

***Strengthening International Environmental Governance
and Civil Society Leadership in the Asia-Pacific***

Background documentation for:

*The International Environmental Governance (IEG) Regional Forum for Civil Society
and Regional Consultative Meeting (RCM)*

for Asia and the Pacific

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Table of Contents

| | |
|--|----|
| <i>Executive Summary</i> | 3 |
| <i>Introduction</i> | 5 |
| <i>IEG Progress Report</i> | 7 |
| <i>Key Challenges</i> | 9 |
| <i>IEG Reform Options</i> | 19 |
| <i>Strengthening Civil Society Participation</i> | 28 |
| <i>A Vision for the Asia-Pacific</i> | 30 |
| <i>Appendix 1: IEG Timeline</i> | 31 |
| <i>Appendix 2: Regional Case Studies</i> | 32 |
| <i>Appendix 3: Key Readings/References</i> | 33 |
| <i>Appendix 4: Complete Bibliography</i> | 34 |

Prepared by the Sydney IEG Forum Project Team

Executive Summary

Environmental issues do not respect political boundaries. They are unaware of negotiations and timetables, and unconcerned with human health and habitation. Without decisive action many environmental problems persist or intensify: toxins bioaccumulate in fatty tissue, fertile topsoil washes effortlessly into waterways, species are driven to extinction by habitat destruction. Research by the Intergovernmental Panel on Climate Change,¹ UNEP's fourth Global Environmental Outlook² and other documents confirm the depth of these challenges.

Asia and the Pacific³ are vast—home to 60% of the world's population and encompassing more than half of its coastline—and face numerous ecological challenges, including rampant deforestation, severe atmospheric pollution, marine and freshwater degradation, rapid industrialization, and innumerable threats from climate change. The region is also diverse, containing 46 countries and a multitude of distinct cultures. Successful construction of networks and effective environmental governance across our culturally and geographically diverse region is not only essential to repairing ecological damage, but might serve as a model of cooperation for the rest of the world.

The interconnected and trans-boundary nature of environmental issues underscore the necessity for both regional and global environmental governance. While some environmental issues are geographically specific, the causes and conditions often spread across many countries and many groups, including government and industry. Likewise, impacts are widespread; while to poorest people suffer first and most, many ecological problems—loss of arable land, smog, ecosystem destruction—cut across economic, social, and political barriers.

International environmental institutions exist for these reasons; and it is for these same reasons that we must ensure their effectiveness. Herein lies the purpose of this meeting and the wider UN reform process in which we are engaged. The Sydney Forum is intended to engage regional civil society—an increasingly vital actor within the international environmental governance (IEG) system—in generating priorities for the Asia-Pacific, debating the reform options presently on the table, and creating a vision for environmental governance.

This task requires an understanding of both the challenges the system faces, and the reform options that have been proposed. Key issues that undermine effective IEG include:

- Proliferation of institutions and multilateral agreements (MEAs), which both fragment and over-burden the system and its parties;*
- A lack of coordination and cooperation between intergovernmental organisations, stakeholders, organizations, and regimes that aggravates and is aggravated by the aforementioned fragmentation, and a related failure to understand the deep interconnectivity between economic, social, and environmental issues;*
- Weak enforcement mechanisms and lack of follow-through which can be attributed in large part to the system's institutional architecture;*

¹ The IPCC's fourth report (2007) is available online at <http://www.ipcc.ch/#>

² The fourth Global Environmental Outlook (2007) is available online at <http://www.unep.org/geo/geo4/media/>

³ Per UNEP's six global regions

- *Poor use of human and financial resources due to the abundance of MEAs, their associated reporting burdens, attendance obligations, geographic dispersal etc;*
- *A lack of leadership at the national and international levels; and*
- *A yawning gap between the developed and developing worlds with regard to human capacity, financial resources, access to science and technology, and prominence in setting the IEG agenda.*

These ongoing challenges have resulted in an abundance of political and academic literature on potential reforms, ranging from the clustering of MEAs to the establishment of a United Nations Environmental Organisation, which would completely redefine the IEG landscape. Reform options explored in this paper include:

- *Basic strengthening of UNEP, with attention to strengthening the Programme's science base, capacity building and technology sharing in the developing world, and strengthening the role of civil society;*
- *Creation of an umbrella institution to integrate IEG institutions such as the Global Environment Facility (GEF) and UNEP;*
- *Establishment of enforcement mechanisms such as an Environmental Security Council and/or a Global Enforcement Mechanism;*
- *Reformation of the WTO to include environmental governance;*
- *Establishment of a World/Global Environmental Organisation or United Nations Environmental Organisation with powers on-par with the World Trade and other UN Organisations; and*
- *Complementary measures such as the clustering and coordination of MEAs, and development of strong public policy networks.*

The motive for these discussions, in addition to the UN and UNEP reform programmes they will be informing, is to underscore the vital importance of full civil society engagement in IEG processes. As no time in its history has IEG been without the input and guidance of civil society groups; however, an important opportunity exists to both formalise and strengthen that role, giving civil society a distinctive voice in decision-making processes at global and regional levels. Discussing in pragmatic terms the roles civil society plays, such as monitoring compliance and advocating for social justice; as well as options for greater stakeholder involvement, creates an opportunity for defining the desired role of civil society groups in the region.

Finally, a regional vision will be touched upon. While that vision can only be defined by participants; however, it might be expected to include a much greater role for civil society, a more holistic approach to that engagement, and a focus on cooperation, collaboration, and communication across regimes, regions, and stakeholders. As home to two-thirds of the world's population and some of its most diverse populations, the Asia-Pacific region is uniquely situated to affect the institutional architecture of international environmental governance mechanisms, as well as the health of the global environment. The value in engaging all major groups and embracing their diverse perspectives cannot be overemphasised.

Introduction

This paper is intended to clarify the purpose and structure of the International Environmental Governance Regional Forum for Civil Society in Asia and the Pacific to be held in Sydney, Australia on 27 and 28 November 2008. The forum's intention is to strengthen international environmental governance (IEG), focusing specifically on the role of civil society in these deliberations and in the Asia-Pacific region particularly.

The meeting itself is part of a wider project to promote enhanced international environmental governance policies and processes, leading to a reinforced UN body to protect, restore, and enhance sustainable management of, the global environment. Priorities include the mainstreaming of environmental issues, enhanced civil society engagement, and more effective environmental management. Input from this forum will be summarised into a formal report, which will be incorporated into the region's submission on UNEP and UN reform towards effective international governance in the 21st Century.⁴ As such, the discussions and outputs emanating from this forum are integral to future of IEG, with the potential to affect the very shape of environmental governance.

Forum Objectives

This two-day forum engages civil society leaders from across the Asia-Pacific. Forty different organizations representing all of the major civil society groups⁵ will be in attendance. Participants will discuss issues related to the future of international environmental governance and strengthening the role of civil society. The forum will:

- Bring together diverse stakeholders to evaluate global and regional IEG processes;*
- Highlight the value of civil society engagement in environmental governance;*
- Engage with the wider project (described above) from a regional perspective;*
- Provide an opportunity for regional exchange, cooperation, and partnership;*
- Foster networking among civil society agents.*

In addition to addressing key IEG issues in the Asia-Pacific, the Sydney Forum will also showcase initiatives and examples of civil society leadership across the region. These case studies will enable participants both to highlight successes and address barriers and constraints to effective action and collaboration—such as adequate funding and institutional roadblocks—in a meaningful context. Featured studies are detailed in Appendix 1.

⁴ Please see: <http://www.un.org/reform/> for more information on the current UN reform process.

⁵ The major groups are: non-governmental organizations, local authorities, scientific & technological communities (including think tanks, academia and research centres), workers & trade unions, business & industry, women, indigenous peoples, farmers, and youth.

Anticipated Outcomes

This forum has been designed to definitely engage civil society in debate on the current IEG system within the region. It is anticipated the forum will:

- *Identify and quantify regional challenges and opportunities facing effective IEG;*
- *Identify specific drivers and barriers/obstacles affecting collaboration between UNEP and civil society within the region;*
- *Enhance and establish civil society networks;*
- *Generate useful feedback contributing to both direct UNEP reform, and UNEP reform within the wider UN context.*

Background Paper: Structure and Objectives

In addition to addressing the objectives of this Forum, this paper is intended to reacquaint participants with the background and current state of international environmental governance (IEG). The information presented herein is based on the relevant political and academic literature available, but provides only an overview of the IEG system, its shortcomings, and proposed reforms. For more in-depth analysis of international environmental governance, please refer to Appendix 1, which contains a bibliography of key documents and references to important studies in the area.

The United Nations Environmental Programme (UNEP) was established at the Stockholm Environmental Conference in 1972. It was designed to catalyse engagement in environmental issues globally, coordinate those efforts, and offer policy guidance; as well as to build capacity and technological capability in the developing world.⁶ UNEP has seen great successes with regard to institution building, the generation of multilateral environmental agreements, and engaging stakeholders at forums, meetings, and conferences. However, the results of its coordinating and collaborative efforts have been less-than successful.⁷ This is true not only of UNEP, but of the other institutions that have evolved in an attempt to keep pace with rapid socio-ecological change (e.g. Commission for Sustainable Development, Environmental Management Group etc).

The diversity and complexity of the current system for IEG is a function of its institutional diversity, and the breadth and multiplicity of MEAs. Admittedly this system has numerous positive components, to wit, it⁸:

- Ensures sufficient redundancies, which prevent the system from being too reliant on one mechanism;
- Allows for the creation of targeted solutions;
- Offers flexibility and opportunity for innovation;
- Encourages civil society participation; and
- Avoids a one-size-fits-all approach by encouraging States and regions to independently engage with one another.

On the balance, however, international environmental governance is more fragmented than dynamic. An overabundance of institutions and MEAs with overlapping mandates, conflicting agendas, and dispersed secretariats creates an uncoordinated system of international environmental governance. Lack of communication and cooperation between bodies results in significant challenges, both in terms of administrative capacity and actual implementation potential.⁹ Weak leadership at the international and national level prevents the resolution of these issues and leaves IEG without an overarching enforcement mechanism.

Many efforts have been made to address these issues and assist UNEP and its sister institutions in affecting positive environmental change and fulfilling their mandates. For instance, UNEP's mandate has been updated at numerous conferences to reaffirm its position as the "anchor institution"¹⁰ for global environment management. The Global Environmental Facility (GEF) was established to support the additional costs incurred in the implementation of a number of conventions, such as the Montreal Protocol, UNFCCC, and so forth. The Environmental Management Group (EMG) was set up as an inter-agency body under the leadership of the UNEP executive director, its membership populated by all UN agencies that deal with environment, in order to facilitate cooperation, collaboration, and coordination. The Commission for Sustainable Development (CSD) was created to oversee the implementation of Agenda 21, the Rio +5 outcomes, and the Johannesburg Programme of Implementation. Where UNEP deals directly with environment, the CSD was intended to

6 Dodds, F., "UNEP: Changing Times," Reform Papers, Stakeholders Forum for a Sustainable Future.

7 Andresen, S., 2007, "The effectiveness of UN environmental institutions," International Environmental Agreements, Springer.

8 Kanie, N., Governance with Multilateral Environmental Agreements: A Healthy or Ill-Equipped Fragmentation? in *Global Environmental Governance: Perspectives on the Current Debate*, Swart, L. & Perry, E., eds., 2007, Center for UN Reform Education.

9 See, for example: Dodds, F., Reform Papers; Kanie, N., 2007; Institute for Sustainable Development

10 Ivanova, M., 2005, Can the anchor hold?: Rethinking the United Nations Environmental Programme for the 21st Century, Yale School of Forestry and Environmental Studies, New Haven.

provide space for discussions of interlinkages between environmental, social, and economic issues. UNEP has played a key role in the CSD, acting as task manager for the environmental chapters of Agenda 21 and the JPOI.

However, due to lack of funding, institutional weakness and competition, and MEA proliferation--among other issues--the system remains ineffective. Calls from member states, civil society, and even institutions themselves reiterate the same point: institutional reform is imperative if the IEG system is to successfully combat global environmental degradation. Further, whatever reforms are undertaken must be systematic, dynamic, engage with diverse regime types, and be responsive to the needs of all stakeholders.¹¹ The challenges that necessitate that reform, and the reform options presently under consideration, are the subject of this document.

¹¹ See Appendix 1: Key Readings/References

Key Challenges

This chapter provides an overview of the key challenges facing effective international environmental governance as addressed in the relevant literature. Broadly, there are seven overlapping problem areas that reoccur in the literature and merit the attention of reformers:

- Lack of leadership and cooperation throughout the international system;
- Proliferation of multilateral environmental agreements and resultant system fragmentation;
- Inefficient use of human and financial resources;
- Lack of cooperation and coordination, both within the environmental arena and across regimes;
- Non-performance of system components;
- State-centric decision making and delivery;
- Capacity and knowledge divides between developed and developing countries.

Each of these barriers has been researched and summarised herein for conference participants.

Lack of Leadership

Strong leadership is crucial to effective governance, having lasting impacts on the shape of a system, its approaches and components. Rarely are leadership issues addressed in the IEG literature; however, the Institute for Sustainable Development (IISD), in their Global Environmental Governance: A Reform Agenda does discuss the problem in some depth.

The review finds a leadership deficit occurs of two levels. First, there is a "failure of global leaders to demonstrate political will and invest the type of political capital that is needed to raise the profile of environmental issues to the appropriate level."¹² While many high-profile forums and conferences are held, very few leaders firmly and consistently support environmental improvement and mindful management. Funds to support the implementation of what is agreed upon are not made readily available. This is further evidenced by the low priority some UN member states accord environmental issues.

The second deficit is a very real lack of leadership within the IEG system itself. Strong managers do exist in some individual regimes and capacities; however, no individual or small group speaks for the system as a whole—though the appointment of a former UNEP Regional Director to run the Chief Executive Board does offer some hope.

In addition, a plethora of groups exist within the UN system itself to deal with environmental issues and sustainable development. These include:

- Agencies and programmes such as UNEP, UNDP, WHO, FAO, UNESCO, ILO, and UNICEF;
- The Functional Commission of EcoSoc, including the CSD, the UN Commission on Social Development, and the Commission on the Status of Women;

¹² Najam, Papa & Taiyab, 2006, p41.

- Divisions within the Department of Economic and Social Affairs including the Division on Sustainable Development, Secretariat for the UN, Forum on Forests, and the Office for EcoSoc Support and Coordination dealing with Annual Ministerial Reviews of the MGDs;
- Funding mechanisms such as GEF;
- Inter-agency bodies such as EMG, UN Water, UN Oceans, and the UN Development Group.

While technically UNEP is responsible for coordinating with (i.e. filling the leadership role for) all of these bodies on environmental issues, at times there has been a great deal of friction between them--particularly between UNEP and the CSD.¹³ Perhaps the most cooperative period was from 1993 – 1997, when UNEP was directed by Elizabeth Dowdeswell and the CSD Secretariat overseen by Joke Waller-Hunt. A key success from that era was the Inter-Agency Committee on Sustainable Development (IACSD), which brought together all of the task managers from different agencies and programmes responsible for the chapters of Agenda 21. Rather than being cooperative; however, the leadership landscape has become quasi-feudal in recent years, with 'commanders' and 'kings' attempting to "wrest as much as they can" for their agency, organisation, or project.¹⁴ Such behavior aggravates fragmentation and is elemental to failed cooperation on key issues.

Proliferation and Fragmentation¹⁵

Research indicates that "the best institutional design for managing complex problems such as global environment is a loose, decentralised, and dense network of institutions and actors."¹⁶ However, proliferation and paired with a lack of coordination and organisational density--of institutions, agreements, their mandates and secretariats--has led to a disconnected and fragmented system. Sub-issues¹⁷ include:

- Treaty and institutional congestion;
- Institutional and policy fragmentation;
- Institutional demands;
- Duplicating and conflicting agendas;
- A diminished role for science.

Treaty and Institutional Congestion

In excess of 500 MEAs currently exist, with 70% estimated to be regional in nature.¹⁸ The sheer number of agreements can overwhelm both the system and those Parties attempting to fulfill their reporting and attendance burdens. While many are institutionally clustered, others are negotiated without consideration for other treaty contexts, creating overlap and aggravating institutional congestion. Moreover, very few treaties are binding, meaning that there is no enforcement mechanism to ensure follow-through.

¹³ Dodds, F., Reform Papers.

¹⁴ Najam, A., Papa, M., and Taiyab, N., 2006.

¹⁵ See also Kanie, N., 2007.

¹⁶ Kanie, N., 2007, p70.

¹⁷ Najam, A., Papa, M., and Taiyab, N., 2006.

¹⁸ Dodds, F., Briefing Paper.

The UN system discusses environmental governance in a number of areas. UNEP has had an ongoing discussion on IEG. Environmental conventions often look at improving cooperation, and some good work has been done in the chemicals cluster, as well as within the biodiversity cluster of conventions. The EMG can play a significant role in the future in this area. The coordination of scientific bodies such as the IPCC with conventional scientific bodies should be a growing role for UNEP. However, as these conventions all have independent governing bodies there would need to be some governmental joined up thinking and action. At the moment, the CSD does not have any space on their agenda to discuss IEG issues and there is an even more important area that will need to be addressed in the future: sustainable development governance. This is an issue raised by developing countries in particular South Africa, Brazil and Egypt in the IEG discussions around the General Assembly.

Institutional and Policy Fragmentation

Fragmentation occurs because "separate conventions address related environmental threats, while convention secretariats become geographically dispersed and operate in different political, normative, and geographical contexts."¹⁹ While it is widely recognised that ecological problems are complex and interconnected, each "responding convention has its own defined objects and commitments that fragment institutional commitments and create artificial barriers."²⁰ Additionally, such fragmentation of institutions and resources further weakens IEG's soft-law institutions, which depend on norm generation (as opposed to enforcement mechanisms) to affect change.²¹

Frequently, due to this fragmentation, the diversity of States, and simple geography, MEAs are negotiated without reference to, or an understanding of, those that already exist. Building on previous agreements and ensuring that new treaties aggregate with the present system is not always foremost in the minds of negotiators. Rather, because the multilateral negotiation process is time and resource intensive, the goal becomes reaching some consensus. This results in ambiguous, operationally unclear agreements that do not necessarily represent a common body of law or have the ability to effect actual change. UNEP could potentially play an increased role in building capacity under the Bali Strategic Plan to enable developing countries to increase their capacity in lawmaking, implementation and monitoring.

The overabundance of both institutions and MEAs demands streamlining--via new institutional design, clustering of agreements, increased collaboration, or other options as explored below. Clearly "improved coordination between agencies and agreements," as well as between "environment, development, and economic policies"²² is of the utmost importance in the IEG system is to be cohesive and effective.

¹⁹ Najam, A., Papa, M., and Taiyab, N., 2006, p30.

²⁰ Najam, A., Papa, M., and Taiyab, N., 2006, p30.

²¹ Andresen, S., 2007; Dodds, F., Briefing Paper.

²² Dodds, F., Briefing Paper, p5.

Institutional Demands²³

Resources--human and financial--are scarce, particularly in developing countries. The IEG system places an enormous burden on government institutions and personnel in terms of forum attendance, reporting, and so forth. This leaves developing countries with little capacity to implement agreements, monitor, report, and otherwise mitigate the environmental threats those agreements are intended to address.

Duplication and Conflicting Agendas

Frequently, due to fragmentation, diversity of stakeholders, and simple geography, new MEAs are often negotiated without reference to, or an understanding of, those that already exist. Building on previous agreements and ensuring that new treaties aggregate with the present system is not always foremost in the minds of negotiators. Rather, because the multilateral negotiation process is time and resource intensive, the goal becomes reaching some consensus. This results in a multiplicity of overlapping, underlapping, possibly inconsistent and temporally and spatially limited agreements that do not necessarily represent a common body of law.

A Diminished Role for Holistic Science²⁴

Science must be credible to remain effective across political barriers. As research and knowledge are spread across multiple bodies, each looking at a small piece of one or more ecological puzzles. As such, a sense of the larger picture and interconnected nature of these problems is frequently lost. The present system oversimplifies and marginalises scientific knowledge, as it "locks policies into sub-issue specific solutions"²⁵ (i.e. fragments them), instead of enabling the comprehensive, integrated solutions necessary for effective environmental management.

Inefficient Use of Resources

Highlighted throughout the literature,²⁶ inefficient use of financial and human resources has tremendous negative impacts on the effectiveness of environmental governance. On the issue of financial resources, the IISD points to three broad challenges:

- *There is not enough money where it is needed;*
- *Available funds are not used appropriately or managed efficiently; and*
- *No system exists to track environmental governance funding.*

²³ See also section on Resources

²⁴ See also Karlsson, S., 2002, The North-South Knowledge Divide, Global Environmental Governance: Options and Opportunities, Esty, D. and Ivanova, M., eds., Yale School of Forestry and Environment Studies, New Haven.

²⁵ Najam, A., Papa, M., and Taiyab, N., 2006, p32.

²⁶ See: The Yale Global Environmental Governance Project; IISD's Global Environmental Governance: A Reform Agenda; the Chatham House white papers.

Complicating the issue is the unpredictability of funding, which is a largely voluntary affair in IEG. Even the GEF depends on donations from member states. Attempts to ensure assured dues from member states for UNEP have thus far failed. This makes it very difficult for UNEP to plan effectively beyond a biennium. The French Government plan for a UNEO was an attempt to secure predictable funding for UNEP. In one way UNEP has been enormously successful, having played a critical role in helping birth the international environmental regimes we have built. However, instead of keeping them under their banner and maintaining funding as part of their budget, governments have created a set of competing funding centres. It means that, at present, three NGOs--WWF, Greenpeace and IUCN--have more money than UNEP. Donors also do not help by earmarking funds for specific projects or areas of special interest. This makes overlaps and funding gaps inevitable: some issue-areas are flooded with money while others are left penniless. Further, because there is no system to track or coordinate funding, there is no way to know which issues and projects are being short-changed.

Other resource concerns include capacity for MEA compliance, which entails extensive reporting that is costly in terms of both cash and human resources. The proliferation of MEAs exacerbates this problem by increasing the reporting burden. Likewise, hosting and/or attending conferences, forums, and other meetings represents an enormous expenditure. As Kanie points out in her research of MEAs, "increasing administrative and travel costs are especially burdensome for developing countries, reducing their participation."²⁷ Even when flights and accommodations are paid for by the organising body (UNEP and others), expenses can impact the organiser's capacity to fund and implement activities elsewhere. As a result, resources are directly or indirectly drawn away from the most important aims of IEG: implementation of good environmental management and positive ecological change.

Lack of Cooperation and Coordination

Within the Environmental Regime

UNEP was initially intended to be "coordinator-in-chief," yet its funding and political stature have made taking up that mantle extremely challenging. Bigger, better-funded, and more established bodies have no incentive to be coordinated by UNEP; and an ever-increasing number of other actors compete for authority within the system. One inter-agency success that bears attention is UN water; however, most inter-agency politics has created distrust and further fractured coordination capacity--while simultaneously underscoring the importance of the latter.

Cooperation with civil society is also vital to effective IEG, particularly given the increasingly important roles of all major groups and in particular the private sector. Collaboration between law-making bodies and those groups drives change on the ground via norm-generation, education, science, and innovation, and is an integral component of creating dynamic change from the bottom up and top down.

²⁷ Kanie, N., 2007, p75.

No mechanism for such interaction exists at this time. Well-established regional networks, such as ASEAN, do exist; however, there is no regional coordinating body in the environmental arena. At the global level that role notionally belongs to UNEP, which clearly cannot fulfill that aspect of its mandate in its current form. The EMG was established to assist with overall coordination, but has left the system wanting.²⁸ Sharing responsibility for coordination failures are member states, which "own" and theoretically control international institutions though some, like the EMG, actually have no governmental oversight. Fragmentation, resource mismanagement, and numerous other issues arise from this lack of communication within the regime.

Cross-Regime Cooperation and Coordination

Because environmental issues impact multiple aspects of life, they are often dealt with by other regimes and agencies such as trade (WTO), health (WHO), labour (ILO), finance (IMF, World Bank), development (UNDP) and security (UN Security Council). Issues decided in these contexts often have a greater environmental impact than MEAs, influencing resource use, patterns of production and consumption, emissions, habitat destruction and /or preservation, biodiversity and so forth. Institutions and agreements are subject-specific, and do not have jurisdiction over things not included in their constitutive treaties. Environmental issues are typically peripheral in their decision-making, in spite of those decisions having tremendous environmental impact.

There is also a failure across these organisations, agencies and institutions to recognise their own interconnectedness and the necessity of cooperation. For example, trade has enormous ecological impacts given its connection to natural resource and energy consumption; health is dependent on air and water quality; peace and security require fair trade of resources, access to basic needs etc; finance impacts the environment by directing investment. That all of these regimes begin to work together--establishing shared definitions, operating within similar interpretations of international law, and working towards similar goals, is imperative.

Non-Performance

By the IISD's estimates, performance is the sum of implementation, monitoring and evaluation, and effective compliance enforcement. It is also the "ultimate test" for the IEG system. Andresen, in turn, points to effectiveness as the sum of outputs (rules, programmes, regulations), outcomes (behavioural changes), and impacts (environmental improvements). With regard to these measure, IEG falls short of expectations.

First, international environmental institutions such as UNEP have met with resistance in the production of hard laws and regulations, imposition of sanctions and the creation of financial rewards for compliance. MEAs endure a similar lack of

²⁸ Dodds, F., Reform Papers.

compliance mechanisms.²⁹ This lack of enforcement mechanisms, as well as vagueness and complexity of obligation, ineffective compliance, and a host of other issues weaken IEG.

In addition, while attempts have been made to integrate environmental policy implementation with trade and development, a pervasive belief that environmental priorities can harm economic development, combined with conflicting priorities, and inconsistent definitions, environmental priorities often fall to the wayside. A more effective approach might be to emphasise "the negative environmental implications of traditional models of development"³⁰ and the potential socio-economic benefits of good environmental management.

In addition to lacking compliance mechanisms, the efficacy of MEAs can be adversely affected by their content. Negotiators' desire to reach any agreement--due to the aforementioned constraints and challenges--can compromise the quality of that agreement. Treaty texts are ambiguous, difficult to implement, and more difficult to enforce. Funding issues are often inadequately addressed, exacerbating compliance challenges. The GEF exists to fund the additional costs of implementing key environmental conventions; however, the GEF itself is dependent on donations from member states and simply cannot accommodate all worthwhile projects. In addition, "the process of consensus building ... is [often] driven by political feasibility, rather than by science," leading to an inherent discrepancy between the problem and the solution."³¹

Finally, there is "a failure to shift focus from negotiation to local level implementation,"³² an issue highlighted by the IISD, institutions, academia and others. Capacity issues also play a role here. Effective IEG looks beyond the general text of MEAs to domestic implementation of targets that are practical and sensitive to countries' and localities' needs, which might be more readily assessed by a well-funded international environmental body. It is widely observed the States on the front lines of environmental threats and most responsible for on-the-ground implementation tend to be those marginalised by the system, and with the least capacity for implementation. The financial burdens of forums and treaty-making further deplete this capacity and distract from actual implementation.

The State-Centric System

As Romina Picolotti points out in the forward of Climate Change and Human Rights: A Rough Guide "much of the current information, statistics, and policy debate revolves around, and is generated by, States and actors that are part of the ... problem, limiting the discussion of their commitments to the costs they are willing to forego."³³ As such, much of the IEG discourse revolves around state-level implementation and international coordination of those states; the role of civil society, while vital, has been historically overlooked.

²⁹ Andresen, S., 2007.

³⁰ Dodds, F., Briefing Paper.

³¹ Najam, A., Papa, M., and Taiyab, N., 2006, p45.

³² Najam, A., Papa, M., and Taiyab, N., 2006, p46.

³³ International Council on Human Rights Policy, 2008, Climate Change and Human Rights: A Rough Guide, Versoix, Switzerland.

Civil society, particularly NGOs, drive IEG by:

- Setting agendas;
- Advising States in the drafting of treaties;
- Providing and coordinating scientific data;
- Implementing agreements;
- Monitoring that implementation;
- Norm creation via public awareness campaigns and education initiatives;
- Capacity building.³⁴

Civil society has also made an enormous contribution by engaging with the private sector--traditionally considered adverse to environmental governance and regulation--through voluntary corporate responsibility initiatives. A combination of economic and social (i.e. public relations) benefits has compelled many businesses to participate. Successes include The Global Compact, the Global Reporting Initiative, and the UNEP Financing Initiative.

While it is clear that civil society's role is pivotal to effective IEG, and while attempts are being made to more fully incorporate civil society into international governance processes, the system's current structure ultimately depends on States to make decisions, commit to funding, and implement agreements, and does not provide "civil society actors the institutional space to realise their full potential."³⁵

Capacity and Knowledge Divides

The divide between the developed and developing worlds is among the most pervasive issues in international governance, cutting across every regime type and impacting every country in some manner. In environmental governance, knowledge and capacity are the dominant issues separating developed and developing countries. Scholar Sylvia Karlsson³⁶ highlights the following challenges:

- Developed States dominate scientific research, with substantially more per-capita funding and expertise than developing countries;
- Scientific research is not only largely conducted by developed countries, it is also conducted on climates (generally temperate or arctic) within those territories and assumes the norms and standards (i.e. use of protective gear, technical knowledge) of those countries;
- Developed countries largely set the environmental governance agenda, often with little regard for issues affecting developing countries;
- Less and least developed countries do not have access to relevant data and, further, lack capacity to process the scientific data that is available.

³⁴ Najam, A., Papa, M., and Taiyab, N., 2006, p62. See also ...

³⁵ Najam, A., Papa, M., and Taiyab, N., 2006, p63.

³⁶ Karlsson, S., 2002, The North-South Knowledge Divide, *Global Environmental Governance: Options and Opportunities*, Esty, D. and Ivanova, M., eds., Yale School of Forestry and Environment Studies, New Haven.

These factors can render countries of the developing world essentially voiceless in environmental governance negotiations. A combination of the high value placed on scientific expertise, the lack of information coordination, and lack of knowledge in the South about scientific findings, prevents developing nations from making strong arguments for issues of concern and setting them on the IEG agenda. In 2005 the Bali Strategic Plan for Technology Support and Capacity-Building was widely agreed to by member states; however, it is too early to assess the success or failure of this agreement.

Discussions of the knowledge gap draw attention to yet another divisive matter: the value of local and indigenous knowledge is rarely recognised or given the same weight as Western science in international deliberations. For instance, while indigenous peoples were engaged in the development of the Convention on Biodiversity (CBD), there exists criticism that the process did not engage with enough indigenous peoples and moved too quickly, with inadequate time to process and reflect.³⁷ The resultant document, it was argued, failed to fully address indigenous concerns, placing too much power in the hands of States where it ought to be given to communities, and overlooking the complexities of resource access and land rights.³⁸ However, since that time the International Alliance of Indigenous and Tribal Peoples of the Tropical Forests (IAITPTF) and other indigenous organizations have used their power to enhance “the presence and voices of indigenous peoples in the CBD and related processes.”³⁹ Given that indigenous persons represent 85% of the world’s cultural diversity and populate many of the richest, most biologically diverse areas of the world,⁴⁰ the issue is of wide importance and merits the attention of reformers.⁴¹

Local knowledge is essential in understanding unique ecosystems, patterns, and the impacts of environmental degradation; the observations and activities of people on the ground can offer enormous insights into the problem(s) at hand. Likewise, traditional peoples the world over have intricate and meaningful relationships with the land. Their insights offer an alternative, potentially more holistic, perspectives on the root causes of and possible solutions to environmental issues.

Summary: Challenges and Opportunities

The challenges that face international environmental governance are many and interconnected. For instance, the proliferation of MEAs leads to high reporting burdens, which places enormous demand on resources (human, financial, and environmental), and detracts from the capacity to implement and monitor actions. Similarly, lack of leadership and failure to coordinate with other regime types can lead to agreements with overlapping mandates, contributing to confusion and inefficient use of resources.

Clearly reform is necessary. Suggestions in the Asia-Pacific context include further clustering of MEAs, improved communication, increased coordination and collaboration, as well as synergistic implementation of MEAs via integrated

³⁷ *International Alliance of the Indigenous Peoples of the Tropical Forests, 1995, The Biodiversity Convention: The Concerns of Indigenous Peoples. Online: <http://www.austlii.edu.au/au/journals/AILR/1996/84.html>*

³⁸ *IAITPTF, 1995.*

³⁹ *IAITPTF, 2008, “Convention on Biological Diversity (CBD).” Online: <http://www.international-alliance.org/cbd.htm>*

⁴⁰ *IAITPTF, 1995.*

⁴¹ *Indeed, the rights of indigenous people are being globally acknowledged, after many years of negotiations, with the drafting and adoption of the United Nations Declaration on the Rights of Indigenous Peoples on 13 September 2008.*

reporting, monitoring and so forth. Increased participation from civil society is integral to all of these reforms; major groups have the capacity to help create and maintain effective communications networks, thus increasing the collaborative potential of IEG at the global and regional levels. This and other reform options will be explored in the next section.



Reform Options

Scholars, non-governmental organizations, community leaders and governments alike have called for reform of the current system of international environmental governance. Given the obstacles identified in the previous chapter, a number of recommendations have been developed to increase the effectiveness of the environmental governance regime, regionally and globally. This chapter offers an overview of proposed reform measures. These include:

- Strengthening UNEP;
- Establishing an 'Umbrella Institution'
- Establishing an Environmental Security Council;
- Forming a World/Global Environmental Organization;
- Founding a United Nations Environmental Organization;
- Clustering international/multilateral environmental agreements (MEAs);
- Reforming the World Trade Organization (WTO);
- Establishing Public Policy networks;
- Global Environmental Mechanisms.

These reforms are not mutually exclusive, and IEG may benefit from the implementation of several. Each has merits and challenges, as outlined below.

Strengthening the United Nations Environmental Programme

Though UNEP's role as the world's chief environmental institution was reaffirmed by the 1997 Nairobi Declaration, inadequacies remain. "The international environmental regime is dogged by the lack of political will to resolve environmental problems and to follow a policy for the sustainable use of the earth's resources. This has led to fragmentation, limited financial resources, poor enforcement of multilateral environmental agreements, as well as an imbalance between international environmental governance and other international trade and financial regimes."⁴²

Progress made at the World Summit in 2005 agreed to "explore the possibility of a more coherent institutional framework to address this need, including a more integrated structure, building existing institutions and internationally agreed instruments, as well as the treaty bodies and the specialised agencies."⁴³ Known as para 169, it initiated a two-year informal process in the General Assembly under the Swiss and Mexican Ambassadors. The outcome document was "Building Blocks," viewed by many as an excellent set of suggestions on the way forward on IEG. Additional recommendations were made by the High Level Panel on System Wide Coherence in 2007. In light of the Cartagena Decision in 2002, Tarasofsky (among others) called for particular reforms to the UNEP. In his International Environmental Governance: Strengthening UNEP, Tarasofsky calls for reform of the GMEF, and enhancement of:

⁴² Civil Society Statement on International Environmental Governance: Seventh Special Session of the UNEP Governing Council/GMEF, Cartagena, Columbia, February 2002, available at: http://www.unep.org/civil_society/PDF_docs/3rdGCSF_CS_Statement_IEG.pdf

⁴³ A/RES/60/1/2005 World Summit Outcome, Resolution Adopted by General Assembly

- Synergies among MEAs;
- Coordination of environmental activities;
- The role of civil society;
- Financing structure; and
- The linkages between UNEP and the Global Environment Facility.⁴⁴

Similar feedback emerged more recently from the Brazilian Forum on NGOs and Social Movements for Environment and Development. A compilation of major group proposals responding to the Swiss and Mexican Ambassadors' Building Blocks was put together by a coalition of FBOMS, ANPED, Stakeholder Forum and UN NGLS; they broke areas that require attention into nine potential 'building blocks', these are:

- Building block 1: Strengthening UNEPs science base;
- Building block 2: Inter-agency cooperation with a special emphasis on the national level;
- Building block 3: Coordination and clustering of multilateral environmental agreements;
- Building block 4: Regional level activities;
- Building block 5: Bali Strategic Plan (capacity building and technology transfer);
- Building block 6: IT, partnership, and advocacy;
- Building block 7: Strengthening the role of civil society and major groups;
- Building block 8: Addressing linkages between gender and environment; and
- Building block 9: Finance

These issues and areas are at the crux IEG reform debate. Each of the reform options discussed herein addresses these issues in different ways. Strengthening UNEP is only one of several options for achieving effective international environmental governance.

An Umbrella Institution

At a recent IEG meeting in Rio de Janeiro in September 2007, Brasil proposed establishment of an 'umbrella organization' that would integrate UNEP, the GEF, and convention secretariats. Such a system, it is argued, would:

- Articulate environmental concerns and sustainable development in normative, cooperative, and financial dimensions;
- Assist with implementation, including, for example, technology transfer and dissemination of scientific knowledge per the 2005 Bali Strategic Plan;
- Build capacity for compliance with multilaterally agreed upon objectives.⁴⁵

⁴⁴ Tarasofsky, R., 2002, International Environmental Governance: Strengthening UNEP, United Nations University Available at: <http://www.unu.edu/inter-linkages/docs/IEG/Tarasofsky.pdf>

⁴⁵ Marlborough House Statement on Reform of International Institutions, available online at: <http://www.thecommonwealth.org>

The meeting opened the floor for Latin American NGOs to advocate for their concerns surrounding the IEG debate coordinated by FBOMS. Outcomes included the belief among Latin American stakeholders that "Northern NGOs strongly dominate discussions on IEG thanks to better access to technical, human and financial resources."⁴⁶ The role of the WTO in undermining MEA effectiveness was also highlighted, as was the lack of fair finance mechanisms. Delegates asserted that the conditions attached to loans and credits have contributed to social exclusion and environmental degradation through macroeconomic policy adopted to gain access to loans.

Talks led to a consolidated view that IEG should progress within the context of "sustainable development and should involve civil society as important stakeholder and agent of transformation."⁴⁷ The conference called for a number of initiatives, such as:

- Strengthening the UNEP;
- Improving MEA autonomy and strength;
- Increased civil society engagement;
- Capacity building for developing countries;
- Adequate financing mechanisms to be made available;
- Embracing cross-ministerial approaches;
- More regional cooperation;
- Increased public participation

Environmental Security Council

Calls to strengthen UNEP as an anchor institution were made following Nairobi Declaration in 1997 in preparation for Rio+5. This same declaration also expressed a need for an institution capable of imposing sanctions. Some have suggested the establishment of an Environmental Security Council to address this deficit. The idea was initially proposed by Maurice Strong and the New Zealand government in the run-up to the Rio Earth Summit, and reinforced by the Commission on Global Governance in 1995. As pointed out by Esty and Ivanova, "currently no environmental organization possesses such an authority, and no dispute settlement mechanism for environmental matters exists."⁴⁸

An Environmental Security Council would not possess powers similar to that of the United Nations Security Council--the UN's most powerful body. Rather, its core functions would include:

- Promoting the global commons beyond national jurisdiction;
- Administering environmental treaties;
- Authorizing and coordinating the Environmental Work Programme.

⁴⁶ <http://www.stakeholderforum.org/policy/ieg/SubmissionsToThePanel/BRAZILIANFORUMOFNGOS.pdf>

⁴⁷ <http://www.stakeholderforum.org/policy/ieg/SubmissionsToThePanel/BRAZILIANFORUMOFNGOS.pdf>

⁴⁸ Esty, D., and Ivanova, M., 2002, *Global Environmental Governance: Options and Opportunities*, Yale School of Forestry and Environmental Studies, New Haven.

In addition, a proposed World Court would serve as the enforcement arm of the council, transforming international environmental law from its present 'soft' form into a body of hard law. Civil society-UN linkages would also be strengthened under this model.

World/Global Environmental Organization

Due to the inefficiencies and perceived dysfunction of the current IEG system, a number of leading politicians⁴⁹ have proposed the creation of a World (or Global) Environmental Organization. The proposed development of a WEO/GEO model have been discussed widely and acknowledged from a variety of stakeholders. The arguments in support of a WEO/GEO model are as follows as noted by Esty & Ivanova⁵⁰:

- 1. Public goods logic--the environmental problem must be truly recognized as a global issue which leads to the realization that national approaches are inadequate.*
- 2. This body could serve as "a counterweight to major international institutions, e.g. WTO, IMF, World Bank etc.*
- 3. There is an obvious value in having an authoritative organisation with excellent staff covering a large number of work functions (refer to table 1).*
- 4. Ability to overcome the fragmentation of the current structure to obtain synergies in addressing functions, and to take advantage of opportunities fir better issue prioritisation, budget rationalization, and bureaucratic coordination.*

The WEO (or GEO) would have scientific, regulatory and political functions, and differing economic functions (please refer to table 1).

⁴⁹ See: Ruggiero 1998; Voynet 2000; Chirac 2001, Jospin 2002; Gorbachev 2001; Charnovitz 2002, 2003, 2005; Zedillo Commission 2001

⁵⁰ Esty & Ivanova(2002)

| Scientific, regulatory and political functions | Economic functions |
|--|--|
| <ul style="list-style-type: none"> ▪ Act as a global catalyst, watchdog and ombudsman ▪ Engage in comprehensive, accurate and accessible environmental data collection ▪ Provide both sound scientific assessment and related policy options ▪ Serve as a negotiation and rule-making forum ▪ Monitor compliance with treaties and agreements ▪ Finance environmental activities by states, NGOs and other international organizations ▪ Assist developing countries in environmental policies development and implementation ▪ Transfer technology ▪ Coordinate the environmental activities of international organizations and multilateral environmental agreements (MEAs) ▪ Provide a platform for meaningful civil society participation in environmental governance ▪ Serve as focal point for environmental ministries much like the WHO for health ministries ▪ Provide a dispute settlement mechanism <p>See Biermann (2000, 2001, 2002, 2007), Charnovitz (2000, 2003, 2005), Esty and Ivanova (2002a), Speth (2005), Speth and Haas (2006).</p> | <ul style="list-style-type: none"> ▪ Act as an economic agent ▪ Create global markets and exchanges of commitments on forest cover, maintenance of coral reefs, species management, biodiversity protection, and other environmental concessions in return for cash or policy changes ▪ Provide the organizational, legal and financial arrangements required for deals among countries, international organizations, NGOs or even individuals ▪ Monitor the above arrangements ▪ Provide insurance ▪ Create package deals among all interested actors that minimize free-riding incentives and help internalize environmental concerns ▪ Transfers of resources to poorer countries as the main custodians of environmental assets <p>See Whalley and Zissimos (2001, 2002).</p> |

Table 1: Hoare & Tarasofsky 2007, p24.

United Nations Environmental Organization

Whether UNEPs mandate and authority are sufficiently robust to create significant environmental performance has been increasingly questioned in recent years, leading to calls for the establishment of a new anchor institution, the United Nations Environmental Organization (UNEO). The justification for the UNEO stems from the need for greater visibility, status, independence, authority, and funding for international environmental governance, which UNEP lacks as an organization.⁵¹

The UNEO as proposed would be similar in function to a WEO/GEO with regard to science, economic, and regulatory functions. It would be formed not from 'scratch', but by upgrading UNEP itself. The core elements of the UNEO proposal as developed by the French Government are as follows⁵²:

- UNEO headquarters should remain in Nairobi (the UNEO will thus be the first United Nations Specialized Institution to have its headquarters in a developing country);*
- The legal autonomy of the main conventions should be maintained;*
- The UNEO would not have the vocation for competing with the WTO;*
- There would be assured contributions for the budget;*
- The Head of Agency would be selected by governments and not appointed by the UN Secretary General (as it is now with a Programme of the UN).*

Based on informal working discussion led by France from 2004, a UNEO would likely increase government coherence, help address the needs of developing countries, address financing and institutional issues, as well as strengthening coherence within the United Nations itself. In other words, "it could strengthen its cooperation with UNDP in line with the Memorandum of Understanding (MoU) signed between UNEP and UNDP."⁵³ Moreover, such an arrangement could be used to develop partnerships with other organizations e.g. World Bank.

It has been suggested that civil society might also have a strengthened role in this process through, for example, the creation of the "Friends of the Group of Friends of the UNEO," a civil society group lending their support to "Friends of the UNEO."⁵⁴ The UNEO proposal is at present being reviewed by the French Government in light of the election of President Sarkozy and the present General Assembly impasse over the Mexican and Swiss Ambassadors proposals. At UNEP GC in 2007 major groups endorsed a non binding call for a UNEO in preparation for the GC IEG round Tables. It must be noted that "there is no consensus among civil society organizations regarding a specialized agency for the environment. Many feel that more work needs to be done, as the proposals for a specialized agency are underdeveloped and not clear, and feel in that context it is premature to announce views on the proposal."⁵⁵ Still, the UNEO proposal is a strong reform option in the IEG debate and worthy of discussion.⁵⁶

⁵¹ Hoare & Tarasofsky, 2007, *International Environmental Governance Report of the Chatham House Workshop*, 26 - 27 July.

⁵² http://diplomatie.gouv.fr/en/article-imprim.php3?id_article=1361

⁵³ http://diplomatie.gouv.fr/en/article-imprim.php3?id_article=1361

⁵⁴ *UNEO: A Champion for the Environment in the 21st Century, but what role for Stakeholders?*

⁵⁵ *Options for Strengthening the Environmental Pillar of Sustainable Development*

⁵⁶ *See: The Way Forward, as well as the French government's progress report on transforming UNEP into a UNEO/appendix 2.*

A Global Environmental Mechanism

Calls for a new governance approach which focuses on delivering functions at a global level have also generated the demand for a global environmental mechanism (GEM). Advocates of this new system state that "no bureaucratic structure can build an internal organization with the requisite knowledge and expertise to address the wide ranging, dynamic, and interconnected problems we now face."⁵⁷ It is argued that the core capacities of a new GEM would be:

- *the provision of adequate information and analysis to characterise problems, track trends, and identify interests;*
- *creation of a 'policy space' for environmental negotiation and bargaining, sustained build up of capacity for addressing issues of agreed-upon concern and significance⁵⁸.*

In relation to the proposed work functions that a GEM would possess, a number have been emphasized by Esty & Ivanova, including⁵⁹:

- *Problem Identification and definition;*
- *Analysis and option evaluation;*
- *Policy discussion and coordination;*
- *financing and support for action;*
- *Outreach and legitimacy.*

Clustering Multilateral Environmental Agreements

Proliferation of MEAs has complicated the IEG landscape. Overlapping and sometimes contradictory mandates create competition between organizations that might otherwise work together towards the same goals. Clustering seeks to alleviate this problem by grouping MEAs, making them stronger and more efficient. It is argued that this consolidation of several conventions would be more effective than the establishment of a new international institution.

Von Moltke, among others, has called for consolidating MEAs into thematic groups, noting that "structural differences exist between many environmental problems, thus requiring separate institutional responses" and emphasizing that "the need for integration of overlapping international regimes is undeniable."⁶⁰ Thematic areas identified include:⁶¹

- *Ocean and regional seas;*
- *Biodiversity;*

⁵⁷

⁵⁸ Esty & Ivanova 2002, p.4.

⁵⁹ Esty & Ivanova, 2002, p.6.

⁶⁰ Von Moltke, K., 2001, Whither's MEAs: The Role of Environmental Management in the Trade and Environment Agenda, *International Institute for International Development, Winnipeg.*

⁶¹ Dodds, F., Briefing Paper

- Chemical and hazardous wastes;
- Energy, climate change, and atmosphere;
- Nuclear energy and weapons testing;
- Freshwater;
- Land.

Strategically, calls from the 24th Session of the UNEP GC/GMEF in 2007 called for specific approaches (not the consensus view) for clustering MEAs, including⁶²:

- Joint secretariat functions;
- Joint meetings of the bureaus within a cluster;
- Joint meetings of the heads of the scientific and technical committees within a cluster and where relevant between clusters;
- Appointment of an overall head of each cluster;
- Introduction of knowledge-management within and between clusters;
- Agreement on a methodological framework of indicators for measuring enforcement and compliance.

Reforming the World Trade Organization

Reformation of the WTO is based on the idea of a 'one pillar' system. Trade and environment have been traditionally divided into separate pillars. According to Calderin, "environmental issues ... are better served under a one-pillar concept, with the WTO as the sole column."⁶³ This approach involves extending the WTO's mandate to fully encompass environmental governance, asserting that:

- Effective governance issues lie on the economic, not the environmental, front;
- The WTO's mandate already extends to environmental issues;
- "[A]ll aspects of human activity--including trade, investment--affect the environment," and, as such, all organizations should implement environmental principles into their structure;⁶⁴
- The WTO is better resourced to govern environmental issues.

This issue is extremely contentious, however. Many argue that the WTO is insufficient to effectively deal with the state of the environment. "A greener WTO" states one paper, "is in no way compatible with a systematic effort at improving the global environmental governance system."⁶⁵ Too, the assertion that environmental protection is completely dependent on

⁶² *Reforming International Environmental Governance: Statement Representing views expressed at two meetings of stakeholders held at 24th session of the UNEP GC/GMEF 2007. This statement does not represent a consensus view.*

⁶³ Calderin, 2002, The Emergence of a Responsible Green World Trade Organization: Why Creating a World Environmental Organization Would Hinder This Goal, *University of California Davis Journal of International Law and Policy*, Vol.8, No.35, p36.

⁶⁴ Hoare & Tarasofsky, 2007.

⁶⁵ Esty, D., 1999b, Economic Integration and the Environment, in *The Global Environment: Institutions, Laws, and Policy*, Vig, N.G., and Axelrod, R.S., eds., Washington DC: CQ.

economic and not social or ecological issues, as stated by Calderin and other proponents of this reform, meets with opposition from many quarters.

Global Public Policy Networks

Both policy makers and academics argue that too many constraints and mechanisms inhibit performance of the IEG system. The establishment of public policy networks, both bureaucratic and scientific, are proposed as viable tools for decision-making and delivery of results.⁶⁶ These networks would incorporate the public, government, and civil society groups in order to find holistic solutions to complex problems.⁶⁷ Based on assertions made in Streck, in order to create a successful global public policy networks a number of qualities would have to embodied in the network. First, there is a need for a diversity of cultures and stakeholders, and the necessary qualities of openness, flexibility, and speed to identify issues, outline visions and options, create action plans and launch a concrete plan for their attainment. Possible functions of a new global public policy network might include⁶⁸:

- *Agenda setting*
- *Standard setting*
- *Generating and disseminating knowledge*
- *Balancing institutional effectiveness.*
- *Providing innovative implementation mechanisms.*

While popular, these networks are also widely considered complementary, rather than exclusive, solutions. As noted at the July 2007 Chatham House Workshop, "effective and efficient operation of public policy networks requires the existence of an institutional hub."⁶⁹ One recent example of a GPPMN was created to bring together the UN, governments, and major groups for international discussions on water and water management this year at SCD. The GPPN was managed by the Stockholm International Water Institute and Stakeholder Forum, and had on its steering committee UN Water, five governments--including two developing country governments--from the CSD Bureau, and stakeholders. It played a significant role in helping governments prepare for the CSD discussion on water and sanitation.

⁶⁶ Speth and Haas, 2006.

⁶⁷ Streck 2002; Howlett, 2000

⁶⁸ Streck, C. *Global Public Policy Networks as Coalitions for Change.*

⁶⁹ Hoare & Tarasofsky, 2007

Strengthening Civil Society Participation

The Role of Civil Society in IEG Reform

Civil society, including NGOs, labor organizations, women, indigenous people and all other major groups, are extremely capable of- and useful in- the implementation of IEG work functions. Civil society organizations have proven experience and success fundraising for diverse projects, and possess strong advocacy skills. These organizations are effective programme designers, agents of implementation, and monitors.⁷⁰ Additionally, these groups work with UNEP on specific projects and in targeted environmental areas, providing a great platform for utilization of a localized skills base. Civil society can also, potentially, fill the role of environmental watchdog, working with and observing governments and their policies. This would increase accountability and pressure on governments, ideally creating more progressive and aggressive environmental agendas.

There are a number of roles civil society plays in IEG, these include:⁷¹

- Collecting, disseminating, and analyzing information;
- Providing input for agenda-setting and policy development;
- Operational functions;
- Assessing environmental conditions;
- Monitoring compliance;
- Advocating for environmental justice;
- Providing expertise and analysis;
- Offering intellectual competition to government;
- Mobilizing public opinion;
- Representing the voiceless;
- Providing service provisions;
- Legitimizing decision-making mechanisms.

Though civil society is active in many of these respects, reform is needed to further harness such a valuable resource and dramatically improve IEG. Suggested measures to increase participation include:⁷²

- Wider use of the commission model for long-term, substantive involvement of civil society in global policy making;
- Development of standards for participation and engagement in those processes;
- Assistance in developing NGO networks;

⁷⁰ Natural Allies: UNEP and Civil Society, 2004, *United Nations Environmental Programme*. Available online: <http://www.unep.org/Documents.Multilingual/Default.asp?DocumentID=468&ArticleID=4622&1=en>

⁷¹ Gemmill, B., and Bamidele-Izu, A., 2002 *Global Environmental Governance: Options and Opportunities*, Esty, D. & Ivanova, M., eds.; Charnovitz 1997.

⁷² Gemmill, B., and Bamidele-Izu, A., 2002 *Global Environmental Governance: Options and Opportunities*, sdissues.net

- *Creation of comprehensive information databases in multiple geographic and political arenas;*
- *Increasing public involvement in issue-spotting, assessment, and monitoring;*
- *Increased support for knowledge generating institutions in developing countries.*

Options for Effective Stakeholder Engagement

The question of stakeholder input in IEG reform has come to the fore internationally. Central to this debate is speculation on how diverse stakeholders--civil society in particular--can play a stronger role. Charnovitz suggests a number of initiatives in his paper Two Centuries of Participation: NGOs and International Governance, these include:

- *Inclusion of NGOs as advisors in national delegations to international/regional conferences (e.g., the Cairo Population Conference in 1994);*
- *Civil society representatives should be included in negotiations (e.g. industry and trade unions in the International Labour Organization or UNHIVAIDS Governing Board or the UN Habitat Conference in 1996);*
- *Representatives from major groups might send delegates to semi-public international conference).*

Furthermore, international institutions such as UNEP, UNDP etc might:

- *Set up advisory groups to participate in ongoing policy development (e.g., the Convention on International Trade in Endangered Species);*
- *More readily enlist NGOs and others to implement programmes (e.g. UN Commissioner for Refugees; UNEP);*
- *Provide additional opportunities for civil society participation, outside of negotiation processes, in drafting treaties;*
- *Offer NGOs the opportunity to participate in preparatory processes for international conferences (e.g., 1992's Rio Earth Summit; 2002's Johannesburg Summit on Sustainable Development);*
- *Designate special sessions for presentations by civil society;*
- *Include NGOs and/or other major groups as members (e.g., the International Commission for Scientific Exploration of the Mediterranean Sea) or, where these measures are in place, increase their use.*

In light of the IEG debate and its progression discussion and analysis, a broad variety of stakeholders have developed possible options aimed at reforming the current system in order to provide strength, cohesion, efficiency, effectiveness, status and collaboration between government, non-government, interest groups, MEAs and other relevant stakeholders.

The Way Forward: Towards Effective IEG and a Vision for the Asia-Pacific Region

The necessity of improved international environmental governance, both regionally and globally, is not in doubt. The trans-boundary and interconnected nature of ecological crises and environmental management demand that all States and peoples work together to develop holistic, forward-thinking solutions. This requires:

- *Strong leadership at all levels of governance, from the grassroots to the United Nations;*
- *Effective communication, focusing on cooperation and collaboration between and within diverse regimes (e.g. trade, finance, environment) and stakeholders (e.g. civil society, governments, international institutions);*
- *The mainstreaming of environmental issues into those diverse regimes and everyday discourse;*
- *A coherent vision for international environmental governance, incorporating the ideas of diverse stakeholders and embracing the ideal of holistic action;*
- *Adequate funding and institutional structure conducive to affecting change.*

Dedication to these ideas and decisive action--building communication networks, strengthening dialogue, reforming institutions, infusing the system with new leadership etc--have the potential to dramatically alter environmental governance and, as a result, vastly improve the global environment.

As the largest and, arguably, most diverse of the six geographic regions, the Asia-Pacific is uniquely situated to catalyse norm-setting and create meaningful networks in IEG. By empowering civil society groups and promoting cooperation in the region, Asia and the Pacific stand to inspire effective environmental governance at the global level and affect meaningful, lasting change.

Appendix 1: International Environmental Governance: A Timeline

| <i>Governance</i> | <i>Civil Society/Public</i> |
|--|---|
| | 1700s--Industrial Revolution begins 1794--William Blake's <i>The Tyger</i> published in his "Songs of Experience" |
| Convention on the Rhine (first MEA)--1868 First National Park (Yellowstone)--1872 | 1854--Henry David Thoreau's <i>Walden</i> |
| | 1952--Winter smog kills thousands/London |
| Stockholm Conference; UNEP established --1972 CITES--1973 | 1962--Rachel Carson's <i>Silent Spring</i> 1968--Paul Ehrlich's <i>Population Bomb</i> 1972--Club of Rome's <i>Limits to Growth</i> |
| Stockholm +10; Montevideo Declaration ⁷³ --1982 Brundtland Commission established--1983 | 1984--Bhopal disaster |
| Montreal Protocol--1987 IPCC established--1988 Basel Convention--1989 Rio Earth Summit--1992 (Agenda 21, Rio Declaration, Convention on Biological Diversity, GEF established) | 1987--Our Common Future released |
| Kyoto Protocol; Rio +5 & establishment of CSD; UNEP publishes first <i>Global Environmental Outlook</i> --1997 | 1990s--the "green movement" continues to build across the developed & developing world |
| Cartagena Protocol on Biosafety--2000 World Summit on Sustainable Development, Johannesburg--2002 | 2000s--Carbon offset efforts begin; triple-bottom-line popularised in business and industry |
| The Bali Strategic Plan--2005 | |
| Fourth IPCC Assessment Report --2007 United Nations Climate Change Conference in Poznań, Poland scheduled--December 2008 | 2006--Al Gore's <i>An Inconvenient Truth</i> 2007--Fabled North-West passage opens as arctic sea ice melts |

⁷³ The Montevideo Declaration was a long-term strategic plan for guiding UNEP in the area of environmental law; See Dodds, F., "UNEP: Changing Times," Reform Papers, Stakeholders Forum for a Sustainable Future.

Appendix 2: Regional Case Studies

The following studies highlight civil society engagement in environmental issues in the Asia-Pacific. The majority involve the work of Masters, Doctoral, and Post-doctoral students in the University of New South Wales' Environmental Management programme.

Indonesia

- *Sumatra: The overlapping issues of food security, clean water, and biodiversity/ conservation are recognized as being impacted by illegal forestry/logging in national parks, affecting the health and stability of local peoples and ecosystems.*
- *Jakarta Bay: The collection and recycling of tonnes of gross solids pollution (discarded plastics etc) in the bay has grown into a business that both empowers the local community and restores the bay itself, improving conditions for wildlife, fishing, and other activities.*
- *Ache: Explore a post-tsunami recovery project geared towards assisting children and working within world heritage areas.*

Fiji

- *Coastal Restoration: After a decline in fish stocks, a community on Fiji's east coast pulled together to monitor the health of seagrass beds in a shallow inshore bay. A section of seagrass was roped off and designated taboo to prevent fishing in the area. Marine biologists mentored villagers in monitoring techniques, which have since become part of community life. As the seagrass bed regenerated, a marked increase in shellfish and the return of other wildlife to the wider area was observed. The low-cost project has both increased fishing yields and represents an important connection between the local community and researchers that spearheaded the project.*
- *Zero-Energy Project: An extremely clever waste-management and recycling scheme, a boy's high school collects brewery waste to support its agricultural endeavours. The brewery waste is first used as a medium to grow mushrooms. This breaks down the cellulose, transforming what was waste into livestock feed for the school's pigs and chickens. This livestock waste is sent to an on-site methane digester: the sludge is directly applied to crops in the fields, while the nutrient-rich liquid is used in fish ponds to encourage algae growth to feed the fish. The water is finally channeled into wet taro ponds.*

Bangladesh

- *Groundwater contamination: Many wells installed by UNESCO in past decades did not go deep enough, inadvertently stopping in arsenic-rich layers of strata. As a result, some 60 million rural Bengalis have been exposed to arsenic⁷⁴ in the world's largest mass poisoning. Corrective measures are ongoing, with wells across the country being tested and labeled as safe or unsafe. Concerns about contaminants seeping into deeper wells remains.*

⁷⁴ Arsenic is found in certain rock strata as a result of the erosion of the Himalayas over many millennia.

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