

Global governance for the environment and the role of Multilateral Environmental Agreements in conservation

Achim Steiner, Lee A. Kimball and John Scanlon

Abstract The role of multilateral environmental agreements (MEAs) such as the Convention on Biological Diversity, the Ramsar Wetlands Convention, and the Barcelona Convention on the Mediterranean has grown increasingly important, in the context of conservation management, during the last decade as human impacts intensify and cross national boundaries more often. In resorting to MEAs it is important to maintain a clear focus on their opportunities and limitations. They are a means to resolve transboundary problems with neighbouring states and adopt harmonized approaches, they increasingly offer access to worldwide knowledge, tools and financial resources, and they can give conservation agencies a stronger mandate domestically. But they are specialized instruments focused on particular problems or sectors. The threats they address and the solutions they outline have to be evaluated in relation to overall environmental and socio-economic priorities. This entails linkages among different problems and sectors at various scales. Regional and ecosystem-level approaches are most appropriate for sorting out linkages and priorities.

Extensive capacity building is needed at these levels to foster the requisite skills for integrated approaches. In addition, new mechanisms may be required at these levels to coordinate diverse specialized regimes. This does not require a monolithic, top-down approach but rather ongoing flexibility and responsiveness informed from the bottom up. We should take advantage of the new directions highlighted by the World Summit on Sustainable Development in Johannesburg, in 2002 and other recent international conferences to build these abilities into international governance. Conservation managers have an important role to play. By working nationally and internationally they can inform and influence the shift towards integrated and coordinated efforts, suggesting ways to accomplish this on a larger, international scale based on concrete experience in situ.

Keywords Environmental governance, global governance, international institutions, MEA, multilateral environmental agreement, sustainable development.

Introduction – what is governance?

The year 2002 might well be called the year of 'governance', as international negotiating processes and analysts worldwide appropriated the term. It refers to the rules, both formal and informal, that govern human behaviour, and the means by which society determines and acts on goals and priorities. More precisely, governance is the articulation of these rules in legal and policy frameworks, and the organizational arrangements necessary to realize them. Governance encompasses the rules of decision-making and who participates, as well as the decisions themselves (von Moltke, 2001).

Achim Steiner IUCN – The World Conservation Union Headquarters, Rue Mauverney 28, Gland, 1196, Switzerland.

Lee A. Kimball (Corresponding author) 1517 P Street, N.W. #3, Washington, DC 20005-1909, USA. E-mail: lkimball@igc.org

John Scanlon IUCN-Environmental Law Centre, Godesberger Allee 108-112, D-53175 Bonn, Germany. E-mail: jscanlon@elc.iucn.org

Received 4 October 2002. Revision requested 13 January 2003.

Accepted 21 March 2003.

Governance is not the province of governments alone. It covers informal arrangements such as voluntary codes of conduct for private business, and numerous and diverse partnerships between governments, inter-governmental organizations (IGOs), business, professional associations, and civil society and non-governmental organizations (NGOs). Such partnerships may gather, organize and disseminate knowledge worldwide, foster agreement on norms and goals, or collaborate on projects and programmes in a given national park (e.g. French, 2000; Reinicke & Deng, 2000). Ideally, governance at all levels (local, national, regional and global) is mutually reinforcing. Effective national governance underpins sound regional, multilateral and global governance, and vice-versa. If the capacity for governance is weak at any level, positive results are far less likely.

As the effects of human activities cross national boundaries more frequently and erode the environmental goods and services upon which all humanity depends, Multilateral Environmental Agreements (MEAs, see Appendix for examples) have become an important component of environmental governance. The convention

process of each MEA increasingly brings to bear knowledge and resources to enable countries to implement their commitments. Much has been written about individual MEAs and their effectiveness (e.g. Haas *et al.*, 1994).

The concern of international environmental governance is broader than MEAs. It seeks to maximize environmental improvements from all the organizations and processes established by the international community. This includes taking into account how one convention relates to others through the functions and subject matter they have in common (e.g. water management and pollution abatement, restrictions on trade in protected species or harmful products, air emissions as they affect both air pollution and climate change, species protection and habitat degradation). The aim is to cohere and strengthen institutional arrangements to:

- Expand knowledge and tools through targeted research and assessment, or pilot and demonstration projects.
- Organize worldwide knowledge and tools to better serve national action, including implementation of MEAs.
- Build capacity for action at all levels, including effective governance.
- Ensure that international resources are used efficiently to support national action.
- Monitor progress and performance and provide meaningful feedback for future improvements.
- Expedite and improve response to emerging environmental issues.

Environmental governance cannot be divorced from the economic and social pillars of sustainable development. The “triple bottom line” for achieving sustainable development has been defined as protecting and managing natural resources to ensure both economic well-being and social equity. At the international level, this means paying attention to evolving relationships between environmental governance and institutional developments in the economic field (e.g. trade and market access, debt, investment, finance, and technology transfer) and in the social arena (e.g. human rights, refugees, cultural diversity, gender equality, indigenous peoples, health and education). If policies are contradictory, or if organizational programmes conflict, sustainable development and conservation programmes may be compromised. For example, just as at the national level a Ministry of Energy granting an oil exploration concession in a national park can lead to both local and international protests, at the international level free trade policies may conflict with countries wishing to restrict entry of genetically-modified products. These more complex international institutional relationships are not considered in detail in this article, but they form part of the larger picture of sustainable development.

One of the greatest challenges of international governance is to ensure that each government’s participation in international decision-making stems from well-informed and widely-shared understandings at the national level. This requires devolution of authority to local and community levels within a national governance framework. The framework should provide adequately for participation, transparency and accountability, ensure that different sectoral activities are considered in relation to a given problem and at the scale of affected ecosystems, establish means to accurately weigh environmental and socio-economic costs and benefits, and clearly set out roles and responsibilities for implementation and commensurate funding. A sound legal framework is preferable to more informal arrangements and is virtually essential for implementing MEAs (IUCN, 2002).

The opportunities of Multilateral Environmental Agreements

To understand the opportunities and limitations of Multilateral Environmental Agreements, it is important to recall how they have evolved. They dealt initially with common water bodies such as rivers and lakes, shared fish stocks, or migratory birds, game mammals and whales. By the middle of the twentieth century they began to address pollution caused by international shipping and, in the 1970s, a wider range of marine pollution issues and transboundary air pollution. Threats to endangered species were also taken up, notably international trade as it compounded harvesting. The early agreements were regional, reflecting the scale of the affected water body, the migratory range of particular populations or species, or the distance travelled by air or water pollution. The exceptions were whales and international shipping, which moved throughout the world’s oceans, and worldwide trade in species and their products. Each agreement’s scale was meant to include all states causing and/or affected by the problem, so that no state was able to escape the commitments and burdens of agreement. Non-discrimination figured largely in international shipping and trade agreements; i.e. each country had to apply rules equally to all its shipping and trading partners so that no country was unfairly disadvantaged.

The 1970s ushered in three key developments: a global convention as a means of sharing information, expertise and good practices even though the scale of each individual problem rarely exceeded national boundaries (Convention on Wetlands of International Importance, Especially as Waterfowl Habitat, 1971, otherwise known as the Ramsar Convention on Wetlands), a global convention as a means of mobilizing mandatory international financing to protect particular sites of global

importance (Convention on the Protection of the World Cultural and Natural Heritage, 1972), and the idea of a framework convention as a means of fostering more specific commitments, as scientific findings and technical innovations strengthen the basis for action (Convention for the Protection of the Mediterranean Sea Against Pollution, 1976, otherwise known as the Barcelona Convention, and Convention on Long-range Transboundary Air Pollution, 1979). These devices have been variously applied in the conventions of the 1980s and 1990s. For example, the UN Framework Convention on Climate Change, 1992, and the Convention on Biological Diversity, 1992, and a growing number of regional seas conventions.

Another device associated with later MEAs is the comprehensive convention that serves as an umbrella for related conventions. This establishes a legal framework and a forum to review and shape developments under associated global and regional agreements. For the oceans, the UN Convention on the Law of the Sea, 1982, provides the overarching legal framework for a number of agreements on marine environmental protection and marine species conservation (Kimball, 2001). The Convention on Biological Diversity could play a similar role. Such umbrella agreements also raise the bar for all nations and associated conventions to take account of new principles; for example, the specific guidance for achieving a precautionary approach to fisheries management in the Agreement on Straddling Fish Stocks and Highly Migratory Fish Stocks, 1995, which implements the Law of the Sea Convention, or the principle of equitable benefit-sharing from use of genetic resources under the Convention on Biological Diversity.

Thus, in addition to the international scale of the problem *per se*, MEAs have been applied to bring worldwide knowledge and financial resources to bear on individual problems that are not necessarily international in scale, and they provide a mechanism to build confidence among states on the need and the options for joint action. They can be used creatively to increase commitments and extend them more widely, reinforcing conservation agency mandates, and to conform and strengthen related agreements. They also function as an organizing framework to cohere international programmes so that they concentrate on agreed goals.

To look first at the issue of knowledge, a convention helps sharpen the disparate information initiatives of international organizations (e.g. pollution monitoring or loss of habitat such as coral reefs and wetlands) to reflect agreed criteria, standards and reporting requirements, enhancing data quality and comparability. Support for a convention can increase international funding for data collection to meet national as well as international

needs. A convention process also draws attention to relevant studies on matters such as innovative financing, incentives, enforcement techniques and rapid assessment methods. It also stimulates efforts to develop, assess and disseminate technical and policy options for responding to particular environmental problems, granting an international imprimatur that may help countries agree on further commitments. For those who work in the field, it can be useful to monitor convention web sites to check on new reports or upcoming initiatives on, for example, the effects of climate change on marine species, or criteria and indicators to track progress in habitat protection and restoration.

It is unfortunate that in many countries these international reports and resources are seldom communicated from those who follow convention processes to those working in the field. As a result the potential benefits of new methods and findings do not reach a large portion of the intended audience, and it takes too long for innovative new approaches to circulate to practitioners who could otherwise apply and adapt them to their own circumstances. The failure lies in part with national-level communications, but a clear guide to the resources of international agencies and processes could help conservation managers access them directly. In addition, managers could provide feedback to the processes of MEAs regarding the usefulness and accessibility of existing information resources for those in the field.

The larger problem is the expanding number and variety of programmes and studies that may be relevant to a particular problem. For example, several multilateral development banks, international agencies and large NGOs offer studies on innovative financing. These cover a range of issues including protected areas, water resources management and organic farming. How does a user access the examples relevant to his or her concerns? Overhauling information management in international organizations remains a major governance challenge: to expedite access for decision-makers and practitioners to scientific, technical, institutional and socio-economic information and analysis, to aggregate information that results from conservation management so that it can be used in larger-scale assessments, and to disaggregate global analyses and assessments to identify weaknesses and gaps in the information available to decision-makers at lower levels. Opportunities need to be improved for conservation managers to shape such a system so that it both responds to their needs and contributes to regional and global knowledge.

In mobilizing financial resources MEAs help concentrate them on clear goals, encourage donor coordination, increase the total funds available, and facilitate agreement between donors and recipients. Because state

parties must reflect convention commitments in their national law, these laws not only govern national activities and influence national budget allocations, they indirectly govern in-country activities supported by multilateral and bilateral donors. Conservationists in the recipient country and aid agency staff can argue that agency-funded activities must conform with the country's convention obligations. At the international level, several Conferences of the Parties (such as that of the Ramsar Convention on Wetlands) have become proactive in working with staff of donor agencies to ensure that agency policies and projects conform with convention measures. As donors participate in a convention process they tend to sort out which agency or government will support particular implementation initiatives, improving coordination. In addition, the fact that convention goals and measures are widely endorsed may encourage governments and donors to commit more resources, while uniform guidance facilitates agreement between donors and recipients.

Where transboundary concerns are an issue MEA commitments lay the groundwork for neighbouring governments to work out mutually-reinforcing projects with donor agencies. In addition, economies of scale may be realized when several countries benefit from joint programmes in capacity-building or information management. The Global Environment Facility, a funding mechanism for the incremental costs of global environmental problems in the areas of climate change, ozone depletion, international waters, biodiversity, land degradation, and persistent organic pollutants, reinforces the MEA effect of efficient and coordinated action among its partner agencies. It serves an additional integrating function insofar as its projects realize goals pursuant to more than one convention (Werksman, 1995; GEF, 2002a). The Global Environment Facility is in the process of developing a capacity-building programme that will integrate needs among its problem areas and related conventions (GEF, 2001b).

Thus, at the 'applied' end of conservation, it behoves managers to consider how to frame their goals in the context of one or more MEA in order to strengthen national and international support for their efforts. This is not a question of modifying pre-existing goals but of packaging those goals for the domestic and international audience concerned with MEAs. Managers may also be in a position to identify synergies or conflicts among projects that support implementation of one or more MEA so that these are factored into project planning and execution. A potential tool in this respect would be a database of international agency projects organized by region and country and MEA-related issue (e.g. habitat protection, species protection, pollution control, invasive species, desertification, or watershed management).

In relation to accountability, the convention role is a narrow one: to ensure that each country implements and complies with convention rules and targets. The limitations of international law in this respect have been well documented, including the inadequacies of national reporting under the conventions (e.g. Haas *et al.*, 1994). It is the responsibility of each government to enforce the rules it adopts for implementing an international agreement and to report to the Conference of the Parties as called for in the convention. In many cases international agencies assist countries in carrying out enforcement and reporting obligations. During the last decade a number of creative partnerships have been established by local communities and in collaboration with national and international NGOs to help overcome weaknesses in national enforcement and to supplement data collection and reporting (e.g. French & Mastny, 2001). The question again, however, is whether those working in the field are aware of these models.

On the larger canvas of environmental conditions and trends, MEAs individually and collectively create an umbrella for drawing together the results of different international assessment and reporting processes, both regional and global. This calls attention to the overall effectiveness of convention goals and measures and may stimulate additional commitments. For managers, international attention to deteriorating conditions and adverse comparisons can lead to renewed support for local and national efforts.

A final constructive role played by MEAs is that many have become rallying points for innovative initiatives and partnerships involving non-state actors, governments and IGOs. This creativity is only beginning to be harnessed by the intergovernmental system as a whole (e.g. French, 2000; Reinicke & Deng, 2000; von Moltke, 2001). Additional means are needed to ensure that this information reaches practitioners at local and national levels.

The limitations of Multilateral Environmental Agreements

As human activities expand and intensify, conservation problems have grown increasingly international. Although each Multilateral Environmental Agreement can address problems within its scope, such as conserving threatened species or transboundary air or water pollution, it cannot encroach on responsibilities assigned to, say, agreements on international shipping or fishing. When the solutions posed by river basin management regimes do not take into account the effects of pollutants and sediments in river outflow on coastal wetlands or coastal barrier islands, they may undermine habitat and species conservation measures or protections against sea level rise

developed pursuant to other conventions. Monoculture of forests to meet obligations under the Climate Convention/Kyoto Protocol may undermine the goals of the Biodiversity Convention, and efforts to reduce waste emissions to water may increase those to air.

These linkages and trade-offs among international environmental problems governed by different agreements represent a relatively new dimension of international environmental governance. They require integrated assessments that reflect the scale of each problem and how problems interact, so that goals and priorities can be established within an ecosystems framework. Because these interactions extend beyond the scope of any particular MEA, a forum is needed to consider how goals and implementation efforts under one convention may affect another. The global level is rarely appropriate, as most shared systems (e.g. forests, watersheds, grasslands or coral reefs) and pollution flows are regional, not global, in scale. Even for global issues such as climate change, ozone depletion and the international movement of ships, their effects are felt in particular smaller-scale systems.

The need for integrated approaches does not mean that a single legal or policy measure, or administrative entity, will address every sector or type of activity; to the contrary, once goals and priorities are set, specialized measures will be needed for each. At the international level, MEAs are the means to identify and recommend specialized sectoral measures. They can set objectives, targets and standards that establish a threshold for management in particular locations and systems, but the details of application will have to be worked out in relation to the particular environmental conditions, social circumstances and economic activities in place. This includes developing a more coordinated and rational approach to the many international agency programmes affecting MEA implementation.

The means at the international level to undertake integrated assessment and goal-setting for related environmental problems, and to coordinate implementation initiatives, are weak or non-existent, especially within an ecosystems framework. This cannot take place under each MEA individually. More comprehensive discussions are needed in which governments and civil society can consider sustainability goals and trade-offs and the role of each MEA, both global and regional, in realizing them. The potential of integrated approaches at the regional level is just beginning to be explored.

Effective national governance is critical. The onus is on each state to establish mechanisms for integrated, multi-sectoral assessment, and for effective communication and consultation among different government agencies and stakeholders, including with local and community levels, in order to reconcile goals and priorities and

mainstream the full range of MEA commitments. The international community can support states in developing such mechanisms, but it is unlikely to be either efficient or productive for each MEA to do so individually.

The opportunity for conservation managers, and for the advancement of international environmental governance, is to extrapolate from experience within countries. To the extent that integrated approaches exist, for example in protected areas, the challenge now is to scale them up to reflect international linkages among environmental problems and the different MEAs. Building from the bottom up, based on actual problems and linkages, can strengthen skills and ownership at these levels and inform decision-making at regional and global levels.

The wider debate on environmental governance

The concerns of international environmental and sustainable development governance are not new to conservation managers. They have long faced practical and legal impediments posed by fragmented institutional responsibilities assigned to numerous government agencies. Specialized regulations for a given sector, such as agriculture, may not adequately cover all the potentially affected environments or resources nor take account of special circumstances in different locations. Pressures of local origin are increasingly compounded by pressures originating beyond the reach of local (and national) authorities. Most countries continue to struggle with the proper allocation of environmental and conservation responsibilities between sub-national and national authorities. The need to involve stakeholders, and to build trust and understanding as decisions are made, is a constant, together with accountability for the results.

At the international level, the problems are similar; they just occur at a larger scale. In addition, there is no central, higher authority or head of government that can resolve disputes among different agencies or levels of jurisdiction. Instead, a series of regional and global decision-making bodies, both Conference of the Parties of MEAs and the governing bodies of IGOs, function relatively autonomously. Moreover, the legitimacy of international decision-making rests not only on means for civil society and the private sector to participate but also on equitable participation by all governments, notably developing country governments.

The background to the international environmental governance debate

The international environmental governance debate originates from two streams. In the mid 1990s, the United

Nations Environment Programme (UNEP) initiated inter-governmental discussions on the issue of coordination among MEAs (UNEP, 1995). This received a significant boost from the World Bank's 1998 report on ecological linkages among major environmental issues and their socio-economic dimensions (Watson *et al.*, 1998), which in turn catalysed additional reports, symposia and publications on MEA synergies in specialized fields (e.g. biodiversity (SSRC, 1996), climate change (FIELD, 1999), forests (Ecologic, 2000) and oceans (Kimball, 2001)), and also at the national level (Dodds *et al.*, 2002; FIELD, 1997; Kimball, 1999; UNU, 1999; GEF, 2001a).

On a somewhat parallel track, some analysts in the 1990s began to question the growing number of specialized conventions, as well as failures of implementation and results. They suggested that a stronger Global Environmental Organization should supplant UNEP. This body would take on additional agenda-setting, decision-making and enforcement roles, at a minimum helping to integrate the different MEAs and elevating the role of the core organization vis-à-vis the convention processes. Following an early Global Environmental Organization proposal by Esty (1994), the idea was picked up by various world leaders in 1997 and thereafter, with a view to the 5-year (New York in 1997) and 10-year (Johannesburg in 2002) reviews of the 1992 UN Conference on Environment and Development (UNCED). After the 1997 review the UN Secretary-General convened a task force to recommend ways of strengthening UNEP. When this failed to address any big questions (UN, 1998), the UNEP Governing Council/Global Ministerial Environment Forum called for the Johannesburg Summit to review the requirements for a greatly strengthened institutional structure for international environmental governance (UNEP decision SS.VI/1). As the Summit neared, the Governing Council took matters into its own hands in February 2001 and established an open-ended intergovernmental group to undertake a comprehensive, policy-oriented assessment of existing institutional weaknesses as well as future needs and options for strengthened international environmental governance, including the financing of UNEP.

Attempts to strengthen the authority and mandate of UNEP vis-à-vis MEAs, including its role in enforcing international environmental law, proved controversial in light of the autonomous decision-making authority of each Conference of the Parties. The international environmental governance process decided early on that proposals should be evolutionary, with preference given to making better use of existing structures rather than creating new ones. For discussion of proposals for a global environmental organization, see Brack & Hyvarinen (2000, 2002), Desai (2000), Biermann (2000),

von Moltke (2001), Esty & Ivanova (2002), and (Dodds *et al.*, 2002). For the documents and results of the UNEP/International Environmental Governance discussions, see IEG (2003). For a history of proposals on major institutional changes related to sustainable development, see XXX1 (2003). For further discussion of global environmental governance, see UNEP (2003) and XXX2 (2003).

The World Summit on Sustainable Development as a milestone

The World Summit on Sustainable Development (WSSD) convened last year to review progress 10 years after UNCED. Its Plan of Implementation (A/CONF.199/L.1.) addresses numerous issues covered by one or another MEA, while the broader governance topic is addressed primarily in Part XI (Institutional framework for sustainable development). The WSSD called for full implementation of the international environmental governance outcomes (UNEP decision SS.VII/1), but no new mandates have yet emerged on environmental governance or MEA coordination. The UNEP Governing Council continues to consider some of these issues, and for the time being it appears that efforts to improve coordination and synergies among MEAs will concentrate on practical, concrete initiatives that arise from common concerns such as biodiversity-related information or recourse to customs officials for enforcement purposes. It is argued that universal membership in the UNEP Governing Council/Global Ministerial Environment Forum will advance MEA coordination through greater convergence in the membership of conventions and the Governing Council/Global Ministerial Environment Forum (UNEP/GC.22/INF/36). This issue will be reconsidered by the UN General Assembly at its 60th session in 2005 (A/RES/57/251).

On broader governance issues, the WSSD did not endorse any major structural changes in international organizations, but in the language and pace of international dialogue its results draw together several important themes. These add momentum to improvements in the conduct of governance and lay the groundwork for new means to achieve integrated approaches. The Plan of Implementation calls for arrangements at the national and local level to improve stakeholder participation, transparency and accountability, for corporate responsibility and accountability, and for the international counterpart of democratic and accountable, multilateral institutions with growing attention to partnerships (A/CONF.199/L.1, A/CONF.199/L.6/Rev.2).

The need for integrated approaches, both at the national level and among international institutions, receives due attention on paper, but there are few

concrete recommendations about how to relate different sectors and their environmental and socio-economic costs and benefits. Nevertheless, WSSD served as an important milestone in the governance debate in two respects. Firstly, it engaged a broad audience (whether interested in freshwater management, endangered species, climate change, forests or fisheries, at local, national or international levels) in recognizing that effective "governance" or "institutional arrangements" are central to achieving their objectives. Secondly, it underscored the importance of national and regional institutional arrangements and ecosystem based approaches.

Conclusions – the next steps

When conservation problems span national boundaries, the international community has resorted to a number of specialized MEAs. Today these play an even larger role. They foster shared knowledge, common approaches, and economies of scale in implementation. They harness international programmes to clear goals. And they leverage scientific and technical innovation and mobilize new financial resources. Used creatively, global conventions can extend effective principles and approaches to all countries and regions.

The needs of effective governance, however, reach well beyond the scope of MEAs. Each MEA is limited to the particular sectors and activities within its mandate, to the environmental media it is intended to address (e.g. water, air, climate or wetlands), and to its geographic area of application. Integrated ecosystem based approaches to assessment and goal-setting must take into account linkages among environmental problems and solutions. Linkages for the most part occur at local, national and regional scales. Global assessments, whether specialized (e.g. threatened species) or general, such as the Global Environmental Outlook (UNEP, 2002), rarely flesh out these linkages in particular localities and regions, although this is beginning to improve. Lack of sufficient and accurate data in many parts of the world remains a significant problem. In terms of support for implementation, the design of information management and capacity-building programmes should ideally be undertaken in a broader context that complements and supplements individual MEA initiatives. At the same time, these programmes should be designed in response to actual linkages at the levels at which they occur.

Stronger regional governance mechanisms are needed to address sustainability goals and trade-offs, using ecosystems as a framework for decision-making. The process of regional collaboration can build shared knowledge and improve communications and networks within each region. This may enhance prospects for

harmonized approaches, and it can set the stage for each region to examine how global and regional MEAs may be used to achieve agreed goals. Regional agreement on goals and strategies can promote coordination and efficient use of resources on the part of international agencies active in the region. Regional MEAs offer an opportunity to integrate environmental and economic policies based on conditions in each region. The potential for mainstreaming sustainable development through regional and sub-regional economic and trade organizations should also be fully explored. It is important that each region make its own choices about regional institutional arrangements (IUCN, 2002), but if nations and regions do not take charge of these decisions, unsustainable practices determined by countries and communities in isolation will further erode the natural resource base, and fragmented programme delivery by global organizations will persist.

At the global level, environmental and sustainable development governance can improve access to proven knowledge and worldwide resources so that responsible government officials and civil society can better manage their own welfare. By maintaining an overview of global and regional convention measures and international agency programmes, global bodies can draw attention to potential collaboration, streamlining and gaps, track environmental conditions and trends based on sectoral and regional assessments, highlight ecological linkages and the need to scale up assessment and agreed responses, and stimulate creative thinking about environmentally sound policies and practices for particular sectors and activities. To improve the conduct of governance they can promote and monitor the growing number of alliances and partnerships and help document what works and why, including such innovative mechanisms as the World Commission on Dams (Dubash *et al.*, 2002).

As policies and programmes are agreed at regional and sub-regional levels, it is at the global level that a major, coordinated capacity-building initiative should be orchestrated to meet these needs, including MEA implementation. The goal would be to strengthen the scientific, technical, legal and management skills necessary to analyze problems and set objectives and priorities in a multi-sectoral context, including well integrated legal/policy frameworks at the national level. This would demonstrate that we are serious about improving governance at local and national levels and thus ensuring meaningful participation in international decision-making and effective implementation of results. Alleviating poverty is not only the critical challenge of sustainable development, in the context of international governance it provides the wherewithal for all countries to take part confidently. IUCN sought a commitment through the WSSD to develop and invest in such an initiative

(Steiner, 2002; IUCN, 2002), and the IUCN Environmental Law Programme has developed a major global capacity building programme in environmental law.

This suggests a multi layered approach to organizational arrangements that takes local and regional concerns fully into account while drawing on the comparative advantages of global processes. It does not require a monolithic, top-down arrangement but rather greater input and influence from lower levels. Some have suggested that cultures of place have a priori rights vis-à-vis other stakeholders such as private corporations (Sachs, 2002). The international community may have to come to terms with similar recognition of decisions taken at local and regional levels, in accordance with inclusive, transparent and accountable procedures.

From the ground up, conservation managers are in a position to identify concrete examples of integrated approaches that work, which could be tested at a larger scale. They know when external influences undermine their efforts and require coordination with other authorities, and they can draw attention to these within country and at the international level. Conservation managers can consider how to aggregate information and lessons learned from ground-level experience and how to organize and communicate these resources effectively to users, managers and the public worldwide. Their direct experience can help inform the design of capacity-building programmes. They may wish to consider how the resources and tools available at the international level and through MEAs could better meet their needs.

The WSSD emphasis on ecosystem based approaches and regional mechanisms (e.g. for assessment, decision-making and review, and to promote multi-stakeholder participation and partnerships, including scientific networks) is reinforced by the outcomes of the 2002 Monterrey Conference on Financing for Development. This underscores that the international financial system should support sustainable development (A/RES/57/272) and notes the importance of regional institutional arrangements in promoting development and strengthening economic governance. This is reflected also in recent UNEP deliberations, which suggest that the growth of regional economic clusters may warrant new approaches and mechanisms for achieving sustainable development (UNEP/GC.22/8). For implementation initiatives, the Global Environment Facility has indicated that during the next 3 years it will stress larger-scale approaches to biodiversity conservation and integrated ecosystem management in landscapes and seascapes, comprehensive approaches to transboundary water concerns, and holistic land and land/water management (GEF, 2002b).

It is important to find a productive way to continue the dialogue on how to advance multi-layered

approaches to environmental governance and integrate the three pillars of sustainable development. A multi-stakeholder process that builds on the initiatives leading up to Johannesburg in a systematic and considered manner would be useful.

References

- Biermann, F. (2000) The case for a World Environment Organization. *Environment Magazine*, **42**, 23–31.
- Brack, D. & Hyvarinen, J. (2000) *Global Environmental Institutions: Analysis and Options for Change*. Royal Institute of International Affairs, London, UK. <http://www.riia.org> [accessed 24 March 2003].
- Brack, D. & Hyvarinen, J. (eds) (2002). *Global Environmental Institutions: Perspectives on Reform*. Royal Institute of International Affairs, London, UK. <http://www.riia.org> [accessed 24 March 2003].
- Desai, B.H. (2000) Revitalizing international environmental institutions: the UN Task Force Report and beyond. *Indian Journal of International Law*, **40**, 455–504.
- Dodds, S.E.H., Chambers, W.B. & Kanie, N. (2002) *International Environmental Governance: The Question of Reform: Key Issues and Proposals: Preliminary Findings*. United Nations University, Institute of Advanced Studies, Tokyo. <http://www.ias.unu.edu/binaries/NYPrepComReport3.pdf> [accessed 24 March 2003].
- Dubash, N.K., Dupar, M., Kothari, S. & Lissu, T. (2002) *A Watershed in Global Governance? An Independent Assessment of the World Commission on Dams*. World Resources Institute, Washington, DC, USA [also available at http://pdf.wri.org/wcd_full.pdf, accessed 24 March 2003].
- Ecologic (2000) *Finding and Implementing Synergies between MEAs in relation to the Conservation and Sustainable Management of Forests*. Ecologic, Institute for International and European Environmental Policy, Berlin, Germany. <http://www.ieep.de/download/2001/total.pdf> [accessed 24 March 2003].
- Esty, D.C. (1994) The Case for a Global Environmental Organization. In *Managing the World Economy: Fifty Years After Bretton Woods* (ed. P.B. Kenen), pp. 287–309. Institute for International Economics, Washington, DC, USA.
- Esty, D.C. & Ivanova, M.H. (2002) Revitalising global environmental governance: a new function-driven approach. In *Global Environmental Institutions: Perspectives on Reform* (eds D. Brack & J. Hyvarinen), pp. 5–18. Royal Institute of International Affairs, London, UK. <http://www.riia.org> [accessed 24 March 2003].
- Foundation for International Environmental Law and Development (FIELD) (1997) *Coordinating Implementation of the Rio Agreements: Institutional Mechanisms and Processes*. (Paper prepared for UNDP Expert Meeting on Synergies, Sede Boqer, Israel, March 1997. Field Papers 1997/7, FIELD, London, UK. <http://www.field.org.uk> [accessed 24 March 2003].
- Foundation for International Environmental Law and Development (FIELD) (1999). *Final Report, Project to Enhance Policy-Making Capacity under the Kyoto Protocol, EC Environment and Climate Research Programme (1994–1998)*:

- Research Area 4 Human Dimensions of Environmental Change, ENV4-CT96-0195, July 1999. University of Barcelona, Institute of Environmental Studies (IVM), Barcelona, Spain, and Wuppertal Institute for Climate Environment and Energy, Wuppertal, Germany.
- French, H. (2000) *Vanishing Borders: Protecting the Planet in the Age of Globalization*. Worldwatch Institute, Washington, DC, USA.
- French, H. & Mastny, L. (2001) Controlling International Environmental Crime. In *State of the World 2001* (ed. L. Starke), pp. 166–188. Worldwatch Institute, Washington, DC, USA [also available at <http://www.worldwatch.org/bookstore>].
- Global Environment Facility (GEF) (2001a) *Good Practices: Country Coordination and GEF*. Global Environment Facility, Washington, DC, USA [also available at http://www.gefweb.org/Outreach/outreach-Publications/Good_Practices.pdf, accessed 24 March 2003].
- Global Environment Facility (GEF) (2001b) *Elements of Strategic Collaboration and a Framework for GEF Action for Capacity Building for the Global Environment*. Doc. GEF/C.17/6/Rev.1, 13 April 2001, Global Environment Facility, Washington, DC, USA [also available at http://www.gefweb.org/Documents/Council_Documents/GEF_C17/gef_c17.html, accessed 24 March 2003].
- Global Environment Facility (GEF) (2002a) *The First Decade of the GEF: Second Overall Performance Study*. Global Environment Facility, Washington, DC, USA [also available as draft document at http://www.gefweb.org/Documents/Council_Documents/GEF_C18/gef_c18.html, accessed 24 March 2003].
- Global Environment Facility (GEF) (2002b) *GEF Business Plan FY03-05, Annex A*. Doc. GEF/C.19/10, 17 April 2002. Global Environment Facility, Washington, DC, USA [also available at http://www.gefweb.org/Documents/Council_Documents/GEF_C19/gef_c19.html, accessed 24 March 2003].
- Haas, P.M., Keohane, R.O., & Levy, M.A. (eds) (1994) *Institutions for the Earth: Sources of Effective International Environmental Protection*. MIT Press, Cambridge, USA.
- International Environmental Governance (IEG) (2003) *International Environmental Governance*. <http://www.unep.org/ieg> [accessed 24 March 2003].
- IUCN (2002) *IUCN and Governance for Sustainable Development*. Unpublished Position Paper, distributed at the Bali preparatory meeting for the WSSD, 15 May 2002, IUCN, Gland, Switzerland.
- Kimball, L.A. (1999) *Institutional Linkages Among Meas: A Structured Approach Based on Scale and Function*. United Nations University, Tokyo, Japan.
- Kimball, L.A. (2001) *International Ocean Governance: Using International Law and Organizations to Sustainably Manage Marine Resources*. IUCN, Cambridge, UK.
- Reinicke, W.H. & Deng, F. (2000) *Critical Choices: The United Nations, Networks, and the Future of Global Governance*. International Development Research Centre, Ottawa, Canada.
- Sachs, W. (ed.) (2002) *The Jo'burg Memo: Fairness in a Fragile World. A Memorandum for the World Summit on Sustainable Development*. Heinrich Böll Foundation, Berlin, Germany. <http://www.joburgmemo.org>, accessed 24 March 2003.
- Social Science Research Council (SSRC) (1996) Background paper for the meeting of the SSRC Biodiversity Initiative working groups (prepared by L.A. Kimball in consultation with M.U. Ben-Eli.). Unpublished Report. Social Science Research Council, New York, USA.
- Steiner, A. (2002) *Intervention to the Global Ministerial Environment Forum, Cartagena, Colombia 12–15 February 2002*. Statement, 14 February 2002, IUCN, Gland, Switzerland [available at http://www.iucn.org/info_and_news/press/achimcartagena.pdf, accessed 24 March 2003].
- United Nations (UN) (1998) *Report on Environment and Human Settlements*. United Nations Doc. A/53/463, 6 October 1998.
- United Nations Environment Programme (UNEP) (1995) *UNEP and the Convention Secretariats: UNEP's Substantive, Programmatic Relationships with Conventions*. United Nations Doc. UNEP/ELI/Coord.2/6, 8 May 1995. UNEP, Nairobi, Kenya.
- United Nations Environment Programme (UNEP) (2002) *Global Environment Outlook 3*. UNEP, Nairobi, Kenya [available at <http://www.unep.org/Geo/index.htm>, accessed 24 March 2003].
- United Nations Environment Programme (UNEP) (2003) *United Nations Environment Programme: Secretariat for Governing Bodies*. <http://www.unep.org/GoverningBodies/GC22> [accessed 24 March 2003].
- United Nations University (UNU) (1999) *Inter-Linkages: Synergies and Coordination between MEAs*. UNU, Tokyo, Japan. For the report and research papers, see <http://www.ias.unu.edu/publications/reports.cfm> [accessed 24 March 2003].
- Von Moltke, K. (2001) *Whither MEAs? The Role of International Management in the Trade and Environment Agenda*. International Institute for Sustainable Development, Manitoba, Canada.
- Watson, R.T., Dixon, J.A., Hamburg, S.P., Janetos, A.C. & Moss, R.H. (1998) *Protecting Our Planet – Securing Our Future: Linkages Among Global Environmental Issues and Human Needs*. Unpublished World Bank Environment Department Working Paper. World Bank, Washington, DC, USA [available at <http://www-esd.worldbank.org/planet>, accessed 28 April 2003].
- Werksman, J. (1995) Consolidating Governance of the Global Commons: Insights from the GEF. *Yearbook of International Environmental Law*, 6, 27–63.
- XXX1 (2003) <http://johannesburg2002.lead.org>, the intergovernmental system, Section III.A.2
- XXX2 (2003) *Title*. <http://www.yale.edu/gegdialogue>

International Legal Documents Cited

- A/RES/57/251. UN General Assembly Resolution 57/251, 20 December 2002 (Universal membership of UNEP Governing Council).
- A/RES/57/272. UN General Assembly Resolution 57/272, 20 December 2002 (Monterrey Conference Outcomes).
- UNEP Governing Council Special Session Decision SS VI/1, 31 May 2000 (Malmö Ministerial Declaration).
- UNEP Governing Council Special Session Decision SS VII/1, 25 February 2002 (International Environmental Governance Decision).
- UNEP/GC.22/8. UNEP Documents UNEP/GC.22/8, 19 December 2002, respectively (Regional Implementation of WSSD Outcomes).

UNEP/GC.22/INF/36. UNEP Document UNEP/GC.22/INF/36 (Universal membership of the Governing Council). A/CONF.199/L.1. *WSSD Plan of Implementation*. [Available at <http://www.johannesburgsummit.org/index.html>, accessed 24 March 2003].

A/Conf.199/L.6/Rev.2. The Johannesburg Declaration on Sustainable Development, 4 September 2002, UN Doc. A/Conf.199/L.6/Rev.2 and Coor.1. [Available at <http://www.johannesburgsummit.org/index.html>, accessed 24 March 2003].

Biographical sketches

Achim Steiner is the Director-General of IUCN-The World Conservation Union, and is the former Secretary General of the World Commission on Dams. He studied at the Universities of Oxford and London, and also at the German Development Institute in Berlin and the Harvard Business School.

Lee A. Kimball is an independent analyst specializing in international institutions for environment and development and ocean management. She works on proposals to improve results from international bodies, including treaty bodies. She also works on new international initiatives such as protecting the biodiversity of the high seas.

John Scanlon is Head of the IUCN Environmental Law Programme and Director of the IUCN Environmental Law Centre in Bonn. He is an accredited mediator and specialises in effective implementation and in applied governance, in particular in the area of integrated water resources management.

Appendix

Selected global and regional Multilateral Environmental Agreements that affect species and habitat conservation, arranged chronologically, and their relevant websites (all accessed 24 March 2003). A list of regional seas Conventions and Protocols can be found at <http://www.unep.ch/seas/main/hconlist.html>, a list of regional fishery Agreements at <http://www.fao.org/fi/body/figiscom/index.htm>, and a list of river basin Agreements at <http://www.internationalwaterlaw.org>

Global Examples

International Convention for the Regulation of Whaling, 1946 (<http://www.iwcoffice.org/Convention.htm>).

Convention on Wetlands of International Importance, especially as Waterfowl Habitat, 1971, otherwise known as the Ramsar Convention on Wetlands (<http://www.ramsar.org>).

Convention Concerning the Protection of the World Cultural and Natural Heritage, 1972, otherwise known as the World Heritage Convention (<http://whc.unesco.org>).

Convention on International Trade in Endangered Species of Wild Fauna and Flora, 1973, otherwise known as CITES (<http://www.cites.org/eng/disc/text.shtml>).

Convention on the Conservation of Migratory Species of Wild Animals, 1979, otherwise known as the Convention on Migratory Species or the Bonn Convention (<http://www.unep-wcmc.org/cms>, where a list of regional agreements to the Convention can also be found).

United Nations Convention on the Law of the Sea, 1982, and its Agreement on Straddling Fish Stocks and Highly Migratory Fish Stocks, 1995, otherwise known as the Fish Stocks Agreement (<http://www.un.org/depts/los/index.htm>).

Convention for the Protection of the Ozone Layer, 1985, otherwise known as the Vienna Convention (<http://www.unep.org/ozone/vienna.shtml>), and its Montreal Protocol on Substances that Deplete the Ozone Layer, 1987 (<http://www.unep.org/ozone/montreal.shtml>).

United Nations Framework Convention on Climate Change, 1992, and the Kyoto Protocol to the Convention, 1997 (<http://unfccc.int>).

Convention on Biological Diversity, 1992, otherwise known as the CBD (<http://www.biodiv.org>), and its Cartagena Protocol on Biosafety, 2000 (<http://www.biodiv.org/biosafety>).

United Nations Convention to Combat Desertification in Countries Experiencing Serious Drought and/or Desertification, particularly in Africa, 1994 (<http://www.unccd.int/convention/text/convention.php>).

Stockholm Convention on Persistent Organic Pollutants, 2001 (<http://www.pops.int>).

Regional Examples

Antarctic Treaty, 1959 (<http://sedac.ciesin.org/entri/texts/acrc/at.txt.html>), and Protocol on Environmental Protection to the Antarctic Treaty, 1991 (<http://sedac.ciesin.org/pidb/texts/antarctic.treaty.protocol.1991.html>).

Convention for the Prevention of Marine Pollution by Dumping from Ships and Aircraft, 1972, otherwise known as the Oslo Convention, and the Convention for the Prevention of Marine Pollution from Land-Based Sources, 1974, otherwise known as the Paris Convention, superseded by the Convention for the Protection of the Marine Environment of the North-East Atlantic, 1992 otherwise known as the OSPAR Convention (<http://www.ospar.org/eng/html/welcome.html>), and its Annex V, The Protection and Conservation of the Ecosystems and Biological Diversity of the Maritime Area, 1998 (http://www.ospar.org/eng/html/convention/ospar_conv10.htm).

Convention for the Protection of the Marine Environment and the Coastal Region of the Mediterranean, 1976, revised 1995, otherwise known as the Barcelona Convention (<http://www.unep.ch/seas/main/med/medconvii.html>), and its Protocol concerning Specially Protected Areas and Biological Diversity in the Mediterranean, 1982, revised 1995, otherwise known as the Mediterranean SPA and Biodiversity Protocol (<http://www.unep.ch/seas/main/med/medspaii.html>).

Convention on the Conservation of European Wildlife and Natural Habitats, 1979 (<http://conventions.coe.int/Treaty/EN/CadreListeTraites.htm>).

Convention on Long-range Transboundary Air Pollution, 1979 (<http://www.unece.org/env/lrtap>).

Convention for the Protection and Development of the Marine Environment of the Wider Caribbean Region, 1983, otherwise known as the Cartagena Convention (<http://www.cep.unep.org/pubs/legislation/cartxt.html>), and its Protocol Concerning Specially Protected Areas and Wildlife, 1990, otherwise known as the SPAW Protocol (<http://www.cep.unep.org/pubs/legislation/spaw.html>).

ASEAN Agreement on the Conservation of Nature and Natural Resources, 1985 (<http://sedac.ciesin.org/entri/texts/asean.natural.resources.1985.html>).

Inter-American Convention for the Protection and Conservation of Sea Turtles, 1996 (<http://www.seaturtle.org/iac>).

Agreement Between the Government of the United States of America and the Government of the Russian Federation on the Conservation and Management of the Alaska-Chukotka Polar Bear Population, 2000 (<http://www.bearbiology.com/polarbear treaty.html>).