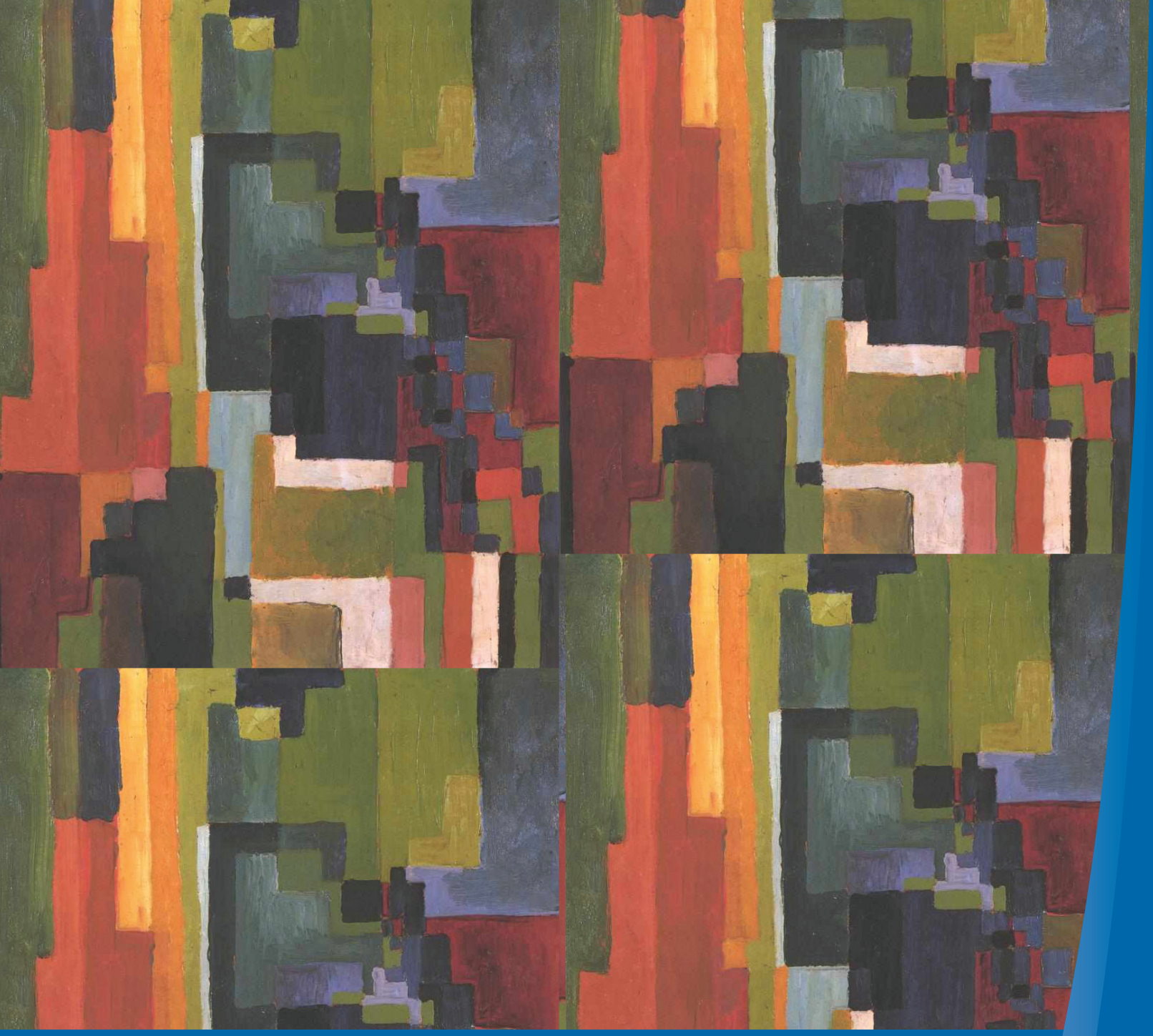

Workshop on International Environmental Governance: Grounding Policy Reform in Rigorous Analysis

Summary Report

CENTER FOR GOVERNANCE AND SUSTAINABILITY

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Bern, Switzerland

Workshop on International Environmental Governance: Grounding Policy Reform in Rigorous Analysis
June 27–28, 2011
Bern, Switzerland

Held at the World Trade Institute, University of Bern

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International Organization Representatives

- Bradnee Chambers, UNEP
- Achim Halpaap, UNITAR
- Tadanori Inomata, UN Joint Inspection Unit
- John Scanlon, CITES
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- Ruth Greenspan Bell, World Resources Institute
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- Mark Halle, IISD
- Bernice Lee, Chatham House
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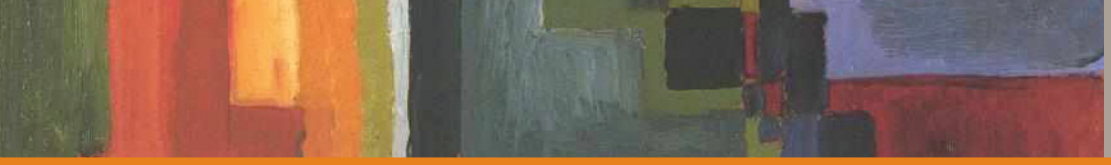


"The purpose of the workshop was to create a common language between academics and policymakers."

Overview

From June 27 to 28, 2011, the Federal Office for the Environment of Switzerland, the Global Environmental Governance Project of the Center for Governance and Sustainability at the University of Massachusetts Boston, and the World Trade Institute at the University of Bern hosted a workshop on International Environmental Governance: Grounding Policy Reform in Rigorous Analysis. The workshop started a dialogue between academics and researchers on one hand and policymakers on the other in order to provide analytical input to the political negotiations on institutional reform in the run-up to the UN Conference on Sustainable Development in 2012.

The workshop focused explicitly on international environmental governance, with the purpose to create a common language between academics and policymakers, develop a joint understanding of the critical concerns demanding further analysis and political action, and identify points of convergence. The immediate goals were to identify existing and generate new reform ideas, as well as to launch a long-term, focused research and policy network that could bridge analysis and action. The event took place at the World Trade Institute in Bern, Switzerland, and brought together 40 renowned academics, international organization representatives, think tank officers, and policymakers from 17 countries.

During the first day of the workshop, participants shared knowledge about current political and analytical developments, drew lessons from the history of environmental and trade governance, and discussed fundamental questions that remain to be addressed in both the academic and policy circles. The day was devoted to sharing knowledge and creating a common language and understanding among the distinct communities working on global environmental issues. Presenters included: Bradnee Chambers (Division of Environmental Law and Conventions, UNEP), Surendra Shrestha (Secretariat for the UN Conference on Sustainable Development), Thomas Cottier (World Trade Institute), Maria Ivanova (University of Massachusetts Boston), Oran Young (University of California Santa Barbara), Koh Kheng-Lian (University of Singapore), Robert Falkner (London School of Economics), Tadanori Inomata (United Nations Joint Inspection Unit), and Franz Perrez (Swiss Ambassador for Environment).

On the second day, participants worked in three groups, each comprising members from academia, governments, international organizations, and think tanks, and discussed the strengths and weaknesses of the current international environmental governance system, and the existing reform options. In particular, the groups considered the necessary conditions to increase authority within the environmental regime, to improve implementation, and to trigger the processes (political or otherwise) necessary to make progress and deliver results. The small groups were designed as a "free space," where everyone could discuss ideal outcomes without worrying about political constraints while knowing that the ideal will have to be adjusted for political realities. This report provides a summary of the findings and key ideas that emerged during the workshop. It also outlines an Action Agenda for research, policy, and outreach.

Seeking to further the analytical foundation for the policy debates, the group identified a demand for short, analytical publications and the organizing partners committed to producing a series of issue briefs. Further information about the workshop, the agenda, and materials can be found on the GEG Project website.[1]

[1] See www.environmentalgovernance.org/reform/academia-policy/berne-workshop-2011/.

Linking Scholarship and Practice

The formula of bringing together the research and the policy communities—academics, think tank officials, international organization representatives, and national government officials—produced some keen insights. Broad consensus emerged that the ultimate goal of the global governance system for environment and sustainable development was to solve environmental problems and to ensure human well-being within planetary limits. Participants also agreed on a set of fundamental challenges and specific impediments that hamper the effective attainment of that goal. Even though participants differed in their views on the responses and strategies most likely to lead to optimal results, opinions converged around a core set of necessary conditions for meaningful reform. Finally, while it was clear that all parties are pursuing the same goal of sustainable solutions to environmental challenges through reformed governance, the questions they ask and the methods and tools they employ differ considerably.

Policymakers operate on tight schedules and look for concrete solutions. Researchers often seek answers to fundamental questions and require time for analysis. The language that policymakers and academics employ also differs. For example, policymakers use 'international' environmental governance while academics emphasize the importance of 'global' environmental governance, a term which explicitly includes non-governmental actors. Policymakers also use the term institution when referring to UN entities. For them organization denotes the status of a specialized agency. For academics, institutions refer to a set of principles, rules, norms, and procedures in a particular issue area. Organizations are the administrative structures created to apply those rules and can take any form - a specialized agency, subsidiary body, commission, etc.

As the intergovernmental negotiations have employed the term international environmental governance, this report also uses this terminology but synonymously with global environmental governance, including civil society and the private sector as actors. In this report, the term institution is used to denote both a concept (idea, notion, doctrine, interest) and a structure. The concept outlines the goals and functions, while the structure supplies the formal administrative instruments through which these ideas are put into action.

Ultimately, the concerted efforts of both the policy and the academic communities would be required to bring about effective and sustainable change. Researchers bring the ability to challenge the boundaries of political possibilities and to inspire a new generation of leaders. Policymakers create the necessary conditions for action and possess the ability to exert immediate impact.

Some of the core questions that brought these two constituencies together are: 1) What is the state of the system for international environmental governance? Is it effective, and how could it become more effective? 2) What are the system-wide responses and strategies for addressing the most urgent deficiencies? 3) What are the core redesign ideas and how do we assess them?

"Researchers challenge the boundaries of political possibilities and inspire a new generation of leaders. Policymakers create the necessary conditions for action and exert immediate impact."

Ambassador Franz Perrez

State of the System

Ever-expanding human activities interact with virtually every component of the biosphere and the global climate system, resulting in unprecedented environmental changes at all scales. Environmental changes are taking place against the backdrop of an increasingly globalized, industrialized, interconnected and fast-moving world, fueled by expanding flows of goods, services, capital, people, technologies, information, ideas, and labor. Institutions and organizations at the national and international level need to adapt to the pace of this changing world. New social networks, novel communication tools, and a shared sense of global citizenship bring new opportunities for institutions to adapt more quickly to changing circumstances. In this context, reform of the international institutions for environmental and sustainable development governance is both necessary and timely.

While some successes in environmental problem solving are evident, such as progress in halting ozone depletion, reducing acid rain, curbing marine pollution from ships, and protecting Antarctica, the high expectations that surrounded the creation of the environmental regime remain unfulfilled. With an increasing number of environmental problems, there has been an increase in the number of institutions to address them. The multiplicity of institutions with environmental mandates, however, has often led to fragmentation as numerous entities claim scientific authority, issue policy guidelines and recommendations, and design implementation strategies. This has resulted in the absence of a clear center of gravity in the international environmental sphere and thus in dilution of authority and legitimacy. In comparison with other global regimes—for trade, labor, health, or financial concerns—the global environmental regime is scattered, weaker, and at a disadvantage, as evidenced by the symbolic levels of political commitment and funding for solving environmental problems (Box 1).

BOX 1

Main challenges in international environmental governance

1. Fragmentation of agreements, goals, and institutions
2. Dilution of authority within and beyond the environmental system
3. Imbalance of power among international regimes
4. Weak anchor institution for the global environment
5. Inadequacy of resources for environmental protection

Systematic research into the root causes of these deficiencies is scarce. Scholars, however, have pointed out several fundamental concerns that constrain the effectiveness of international environmental governance:

1. *Collective action dilemmas on unprecedented scale* require significantly higher levels of social trust than is currently present
2. *Innate inertia in the current social order* perpetuates entrenched lifestyles and confining social institutions
3. *Misplaced confidence in technological fixes* reinforces an overreliance on technology, which creates new problems
4. *Outmoded worldviews and mentalities* lock society into a cognitive model that no longer corresponds to reality
5. *Pervasive climate of denial, greed, and indolence* rewards inaction and punishes initiative

Against this backdrop, participants examined the performance of the international environmental governance system and UNEP in particular as the anchor institution for the global environment and thought through reform options for the international environmental regime.

Participants discuss in small groups

System-Wide Responses

Effective international environmental governance requires the effective execution of three core functions: scientific assessment, policy and law development, and implementation. All of these entail a set of subfunctions such as coordination, financing, and capacity building, among others. Governments endorsed the principle that form should follow function and have identified six potential system-wide functional responses to the challenges in the system of international environmental governance and proposed five institutional form options (Box 2). In the lead-up to the 2012 UN Conference on Sustainable Development (Rio+20), these options have become the focal points for political discussion. Reform of international environmental governance, however, is a long-term process and unlikely to end at the Rio+20 Conference. Engaging researchers in the articulation of the options and in analysis of their implications is therefore essential.

BOX 2

Functional responses suggested in Nairobi-Helsinki Outcome document produced by the Consultative Group of Ministers or High-Level Representatives

(a) *Strengthen the science-policy interface* with the full and meaningful participation of developing countries; meet the science-policy capacity needs of developing countries and countries with economies in transition; and build on existing international environmental assessments, scientific panels, and information networks.

(b) *Develop a system-wide strategy for environment* in the United Nations system to increase the effectiveness, efficiency, and coherence of the United Nations system and in that way contribute to strengthening the environmental pillar of sustainable development.

c) *Encourage synergies between compatible multilateral environmental agreements* and identify guiding elements for realizing such synergies while respecting the autonomy of the conferences of the parties.

(d) *Create a stronger link between global environmental policy making and financing* aimed at widening and deepening the funding base for environment.

(e) *Develop a system-wide capacity-building framework for the environment* to ensure a responsive and cohesive approach to meeting country needs, taking into account the Bali Strategic Plan for Technology Support and Capacity-Building.

(f) *Continue to strengthen strategic engagement at the regional level* by further increasing the capacity of UNEP regional offices to be more responsive to country environmental needs.

Institutional form options suggested in Nairobi-Helsinki Outcome document

(a) Enhance UNEP;

(b) Establish a new umbrella organization for sustainable development;

(c) Establish a specialized agency such as a world environment organization;

(d) Reform the United Nations Economic and Social Council and the United Nations Commission on Sustainable Development;
(e) Enhance institutional reforms and streamline existing structures.

Source: Nairobi-Helsinki Outcome Document

Participants noted that there was little clarity as to what would constitute each of the potential institutional options. There is no single accepted definition for the options. The workshop discussions focused explicitly on options a) enhanced UNEP, c) specialized agency such as a world environment organization, and e) enhanced institutional reforms and streamlined structures. The group described key elements within the three options and discussed the advantages and disadvantages of each as well as remaining questions. The descriptions illustrated the overlap between the options. The discussions can be summarized as follows:

Enhanced UNEP: This option could be fulfilled through multiple avenues, involving various levels of institutional change. One possibility includes retaining UNEP's current institutional form as a program and significantly improving UNEP's ability to deliver on its mandate. This could be delivered through enhancements in operations and management systems as well as increases in financing and staffing. An option would be enhancing UNEP through the measures above plus a change in UNEP's mandate to include a greater focus on capacity building and implementation and possibly change to universal membership in UNEP's Governing Council. The more fundamental institutional changes could be made through addition of language to the documents constituting UNEP—UNGA Resolution 2997 of 1972 and the Nairobi Declaration of 1997. Alternatively, the change could happen through the negotiation of a new resolution on the creation of UNEO. As long as the new organization is created with an UNGA Resolution, however, it will remain a subsidiary organ of the General Assembly.

Specialized agency: Specialized agencies are international organizations of limited competence, with universal membership and an international legal personality. They are established through the adoption of a constituent instrument, approved and ratified by member states. The institutional structure and functions of agencies are defined by the constituent instrument, which can be modified by member states in accordance with the particular voting mechanism. Specialized agencies possess international rights and duties and can bring international claims to the International Court of Justice. They also have the capacity to contract, acquire and dispose of property, and to institute legal proceedings according to Article 2, Section 3 of the Convention of the Privileges and Immunities of the Specialized Agencies. The functions of specialized agencies include: defining goals, policies, guidelines, and standards; promoting policies and programs; coordinating programs and activities within the UN framework; promoting research and information; collecting and analyzing technical and scientific data; and monitoring and assessing worldwide needs and achievements in their particular field. Most specialized agencies are integrated into the UN system through agreement with the General Assembly and ECOSOC. While specialized agencies are funded through assessed contributions, such contributions are not legally required. The creation of a World Environment Organization as a specialized agency within the United Nations would demand the ratification of an international treaty. The organization would have the power to appoint its director, modify its constitutive instrument, and create legal instruments and subsidiary bodies without approval from the UN General Assembly.

"Enhancing UNEP could be fulfilled through multiple avenues, involving various levels of institutional change. The creation of a World Environment Organization as a specialized agency within the United Nations would demand the ratification of an international treaty."

Streamlined existing institutions: This option presents an alternative or a complement to the more formal options of creating a World Environment Organization or a UN Environment Organization. It is understood to mostly reflect the need to bring coherence within the international environmental governance system. One possible avenue is through clustering of various multilateral environmental agreements (MEAs). In essence, this option allows for keeping all other options open since it does not prescribe a particular institutional arrangement.

All the institutional options in the Nairobi-Helsinki Outcome seek to fill in gaps in functions and strategy within the current system, but participants did not deem any option sufficient by itself. As they currently stand, the options do not form a clear blueprint for practical, timely, and resource-efficient changes of the environmental governance architecture. Moreover, the proposed institutional options do not connect with the functional responses suggested in the Nairobi-Helsinki Outcome. Participants agreed that the Nairobi-Helsinki Outcome options should not be regarded as mutually exclusive but that a combination of several options may prove both feasible and effective and developed an approach to evaluating the institutional forms currently under consideration.

"Streamlining existing institutions allows for keeping all other options open since it does not prescribe a particular institutional arrangement."

Participants engage in plenary discussions

Redesign Initiatives Assessment

Moving to any of the proposed institutional reform options would present both benefits and risks, and alternatives should be assessed accordingly. Creating a specialized agency, for example, might produce the greatest benefits, such as increased authority and resources, diminished fragmentation, and improved expertise (although it is not certain that such benefits would indeed materialize), but it would also pose the greatest risks, including losing already existing powers and mandates. The risks arise from the "constitutional convention" problem: most political units are reluctant to initiate special procedures, such as conventions, to fix some weakness in their constitutions, because once a constitution has been opened for review, extreme or single-issue interest groups may emerge and succeed in gaining approval for changes that weaken the constitution instead of improving it.

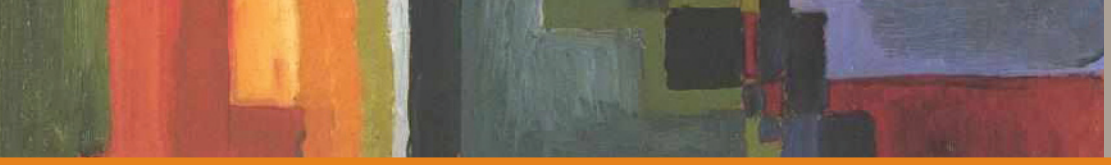
In contrast, enabling UNEP to deliver would pose rather low risks, as the existing authority for UNEP—Resolution 2997 of 1972—contains broad and significant mandates and powers, although UNEP has not fully utilized them. Most observers believe that UNEP has had significant successes even without drawing on all those authorities. There is a risk that some of those mandates and powers could be lost in a restructuring, and participants agreed that it is important to protect them. Governments could therefore endorse and renew UNEP's authority as spelled out by Resolution 2997 and enable UNEP to fully utilize its mandate.

Additional risks arise out of the process of approving a restructuring. To create a specialized agency, a new treaty would need to be negotiated and subsequently ratified by states. Some countries might not ratify such a treaty, greatly weakening the organization; in addition, states might set conditions during negotiations based on what they would be willing to ratify, so that the treaty would be weak even if it were widely ratified. If UN member states created a new institution by General Assembly Resolution (amending or replacing Resolution 2997), a majority vote could presumably be obtained, but substantial opposition in the UN General Assembly would weaken the legitimacy of the organization.

A major benefit of restructuring UNEP could be to enhance its legal authority. However, more research on this question is necessary to assess the potential benefits of the main alternatives. The first step would be to analyze UNEP's existing mandates and powers; the second would be to analyze what powers the UN General Assembly has given other UN bodies and what powers it could lawfully delegate; and the third would be to analyze what powers other specialized agencies have been granted by their founding treaties. For example, WHO has the authority to adopt treaties (although these are still subject to ratification); to adopt regulations in certain specified (mostly technical) areas, subject to opt-out by states; and to adopt recommendations. A comparative analysis would show whether such gains in authority would be worth the risks.

"Moving to any of the proposed institutional reform options would present both benefits and risks, and alternatives should be assessed accordingly."

Participants discuss in small groups



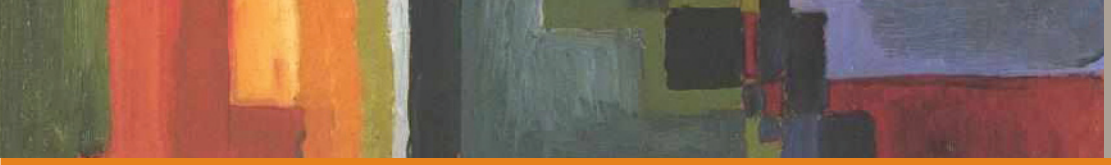
A set of core criteria emerged as key guideposts in the assessment of the desirability and feasibility of any of the institutional reform options:

1. *Authority* is critical to the ability of an anchor institution for the global environment to exert the influence necessary to shape outcomes. Any reform option should first and foremost facilitate the consolidation and increase in authority of the global environmental voice. For authority to be effective two elements need to be in place: an institution should be both "in authority" (i.e., possess the legal mandate and financial means to perform a set of functions) and "an authority" (i.e., hold recognized expertise and track record).[2] Participants acknowledged that legal mandate, while necessary, is not sufficient. Similarly, universal membership might be useful but would not by itself guarantee greater authority. Universal membership could enhance the organization's legitimacy vis-à-vis states and the UN system; could facilitate regional cooperation, since all states in a region would be members; and enhance the organization's authority vis-à-vis the multilateral environmental agreements (MEAs), many of which have near-universal membership. Participants also urged that universal membership be considered more broadly than just expanding the representation to all nation states but including new and innovative mechanisms for engagement of civil society, including academia. Any environmental institution will need to prove its ability to deliver concrete results before it would be considered legitimate and authoritative by different audiences—states, other UN organizations, and/or civil society, the private sector, or the general public. This is an area where systematic academic research could enrich the policy discussions.

2. *Implementation* of environmental norms, rules, and standards has fallen short. Reform options need to enable environmental institutions to deliver on their own and to more effectively reach out to and engage other organizations—governmental and non-governmental, businesses, and local authorities—that operate in communities around the world. Expanding capacity-building programs, strengthening national focal points, and supporting development of integrated environmental policies that span specific multilateral environmental agreements are among some of the activities associated with successful implementation. The anchor institution could also improve the implementation of environmental policy by strengthening the national ministries and their allies in government, civil society, and the private sector through funding environmental projects by such groups. It should also actively support a broad range of research, including social science/legal research on the environment, and develop a more systematic relationship with academic institutions. In addition, implementation and coordination are two important roles in international environmental governance and it is important to analyze whether they are mutually exclusive or could be performed by the same organization. This is an area where academic research could provide insights.

"Legal mandate, while necessary, is not sufficient. Any environmental institution will need to prove its ability to deliver concrete results before it would be considered legitimate and authoritative."

[2]Barnett, M. and M. Finnemore (2004). *Rules for the World: International Organizations in Global Politics*. Ithaca, Cornell University Press.

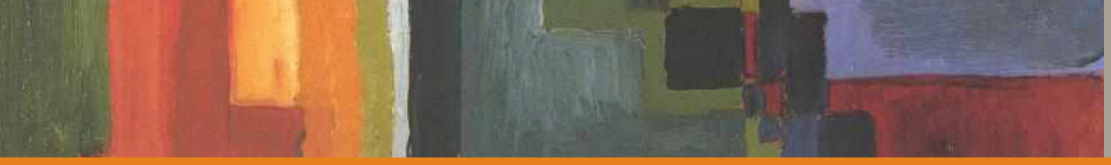


"Three broad factors make scientific input influential: salience, credibility and legitimacy. Any reform option should also be backed up by a sound financial plan."

3. *Solid science-policy-society interface.* Environmental decisions demand a solid scientific foundation and any institutional reform should enhance that interface. Most scientific assessments, however, have had limited policy influence. The academic literature has identified three broad factors that make scientific input influential: *salience*, *credibility*, and *legitimacy*.[3] *Salience* means that scientific input addresses issues of current importance to policymakers, i.e., it is timely and focused. To increase salience, it is important to develop efficient procedures keyed to the policy process. *Credibility* relates to the adequacy of scientific evidence and arguments. Credibility demands that the best scientists participate in conducting assessments and providing policy input. *Legitimacy* is the belief by relevant audiences that an institution appropriately has authority to act, so that its decisions should be followed. For scientific input to be seen as legitimate, the processes that produce the input must be perceived as free of bias, taking into account the views of stakeholders, and treating differing views fairly. Because the views of the public are so important to credibility and legitimacy, participants suggested that the issue be reframed as the *science-policy-society interface*. This requires that international environmental institutions develop new methods: (a) to bring in the views of society—both stakeholder groups and the general public—on science-policy issues important to them, and (b) to disseminate scientific findings to society in understandable and useful ways, so that policy does not get too far "out in front" of society.

4. *Stable and predictable* funding is an important source of authority and a necessary condition for effectiveness. Any reform option in the environmental field should be backed up by a sound financial plan for the short and long term. Several options exist for improving the financial base for the anchor institution for the global environment, including the ability to assess member state contributions, a move toward more innovative sources of financing, and effective delivery on programs likely to generate additional donor interest. Assessed contributions are usually stable and predictable but might not produce more resources. UNEP has already launched the Voluntary Indicative Scale of Contributions (VISC), which has received positive feedback from donors and the UN system. Some states would presumably be assessed a larger amount than they currently contribute voluntarily, but for many of those states collecting assessments might be a problem. This could pose political and legitimacy problems. Other states might be assessed less than they now contribute, and that could provide a rationale for cutting back on contributions. Most contemporary international institutions can no longer rely on predictable state contributions and have to explore innovative forms of finance. Institutions in the fields of development and global health have actively pursued this direction. Innovative finance includes ways to increase the predictability of state contributions as well as mechanisms to tap varied private funding sources.[4] Innovative finance also focuses on improving how funds can be spent most efficiently and effectively. In addition, it is important to study how other international organizations and bilateral agencies with environmental portfolios—many of which have far greater resources than UNEP—spend those resources on capacity-building and local projects. The most

[3]David W. Cash et al., Knowledge systems for sustainable development, PNAS 100(14):8086, July 8, 2003.
[4]A review and assessment of innovative financing methods for global health can be found at: www.internationalhealthpartnership.net/en/taskforce/taskforce_reports.



realistic way for the anchor environmental institution to have a rapid impact is by working with those organizations to mainstream the environment in their existing work. UNDP is the obvious candidate: it is important to research how UNEP-UNDP cooperation has played out on the ground under the existing MOU, and consider how to strengthen that relationship. This and similar issues could also be taken up under the IFSD (institutional framework for sustainable development) side of the current reform debates.

5. *Accountability* is a crucial component of any properly functioning system of governance and requires mechanisms that can hold institutions and officials to appropriate standards, including reporting, review, and potential sanctions. Given the fragmented and overpopulated institutional landscape and unclear lines of institutional authority within the international environmental governance system, revisiting roles and responsibilities would be critical. Accountability mechanisms are absent in the reform options currently under consideration, but researchers could bring in additional knowledge and clarity. Other international bodies in the UN system and in regional agreements have instituted various procedures, such as a complaint procedure in the Human Rights Council and the North American Free Trade Agreement, and a dispute-resolution mechanism in the World Trade Organization. The UN Human Rights Council complaint procedure was established to "address consistent patterns of gross and reliably attested violations of all human rights and all fundamental freedoms occurring in any part of the world and under any circumstances."[5] Since the Council has set a clear precedent for a UN body to have this type of authority over member states, it is necessary to at least discuss a similar mechanism for environmental issues. After a close examination of the lessons from the World Trade Organizations, however, participants suggested that rather than trying to develop a dispute-settlement mechanism exclusively for the environment, the focus should be on including environmental interests into other dispute-resolution mechanisms.

6. *Ability to reach out to and engage non-government actors.* Given that many of the actions that contribute to environmental degradation and undermine sustainability are carried out not by governments but by private actors (businesses or otherwise), it is important to go beyond a pure intergovernmental approach and envision innovative mechanisms for involving relevant stakeholders at various stages of an international regulatory process. There is a significant parallel system of transnational governance, which includes civil society organizations, the private sector, and academia. A 21st century institution should push the boundaries on decision-making and provide space for the active involvement of these actors and effectively utilize their skills and talents. Participants suggested interpreting the call for "universal membership" more broadly than simply membership by all UN member states and include civil society. Participants emphasized the importance of building stakeholder engagement elements into the reform options under consideration. Models from other international institutions could be adapted to the environmental and sustainability arena.

"Accountability mechanisms are absent in the reform options currently under consideration, but researchers could bring in additional knowledge and clarity."

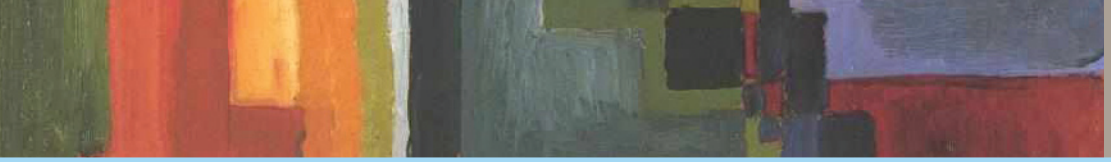
[5]Human Rights Council Complaint Procedure. See www2.ohchr.org/english/bodies/chr/complaints.htm.

7. *Ability to keep the conversation going* would allow the international community to be prepared when the time comes to move to a more ambitious institutional reform. Continuous engagement of government officials and academics in a dialogue that furthers the analysis, allowing for "free space" for thinking and conversing, will be an important enabling condition for reform.

Environmental problems almost always are by-products or consequences of other human activities, making it almost impossible to deal with the environmental agenda separately. Participants expressed concern that such a dynamic raises questions about some of the organizational reforms, such as the creation of a specialized agency that is likely to be more inward focused rather than collaborative and engaging other entities. Against this background, mainstreaming of environmental issues in existing institutions of other regimes becomes important. Secondly, while the focus of the Bern workshop was on the international environmental governance reform options, participants noted that it is hard to think through some of these reform questions in a systematic way without including in the mix of analysis what happens for example to the Commission on Sustainable Development.

"Continuous engagement of government officials and academics in a dialogue that furthers the analysis, allowing for 'free space' for thinking and conversing, will be an important enabling condition for reform."

Bern workshop participants engage in plenary discussions



Action Agenda

To ensure a sustainable global future, the international community would need to address the total biophysical balance between what humans and other species demand of nature, and what nature can provide. No single institution is likely to possess the ability and authority to deal effectively with such planetary issues. A holistic approach, engaging all existing institutions, and a bold vision for new institutional arrangements are needed. In this regard, discussions during the workshop revealed the necessity of procedural rights of a possible environmental anchor institution, providing the possibility to influence decisions by other institutions when they have important environmental implications. With the benefit of a 40-year history of international environmental governance, contemporary policies can be designed based not just on aspirations but on experience. This is an area where the joint efforts of researchers and policymakers can bring innovative ideas and opportunities for change.

"No single institution is likely to possess the ability and authority to deal effectively with all planetary issues. A holistic approach and a bold vision for new institutional arrangements are needed."

While the impetus behind the Bern workshop was to generate ideas and input to the Rio+20 process, participants recognized that improvement is a continuous process and will extend beyond the Rio Conference in 2012. The Action Agenda therefore reflects the need for immediate inputs that would introduce ideas into the policy process and for longer-term research and action to create a system for continuing research, learning, and improvement in environmental governance.

Short-term outputs

Publications in the form of reports and policy briefs will be the immediate outputs of the process generated by the Bern workshop on international environmental governance. The meeting report reflects the gamut of discussions and opinions. The policy briefs will focus on a set of issues where the current political process would benefit from analytical input and will seek to bring analytical rigor to the contemporary political discussions on institutional reform for environment and sustainable development. They will present analytically grounded and politically plausible options that negotiators could consider before Rio+20 and beyond. Topics for the policy briefs include analysis of financial mechanisms, governance fragmentation, universal membership, civic engagement, and clustering as well as overview of lessons from the governance regimes in trade, humanitarian affairs, development, and health. Subsequently, a longer academic publication could be produced to reflect on the main debates and launch new research topics.

Research agenda

International environmental governance research has expanded significantly over the past decade. However, few scholars explicitly link their research to the key questions preoccupying policymakers and few policymakers search for answers in the academic literature. Participants in the Bern workshop sought to close this gap by identifying areas for further research and action that could bring policymakers and researchers into closer communication and collaboration.

- *International environmental governance theory building.* Theories are analytical tools for understanding, explaining, and making predictions in a particular area and are a necessary foundation for policy analysis and recommendations. Developing and sustaining a scientific community of theorists in international environmental governance would be important to the advancement of innovation

in the policy world. Core theoretical questions deal with sources of authority, necessary conditions for reflective, learning organizations, enabling conditions for an organization to move up the value chain from assessments to policy, models for engagement of civil society in global governance, etc.

- *Historical analysis* of institutional structures for various global issue regimes and development of model taxonomy.

- *Anchor institution* theory and practice. Develop a theoretical framework for an anchor institution and for analysis of its performance. Explain the policy and political challenges an anchor institution for the global environment deals with and construct policy-relevant recommendations. Conceptualize the relationship between the anchor institution and the MEAs, including joint COPs, compliance mechanisms, administration, financing, etc. Conceptualize and analyze the relationship with the Global Environment Facility. Develop strategies for strengthening the anchor institution's scientific authority and for providing other organizations with authoritative science.

- *Risk/Benefit analysis of reform options*. Develop theoretical framework for assessing risks and benefits of institutional reform options, including financial analysis.

- *Analysis of reform options consequences for developing countries*. Focused analysis of developing countries' needs and concerns as regards international environmental governance is necessary for both theory building and the policy process. Bridging theory and practice, an assessment of the impacts of each of the reform options on developing countries could provide a solid foundation for negotiations.

- *Functional models provided by other international organizations*. Examine and assess models, including the ILO expert review system for treaties, the Human Rights Commission and transformation to Council, WHO regional- and national-level operations, FAO treaties integration, and WTO dispute-resolution mechanisms.

- *Policy tools development*. Applied research in international environmental governance could bring new tools for policymakers, including tools for countries to track implementation of MEAs, and methods to achieve targeted support for capacity building,

The international environmental governance system would function effectively and efficiently—i.e., solve problems and address country needs in a timely manner—when the majority of its key functions are successfully performed, and the system is capable of evolving in accordance with changing environmental, political, and socio-economic circumstances. Contemporary global problems call for unprecedented collaboration among governments and civil society in all regions. The collaborative process on expanding the analytical foundations for policymaking in international environmental governance initiated by the Swiss Federal Office for the Environment promises to build a foundation for both more systematic scholarly research and more analytically grounded policy decisions.

"Few scholars explicitly link their research to the key questions preoccupying policymakers and few policymakers search for answers in the academic literature. Participants in the Bern workshop sought to close this gap."

Robert Falkner, Koh Kheng-Lian, and Oran Young





Governance and Sustainability Issue Brief Series

This series of short policy papers on governance and sustainability provides analytical input to contemporary political discussions on institutional reform for environment and sustainable development. The issue briefs present analytically grounded and politically plausible reform options that negotiators could consider in the run-up to the UN Conference on Sustainable Development, Rio+20, and beyond.

Brief 1: Financing International Environmental Governance: Lessons from the United Nations Environment Programme

October 2011

by Maria Ivanova

Financing for the global environment is scattered among many institutions and, without an overview of total financial flows, often considered scarce. This issue brief begins an analysis of the financial landscape by focusing on the anchor institution for the global environment, the UN Environment Programme. It examines the relationship between institutional form and funding and offers insights into innovative financing.

Brief 2: Overcoming Fragmented Governance: The Case of Climate Change and the MDGs

November 2011

by Oran R. Young

Fragmented governance hampers efforts to address tightly coupled challenges, like coming to grips with climate change and fulfilling the Millennium Development Goals. The way forward is to launch programmatic initiatives, focusing on adaptation to climate change and the transition to a green economy, that appeal to many separate bodies as win-win opportunities.





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Brief 3: Clustering Analysis: Enhancing synergies among Multilateral Environmental Agreements

January 2012

by Judith Wehrli

Against the background of widely fragmented and diluted international environmental governance, different reform options are currently being discussed. This issue brief analyses whether streamlining international environmental regimes by grouping respective international agreements (clustering approach) can bring any improvements in terms of effectiveness and efficiency. It outlines the general idea of the clustering approach, draws lessons from the chemicals and waste cluster and examines the implications and potentials of clustering multilateral environmental agreements.

Brief 4: Lessons from the Trade Regime for Reforming the Architecture of the Environmental Regime

February 2012

by Thomas Cottier, Manfred Elsig, and Judith Wehrli

Recent studies on environmental regimes suggest that important lessons (and specific policy recommendations) may be drawn from the functioning of the trading regime. This note discusses how insights from over sixty years of experience of the trading system might provide ideas for redesigning the architecture of the environmental regime.

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