

Structural Impediments to Effective International Environmental Governance

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The Rio+20 conference in June 2012 is set to focus international attention once again on the state of international environmental governance. This paper outlines some of the challenges that the international community faces in this context. The focus is on structural rather than operational impediments to effective global environmental governance.

Before we consider current challenges, it is worth briefly revisiting some of the **key achievements** in international environmental governance over the last half a century. From the late 1960s onwards, environmental protection has been successfully and permanently established on the international political agenda. A number of international institutions have been created that are dedicated to promoting environmental sustainability (UNEP, GEF, CSD), and a large number of treaties have been agreed that deal with transboundary and global aspects of environmental pollution. Unlike the isolated and ultimately unsuccessful efforts to create an international conservation agenda in the late 19th and early 20th century, the growth of international environmental politics following the 1972 UN conference in Stockholm led to lasting international change, in the form of environmental agenda-building, institution-building, and normative and legal developments.

The international architecture for environmental governance has shown itself to be capable of performing a number of **key functions**, with varying degrees of success: gathering information about environmental degradation and raising global awareness; promoting scientific research and dissemination; providing forums for the setting of international standards; facilitating the negotiation of multilateral environmental treaties (MEAs) and the creation of international environmental law; and the disbursement of international environmental aid. More can and needs to be done in all these areas, but it is worth noting that an institutional infrastructure already exists for performing all these functions at the international level.

Environmental concerns and policies have also been **mainstreamed** within the broader international governance architecture – up to a certain point. Important international organizations such as the WTO and the World Bank have developed environmental mandates and/or policies and have become part of the expanding international architecture for environmental protection. The mainstreaming of environmental policy has given international

environmental governance greater clout, but has also brought into sharper focus the potential for clashes between competing global policy objectives and norms, e.g. in the well-known trade vs. environment conflicts.

At the same time, however, international environmental governance remains **weak and ineffective**, particularly when measured by environmental, rather than political, standards and expectations. The success in creating a diverse institutional architecture for the environment cannot hide the fact that many MEAs are not having the desired or necessary effect, that international institutions are inadequately equipped to deal with the complex global environmental challenges, and that other elements of the international governance architecture continue to thwart environmental sustainability efforts. Instead of focusing on specific institutional weaknesses, I would like to draw attention to some **major trends** in the international system that pose potential challenges to international environmental governance: the transnationalization of environmental governance; the politicization of important areas of environmental concern; the rise of new global policy challenges that potentially undermine global sustainability efforts; and the growth of emerging technology risks which are not adequately dealt with by the existing international governance structure.

From the 1990s onwards, students and practitioners of environmental politics have pointed to the growing **transnationalization** of environmental governance. A diverse range of phenomena fall under this rubric: the growing importance of nonstate actors in international standard and norm setting (e.g. International Organization for Standardization; Responsible Care); the creation of international institutions with mixed or entirely nonstate membership (e.g. Forest Stewardship Council; Carbon Disclosure Project); and the multi-level nature of environmental governance mechanisms that exist below and above the nation-state (e.g. Regional Greenhouse Gas Initiative in US and Canada). This can be seen as a natural and welcome extension of inter-governmental environmental governance, but may create several problems for future environmental policy. It poses the risk of increased fragmentation rather than integration of environmental governance, with multiple actors and institutions dealing with the same or similar policy issues, scarce resources being diverted to new but overlapping policy initiatives, and the legitimacy and authority of established institutions (especially within the UN context) being undermined. It raises the question of steering in the international system: who is able to direct the multiple inter- and transnational efforts in order to promote synergy and coordination? And are the existing international institutions adequately equipped to engage with this new multi-actor and multi-level governance agenda?

Recent international conflicts in specific environmental policy areas such climate change, biodiversity and biosafety, also point to the growing **politicization** of international environmental governance. Politicization is a welcome trend where environmental issues need to be given a higher priority on the international agenda, as was the case with efforts to securitize climate change in the second half of the 2000s. However, politicization can also

impose severe political costs on the international governance system, making it difficult to perform the routine and non-political functions described above and promoting international consensus on norms and treaties. Efforts to deal with some of the most intractable environmental problems, such as climate change, have been overshadowed by latent conflict between major powers in the international system. Thus, the rise of emerging economies especially in Asia has not only created environmental problems in terms of higher consumption of energy and other natural resources but has also raised the political and economic stakes in the international process to negotiate a post-Kyoto climate regime. The political-economic rivalry between the United States and China, in particular, has weighed heavily on the international climate process and threatens to slow down future progress in raising the level of mitigation commitments by some of the world's biggest emitters. The international environmental governance architecture seems ill equipped to deal with such challenges, as is evident in the growing international debate on a reform of the UN climate negotiation format.

A further trend that poses a threat to the effectiveness of international environmental governance can be found in the rise of a number of **global policy challenges** in the areas of **energy security, food security** and **natural resource scarcity**. Although significant overlaps exist between these policy challenges and the global environmental agenda (e.g. with climate change increasing food insecurity), the growing attention that states pay to these new challenges is at risk of undermining global environmental policies. Thus, efforts to promote biofuels as an alternative to petroleum in transport have undermined not only food security but also added to the environmental burden faced by many developing countries. And rather than promoting the reduced consumption of natural resources, concerns over resource scarcity are at risk of promoting a zero-sum mentality and leading to efforts to secure access to scarce minerals rather than reduce reliance on them. Creating synergies between these different policy agendas will be of critical importance to the further development of international environmental governance.

A final challenge arises from the growth of **emerging technology risks** with potentially global repercussions for the environment and human health. While some technology risks in the areas of chemicals (e.g. trade in toxic waste) and biosafety (e.g. trade in genetically modified organisms) are already being dealt with by international institutions and treaties, a range of new and emerging technologies are being developed and commercially introduced that pose a severe challenge to existing international institutional capacity. Among the most notable such developments are recent innovations in biotechnology, nanotechnology and synthetic biology, but also proposals for geo-engineering to address global climate change. These diverse technologies all create novel and uncertain risks to environment and humans and may also pose difficult ethical dilemmas for society. Emerging technology risks tend to be surrounded by unusually high degrees of scientific uncertainty, with established (eco-)toxicological methods of risk assessment often failing to capture the full range of emerging

risks. Furthermore, given the rapid speed with which these technologies are being developed and introduced to global markets, regulatory systems need to adapt ever more quickly to the changing technological and risk environment. International environmental governance is particularly weak when it comes to anticipatory risk governance, with few if any institutions being able to provide the required level of international scientific and regulatory cooperation to deal with emerging risks in a timely fashion. Emerging technology risk thus poses a profound challenge to the existing international architecture for environmental governance, which has tended to be reactive in dealing with evident environmental problems. In the field of emerging technology risk, however, regulatory systems need to become more proactive and ultimately adaptive – a challenge that will be particularly difficult to meet at the international level.