

UNNGO
Committee on Sustainable Development
Meeting on Thursday January 19th 2006
Speaker
Jessica Green

“United Nations Environmental Treaties and Sustainable Development”

Introduction, Roma Stibravy, President, NGO Sustainability

I would like to welcome you here to our first meeting of the new year. This is a very special year, and the following, for sustainable development and in particular for the topic of energy. As you know, the next two sessions of the Commission on Sustainable Development will be dealing with energy issues. We hope to relate our program to this issue as much as possible in the next few months looking towards the May 1-12 Session. The CSD website is up and going(www.un.org/esa/sustdev/csd/review.htm)(www.un.org/esa/sustdev).. Yesterday they put some initial important information out on the Agenda, and details on what will be happening each day.

We are very honoured to have Jessica Green with us today. I have been working on having Jessica as a speaker for several months. When she was at the UN University she gave a presentation on her book. I was so impressed by the subject and her presentation of ideas that I have been trying to persuade her to speak to us ever since

We welcome you all, hope that you all have received the brochure and realize that we would love to have you as members to help support the work we do. We do have expenses, so if you become a member it does help us a great deal in furthering our work for and on sustainable development.. We hope to make the Committee even more interesting in the years to come. Now that I have had a bit over a year's experience I have learned a great deal. I am also very fortunate to have the most wonderful interns which I really never had before. Last summer, I had two, who worked here as UN interns and in their so called "free time" set up our web site, which I hope that you do look at(www.unngocsd.org) and helped prepare our brochure. They were the most extraordinary young people. Then I put an announcement on the Idealist website about two months ago. I have had thousands of replies. There is really hope in youth. This is interesting, because we get so little of the UN NGO community participating in our meetings. However we get a lot of youth and many participants from Missions and the Secretariat.

So it is very reassuring when you see how the young people who have just graduated and are starting out in their careers want to help and give some of themselves as obviously we are all non-paid. So maybe that is the most encouraging thing I can say today -- hope -- because of the engagement of young people to the whole area of Sustainable Development. I wish there was more interest in the NGO community but there is so much going on at the same time and there has been such a “splintering” of aspects of sustainable development that any time we have a meeting there are several other related meetings which dissipates all our efforts.

Now I would like to introduce Jessica Green more formally.

Jessica F. Green is PhD candidate at the Woodrow Wilson School at Princeton UN University. Before coming to Princeton she was a Research Associate at UNU-Institute of Advanced Studies. She is currently directing a project examining the participation of developing countries and civil society actors in international governance for sustainable development. She co-authored an article on the same topic in “Global Environmental Politics(2004).” She is a lead author of the” Millennium Ecosystem Assessment,” and co-editor of “Reforming International Environmental Governance: From Institutional Limits, to Innovative Solutions” <<http://www.unu.edu/unupress/2005/reforming%2Dieg.html>>(UNU Press, 2005).

Green has worked at the World Resources Institute <<http://www.wri.org/>> documenting and analyzing carbon sequestration projects according to sustainability criteria, and co-authored “Harnessing the Lessons from Carbon Sequestration Projects, published by WRI. While at the Framework Convention on Climate Change, she formulated a communications strategy for the Secretariat. She has also worked as a managing editor for a daily news magazine. Green received a Masters' in Public Affairs from the School of International and Public Affairs at Columbia University. She is fluent in French and Spanish, and conversant in Portuguese. I also informed that Jessica grew up in Washington DC, and did her undergraduate work at Brown University.

We have a wonderful audience and look forward to Jessica’s presentation and your questions afterwards.

Speaker, Jessica Green:

Roma, thank you very much for that kind introduction, and thank you for persisting in getting me here.

What I am going to talk about today is this book that I co-authored with a colleague at the UN University. It is called “Reforming International Environmental Governance. From Institutional

Limits to Innovative Reforms". While I am talking about that, I assume that most of you are familiar with the UN system and with Environmental Governance.

Before I come to my book I would like to say a couple of words about the UN University, my former place of employment. The UN University is based in Tokyo, Japan and we serve as a bridge between politics and academia, something of a think tank to the UN System. And our mandate is in two areas, which are peace and governance and environment and development. We are comprised of a network of institutions around the world that focus on these two areas. The one that I worked for is IAS or the Institute of Advanced Studies, interestingly there is an Institute for Advanced Studies at Princeton University, but usually you do not get there until you are about 70 years old.

IAS focuses on environmental policies mostly in the area of bio diversity and governance issues which is what I was focussing on. So that is where I spent the last 3 years and that is where this book came from.

First I want to give a little history. And as I said, I know that most of you are familiar with a lot of the history, so I just wanted to highlight some of what I think are the important trends leading up to Stockholm and then up to Rio. First is the Club of Rome and Limits to Growth published in 1972, which was one of the first mainstream publications to really put environmental issues on the map and to underscore the urgency of these problems. I want to read you a quote from then:

"If the present growth trends in the world population, industrialisation, pollution, food production and resource depletion continue unchanged, the limits to growth on this planet will be reached some time within the next 100 years. The most probable result will be a rather sudden uncontrollable decline in both population and industrial capacity."

So this is the beginning of the end according to the Club of Rome, although that has yet to come to pass. Certainly, it was the beginning of the discussion about carrying capacity of the planet, which continues today in some more formalized institutions about which I will talk a little later.

The major conferences and reports that put Environment on the map the UN Conference on Human Environment in Stockholm, a little bit later the Brundtland report, which is generally credited with coining the term "sustainable development" for better or for worse. There was a huge influx of civil society actors in a run up to Rio and then certainly after Rio. Stockholm was a little bit early. I think that is important to highlight, because many of you involved in this sector now, and it has become a very vital one -- both the policy discussions and the implementation of environmental policy. Finally, and not to be underestimated, are the advances in scientific understanding of environmental problems. The late 70ties was when Roling and Molenas published their famous paper suggesting that perhaps we were destroying the ozone layer, which was initially considered to be a fluke in the data that British

and American scientists could not account for. In fact it turned out to be true and this had a huge impact on the understanding of the gravity of the global problem that we are facing.

Second, these trends had some important impacts.

First there was a huge expansion of environmental law in a very short period of time. Which some people argue was quite problematic, because it had given rise to the system that we have today, which I will talk about shortly. But just to give you again a little bit of data, Peter Haff did a study in which he concluded that from 1974 to 1990, 51 % of all of the total multilateral agreements on environmental issues were signed. His Paper was written in 1993, so certainly there have been many, many more concluded since then, and that percentage now is much higher. The pace of environmental law making after the 1972 Stockholm meeting increased almost exponentially. and also the influx of civil society actors and other interests, including the growing voice of the developing world. There were 40 NGOs that were accredited to ECOSOC in 1948, now there are about 2800, that does not include all the multilateral environmental agreements, secretariat, such as climate change and bio diversity, which also have hundreds of organizations accredited to them and who attend their meetings.

Finally, there is the scientific understanding of it all, and the fight over the framing of these problems, their urgency, their possible solutions and their costs. Just to give one example, the ground versus green problem, were a lot of the developing world would say that the problems of most urgency were clean air, clean water, the pollution on the ground type of problems, whereas the developed world tended to be more interested in green problems, like preservation of forests, protection of endangered species, and so forth. So it really sets the stage for scenes, conflicts and discussions that we see in environmental governance.

Now back to the present. I want to talk about two main problems that we identify in the book and then a little bit about different models of how to address these problems.

The first is the relative weakness of International Environmental Governance, IEG.

Weakness means a couple of things, which I will explain, and the second is fragmentation of IEG and the fact that it is implemented in a number of agencies both within the UN system and beyond the UN system.

What does it mean that IEG is weak?

Well it means a couple of things; one is that there are very few sticks in most Multilateral Environmental Agreements, MEA that really urge compliance. It is a serious question, both in the academic and in the policy literature, how effective a regime you can have if you do not have serious compliance mechanisms. There are some MEA's that have more bite to them than others, but on the whole they tend not to be very strong on compliance and of course

there is no dispute settlement system such as there are in the WTO. There is not really much recourse outside of a specific regime for redress in cases where there is non-compliance by a state.

The second is about the standing of UNEP within the UN system. The fact that it is not a specialized agency, but rather a program which makes for a lot of budgetary and administrative issues. In addition, whether it is the cause or the effect that environmental issues are just not as important as other international issues on the global agenda. That is a real problem, because I think it is safe to say that global warming, however important and potentially dangerous it may be, does not make the front page of the New York Times like weapons of mass destruction. That has to do with the nature of environmental problems, but it is a reality what we have to consider in the management of environmental problems within the larger international system.

Fragmentation in IEG

The issue of fragmentation again has two different layers.

One is the problem of the complexity of the UN system. The jurisdiction for environmental issues is spread across many parts of the UN. There are lots of different agencies working on environment. And then all the MEA's that are administering various regimes and also have a fair amount of autonomy in doing that, even though they may not say so. I would like to read you a quote from our book in this regard: "The crazy quilt pattern of environmental governance is too complicated and is getting worse each year." And all the trends point towards proliferation and therefore the current system of environmental governance cannot correct itself.

The second issue is the fragmentation across the international system, so that other multilateral institutions also working on environmental issues, sometimes are at cross purposes, sometimes are in tandem, but it adds another layer of difficulty in coordination. The first chapter of the book, written by my co-author talks about 30 years of coordinating efforts within the UN and discussions about how to facilitate them across other multilateral institutions. It is quite a revealing historical look into all the efforts made towards reducing this fragmentation. One of the most often cited examples is the WTO.

Another issue that I touched on before is the "Ghettoization" of environmental issues.

Environmental problems, in literature and media, are often circumscribed and not considered in tandem with other relevant issues such as security, poverty, health and justice.

Of course that is much less the case now than it was 30 or 40 years ago and certainly the term and the conception of Sustainable Development is a way to try and bridge this gap, but it is debatable how successful it has been. I would argue that it is an excellent conceptual model which struggles in its ability to implement the ideas.

So as I said, climate change cannot compete with weapons of mass destruction on the international agenda, so these two problems -- the weakness and the Ghettoization -- kind of feed on each other so that if environmental problems are just in the purview of environmentalists then they fall to the bottom of the international agenda.

Now I would like to discuss the various proposals that we put forth in our book. We offer three different conceptual matters for reform, the three "c".

Coherence, Centralization, Compliance.

- The first proposal is coherence which is essentially meant to address the fragmentation problem. How do we basically include coherence,
- coordination, have a better system for the left hand for understanding what the right is doing and vice versa, simply within the UN system, so this is putting aside the second layer of fragmentation across multilateral institutions. I think that is an important problem too. It is one that we take up to a lesser extent in the book, but we feel that the most important thing is to begin incrementally and on a level where we can build steadily on reform.

The first is clustering MEAs.

As there are a phenomenal number MEAs right now one suggestion, it is a functional proposal, is to group these together and make them more efficient and effective. This is a functional proposal to improve the working of IEG, but it may not necessarily have bearings on the outcome. The clustering that is discussed in the book, is looked at from three possible ways, by function, issue or region. Suggestions are given in the book to cluster by issue the water related conventions, pollution related conventions and the Rio convention. By function it would be to have the scientific and technological assessments undertaken for a number of different MEAs at once; the implementation would be to review the information dissemination. These are all functions that each MEA carries out for itself. Perhaps they could be improved in their efficiency by undertaking them jointly. The final suggestion is by region. The regional agreements sometimes have the same membership as some of the regional commissions and it could give a way to link up administratively for the implementation of the MEAs.

A second proposal is to upgrade UNEP to take up on a greater coordinating role by strengthening Global Ministerial Environmental Forum (GMEF). So GMEF could service as a cornerstone for IEG, promoting coherence and enhancing normative authority of UNEP. It would serve a more proactive steering function than it does right now. That could also improve links between international and regional levels and between MEAs.

- The second model is centralization

The second model we take up is the idea of a World Environmental Organization, WEO. It is a very much discussed topic. There had been proposals for a World Environmental Organization, WEO, a Global Environmental Organization, GEO and a Global Environmental Mechanism, GEM. All of these are slightly different conceptions of the same idea of centralizing international environmental governance and having just one agency or entity be at the helm of that whole system. Obviously this is politically controversial; the states are nervous about creating and paying for more institutions. They fear the long negotiations and there is concern that given the crazy quilt that is now in place, that centralization could be a nightmare, that it could be really difficult to carry out and that given those logistical difficulties the costs may not outweigh the benefits. Centralization could hinder the present flexibility and limit the present innovation which are some advantages of the present decentralized system. All of that said, there are reasons to think that a WEO could work. And the proposal that is put forth here is a sort of middle ground one, where UNEP would be the centre piece of a larger WEO. It would definitely not be not be feasible politically or logistically to make a WEO outside the UN system or certainly without the UNEP at the core. And there are a lot of design issues that go along with the creation of a new institution: what would the memberships look like, what would the governing body be, what would the role of environment ministers be and so on and so forth.

- Finally Compliance

The compliance model goes to the issue I raised before, the weakness issue, how do we get teeth to a global environmental regime? And there are three really interesting proposals: World Environmental Court, Transformation of the Trusteeship Council, Expand the mandate of the UN Security Council:

- World Environmental Court

A World Environmental Court would most likely be created in tandem with a World Environment Organization making such a reform probably doubly unfeasible, because of all the changes and additions that would be required. None the less it would be a specialized environment court. Now it is certainly possible to bring claims to the International Court of Justice, or the criminal court of arbitration, it is not really done and when it is done it is quite slow. The discussion of a World Environment Court is really about having environmental legal experts to sit on such a body. And it could hold both states and private firms accountable to environmental law. I think one of the strongest arguments for this is that it would help ensure that international environmental law is not relegated to a second class status, and that there are norms and roles that can be enforced. So in order for it to be

successful it would really have to be integrated into international law which would be another design challenge.

- Transformation of the Trusteeship Council

You know that the Trustee Council was created to help colonies transition towards independent and self government; it is no longer really active. The proposal to change the mandate of the Trustee Council to focus on areas that do not fall under any national jurisdiction, but rather are the common concern of human kind. It would not actually be an enforcement mechanism but could function as an oversight mechanism, to ensure that states were in compliance with their treaties and their obligations and also to identify if there are current gaps in the given regime. The big problem with this is that the transformation of the Trusteeship Council, no matter how you slice it, would require amending the UN Charter, which would be a difficult undertaking.

- Expanding the mandate of the UN Security Council

It would mean to include environmental issues in the mandate of the UN Security Council, in times of armed conflict, if there are environmental threats to peace, and perhaps during environmental emergencies. Less likely is the possibility of preventive security, but it is an interesting proposition which has been raised elsewhere beforehand.

Are we moving towards reform, because it is all very well and good to talk about what the ideas are, but I think it is important to think about the possibility of implementing any of these and if so what would be the best way to move forward.

Certainly the main way to move forward is with political will, both from non-state actors but particularly from state actors who would be voting and paying for such initiatives. I think it is very encouraging to see the steps that have been taken by the Secretariat and the Secretary General. The "Panel on Threats Challenges and Changes," a really fascinating document which gives quite an extensive view of security and could help solve the "ghettoization" problem and it is very encouraging that it is coming from the Secretariat. Quoting from that document:

"We will have to work collectively to find new ways of regulating the management of natural resources, competition for which often which often fuels conflict."

A broader link between poverty, development and peace is given in the next quote:

"Combating poverty will not only save millions of lives, but also strengthen states capacities to combat terrorism, organised crime and proliferation."

I think this is a very good sign, because here is an understanding of the sort of complex relationship between ecosystems and societies and how we can broaden our understanding of those relationships; I think it bodes very well for environmental governance.

And secondly I would point to the Panel on UN – Civil Society relations, which released its final report in 2004, which is also a good sign for reform and environmental governance generally, re-examining the relationship between civil society and the UN and I think to the extend that civil society can be more involved in sessions in the UN, they can increase pressure on member states to effect reform.

New scientific assessments tracing relationships between ecosystems and society, which I think is important for understanding whether or not our relationships are sustainable and what the sort of unforeseen consequences of some of our activities may be.

Scientific understanding of the seriousness and complexity of environmental problems is increasing and may help to underscore the urgency. The effects of climate change are being seen now and are not down the road another 50 to 100 years.

Finally I would like to close by saying that the most important element of reform is political will, and therefore political pressure to generate that will. One of the things I do now for my PhD is to study the effects of civil society on international governance and how this can be a very powerful tool in motivating change.