

**Workshop on
International Environmental Governance**

**August 13-14, 2001
Vancouver, British Columbia**

**Workshop on
International Environmental Governance**

**August 13-14, 2001
Vancouver BC**

Table of Contents

*Releasing The Potential Of Emerging Trends: For A Canadian Initiative On
Strengthening Convention Governance Systems*
Philippe Le Prestre, Université du Québec à Montréal..... 3

Conflict Resolution/Dispute Resolution/Compliance
Felicity Edwards, Royal Roads University..... 12

*An Environmental Security Approach To The International Environmental Governance
Dialogue* Lloyd Axworthy, Liu Centre for the Study of Global Issues, UBC..... 17

International Environmental Governance: Scientific Assessment
Steve Lonergan, University of Victoria..... 21

Notes Of Introductory Comments On Financing The Environmental Agenda
Huguette Labelle..... 25

World Environment Organisation
Konrad von Moltke, International Institute for Sustainable Development..... 29

Releasing the potential of emerging trends: For a Canadian initiative on Strengthening Convention Governance Systems

Philippe Le Prestre
Observatoire de l'écopolitique internationale
Institut des sciences de l'environnement
Université du Québec à Montréal

Introduction

The current debate about reforming international environmental governance (IEG) is dominated by solutions in search of problems. In this debate, reinforcing secretariats is rarely put forward as a plausible and stand-alone alternative. This is both odd and short-sighted because secretariats, and the whole MEA governance structure with which they are associated (i) are precisely responses to governance problems, (ii) have yet to achieve their full potential, and (iii) have attributes that make them particularly attractive to all actors and give them significant advantages as effective vehicles of environmental cooperation.

Yet, instead of being seen as part of the solution, MEAs are considered part of the problem. UNEP and others point to the fragmentation of governance and argue that it makes communication more difficult, wastes resources, encourages paralysing competition, burdens the diplomatic agenda, fosters haphazard policy-making, and makes too many demands on resource-poor countries. These arguments are at best grossly exaggerated, and, when they have some merit, do not logically imply the sort of centralized solutions that are usually put forward, from a World environmental organization to sectoral or functional clusters.

Proposed models of governance tend to neglect the state. But the effectiveness of environmental regimes will be enhanced not by undermining but *by strengthening* states' ability to determine, in concert, their common environmental destinies. In this context, one should not try to transcend the state but include it at the centre of environmental governance (along with other actors). MEAs and the institutions they have spawned form Convention Governance Systems (CGS), all of which have States at their centre. With the networks of NGOs and IGOs which share its purpose and acts as both a shaper and a transmission belts of the norms, rules and procedures it represents, each CGS is at the heart of a larger regime governance system (ERGS).

Far from being the products of haphazard governance, Convention Governance Systems are adaptive and innovative responses to the complexity of environmental challenges and the evolution of international politics. They display a set of attributes, which are positively related to the effectiveness of regimes, and they are attractive instruments of national environmental diplomacy. Canada should seek to develop their full potential.

The nature of the units of governance

Two preliminary clarifications are necessary. First, there is often confusion between MEAs and secretariats. Secretariats are those institutions created to perform certain administrative tasks on behalf of the parties to an environmental agreement. Not all MEAs have led to the creation of a distinct secretariat, but secretariats have proliferated after Stockholm. These more recent secretariats, especially those created since the late 1980s, differ substantially from earlier ones. The list is well known and is found in UNEP/IGM documents.

Second, there is another confusion between secretariats and convention governance systems. What concerns us is not the mere creation of administrative secretariats but the development of new governance systems in specific issue-areas, which comprise all the institutions created in the wake of a regime. An ideal-type CGS would include (although, situations differ considerably in practice): a Conference or Meeting of the Parties (CoP/MOP), a scientific advisory body, a secretariat, a clearing-house mechanism, a financial mechanism, an implementation/compliance body, and a dispute settlement body.

What matters, then, is strengthening not only Secretariats but also the whole CGS. Indeed, one cannot be strengthened without the other.

The attributes of an effective governance system

These attributes essentially pertain to the process, not the results. The assumption is that for the environment to improve behaviour has to change; and for behaviour to change, institutions should be designed and made to support the determinants of such change. Thus, the purpose of a reformed IEG should be to reinforce the determinants of regime effectiveness, of which the most important are:

Identification: The capacity to identify emergent environmental problems;

Inclusiveness: The capacity to mobilize all relevant international and national actors and to embody the perspective and experience of different cultural and linguistic areas and integrate them into international discussions;

Integration, which includes vertical (reconciling regime expectations with local demands and needs, including a process through which to channel information and demands to decision-makers and local implementers,) and horizontal coordination (harmonize policies, norms and functions embodied in different regimes);

Consensus-building: The capacity to shape a consensual definition of the problem, of the direction to be pursued, and of a range of means to reach them;

Ingenuity: a way of fostering innovative solutions to problems of political cooperation and of recognizing and managing trade-offs among these solutions;

Legitimacy (Democracy): including (i) accountability (including transparency), (ii) enhancing the capacity of stake-holders to participate in all phases of policy-making, and (iii) enhancing the capacity of small and devels14.2051 Tm(of)Tj10.98 0 0 114.d/9M Tm()Tj10.98 0

CGS are evolving answers to a sense of a loss of control by states over the policy process which, at the same time, acknowledge the contribution of IGOs and NGOs to the definition and solution of common problems;

CGS are legitimate instruments of governance, accepted by States and non-State actors; notably, the creation of secretariats has been promoted by developing countries, particularly since 1992, as a means of institutionalising their concerns;

It corresponds to the desire of the international community (expressed at IGM meetings) to refrain from creating new institutions, and to adopt an incremental and evolutionary approach. Strengthening the current system means strengthening a trend;

It does not threaten existing institutions (only their ambitions); existing specialized agencies prefer a fragmented system to a more centralized one;

Strengthening CGS does not go against the functions that a revitalized UNEP could perform, as defined in UNGA resolutions and IGM documents (IGM/2/4) (assessment, early-warning; capacity-building);

A set of recommendations in Annex 1 presents ways to build a governance system

greater in a decentralized system than within a WEO or a far away and reinforced UNEP. Such a system will multiply the possibilities of coalition formation, maintain the capacity to choose the forum most conducive to the promotion of the Canadian perspective, stimulate domestic capacities and awareness, and improve access to diverse form

- Annex 1 -

Recommendations

18. Include, within secretariats, personnel from those entities whose participation must be coordinated;
19. Rather than a central coordinator, encourage lead MEAs (as in Agenda 21);
20. Support and expand establishment of separate assessment bodies to serve several conventions (as does the WCMC, for example). Support expansion of IPCC's mandate.

To encourage compliance:

21. When appropriate, support secretariats' new central function of technical support to developing countries in meeting their obligations;
22. When appropriate, extend to secretariats procedures envisaged in Agenda 21 (receive and analyse information from major groups on the implementation of the convention) (as does the CSD);
23. Enhance the capacity of CGS in the area of monitoring and evaluation (in collaboration with scientific assessments institutions); when appropriate, consider extending secretariats the right to assess compliance and even initiate procedures of non-compliance (as do CITES and Ozone);
24. Consider extending, in limited cases, the right of petition (as is the NAFTA'S CCE and the Bern convention) to NGOs and other groups for state compliance failures;
- 25.

Conflict Resolution/Dispute Resolution/Compliance

Felicity Edwards M.Sc. M.A.
Royal Roads University

Introduction

Conflict Resolution (or ADR) is typically seen as something new; initiatives in this area are often seen as “plots” or experiments. We should not lose sight of the fact that inspiration and insights can often be found by re-visiting wisdom and experience from the past. There is nothing new under the sun! (Sigurdson, 1995)

This paper presents four main arguments as to why and how Canada can make a substantial contribution to the global debate on the environment in the area of the resolution of conflict:

The arguments are:

- a. we have a history of peace keeping and peace building in conflicts of different kinds;
- b. we created a unique response to the Brundtland Commission which could be applied on a larger stage;
- c. there are a series of tried and true principles that could be applied or modified and then applied on a global scale;
- d. we have many cases of disputes that have been resolved using dispute resolution methodologies at home.

a. Peace building and peace keeping

Canada has had a long history of being the honest broker in disputes and this paper argues that our role argues for this role to be emphasized when dealing with global environmental issues.

From 1946 until 1957, no two men had a greater impact on Canadian foreign policy than St. Laurent and Pearson. Under 02n 0 0 10

b. A unique response to the Brundtland Commission which could be applied on a larger stage

From The Honourable Lloyd Axworthy's speech to the UN in September 2000: "Ten years ago, the Brundtland Commission's report, "Our Common Future", took two seemingly contradictory ideas -- economic development and the

parties on a design of a process that coincides with their needs, values and expectations.

The principles which guided Canada's Round Tables and which I believe could form a basis for similar forums in resolving global environmental issues follow:

GUIDING PRINCIPLES OF CONSENSUS PROCESSES GUeir

The debate about environment on the world stage now occurs in the streets of Seattle, Quebec City and anywhere else there is a G8 or WTO meeting. Proposals to reform the WTO agenda have included: (IISD, 2000)

a. The need for transparency and participation

it requires more than an open door – it requires the capacity to walk through it

b. Sustainable development

collaborate with those for whom you have disdain – ve the enemy is inside the tent
goal is a wider discussion growth for the GDP

c. Coherence

real compatibility is not possible until

there are means to adjudicate among different and conflicting policy objectives, and there is a set of principles to guide such adjudication. It is my contention that these and other perspectives could be developed if Canada took the initiative to play a strong role in conflict resolution in environmental issues.

.

d.. Cases in Canada

The growth

Conclusion

Every crisis is an opportunity and if Seattle was a disaster for the cause of liberalized trade it was also a clarion call for change. The WTO had been on a collision course with

**AN ENVIRONMENTAL SECURITY APPROACH TO THE
INTERNATIONAL ENVIRONMENTAL GOVERNANCE
DIALOGUE**

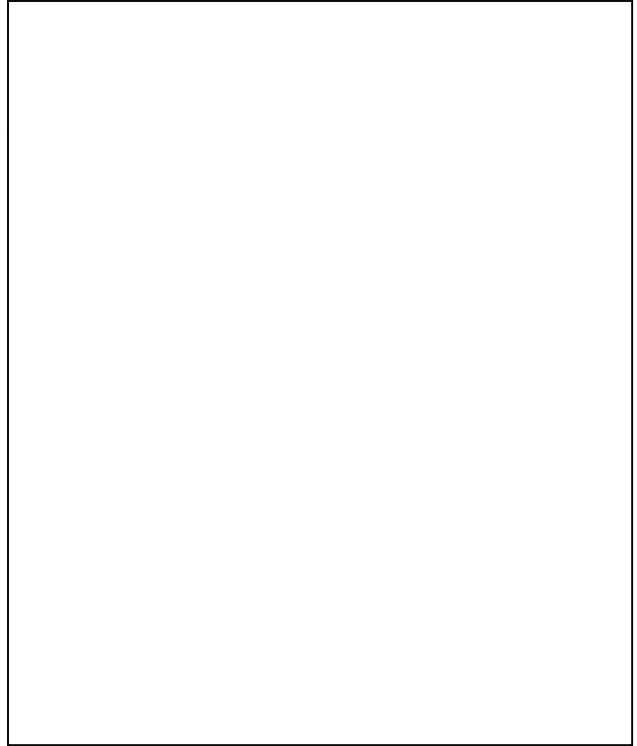
**LIU CENTRE
FOR THE STUDY OF GLOBAL ISSUES**

The University of British Columbia

6476 N.W. Marine Drive
Vancouver BC V6T 1Z2

It is time to advance a notion pertaining to the environment that could have the kind of impact that the notion of sustainable development had

There are a multitude of international agencies, programs, treaties, and agreements. Some of these have been quite successful. Particularly where trans-border



Case study: Flooding in Northern Thailand

Floods in Northern Thailand and the victims of this natural disaster serve as an appropriate illustrative case study.

During the 1970s and 1980s the Thai army built roads to facilitate troop movement to the Thai-Burmese and Thai-Laos borders.

This opened virgin forest to companies who removed high value tree species (specifically teak).

Capitalizing on this newly cleared land, and in response to population growth and limited economic opportunities in the south, the Thai government promoted the production of vegetables for export in Northern Thailand.

This policy drew large numbers of migrants into this area that further contributed to deforestation.

With the tree cover removed, the hydrological system of the area changed. Agricultural crops trap less water than native forests, and the soils began to erode. This further reduced the ecosystem's water-holding capacity.

The result was massive flooding with an enormous cost to human life, property value and the destitution of entire communities.

The catastrophic flooding of the late 1980s illustrate that short term resource development, deemed essential for economic growth and poverty reduction, ignored environmental realities and gave rise to a loss of human security.

An institution based on an environmental security framework would have a strong mandate to intervene in this sort of situation and attempt to mitigate this problem before people are harmed.

UNEP needs a strong m

problems. Thus far, however, it has been challenging to develop international environmental laws because it is difficult to demonstrate how one party has been harmed by another party.

Under an international governance system that provides UNEP the mandate to monitor vulnerability around the globe, UNEP would be in a position to help demonstrate situations where harm has occurred. Once a problem has been identified by UNEP, it would have to be arbitrated through a judicial institution. One possible suggestion is to establish a permanent court of arbitration at The Hague or a World Environmental Court. There is a recognized need for the establishment of adequate international environmental laws that are enforceable.

Nation-states would have to agree on ways of assessing harm to the environment and on establishing the appropriate sanctions that can be imposed on countries that transgress international treaties.

John Battle, Minister of State for the Foreign and Commonwealth Office of the United Kingdom, on the Indonesian forest fires

In 1997, local fires in Indonesia set fire to peat and soft coals below the surface. A severe haze spread to Singapore, Brunei, Malaysia, Thailand and the Philippines. The Malaysian state of Sarawak declared a state of emergency. Over 50,000 people were seen by doctors or admitted to hospital for respiratory problems. This caused great tension between the affected nations.

Here one can take lessons from the arena of conflict resolution where various tools are used, such as preventative diplomacy, fact-finding, monitoring, observers, sanctions, etc. This also has a major bearing on aid programs, as it would set out how ODA could be designed to help in the

The Red Cross on the scope of natural disasters

In the 2000 *World Disaster Report*, the human toll of environmental problems is clearly documented. In 2000, 752 natural disasters occurred, compared to 609 in 1999 and 481 in 1998. This increase has been provoked by weather, mainly floods, windstorms, and droughts. The Red Cross points out that nature is not solely responsible for this. Global warming, unplanned

amelioration of risk due to environmental degradation. There is also a major corporate aspect as it helps set out codes of conduct for overseas investment that centers on the security repercussions of bad environmental policies or practices. It is important to note, however, that one of the lessons learned through the Montreal Protocol on ozone depleting substances is that technical and financial assistance are more effective strategies than sanctions

or punishment for countries that break treaties.

As we approach the Johannesburg conference we need to keep two facts in mind. First, despite the energy and enthusiasm that the Rio summit created, a huge amount of work has gone undone. If we are to rectify this, and make meaningful steps to meet the challenges that face the globe, we are going to need the 2002 summit to energize the world community in new and creative ways. Second, the global environmental crisis illustrates that all nations in the world are vulnerable to environmental change.

Environmental security is a novel and exciting approach to the global governance problem that puts the most marginalized at the centre of our concern by ensuring that governments are obliged to protect their citizens from environmental threats and when they fail to do so it is the international community's obligation to intervene.

International Environmental Governance: Scientific Assessment

Steve Lonergan

Conclusion:

Improved international environmental governance must be supported by strong scientific understanding, and that this understanding be integrated into any future governance structures.

Background Information

With respect to scientific assessment in the context of recent multi-lateral environmental agreements, there seems to be three general models:

Type I: Convention/Protocol develops a scientific assessment panel (in some cases, these are ad hoc panels);

Type II: Scientific assessment is independent but linked to environmental agreements; and

Type III: Scientific assessment is independent of agreements/institutions.

Examples (some of the information provided below on assessment panels was taken directly from the relevant websites for the Agreements):

Type I: Scientific Assessment Panels developed in the context of environmental agreements.

Convention on Biological Diversity – Subsidiary Body on Scientific, Technical and Technological Advice (SBSTTA).

The CBD established an open-ended intergovernmental scientific advisory body known as the Subsidiary Body on Scientific, Technical and Technological Advice (SBSTTA). SBSTTA is a subsidiary body of the Conference of the Parties (COP) and reports regularly to the COP on all aspects of its work. Its functions include: providing assessments of the status of biological diversity; assessments of the types of measures taken in accordance with the 9136eoP10.98 0 0 10include: provibside

Montreal Protocol –The Ozone Secretariat in Nairobi has three standing assessment panels: a Scientific Assessment Panel; an Environmental Effects Assessment Panel; and a Technical and Economic Assessment Panel. Like the SBSTTA above, these panels respond to specific questions and issues posed by the Secretariat and Parties to the Agreement.

Type II: Independent but Linked Scientific Assessment

Intergovernmental Panel on Climate Change (IPCC) - Developed by the World Meteorological Organization (WMO) and UNEP (independently of the UNFCCC) in 1988. The role of the IPCC is to assess the scientific, technical and socio-economic information relevant for the understanding of the risk of human-induced climate change. It does not carry out new research nor does it monitor climate related data. It bases its assessment mainly on published and peer reviewed scientific technical literature.

The IPCC has three working groups and a Task Force

Working Group I assesses the scientific aspects of the climate system and clim

Notes of introductory comments on Financing The Environmental Agenda

Huguette Labelle

Strengthening international and national environmental governance is essential to achieve sustainable development. On its own, however, without major allocation of substantial additional resources, it will only be a fantasy giving a false sense of comfort that all is well in this regard.

Sustaining natural capital is essential to human development and welfare. It requires the development of culture of personal responsibility. It also requires the sustained actions and cooperation of key players nationally and internationally.

Costs and Benefits

The cost of correcting unsustainable development is immense. In Asia alone, it is estimated at US\$175 billion per Year in 2004 reaching US\$250 billion by 2025 (ADB 2000). In the summer of 1998 the Yantze floods in China killed 3,656 people, damaged 5.6 million houses (Winkler 1999), and costed that county more than US\$36 billion, equivalent to reducing the country's economic growth by one per cent that year (World Bank 1999). China has no take decisive action to correct this situation.

On the other hand the payoffs to environmental action is huge. Controlling air pollution in China, for example, would cost an estimated US\$50 billion but would yield estimated benefits of US\$200 billion (World Bank). Similar examples can be identified around the world. With such payoffs why do we still have such environmental degradation and destructions?

There are several contributing factors but two stand out above all others: inadequate government funding for environmental protection and management, and disincentive for private investment. Because private returns on investment in environmental protection are frequently significantly smaller than private costs or are long term, and that many of the benefits are distributed to society at large, the private investors factor this lack of short-term gains into their decisions and invest accordingly. "This classic case of externalities and market failure provides strong justification for public policy actions to create market like conditions that align private incentives with the social costs and benefits of providing environmental services" (World Bank 2000)

Diversity and Extent of Required Actions

Stopping degradation, restoring current damages and preventing future loss requires concerted, substantial and sustained actions by the world community for global, national and local results. The following highlights some of the elements of that agenda.

Bridging the Introduction of Non-polluting Technology.

The direct cost of alternative technology may be higher for a period of time until the volume yields adequate return on investment. Introducing wind energy in North West china or biomass energy in China's Jilin Province, for example, is

pollution control and natural disaster costs of environmental degradation can exceed the prevention cost.

The work that has been done reveals the importance of revaluing our development in order to estimate the human and economic costs of these damages and to compare them with the economic benefits of the activities that are linked to these damages. China is a country that has already demonstrated progress in reversing some of its environmental degradation. Through the Environmental Working Group of the China Council on Environment and Development, China has undertaken to develop a valuation framework which can serve to determine a set of values to use as guides and benchmarks for policy makers. (Theodore Panayotou and Zhang Zheng 2000)

Changing the Poverty and Environmental Degradation Cycle

“The livelihoods of more than 1 billion people are at risk because of desertification and dryland degradation. The loss of an estimated 65 million hectares of forests in developing countries in the last five years is also hurting rural people, a quarter of whom depend on forests for income, food and medicines” (World Bank, Annual Report 2000). Poor people are both the victims and contributors to the deterioration of the natural environment. Considering that 70% of the world’s poor still live in rural areas, new efforts are required to support these people in attaining sustainable livelihoods in the field of agro forestry or alternative sectors. Population growth, rapid industrialization and dumping of dirty technology in countries eager to create jobs and wealth have the combined potential to sharply multiply future environmental costs unless early and significant support is provided. Yet ODA fell consistently over the last decade- this despite the robust economic growth of the last several years of the DAC countries. There is hope of reversing that trend as world leaders are increasingly becoming attentive to the issue.

Many additional concerted actions are required to reach a better level of sustainability in our development including research into new technology, protection of biodiversity, new treaties for regional management of natural resources in particular water and greening trade liberalization. The purpose of identifying the above measures is to illustrate the importance of additional investment in order to make environmental agenda real.

Environmental Global Financial Commitments

The current level of global funding commitments is minuscule when measured against the need, the cost of inaction and expenditures in non-productive sectors.

Current Global Funds

GEF as the main vehicle to meet global environmental obligations has a current replenishment level of US\$2.7 billion over 4 years and will end in 2002. This is the second replenishment and will likely roll over 300 million. The first replenishment rolled over 600 million. Negotiations for the third replenishment are currently taking place and are being reported to be in the range of US\$2.5 to 3.5 billion. A decision is required by February 2002.

World Environment Organisation

Konrad von Moltke, International Institute for Sustainable Development

Environmental policy has made dramatic strides since the founding of the United Nations Environment Programme (UNEP) in 1972 at the UN Conference on the Human Environment in Stockholm. It is time to update the UN organizational structure for environmental management to reflect these new realities. It is, however, important to note that such a decision within the UN will not directly affect the numerous international environmental regimes that exist outside the UN.

At the time of the Stockholm Conference hardly any country had a miEnvironm.14(e)vironm

typically devoted to it. This state of affairs needs to be changed so as to ensure that results are commensurate to the resources mobilized.

Another major beneficiary of the creation of a WEO would be the WTO and, to a lesser extent, the World Bank. Both of these agencies are currently under significant public pressure on account of their environmental record—or lack of it—and would benefit greatly from the existence of a single interlocutor for the environment at the broad international level.

There are several pragmatic steps that can be taken towards the creation of a WEO. Rather than beginning with a broad template, that will immediately attract criticism, it is possible to seek out a number of practical steps and to call the result a WEO, with the intention of strengthening it step by step. The test of such an approach is, however, the willingness to mobilize significant new resources on a growing scale as the WEO evolves.