

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



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Prepared by the Sydney IEG Forum Project Team

Professor Deo K. Prasad, Director of Sustainable Development, Faculty of the Built Environment, University of New South Wales
Meghan Quinn and Sahil Prasad, Faculty of the Built Environment, University of New South Wales

In consultation with:

Major Groups Stakeholders Branch of the United Nations Environmental Programme
United Nations Environmental Programme Regional Office for Asia and the Pacific (UNEP-ROAP)
Mr. Felix Dodds, Executive Director, Stakeholder Forum for a Sustainable Future

A/Professor John Merson, Institute of Environmental Studies & Faculty of Science, University of New South Wales
Professor Rosemary Rayfuse and Dr. Andrea Durbach, Faculty of Law, University of New South Wales
Dr. Paul Brown, Head of School: History and Philosophy, Faculty of Arts and Social Sciences, University of New South Wales

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Executive Summary

Environmental issues do not respect political boundaries. They are unaware of negotiators' timetables, and are unconcerned with human health or habitation. Without decisive action, many environmental problems persist or intensify: toxins bioaccumulate in fatty tissue, fertile top soils wash effortlessly into waterways, species are driven to extinction by habitat loss and over-exploitation. The United Nations Environmental Program's fourth Global Environmental Outlook (GEO4)¹ and the reports of the Intergovernmental Panel on Climate Change (IPCC)² highlight the severity of these issues, as do the numerous other publications on climate change, resource depletion, biodiversity loss and pollution that seem to emerge weekly from think-tanks, academic institutions, and intergovernmental organizations the world-over.

The interconnected and trans-boundary nature of environmental issues underscores the necessity of both regional and global environmental governance. While some ecological problems are localized, many—such as the atmospheric brown cloud (ABC) phenomenon, predatory-fish depletion, the impacts of coral bleaching, and destruction of tropical and temperate rain forests—have truly global impacts. Environmental problems also inevitably cut across economic, social, and political barriers, affecting all peoples, though the poorest and most vulnerable are typically impacted first.

Asia and the Pacific³ is a vast region—home to 60% of the world's population and encompassing more than half of its coastline. The 46 countries and multitude of distinct language groups, peoples, and cultures, as well as the region's rich diversity of biota, face numerous ecological challenges, including rampant deforestation, severe air pollution, marine and freshwater degradation, rapid industrialization, and innumerable threats from climate change. Successful construction of networks and effective environmental governance across this culturally and geographically diverse region is essential to repairing ecological damage; moreover, the coming together of truly divergent peoples for a common cause and with a shared vision for environmental management and socio-ecological integrity has the potential to serve as a global model for cooperation.

International environmental institutions exist to unite people in addressing trans-boundary ecological issues. Ensuring the effectiveness of these structures is as integral to affecting positive environmental change and improving environmental quality as grassroots action. Deciphering the steps required to achieve that measure of effectiveness was the topic of the *Strengthening International Environmental Governance (IEG) and Civil Society Leadership In the Asia and Pacific forum* (Sydney 27-30 November 2008), and is the subject of ongoing United Nations Environmental Program (UNEP) and wider United Nations (UN) reform processes. The Sydney Forum aimed to engage civil society—an increasingly vital actor within IEG—in discussion of the challenges facing IEG: generating priorities for Asia and the Pacific, debating the reform options presently on the table, and creating a vision for environmental governance in the region.

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

- Proliferation of institutions and multilateral agreements (MEAs), which both fragment and overburden the system and its parties;
- A lack of coordination and cooperation between intergovernmental organizations, stakeholders, and regimes that aggravates and is aggravated by the aforementioned fragmentation, and a related failure to understand the deep interconnectivity between economic, social, and environmental issues;

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

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

3 Per UNEP's six global regions

- A failure to ‘mainstream’ environment into other issue areas such as trade and security;
- Weak enforcement mechanisms and lack of follow-through which can be attributed in part to the system’s institutional architecture;
- Poor use of human and financial resources due to competition and inequitable distribution, lack of accounting mechanisms, and the proliferation of MEAs;
- A yawning gap between the developed and developing worlds with regard to human capacity, financial resources, access to science and technology, and prominence in setting the IEG agenda.

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

- Reinforcing UNEP, with attention to strengthening the Program’s science base, capacity building and technology sharing in the developing world, and increasing the role of civil society, particularly in the area of partnership in delivery;
- Creation of an umbrella institution to integrate IEG institutions;
- Establishment of enforcement mechanisms such as an Environmental Security Council and/or a Global Enforcement Mechanism;
- Reform WTO to ensure that MEA’s take precedence over trade agreements;
- Establishment of a World/Global Environmental Organization or United Nations Environmental Organization with powers on-par with the World Trade Organization and other UN bodies;
- Complementary measures such as the clustering and coordination of MEAs, and development of strong public policy networks.

Additionally, the forum underscored the vital importance of full civil society engagement in IEG processes. At no time in its history has IEG been without the input and guidance of civil society groups; however, there exists an important opportunity to both formalize and strengthen that role, giving civil society a distinctive voice in decision-making processes at global and regional levels. Discussing in pragmatic terms the roles civil society plays, such as monitoring compliance and advocating for social justice, as well as options for greater stakeholder involvement, creates a real opportunity to redefine the role of the region’s civil society groups in terms of their own aims and expectations.

Finally, the importance of gaining a regional perspective on these matters and establishing a regional vision for environmental governance cannot be overemphasized, as they are essential to progressive IEG reform across Asia and the Pacific. Regional challenges that featured most prominently at the Sydney Forum included:

- A distinct lack of capacity in developing countries that hinders full participation in IEG processes;
- Inequitable distribution of resources and lack of enforcement to that same effect;
- The necessity of mainstreaming environmental issues in the broader sustainable development framework, with particular attention to the deep connections between environmental justice, social welfare, and good environmental management.

Related reforms proposals include support for thematic clustering of MEAs, construction of regional and global policy networks, increased funding and overall strengthening of UNEP, mainstreaming environmental issues with a focus on reinforcing the environmental component of sustainable development, and more attention to environmental issues within the UN system overall. Other proposals from the Asia-Pacific civil society representatives include:

- Increasing the role of civil society in IEG by granting civil society organizations (CSOs) a voice in decision-making and establishing a clear mandate for civil society;

- Improving synergies between grassroots efforts and top-level policies;
- Focusing on capacity building efforts, particularly implementation of the Bali Strategic Plan for Technology Support and Capacity Building;
- Reinforcing and increasing youth initiatives.

These challenges and proposals emerged from the background paper and from the Forum's lively discussion around IEG, UNEP's Program of Work, issues of poverty and globalization, and the tackling of environmental issues such as hazardous and chemical waste and ecosystems management within these contexts. Participants used these discussions to express a vision for IEG in Asia and the Pacific, and to formulate this year's Regional Statement for Civil Society. Together, these efforts promise to increase regional communication and cooperation, as well as inform meaningful change to UNEP, international environmental governance, and wider United Nations processes.

Introduction

This paper was originally drafted to provide an overview of international environmental governance (IEG), its history, challenges, and proposed reforms, to civil society leaders and networks participating in the *Strengthening International Environmental Governance and Civil Society Leadership in the Asia and Pacific Forum* held in Sydney, Australia on 27 and 28 November 2008, which immediately preceded the *Regional Consultation Meeting for Asia and the Pacific* (RCM-AP), also held in Sydney, on 28 - 30 November. This (RCM-AP) meeting was held in preparation for the *Tenth Global Civil Society Forum* (GCSF), scheduled for February 2009 in Nairobi, Kenya.

The Forum's primary objective was to engage civil society leaders from across the region in debate on IEG issues in order to assess regional challenges and priorities. This process was, and remains, especially important given--

- The changing dynamics of IEG, in which the roles of non-state actors are increasing;
- Ongoing debate surrounding UNEP, its role in environmental governance, and its role in sustainable development governance;
- Wider UN reform processes seeking to increase the effectiveness and efficiency of international governance.

Secondary objectives included promoting regional and sub-regional partnership and information exchange, as well as fostering networking among diverse civil society representatives.

In spite of several last-minute cancellations due to the closure of Bangkok's airports, seventeen countries and organizations representing all major groups were in attendance. Participants engaged in one and a half days of discussion of IEG issues in global and regional contexts, then moved on to the RCM, examining the links between poverty and environment in the context of UNEP's Program of Work (POW), as well as globalization, and the role of civil society in governance. Participants zeroed in on issues of chemical and hazardous substance management, climate change, and ecosystems management per the POW.

Since the successful completion of both meetings, this document has been revised to integrate the challenges and hopes of civil society representatives from the region in connection with the findings and outcomes with regard to environmental governance at the global, regional, sub-regional, and national levels. Given the size, complexity, and diversity of Asia and the Pacific as a region, it is no surprise that the issues raised by these delegates are microcosmic of global priorities, with an important focus on social equity and environmental justice, and an emerging consensus that the economic, social, and environmental pillars of sustainable development are both interconnected and interdependent, and must be treated as such in all international decision-making.

The collected results of these meetings, including the formal session reports, this paper, and the *Civil Society Statement for Asia and the Pacific* developed during the RCM were compiled to inform both UNEP and wider UN reform--such as the 'Delivering As One' program--with regard to environmental issues and sustainable development.

This revised document is organized into five main chapters. The first reviews the evolution of IEG since the inception of UNEP in 1972. Chapter two provides an overview of the many and varied challenges that IEG has faced since that time. Great strides have been made in environmental governance; however, in spite of environmentalists' best efforts, ecological degradation not only persists, but is intensifying. Clearly IEG in its present form is unable to effectively address these issues. As such, a number of reform options, ranging from the consolidation of environmental issues into the World Bank framework to the establishment of a United Nations Environmental Organization (UNEO), have been

suggested. These are examined in the third chapter of this document. Both the challenges and reforms chapters have subsections addressing concerns specific to Asia and the Pacific.

The fourth chapter directly discusses the evolving role of civil society in IEG, including potential enhancement of that role within the UN system and without. Finally, visions for global and regional environmental governance, based on participant inputs and the wider body of environmental literature, are presented in the fifth chapter.

It is the aim of this paper to provide the reader with a basic understanding of the history and complexity of IEG, the challenges that it faces, its continuing evolution, and the potential changes that lie ahead. In addition, the paper provides much-needed perspective on the environmental and governance issues that stand out in the world's largest region, how these matters are being addressed, and what is envisaged for the future of Asia and the Pacific.

Chapter I: IEG Progress Report



IEG Progress Report

International environmental governance was first formalized within the context of the United Nations System of Governance at 1972's Stockholm Conference on Human Environment. Three key outcomes of this meeting included the development of an Action Plan for Human Environment, the Declaration on Human Environment, and the establishment of the United Nations Environmental Program (UNEP).⁴ UNEP was designed as an "anchor institution"⁵ for environmental governance, and intended to catalyze engagement in environmental issues globally, coordinate those efforts, offer policy guidance to international institutions, and to build capacity and technological capability, particularly in the developing world.⁶

In the 36 years that have elapsed since Stockholm, IEG has evolved and expanded, adding numerous institutions, agreements, and broadening its scope in response to the changing environmental and political landscape. In 1982, UNEP's Governing Council called for the establishment of a Commission on Environment and Development, which was established the following year. What would come to be known as the Brundtland Commission brought the concept of sustainable development to the fore, and recommended in 1987 that another UN conference be held, this one with the intention of uniting the environment and development agendas.

The well-known Rio Summit of Environment and Development was held in 1992. In the run-up to Rio, the Global Environment Facility (GEF) was established. It operates as a financing mechanism for Multilateral Environmental Agreements (MEAs) and conventions, assisting "countries in meeting their obligations under the conventions that they have signed and ratified."⁷ The conference was a watershed event, resulting in:

- The Convention on Biological Diversity (CBD);
- The United Nations Framework Convention on Climate Change (UNFCCC);
- The Rio Declaration on Environment and Development and Agenda 21;
- Establishment of the Commission on Sustainable Development (CSD).

The Commission on Sustainable Development (CSD) was created to oversee the implementation of Agenda 21, the Rio +5 outcomes, the Johannesburg Program of Implementation (JPOI), and to address ongoing challenges and policies surrounding sustainable development. Where UNEP deals directly with environment, the CSD was intended to provide space for discussions of interlinkages between environmental, social, and economic issues. UNEP's role in the CSD has been as task manager for the environmental chapters of Agenda 21 and the JPOI. The GEF is responsible for funding the CBD and UNFCCC, as well as the Conventions on Desertification and Persistent Organic Pollutants, among others.

Unfortunately, some negative outcomes emerged from the Rio Summit, particularly for UNEP. Funding decreased as money was diverted to the GEF, newly established conventions, and the CSD. Further cuts resulted when UNEP openly criticized the French government's nuclear testing program. This loss of funding had "a huge impact on UNEP's political weight."⁸ Likewise, the splitting of environmental governance responsibilities between multiple institutions and agreements caused splintering and fragmentation within the IEG system, and compounded its existing shortcomings.

4 Dodds, F., "UNEP: Changing Times", *Reform Papers*, Stakeholder Forum for a Sustainable Future.

5 Ivanova, M., *Moving Forward By Looking Back: Learning from UNEP's History*, *Global Environmental Governance: Perspectives on the Current Debate*, Swart, L. & Perry, E., eds., 2007, Center for UN Reform Education.

6 Dodds, F., "UNEP: Changing Times."

7 Global Environment Facility, 2008, *About the GEF*. Online: <http://www.gefweb.org/interior.aspx?id=50>

8 Dodds, F., "UNEP: Changing Times."

Efforts to address this fragmentation and reinforce UNEP's mandate were made through the late 1990s. 1997 saw the Nairobi Declaration reaffirm UNEP's position as--

"[T]he leading global environmental authority that sets the environmental agenda, that promotes coherent implementation of the environmental dimension of sustainable development ... and that serves as an authoritative advocate for the global environment."

That same year the UN Secretary General recommended that a UN Task Force on Environment and Human Settlement be established to inform UN reform in these areas. Its 1998 recommendations noted the existence of "institutional fragmentation and loss of policy coherence," resulting in "loss of effectiveness" in the UN's work on environment.⁹ The Environmental Management Group (EMG) was established in response to the Task Force recommendations to improve coordination between agencies and agreements. The EMG is intended to facilitate coordination, consultation, and information sharing within a common framework and agreed upon set of priorities. Unfortunately, due to lack of financial resources and other challenges, the EMG has had a "very limited impact."¹⁰

This reveals parallel trends: while UNEP has been successful in building institutions, establishing MEAs, and--more variably--engaging stakeholders at forums, meetings, and conference, the results of its coordinating and collaborative efforts have been less than successful.¹¹ This is true not only of UNEP, but the IEG system overall, which has developed in a piecemeal fashion as the global community attempts to keep pace with rapid socio-ecological change.

This is not to say that the structure of the current system, in all of its complexity, is without benefit. Researchers note that the system as it exists offers:¹²

- Flexibility and opportunity for innovation;
- Space for development of targeted solutions;
- Redundancies that prevent reliance on one mechanism;
- Independent engagement between States and regions;
- Civil society engagement.

However, on the balance IEG is more fragmented than dynamic. An overabundance of institutions and MEAs with overlapping mandates, conflicting agendas, and dispersed secretariats creates an uncoordinated system. Lack of communication and cooperation between bodies results in significant challenges, both in terms of administrative capacity and actual implementation potential.¹³ A lack of leadership on environmental issues has prevented these matters from being emphatically addressed, and IEG remains without the enforcement mechanisms necessary to affect long-term environmental change.

Some efforts have been made within the IEG system to address these issues--such as the aforementioned establishment of the GEF and EMG, and the reinforcement of UNEP's mandate via the Nairobi Declaration; however, due to lack of funding, institutional weakness, competition, and MEA proliferation--among other issues--the system remains ineffective. Calls from member states, civil society, and even international institutions themselves reiterate the same point: institutional reform is imperative if the IEG system is to successfully combat global environmental degradation. Further, whatever reforms are undertaken must be systematic, dynamic, engage with diverse regime types, and responsive to the needs of all stakeholders.¹⁴ The challenges that necessitate that reform, and the reform options presently under consideration, are the subject of this document.

9 Dodds, F., "UNEP: Changing Times."

10 Dodds, F., "UNEP: Changing Times."

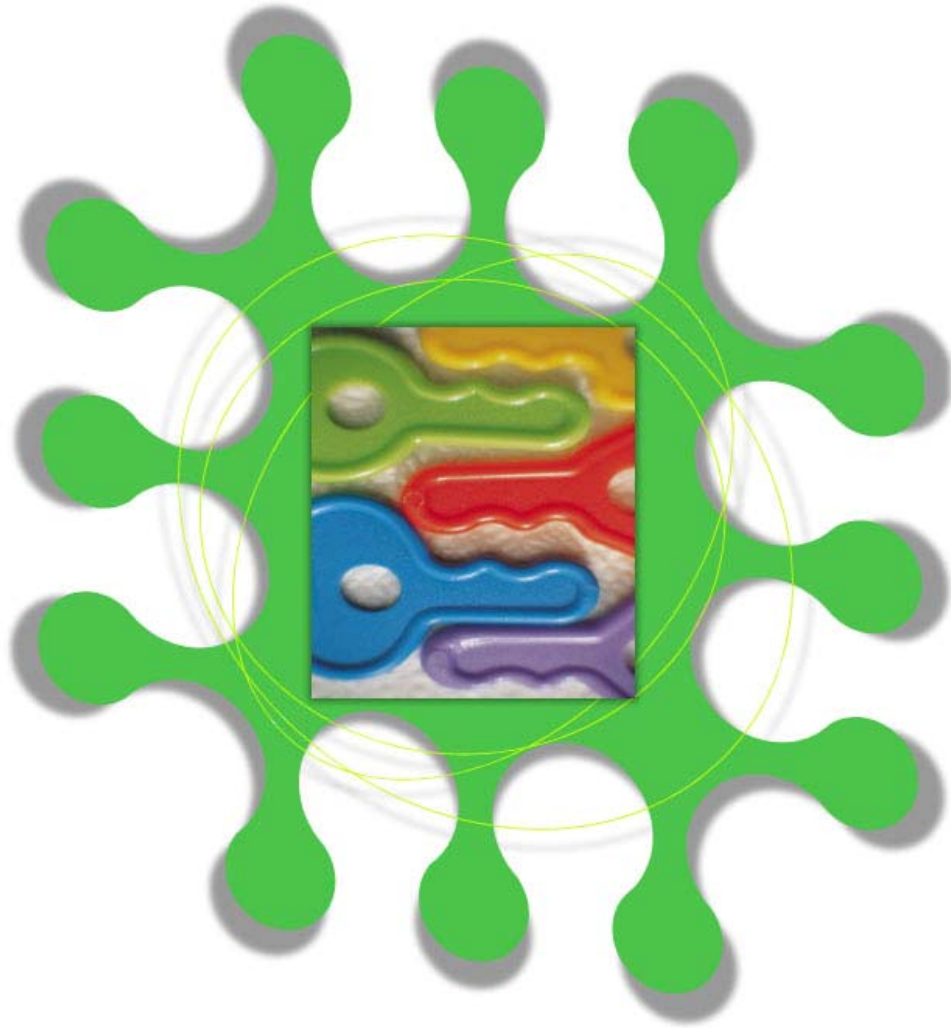
11 Andresen, S., 2007, "The effectiveness of UN environmental institutions," International Environmental Agreements, Springer.

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

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

14 See Appendix 1: Key References

Chapter II: Key Challenges



Key Challenges

This chapter provides an overview of the key challenges facing effective IEG. Broadly, there are seven widely agreed-upon, overlapping issue-areas that merit the attention of reformers:

- Fragmentation of IEG's institutions and agreements, and the proliferation of MEAs;
- Lack of cooperation and coordination among international institutions;
- The mainstreaming of environmental issues across the international arena;
- Inefficient application of human and financial resources;
- Non-performance of system components, i.e., lack of implementation and enforcement;
- The role of non-state actors within a state-centric system;
- The capacity divides between the developed and developing worlds.

2.1.0 Fragmentation and Proliferation

Fragmentation in this context describes the disjointed nature of IEG's institutional architecture. Put simply, "there are too many organizations engaged in environmental governance in too many different places, often with duplicative mandates."¹⁵ By one estimate, more than thirty UN agencies and programs now engage with environmental matters.¹⁶ While UNEP's mandate assigns it the role of coordinating these institutions, a lack of funding and "political capital"¹⁷ make these efforts incomplete at best. As such, there is limited communication and little coordination between governing bodies, leading almost inevitably to gaps, overlap, and conflict. Critics of the current institutional architecture assert that, as a result of "unproductive multiplicity, focus is dissipated, efforts splintered, responsibilities scattered, funding squandered, and accountability lost."¹⁸

Proliferation of MEAs and fragmentation of those agreements further aggravate this institutional fragmentation. Hundreds of global and regional MEAs are believed to be in circulation. Many of these address the same issues, but with different expectations, methodologies and objectives. So, while awareness of ecological complexity and issue interdependence exists, each "responding convention has its own defined objectives and commitments," which "fragment institutional commitments and create artificial barriers."¹⁹ Attempts to cluster agreements thematically have met with success—the chemicals cluster is a stand-out example, and progress is being made in the biodiversity cluster; however, these efforts have not gone far enough.

In addition, MEAs themselves are fragmented. Conventions are overseen by different secretariats in different locations. For instance, the climate change secretariat reports to the UN, while the biodiversity and ozone secretariats report to UNEP; meanwhile, the Basel Convention is based in Geneva, Desertification in Bonn, and the CBD in Montreal.²⁰ Such geographic dispersal is a clear impediment to effective communication and collaboration, even in the digital age.

15 Najam, P., Papa, M., & Taiyab, B., 2006, Global Environmental Governance: A Reform Agenda, International Institute for Sustainable Development, Winnipeg, p14.

16 Peichert, H., 2007, *Appendix 2 International Environmental Governance Workshop, Session 1: What Needs to Be Fixed and What Are the Optimal Outcomes*, International Environmental Governance: Report of the Chatham House Workshop, 26 - 27 July 2007, Hoare, A. & Tarasofsky, R., eds.

17 Peichert, H., 2007.

18 Ivanova, M. and Roy, J., 2007, *The Architecture of Global Environmental Governance: Pros and Cons of Multiplicity*, Global Environmental Governance: Perspectives on the Current Debate, Swart, L. & Perry, E., eds., 2007, Center for UN Reform Education.

19 Najam, P., Papa, M., & Taiyab, B., 2006, p30.

20 Najam, P., Papa, M., & Taiyab, B., 2006, p14.

The combined impacts of proliferation and fragmentation among both institutions and agreements are many:

- The number of MEAs results in an extremely high reporting burden, which demands a great deal of time and resources to meet. For developing countries with limited capacity, such burdens directly impact implementation.
- Geographic dispersal also drains stakeholder resources via time and travel costs. Again, implementation, without which IEG is meaningless, is negatively impacted.
- Fragmentation also creates competition among international bodies that might otherwise be partners for scarce resources, funding in-particular.

Proposals to address these issues include further development of thematic clustering, streamlining of processes, and institutional reform to allow for more effective coordination.

2.1.1 Cooperation and Coordination

Given the complexity of environmental problems, their trans-boundary nature and layers of interconnectedness, it is essential to coordinate efforts across institutions, ensuring the establishment of shared norms and understandings, and ensuring the same standards apply across international bodies. UNEP was established both to catalyze engagement with environmental issues, and to coordinate new and existing environmental efforts undertaken by UN institutions. Yet in this task, for a variety of reasons discussed throughout this chapter, UNEP has failed.

More than 35 years after UNEP's establishment there is no comprehensive database of environmental agreements or institutional engagement, nor is there a system to track funds spent on environmental initiatives, which aggravates the aforementioned gaps and overlaps.²¹ Many UN institutions were already engaged with environmental issues in some capacity when UNEP was founded. As such, many do not accept the Program's mandate, citing "institutional seniority," refusing to be coordinated by a younger body, and resenting the implications of that oversight.²²

There is a related failure to see that coordination and collaboration stand to benefit all parties across regimes and regardless of standing. As such, rather than focusing on common goals such as improving social and environmental conditions, institutions compete for resources and status within the international system. Because of its status as a program (as opposed to an organization), lack of authority, and voluntary funding base, UNEP is largely unable to fulfill the coordinative component of its mandate, though it has done well as a catalyst. This failure has prevented establishment of "general policy guidance in the field of environment,"²³ and resulted in a lack of collaboration between institutions that has had truly detrimental effects on IEG and the global environment.

2.1.2 Mainstreaming²⁴

Closely tied to issues of alleviating fragmentation and increasing cooperation is the notion of mainstreaming. Proponents argue that integrating environmental issues into every aspect of

21 Ivanova, M. and Roy, J., 2007.

22 Ivanova, M., 2007, "Designing the United Nations Environment Programme: a story of compromise and confrontation," *International Environmental Agreements*, No.7, pp.337 - 361, 6 September.

23 Peichert, H., 2007.

24 Please refer to the Chatham House Workshop, 26 - 27 July 2007; the work of the Global Environmental Governance at the Yale Center for Law and Policy; the Stakeholder Forum, in particular the Donista Declaration, 2008, for more information.

international governance is essential to building a just and sustainable world. The silo approach, wherein environmental, social, and economic issues are addressed independently, has proven unproductive: environmental degradation, poverty and inequality persist, economies the world over remain unstable. Even the "three pillars" model of sustainable development draws these distinctions, acting as an additional barrier to effective governance and meaningful change. This is evidenced in the limited progress made since the Rio Summit and establishment of the CSD.

Clearly this particular issue is much larger than IEG, and therefore must be--and is being--addressed broadly by policy-makers at the international level. Grassroots activists, civil society organizations, as well as local governments and some States are ahead of the curve, having recognized the interconnected nature of the aforementioned categories and related issue areas--i.e., development, health, trade, security etc--and responded with appropriate projects and policies. A move towards mainstreaming environment, policy harmonization potentially represents a move towards holistic policy development, and has profound implications for systems of governance, patterns of production and consumption, and the ecological integrity of the Earth.ⁱ

2.1.3 Inefficient Use of Resources

Highlighted throughout the literature,ⁱⁱ inefficient use of financial and human resources has tremendous negative impacts on the effectiveness of environmental governance. On the issue of financial resources, the International Institute for Sustainable Development (IISD) points to three broad challenges:

- There is not enough money where it is needed;
- Available funds are not used appropriately or managed efficiently;
- No system exists to track the application of funds.

Complicating the issue is the unpredictability of funding, which is a largely voluntary affair in IEG. Even the GEF depends on donations from member states. Attempts to establish assured dues for UNEP from member states have thus far failed. This makes it very difficult for UNEP to plan effectively beyond a biennium. The French Government plan for a UNEO is, in part, an attempt to secure predictable funding for UNEP.

While UNEP has played a critical role in helping birth the international environmental regimes, instead of keeping them under its banner and maintaining funding as part of its budget, a set of competing funding centers have been established. So limited, in fact, is UNEP's funding that three non-governmental organizations (NGOs)--the World Wildlife Fund, Greenpeace and International Union for the Conservation of Nature--have more resources than the Program. Donors contribute to the problem by earmarking funds for specific projects or areas of special interest. This makes overlaps and funding gaps inevitable: some issue-areas are flooded with funds while others are left penniless. Further, because there is no system to track or coordinate funding, there is no way to know which issues and projects are being short-changed.

Other resource concerns include capacity for MEA compliance, which entails extensive reporting that is costly in terms of both cash and human resources. Proliferation of agreements exacerbates this problem by increasing the reporting burden. Likewise, hosting and/or attending conferences, forums, and other meetings represents an enormous expenditure. As Kanie points out in her research, "increasing administrative and travel costs are especially burdensome for developing countries, reducing their participation."²⁵ Even when flights and accommodations are paid for by the organizing

²⁵ Kanie, N., 2007, p75.

body (UNEP and others), expenses can impact the organizer's capacity to fund and implement activities elsewhere. As a result, resources are directly or indirectly drawn away from the most important aims of IEG: implementing good environmental management and affecting positive ecological change.

2.1.4 Non-Performance

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

First, international environmental institutions such as UNEP have met with resistance in the production of hard law and regulation, imposition of sanctions, and the creation of financial rewards for compliance. MEAs endure a similar lack of compliance mechanisms.²⁶ This, combined with vagueness of treaty texts, complexity of obligation, ineffective compliance, and a host of other issues, weakens IEG.

In addition to lacking compliance mechanisms, the efficacy of MEAs can be adversely affected by their content. Negotiators' desire to reach any agreement--due to stakeholder priorities as well as the aforementioned constraints and challenges--can compromise the quality of that agreement. Treaty texts are ambiguous, difficult to implement, and more difficult to enforce. Funding issues are often inadequately addressed, exacerbating compliance challenges. The GEF exists to fund the additional costs of implementing key environmental conventions; however, the GEF itself is dependent on donations from member states and simply cannot accommodate all worthwhile projects. In addition, "the process of consensus building ... is [often] driven by political feasibility, rather than by science," leading to an inherent discrepancy between the problem and the solution."²⁷

Attempts to integrate environmental policy implementation with trade and development have been hindered by a pervasive belief that environmental priorities can harm economic development. A more effective approach might be to emphasize "the negative environmental implications of traditional models of development"²⁸ and the potential socio-economic benefits of good environmental management.

Finally, there is "a failure to shift focus from negotiation to local level implementation,"²⁹ an issue highlighted by NGOs, institutions, academia, and others. Capacity issues also play a role here. Effective IEG looks beyond the general text of MEAs to domestic implementation of targets that are practical and sensitive to countries' and localities' needs. Unfortunately, little funding or space for these assessment exists within the current IEG system. This is particularly problematic given that States on the front lines of environmental threats and most responsible for on-the-ground implementation tend to be those marginalized by the system, and with the least capacity for implementation.

26 Andresen, S., 2007.

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

28 Dodds, F., *International Environmental Governance: A Briefing Paper*, Stakeholder Forum for Our Common Future.

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

2.1.5 The State-Centric System

As Romina Picolotti points out in the forward of *Climate Change and Human Rights: A Rough Guide*, "much of the current information, statistics, and policy debate revolves around, and is generated by, States and actors that are part of the ... problem, limiting the discussion of their commitments to the costs they are willing to forego."³⁰ As such, much of the IEG discourse centers on state-level implementation and international coordination of those states; the role of civil society, while vital, has been historically overlooked.

Civil society, particularly NGOs, drive IEG by:

- Advising States in the drafting of treaties;
- Helping to set agendas;
- Providing and coordinating scientific data;
- Implementing components of agreements;
- Monitoring that implementation;
- Creating norms via public awareness campaigns and education initiatives;
- Building capacity.³¹

Community organizations, NGOs, and other groups have also made an enormous contribution by engaging with the private sector—traditionally considered adverse to environmental governance and regulation—through, for example, voluntary corporate responsibility initiatives. A combination of economic and social benefits has compelled many businesses to participate. Successes include The Global Compact, the Global Reporting Initiative, and the UNEP Financing Initiative.

While it is clear that civil society's role is pivotal to effective IEG, and while attempts are being made to more fully incorporate civil society into international governance processes, the system's current structure ultimately depends on States to make decisions, commit to funding, and implement agreements, and does not provide "civil society actors the institutional space to realize their full potential."³²

2.1.6 Capacity: The Divide between the Developed and Developing Worlds

The divide between the developed and developing worlds is among the most pervasive issues in international governance, cutting across every regime type and impacting every country in some manner. In environmental governance, knowledge and capacity are the dominant issues separating developed and developing countries. Scholar Sylvia Karlsson³³ highlights the following challenges:

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

³⁰ International Council on Human Rights Policy, 2008, *Climate Change and Human Rights: A Rough Guide*, Versoix, Switzerland.

³¹ Najam, A., Papa, M., and Taiyab, N., 2006, p62.

³² Najam, A., Papa, M., and Taiyab, N., 2006, p63.

³³ Karlsson, S., 2002, *The North-South Knowledge Divide*, *Global Environmental Governance: Options and Opportunities*, Esty, D. and Ivanova, M., eds., Yale School of Forestry and Environment Studies, New Haven.

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

Discussion of the knowledge gap draws attention to yet another divisive matter: the value of local and indigenous knowledge is rarely recognized or given the same weight as Western science in international deliberations. For instance, while indigenous peoples were engaged in the development of the Convention on Biodiversity (CBD), there exists criticism that the process did not engage with enough indigenous peoples and moved too quickly, with inadequate time for processing and reflection.³⁴ The resultant document, it was argued, failed to fully address indigenous concerns, placing too much power in the hands of States where it ought to be given to communities, and overlooking the complexities of resource access and land rights.³⁵ However, since that time the International Alliance of Indigenous and Tribal Peoples of the Tropical Forests (IAITPTC) and other indigenous organizations have used their power to enhance “the presence and voices of indigenous peoples in the CDB and related processes.”³⁶ Given that indigenous persons represent 85% of the world’s cultural diversity and populate many of the richest, most biologically diverse natural areas of the world,³⁷ the issue is of wide importance and merits the attention of reformers.³⁸

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

IEG Challenges in Asia and the Pacific

The governance challenges sighted at a regional level echo several of those addressed in the global debate. Key areas of concern for the Asia and Pacific Region include:

- The role of civil society;
- Capacity, information, and technology;
- Support and enforcement;
- Mainstreaming and synergies.

2.2.0 The role of Civil Society

Stronger roles by CSO’s in international deliberations at the global, regional, and sub-regional levels are required. Civil society organizations (CSOs) in Asia and the Pacific are already largely responsible for generating awareness about environmental issues and campaigns, and supporting grassroots

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

35 IAITPTF, 1995.

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

37 IAITPTF, 1995.

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

projects. In addition, CSOs assist with the implementation and monitoring of MEAs, sub-regional policies, and those laws, regulations, and policies generated at the local and national levels.

The creation of an even playing field, one where there is strong support for all major groups would serve to formalize and institutionalize civil society's role in IEG processes. Such a scenario would see the place of CSO's on-par with its colleagues, rather than being relegated to a support-role on the sidelines. Such an endeavor would include Civil Society participation in decision-making processes and equal access to relevant information. There is a strong commitment to meaningful consultation, because consultation processes must be undertaken early in any negotiations, and the recommendations of civil society should deserve the attention of policy-makers.

2.2.1 Capacity Building and Access to Information and Technology

Urbanization and industrialization are occurring more quickly in the Asia-Pacific region than anywhere else on earth, resulting in increasing energy and food demands, water and sanitation challenges, dramatic upswings in resource consumption, and high levels of pollution. Building capacity to respond to these challenges, and ensuring access to both scientific data and technological innovations that might address these issues, are imperative to the environmental health of the region, and the health of its people.

This sort of demand encompasses many other prominent IEG issues, such as the proliferation of MEAs and resource inefficiencies, which drain capacity in the region, needs to be rapidly addressed. Rapid implementation of the information and technology sharing principles outlined in the Bali Strategic Plan for Technology Support and Capacity Building also has the potential to improve IEG in the region, and give the countries a stronger voice on the international environmental stage.

2.2.2 Support and Enforcement

Increased financial support is imperative from international institutions, including UNEP, as well as feedback from those bodies. Discussions have pointed towards the need for real partnership between UNEP and civil society, one in which both parties give and receive equally with regard to financial assistance, sharing scientific research/data, access to information and to technology. Failings in these areas prevent effective collaboration and communication from taking place within the region, particularly important given the size and dynamics of Asia and the Pacific.

Support for local, national, sub-regional, and regional projects by UNEP and other international institutions working in the context of environment, such as the CSD and UNDP, are lacking. This support extends beyond financing and partnership to assistance in building networks, assisting with the arrangement of sub-regional forums, and providing language assistance. Improvements in these areas would vastly increase the effectiveness of IEG and environmental management efforts in the region.

2.2.3 Mainstreaming Environmental Issues and Synergies in Governance

The interconnectedness and interdependence of economics, trade, development, environment, and security is most important. There is a necessity of integrating social justice issues into the environment regime, and integrating environment more fully into the pursuit of sustainable development. The fragmentation of international institutions, actions, and responses to these matters reflects not only a failure to understand how they are interrelated, but prevents effective environmental management by

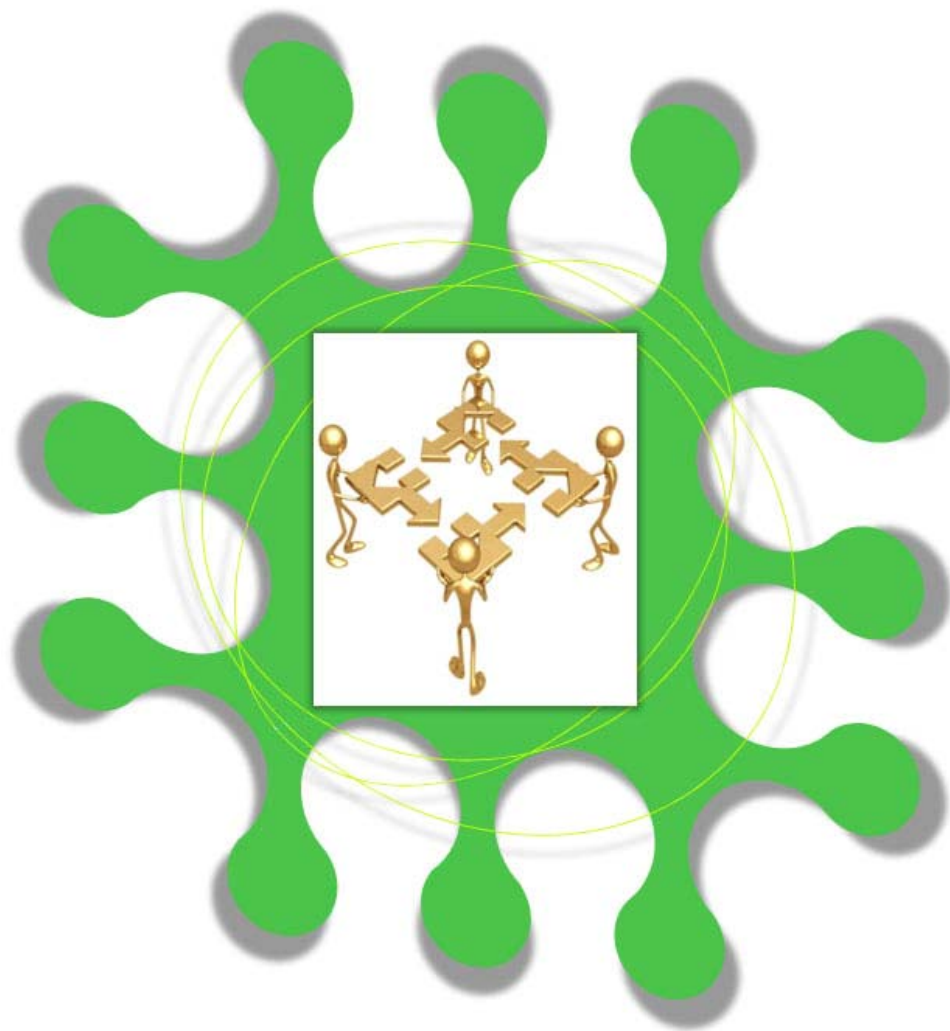
divorcing environment from trade, security and so forth.

Connected to this issue is that of creating governance synergies: simultaneous joint action at the sub-regional or regional level on programs, projects, and issue-areas of concern to multiple groups. Tailoring these efforts to each sub-region or State's particular needs while working in collaboration with other regional actors creates opportunities for more effective environmental work. An additional note on this process is an important criticism leveled by one sub-region, which reveals the limitations of both the international system and a siloed approach to global issues (i.e. trade, development, environment etc). The group pointed out that the UN definition of 'environment' is considered extremely limited and inadequate by many indigenous groups. This underscores both the need to mainstream environmental issues, and to think outside the Western perspective in order to achieve more holistic, balanced international governance.

2.2.4 Regional Challenges

Governance challenges reflect the region's dynamic tension, and the multiplicity of environmental--and social--issues that must be addressed. A great deal of poverty persists across Asia and the Pacific. Many countries are industrializing at a break-neck speed. Some are beginning to feel the impacts of climate change and face the threat of losing their livelihoods, and possibly their lands. It is for these reasons that Asia-Pacific is so strongly focused on mainstreaming processes that recognize the interconnection between social equity and healthy ecological systems. It that a much greater emphasis on follow-through and integration is necessary for improved IEG processes in the Asia Pacific region and beyond.

Chapter III: IEG Reform Options



IEG Reform Options

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

- Strengthening UNEP;
- Establishing an "umbrella institution";
- Establishing an Environmental Security Council;
- Forming a World/Global Environmental Organization (WEO/GEO);
- Founding a United Nations Environmental Organization (UNEO);
- Clustering MEAs;
- Reforming the World Trade Organization (WTO);
- Establishing public policy networks;
- Global environmental mechanisms.

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

3.1.0 Strengthening the United Nations Environment Programme

Though UNEP's role as the world's chief environmental institution was reaffirmed by the 1997 Nairobi Declaration, inadequacies remain. "The international environmental regime is dogged by the lack of political will to resolve environmental problems and to follow a policy for the sustainable use of the earth's resources. This has led to fragmentation, limited financial resources, poor enforcement of multilateral environmental agreements, as well as an imbalance between international environmental governance and other international trade and financial regimes."³⁹

In light of these issues, Tarasofsky (among others) has suggested particular reforms to UNEP. In his paper *International Environmental Governance: Strengthening UNEP*, he calls for reform of the Global Ministerial Environment Forum (GMEF) and enhancing:⁴⁰

- Synergies among MEAs;
- Coordination of environmental activities;
- Civil society participation;
- Financing structures;
- Linkages between UNEP and the GEF.

Participants at the 2005 World Summit agreed to "explore the possibility of a more coherent institutional framework to address this need, including a more integrated structure, building existing institutions and internationally agreed instruments, as well as the treaty bodies and the specialized agencies."⁴¹ This directive, outlined in paragraph 169ⁱⁱⁱ of the Outcomes Document and known within IEG circles as "para 169," which initiated a two-year informal process in the General Assembly under the Swiss and Mexican Ambassadors. The "Building Blocks" outlined in the resultant document were viewed by many as an excellent set of suggestions on the way forward for IEG. Similar feedback emerged more recently from the Brazilian Forum on NGOs and Social Movements for Environment and Development

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

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

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

(FBOMS). A compilation of major group proposals responding to the Swiss and Mexican Ambassadors' Building Blocks was put together by a coalition of FBOMS, the Northern Alliance for Sustainability (ANPED), Stakeholder Forum, and the United Nations non-governmental liaison service (UN NGLS).

This coalition broke areas that require attention into nine potential 'building blocks'. These include:

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

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

3.1.1 An Umbrella Institution

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

- Articulate environmental concerns and sustainable development in normative, cooperative, and financial dimensions;
- Assist with implementation, including, for example, technology transfer and dissemination of scientific knowledge per the 2005 Bali Strategic Plan;
- Build capacity for compliance with multilaterally agreed upon objectives.⁴²

The meeting opened the floor for Latin American NGOs to advocate for their concerns surrounding the IEG debate coordinated by FBOMS. Outcomes included an assertion by Latin American stakeholders that "Northern NGOs strongly dominate discussions on IEG thanks to better access to technical, human and financial resources."⁴³ The role of the WTO in undermining MEA effectiveness was also highlighted, as was the lack of fair finance mechanisms. Delegates asserted that the conditions attached to loans and credits have contributed to social exclusion and environmental degradation through macroeconomic policy adopted to gain access to loans.

Talks led to a consolidated view that IEG should progress within the context of "sustainable development and should involve civil society as important stakeholder and agent of transformation."⁴⁴

The conference called for a number of initiatives, such as:

- Strengthening UNEP;
- Improving MEA autonomy and strength;
- Increased civil society engagement;
- Capacity building for developing countries;
- Adequate financing mechanisms to be made available;

42 Marlborough House Statement on Reform of International Institutions. Online: <http://www.thecommonwealth.org>

43 *Brazilian Forum of NGOs and Social Movements for the Environment and Development*, 2006, Stakeholder Forum. Online: <http://www.stakeholderforum.org/policy/ieg/SubmissionsToThePanel/BRAZILIANFORUMOFNGOS.pdf>

44 *Brazilian Forum of NGOs and Social Movements for the Environment and Development*, 2006.

- Embracing cross-ministerial approaches;
- More regional cooperation;
- Increased public participation.

3.1.2 Environmental Security Council

Calls to strengthen UNEP as an anchor institution were made following Nairobi Declaration in 1997 recalling goals set out following UNCED, 1992 and Rio +5. This same declaration also expressed a need for an institution capable of imposing sanctions. Some have suggested the establishment of an Environmental Security Council to address this deficit. The idea was initially proposed by Maurice Strong and the New Zealand government in the run-up to the Rio Earth Summit, and reinforced by the Commission on Global Governance in 1995. As pointed out by Esty and Ivanova, "currently no environmental organization possesses such an authority, and no dispute settlement mechanism for environmental matters exists."⁴⁵

An Environmental Security Council would not possess powers similar to that of the United Nations Security Council. Rather, its core functions would include:

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

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

3.1.3 World/Global Environmental Organization

Due to the inefficiencies and identified dysfunctions in the current IEG system, a number of leading politicians⁴⁶ have proposed the creation of a World (or Global) Environmental Organization. The proposed development of a WEO/GEO model have been discussed widely and acknowledged from a variety of stakeholders. The arguments in support of a WEO/GEO model are as follows as noted by Esty & Ivanova:⁴⁷

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

45 Esty, D., and Ivanova, M., 2002, Revitalizing *Global Environmental Governance: A Function Driven Approach*, *Global Environmental Governance: Options and Opportunities*, Esty, D. and Ivanova, M., eds., Yale School of Forestry and Environmental Studies, New Haven.

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

47 Esty, D. and Ivanova, M., 2002.

The WEO (or GEO) would have scientific, regulatory and political functions, and differing economic functions.⁴⁸

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

Table 1: Hoare & Tarasofsky 2007, p24.

48 Please refer to Table 1

3.1.4 United Nations Environmental Organization

Whether UNEP's mandate and authority are sufficiently robust to create significant positive environmental performance has been increasingly questioned in recent years, leading to calls for the establishment of a new anchor institution, the United Nations Environmental Organization (UNEO). Justification for the UNEO stems from the need for greater visibility, status, independence, authority, and funding for international environmental governance, which UNEP lacks as an organization.⁴⁹

The UNEO as proposed would be similar in function to a WEO/GEO with regard to science, economic, and regulatory functions. It would be formed not from 'scratch', but by upgrading UNEP itself. The core elements of the UNEO proposal as developed by the French Government are as follows:⁵⁰

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

Based on informal working discussion led by France from 2004, a UNEO would likely increase government coherence, help address the needs of developing countries, and address financing and institutional issues, as well as strengthen coherence within the United Nations itself. For instance, "it could strengthen its cooperation with UNDP in line with the Memorandum of Understanding (MoU) signed between UNEP and UNDP."⁵¹ Moreover, such an arrangement could be used to develop partnerships with other organizations such as the World Bank.

It has been suggested that civil society might also have a strengthened role in this process through, for example, the creation of the "Friends of the Group of Friends of the UNEO," a civil society group lending their support to "Friends of the UNEO."⁵² The UNEO proposal is at present being reviewed by the French Government in light of the election of President Sarkozy and the present General Assembly impasse over the Mexican and Swiss Ambassadors proposals. At the UNEP GC in 2007 major groups endorsed a non-binding call for a UNEO in preparation for the GC IEG round Tables. It must be noted that "there is no consensus among civil society organizations regarding a specialized agency for the environment. Many feel that more work needs to be done, as the proposals for a specialized agency are underdeveloped and not clear, and feel in that context it is premature to announce views on the proposal."⁵³ Still, the UNEO proposal is a strong reform option in the IEG debate and worthy of discussion.⁵⁴

3.1.5 A Global Environmental Mechanism

Calls for a new governance approach which focuses on delivering functions at a global level have also generated the demand for a Global Environmental Mechanism (GEM). Advocates of this new system

49 Hoare, A. and Tarasofsky, R., eds., 2007, *International Environmental Governance Report of the Chatham House Workshop, 26 - 27 July*.

50 French Non-Papers, 2008, Transforming the United Nations Environment Program (UNEP) into a United Nations Environment Organization (UNEO), France Diplomatie. Online: <http://www.diplomatie.gouv.fr>

51 French Non-Papers, 2008.

52 Stakeholder Forum, 2007, UNEO: A Champion for the Environment in the 21st Century, but what role for Stakeholders? Online: <http://ieg.stakeholderforum.org/>

53 Stakeholder Forum for a Sustainable Future, Brazilian Forum of NGOs and Social Movements for Environment and Development, Northern Alliance for Sustainability, and the UN Non-Governmental Liaison Service, 2007, Options for Strengthening the Environmental Pillar of Sustainable Development: Compilation of Civil Society Proposals on the Institutional Framework for the United Nations' Environmental Activities, September. Online: <http://www.stakeholderforum.org/index.php?id=governpaper>

54 See: Stakeholder Forum, 2007; French Non-Papers 2008.

state that "no single bureaucratic structure can build an internal organization with the requisite knowledge and expertise to address the wide ranging, dynamic, and interconnected problems we now face."⁵⁵ The suggested core capacities of a new GEM would be:

- The provision of adequate information and analysis to characterize problems, track trends, and identify interests;
- Creation of a 'policy space' for environmental negotiation and bargaining, sustained build up of capacity for addressing issues of agreed-upon concern and significance.⁵⁶

In relation to the proposed work functions that a GEM would possess, a number have been emphasized including:⁵⁷

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

3.1.6 Clustering Multilateral Environmental Agreements

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

Von Moltke, among others, has called for consolidating MEAs into thematic groups, noting that "structural differences exist between many environmental problems, thus requiring separate institutional responses" and emphasizing that "the need for integration of overlapping international regimes is undeniable."⁵⁸ Thematic areas identified include:⁵⁹

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

Strategically, calls from the 24th Session of the UNEP GC/GMEF in 2007 called for specific approaches (not the consensus view) for clustering MEAs, including:⁶⁰

- Joint secretariat functions;
- Joint meetings of the bureaus within a cluster;
- Joint meetings of the heads of the scientific and technical committees within a cluster and, where relevant, between clusters;

55 Esty, D., and Ivanova, M., 2005, *Environment: The Path of Global Environmental Governance*, p.65, [Governance for Sustainable Development: A Foundation for the Future](#), Ayre, G. and Callaway, R., eds, Earthscan, 2005, Washington DC.

56 Esty, D. and Ivanova, M., 2002, p.4.

57 Esty, D. and Ivanova, M., 2002, p.6.

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

59 Dodds, F., Briefing Paper.

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

- Appointment of an overall head of each cluster;
- Introduction of knowledge-management within and between clusters;
- Agreement on a methodological framework of indicators for measuring enforcement and compliance.

The outcome of such a reform option would serve to develop a cohesive global model in response to the aforementioned failures to work collaboratively towards a single goal.

3.1.7 Reforming the World Trade Organization

Reformation of the WTO is based on the idea of a 'one pillar' system. Trade and environment have been traditionally divided into separate pillars. According to Calderin, "environmental issues ... are better served under a one-pillar concept, with the WTO as the sole column."⁶¹ This approach involves extending the WTO's mandate to fully encompass environmental governance. The proposal asserts that:

- Effective governance issues lie on the economic, not the environmental, front;
- The WTO's mandate already extends to environmental issues;
- "All aspects of human activity—including trade, investment—affect the environment," and, as such, all organizations should implement environmental principles into their structure;⁶²
- The WTO is better resourced to govern environmental issues.

This issue is extremely contentious, however. Many argue that the WTO is insufficient to effectively deal with the state of the environment. "A greener WTO" states one paper, "is in no way compatible with a systematic effort at improving the global environmental governance system."⁶³ Also, the assertion that environmental protection is completely dependent on economic and not social or ecological issues, as stated by Calderin and other proponents of this reform, meets with opposition from many quarters.

3.1.8 Global Public Policy Networks

Both policy makers and academics argue that too many constraints and mechanisms inhibit performance of the IEG system. The establishment of public policy networks, both bureaucratic and scientific, are proposed as viable tools for decision-making and delivery of results.⁶⁴ These networks would incorporate the public, government, and civil society groups in order to find holistic solutions to complex problems.⁶⁵ Streck asserts that in order to for global public policy networks (GPPN) to be successful, they must embody a number of qualities. For instance, there is a need for a diversity of cultures and stakeholders. The qualities of openness, flexibility, and efficiency in issues identification, outlining visions and options, creating action plans, and launching a concrete plan for their attainment are also central to successful GPPNs. Functions of a new global public policy network might include⁶⁶:

- Agenda setting;
- Standard setting;

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

62 Hoare & Tarasofsky, 2007.

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

64 Speth, J. and Haas, P., *Global Environmental Governance: Foundations of Contemporary Environmental Study*, Island Press, Washington DC, 2006.

65 Streck, C., 2002, *Global Public Policy Networks as Coalitions for Change*, Global Environmental Governance: Options and Opportunities, Esty, D. and Ivanova, M., eds., Yale School of Forestry and Environmental Studies, New Haven; Howlett, M., 2000, "Managing the 'Hollow State': Procedural Policy Instruments and Modern Governance," *Canadian Public Administration*, Vol.43, No.4, pp412-431.

66 Streck, C., 2002.

- Generating and disseminating knowledge;
- Balancing institutional effectiveness;
- Providing innovative implementation mechanisms.

For example, this year at CSD a GPPN brought together the UN, governments, and major groups for discussions on water and water management. This particular network was managed by the Stockholm International Water Institute and Stakeholder Forum, and had on its steering committee UN Water, five governments--two of which represent developing countries--from the CSD Bureau, and stakeholders. It played a significant role in helping governments prepare for the CSD discussion on water and sanitation.

While useful and popular, these networks are also widely considered complementary, rather than exclusive, solutions. As noted at the July 2007 Chatham House Workshop, "effective and efficient operation of public policy networks requires the existence of an institutional hub."⁶⁷

Recommendations for IEG Reform in Asia and the Pacific

After exploring the history of International Environmental Governance, debating the challenges most relevant to Asia and the Pacific, and engaging on issues of globalization, poverty, ecosystem management, chemical and hazardous substances, and climate change within the context of the region, the role of civil society, and IEG, a number of recommendations for IEG strengthening have been developed for the region.

In addition to those proposals formalized in the *Asia and Pacific Civil Society Statement 2009*, which includes equitable CSO representation in IEG processes, a role for civil society in decision-making, and improved resource distribution, a number of consensus ideas emerged from break-out sessions and informal discussion. Widespread support exists for further initiatives including:

- Thematic clustering of MEAs,
- Development of public policy networks with a focus on building a sense of shared identity across the region,
- Strengthening UNEP with particular attention to coordinating and collaborating duties.
- The establishment of an effective and dynamic civil society platform for the region.

Participants also lent strong support to the notion of strengthening the voice of the environment in the UN, be it through UNEP reform or the establishment of a UNEO, to ensure ecological impacts and concerns are addressed in all proposals, discussions, and decisions.

Other recommendations are elaborated on below.

3.2.0 Mainstreaming

As presented in the Chapter II, the notion of mainstreaming environmental concerns into all areas of governance, and of both acknowledging and exploring the deep interlinkages between social and ecological issues, is considered essential to effective IEG reform. Given the high rates of poverty and degree of socio-economic disparity in many of the region's countries, an interest in addressing the deep --though often indirect and unexplored-- interconnections between poverty, inequity, and environmental quality have been raised. In a world where the richest 20% of the world's people exploit 80% of the

⁶⁷ Hoare & Tarasofsky, 2007.

earth's resources, and in a region on the front lines of the repercussions, this connectivity cannot be ignored. Addressing these issues collectively in terms of distributive and procedural justice will have positive impacts on earth's ecological integrity. As a result, the call for CSO cohesion and partnerships among civil society have been called for at a regional and sub-regional level. Such a move would move to have the effect of building civil society partnerships with UNEP and develop their role in IEG for the future.

3.2.1 Building Capacity and Grassroots Engagement

Several steps could be taken towards building capacity for CSO's in Asia Pacific including implementation of the Bali Strategic Plan and clustering of MEA's. A call for a stronger focus on youth engagement and expansion of youth initiatives has been a prominent discussion point. Improved education and awareness initiatives formulated at the grassroots or State level, and coordinated by CSOs in partnership with UNEP, were also suggested as a means to increase capacity. The necessity of more funding and IEG streamlining was once again emphasized in this context.

3.2.2 The Role of Civil Society

An increased role for civil society, preferably as an equal stakeholder in decision-making processes, is also considered important to effective IEG, particularly given the changing roles of States and the increasingly global nature of ecological crises, and their causes. Recommendations have included that civil society's role be formalized in the international system via a collaboratively developed United Nations mandate for civil society. Such an initiative could possibly come from the creation of a strong civil society platform for the region to organize, formalize and mainstream the CSO voice. This would legitimize civil society groups and the role they play in governance processes, creating space for increased responsibilities and a greater role in international deliberations.

Proposal coming from the region include the establishment of two new networks for Asia and the Pacific. One proposal, is the Asia and Pacific CSOs Network (APCSON), to be based in the Republic of Kazakhstan. This organization would:

- Prepare proposals and action plans in concert with UNEP;
- Create an Internet-based regional communication mechanism;
- Do preparatory work for the 2010 Asia-Pacific Environmental Ministers Conference.

Objectives include:

- Addressing regional issues;
- Harmonizing and establishing grounds for cooperation "between the East and the West";
- Developing common approaches to environmental efforts; and
- Supporting joint efforts towards achieving sustainable development.

A second, more informal network utilizing the social networking website *Facebook* was also proposed and has since been initiated. This group aims to engage civil society members across the region, encourage and maintain informal connections, and to provide a forum for rapid information exchange and lively debate made available by the dawning of the information age.

Educators have also been suggested as an a tenth major group given the enormous importance of education in tackling environmental issues. It was noted that failure to include educators as a major group was a tremendous oversight at the Stockholm meet. Further strengthening of civil society's role in IEG will be elaborated upon in the following chapter.

Chapter IV: Strengthening Civil Society Participation



Strengthening Civil Society Participation

4.1.0 The Role of Civil Society in IEG Reform

Civil society, inclusive of indigenous peoples, women, children and youth, NGOs, local government, workers and trade unions, farmers, business and industry, and the scientific community, plays a significant role in IEG processes. These groups and the organizations that represent them do vital work creating public awareness, driving initiatives, and implementing policies on the ground that have been developed at the global and regional levels.

Civil society represents an important stakeholder group, not only because it works so hard to affect environmental change, but also because its membership populates the citizenry of every nation. While individual groups cannot and do not claim to represent all peoples, it can be argued that civil society in many ways represents the voice of the people. As such, civil society is a necessary complement to political representation. These groups deserve a clear voice in the governance processes they affect and by which they are affected.

At present, civil society organizations serve the following functions in IEG:⁶⁸

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

4.1.1 Options for Increased Civil Society Engagement

While these contributions are extremely valuable, civil society is capable of much more. An improved system of environmental governance must utilize this renewable resource to increase its effectiveness and legitimize itself. A great many suggestions for increasing civil society participation in the process have been proposed. General measures include:⁶⁹

- Wider use of the commission model⁷⁰ for long-term, substantive involvement of civil society in global policymaking;
- Development of standards for participation and engagement in those processes;
- Assistance in developing NGO networks;
- Creation of comprehensive information databases in multiple geographic and political arenas;
- Increasing public involvement in issue-spotting, assessment, and monitoring;
- Increased support for knowledge-generating institutions in developing countries.

More specific measures have also been outlined. In his *Two Centuries of Participation: NGOs and International Governance*, for instance, Charnovitz proposes:

- Inclusion of NGOs as advisors in national delegations to international/regional conferences

68 Gemmill, B., and Bamidele-Izu, A., 2002, *The Role of NGOs and Civil Society in Global Environmental Governance*, in Global Environmental Governance: Options and Opportunities, Esty, D. and Ivanova, M., eds. Yale School of Forestry and Environmental Studies, New Haven.; Charnovitz, 1997.

69 Gemmill, B. and Bamidele-Izu, A., 2002; see also sdissues.net

70 For example, the World Commission on Dams. Establishment of multi-stakeholder commissions is shown to yield more valuable information than short-term consultation.

- (e.g., the Cairo Population Conference in 1994);
- Civil society representation in negotiations (e.g., industry and trade unions participation in the International Labour Organization, the UNHIVAIDS Governing Board, or the UN Habitat Conference in 1996);
- Major group representation at and participation in semi-public international conference.

Further, Charnovitz proposes that international institutions such as UNEP and UNEP:

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

In addition, the full participation in decision-making processes at the global and regional levels has been called for. This step would give civil society a meaningful voice in international governance processes, providing peoples across the world another avenue by which to express their values and preferences with regard to the environment and environmental management. Such a shift in the international system has the potential to affect enormous change by:

- Increasing transparency by making policy space for special interests, thereby eliminating the perceived need for outside negotiations;
- Offering up unique and potential thought-provoking perspectives;
- Providing a much needed voice for marginalized and/or underrepresented peoples.

Granting full and equal participation to civil society, on par with governments, in international governance processes is a widely contested notion. States and their officials are intended to represent the polis--the citizenry--and their best interests, and state sovereignty is regarded as unquestionable. However, the shapes of governance and governments are changing rapidly. In a truly globalized world, it will be necessary for States and the international systems to redefine their relationships with civil society; it is also likely that understandings of sovereignty will have to evolve with new understandings of interconnectivity and its implications for human security and well being.

Current IEG Structures in Asia and the Pacific

4.2.0 Regional Overview

At present, there are mechanisms in place at both a regional and sub-regional perspective than can serve to promote CSO participation within the IEG framework. From a regional perspective, civil society has the opportunity to participate in the *Asia Pacific Ministerial Conference on Environment and Development (MCED)* which is organized by UNESCAP, UNDP, ADB and UNEP. The most recent UNESCAP MCED civil society forum meeting took place in Seoul, Republic of Korea in 2005 and served as a platform to discuss "*Sustainable Consumption and Production and the Role of Civil Society*". Such a conference would serve as a strong building block to equitable civil society

engagement within the region. The next MCED is scheduled to take place in Kazakhstan in 2010. UNEP brings together Ministerial level representatives and eminent personalities representing civil society from all five sub-regions of the Asia Pacific region on annual basis for the Sub-regional Environmental Policy Dialogue (SEPD). This platform provides a useful mechanism for promoting civil society engagement in the region.

The UNEP cycle in appreciation of the value of civil society participation has developed a number of Regional Civil Society Forums which are held across the globe to consult with CSOs on UNEPs program of work. In addition the Eco Peace Leadership Center (EPLC) situated in the RoK is currently aiming to facilitate civil society engagement for the Asia Pacific region as a whole. These two initiatives combined with the UNESCAP MCED provide a strong platform for civil society engagement for the future.

There are also sub-regional mechanisms that provide platforms for civil society engagement in the Asia Pacific region:

4.2.1 Pacific

The South Pacific Regional Environmental Program (SPREP) hosts an Annual Ministerial Meeting, the most recent being held in Micronesia in 2008. These meetings serve to discuss and approve the programmes of work being affecting a number of CSOs in the region which can be broken down into two areas: the Islands Ecosystems and the Pacific Futures. The Pacific Islands Forum (PIF) serves as a civil society forum addressing island policy issues within the Ministerial Context. The Council of Regional Organizations of the Pacific (CROP) also serves as a governance mechanism in the Pacific by facilitating coordination of ten major organizations in the sub region. It is important to note however that these mechanisms do not cover entirety of CSO issues and several gaps must be filled in order to develop an effective IEG CSO platform in the future.

4.2.2 South East Asia

The Association of South East Asian Nations (ASEAN) serves as an example of sub-regional Environmental Governance for South East Asia. For example, whilst fires were ablaze in Singapore and Malaysia in 1997 a huge mass of haze developed which exacerbated air pollution both countries. In response, Environmental Ministers of the *Association of Southeast Asian Nations (ASEAN)* met later that year to create an agreement on Haze which resulted in the lessening of the problem by the following 1998. Such an example of governance in response to environmental concerns can be developed and become part of a larger framework to develop a working IEG mechanism for the region. There has been an attempt by the ASEAN Secretariat to set up a sub-regional civil society alliance on environmental cooperation, when a meeting for civil society representatives was organized in Malaysia in 2007.

4.2.3 South Asia

From the South Asia lens, the South Asia Cooperative Environment Programme (SACEP) is a mechanism which can facilitate initial IEG development. SACEP is an intergovernmental organization aimed at supporting dialogue and cooperation between stakeholders in a variety of areas including waste management, climate change and data management. UNEP recently signed a MoU with the South Asian Association for Regional Cooperation (SAARC) on enhancing environmental

partnerships, which could provide space for civil society engagement.

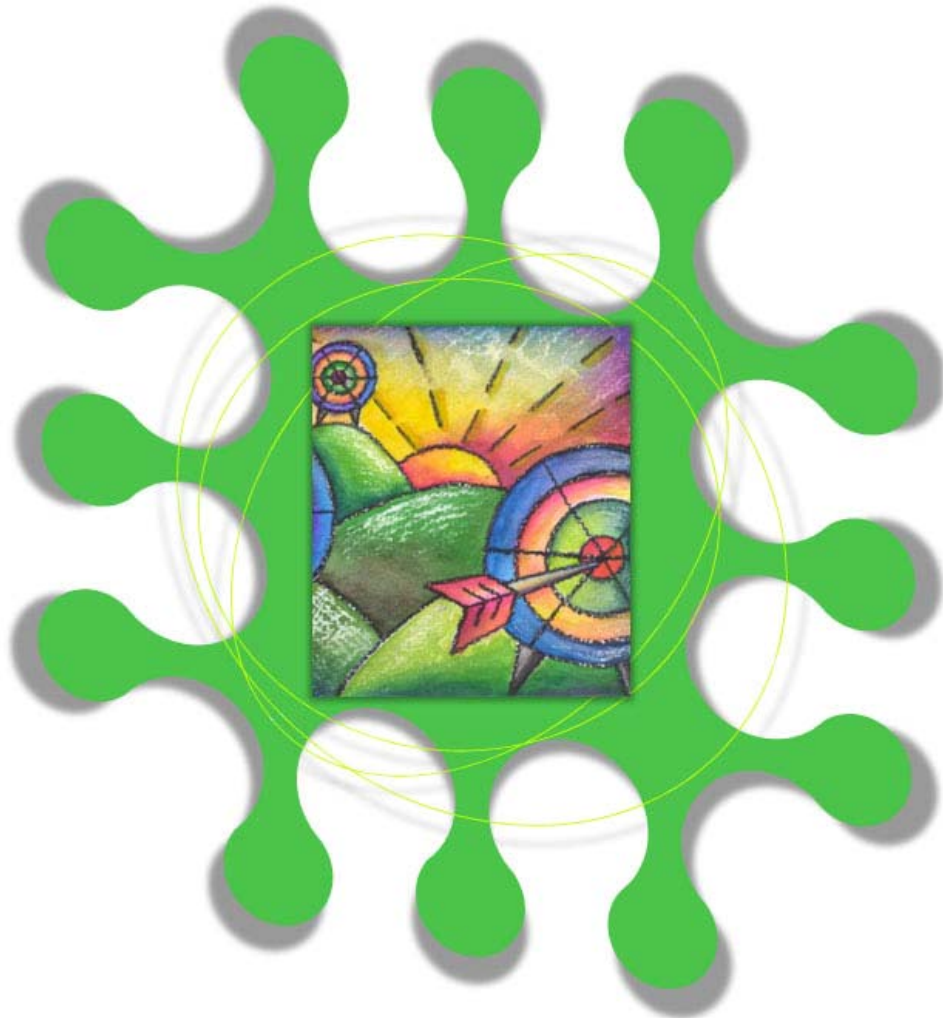
4.2.4 Central Asia

The Central Asian sub-region has the *Interstate Sustainable Development Commission (ISDC)* as possible mechanism for strengthening IEG. The ISDC works on integration on a number of matters including water and through its sustainable development orientation, it may facilitate civil society engagement further in the future. Currently a Public Council comprising NGOs and civil society, as well as the Central Asia Youth and Environment Network meet in conjunction with the ISDG Ministerial Meetings. As a result, this mechanism serves as potential launch pad for CSO's in the sub region.

4.2.5 North East Asia

The North East Asian Sub-Region hosts the Tripartite Environment Ministers Meeting (TEMM), which was most recently held in the Republic of Korea in 2008. The TEMM provides a platform for environment ministers to exchange views on environmental matters and how to promote environmental cooperation. Such a framework can be applied to the IEG concept and the inclusion of CSO's into this vision.

Chapter V: The Way Forward: A Vision for the Asia-Pacific



The way forward: A vision for Asia and the Pacific

5.1.0 A Vision for Asia and the Pacific

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

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

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

As the largest and, arguably, most diverse of the six geographic regions, the Asia-Pacific is uniquely situated to catalyze norm-setting and create meaningful networks in IEG. By empowering civil society groups and promoting cooperation in the region, Asia and the Pacific stand to inspire effective environmental governance at the global level and affect meaningful, lasting change. Regional and sub-regional networks, an increased role for civil society in decision-making, streamlining of IEG to minimize reporting burdens while maximizing impacts, and the mainstreaming of environmental issues into national and international governance processes are all steps in achieving this future.

In the context of the Sydney IEG Forum, civil society representatives from extraordinarily diverse States and backgrounds united in their vision of a clean and just Asia-Pacific. They envisaged a region of 100,000 villages, where each unique voice, culture and perspective might find a place to be heard, where diverse stakeholders work together on equal terms to achieve environmental sustainability, where international agreements are capable of addressing the peculiarities of local issues, and where environmental and social issues are fully integrated to provide the region's people with a clean environment, a healthy community, and a "fair go."

Appendix 1: International Environmental Governance: A Timeline

Governance	Civil Society/Public
	1700s--Industrial Revolution begins 1794--William Blake's <i>The Tyger</i> published in his "Songs of Experience"
Convention on the Rhine (first MEA)--1868 First National Park (Yellowstone)--1872	1854--Henry David Thoreau's <i>Walden</i>
	1952--Winter smog kills thousands/London
Stockholm Conference; UNEP established --1972 CITES--1973	1962--Rachel Carson's <i>Silent Spring</i> 1968--Paul Ehrlich's <i>Population Bomb</i> 1972--Club of Rome's <i>Limits to Growth</i>
Stockholm +10; Montevideo Declaration ^{iv} --1982 Brundtland Commission established--1983	1984--Bhopal disaster
Montreal Protocol--1987 IPCC established--1988 Basel Convention--1989 Rio Earth Summit--1992 (Agenda 21, Rio Declaration, Convention on Biological Diversity, GEF established)	1987-- <i>Our Common Future</i> released
Kyoto Protocol; Rio +5 & establishment of CSD; UNEP publishes first <i>Global Environmental Outlook</i> --1997	1990s--the "green movement" continues to build across the developed & developing world
Cartagena Protocol on Biosafety--2000 World Summit on Sustainable Development, Johannesburg--2002	2000s--Carbon offset efforts begin; triple-bottom-line popularised in business and industry
The Bali Strategic Plan--2005	
Fourth IPCC Assessment Report --2007	2006--Al Gore's <i>An Inconvenient Truth</i> 2007--Fabled North-West passage opens as arctic sea ice melts
Donista Declaration, San Sebastian, Spain 13 - 14 November 2008	
United Nations Climate Change Conference, Poznań, Poland, 1 - 12 December 2008	

Appendix 2: IEG Frameworks in Asia and the Pacific

Asia Pacific

Asia Pacific Ministerial Conference on Environmental and Development (MCED) organized by the United Nations Economic and Social Commission for Asia and the Pacific (UNESCAP), UNDP, ADB, UNEP.

Sub regional Environmental Policy Dialogue (SEPD).

EcoPeace Leadership Center (EPLC)

Pacific

The Secretariat of the Pacific Regional Environmental Programme (SPREP)

The Council of Regional Organizations of the Pacific (CROP)

South Asia

South Asia Cooperative Environment Programme (SACEP)

South Asia Association for Regional Cooperation (SAARC)

International Center for Integrated Mountain Development (ICIMOD)

South East Asia

The Association of South East Asian Nations (ASEAN)

Central Asia

ISDC Interstate Sustainable Development Commission

North East Asia

Tripartite Environment Ministers Meeting (TEMM)

North-East Asia Sub-Regional Programme on Environmental Cooperation (NEASPEC)

UNEP-Tongji University Institute of Environment for Sustainable Development (IESD)

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i Please see the *Regional Challenges* portion of this document, as well as the *Donista Declaration*, for more information.

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

iii The section entitled Environmental Activities reads as follows:

"Recognizing the need for more efficient environmental activities in the United Nations system, with enhanced coordination, improved policy advice and guidance, strengthened scientific knowledge, assessment and cooperation, better treaty compliance, while respecting the legal autonomy of the treaties, and better integration of environmental activities in the broader sustainable development framework at the operational level, including through capacity building, we agree to explore the possibility of a more coherent institutional framework to address this need, including a more integrated structure, building on existing institutions and internationally agreed instruments, as well as the treaty bodies and the specialized agencies".

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