

## **CONCLUSION**

**WHAT ARCHITECTURE FOR A RENEWED  
INTERNATIONAL GOVERNANCE SYSTEM ?**



## Introductory Remarks

Peter Haas

It is clear from these proceedings, that the conditions are not yet met to support a clear option for the system's architecture, given the differing views expressed by the main political actors and the lack of consensus on the system's deficiencies. In addition, current initiatives are pursued mostly at the level of on-the-ground projects or by individual countries. After thirty years of international environmental negotiations that led to the establishment of national laws, which were not always successful, we have entered a phase in which international regimes have greater chance of success when they are based on national and local initiatives. It is interesting, in this context, to follow the evolution of new coalitions of countries in international negotiations and their quest for more equitable conditions in the system.

This new enabling framework for the debate can be used to promote further discussion of a number of issues that could be thought of as building blocks of a more equitable, legitimate, and efficient regime. The conference identified the following questions that require new expertise, discussion for a, and spaces for consensus building:

a) *Scientific expertise*: it is important to reflect on the organization, legitimacy and accessibility of scientific expertise and its usefulness to different parties and stakeholders. The capacity of scientific communities to identify and prioritize environmental issues, to foster the debate on environmental problems and to propose policies and actions directed towards commonly-agreed goals must be at the center of the debate.

b) Closely linked to the previous item are the questions of *environmental assessment and monitoring of actions undertaken by countries and regions*. The status and role of information, the problems of access to information, the funding of information systems and its use in the follow-up and assessment of domestic commitments are critical issues on which co-ordination and sharing of information are limited. Still, the implementation of MEAs will strongly depend on the gathering and management of information and its accessibility by all stakeholders and the public.

c) *The governance of non governmental actors and networks* (NGOs, private actors, local communities, trade unions...) that directly or indirectly participate in the definition of environmental norms and in the implementation of MEAs. The need to facilitate the participation of these actors in the international environmental governance system, but also the need to take into account questions of legitimacy, representation and accountability associated to this participation are issues that need further consideration.

d) *The articulation between international environmental regimes and regional - national processes.* A consensus has progressively arisen on the need to analyze the implementation of MEAs at the national level as well as regional initiatives. The hypothesis is that actions at these levels may currently be more effective, be perceived as more legitimate and equitable and have better chances to reach consensus than global initiatives. How to articulate these regional agreements with international ones so that their actions would have a positive impact, including addressing global environmental problems (climate change, ozone layer depletion, desertification...) and taking into consideration equity issues such as the application of the principle of common but differentiated responsibilities?

e) *Decentralized initiatives, both public and private, involving coalitions of countries and actors.* Studies on legal and economic instruments should leave more room for the concrete analysis of tools used and the assessment of their effectiveness: What could be the role of “policy mixes” involving both legal and market-based tools and what would be the role of contracts, voluntary and legally binding agreements?

f) *The articulation of the environmental agenda and other international priorities:* the international community has defined objectives that integrate the environmental, social and economic dimensions, such as the Millennium Development Goals and the targets agreed at the World Summit on Sustainable Development. The integration showed in the texts of the agreements does not mean that in practice the interrelations and need for coherence between environment and development are really taken into consideration. It may be useful to consider this integration with regard to issues such as water, health, agriculture and biodiversity, as a way to reinforce the effectiveness and equity of the system. These targets can provide a “road map” to develop strategies for collective and co-coordinated action among different international processes.

Following up this debate issue by issue could provide a way to shape a framework for a common vision and for the definition of the criteria for the elaboration of an effective, legitimate and equitable system capable of bringing together a large majority of countries and actors, to reach the ultimate goals of sustainable use of the environment and the achievement of the objectives agreed under the MEAs.

## **Round Table on the Architecture for a Renewed International Governance System**

Magda Aelvoet, Claude Martin, Juan Mayr,  
Klaus Töpfer, Konrad von Moltke

This discussion centred around two questions: (1) what concrete proposals would you recommend for improving the performance of the UN system in promoting environment and sustainable development? This question goes beyond the future of UNEP to address the system as a whole; (2) what factors are likely to shape the politically possible landscape for change over the next two years?

**Konrad von Moltke** — There is a risk in underestimating the value of what has been created through the joined efforts of those concerned with the environment over the last thirty years. One way of measuring it is actually to look at the *Earth Negotiations Bulletin* which by now covers something like a hundred and sixty days of negotiations every year. Environmental issues represent the largest single area of effort of international society; accordingly, we should not be too diffident about our achievements. That said, some of the most important opportunities for change and adaptation lie not in the environmental but in the economic regimes. So let me start by saying a few words about the WTO with which I have had a complex relationship for the last fourteen or fifteen years. I would not describe it in the words of Tom Spencer as our enemy, but I do think that it is vital to understand what the WTO is and what it is not. One of the most striking aspects of my dealings with those who are primarily concerned with international economic policy is that they are clueless about governance. Once, as a member of an advisory board for the director general of the WTO, I had the opportunity to spend an afternoon with a group of WTO ambassadors talking about the future of the organization. I have never dealt with a group as obtuse about the problem of governance as that one. It is important to keep that in mind because it describes some of the difficulties we have had and it absolutely identifies some of the opportunities that have come our way. The WTO system is becoming more complex and more like our system, despite the best effort of those inside it to stop that happening, and the term that we increasingly use for it is “distributed governance”, that is a distribution of functions between the WTO and other bodies, from the ISO to the Convention on biodiversity, in the governance of the international economic system. This is a development not chosen by the WTO but forced on it by necessity. The lack of awareness of the issue of governance is also one of the reasons why the environmental community has had such an impact on the WTO, because we are time and again framing the issue in ways which are utterly surprising to those involved in

economic negotiations. When the proposal was made to create the WTO, it was first called the MTO, the multilateral trade organization. They published a text which elicited two critical analyses, one by James Cameron and one by myself; not a single one came from the community of economic policy-makers, although there were reasons why they should have thought critically about what they were doing. It was not just James Cameron and I, the environmental community was already there. This is why sustainable development was in the preamble and why the CTE was created. It was not done out of the goodness of their heart, it was done because there were people who insisted that it happen and who had specific proposals on how to make it happen.

Similarly, the disasters which have befallen economic negotiations in relation to investment agreements fundamentally derive from the fact that they have never understood that investment agreements are agreements about governance, first, foremost and last, and that, consequently, they systematically misconstrued the agenda and were vulnerable to the criticisms which once again originated in the environmental community. I'd like to remind you that twice now they have failed to launch negotiations in this area: one in the MAI and one in Cancun; so there are really interesting issues and possibilities in that area.

The second point I'd like to make is the extraordinary level of innovation that is represented by the current system of international environmental governance. I go to none of these events without hearing a new idea. Not every new idea becomes reality but the ability and the willingness to articulate new ideas is very characteristic of our environment. This time, it was the proposal which came up in the session this morning to try and lead foreign workers to invest some of their remittances in sustainable development. Who knows? I think it's a fascinating idea. The innovative drive of the system of international environmental governance is a response to necessity. We have not innovated because it's fun or because it's nice, but we've done it because there has been no other choice. If you remember the Montreal Protocol, the very idea of agreeing to international controls on production and use of key industrial chemicals was beyond anybody's imagination. The reason that it happened was because there was no other solution. That is true of a variety of other things that have happened and it's important to respect these developments. Let me remind you of what was reported from Lucien Chabasson's presentation: fragmented is not the same as incoherent.

The third point, and it's an obvious one, is the extraordinary role of civil society. For an economic policy-maker, that would be something to die for. The deep roots which international environmental governance has in virtually every country in the world is one of the major sources of strength of the system. It is also a factor promoting incoherence because civil society creates constituency and constituency creates fragmentation, and I don't think that's an issue that we have confronted. I've thought for some time about how to deal with the current system because nobody can argue that it's optimal. Everybody at least agrees that reinforcing UNEP is the place to start, but it

is not the end of that process. We are going to find ways to do what I call clustering, that is draw together functions of different environmental regimes which can be operated together rather than trying to make them one in any way shape or form. Let me just give you a couple of examples. The Millennium Ecosystem Assessment is a clustering function in the conservation area. Capacity-building is duplicated all over the system; it obviously can be clustered. The question is: can the trust funds be clustered? The Global Environment Facility is a clustering facility.

In closing let me come back to the issue of investment. Because economic negotiators have misconstrued the agenda, we have an opportunity to define the agenda the way it needs to be defined, not only in the interest of environment and sustainable development but also creating the right agenda for international investment agreements. For the first time we will not play catch up but actually lay down the ground rules for the international economic system the way they should be conceived, and to that extent we should be thankful that economic policy-makers haven't got it yet; maybe we can teach them.

**Claude Martin** — It is an interesting question whether the term architect comes anywhere close to a solution of what we are discussing here. I often get the impression that we are an assembly of architects who like to plan and build houses just to see them never occupied or collapse. Currently, I think we are living through a time where we all feel somehow caught between US ignorance and E.U. arrogance. I'm saying this because very recently I had a debriefing of some of our people in Russia and I asked our staff what the chances were that Russia will ratify the Kyoto Protocol. You get all kinds of answers but, in the end, what many Russian apparently are saying is that they become increasingly sensitive to Western European arrogance; telling the Russians what they have to do and how sleepy an old Russian bear they still are. You may have the most wonderful architectural design but, at the end of the day, it all comes down to practicality and perceptions at the political level. The truth is that we often criticize the US government for very good reasons, but how much better are the European in this regard? What happened to the commitments they made at WSSD? What about the implementation of these commitments? What happened to the water initiative? Throughout developing countries, the E.U. increasingly has an exceedingly protectionist image because of its agricultural and fishery subsidies. And, of course, the failure of Cancun has probably reinforced bad politics and eroded trust on which any practical intergovernmental system would have to be built.

In the meantime, we see the US administration building new alliances in developing countries and not always for the good of sustainable development. So I believe the Europeans need to establish much stronger alliances with developing countries in trying to find concrete solutions for sustainable development. Sooner or

later, sustainable development will undoubtedly become the key issue as environmental degradation progresses and social disintegration follows in its wake. But aren't we in our architectural thinking perhaps too captured by the idea that it is all just a game between Americans and Europeans? By 2035 China will probably exceed the US GDP, and if you travel through India the most often quote heard is now of «Shining India» because the economy is booming so fast. Brazil, South Africa, and a number of other threshold countries are becoming very strong economic players. Interestingly enough, they start playing a more important role when it comes to the implementation of the MEAs. So perhaps we should avoid too much fixation on the G8 because they may lose importance, at least outside the security area.

In this context, sooner or later the question of secure financing for sustainable development comes into the foreground. Most people, particularly in developing countries, see financing for sustainable development solutions as something difficult or they simply equate it with ODA funding which is insufficient. Returns on investments in sustainable development are low. Some of the solutions that have been promoted, including by organizations like mine, such as ecotourism, green products, or even carbon sequestration seem like a desirable thing in developing countries but they remain low on the priority agenda compared with poverty alleviation (or what is being perceived as poverty alleviation). Increasingly, we as organizations are focusing less on the multilateral system or on the architectural design that could bring the miracle solutions. Not that we don't need it but since Johannesburg we have had experiences in terms of partnerships between governments and private business, looking into specific national or regional application of interesting sustainable development solutions. One that holds much potential is the upstream-downstream compensation schemes which we have been developing in a number of countries. In Guatemala, for example, we have been procuring an agreement between downstream users in agriculture, water use, hydroelectricity and a bottling plant and a compensation scheme for habitat services and reforestation upstream. It is completely voluntary, at least in the beginning, which, of course, requires the blessing of the government. When it is working, it is economically neutral and a true win-win situation. I am not using this word lightly. We have at least half a dozen of such upstream-downstream compensation schemes in not yet very large river basins but in medium size river basins and there are true solutions and answers to sustainable development questions in that national or regional context.

There are other solutions that we have been able to broker between private companies and individual governance. We have a very large partnership with Lafarge, the largest cement producer in the world that emits twice as much CO<sub>2</sub> as my own country, Switzerland. Lafarge, as you know, has committed itself to reducing its CO<sub>2</sub> emission by 10% based on its 1990 emissions levels, something that my government would probably take about 20 years to negotiate until it is too late. So, again, there is a real potential in brokering sustainability solutions.

My question then, as far as architecture is concerned, is : what sort of framework conditions could we foster that would encourage such partnership solutions? I'm not speaking against an international framework; we need international frameworks. But when it comes to the role of UNEP or the UN system, last week at the OECD roundtable which was organized by Simon Upton, the one sentence I heard several times from environment ministers was that the bickering within the UN system is the greatest disincentive for a functioning multilateral system. I don't know Klaus whether that is true but, at the very least, many environment ministers perceive that the tensions within the UN system, between UN organizations and CSD are a real impediment.

Perhaps it is for this reason that people start talking of a world environment organization which I have not heard anybody being very much in favor of, because we have existing mechanisms that we should try and reinforce. And I see a lot of potential in an organization such as UNEP to build the framework conditions that are conducive to this sort of partnership agreements. NEPAD perhaps is one of the possibilities that we may look at to foster such agreements, as we the NGOs of this world have been able to strike in the past few years. Our Amazon plan which is the biggest tropical forest conservation plan, a similar initiative in the Congo basin between governments, NGOs, and bilateral funders, trilateral agreements like for the Soudan/Soudanese where NGOs have come together with the Philippines, Malaysian, and Indonesian governments to broker a solution in the regional context, or even the lower Danube agreement on the green corridor of the lower Danube (the ecological corridor that ends up in the Danube delta) really point in the right direction. Rather than talking much about the architecture of intergovernmental institutions, we should look at what UN institutions could do to foster such smaller scale solutions at the regional and national levels.

**Magda Aelvoet** — Concretely, the best possible action for the foreseeable future in Europe is to put all our attention on the issue of public awareness. I will give you three concrete examples to show how Europe is loosing out in terms of the protection of the environment. First, it was a very hard fight to get it in the draft of the European constitution; we had to fight to get into the constitution elements that had been taken for granted in the past.

Second, last summer, at the request of president Prodi who, of course, is not responsible for its contents, a high level expert group produced a report that spoke of a new agenda for a Europe of growth. There are plenty of interesting things in it but not one single element on the necessity of at least qualifying which kind of growth, and of decoupling growth from pressures on the environment, etc. Not one word.

Third, a few weeks ago, the European commissioner of energy said that Europe would not be able to meet its Kyoto target. This statement was corrected a couple of

days later, but it has been said, which, for me, is a clear indication that the environment is less important to Europeans than it was ten years ago. We should not lose sight of that; the same is taking place at the UN level. If you compare Stockholm to Rio to the Millennium goals to the Johannesburg Summit, protection for the environment becomes weaker and weaker. Do not misunderstand me. I am not against the notion of sustainable development, quite the contrary. But it has become a buzzword while the environment is falling out. That is something we should not lose sight of.

So when it comes to the question of where we should put our efforts, again we have to reinvent the words to touch the hearts of people. We need a new *Silent Spring* to convince them, to show them what's going on and to share what they experience but do not vocalize anymore. With regard to health issues, for instance, we are clearly experiencing health problems related to environmental degradation. Everybody, the rich North and the rich Europe, is suffering from it; but it is not triggering the feeling that we need to act. Let's concentrate on what is basic. Governments respond to pressure, to people moving; keep the people moving, that will be my first message.

My second message, concerns the United States. Of course, what happens in the US is important, but we cannot do much about it; it's up to the American people. But it is important that we speak with people committed to the environmental causes in the U.S., and there are plenty of them. At present, they are a political minority and treated that way. When the U.S. rejected Kyoto, Europe did something politically significant and stayed the course, thanks to committed individuals such as Jan Pronk and to the commitment of a large majority of European governments. I'm not sure that the same would happen today if we had to fight for it again in the ministerial Councils. It is not only the Kyoto Protocol, it is also the Convention on biodiversity, the Biosafety Protocol, even the problems the US is creating for the Montreal Protocol which is thought everywhere as the big success among MEAs. The U.S. is opposing it today on the methyl bromide issue. It will be very difficult to change this Administration's attitude. The same also happened to the POP Convention which the U.S. will not ratify unless other Parties agree that no new substances will be added to the twelve already covered by the treaty, although that it could be open to new substances is a substantive element of the Convention which absolutely makes sense from a public health point of view. Of course the US is important, but what happens in Europe is important as well and there my advice is clear.

As to the question of what we are going to do in terms of the international architecture, it is clear that I am not, at this time, absolutely opposed to the French-German initiative. It may be useful in ensuring full implementation of the Cartagena package which constitutes a considerable improvement compared with the previous situation. But we should pay attention to how this initiative may be perceived. Is it going to reinforce what has been grasped with difficulty at the level of Cartagena or is it to lead to the eventual establishment of an organization outside the UN family?

Although that is not what is being said, the possibility of misperception is still there. For me, the important thing is to keep what we have. Thus, I believe times are unfavorable to the environment which finds itself under pressure in many countries. In this context, we should try to maintain what we have and make it as effective and convincing as possible, for public support relies on our capacity to show that we can make a difference. In this regard, the discussions on international environmental governance should be linked to the larger question of the reform of the UN system.

In conclusion, I have to say that I was impressed by the group that worked on regional aspects. Indeed, in addition to what has been done and must be done at the international level, regional co-operation can be useful. It is also important to point out that fragmentation is not necessarily negative. But there are two types of fragmentation, in my experience. One amounts to a beautiful mosaic, the other to chaos. In this sense, we have to see how far we can go with regional co-operation. It is important, but it is not enough.

There is a long way to go as far as public mobilization, restructuring, and implementation are concerned. Let's go on this path together and let's work on communication with the public. Let's not remain seated where we are, rather let's do what we can wherever we are.

**Juan Mayr** — We have seen how environmental institutions and policies have weakened in recent years and we have identified all kind of diagnoses in our panels and in the plenaries. But I have been asked to speak about the architecture of the system. This is very difficult for me because I am not an architect. Secondly, there are some good examples in our history. Let me go some years before our times to the Babel tower. You may remember that there was a huge problem in these days and everybody started to produce some kind of architecture to construct the Babel tower. In the end, this was not the solution. The solution was very different, it was the Noah's ark. Maybe we are facing a similar challenge. Noah put every plant and every animal in his ark to protect them from the coming disaster. It seems to me that our times have some parallels with ancient times. Don't forget history; it is important for it helps us understand where we are. We will need innovation and creativity, as has been said here throughout these two days. What can the new ark look like? The problem cannot be resolved by architecture alone, it must stem from a strategic planning process. We need a strategy. This strategy must deal with complexity. All of us agree that the issue we are dealing with is complex. And complexity requires complex solutions, not simple solutions. In my country, we are fighting guerrillas. This is a very difficult situation and they have a strategy. They have different ways of fighting and use all kinds of weapons. I am not a guerillero, but when they said this it brought to my mind that we need sometimes to use all kinds of tools and all kinds of approaches in a complex

system. Some elements of this complexity include multiple agencies within the U.N. system; different constituencies; different forms of government; different programs; different plans of action; different agreements. Everything is moving, and when we go inside the U.N. system we find a lack of coherence. Many institutions are supposed to constitute a system but this is not a system, it is a collection of different institutions. We need to do something with this situation. Each agency has a sectoral approach; often they don't communicate among themselves; sometimes there are fights among kings. All this reflects and reproduces national-level governance. Similar dynamics prevail in cabinet. The international system is a reflection of national systems. In both cases, local experiences and local communities are excluded. Because of this situation, we are losing cultural diversity, our biodiversity, our practical knowledge; we are losing a lot and we need to pay attention to this situation.

At the same time, we face a political reality. There is a global democratic deficit, as there is at the national level. There is a crisis of confidence. In a way, there is also the imposition of democracy on the people. We also need to challenge this kind of approach. Many governments of powerful countries as well as weak countries, such as mine, in the name of democracy abuse their own people. We need to look a little bit at what democracy means in this context. The powerful control the weak, it is the same everywhere. There are no limits on the powerful at this time, as we have seen with the United States, and as I can see in my country with my own president. There are no limits to human rights, there are no limits to the environment; American as well as Columbian behavior testify to the weakness of the environmental system.

But let's go a little bit to my region, the Andean region, which includes 25% of the world biodiversity and a lot of problems. Columbia faces huge problems, like Venezuela, like Peru, like Ecuador. Obviously if we don't have the capacity to overcome these problems at the national level, nothing will happen in the international sphere. Watching the Americans and the Europeans debate these last two days has been instructive, but our countries are not located anywhere in this debate. How can a country such as mine move forward when it has to pay 45% of its GNP to service its debt? How can they move forward when trade is inequitable, and subsidies distort it? Yesterday, the ministers present mentioned the need for a world environmental organization but they never talked about farm subsidies. There is a lack of coherence. My country's economy is based on natural resources. Obviously, if bilateral trade agreements are favored, we will be the losers in the end, given existing power disparities. For example, nobody talks about narco-trafficking which is destroying biodiversity, culture, and the political system. And you are the consumers. But nobody talks about it.

What can we do? We need some balance in this type of debate. This is very important if we want justice in our world. We should not discount the reaction of the population. You saw what happened in Bolivia when to defend their rights and culture,

the indigenous people took down the president. This never happened in Europe, except in Spain. So if we do not take these ideas into account, all our efforts in favor of a global architecture will fail. We need a mixed strategy. We will need to improve UNEP, there is no doubt about it. This is part of the game and this is very important. We need to invite southern countries to this debate at an early stage, lest we face problems in subsequent discussions. We need to work on reforming the UN system and look very carefully at all the processes that are moving forward, because this debate cannot be smokescreen to avoid all the agreements we have signed earlier and on which we have to act. I'm sure also that all the changes will come because of the expression of civil society. I agree with Magda Aelvoet on this matter. And this brings me back to Spain. It is a very interesting example of what public opinion can do when they lose trust in their government. I don't need to belabor this example, one based on the tragedy we have seen on the screen and read about in the newspapers. This brings me to the need to deepen environmental security. Although it is part of the debate on security, it has not been brought to the table. And finally to be very realistic, with a dash of utopia, I think that ethics is something we need to take into account. If we don't have a debate about ethics, no construction can stand. We need to face the ethical debate of our times and, finally, to ask our good friends in North America to help us a little bit and change president.

**Klaus Töpfer** — Life has taught me that organizational structure must follow problems and not the other way around. In 1972, it was the United Nations Conference on the Human Environment, in 1992 the United Nations Conference on the Environment and Development, and in 2002 the World Summit on Sustainable Development. The title by itself gives you a sign that problems are changing and we have to ask whether the organizational answer to problems of the human environment is the right answer to the problems of sustainable development. Most probably the evolution toward development seems to be very important and we have to ask ourselves whether the current organization structure is still the right one. This question is not a brand new one. I was in New York in 1997, at the Rio plus 5 meeting, when the German Chancellor presented the four countries initiative (together with Brazil, Singapore and South Africa) and proposed the creation of a world environment organization. He made this proposal in the morning and it was already dead in the afternoon. It was the shorter lifetime I ever saw of a high level proposal. So, of course, I tried to learn lessons from this episode.

When I started six years ago in Nairobi, having not yet changed the organizational structure, I was asked by the secretary general to gather a task force of eminent persons on the institutional interactions between the environment and human settlements. We made a similar endeavor on governance at the request of our governing council. After

2001, we did it intensively and came to a conclusion after I think six open ended working groups, meeting in New York, Bonn, Algiers, Montréal, New York, and Cartagena. Some people came to me in Cartagena and told me they did not want something that would be worse than what we had before. There were referring to the topic of the indicative scale. Because if you want to go to change any organizational structure, you have to ask who will be paying for it? So we came to this totally voluntary scale, but a scale nonetheless. Whereas, over the last thirty years, some 70-75 governments contributed to our environment fund, with this indicative scale, 128 governments are now paying. Eritrea, for example, pays 1200 dollars per year. That's not changing our financial situation but it gives a very clear signal of ownership.

So what I want to underline first, whenever I want to change organizational structure, I ask: which are the problems I want to handle better? And when I learned of the initiative of president Chirac I was of course excited. When, in his opening speech to the General Assembly where one usually discusses questions of peace and war, where there is a global interest in the speech, a head of state mentions that, by the way, we need also a new organizational structure for the global environment, this is an end in itself. And I believe that it is helpful, but we now have to ask from our French friends: what are their additional expectations? What do we do better? What are the consequences, for example, of this initiative for the majority of multilateral environment agreements? I totally agree with the simple fact that there is a lot that is not criticizable. I don't want to cancel the Barcelona convention and the secretariat in Athens because of the fact that we have another one in the Baltic. There are a lot of common interests, a lot of lessons to learn. There must be something to bring this together. I totally agree with the examples of the Millennium Ecosystem Assessment which Konrad [von Moltke] mentioned. It is a cross-cutting topic and raises the issue of inter-linkages. It is something like the fashion of the year. Can we make inter-linkages assessment reports? Can we come to the same cluster? Let's not discuss it abstractly. This year, we have two new conventions, both from the chemical area, PIC and POP. Are we really able to make something like a clustering decision? Can we bring this together not only on this level but also in capacity building? Can we come, at the country level, to something like a clustering of capacity building for chemicals? Do you really believe that there is any developing country in my continent which has a specialist for all the different chemical conventions? They have one group and let us make our utmost to back these capacities there, make it wherever possible practical in the development. And all the elements we discussed in the six meetings of the international environment governance process are not competing; they are integrated parts for any further development: strengthen the scientific base of UNEP, act on capacity building and technology transfer, the financial situation of UNEP, universal membership, co-operation between the different multilateral environment agreements. I would strongly recommend we adopt a clear perceptive and proceed incrementally,

because I have always liked to say that while you wait for the best of tomorrow you are not doing the good of today and the worst of yesterday remains. I want to do the good today. So we can tackle a lot of these elements, up to the question of financial support (although not starting with it) and then we have the way open to go farther.

I have right now a little bird in my head, a small bird, not very attractive, without colored feathers, but a living bird with all the ingredients of a bird, even the possibility to fly. I know there's a wonderful pigeon on my roof, with wonderful colors. I would love to have the colored bird but as long as I don't have it, I want to be very careful with my little bird. I want to go in this direction because I have day-to-day responsibilities. What is necessary, as Claude [Martin] pointed out, is to decrease this stupid behavior within the UN system where we are busy fighting inside rather than solving problems outside. And then I must ask whether this is the best solution for sustainable development? How can a new structure, a global organization, contribute to sustainable development? This is my topic, and you know that I'm fighting in this direction. The motto of UNEP is environment *for* development. The environment is instrumental for development. In the European Union, there are discussing whether we need environmental impact assessments or sustainable development impact assessments. What are we doing to solve this problem? And this is not a marginal topic.

I always quote Tony Blair who, when he launched the UK initiative on climate change in February 2003, mentioned that there will be no genuine security with climate change, and Collin Powell in his contribution to our planet, before going to Johannesburg, mentioned that sustainable development is a security imperative and that the unholy trinity of poverty, destruction of the environment, and social injustice are destabilizing whole countries in whole regions. So whatever we are doing, we must have a good solution for this topic. How can we really contribute as environmental persons to sustainable development as a precondition for a peaceful development in our world?

**Claude Martin** — If one did an opinion survey in Europe today and asked people whether the environment is important, as people have mentioned, the environment would come in third or fifth, or even fourteenth position, depending on how you ask the question. But if you ask the same people: do you think climate change is an important topic for the future? They rate it very highly, close to the highest. And if you ask them whether water quality and quantity is an important issue, it too rates very highly. I think one of the problems we currently have is that we still use this old fashion bracket «environment» where nobody thinks in term of the environment as a whole anymore. Today, we are dealing with very different, at time very sophisticated, tools for addressing specific problems that are integrated with what Klaus Töpfer very

correctly says is the question of livelihood and poverty. And I do not think, therefore, that a world environmental organization is the answer because the issue has broken down. The same actually applies to how we talk about poverty. I have the suspicion that many people have a very crude understanding of what poverty is. I'm not saying that I have the ultimate answer but if you read the book of Hernando de Soto who says this is not a question of one or two dollars, it is a question of whether the poor have the possibility of accruing wealth, whether they have title to their land, whether they can sell their little assets they have been able to gather with their modest income, then you suddenly start realizing that we misunderstand what poverty is all about, which may lead to different, and wrong, solutions.

**Juan Mayr** — Noah's ark was not just another and better artifact than a big tower, it was a new beginning. After the whole world was destroyed, according to that old story, God chose new people. And I think we have to avoid the situation whereby this thing will have to be destroyed so that we can start anew with an ark. And that is why we still have to talk about improving the present situation rather than starting anew. Now, yesterday, we had a good discussion. Some said: «let's try to improve on the basis of what we have.» In my view a very important thing, let's count our blessings because we have been in the field of environment a bit more successful than many people think. If this would have been a meeting not on international environmental governance but on international development governance, people would have been much more justified in being skeptical about progress made during the last two decades. As far as the environment is concerned, and Klaus Töpfer is right with his step by step approach, some steps have been made. But the problem is balance, small steps have been made forward on environment, big steps forward have been made in terms of the globalization of the economy. Major changes have occurred while, as far as the environment is concerned, we have been improving, but not enough. But as far as poverty and development are concerned, it was not a step forward at all, there was stagnation, standstill, and some people even moved backwards. With respect to legal, and political and security issues, we have made a major step backwards as far as the international machinery is concerned. The UN is being penalized, and some want the UN to be dead. So there is a lack of balance: some steps forwards, and some steps backwards, and this is why I really think that we also have to think about the architecture, in addition to what we can continue to improve. Now my suggestion would be the following: because this conference is not on international development governance but on international environmental governance, and I learned from people that it is more than an institutional issue, it is also the way you are carrying out policies, it is values, it is procedures, as far as the institutions are concerned we should not come forward with ideas only on improving the environmental governance structure. We have to link it to ideas on development, on how also to address

globalization, on the political and security infrastructure, in order to have a system which can help us be just and fair as well as give us the capacity to keep the world going. In that case, you need a holistic approach.

The second element of such an approach pertains to the lack of trust in the system, in national governments and in a global government. Sunita Narain made that very clear this morning. You have to incorporate elements in the structure which would give a reason for people to have confidence in the international architecture. Maybe through a parliamentary structure, maybe by giving civil society the possibility to approach the international community with the obligation that they get an answer, bypassing their own national government if they don't have confidence in it. And there are many other devices. This is one of the most important issues: how to rekindle trust in the international system. The alternative to do it nationally wouldn't work anymore because of globalization; you have to change the character of globalization. The other alternative is to just trust civil society movements. That frightens me. Although you can coach civil society movement and social actions which lead to reform (Spain is an example), there are also many examples in recent history of social movements which result in worse situations. There is an anti-foreigner, anti multi-cultural social movement in Europe at the moment; it's a social movement. Let's trust the people but not 100%; let's trust politicians but not 100%. As far as international governance is concerned, I would like to make a plea for balance. Deal with it globally, go for a new blueprint and work on improvements on a day to day level, deal with the architecture but also deal with the trust of the people in the system because we need better systems. We cannot work with processes only.

## Discussion

**Wouter Veening** — I would like to refer to what Claude Martin said about ecosystems services, the upstream-downstream relation and may be expand it to the global level. A global ecological balance of payments (and the GEF is an institution built to make those transfers of resources) would involve the countries with the major ecosystems (and they are mostly in the south) in a global balance of payment system and pay them for the ecosystem services (biodiversity, climate change, watershed management) they provide. For example, pay Columbia for having preserved a couple of the most important biodiversity ecosystems in the world. It will also change the North-South paradigm because although these are rich countries from an ecological perspective, they are not given aid, nor are they treated as equal partners in the global environmental package.

**Mohamed El-Ashry** — What can be done about the state of the environment? I think there are basically three options. One is do nothing. We have put everything that we need to put together, it's just a matter of making sure that it works. But I think that would be a disservice to the environment and to the people who benefit from the environment.

The other extreme is to put all the components of the international environmental governance system in one pot, stir it into a melting pot and say we are going to come out with the perfect organization that can solve all our problems for the future. And I think that would face the same fate that the proposal the Chancellor of Germany made in 1997, the one that was dead by the afternoon, This one would be also dead because the political climate in which we live is not conducive to any major changes and to negotiating a major change in the international environmental governance. It would be a mistake, a waste of time, and a waste of effort.

The third option is to fix what we have so we can do the job that's needed to help reverse the trends. But in doing that, it is important also to send a message that international environmental governance is only one of the factors of environmental degradation. Equally responsible are government policies, inadequate finance, and the lack of capacity to implement. But we have chosen to take this step first because it can help guide better environmental policies in the countries that need help, inform capacity building and carry out capacity building and so on.

Similarly in dealing with international environmental governance, we must recognize that the real action takes place at the local and the national level and sometimes at the regional level, when we talk about transboundary resources, water, ecosystems, acid rain, and so on. So complementary to whatever you want to call it, strengthen, reform, fix the international governance system, we must reinforce complementarities between regional and international environmental governance. And that is why capacity building becomes absolutely necessary. When it comes to UNEP, no one would argue against strengthening it, but we must ask: strengthening UNEP to do what? And I must say regardless of what name you want to give it, whether it is a United Nations environment organization or a world environment organization, it may a good idea to change the sign on the door. But I think it is important to ask the question: strengthening to do what? Because that becomes part of the strategic plan, as Juan Mayr mentioned, so that we can sort out the responsibility of other parts of the system. If we don't sort out and clarify those responsibilities and the mandate of the new UNEP and of the other parts of the system, we are going to end up with infighting and conflict. That is where my idea of clustering based on lead responsibility, specialization, and comparative advantage, to which Klaus Töpfer referred, comes in. The model of the GEF may not apply to every case, but here we had Bretton Woods institutions, international financial institutions with UNEP, an environmental organization, and UNDP, a UN development assistance organization; and it worked,

eventually. It took a great effort but it worked and now it includes nine other organizations so there is no reason why we can't have clusters for the major issues that we confront, such as climate change, biodiversity, water resources, with UNEP at the center. I have always viewed UNEP as truly the world's conscience on the environment, the policy voice on the environment, the one that develops a vision for the future but also the incremental steps towards that vision. So UNEP must be at the heart of this new model which realistically takes into consideration the realities of the world in which we live.

And then, finally, we have made commitments in Rio and Johannesburg, there are multilateral environmental agreements, but who is following the implementation and reporting on progress? Which countries are doing what they said they were going to do? Which countries are not? So it is not enforcement, it is not penalties, it is a matter of a transparent assessment and follow up of compliance. That is where the CSD could play a critical role rather than having a mandate that actually competes with UNEP in assessing water resources. How many times have they done water resources, energy and so on? Why are we duplicating efforts? Let them be what they originally were designed to be, which was to measure progress and report on progress on the commitments of Rio. So clarifying the mandates and then doing the strengthening that's needed. That includes the mandate of other components of the system. Some of them are important players in the bigger picture of the environment and sustainable development, and some of them should not touch any of these issues. Just because they have one person and 500 000 dollars that they managed to get from friends in a donor country, it does not make them an important player with a comparative advantage.

**Simon Upton** — I am involved in an experiment which has to do with illegal fishing on the high seas and that involves getting some ministers to actually front the issue and sign off on a piece of analyses. What is different with this work is that it cuts right across all aspects of the issue: environmental, economics, international law, straight fisheries issues, enforcement, and so on. When we tried to launch this experiment, we realized that we needed to learn from the experience of IMO, FAO, and the Law of the Sea people in New York to start with. I got in touch with those organizations naïvely and said: «Look! We've got 16 ministers coming to a meeting and we'd like you to send someone of a pretty high level to this meeting.» And in each case, the organization said: «We are particularly busy actually with important official consultations». And I said: «Oh! Excuse me! You've got 16 member countries at the ministerial level, surely you can send someone». The people at the meeting then spent the time assuring us that they co-ordinated and co-operated fully at all times, it's quite clear they didn't. Now one of the conclusions we could have had from that meeting was that we need better co-ordination between intergovernmental agencies,

and I will ask the question: « how do you get this co-ordination? ». Because, you see, passing a resolution that you want better co-ordination or having a secretary general say there will be better co-ordination between these agencies doesn't make it happen. Co-ordination is a word. People respond to people and it seems to me that in the same way that governments actually respond to people, called voters, who might get rid of them, in the same way, it seems to me, the UN and its various agencies, and not just the UN but the whole intergovernmental system, would respond if they had a way of actually relating to governments. But the trouble is it is so complicated; most people, most ministers have no idea how that system works. They do go to the odd conference, they see one bit of the system but they don't see it in its integrated way, and in any case, they don't actually confront problems in the real world which fit neatly under, in my case FAO or neatly under IMO, or neatly under the Law of the Sea. They actually confront a real practical problem on the ground. Now one of the things that came through in this conference has been regionalism. I heard a lot of people saying that the region is the level at which things are often understood to happen. I think that was one of the most useful messages I got out of the conference. A lot of people think that, a lot of people feel that problems are often understandable and tractable at the regional level, and very often regions bring together developed and developing countries around real issues which actually involve them all, not abstract issue at the planetary level. My question is this: would it be possible, thinking along regional lines, for the secretary general of the UN, and perhaps some of his counterparts in the other global agencies, to actually have a system of co-ordination which generated people who could speak authoritatively for the collective agencies, whatever network relates to whatever issue and actually front up in a region and talk directly to governments on behalf of all those agencies? I come from the south-west Pacific; there are two developed countries, Australia and New Zealand, and a host of small island states. Peer pressure and shame start to work on Australia and New Zealand when I sit round the table with about 15 or 18 countries and people say :you're not actually meeting your obligations, you're not doing anything about climate change. Now the network of agencies that need to co-operate are the development agencies and the environment agencies. I wouldn't go beyond that, if you had the development and the environment agencies relevant to any particular issue and somebody can walk into the cabinet room in Canberra and say: « Look! I'm here representing the network of agencies. I've got about three issues on my agenda. This country is doing badly on the following ones and we'd like your co-operation, we'd like your help.» What's the ability of the UN system to actually develop a very high level tailored regional spokesperson at a human level that can confront ministers at the human level? You've got to find a way to get beyond words about better co-ordination. You've got to get through to people and that just might be, listening to people here, if you really think the regions is the level where this happens

at, can the UN speak to region in that way, not through bureaucracy but through somebody who speaks for that system.

**Klaus Töpfer** — I'm not the secretary general. Johannesburg has outlined the importance of implementation, partnerships and regionalization. Therefore, I have a lot of sympathy for the position of Claude Martin and, which is not very often, I am skeptical of the viewpoint of my good friend Jan Pronk, I'm not a friend of holistic solutions. As an old student of Karl Popper, I'm much more interested in healthy pragmatism. I am very happy to have this proposal from the French government. I am happy because otherwise criticisms become ends in themselves rather than means of solving problems. So we must combine it with action now and not sit back and say we have to discuss a new organization. This, I believe, would go exactly against the wishes of those in France who are making this proposal. Stimulate and show daily how important it is to make this a pragmatic step in a new direction. That is not to say we don't need a global structure, because even in the best regions you cannot control climate change and even in the best regions you cannot protect the ozone layer without the co-operation of others.

Second, co-ordination. Simon [Upton], you were for a time an environment minister, as I was, and the most difficult task for the environment minister is that that he always has to co-ordinate. If you want to make somebody very unpopular in a government, you make him responsible for co-ordination. And you must simply ask what the instruments for co-ordination are. Of course, you can always co-ordinate via money. If you can say «you have to do this otherwise you don't have the money», that is of course a very strong message in favor of co-ordination. A good reason for co-ordination is public opinion. When I was environment minister, it was much easier than now. Because in those days we had the full backing of the public; we were always number one or number two in the polls. And I remember my colleagues in the Cabinet saying: «time will come when the environment is not so important». Co-ordination is wonderful, but if you ask somebody to co-ordinate you must give him the instruments to do it, and this is extremely important. Lots of people believe that you can co-ordinate simply by inviting people to come and saying you are now co-ordinating, and that that is enough to convince them. I would like to invite you to the Environment Management group. There is a co-ordination mechanism. We could say : «each COP will only accept a paper only after it has gone through the EMG.» At the national level, you cannot come to Cabinet with any finance related paper unless the Finance minister has signed off on it. So when I started as Environment minister, I suggested that we changed our procedure so that the Environment minister has the same right as the Finance minister: whenever a paper is presented to Cabinet that has consequence for the environment, then the Environment minister must have signed off on it. But the Environment

minister was an end of the pipe minister. All the other ministers, for transport, agriculture, economic co-operation made sectoral policy and the Environment minister had then to control what's going out to the environment. In Dublin, the European Union came back with a recommendation to integrate the environment into sector policies, so the best outcome, in this vision, would be for the Environment to be no longer necessary.

This is related to our discussion of the WTO: do we want to green the WTO or do we want to separate trade and environment? It is a very important topic. The European Union answer was very clearly to integrate the environment into sectoral policies. I believe in this vision, although, in light of former German Chancellor Helmut Schmidt's quip that those who have vision should go to the doctor, I am always a little bit hesitating to go that way. But if there is to be co-ordination in national and international policy, there must be something like an instrument, and that instrument can only come from the self interest of those who have to be co-coordinated, otherwise nothing will happen.

**Tom Spencer** — I have an architecture point. We see that the environment is weaker than some of the harder issues such as defense, security, finance, etc. We are told that Environment ministries are weaker than Finance or Trade ministries. And we are told that when Environment ministers come to negotiate, they are hamstrung. We have had an extraordinary generation of Environment ministers who were charismatic, who stand out and who actually ought, in their retirement, to operate like some of the former foreign ministers do, as a collection of former environment minister because I think that would be a very powerful network. But I want to put the architectural finger on what I think is a weakness in the process and it's something where we could learn from the European Union. I think somebody ought to stand up in Paris for the *acquis communautaire* and for the *méthode communautaire*, and if it has to be an Englishman well so be it, that's the evolution of European dynamics. The European Union is not about intergovernmental negotiations. It is not led purely by interministerial discussions. It is much richer than that, and therefore it's much more stable than that and I fear that a lot of the negotiations at the global level are actually utterly intergovernmental and suffer from the weakness of intergovernmental negotiations. Therefore, one could look at the European Union and ask what is it that's different about the process inside the Union, despite all its defects. I can point to a couple of obvious differences. There is a European commission and I'd like to see lots of miniature commissions embedded inside international secretariats, by giving the secretary generals of the international secretariats more power to initiate, more power to keep putting up ideas in their own sectors.

Secondly, the European Union has a parliament and a European court. Ideas bounce back between commission, ministers, parliament and court. We can't exactly

replicate that but we could do a lot more to involve parliamentarians, not just because parliamentarians have beautiful blue eyes but because they are an important part of the negotiating exercise, and if you want to look at why negotiations in the European union really do succeed, and they are not just exercising in artificiality, they succeed because they are continuous, because they trade across multiple sectors, and because they are not dependent on late night decisions in isolated capitals where the COPs of this world move around. Of course, the Union has its tradition of late-night-three-in-the-morning-stop-the-clock discussions, but the real negotiations go on much longer in a much more settled way. So I think there are lessons we can learn in how to be successful at supranational negotiations, and perhaps we should be more careful of the cult of the minister and the cult of the interministerial negotiation if what we want to see is progress.

**Comment** — One month ago [February 2004], in Barcelona, Green Cross International organized the second edition of the Earth dialog. The first one was two years ago [2002]. The discussion was about the ethical dimensions of sustainable development, globalisation and security. And clearly, the main conclusion of this two-day meeting was that without strong ethical values and principles, we don't know where to go with sustainable development. And the second important conclusion of this dialog was the need for the people to know more about the solutions. There is a lot of energy. People need to know what we can find and what solutions they can propose and implement. And it is important that you open all dialogs and all discussions to the general public. A strong effort has to be made to this end and I hope that in the future this kind of conference will be more open to the general public.

**Ricardo Melendez-Ortiz** — Firstly, every time we have this discussion on international governance of the environment, it seems that the WTO comes up as an example or as a counter-balance to whatever comes out of the discussion. I'd just like to point out that the WTO emerged as a result of a great bargain, the terms of which were absolutely critical to the emergence of the organization as we know it today. Whether it is the right organization or not or whether those terms were the right ones or not, they responded to some historical context and to an institutional design, based on contractual obligations between parties. This is something quite different from the situation that you have in the environment. So you shouldn't look at an international organization for environment akin to the WTO.

Secondly, with respect to mainstreaming the environment, my sense is that in order to come out with effective international governance systems, we need first to make the case for the environment in sectoral policies, basically on the whole range of economic policy, which is perhaps where the big deficit lies. If we think that many of the

governments that negotiate international environmental agreements have very weak institutions or no institutions to deal with the environment, if you think, for instance, that in Latin-America, about 80 % of the financing for environment policy comes from outside, from international financial institutions or other sources but not from national public finances, what you have is really negotiations that are very weak from the start. The basis of the international environmental governance system is very weak. So I guess we should probably count our blessings and try to build on them, build on the development of international environmental governance and environmental policy of the past 20-30 years which are many, build institutions at the local level and national level and from there build up the system of international environmental governance. I'm afraid the world will come out with a design that pretends that a solution on law and policy guidance at the global level is going to really make it when you don't have those bases at the bottom.

**Peter Haas** — This comment captures the nub, the crux of the comments that we've been hearing for the last two days. There is that enormously elaborate multi-level government system in place for the environment which we have not yet fully mapped, so we don't know if it works or not. Should we improve it or scrap it? Yet, we are not even fully sure of how it works.

**Question** — I want to ask Magda Aelvoet a question. You focused on the perception of people and you obviously consider people very important in governance. Now for an architectural design of whatever world organization, if you bring in the people you're talking about recovering credibility for those institutions. Millions of people know about the UN association with peace, perhaps with some human rights agencies, but not too much with the environment. I'm talking about millions, not thousand or hundreds of thousands. When suddenly we had a conflict in the Middle East and the possibility of an invasion, the United Nations was not capable enough to give the kind of response that the ordinary person in the street would have expected, which was to prevent war. What would you suggest to do for the UN to regain credibility? As a source of legitimacy for any architectural design, I find it not too feasible because it can be easy to propose changes among a group of people but not so feasible in governance terms.

**Magda Aelvoet** — My point was that if you want political actors and other actors to gain credibility, they have to build it on the concerns of the public and on public awareness.

But I saw, at least as far as Europe is concerned, a massive reaction against proceeding toward war without the support of the United Nations. The manifestations against the war in Iraq were massive. People reacted because they did not accept that

countries would act on their own. So in terms of public reaction to multilateral approaches, this was for me the strongest signal to come in recent years. But once the big event is over, what happens then? In that sense, a long term commitment from people to the institutional question is a lost case because it's the most difficult issue to communicate. All those inside the structure use their abbreviations and all the others are out. In my own country, Belgium, a tiny little country but with very complicated structures, you can motivate people to have a debate on content not on institutional questions, and I can assure you that even in political terms the solution to the institutional question is a big political issue. But even on those you cannot communicate. So I'm suggesting that we have to look to new ways of making visible what multilateral institutions do in a way that people understand. Of course, very often, what is done is not that convincing. It is very important to bring together what can be done together in a sensible way and with the instruments to do it. So I have the feeling that there is a loss of efficiency with the limited means we have because people are organized the way they are organized and they want to keep it like that. There is nothing as bad as a bureaucracy that does not question itself. I think all of us have the responsibility to question ourselves. I am convinced we have the duty to be critical towards the structure we have created and to reflect on how we can improve their operation and output.

### **Concluding comments**

**Klaus Töpfer** — Don't believe that we are only fighting for the status quo; the opposite is true. What Magda Aelvoet just mentioned is absolutely right. If we are not strong enough to ask the question whether we are in the right organization, then we should go home.

**Konrad von Moltke** — Two comments. Never forget that we have the 10 000 pounds gorilla on our side and that is the environment. Don't make a deal with the environment if what the scientists are telling us about climate change is right. There is no question that in the end the rules are going to be made to accommodate climate change, the only question is whether there are going to be made in good time, but in the end we are going to win.

Second, investment is the bottom line issue. In the market economy, there is only one way to change an unsustainable economy into a more sustainable economy and that is through investment. Because economic policymakers have misconstrued the investment agenda, there is no reason why we should do the same thing.

**Madga Aelvoet** — I've spoken a lot few minutes ago, the only thing I would like to remind you is that in fact the environment case is a strong case not a weak case. We have won much more than we realize but we have to reinvent the terms of communication. The question was asked yesterday: How can Science communicate better? I think it is a duty of most of the players in the environment field to ask themselves why we don't manage better to get the message of such a strong case across.

**Claude Martin** — I think what Konrad [von Moltke] said concerning the funding situation is very correct but when speaking of intergovernmental agreements one has the tendency to think of the Monterrey Protocol where governments are putting up money to make something a reality. But most intergovernmental agreements resemble more a race to the bottom. It is always a lowest common denominator, a game nobody for which wants to pay a lot of money. Let alone the fact that whatever is decided at the end of the day is often reneged, as we are currently seeing with some of the Monterrey agreements. That is one of the reason why I feel it is so important that intergovernmental institutions in the UN provide a space and a framework for other solutions, including financing solutions, to become reality. And I think Klaus [Töpfer] was a bit unjust toward Simon [Upton], because Simon did not call for a co-ordination minister. He was looking for such mechanism at the regional level. I think we all agree actually where to go.

**Peter Haas** — Two proposals have been circulating for a very long time and have not been mentioned. One is: why not create a high commissioner for the environment, if one of the concerns is the problem of institutional legitimacy and the introduction of ethics and someone to speak for the environment? There is a high commissioner for just about anything else. The second point is one of representation in whatever sort of international body we are talking about. Be it UNEP or something else, why not think of a structure in which there is some sort of stable mechanism for participation by the private sector, by civil society, and by the scientific community. The IUCN is designed on that principle; the international labor organization is designed on that principle, so there are well established precedents in the international system for not limiting governance to states alone.

### **Key points**

In summary, the following elements were deemed important by one participant or another when thinking about a new architecture for international environmental governance :

*Public outreach* — The best possible use of resources in the foreseeable future is in the raising of public interest and engagement. While specific environment challenges like climate change and GMOs have captured the interest of the general public, the overall environmental agenda still remains low on the public agenda. Raising public awareness should be the top priority.

*Integrate the environment* — Efforts are needed to counter the marginalization of the environment within the UN level. The challenge is to ensure that all three pillars of sustainable development are sufficiently addressed and understood.

*Engage the US* — Strategies are needed to engage the US and to this end, greater efforts are needed to collaborate with US ENGOs.

*E.U. and the South* — The E.U. must establish stronger alliances with developing countries in order to find acceptable solutions to sustainable development governance reform. Instead of concentrating on the G8, it might be vital to look at evolving developing nations and their growing importance as international actors in environmental governance.

*Demonstrate efficiency* — Building political will for reform will require ensuring a greater degree of efficiency in reform efforts. It is imperative to demonstrate positive results in order to mobilize increased will for the change process.

*Address complexity* — Strategies are needed to deal with the complexity of this world, instead of only focusing on institutional reform. At times it will be necessary to combine different strategies and multiple agencies to work towards a common goal.

*Ensure coherence* — Strategies are needed to catalyze meaningful reform within the UN system, which is plagued by a lack of coherence. Instead of being a system in the truest sense of the word, it is a collection of institutions that do not reinforce each other due to the lack of communication and political turf battles. Tensions within the UN system are a real impediment and perhaps it is in response to this reality that the creation of a new world organization might be timely.

*Engage the South* — Southern engagement in the reform process is critical to ensure the legitimacy and credibility of the process.

*Assess ongoing reform processes* — Greater efforts are needed to examine all the various processes that are advancing global environmental governance.

*Promote ethics* — The ethics agenda must be more vigorously addressed in the reform effort. UNEP's structure is lacking an ethical principle. Most of the relationships between different dimensions are being based on concept of compassion instead of equity. However, sustainable development needs to be based on equity and not compassion. Compassion is only a short term answer.

*Recognize All of Civil Society's Impacts* — Civil Society creates constituency and constituency creates fragmentation which in turn results in incoherence.

*Reinforcing UNEP* — Reinforcing UNEP is the start of a process to make global environmental governance more effective. Clustering of different organizations, capacity-building, and other similar solutions are essential. In addition to strengthening UNEP, there needs to be capacity-building on the national and regional level. As well, it is essential that UNEP be empowered to follow the implementation process and evaluate compliance. Follow-up and assessment mechanisms should be put in place to measure progress on mandates.

*Change sequence* — Change needs to follow the problems not the other way around.

*Balance* — Achieving balance in the path forward is critical. The problem is to achieve the right balance between small and big steps forward. The UN is paralyzed by those who want to undermine it. Since international governance is not only about the environment, efforts are needed to ensure stronger linkages with security, development and globalization structures under a holistic approach that only can truly be effective in dealing with the complex world today. A balance needs to be promoted among dealing with issues globally, promoting people's confidence in the system, and strong local institutions for implementation.

*Integrate environmental concerns* — The environment needs to be integrated into all other sectors. Environment ministries should ultimately render themselves obsolete if they are in fact successful at convincing other sectors of the need to integrate environmental concerns into key economic sectors.

*Consider the relevance of national level governance structures* — Nothing will happen at the international level if structures and concepts on national level are not discussed. This is a common perception, but both processes can happen at the same time given the necessary resources. Regional structures do have a value and the international system must consider the importance of action at the local and regional levels.

## Closing Session

Yolanda Kakabadse and Laurence Tubiana

*Yolanda Kakabadse* — I would like to start by reflecting on something that Ricardo Melendez-Ortiz said, not on what he said but on how he said it. He separated his interest in the trade sector and our interest in the environmental sector and, in that, did the same thing as the rest of the world. We are a very small group concerned about the environment and probably some of you are thinking of UNEP as your institution. That difference in the language of one person reflects how the world sees that environmental matters are of concern only to a small group of society. But, today, we are also reflecting on something with which we are unhappy. Obviously, if we were just asked whether or not we are happy with UNEP as it is, most of us, if not all of us, would respond No. UNEP reflects as a global international organization is also a reflection of society. When I look at UNEP or at my own country or at the relationship between Ecuador and other countries, I see an absence of ethical principles. Most of the relationships in the negotiations that are taking place in relation to trade, environment, and social issues are based on compassion. WSSD failed because it was all based in compassion. It was mainly dealing with the poverty of Africa and some other regions of the world. It was not based on equity, whereas sustainable development is based on equity. If you work on the basis of compassion, you end up with charity, whereas if you work on the basis of solidarity, you end up building principles of equity.

If societies are working on basis, then obviously the international institution will reflect what goes at the national and local levels. Several people during the last two days have mentioned that nothing will happen at the international level if at the national level we are not working on rebuilding concepts and structures, and discussing the relationship between the environment and development. That is not happening. It doesn't mean that we have to wait until all governments rethink development or sustainable development in order to create a different UNEP. Both things can happen at the same time; but we have to invest much more in the dynamics taking place at the national level. where the concepts of accountability, of transparency, and of responsibility are shared among different stake holders: government, the private sector, and civil society. Regional structures have value and I wonder whether rethinking international environmental governance should not start with by giving more weight to the importance and effectiveness of regional structures. The closer the actors on the ground are to the authorities or decision-makers, probably the better results we will have.

We cannot think of a different UNEP or hope of improving the environment if we don't base our decisions on solid science. We have only touched on the issue of

science. Whatever institution of a global nature is created, it cannot be credible, strong, or substantive without good science behind it. There is obviously no perfect solution. In Spanish, we say perfection is the enemy of the good. I don't think we can wait much longer in deciding what we want in terms of global environmental governance. What I do know is that it's not fair to think that a global environmental institution would be the only to have to look after the balance between economic interests and social interests. Why should it only be the only one to negotiate that balance? We should also think of where that negotiation, that balancing should take place. The environmental institution should look after the environment, and the social, the economic, and the environmental institutions together should negotiate the common interest. Those were main reflections that I wanted to share with you and I would conclude with Klaus Töpfer's remark that, evidently, organizational structures should follow the problems, and the problems are here today.

**Laurence Tubiana** — En préparant ces quelques remarques, je me sentais assez anxieuse car nous avons réuni pendant ces deux jours beaucoup d'intelligence. Vous vous connaissez les uns et les autres depuis longtemps; vous avez travaillé, publié, négocié et nous avons eu, pendant ces deux jours, le privilège de vous avoir presque tous. Il y avait quelques absents à l'appel mais très peu; quelques absents de ceux qui ne sont pas encore dans le débat, je pense à la communauté universitaire et politique des pays en développement, même si nous en avons eu de très brillants représentants. Avant son départ, Simon Upton m'a dit : «tout de même, Laurence, tu aurais dû mettre un peu plus d'ennemis dans ta réunion». C'est vrai qu'il n'y avait pas beaucoup d'ennemis de l'environnement ici, pas beaucoup d'ennemis de la réflexion sur la gouvernance internationale. Il y avait beaucoup de sceptiques quant aux bonnes solutions, mais tout les sceptiques et les doutes, et le débat que nous avons eu ensemble, émanent de personnes qui ont envie que ça avance, que ça se résolve, qui ont envie que les structures et les problèmes soient traités et qu'on le fasse avec le plus d'intelligence et d'honnêteté possible. Donc, c'est vrai que la petite communauté présente ici n'est pas représentative du débat international. Elle représente ce que pourrait être une force motrice, un groupe qui soutiendrait une réforme de ce système de gouvernance internationale pour l'environnement. J'étais donc un peu anxieuse car il ne suffit pas de réunir autant d'intelligence; il faut aussi que cela mène à quelque chose. Et le temps presse. Il y a aujourd'hui, à travers, notamment la réflexion initiée par les gouvernements allemand et français, un espace politique. Nous avons la responsabilité de saisir cette occasion. Cette responsabilité est évidemment différente, que l'on vienne du milieu universitaire, non gouvernemental, du secteur privé ou du gouvernement. Nous ne nous sommes pas simplement réunis pour nous réunir; on peut aujourd'hui envisager un processus qui permette de faire avancer ce débat.

Je lâche quelques grands thèmes qu'il me semble que nous devrions reprendre. Dans ma vie personnelle, j'ai été dans trois mondes : non gouvernemental, universitaire (ou je suis revenue) et gouvernemental. Chacun a des tâches différentes. La communauté scientifique a des choses à apporter et des choses sur lesquelles il faut travailler. Il faut travailler sur la question, non plus des avantages théoriques des différents instruments économiques, mais de l'efficacité du dosage entre les instruments réglementaires et les instruments économiques. Qu'on abandonne la polémique sur la fiscalité et les marchés de permis mais qu'on aille vers une compréhension de ce que pourrait être ces meilleurs outils de politiques économique. Il faut mieux comprendre la gouvernance de ces réseaux qui sont en train de se créer. On ne peut pas parler de réseaux mondiaux qui se sont déjà créés sur un certain nombre de sujets sans aborder la réflexion sur leur gouvernance, leur efficacité, leur problème, leur légitimité, l'équité en leur sein. Il en est de même pour les partenariats public-privé qui se sont développés depuis quelques années, ou qui tentent de se développer. Il faut réfléchir sur l'économie politique de ces nouveaux arrangements. Il faut réfléchir sur les règles à adopter, surtout si on compte sur ces mécanismes innovants pour la mise en oeuvre des règles environnementale. Il en est de même pour les instruments juridiques.

La science doit donc être plus en avant dans le dialogue avec la politique. Nous avons la responsabilité de travailler et de produire des résultats qui puissent être vraiment utilisés par le processus politique. Il faut faire remonter l'environnement dans le débat politique. Klaus Töpfer l'a très bien dit. Nous sommes passés de la conférence de Stockholm sur l'environnement humain à la conférence de Rio sur l'environnement et le développement, à la conférence de Johannesburg sur le développement durable. Sans le regretter, il faut se demander comment on va garder l'environnement tout en partant des objectifs de développement. Cela suppose, du côté des politiques ou des négociateurs, de ceux qui construisent les architectures ou les processus, qu'on réfléchisse sur la forme possible de régimes internationaux sur l'environnement qui partiraient des objectifs de développement. Et là, ce n'est plus seulement le problème des négociateurs européens ou américains, c'est la responsabilité des « policy-makers » des grands pays en développement, de ceux qui demain seront en train de faire les règles internationales. C'est au gouvernement chinois, aux négociateurs indiens, aux responsables brésiliens de produire de la connaissance et des propositions sur ce que seraient ces régimes. Il faut qu'ils disent ce qu'ils veulent en matière de gouvernance internationale; ce qu'ils veulent en matière de régime sur les changements climatiques. Ils ont commencé à le dire sur la biodiversité. C'est dans ce sens là que nous devons appeler ces gouvernements, ces décideurs, à prendre leurs responsabilités en matière de construction des règles internationales. Il me semble aussi qu'on doit vraiment essayer de lier la réflexion sur les objectifs avec les processus, et il faut donc qu'on avance sur les objectifs en environnement. Rappelons-nous Kyoto 1997. L'idée d'objectifs a été

un élément extrêmement mobilisateur pour arriver à quelque chose sur les changements climatiques. Il ne faut plus nous contenter de discuter de l'architecture ou des règles. Même si le débat sur l'architecture nous permet d'ouvrir un débat politique, il faut retourner à la substance, c'est à dire aux objectifs en matière d'environnement.

Il faut aussi trouver des thèmes qui font le pont entre les objectifs de développement et notre souci de protéger l'environnement, et dégager des règles pour cela. L'énergie, l'eau, les organismes génétiquement modifiés peuvent être des thèmes sur lesquels au lieu de discuter régimes, règles et protocoles, on discute des solutions adéquates pour remplir les objectifs qu'on se sera donnés. A partir des objectifs, on peut discuter des procédures et des processus; on peut discuter des institutions parce que nous saurons de quoi on discute. Cela revient à l'appel à l'opinion publique car c'est elle qui va faire pencher les choses, faire revenir l'environnement au devant de la scène. Et cela dépend des objectifs et de leur capacité mobilisatrice.

Il faut travailler du côté des scientifiques et des politiques sur un certain nombre de questions en balbutiement. Je pense particulièrement à cette question de l'expertise scientifique. Nous devons travailler sur les conditions de légitimation et de légitimité de cette expertise. On peut, ici, aller relativement vite et proposer des solutions, faire naître des consensus domaine par domaine. Il faut aussi faire un réel effort en matière de gestion de l'information, son accès, son équité, car c'est sur cette base que nous allons vérifier les engagements et exercer cette pression des pairs au plan régional ou national. Sans accès à l'information, il n'y aura pas de progrès en matière d'environnement. C'est un enjeu démocratique très important. Il me semble qu'on ne consacre pas assez de réflexion méthodologique et scientifique à cette question. Enfin, l'articulation entre les niveaux locaux, nationaux et globaux manque à notre réflexion.

Notre réunion a montré que toute une série de questions que nous traînions depuis de nombreuses années sur la question de la gouvernance internationale ont été traitées et ne sont peut être plus au centre des débats. Je suis contente que nous n'ayons pas passé des heures à discuter du nombre de réunions, du fait qu'il fallait se demander si c'était à Bonn, Genève, Vienne ou New York où devraient se concentrer les institutions internationales pertinentes. Nous nous sommes concentrés sur la nécessité de revenir sur les sujets importants, et les sujets importants c'est comment on fait avancer ces questions, comment on garde la dimension de l'environnement dans tous ces objectifs. Il me semble donc qu'il y a beaucoup de responsabilité à exercer aujourd'hui.

Il y a pourtant un grand absent dans cette discussion, même si un certain nombre d'entre nous ce sont chargés de souligner leur importance, ce sont les entreprises, elles aussi parties prenantes de ce débat sur la gouvernance internationale. Mais on ne connaît pas très bien les règles dans lesquelles on les ferait rentrer. Les ONG ont leur statut, mais du côté des entreprises, on est encore un peu vague sur comment elles vont y participer, quelles vont être leur responsabilité, où celles-ci commencent et où elles s'arrêtent, et comment on les contrôle et on vérifie les engagements. Voilà les pistes de

travail qui me semblent possibles. C'est à travers des réseaux mixtes de travail qui associent les organisations actives et associatives, la communauté scientifique et les décideurs politiques qu'on peut avancer.



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## Contributors

**Roselyne Bachelot**

Minister of Ecology and Sustainable Development, France.

**Ana Flávia Barros-Platiau**

Professor of political science, Instituto de Relações Internacionais (IREL), University of Brasilia.

**B.M.S. Batagoda**

Ministry of Environment and Natural Resources, Sri Lanka.

**Maia Beridze**

Environmental correspondent - *Georgia Today – Adjara*; Press-Secretary-Caucasus Bureau for the European Co-operation Maritime Agency; lecturer on Modern Journalism Problems-Batumi State University.

**Alexandre Borde**

Centre d'économie et d'éthique pour l'environnement et le développement (C3ED), University of Versailles Saint-Quentin-en-Yvelines.

**Edith Brown Weiss**

Professor of International Law, Georgetown University. Chairperson, Inspection Panel of the World Bank.

**J.M.D.D.J. De Alwis**

Ministry of Environment and Natural Resources, Sri Lanka.

**Tom Dedeurwaerdere**

Research Associate-FNRS, Centre de Philosophie du Droit, Université catholique de Louvain.

**Robin Edme**

Founding partner of Maqassar and President of EuroSIF (European Sustainable and Responsible Investment Forum).

**Mohamed T. El-Ashry**

Former Chief Executive Officer and Chairman, Global Environment Facility (GEF).

**Daniel Esty**

Director of the Yale Center for Environmental law and Policy.

**Dana R. Fisher**

Department of Sociology, Columbia University.

**Ebinezer R. Florano**

PhD Candidate (Public Administration), International Christian University (ICU), Tokyo, Japan.

**Hilary French**

Senior Advisor for Programs, Worldwatch Institute; Special Advisor to the UNEP

**Olivier Godard**

Research Director, CNRS.

**Len Good**

Chief Executive Officer and Chairman, Global Environmental Facility.

**Kevin R. Gray**

Senior Policy Analyst, Environment Canada.

**Jessica F. Green**

Researcher, Institute of Advanced Studies (United Nations University).

**Peter Haas**

Professor of Political Science, University of Massachusetts at Amherst.

**Arab Hoballah**

Deputy Co-ordinator of the UNEP/Mediterranean Action Plan (UNEP/MAP).  
Responsible for the Secretariat of the Mediterranean Commission on Sustainable Development (MCSD).

**Jean-Charles Hourcade**

Research Director, CNRS and Director of the CIRED (Paris).

**Saradha Iyer**

Third World Network

**Yolanda Kakabadse**

President of the World Conservation Union

**Andreas Kraemer**

Managing Director of Ecologic (Germany).

**Bernard Labat**

PhD in Law, Université Paris-I Panthéon-Sorbonne.

**Sunita Narain**

Director of the Centre for Science and Environment (India).

**Bethmage Ruchira Lasanthi Perera**

Environment Officer, Ministry of Environment and Natural Resources (Sri Lanka).

**Thomas Sterner**

Professor of Environmental Economics, University of Gothenburg, Sweden.

**Richard Tarasofsky**

Senior Advisor, Ecologic (Germany).

**Amado Tolentino**

Executive Governor (for developing countries), International Council of Environmental Law.

**Marthe Torre-Schaub**

Research fellow, CNRS (French National Center for Scientific Research).

**Camilla Toulmin**

Director, International Institute for Environment and Development.

**Sébastien Treyer**

Development of futures studies and research, French Ministry of Ecology and Sustainable Development.

**Jürgen Trittin**

Minister of the Environment, Germany.

**Simon Upton**

Former New Zealand Minister for the Environment. Chairman of the OECD Roundtable on Sustainable Development.

**George Valentis**

President of CREED (France).

## **Annex**



## Annex A. Ministerial Interventions

### **SUMMARY OF INTRODUCTORY REMARKS BY MINISTERS BACHELOT AND TRITTIN**

Roseline Bachelot, French Minister of Ecology and Sustainable Development and Jürgen Trittin, German Minister of the Environment presented their points of view as well as the current French diplomatic initiative on United Nation Environmental Organization (see complete texts below).

The French Government asserts that the irreversibility of environmental degradation should be taken seriously and that international action should be quick, effective and sustainable. Moreover, it maintains that the environment should be considered as a global public good “without a defined price tag”. There needs to be recognition of the economic value of the natural environment because to a certain extent, the reluctance to implement international environmental agreements is due to the fact that the value of environmental protection is not understood in economic terms.

The French Government maintains that international environmental commitments are not fulfilled in large part because of a lack of political will or a lack of human and financial resources. They identify three major weaknesses of the current international environmental governance system:

- the lack of co-ordination between different bodies and actors
- the inadequate institutional capacity in developing countries to implement international agreements and the lack of political will in developed nations
- the ineffectiveness of environmental standards

While the French Government supports the upgrading of UNEP into a specialized agency of the UN it maintains the reform efforts must address a wider range of concerns. These include the following:

- There is no alternative to multilateralism.
- There must be global responses to environmental issues that are of a truly global nature
- Lowest common denominator solutions are simply unacceptable
- Efforts must be directed towards ensuring the economic development in the South is carried out in a manner that is responsible to environmental and social concerns.
- The involvement and engagement of the South is critical. Efforts must be directed towards the strengthening of productive co-operation with renewed focus on their need for institutional capacity-building.

- The scientific knowledge of the environmental challenges of the new millennium must be enhanced and scientific findings should be used as guidelines for precise action.
- There is the need to set good examples nationally to build political will and in part to catalyse renewed confidence and trust between all state actors.
- Some countries must lead the way to demonstrate how implementation of environmental agreements does not have to have a negative impact on economic growth.
- There is a need for the renewal of a sense of moral responsibility that is grounded in the principle of common but differentiated responsibilities.
- Institutions for enforcement are needed but the focus should be on co-ordination.
- There needs to be coherence between the key substantive areas of international concern.
- Greater effectiveness of instruments in the environmental arena has to be ensured.
- Any governance system must be based on the principle of equity. In this regards, developing countries need to be supported in the tackling of their primacy concerns in order for them to be consequently able to focus on the environmental dimension.
- UNEP should be made stronger to counterbalance the power vested in the WTO.

The German Government expressed its concerns regarding the need to reform UNEP in order to provide a better institutional framework on all levels to make international goals obtainable. They perceive a wide range of problems with UNEP at present. First of all the overarching needs of the environment cannot be dealt with in classical development policy. Additionally, under the current international trade regime, UNEP is not seen as an equal partner to the WTO, the World Bank and the IMF. UNEP must be given a stronger voice so that it can influence international policies in other sectors, such as trade and investment. It is felt that a reformed UNEP would represent a counterweight to the WTO and would ensure that the globalization process is socially and environmentally sustainable. It is equally important that the different issue areas on the international agenda are all seen as interrelated and not mutually exclusive. For example, poverty is a question of the environment in terms of access to water, while access to water is a factor in determining the economic and social welfare of a country. A strong UN environment authority needs to play an important role in the international system and should thus be established as a

specialized agency on equal footing with other international agencies. Furthermore, UNEP needs the solidarity of the UNDP as they are mutually reinforcing.

While the German Government maintains that UNEP should be upgraded into a specialized agency, it also advocates as a first step that there should be universal membership in the UNEP Governing Council. All UN member states need to be given the same right in the decision-making process. This needs to be combined with a clear improvement of UNEP's scientific basis for greater international respect, impact and more legitimacy. Furthermore, an inter-governmental panel on environmental issues should be introduced into the system in order to enhance the international debate on national levels. Another very important aspect of the reform would be that UNEP has to become globally recognized as the voice of the UN on environmental issues.

The German Government also asserts the need for a renewed UNEP must be empowered with the enforcement mechanisms to ensure compliance with international environmental instruments. Therefore reform efforts must include the establishment of new forms of monitoring, assessment and enforcement and compliance mechanisms. Of course, in order to achieve greater compliance, UNEP must be able to provide the necessary finance for capacity-building on the national and regional level.



## **International Governance of the Environment**

Roselyne Bachelot-Narquin

President,  
Minister, my dear Jurgen  
Ladies and Gentlemen,

I am particularly honoured and pleased that this seminar on international governance of the environment is taking place here in Paris, and that it has secured such a level of interest amongst those gathered here today.

This meeting falls at a most appropriate time indeed:

- the issue of strengthening governance and strengthening the UNEP are to be addressed at the next board meeting of the United Nations Environment Programme (UNEP) which is to take place in two weeks' time in Korea, there.
- and France has committed to being very active in this field. We have made concrete proposals, which we will be looking at during this meeting.

This seminar, then, is, to my mind, of particular importance since it offers us an opportunity to better establish the contours of international governance of the environment and, I would hope, to draft some potential solutions to help answer the questions on everyone's minds today. The issues you are to discuss over the coming two days are both complex and specific in nature.

For my part, I would like to preface my remarks by stressing two points that I consider to be crucial concerning the environment.

The first one, and this is sufficiently rare to merit our attention, is the issue of irreversibility. The damage that we are in the process of inflicting on the environment is sometimes irreversible at our level. This is true for climate change and biodiversity. But, unlike in the realms of trade or the economy, we cannot say that years of growth will follow the present cycle of crises and that the consequences of our errors will come out in the wash. Not at all. In the case of the environment, what we lose is gone for good. This is what makes these issues so desperately important.

The second specific aspect of the environment has to do with it being a collective, non-monetary asset, with no immediate commercial value. This is why, I decided that the recognition of the real value of living things, should be one of the four themes of our national strategy on biodiversity. We are all aware of the existence of our global heritage. And we are equally aware of the need to protect it. On the other hand, we still have difficulty understanding the benefits we can expect at the national level as a result of what we accomplish internationally. This is what very often stands in the way of the implementation of international agreements. So, you will be debating the different

aspects of international governance, looking to establish a shared vision of the issues and to identify collective action and how that action can be organized, so as to sketch the outline of the most effective system possible. All these questions are important in my mind, and I would be keen to make any contribution I can. I shall start by telling you why we have to make things change today (A); then I shall identify some ideas as to how we can work together as a contribution to your forthcoming discussions (B).

### **A – The situation today**

The situation is grave indeed, and future prospects worrying, since the range of instruments that are available no longer suffices to deal with the damage done to the environment.

#### *A.I – A grave situation and worries for the future*

We are all well informed about threats to the environment, be they, deforestation and desertification, the unprecedented pace of erosion of biodiversity or the irreversible climate changes whose negative impacts are already being felt. In France, 10% of our flora is threatened; 19% of vertebrates are extinct or are threatened with extinction; 35% of mammal species are considered threatened or vulnerable, and 50% of our wetlands have been destroyed over the past decades. I could go on with more figures and examples.

Collective awareness of these many attacks on the environment have led to the emergence of broad but confused norms and mechanisms:

- today, in addition to bilateral agreements, over 500 - mostly regional - treaties are in force;
- most conventions have ad-hoc institutions; decision-making bodies, scientific structures and consultative institutions;
- this densification of the network of agreements and conventions exists alongside a multitude of environmental programmes within multilateral bodies themselves. Such programmes run under the various umbrellas of UNESCO, the Food and Agriculture Organization, the International Labour Organization, the Office of International Migration, the World Health Organization and the International Atomic Energy Agency.

In the wake of this awareness raising, marked by a frenzy of new norms, we have entered the “good conscience” phase, since we have to admit that these well-meaning undertakings often never get off the ground, and that the profusion of texts stands in stark contrast to the lack of effectiveness of the measures taken on the ground. It is clear that certain states have committed and continue to commit to things without ever intending to go through with implementation, whilst others would like to, but do not

have access to the necessary resources to do so. In short, words are not always being converted into actions .

At the same time, according to the World Bank, over the next 50 years, the world's population could grow by 50% and GDP could be multiplied by four! China, for one, expects to quadruple its GDP over the next two decades! There can be no doubt that demographic and economic growth will create environmental tensions. We therefore need to do something to prepare for this future. We must avail ourselves of the necessary tools to reconcile the requirements of economic growth – quite legitimate ambitions, of course – and the need to protect our environment. Unfortunately, the system we have in place today has found its limits.

*A.II – A deficient situation which has reached its limits*

I do not intend to dwell on these shortcomings, they have already been described in numerous works and to which you are bound to return to them over the next two days. Allow me to mention very briefly the main ones:

- the lack of co-ordination among existing institutions; in particular, the institutional confusion that prevails among the various secretariats attached to the countless existing treaties, which makes the whole business terribly complicated. How can we expect the least wealthy countries actively to follow all the meetings, that a recent study demonstrated lasted the equivalent of 192 days per year ?
- the lack of institutional capacity in developing countries: the current system which governs the transfer of financial resources in favor of developing countries lacks authority and results;
- the lack of effectiveness of environmental norms. The environmental field is not always perfectly suited to the definition of clear, quantifiable objectives, making it difficult to make these standards effective. But what we must do is condemn the lack of effectiveness of these conventions, which so rarely achieve their objectives.

On top of these shortcomings, we also have to deal with other difficulties that are inherent to the notion of international governance of the environment, in particular the profusion of actors involved in this area. In this respect, I note the pre-eminent role of the Non-Governmental Organizations (NGOs) and the intrinsic complexity of the agreements signed, some of which it would seem are only decipherable to the experts who drew them up. I was offered a further opportunity to observe all these shortcomings at the latest conference of the parties of the Convention on Biodiversity. You still have to be there, though!

This very brief synopsis which I have intentionally dramatised somewhat, serves to illustrate the duty we have to act in order to improve existing system. This is why France is striving to make practical proposals.

## **B – Action**

We are doing so with the conviction that improving the existing system rests upon a number of essential notions. Let me consider four of them.

### *B.I – There is no alternative to multilateralism*

First of all, I believe that we have to operate within a multilateral framework. I am well aware that some developed countries do not wish to have their hands tied in an area they consider to be first and foremost their exclusive responsibility at the national level. But hiding behind national borders is an illusion and it is dangerous. It is an illusion, because the major environmental challenges are global in nature. Do we really need to remind ourselves of them? A tonne of carbon dioxide (CO<sub>2</sub>) produced in Africa will have the same impact in Moscow, Chicago and Abidjan. The exploitation of tropical wood concerns the consumer countries as much as it affects the producer countries: the loss of a species affects all the countries of the world equally! Climate change, protection of the ozone layer and of biodiversity demand global solutions whose effectiveness depends directly on international co-ordination. Hiding behind national borders is also a dangerous attitude because by preventing emulation, and any semblance of moral duty, it will drag the joint effort down, towards the lowest common denominator of performance.

I also know that many developing countries are afraid of multilateral systems because they detect in such configurations the means by which the North can control the development of the South. To these countries, which remain reticent toward multilateral commitments, I would like to say first of all that their thirst for development and economic growth is completely legitimate. There should be no question of introducing some sort of a two-speed world on the pretext of preserving our planet; those who have been able to develop and those who were not allowed to. But does this necessarily mean that the emerging countries have to make the same mistakes we did, to our and their own detriment – mistakes, for which we are all paying the price today? Not only will the South suffer as much as the North from the damage done to the environment, but our experts tell us that these countries are even more vulnerable, in particular to the threats of climate change. We therefore need to ensure that growth in these emerging countries is as clean as possible. It is in the interest of all of us. At this stage, I would like to offer my congratulations to the Chinese government for its recent declarations which show China is determined to mark a change in its

development and progress towards «greener and more socially-conscious» growth. I am fully aware of the extent and value of the efforts my friend and opposite number, Mr XSIE, has put into this.

Multilateralism is imperfect and frustrating because it is often difficult to achieve an acceptable consensus, but we really have no other credible alternative. We have to believe this.

*B.II – Nothing can be done without the South*

My second conviction is that we cannot act without, or against, developing countries. We must not forget that the emerging and developing countries after 2010 will be pumping out as much CO<sub>2</sub> as the developed countries, and that these countries are home to most of our biological heritage. At that time, environmental pressure in the developing countries will be come greater and greater. We simply have to take that fact on board.

We therefore need to find avenues that will lead to a better dialogue, to more effective co-operation and to more resolute support. We know the major difficulties we face, such as a lack of institutional capacity.

In this respect, I believe, and said it in Kuala Lumpur, that the mechanisms of «debt for nature swaps» will need to be expanded in those countries burdened with the highest levels of debt. The limited number of decades that separate our own development from that of the countries of the South have given us the opportunity to take stock of the environmental challenges we face and to develop cleaner technologies. We should be able to make good use of our experience; we have the technical wherewithal to do so.

More solidarity, more technology transfers, and accelerated institutional capacity building: that's the way we need to go.

*B.III – The need for scientific knowledge*

My third conviction is that we need to build our scientific knowledge of environmental phenomena. This is, indeed, one of the founding principles of my political action at the national level, whether on the subject of technological or natural risks, hunting or nature. In the coming weeks, I will be setting up a national scientific council on the natural heritage and biodiversity, the findings of which will help me make certain decisions in this area.

Let us remember the example of the ozone layer. It was the emergence of scientific evidence of the degradation of the ozone layer that led to international mobilisation on the subject and the adoption of the Montreal Protocol in 1987. It was because the

scientists declared in 2000 that the ozone layer could be restored over the next 50 years that the international community remains mobilised.

It is an example worth thinking about because it tells us three things:

1. Firstly, that scientific knowledge is the best guarantee of political mobilisation.
2. Secondly, that it legitimises what are sometimes costly undertakings that our political leaders have to make.
3. And finally, that it helps us to hone our choice of suitable actions.

This is why, considering that in the specific field of biodiversity much progress still remains to be made, France will be hosting a world symposium in January 2005 on the theme of scientific knowledge in biodiversity.

#### *B.IV – Exemplarity*

My final conviction, and this one may surprise you somewhat, concerns the notion of exemplarity in the implementation of environmental undertakings.

I am convinced that over and above the rules we adopt for ourselves, beyond the conventions we sign, the declarations we make, and the ratifications we vote, some of us need to take it upon ourselves to play a leading role on matters connected with the environment. We need pioneers who will show their neighbours that the undertakings they have made are realistic, and that their implementation is compatible with their economic and financial obligations. We need leaders, armed with the profound conviction and particular political strength required to justify the ideas and the value of the benefits sought. To my mind, this is a major condition of international mobilisation. Exemplarity, otherwise known as «leadership», of just a few will, of course, not be enough on its own, but I am sure we need it.

In the environmental field, we have common but not reciprocal interests. In other words, if your neighbour pollutes more than you want him to, it is not by doing the same yourself that you will bring any influence to bear. We cannot use «environmental sanctions» as we are able to do economically. If we align ourselves with those who do the least, those who say the least or those who engage the least, failure is the only outcome possible. On the contrary, those who can do so should set the example and prove that progress is possible.

I want to see Europe become an example in the environmental field. We have the wherewithal to do so, and, more importantly, the political will, because we recognise our moral responsibilities. I also observe, indeed, that this is how we have tackled the climate change issue, and I'm delighted with that. These, Mr. Chairman, were the few elements I wanted to address with you.

### **III – Conclusion**

Today and tomorrow, you are going to discuss as scientists the internalisation of environmental costs, the structure of international society without the hierarchy of institutional bodies, and the difficulties of drawing up rules in an area where serving the general interest implies the acceptance of constraints that are greater than the sum of those individual interest. You will also certainly be talking about the different architectures that could be used to improve and oversee the existing system. I think that throughout this process, we need to be both ambitious and realistic.

At best, we could hope to put in place a centralised system similar to the World Trade Organization (WTO), or a hierarchical system such as the UN Security Council, with the authority to impose sanctions. Such models, I feel, are out of our reach for the moment. I think we would be better concentrating on models that are based first and foremost on co-operation. In any event, that is what France will be doing: continuing to promote the idea of creating a United Nations Organization for the Environment with like-minded countries. I have no doubt that your discussions will provide food for thought in this area.

Finally, Mr. Chairman, I would like to conclude my address on an optimistic note. Who would have said twenty years ago that there would be an International Criminal Court, or a WTO? For her part, France is about change her constitution in the weeks ahead to add a charter on the environment, taking the issue of environmental protection to the very highest level of our legal systems, as was the case in the past with human and social rights. With reference to the duty to protect, the charter will recognise the responsibility of each of us toward the environment. In doing so, our country is committing resolutely to the future and to sustainable development. Europe is on the move as well: article 3 of the draft of the European constitution stipulates that the objectives of the Union are to «work in favor of sustainable development in Europe», based on an economy which offers a «high level of protection and improved quality of the environment». So, we need to keep to our tack. The road is going to be long and not particularly straight. The improvement of international governance of the environment is a vast project which will take time, but I feel confident that understanding the challenges we face and the need for change will meet with consensus in the end.



## **Strengthening Environmental Protection in the United Nations**

Jürgen Trittin

### I

The Global Ministerial Environment Forum in Malmö four years ago called emphatically for «an institutional architecture that has the capacity to effectively address wide-ranging environmental threats in a globalizing world». We are only making slow progress towards this goal. Your Conference provides a good opportunity to take stock. I welcome this initiative and would be pleased if we could jointly hold a follow-up conference on International Environmental Governance in Berlin in 2005. In the tough debate on governance, we need regular review: what has been achieved so far, how can we optimise and improve our approach? The goal is clear: to strengthen and enhance the United Nations Environment Programme. In the Johannesburg Implementation Plan, we committed ourselves to a range of very specific and ambitious measures for implementing sustainable development. Take, for instance, water and basic sanitation - key topics of this year's CSD meeting at the end of April: by 2015, we must succeed in halving the proportion of the world's people without access to safe drinking water and basic sanitation. And we will only achieve this if we have a better institutional framework at national, regional and international level. With regards to poverty reduction as a whole: if we want to make real improvements in living conditions, we need a fundamental counterweight to the World Trade Organization and to the international environmental governance structures which are driving globalisation forward.

Two separate goals are of key importance for the reform of environmental governance. One relates to UNEP's structure, the other to its status within the system of the United Nations as a whole:

- universal membership of all UN Member States in the UNEP Governing Council and consequently also in the Global Ministerial Environment Forum;
- enhancement of UNEP to a UN Environment Organization in the form which is currently being discussed in a New York working group headed by France.

This is not just symbolic policy. On the contrary, these are the necessary steps to ensure that environmental protection has success-oriented structures within the United Nations system.

## II

I believe that the legitimacy of decision-making processes is a key point. When, for example, decisions are about to be taken in the UNEP Governing Council, it is true that all governments present are entitled to join in the debate – either as a member of the Governing Council, or as an observer - but the actual decision-making process remains in the hands of the 58 Governing Council members. This has a negative impact on the «ownership» of the countries and consequently on the acceptance and implementation of the decisions. The conditions which are a matter of course in the Conferences of the Parties – i.e. the same right for all Parties – must also apply to the United Nations Environment Programme: all UN Member States should effectively be given the same rights in the UNEP decision-making processes. Far more countries would, as a matter of course, actively support UNEP decisions, for instance on chemicals policy, on sustainable consumption and production patterns and on post-conflict measures in trouble spots, if their governments had actually been involved in the decision-making process.

Day-to-day business could then be conducted by an executive body with a smaller number of participants, in a similar fashion to the procedure in the UN Development Programme. The introduction of universal membership should also be accompanied by a clear improvement in UNEP's scientific basis. It is of prime importance to have international scientific consensus on the nature and extent of environmental problems, as well as on possible solutions and obstacles.

The Intergovernmental Panel on Climate Change is a successful model. Without it, the international community would probably never have taken even small steps in matters of climate protection. The Federal Republic of Germany therefore supports the establishment of a comparable Intergovernmental Panel on Global Environmental Change. This Panel would not only provide convincing arguments supporting the need for decisions, but would also help global environmental policy to attract greater attention from the international media. It would assist UNEP in giving the UN system policy guidance on environmental questions – a role which at present tends to be neglected. This guidance would also include recommendations from UNEP's Global Ministerial Environment Forum to the different Conferences of the Parties on how to resolve contradictions among the different Conventions. These are the ambitious yet at the same time practical steps which we should focus on in the coming weeks.

## III

A separate issue here is the debate on how UNEP - even more than is the case today - can become the globally recognized voice of the United Nations on environmental protection. The current debate on the Major Event 2005 where the goals of the Millennium Declaration are due to be reviewed, shows how weak the voice for the environment is at present. The preparations so far are geared towards classic

development policy. UNEP's weaknesses can be seen in the fact that the needs of the environment cannot make themselves heard in such a process.

Things do not look much better in the difficult relationship with trade policy. The principle of sustainable development cannot assert itself at the international level. This is because, in its current format, UNEP is not an equal partner to the major players of the UN system, not to mention the World Bank and the IMF. It is unacceptable that the institution championing questions of survival for this planet remains a junior partner in the United Nations.

In contrast to major international organizations such as the FAO, ILO and WTO, as a United Nations programme UNEP's structure is not strong enough to allow it to influence international policies in favor of environmental protection in the way major challenges necessitate:

- Compliance with the international goals for water and sanitation requires massive efforts. The Global Ministerial Environment Meeting in Jeju (Korea) and CSD 12 will show how far we still are from reaching these goals. UNEP must be put in a position to ensure the enforcement of the necessary steps at all levels, in co-operation with other international actors (World Bank, UNDP, FAO, WHO);
- Halving the proportion of the world's population living in absolute poverty is also a question of access to energy. We have to provide those still living without electricity with decentralised renewable energies, without waiting for the sluggish development of centralised networks. UNEP has already bridged gaps with a range of activities. This process must be reinforced;
- In Johannesburg we agreed to future reviews of the increase in the use of renewable energies. The question of who performs the reviews will be a point for discussion at Renewables 2004 in Bonn. I want to bring the diverse networks and institutions to better co-operate for the accelerated expansion of renewable energies. Otherwise the many voluntary initiatives run the risk of losing both legitimacy and effectiveness. I expect Renewables 2004 to contribute to dismantling existing barriers, especially in the field of financial and institutional capacity-building. A strong UN environmental authority could play a crucial role here.

We agree with the French Government that strengthening UNEP presupposes its transformation into a specialised agency, a UN Environment Organization that is on equal footing with major players such as the World Health Organization, the International Labour Organization and the World Trade Organization. Globalisation must be structured in an environmentally and socially compatible way. To achieve this we need a strong UN Environment Organization. We cannot expect every UNEP Executive Director to have the same capabilities as Klaus Töpfer, whose personal

dedication sometimes papers over the cracks in UNEP's weak structure, but which cannot eliminate them.

I welcome the stance on the UNEO that the French Government has outlined on numerous occasions, most recently at the New York working group. France's clarification that this is not a case of an institution *à la* WTO is correct, since the WTO is not a member of the UN family. The UN Environment Organization needs the same status as the FAO and the ILO, namely that of a specialised agency. It is also true that the major task of operating worldwide capacity building for efficient environmental policy cannot be achieved by a UNEO alone. It requires the solidarity of the UN Development Programme and the World Bank. Germany supports the French initiative that targets a solution in line with the realities of the UN system and that takes due account of the common interests of developing and industrialised countries.

#### IV

The often incredibly defensive arguments from environmental policymakers and NGO representatives regarding these institutional issues must not lead to a culture of low expectations in which progress is excluded *per se*.

On the contrary: we must always bear in mind how young the now universally recognized WTO actually is, and how long international trade policy was carried out via the auxiliary tool of GATT. The shift from GATT to WTO undoubtedly brought a considerable increase in focus on international trade policy. The demands we are talking about here are realistic. Figuratively speaking: Transforming a hut - in Nairobi - into a house needs no justification. And those living in houses should not tell those living in huts that they don't need a house.



# Toward Collective Action

## On International Environmental Governance

Edited by Philippe Le Prestre (Université Laval) and Laurence Tubiana (IDDRI)  
with the assistance of Benoît Martimort-Asso (IDDRI)

2007

The contributions of this book were given at a workshop held in Paris in 2004 aimed at stimulating a dialogue among academics and practitioners, and at contributing to the policymaking process in the field of international and global environmental governance. After identifying why the existing international environmental governance system is so criticized and why a multilateral approach to solving global problems is necessary, the conference assessed the current state of the debate and the different options available, including their political feasibility.

The program of the conference was divided into three plenary sessions, and parallel sessions, which this book covers:

- 1 building a common vision
- 2 going beyond divergent perceptions
- 3 devising a renewed architecture for the international environmental governance system.

These workshops focused on available tools to build a collective action for an equitable, efficient, and legitimate system of environmental governance, on their limits, on the lessons to be learnt from their implementation and on ways to engineer this collective action.



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