung's Rule of Law Program for Sub Saharan Africa was to train African Diplomats on how to effectively negotiate international environmental treaties particularly those touching on the climate change.

The workshop was a follow-up to two books published last year by KAS on Climate Change.

The workshop was deemed successful as it sharpened the knowledge and skills of the African Diplomats who often feel underrepresented and deprived of their opportunity to stand up for the needs of their continent and to claim their rights.

II. Opening Session

The workshop began with Ambassador Sani Mohammed, the Rector of the African Institute of International Law in Arusha, Tanzania, and Dr. Arne Wulff, Director of the Rule of Law Program of the Konrad Adenauer Foundation in Nairobi, Kenya, making their welcoming remarks.



Dr. Wulff particularly expressed his deep appreciation to the German Ambassador, Joachim Schmidt, for

attending the opening session of the workshop and also for his announcement to attend the closing ceremony.

The keynote address was delivered by Professor Vincent O. Nmehielle, Legal Counsel in the Director Office of Legal Counsel AUC in Addis Ababa. Prof. Nmehielle thanked all organizers for all efforts highlighting that there is no doubt that treaties and the process of negotiation have an important influence. He also pointed out that it is necessary to consider what treaties are and even more important what they are not. In this regard he emphasized that the African Union has no power to impose treaties on any African state but it is up to the African States to decide themselves whether they want to take part or not.

Furthermore he reminded the participants that negotiations and adoption of treaties calls for keen analysis of the various aspects and is therefore a long process which requires concessions from all parties.

He also noted that the concerns of environment have become an important issue for the global community mainly because environmental problems harm our development and the quality of life which should be of outmost importance for policy makers.

He concluded by expressing his firm conviction that this training would be of great significance for the work of the participants.

III. Introduction to the Law of Treaties – Foundations of the law of international agreements prepared by Prof. Dr. Mathias Sahinkuye, Senior Research Fellow at the African Institute of International Law in Arusha, Tanzania

The first presentation was given by Dr. Wulff, representing Prof. Dr. Mathias Sahinkuye, who unfortunately could not attend the training.

After giving the definition of treaties referring to the 1969 Vienna Convention, he listed the requirements for a treaty to be regarded valid. He explained the structure of a treaty, which mostly consists of the title, the preamble, the disposition and the final clauses.

He noted that in order to strengthen the international rule of law, treaties concluded by the member states of the UN under international law are required to be submitted for registration. A non-registered treaty cannot be invoked before a UN body, including the International Court of Justice. However, being a member of the UN is not a precondition for entering into treaties as the example of Switzerland shows.

The treaties are then published and are available in hard copy as well as online.

IV. Introduction to Climate Change – The international climate change regime by Prof. Dr. Oliver Ruppel, Director of the Rule of Law Programme (DROP), South Africa



Prof. Dr. Ruppel emphasized the importance of tackling the problem of climate change since the consequences of climate change are devastating as attested to by the latest report of the International Panel on Climate Change (IPCC).

In this context he pointed out the scope of the consequences for Africa which is contributing the least greenhouse gases but is nonetheless extremely vulnerable to any climate change related disasters that exacerbate the already stressed situation.

He went on to discuss the international climate change regime naming international instruments under which climate change is dealt. In this regard the UNFCCC (United Nations Framework on Climate Change) and the Kyoto Protocol are the most important instruments. The UNFCCC only commits to stabilize GHG emissions whereas the Kyoto Protocol which followed the UNFCCC obliges to do so.

He expressed his concerns about the post Kyoto agreement which needs to be agreed upon soon since the Kyoto Protocol already ended in 2012 and has since left a vacuum. He pointed out that a decision about it will have to be made at one of the next Conference of the Parties (COPs).

V. Negotiation Skills – Techniques of negotiating international agreements by Ambassador Sani Mohammed, Rector of the African Institute of International Law, Arusha, Tanzania

Since negotiations can only be successful when the negotiators are well equipped with techniques of negotiations, Ambassador Sani gave the participants tips of effective negotiations in a bid to sharpen their skills.



He underscored that techniques of negotiations are basic for diplomats and that those skills can be used at a professional level as well as at a personal level. He emphasized that the knowledge of the rules of negotiating are absolutely necessary as formal negotiations have a formal framework of rules. Furthermore a thorough preparation is crucial for successful negotiations.

He pointed out the two main styles of negotiations which are either competitive or cooperative. These two styles are just the opposite ends of a spectrum of possible styles.

He advised the need to determine the problems at the beginning of the negotiations to avoid bargaining over positions. He stressed that changing the positions undermines the credibility of the results.

He concluded by stating that negotiations are the fundamental function of any diplomatic mission.

During the plenary discussions it was pointed out that African states need to cooperate while negotiating international treaties in order to safeguard the interests of the continent instead of representing sole State interests.

VI. Effects of Climate Change – Climate Change and Human Rights by Dr. Arne Wulff, Director of the Rule of Law Program Sub Saharan Africa, Konrad-Adenauer Foundation, Nairobi, Kenya

Dr. Wulff presented on the Effects of Climate Change regarding the Human Rights regime by creating a nexus between climate change and human rights which revealed gross violation of Human Rights has devastating consequences on climate change.

After a short introduction of the background of climate change and an overview over the history of human rights, he gave an introduction to the substantive content of human rights law applied on the climate change induced violations of human rights.

He highlighted that there is no link between the climate change regime and the human rights regime since both regimes developed separately and without taking notice of each other.

Having pointed out the spheres of human life which are threatened by climate change, he emphasized the need to reconcile clashing human rights and to find a way forward.

VII. Effects of Climate Change – Climate Change and Migration prepared by Prof. Dr. Mathias Sahinkuye, Senior Research Fellow at the African Institute of International Law in Arusha, Tanzania

This paper by Prof. Dr. Sahinkuye was presented by Dr. Marcel Leroy, Senior Researcher of the University for Peace, which pointed out the linkage between migration, political and economic development and climate change. These linkages have not been firmly studied and are also not always clear. Therefore governments have to plan to adjust the right

moment for precautions and to know when prudent risk management is necessary.

The scope of the problem is not accessible yet and the question is how to refer to those migrants. It is challenging to classify them as the term "refugee" usually implies that someone needs protection because he is in danger which does not apply for most climate change refugee. This classification also requires distinguishing between the various factors for migration as it is usually an accumulation of events that force people to migrate.

Furthermore there is a need to find a legal framework in which we can classify these people and to which extent states have to recognize their responsibility towards the migrants. However, it is not only climate change that is inducing scarcity, but also population growth is a major factor contributing to scarcity.

VIII. Effects of Climate Change – Climate Change, Trade and Development by Prof. Dr. Oliver Ruppel, Director of the Rule of Law Programme (DROP), South Africa

Prof. Dr. Oliver Ruppel pointed out that trade which contributes negatively to climate change does also provide opportunities for possible source of financing for climate change adaptation. In this context he discussed the Doha Development Round and the BRICS (Brazil, Russia, India, China, and South Africa) partnership.

One of the critical questions that have been raised in this context was concerning the effectiveness of the carbon trading noting that Africa gets money by selling emissions to Europe but had not realised the expected development.

IX. Closing Ceremony

After a positive final feedback session, Ambassador Sani Mohammed proposed a vote of thanks before the German Ambassador Joachim Schmidt handed over certificates of participation to the participants.

***Compiled by Felicitas von Campenhausen,
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