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SUSTAINABLE DEVELOPMENT INSIGHTS

Global Environmental Governance: The Challenge of Accountability

Adil Najam and Mark Halle

Accountability — or lack thereof — is a fundamental challenge confronting improved global environmental governance (GEG). No amount of organizational tinkering will pay dividends unless a fundamental shift takes place towards improved policy performance. Success must be measured not simply by the vitality of the negotiation process but by the robustness of implementation. States as well as institutions must be judged not by their statements of good intentions but by measurable implementation of their commitments and achievement of goals.

By some measures, the progress of the GEG system has been impressive and encouraging. Institutions with a mandate to address environmental issues are in place nationally and internationally, covering a wide range of environmental topics, as well as the environmental dimensions of social and economic policy. A rich tissue of multilateral environmental agreements has been negotiated and put into place – many have been operating for decades. The world's nations have formally adopted principles, guidelines, action plans, resolutions and declarations covering the spectrum of environmental concerns and have solemnly committed to implement these. International initiatives by civil society and business have also mushroomed — both in number and in depth of involvement. And, cumulatively, an

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impressive amount of funding has been allocated to environmental priorities at both the domestic and international level.

The complex and multi-faceted GEG system has achieved a measure of success. In some areas — such as reducing ozone-depleting substances or controlling trade in hazardous substances — the issues are on the road to resolution. In others, not only has a consensus been achieved on the nature and dimensions of the problem, but an array of tools has been developed to address it. And while the GEG system is somewhat dispersed, efforts have recently been made to streamline it and to render it both more cost-effective and efficient — for example with the clustering of the chemicals-related conventions. The UNEP Governing Council recently approved the establishment of a Consultative Group on International Environmental Governance to accelerate the process of strengthening environmental governance at the global level.

There are, however, other ways to assess progress. The most important of these is to ask whether the GEG system is solving problems at an adequate pace and shifting development onto a sustainable footing. Seen through this lens, the news is not good. In any number of areas — climate, biodiversity, fisheries, forests, water, environmental security — the situation worldwide has steadily deteriorated during the last decades of organized international action on the environment, and in some of these areas we are on the brink of an irreversible collapse.

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As we search for an understanding of why this is so, there has rightly been a focus on better managing our system of global environmental governance and particularly on institutional effectiveness and, possibly, realignment. This focus is not misplaced, but it is incomplete. There is much that can and should be improved in the patchwork of institutions that has mushroomed over the years, but we need to realize that better governance can never be achieved unless the scale of the solutions matches the scale of the problem. Three, maybe even two, decades ago it was a major achievement simply to recognize that we had a problem and to create institutions around it. Today, we need to move beyond "problem recognition" to actual action — towards "problem solving." It is time to take a sober look at why, despite the solemn commitments made by governments, meaningful action seldom follows. It is time to engage an honest discussion on the real reasons why political and policy obstacles thwart even the best intentions. But it is also time to look carefully at what compliance or enforcement mechanisms work and might be replicated and scaled up.

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Reformulating the culture of the GEG system and placing accountability at the center of governance debates will not be easy. But it is absolutely necessary, and entirely possible. Let us make the case why and outline at least a few immediate steps that can begin recalibrating the GEG system towards a culture of accountability.

GEG's Culture of Unaccountability

Let us begin by acknowledging that the challenge of unaccountability — and selective or partial accountability — is widespread in the international system. But it is not inevitable. The bad news is that in many arenas, such as human rights, these problems are even deeper than in the environmental arena. The good news is that in a few — for example, international trade — there is a relatively more evolved culture of international accountability. Global environmental governance should, therefore, aspire to do better than

Three Levels of Accountability in International Organization

When examining international organizations, there seem to be at least three different accountabilities that need to be addressed separately, even though they are closely connected to one another.

Accountability to mandate. *Is the international organization accomplishing what it is supposed to accomplish?* Businesses, for example, are most clear on this type of accountability and measure it by their bottom lines. International organizations are surprisingly silent on this. For example, if you ask a treaty secretariat what they achieved they are more likely to tell you how many meetings were held and how many decisions were made, rather than to say whether, how and to what extent the purpose of the treaty (say, conserving biodiversity) was advanced because of these meetings and decisions. At the end of the day, should we hold the UNFCCC accountable by how many heads of states showed up at Copenhagen or by whether real steps were taken to stabilize atmospheric greenhouse gas concentrations to prevent dangerous interference with the climate system?

Institutional accountability. *Are international organizations being managed well?* By this we mean the most basic measures of management processes — hiring, retaining, staff performance and reward, budgetary controls, etc. These have occasionally become the subject of public discussion, but usually when they become "scandals" (e.g., oil for food). More important, these issues are often raised by those who wish to discredit the GEG system as a means to weaken global institutions, rather than by those who have a real interest in improving its performance. The result seems too much like a conspiracy of silence by the supporters of the GEG system who choose to wink, nod and ignore blatant managerial abuse in international organizations, just because they do not wish to strengthen the hands of those out to "cut the system down to size."

Accountability to constituency. *Are international organizations accountable to those in whose names they speak and act?* This type of accountability begins to get straight to the power politics within the institution and how it affects their agenda and actions. At the broadest level, we confront this in the inter-state politics surrounding global institutions, but increasingly we are also seeing it play out in the politics of and between state and non-state actors. One would argue that Member States are not the constituency of international organizations, but the custodians of these organizations. The constituency — particularly in the case of environmental institutions — is the global citizenry. The global citizenry interacts with global institutions through the state apparatus, but in doing so it does not cede its right to hold the actions of these institutions accountable.

it has and there is reason to believe that it can, in fact, do better in terms of accountability.

The accountability challenge in global environmental governance is acute at three levels and we need to respond at each of these levels. (See box.) As we think about doing so, let us try to understand why the culture of unaccountability has become such a pervasive feature of the GEG system. At least five reasons can be readily identified:

First, GEG has tended to be "declaratory" rather than "regulatory". Unlike other areas of international governance that pride themselves on being "rules-based", global environmental governance has tended to flow from values-based, and sometimes knowledge-based, persuasion. From the 1972 Stockholm Conference onwards — including in the recently concluded Copenhagen negotiations on climate change — every major GEG effort has begun, and often ended, with the proposition that if only countries could understand the gravity of the problems confronting the planet they would themselves do the "right thing"; that which is good not only for them but for everyone. This, of course, leads to the classic free-rider problem where everyone wants everyone else to do the "right thing" while they benefit from being the exception. Attempts at rules-based governance have been made — e.g. ozone protection and endangered species management — but the dominant culture is one of moral persuasion, and rules-based governance ends up being an unsavory last alternative. It is not a surprise, then, that the rule-making itself is often half-baked and that there is little or no focus — and even

less time spent — on thinking about meaningful compliance mechanisms. Often, even when a rules-based system is set up — as, for example, it was in the Kyoto Protocol — there is little attention paid to mechanisms of accountability for those who do not live up to their commitments.

Second, GEG has evolved into a negotiation system rather than an implementation system. Environment has been one of the most active areas of international negotiation for the last 20 years. The growth in the number and intensity of international environmental negotiations has been mind-boggling, especially for the negotiators involved. This was to be expected because the issue was a relatively new one, with layers of complexity and interconnections and with new issues popping up on the international scene even as older issues were still simmering in negotiation. The result has been an over-heated negotiation system, but also a system that tends to see negotiation as its primary function and goal. Environmental negotiations have become unending and the participants proficient at inventing new reasons to keep negotiating. Environmental institutions, and especially the secretariats of the various environmental treaties, have morphed into — and see themselves as — negotiation support services. World leaders, the media and the larger environmental community measure GEG efforts by the treaties that are produced rather than by actual improvements in global environmental metrics. More important, it is a system populated by negotiators and not by implementers. A permanent class of international environmental negotiators hop from one treaty negotiation to the next, adept at the intricacies of international negotiations but distant from the practicalities of implementation. Those who do face the challenges of everyday implementation have little input in the design and even less in the ownership of the treaties that they inherit from the negotiators. Whatever motivation they might otherwise have had in implementation is further sapped because there are no incentives from the international community for good implementation; worse still, there are few effective disincentives for failure to implement. This challenge is particularly acute for developing countries where precious few resources are siphoned off to servicing the appetites of international negotiation, even as so many of their most pressing challenges pertain to domestic implementation.

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Third, many of the actors who actually shape environmental governance are not represented in international decision-making. It is widely acknowledged — especially in the domain of environmental governance — that our global realities are being shaped by forces beyond the nation-state. Global governance processes have themselves acknowledged this reality but have yet to find meaningful avenues of participation for non-state actors — whether civil society groups, business interests, or local communities — beyond allowing multiple stakeholders token presence at international meetings. Well-meaning as such participation might be, and not withstanding some notable examples, most non-state actors have no real tools to hold the international system accountable for its actions (or inaction); nor does the international system have any real tools with which to engage with civil society. And yet the actions of each can have tremendous impact on the others. For example, decisions made by large global corporations can

sometimes have greater influence on global processes than those made by even some middle-sized nation states. There are great opportunities in the "non-traditional alliances" emerging amongst disparate actors in global public policy networks (GPPNs) — for example, WWF joining forces with interested state parties on World Trade Organization's (WTO's) fisheries subsidies, the campaign for a land mine treaty, the International Institute for Sustainable Development's (IISD's) work on forming a coalition of different actors on fossil fuel subsidies, etc. Yet, in the absence of proper institutional incentives, the potential of such partnerships — including on engendering better accountability — is largely being missed. One of the goals of more effective stakeholder participation is itself to engender better accountability. Yet, international environmental decision-making still remains distant from those who are going to be affected by its decisions, which means that many of those who have the deepest interest in making the system more accountable remain unable to do so.

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Fourth, the scale of our GEG ambitions no longer matches the scale of the problems, or even our institutional capabilities. Back in the 1970s, in the years leading to and from the Stockholm conference, simply raising international awareness of global environmental challenges was, justifiably, a major achievement. Similarly, in the 1990s, in the years leading to and from the Rio Earth Summit, merely creating new institutions and treaties was, justifiably, a major achievement. These developments need to be celebrated, but — partly because of this success — we now have a much more acute understanding of how much larger and more pressing these problems are than we had once assumed. However, the ambition of the GEG system has not kept pace with our own understanding of what needs to be done. Nowhere is this more evident than in climate change — where the goals that science demands of us are not even under consideration on the negotiation tables — but it is true much more widely across a whole range of issues. We are doomed, therefore, to constantly celebrate small successes — an agreement here, a statement there, a gesture somewhere else — even when the problem is not just big, but huge, and even when some of what we celebrate are not really successes at all. The thresholds of aspiration keep sliding downwards in behavior that is at least partly self-delusional: each negotiation is measured in terms of "small steps forward", "foot in the door", and "silver linings" even as the magnitude of the problem keeps increasing. The greatest tragedy may be that even the institutional capabilities that are available to the system are not being used because our measures of what counts as "progress" are so low.

Fifth, the GEG system has a structural impediment to global accountability in the lack of real disincentives for failing to implement. The much-abused principle of national sovereignty has somehow been interpreted in environmental politics to imply an abdication of global responsibility. In a world defined by declaratory decisions and strong sovereignty, implementation — even of sovereign commitments — seems to have become optional rather than obligatory. The structural impediment, of course, is that there

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is no disincentive — beyond shaming — for failing to implement. Shaming itself becomes less and less effective over time and with repeated failures to implement, and even more so as the proportion of those not meeting their own obligations increases. A particularly disturbing aspect of this problem is that the international system has little to no institutional memory of who has failed to implement what.

Take, for example, the climate change negotiations. Each subsequent COP seems to create a new global fund or instrument of some sort with great fanfare, only to be followed by other COPs that fail to hold countries accountable on whether they fulfilled those earlier pledges. Since little information is kept or collected of who is failing to do what, the scope of shaming as an accountability device is further reduced. The structural lack of mechanisms to monitor the level of implementation of obligations also has a detrimental impact on negotiator behavior, since the norm is to seek big promises today without any reliable means to determine tomorrow whether they were kept.

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A Realistic Agenda for Better Accountability

International accountability is a critical governance challenge. While accountability will not be achieved overnight, there are a number of steps that can be taken now that are entirely feasible and will begin developing a culture of accountability within the GEG system. We present seven related ideas for GEG reform, all of which have the potential to place the system on a trajectory for greatly enhanced performance. These are presented in the order of increasing ambition but we remain convinced that all of them are doable — and worth doing — today.

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1. Increase transparency, including **national reporting requirements and mechanisms for secretariats to collect, collate and report on performance indicators** (as opposed to effort indicators). An extensive system of national reporting on global environmental governance is already in place, especially through requirements for national reports to conferences of parties. Yet, these are reports about efforts made rather than about goals achieved. There is very little information in these reports on actual performance indicators. Instead, these reports tend to be indications of intention or listings of initiatives. We need to move towards mandated national reporting requirements to gauge progress against obligations and commitments, using agreed upon sets of indicators. Treaty secretariats, through better-structured national reports, should be tasked with collating transparent, comparable, and quality information on performance indicators.

2. Complete the compilation of a **register of global goals and obligations** that countries have, in fact, agreed to. There is a plethora of such goals and commitments. Many are already forgotten, and most remain unimplemented. Simply collating all these goals using a central and transparent mechanism will immediately have a salutary impact on global negotiations; negotiations will then (a) have a ready reference to what has already been agreed to and (b) have an incentive only to make those commitments that they have the intention and ability to fulfill. The goal in such a system would be for it to evolve, rather quickly, into a system of commitment tracking and reporting. Such a mechanism has also been proposed by IISD for tracking GEG financing and is already used by the OECD for tracking development financing. Doing so for commitment tracking has the potential not only to improve GEG accountability but also to allow individual countries to make better GEG commitments.

3. Create a compendium of **best practices in compliance and enforcement.** Harsh as our assessment of the overall situation might be, it is also true that there are pockets of achievement, and sometimes even excellent examples. These examples need to be documented and celebrated, so that they can be replicated and scaled up. Such a compendium is an important step towards benchmarking not just best practice, but also levels of expectation. Just like a system where there is little recognition of unaccountability leads to a culture of unaccountability, instituting a system of recognizing good practice is likely to encourage more good practice and move the system towards a culture of accountability. An annual compendium of best practice — possibly launched each year at the Global Ministerial Environment Forum (GMEF) — would provide a positive incentive to the best performers and reinforce a sense that the system as a whole rewards not just accountability, but excellence in implementation.

4. Require **independent third-party reviews and monitoring of performance,** including bench-marking of best-practice. This could be modeled on the OECD reviews of national environmental policy or on the model used by the civil society-led wildlife trade monitoring network, TRAFFIC. But the essential element of the proposal is that the monitoring of GEG performance becomes verifiable and independent through the involvement of third parties. Environmental leaders will need to set this program in motion by voluntarily initiating such performance reviews to establish themselves as the purveyors of best practice. Once enough of them take the lead in this, it will become more and more difficult for other actors not to follow suit. The desired outcome is for improved GEG accountability all around.

5. Establish a system of **incentives for better performance and reward good behavior and early action.** Accountability comes not only from transparency and punitive oversight, it comes also — and often more so — from a balanced system of incentives. The problem of accountability today is not only that the system does not punish bad behavior, but also that it does not reward good behavior. We should consider setting up a system that rewards countries that have the best record in compliance. This could be done, for example, by giving them trade preferences, or giving them preferential access to international credit or to global support funds such as the Global Environmental Facility (GEF). We already have many precedents for giving preferential treatment to countries on the basis of need; it is time to also give preferential treatment on the basis of performance.

6. Institutionalize a system of periodic global performance monitoring and reporting by **making accountability a key function of the GMEF** and creating mechanisms for measurable indicators of performance. By making GEG accountability the central purpose of each GMEF, we would be creating an incentive for all actors in the GEG system to remain cognizant of this periodic accountability review. Just as the systems of annual performance review of employees provides workers with a permanent incentive to keep an eye on their own performance and also signals to them what "achievements" will be valued, imparting a regular accountability review function to the GMEF will send a signal to all actors in the system that (a) accountability is a key concern, (b) accountability has to be a regular and permanent preoccupation, and (c) accountability metrics are important and highly visible measures of success.

7. Finally, it may be time to think of a global instrument to ensure better global environmental accountability. In essence this would resemble **a global version of the Aarhus Convention** on Access to Information, Public Participation in Decision-making and Access to Justice in Environmental Matters. All of the above recommendations would feed into this global instrument; indeed, the Aarhus

Convention already has a working model that has been widely cited as a success. Moreover, as we begin preparations for a 2012 Rio+20 conference, negotiation of such a global instrument might be a goal that Rio+20 sets for itself. If the great achievement of the Rio conference in 1992 was that it triggered a surge of global environmental negotiations and environmental instruments, it would be a fitting goal for Rio+20 to put together a robust system of accountability around these negotiations and instruments. •

Further Reading

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