

# International Environmental Governance

Paris, 15-16 March 2004

Centre de conférences internationales de Kléber  
19, avenue Kléber, 75016 Paris

## Programme

with the collaboration of

**IUCN**  
(Switzerland)

the support of

**Yale Center for  
Environmental Law and  
Policy** (United States)

**Observatoire  
de l'écopolitique  
internationale, UQAM**  
(Canada)

**Chaire développement  
durable, Sciences Po  
Paris** (France)

and the financial support of

**Ministry of Foreign  
Affairs** (France)

**Heinrich Böll  
Foundation** (Germany)

**A**chieving sustainable development requires international collective action. The World Summit on Sustainable Development held in 2002 in Johannesburg reaffirmed the need for common responses to the challenges we face. This requires agreeing on common objectives, reaching a consensus on actions to undertake, and defining a satisfactory implementation framework. During the 1990s, a global consensus seemed to be within reach and many important international agreements were established. This apparent convergence of views is now being challenged. Disputes on objectives have emerged (e.g., on climate change) and agreement on the general objectives, when it exists (for example on the Millennium Development Goals), does not necessarily mean that a consensus on actions exists. A new conceptual framework is therefore necessary, taking into account the failures of the existing global governance system and the different –and sometimes divergent– solutions to address these failures. Different directions have been identified toward the renewal of the multilateral system\*. Most of the analyses emphasize three key problems in environmental governance: (1) low effectiveness, (2) limited legitimacy, furthermore (3) persistent inequity.

A number of bilateral, regional and international environmental agreements have been signed and ratified over the last thirty years, which is an undeniable progress. However, their implementation poses serious challenges to both national governments and international organizations. Moreover, uneven progress makes it rather difficult to determine which direction to follow and how to get there.

Beyond the problems related to the crisis of multilateralism, some specific factors of the environmental domain make it hard to chart the future of global environmental governance. The imbalance between environmental

- and trade norms, even if there is some promising progress, emphasizes this problem. Because different actors address environmental issues in different ways, the proposed solutions are divergent and the multilateral system is under pressure. Even if there is a growing concern for environmental issues in the international community there is a lot of uncertainty on how to proceed. Are international regimes the adequate response to international environmental problems? Are national or regional instruments more appropriate or easier to implement? Should we aim for greater decentralization or a more global architecture? Most importantly, how could we build a global vision of environmental issues and enhance the establishment, the implementation and, above all, the respect for equitable, effective and legitimate international environmental actions in the context of the sustainable development agenda?

The aim of the conference is to bring an academic contribution to the policy making process in the field of international environmental governance. After identifying the main criticisms plaguing the international environmental government system and asking whether a multilateral approach to global environment problems is necessary, the conference will provide an assessment of the current state of the debate and of the different options available as well as of their political feasibility.

\* Conference "Taking the Initiative on Global Governance and Sustainable Development", IDDRI, Paris, April 13-14, 2003.

# Monday March 15, 2004

9:00 am Registration of participants and coffee.

9:30 am Introduction: **Laurence Tubiana**, Director, Iddri (France);  
**Yolanda Kakabadse Navarro**, President, IUCN (Switzerland).

## SESSION 1 ► 10:00 am **Building a common vision**

Chair: **Leonard Good**, Chairman, Global Environment Facility.

Keynote speaker: **Laurence Tubiana**, Director, Iddri (France);  
**Yolanda Kakabadse Navarro**, President, IUCN (Switzerland).

*“The international system for environmental cooperation is failing”. This statement is regularly repeated in different fora and justifies proposals to reform the international environmental governance structure. A number of reasons underlie this statement. Heterogeneous institutional, technical, strategic, economic, ethical and political considerations are often addressed together while some prioritization may be necessary. Building a common vision could begin by considering the three core dimensions of any governance system:*

- *Effectiveness: How effective has the implementation of environmental agreements been? What has been the impact of these agreements and other environmental instruments on the environment?*
- *Legitimacy: Which processes have gained legitimacy and why? Who has elaborated norms and rules and how? How have priorities been identified and adopted at the international level and have they been legitimate?*
- *Equity: Which commitments are regarded as equitable? Has burden sharing been achieved at the international level? Why or why not?*

Discussant: **Edith Brown Weiss**, Chairperson, Inspection Panel of the World Bank; **Olivier Godard**, CNRS (France).

10:20 am **QUESTIONS AND DISCUSSION**

11:30 am Address by **Roselyne Bachelot-Narquin**, Minister of Ecology and Sustainable Development (France); **Jürgen Trittin**, Minister of Environment (Germany).

12:00 am **LUNCH**

## SESSION 2 ► 1:00 pm **Going beyond the divergence of perceptions**

Chair: **Jan Pronk**, former Minister of Environment (Netherlands) and President of the International Institute for Environment and Development (United Kingdom).

Keynote speaker: **Simon Upton**, Chairman, Round Table on Sustainable Development, OECD.

*Since the Stockholm Conference (1972), the international environmental system has been characterized by a multilateral approach to problem solving with its climax in the Earth Summit in Rio (1992). However, the current multilateral system is being questioned on several grounds.*

*A range of solutions has been proposed based on the various agendas both of states and non-state actors. The USA privileges a national approach on the premise of the superiority of the sovereignty principle. Less Developed Countries seem more preoccupied with the impact of Multilateral Environmental Agreements (MEAs)*

## Monday March 15, 2004 (continue)

*implementation and related transfers of resources and technology. Transition economies are essentially concerned with the responsibility and costs burden sharing and sometimes question the rules without proposing alternatives. Finally, the EU favors a multilateral approach based on coordination through clear rules and procedures. At the same time, non-state actors engage in voluntary approaches and take decentralized responsibility. Whatever the options, there is a strong rationale for collective action since no significant environmental problems can be addressed by any one, nation or actor single-handedly. A critical question is therefore what kind of governance structure could reconcile these divergent views and provide mechanisms for delivering effective, legitimate, and equitable responses to the problems at hand.*

### 1:20 pm **QUESTIONS AND DISCUSSION**

Discussant: **Mohamed El-Ashry**, Former CEO and Chairman, GEF; **Dan Esty**, Director, Yale Center for Environmental Law and Policy (United States).

### **SESSION 3 ▶** 2:30 pm **Building Collective Action**

*For a number of observers, implementation is still the key issue. Agreements about implementation often lag behind. Are available instruments adequately designed? What kind of policy mix is needed? Four parallel workshops will address these questions from a variety of perspectives.*

### **WORKSHOP A ▶**

#### **Legal Instruments: How Hard, how Soft?**

Chairperson: **Edith Brown Weiss**, Inspection Panel of the World Bank and Georgetown University.

Rapporteur: **Richard Tarasofsky**, Head, Sustainable Development Programme, Royal Institute of International Affairs (United Kingdom).

*After twenty to thirty years of elaboration of international legal tools for environmental protection, how far are we gone towards implementation? What are the main enforcement issues? Can we have efficient legal instruments without sanctions? Is implementation possible if problems such as capacity, financial resources, balance between environmental commitments and development opportunities are not addressed? What is the prioritization and hierarchy of international legal tools?*

Speakers: **Ebinezer R. Florano**, International Christian University (Japan); **Amado Tolentino**, International Council of Environmental Law – ICEL (Germany); **Marthe Torre-Schaub**, CNRS (France).

### **WORKSHOP B ▶**

#### **Economic instruments: How far we can go?**

Chair: **Jean-Philippe Barde**, Head, National Policies Division, Environment Directorat, OECD.

Rapporteur: **Claude Henry**, CNRS (France).

*Economic theory suggests several types of instruments to correct market failures and develop incentives to protect the environment. How far have these instruments been implemented in practice?*

Speakers: **Jean-Charles Hourcade**, Director, CIRED and CNRS (France); **Thomas Sterner**, Göteborg University (Sweden).

**WORKSHOP C ▶**

**Information: A new strategic field?**

Chair: **Jean-Pierre Contzen**, Chairman, Institute of Advanced Studies, the United Nations University (Japan).

Rapporteur: **Georges Valentis**, Managing Director, Institut Véolia Environnement (France)

*Information is of course critical to monitor implementation of MEAs but also to trigger alerts. Various Clearing House Mechanisms and databases are created for this purpose. This workshop will address the issue of information, including the function of indicators: Who produce them and how? How do indicators match the goals of MEAs? Transparency and participation in the use of databases and Clearing House Mechanisms will also be discussed.*

Speakers: **Alexandre Borde**, C3ED, University of Versailles Saint-Quentin-en-Yvelines (France); **Bernard Labat**, Antée SAS (France); **B. Ruchira L. Perera**, Environment Management Officer, Ministry of Environment and Natural Resources (Sri Lanka).

**WORKSHOP D ▶**

**Scientific expertise: A questioned legitimacy?**

Chair: **Bob Watson**, Scientific Director, World Bank.

Rapporteur: **Andreas Kraemer**, Director, Ecologic (Germany).

*Building a scientific community on global issues seemed a promising approach to identify and quantify environmental problems. Is this approach still relevant when the legitimacy of these communities is not determined? How can such legitimacy be firmed up?*

Speakers: **Ana Flávia Barros Platiau**, University of Brasilia (Brazil); **Peter Haas**, University of Massachusetts at Amherst (United States); **Sébastien Treyer**, Ministry of Ecology and Sustainable Development (France).

4:30 pm **COFFEE BREAK**

**ROUND TABLE ▶**

4:45 pm **Contributions of the workshops**

Chair: **Camilla Toulmin**, Director, International Institute for Environment and Development (United Kingdom).

6:00 pm End of first conference day.

6:30 pm Cocktail offered by **Roselyne Bachelot-Narquin**, Minister of Ecology and Sustainable Development, and **Dominique de Villepin**, Minister of Foreign Affairs (France).

# Tuesday March 16, 2004

## SESSION 4 ► 9:30 am **Providing collective action**

*The current international governance system has demonstrated that both the elaboration of a common view on the issue at stake and the identification of tools implementation are necessary but not sufficient conditions to trigger collective action. Ensuring the effectiveness, the equity and the legitimacy of the international governance system requires the proper design of institutions and procedures with respect to three dimensions: The coherence and constituency of international norms, the articulation between the various levels of governance and the compatibility with other international governance systems. Finally, this design as to be evaluated through its impact on the environment.*

## WORKSHOP E ► **Coherence of the International Governance Systems**

Chair: **Ricardo Meléndez-Ortiz**, Executive Director, International Centre for Trade and Sustainable Development (Switzerland).

Rapporteur: **Saradha Iyer**, Third World Network (Malaysia).

*Environmental governance cannot be isolated from what happens outside the environmental arena. There is a serious risk of environmental issues becoming marginal on the international agenda. How can the linkage between the environmental agenda and other agendas such as Millennium Development Goals, the World Summit on Sustainable Development Action Plan and Monterrey commitments be strengthened? How can the effectiveness, legitimacy, and equity of the process of elaboration of standards and instruments be ensured? How can various systems of control and enforcement be put in place especially when they are founded on very different principles (WTO vs MEAs)? How can disagreements involving environmental stakes be settled?*

Speakers: **Mohamed El-Ashry**, Former CEO & Chairman, GEF; **Kevin R. Gray**, Senior Policy Analyst, Ministry of Environment (Canada); **Tom Rotherham**, Analyst, International Centre for Trade and Sustainable Development (United Kingdom).

## WORKSHOP F ► **Articulation between the various levels of governance**

Chair: **Juan Mayr**, Panel of Eminent Persons on UN-Civil Society Relations and Former Minister of Environment (Colombia).

Rapporteur: **Sunita Narain**, Director, Centre for Science and Environment (India).

*How can the various levels of governance (local, national, regional and international) interact in mutually supportive and complementary ways? How can synergy among instruments at each level be achieved? What role should capacity building play in strengthening the synergy between the various levels of governance? What other strategies are needed?*

Speakers: **Maia Beridze**, Press-Secretary of Caucasus Bureau of European Maritime Cooperation Agency (Georgia); **Lucien Chabason**, Former Coordinator, UNEP/MAP (Greece); **Arab Hoballah**, Deputy Coordinator, UNEP/MAP (Greece).

**WORKSHOP G ▶**

**Actors in the international governance systems**

Chair: **Martha Chouchena-Rojas**, Head Policy, Biodiversity and International Agreements, IUCN (Switzerland).

Rapporteur: **Hilary French**, Director, Globalization and Governance Project, Worldwatch Institute (United States).

*Achieving sustainable development objectives requires the involvement of different actors, i.e. governments, NGOs, local authorities, private sector, international institutions. How to involve these actors in the elaboration of an effective, equitable and legitimate international governance system? How to link public-private partnerships, private initiatives with multilateral process?*

Speakers: **Tom Dedeurwaerdere**, Center for Philosophy of Law, Université Catholique de Louvain (Belgium); **Robin Edme**, Maqassar (France); **Jessica Green**, Institute of Advanced Studies, United Nations University (Japan).

**ROUND TABLE ▶ 11:30 am Contributions of the workshops**

Chair: **Kiyo Akasaka**, Deputy Secretary-General, OECD.

12:30 am **LUNCH**

**SESSION 5 ▶ 2:00 pm What architecture for a renewed international governance system?**

Chair: **Peter Haas**, Professor of Political Science at the University of Massachusetts at Amherst (United States).

*After thirty years of institutional experience, it is time to evaluate the coherence and synergies of the system. Beyond the debate over the possible creation of a world environmental organization (WEO), the governance debate must focus on the very nature of international environmental regimes, and how they fit in the global system with the aim of rebalancing the international architecture.*

**ROUND TABLE ▶**

**Magda Aelvoet**, Former Minister of Public Health (Belgium); **Claude Martin**, Director General, WWF (Switzerland); **Juan Mayr**, Panel of Eminent Persons on UN-Civil Society Relations and Former Minister of Environment (Colombia); **Klaus Toepfer**, Executive-Director, UNEP; **Konrad von Moltke**, Dartmouth College (United States).

4:00 pm Synthesis: **Laurence Tubiana**, Director, Iddri (France).

4:30 pm End of the conference.



## List of communications

### **Barros Platiau Ana Flávia**

Scientific Expertise and International Environmental Law: Does Legitimacy Matter?

### **Beridze Maia**

Cooperation of countries of the Black Sea

### **Borde Alexandre**

Towards Information-based Environmental Policies

### **Chabason Lucien**

Marin Environmental Governance: Interactions between Global and Regional Regimes

### **Dedeurwaerdere Tom**

Evaluating the contribution of the emerging paradigm of network governance

### **Edme Robin**

Cutting the Gordian knot: the banks are entangled in the mesh of their international environmental commitments

### **El-Ashry Mohamed**

Mainstreaming the Environment – Coherence among International Governance Systems

### **Florano Ebinezer R.**

Regional Environmental Cooperation without Fear and Tears: The Case of the ASEAN Regional Haze Action Plan

### **Gray Kevin R.**

Accommodating MEAs in Trade Agreements

### **Green Jessica**

Promoting Coherence in International Environmental Governance: Mapping the Disenfranchisement and Participation of Civil Society

### **Haas Peter**

Usable Science for Environmental Governance

### **Hoballah Arab**

Stakes for International Environmental Governance at regional level: The Mediterranean Case

### **Hourcade Jean-Charles**

Economic and Global Instruments: the Trap of the “Tabula Rasa” Myth

### **Labat Bernard**

Managing Information Systems in MEAs Framework and Beyond

### **Perera B. Ruchira L.**

Environmental Treaties Reference Center: A new Strategy for Information Management on Multilateral Environmental Agreements in Developing Countries

### **Rotherham Tom**

Standardization: What role for Governance without Government?

### **Sterner Thomas**

Improving the Design of Policy Instruments

### **Tolentino Amado**

Reflections from developing countries

### **Torre-Schaub Marthe**

Implementation of Environmental Legal Instruments and Compatibility with the promotion of Sustainable Development in the EU

### **Treyer Sébastien**

Making water scarcity a global issue? The role of scientific communities, articulating a global agenda with national policy debates