Multi-lateral environment agreements: talk shops or drivers for sustainability?
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Key question:

- How can the MEA system be made more coherent and effective?
- We will introduce the problem and give some examples
- A range of reform options will be presented
- We look forward to discussion on the best ways forward
Types of international environmental governance

1. International institutions, including treaties (legal / regulatory measures).
2. Voluntary measures, eg. “Johannesburg Type II” agreements, voluntary standards
3. Market based measures, eg. corporate partnerships, certification schemes

> This presentation focuses on international regulatory institutions (1)
There are some 500 international treaties and agreements on the environment, including 300 that are regional in nature – “treaty congestion”

Major new ones from 1992 Rio Earth Summit (CBD, UNFCCC), but many more.

MEAs at the bilateral to global scales

Proliferation of MEAs – a strength or weakness?

Each MEA is owned and can only be changed by its member states

Earth systems are complex and the governance of such systems is equally complex
'Spaghetti Bowl' of trade agreements in the Americas (from Alter and Meunier, 2009, 13)
Roles of MEAs

Purposes:
- Establish common and evolving standards
- Govern the global commons (eg. atmosphere, seas)
- Share information on better practices.

Since the World Conservation Strategy, a proposed link between environment and sustainable development has been considered essential.

Some examples ...
Ramsar Convention on Wetlands

- The Convention on Wetlands of International Importance especially as Waterfowl Habitat, Ramsar, Iran, 1971 (Ramsar is not an acronym!)
- [www.ramsar.org](http://www.ramsar.org)
- First of the modern global intergovernmental treaties on the conservation and sustainable use of natural resources, only biome focused convention?
- Uniquely focusing on a specific type of ecosystem: wetlands
- Not a UN treaty, IUCN host the secretariat
- 158 Contracting Parties
- Framework in style, elaborated through resolutions
- Pillars: wise use of all wetlands, sites of importance, collaboration
- A 1992 UN Convention, 191 parties (US not Party)
- Ecosystem approach “is a strategy for the integrated management of land, water and living resources that promotes conservation and sustainable use in an equitable way”
- 7 thematic programs: e.g., Forest Biodiversity
- 18 Cross-cutting issues: e.g., Climate Change and Biological Diversity
- 6 Mechanisms: e.g., Cooperation and Partnerships (e.g., JLG, BLG)
  - “the Ramsar Convention acts as the lead partner for wetlands in implementing the CBD” – joint work plan
- AHTEG on Biodiversity and Climate Change (technical reports on the interlinkages between BD and CC)
- CBD submissions on REDD to the UNFCCC
UN Framework Convention on Climate Change

- 1992 - 2009
- Framework – Protocol Model
- Common but differentiated responsibilities
- Historical Responsibility
- Financial and Technical Support
Success in MEA implementation – UNFCCC?

- What have we achieved on emissions reduction and low-carbon development?
- A pollution specific treaty, development on the margins
- Climate change driven by growth and development, but the response only on environment per se
- An integrated approach needed, but confusion on what integration really means
- Glass half-full
Success in MEA implementation – Ramsar?

- Many initiatives, often proposed by NGOs
- Vast numbers of sites: 1,867, 184 million hectares
- Management: 2002 national reports – 40% had plans, 20% had plans in preparation
- Many development proposals abandoned
- Regional initiatives
- National wetlands strategies and investment
- National wetland committees
- Influence other MEAs & multilateral processes

But limited implementation in many countries, limited enforcement mechanisms
Problems experienced within MEAs

- Reinventing the wheel (eg. environmental assessment, )
- Overwhelming scope of action (eg. CBD)
- Deadlock on key issues (eg. climate change)
- Limited NGO roles (UN conventions)
- Buck passing (eg. climate change and Ramsar)
- Lack of effective monitoring (eg. CBD)
- Limited enforcement mechanisms (all?)
- Limited funding (eg. Ramsar)

“Germany too poor to pay”, CoP8. © ENB.
Problems experienced between MEAs

- Some MEAs appear to be ‘duds’
- Lacklustre MEAs fail to deliver sustainable development benefits as well as conservation?
- Gaps between mandates (eg. aquifers, forests)
- Perverse outcomes (eg. UNFCCC and hydropower)
- Different commitments on the same issue by the same governments (eg. on freshwater under UNFCCC and Ramsar)
- Lack of integrated national implementation
Silos

UN GA

UN CSD, UNEP?

UNFCCC

CBD

Gaps?
Problems defined by France (2006)

- Many conventions with their own structures (secretariat, budget and agenda for cooperation) and rules.
- Geographic scattering of secretariats and administrative distance.
- Other sectors (forests, water, chemicals) without treaties are giving rise to regular meetings of “forums”, such as the World Water Forum and the United Nations Forum on Forests (UNFF).
- Conflicting mandate of the UN Commission for Sustainable Development
- Separation of funding administration through the Global Environment Facility (by the World Bank)

Example: freshwater biodiversity and likely future hydropower

Percent of hydropower potential that has been developed (from International Hydropower Association)

Slide source: TNC

From IUCN Water Resources eAtlas
Clean Development Mechanism (CDM):

- Credits sought for 828 hydropower project, 26% of all projects as at April 2008
- Main locations: China, India, Brazil
- Main CER buyers: UK, Netherlands, Germany, Japan
- Standards: World Commission on Dams recommendations rarely applied
- Additionality: Three-quarters already operating when registered

Multilateral environmental agreements & the hydrological cycle

Direct impacts on the atmospheric ecosystem
Indirect impacts on terrestrial ecosystems
Indirect impacts on aquatic ecosystems
Indirect impacts on coastal marine ecosystem
Indirect impacts on subterranean ecosystems

"blue" water
"green" water

Source: H MacKay, Ramsar STRP

+ UN Watercourses Convention
+ Draft articles on transboundary aquifers
We report on and discuss the following options for reform of MEAs:

1. Minimalist reforms – better coordination
2. UN Environment Organization
3. A new hierarchy of MEAs
4. Redefining the perspective
5. Any other ideas?
Option 1: Minimalist measures

Being trialled and implemented now while grand reform debates continue:

- Better coordination
- Joint work plans
- Modules for implementation and reporting
- Integration of obligations “mountains to the sea”
- National administrative integration

More detailed examples …
a. Modular approaches to treaty implementation and reporting

- UNEP project on ‘Development of Issue Based Modules to Support the Coherent Implementation of Biodiversity Related Conventions,’ 2005 to 2007.

- “The objective of the project … is to facilitate the harmonized or coherent implementation of biodiversity related multilateral environmental.”

- “The project seeks to collate and organize in a logical fashion all convention related commitments and information on particular issues that are common,” to begin with: inland waters, invasive alien species, climate change and biodiversity, and sustainable use.”

- “Achieving such harmonized implementation is a difficult task … political support for coherent implementation of the modules ‘will depend on a range of factors going beyond what this tool can offer’.”

b. Mountains to the sea

“WWF is proposing that the Parties to the ... (CBD) develop and adopt a ‘mountains to the sea’ implementation plan to make national application of its thematic programmes of work simpler, and, through more integrated delivery, more cost-effective.”

“The proliferation of programmes of work under the CBD has created an institutional challenge for Parties: how to draw together these thematic programmes of work into one cohesive and integrated effort that crosses, and doesn’t segregate, biomes.”

“In the draft implementation plan ... the six CBD thematic programmes have been condensed from close to 100 pages ... to less than 50 pages without significant loss of content.”

More information:
c. Coordination of biodiversity-related conventions


Each of the biodiversity-related conventions works to implement actions at the national, regional and international level in order to reach shared goals of conservation and sustainable use. In meeting their objectives, the conventions have developed a number of complementary approaches (site, species, genetic resources and/or ecosystem-based) and operational tools (e.g., programmes of work, trade permits and certificates, multilateral system for access and benefit-sharing, regional agreements, site listings, funds).

Source: http://www.cbd.int/blg/
“UNEP is working closely with MEA Secretariats and the Parties to MEAs to identify synergies and interlinkages that offer opportunities for collaboration at both the national and international level. The ultimate aim is to bolster the efficiency and the effectiveness of the UN’s portfolio of environmental treaties and to ensure that they are mutually supportive in areas where cooperation can provide real benefits.”

Source: http://www.unep.org/dec/support/mdg_meeting_geneva.html
French proposal:

- “The creation of the United Nations Commission on Sustainable Development ... has competed quickly with UNEP ... in this field.”
- “The establishment of the Global Environment Facility (GEF) - placed under the joint supervision of the World Bank, UNDP (United Nations Development Programme) and UNEP (United Nations Environment Programme).”
- “The assessment of this division of the institutional framework in the area of the environment, which is detrimental to the actions coordinated by the States Parties, and the awareness of the growing power of the World Trade Organization (WTO), which could have resulted in the supremacy of business standards over environmental standards, have led [to the proposal by] President Jacques Chirac [for] the creation of ... the ONUE (Organization of the United Nations for the Environment).”
“Such an organization would reinforce the effectiveness and coherence of international environmental governance. It would pursue three objectives: give more political strength to international actions for the environment, to increase the coherence of international actions, and to make it possible for developing countries to build and implement their national environmental policies.”

Pluses: would centralize environmental initiatives globally, linking policy, funding and implementation; powerful enough to compete with economic agencies?

Drawbacks: a lot of institution building required, still requires political will.

Option 3: Creating a hierarchy of MEAs?

- MEAs enjoy equal validity in international law (but not politically)
  - No environmental principles with a *ius cogens* status (Boyle 2007)
- The Law of Treaties can only be partially be employed as a tool to solve conflicts between MEAs (Wolfrum and Matz 2003)
- Proposal for establishing overarching structures, e.g., “biosphere” and “atmosphere”, under which other agreements would sit
  - E.g., UNFCCC is not a constitution for the atmosphere or the global carbon cycle → it may have regime externalities (unintended consequences)
  - Climate is an emergent property of the Earth System as a whole → climate change policy integration at the national level has limited effectiveness → coordination at the global level required
The global carbon cycle: an example

- **Fragmentation** of the indivisible global environment
  - atmosphere (e.g., climate change), hydrosphere (e.g., water scarcity), lithosphere (e.g., desertification), and biosphere (e.g., loss of species)
  
- UNFCCC/KP aims to protect the **climate system**, which is “the totality of the atmosphere, hydrosphere, biosphere, and geosphere and their interactions.” UNFCCC art. 1(3)
- **Missing institutions for addressing interactive effects of global drivers**

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<thead>
<tr>
<th>Global drivers</th>
<th>Unwanted outcomes</th>
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<tr>
<td>Changed C/N cycles and rising atmospheric GHG concentration</td>
<td>Climate</td>
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<td>Increasing antibiotic resistance</td>
<td>Ecosystem</td>
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<td>Increasing connectivity (economic, social, ecological)</td>
<td>Human health</td>
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<td>Rising human numbers and urbanization</td>
<td>Economic</td>
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<td>Increasing per capita resource use</td>
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<td>Nuclear proliferation</td>
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<td>International terrorism</td>
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- **Note climate change is a symptom rather than a problem**

Earth seen as a linear system that can be easily controlled
A hierarchical system would create a framework that could address regulatory gaps and overlaps.

The principle of sustainability as a fundamental rule for protecting the Earth System integrity:

- The principle to be embraced in a constitution (like the UN Human Rights Declaration): e.g., Earth Charter, IUCN Draft Covenant on Environment and Development.

Overarching treaties for...?? A ‘holarchy’ of MEAs?

- Four subsystems: biosphere, hydrosphere, atmosphere, geosphere AND/OR
- Major biogeochemical cycles: carbon, nitrogen, phosphorous, etc. AND/OR
- Major biophysical processes: thermohaline circulation, etc. AND/OR
- Nine planetary boundaries (Rockstrom et al): climate change, ocean acidification, ozone depletion, N-P cycles, global freshwater use, land use change, biodiversity loss, atmospheric aerosol loading, chemical pollution.
Figure: Estimate of quantitative evolution of control variables for seven planetary boundaries from pre-industrial levels to the present. The inner (green) shaded nonagon represents the safe operating space with proposed boundary levels at its outer contour. The extent of the wedges for each boundary shows the estimate of current position of the control variable (see Table 2). Points show the estimated recent time trajectory (1950-present) of each control variable. Source: Rockström et al. Planetary boundaries: exploring the safe operating space for humanity. *Ecology and Society*, In Press 14th September 2009.
A key question that comes out is following an MEA – top down - approach beneficial for all environmental issues?

Should we always look at the issue from a global commons perspective?

How can we define environmental issues within the operational context of sustainable development?

Is there anything to be learnt from the human health approach - No multilateral treaty on health
But do treaties achieve fundamental change?

“The intergovernmental processes that constitute regimes are too closely allied with the forces that gave rise to the problems in the first place to produce real change” - Speth & Hass, 2006: *Global environmental governance.*

“Old conservation”? Voluntary and market based measures as an alternative?

Other ideas?
One last proposal ...

- UNEP: 100 “Governments [meeting this month] agreed that there was now an urgency to strengthen the link between science and policy so that the knowledge being generated by researchers across the globe gets turned into action by governments on the ground.”

- “There was strong support that an intergovernmental panel, [IPBES] similar to the one that has catalyzed political action on the issue of climate change, is now needed to galvanize a step change in respect to the management of biodiversity and ecosystems.”

- Needed reform or a biodiversity “me too?”

Would MEA coordination function carried out by a central authority (e.g., WEO/GEO/UNEP) effectively address the ocean acidification challenge?

Is it desirable to have another issue-specific treaty for ocean acidification?

Should we amend the existing treaties to address this interactive effect of global drivers?

Or do we need a different kind and/or system of MEAs?
Conclusions

1. Treaties are essential for raising environmental standards but implementation and governance has been shambolic
2. Contrasts markedly with economic institutions
3. Many reform proposals could make a difference
4. All depend on political will at the national scale
5. Linking policy to funding is key
6. Integration at the national scale required
7. Better monitoring and enforcement is needed