

The Organization of the Impossible*

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There is a growing international debate about the creation of a “World Environment Organization” (WEO, also sometimes called a “Global Environmental Organization”). Policy-makers, from the former Director General of the World Trade Organization Renato Ruggiero to French Prime Minister Lionel Jospin, have embraced this idea in general terms. But everything depends on the specifics that might flow from such proposals, in particular the answer to the two central questions: will it improve (international) environmental governance significantly?; and will it improve international governance in general?

The debate has its origins in the frustration of those responsible for trade policy about being confronted by an ever-growing list of environmental concerns relating more or less directly to trade. A situation has been reached where these environmental concerns threaten to block any further action on the trade agenda. For trade officials—and for trade analysts—the multitude of international environmental regimes, ranging from the small to the infinitesimal, are a source of dismay. Yet it might actually be true that these many environmental regimes, taken together, represent a unique structure: the single largest enterprise in contemporary international society, in terms of personnel and effort although not in terms of financial resources. An indicator of the dimensions of the international environmental effort is the *Earth Negotiations Bulletin*. In the past few years it has covered between 130 and 150 days of negotiations annually, and that includes only the largest and most important global activities. This alone provides a first indication that there could be more to the international environmental management structure than meets the eye.

The debate about the creation of a WEO mirrors the uncertainties that have surrounded the creation of environmental ministries at the national level. Most countries have a cabinet level ministry with the environment in its name—with the notable exception of the United States and now Russia—but in truth, none has an environment ministry. The task of mapping the natural environment onto social institutions and organizations is a daunting one. At the theoretical level it is an impossibility because the environment is subject to the laws of nature while social institutions are governed by social conventions that have been developed over long periods of time. In practice it also proves impossible for two further reasons. No level of governance corresponds fully to the dimensions of environmental issues (which is another way of saying environmental policy is the domain of subsidiarity). An agency with full responsibility for the environment would wield extraordinary power over all other agencies. It is bad enough that the finance ministry has the last say in all things financial without having another ministry control the way in which agencies use, or abuse, the environment.

In theory, the solution to this dilemma is to create an agency with responsibility for “coordinating” environmental activities of a state—or province, or town or region. This is what most countries attempted in the early stages of comprehensive environmental management, leading to agencies that the first French Environment Minister famously called “le ministère de l’impossible.” Confronted with the inability of a “coordinating” environmental agency to actually stop environmental crises, all OECD countries have created agencies with executive authority and independent budgets. They have, however,

been careful not to give too much authority to these ministries. The U.S. Environmental Protection Agency (EPA) administers six major laws. Though this gives it real administrative power, it is in no sense of the word an “environment ministry.” The U.S. Department of the Interior is responsible for conservation, forestry and the management of federal lands. It is at least the peer of EPA in terms of its impact on the environment. The National Oceanic and Atmospheric Administration (NOAA) has the lead on oceans and the atmosphere, except for the Clean Air Act, which is administered by EPA. The State Department is responsible for international environmental affairs, giving it a role throughout domestic environmental policy. Responsibility for meteorology—after all an environmental discipline—is located elsewhere. Public health and worker safety aspects of the environment also reside elsewhere, insofar as they are not covered by the six EPA-administered laws. Land use planning does not exist at the federal level in the United States. Then there are the agencies whose activities impact on the environment: energy, industry, transport and agriculture. In truth, the only environmental officer in the United States is the President, and he has generally been careful not to get too closely involved.

A similar dispersion of environmental responsibilities is found in other countries. The environment is too important to be left to a single agency.

At the international level, the United Nations Environment Programme (UNEP) was a creation of the era when “coordination” was the answer to the environmental dilemma. What did not work at the national level never had a chance in the UN system, which is famously resistant to coordination. Given an impossible mission and a derisory budget, UNEP has slowly built an organization from program pieces. Its greatest successes have come as a forum to negotiate the agreements that proved to be essential if the international dimension of environmental management was to be addressed. However, if there ever was an issue that belonged under UNEP’s umbrella it was climate change. Nevertheless, the creation of the Intergovernmental Panel on Climate Change (IPCC), followed by the negotiation of the UN Framework Convention on Climate Change and the establishment of its secretariat, represent a string of conscious decisions not to give UNEP more executive authority. This was to some extent motivated by the fear of creating a powerful international environmental agency. The history of the Global Environment Facility (GEF) is marked by a similar bias against UNEP. There are arguments that justify all of these decisions, but for a WEO to be meaningful it must encompass at its core UNEP, UNFCCC and the GEF as well as responsibility for biodiversity, forests and the environmental consequences of agriculture.

To a certain degree, the current frustrations of trade negotiators mirror what have been the ongoing frustrations of UNEP over the past twenty-five years. Something needs to be done to strengthen and to focus international environmental regimes. Yet the creation of a WEO hardly seems the answer. This would be marked by fierce turf battles, in the end no more successful than rearranging the chairs on the Titanic.

Before even considering new organizational structure for the environment at the international level it is vital to determine why the existing arrangements have been effective. This is a far from trivial question. It is easy to state that they have been

ineffective because that corresponds to traditional assumptions about what can be achieved by international means. It is much harder to show why they have been effective—and most have, in one way or another.

The ultimate purpose of environmental regimes is to safeguard environmental quality—however defined—but no regime can actually control the environment. All it can do is work to modify human behaviour in ways that are hoped will result in more satisfactory environmental conditions. The outcome is a long chain of uncertain causalities. An environmental regime can be thought effective if it changes perceptions; if it causes laws to be changed; if these laws cause changes in behavior; if these changes in behaviour result in changes in the standards that are used as surrogates for the environment; and/or if some ecosystem or other environmental good is left obviously intact. Finally, a regime can be effective by doing any of these things more efficiently than alternative regimes. Most international environmental regimes exhibit some degree of effectiveness according to one or more of these criteria, but none fulfills them all.

The fact that international environmental regimes are effective in some way is not intuitively obvious. What we think we know about international society actually suggests that environmental agreements are powerless and therefore ineffective. Indeed, a fair amount of research starts from this assumption—as does the proposal to create a WEO. There are always dimensions of ineffectiveness that accompany whatever degree of effectiveness exists, so there is support for the supposition that these regimes are ineffective. Recent analysis, however, suggests that the sources of effectiveness in international environmental regimes lie in areas that are largely outside the scope of traditional international relations research. This new approach argues that:

- International environmental regimes are based on science in that they have an objective core that is not politically determined. Arguably the climate regime would not exist without the IPCC.
- International environmental regimes have deep roots in the domestic society of states, that is they can bypass the national authorities who are nominally in control in international society.
- International environmental regimes have contributed to the emergence of an international civil society, and benefit from this new phenomenon.
- International environmental regimes have been institutionally innovative.

Whatever proposals are made for a WEO, it is essential to preserve these critical characteristics of the existing international environmental management structure. At the very least a WEO will need to be an international organization unlike any other that exists.

If there has been one characteristic of international environmental regimes that sets them apart from most other international regimes, and from economic ones in particular, it is their willingness to seek novel institutional arrangements to address unprecedented problems. The approach of environmental policy has been to first ask, “What is the structure of the problem?” then to consider appropriate institutional mechanisms to

address this problem structure and finally to develop organizational models in response to these questions. The proposal to create a WEO has taken the opposite approach. It begins with an organizational model, perhaps because that is considered a given, perhaps because large international organizations continue to be presumed effective despite all evidence to the contrary. It will still need to demonstrate that a WEO is an improvement on the status quo.

Good environmental governance at all levels has been characterized by reliance on science; the use of a precautionary approach; the ability to accommodate actions at different levels of governance (subsidiarity); the use of economic incentives and the avoidance of physical coercion as an implementation strategy; and high degrees of transparency and participation. The result is a series of policy complexes that exhibit highly specific characteristics and are not amenable to hierarchical organization. A WEO that actually improves environmental governance will need to exhibit all of these characteristics, and will consequently be as difficult as the current structure to comprehend from the limited perspective of economic liberalization. This suggests an answer to the second question posed at the outset of this article: a WEO will not contribute significantly to the improvement of international governance in general. More specifically, the problems of the trade regime will not go away with the creation of a WEO.

The solution to the continuing dilemma we face about organizing environmental management might be a series of apparently modest steps. Certainly there is some reorganization necessary, a clustering of environmental activities. Biodiversity conservation and the control of toxic substances, or global warming, are sufficiently different to generate quite different institutional requirements. Yet there is no reason why the Convention on Biodiversity, the Ramsar Convention on wetlands, the Convention on Migratory species—and for that matter the regional agreements on migratory species—cannot be organized together. While it might be inappropriate to create a single WEO, careful analysis could reveal that we need three or four organizations. Certainly more financial resources are needed. It is presumably appropriate to create a small office, within the United Nations or without, to act as global spokesperson for the environment. This would address the problem that there exists an international environmental interest that is different than the sum of national environmental interests. Yet there is no way to articulate this international interest effectively in a governance system that consists of states alone. Presumably such a spokesperson would need a Standing Conference of environmental regimes to gather the full range of environmental interests in a representative manner.

The largest challenge is, however, how to make more effective the panoply of institutions at the international level that have been developed for environmental management. A few examples might illustrate the opportunities:

- Science assessment requires extraordinary resources, more than any regime other than that for climate change can generate, so it might be appropriate to create a science assessment body that can devote significant resources to changing issues.

- It would be in a position to draw the scientific expertise on elephants one year, and on endocrine disruptors the next.
- Implementation review is currently undertaken by the respective Conference of Parties with assistance from its secretariat. It makes much more sense to review implementation on a country-by-country basis rather than agreement by agreement and to ensure that all international environmental obligations are covered, including regional ones.
 - Capacity building and financial support for implementation are equally fragmented. They need to be better coordinated so as to derive maximum advantage from the limited resources that are available.
 - Monitoring, reporting and assessment are currently being undertaken by all environmental regimes, and resources for this purpose are scarce.
 - Transparency and participation are widely acknowledged as being central to the effectiveness of international environmental regimes. Yet practices are surprisingly *ad hoc*. While countries may find it difficult to codify current practice, there should at least be a widely accepted process to set basic standards for transparency and participation.

Paradoxically the place to demand significant organizational change is the WTO and not the environmental regimes. The WTO is built on an organizational model that is outdated. It is inaccessible to civil society and appears unaware of the way in which the world has changed through globalization—including the emergence of global environmental issues. This will involve significant internal reform to increase transparency and to move away from the ECOSOC model of deliberations that passes matters from one committee of the whole to the next. It might require making the dispute-settlement process independent of the rule-making and negotiating functions of the WTO. And it will require confronting the issue of process and production methods, presumably with an Agreement on Trade Related Environmental Measures.

The goals of the trade regime and the environmental regime can only be achieved when both are structured in such a fashion that they recognize and respond positively to the priorities of the other. In truth, environmental regimes have had no lasting difficulties addressing the trade dimension of their work. It is the trade regime that is in trouble. It seems strange to propose change in the environmental regimes to deal with a problem that originated in the WTO.