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Philippe Roch

International Environmental Governance

Striving for a Comprehensive,
Coherent, Effective and Efficient International
Environmental Regime

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Biographical note

State Secretary Philippe Roch is the Director of the Swiss Agency for the Environment, Forests and Landscape, which is located in Berne.

Philippe Roch received his PhD in biochemistry from the University of Geneva, and became involved in nature and the environment at an early age, in particular with the World Wide Fund for Nature (WWF), of which he was the Director for Switzerland from 1987 to 1992.

From 1973 to 1981, Dr Roch represented the interests of nature and the environment within the Parliament of the Canton of Geneva.

On a national level, Philippe Roch directed the 1995 revision of the Law on the Protection of the Environment, established more sites of national importance and developed a policy for waste based on internalising the costs of recycling. Dr Roch invented the Law on CO₂ emissions, which envisages a 10% reduction in emissions between 1990 and 2010 in two stages: the first step comprising voluntary measures, followed - if need be - by the introduction of a tax on CO₂ emissions. He is currently preparing a revised version of the Law on the Protection of Nature and the Landscape with a view to creating regional national parks.

On an international level, as the head of the Swiss delegation, Philippe Roch actively followed the main environmental negotiations from Rio to Johannesburg, taking a particularly active part in the negotiations on environmental governance (UNEP), the implementation of the Kyoto Protocol, the development of liability (Basle Convention and UN-ECE) and the introduction of the ecosystem approach to water management (forums at the Hague and Kyoto). Philippe Roch presided over the Conference of the Parties to the Basel Convention from 1999 to 2002 and has been a member of the Council of the Global Environment Facility since 1995.

Philippe Roch was born in Geneva on 13 September 1949 and has two children, Vincent (1979) and Lea (1996).



1. Introduction and Overview

The issue of International Environmental Governance kept up ministers of the environment several times all night long searching together for the ideal governance structure.

I remember well the morning in Cartagena when we left the conference building at 6 a.m. after nightlong negotiations on international environmental governance. Minister Valli Moosa from South Africa, who had been responsible for facilitating the role of the Global Ministerial Forum and UNEP's finances, and I who had been charged with the task to facilitate the issue of co-ordination and coherence among MEAs were very tired but at the same time also very energised: while we both had hoped that our colleagues would agree on an even more ambitious decision for strengthening the international environmental governance regime, we were nevertheless satisfied with the result which was perhaps more pragmatic but still contained very progressive elements. These are marvelous moments that build close relationships and friendships across the globe.

I will try to give you an overview of the history and the characteristics of today's international environmental governance regime. In the next part, I will describe to you the emergence of our international environmental regime, its evolution from a limited number of ad-hoc treaties to a complex network of agreements and institutions, and the different efforts undertaken to bring order to that regime and to make it more effective. Then, I will summarise the characteristics and shortcomings of the present regime. The fourth part will develop four general principles and goals which should guide our efforts for reforming the present system. The fifth part will finally present different proposals for strengthening international environmental governance.

2. The Emergence of an International Environmental Regime

2.1 From the First International Treaties Towards a Proliferation of Treaties

I) The First Environmental Treaties: “Ad-hoc” Solutions to Halt Overexploitation

As people realised that the process of industrialisation and development required limitations on the exploitation of certain natural resources, they began to adopt legal rules to halt over-exploitation. Thus, the first treaties concerning environmental issues were adopted already in the 19th century and typically concerned the conservation of wildlife and to a limited extent, the protection of rivers and seas. Typical examples for such environmental treaties of the second half of the 19th century were bilateral fisheries treaties that were adopted to protect the seas, rivers or lakes from over-fishing. Soon, the focus of international environmental treaties became larger and in the late nineteenth and early 20th century, the first bilateral and multilateral conventions dealing with the limitation of the spread of harmful substances and of trans-boundary water pollution were adopted.

However, in this first period of international environmental law, the adoption of treaties was still “ad hoc, sporadic and limited in scope” and institutional arrangements to address environmental issues and problems were limited. Nevertheless, the early understanding of the difficulty or impossibility of solving environmental problems independently has led to a limitation of the states’ freedom in the interest of transboundary environmental protection, to the emergence of the traditional neighbourly principle and rules trying to balance the different economic and environmental interests, and thereby to early forms of international environmental co-operation.

II) The Evolution Towards More Comprehensive Treaties

While the early international environmental treaties were limited in terms of the subject matters they addressed, in terms of the regions they covered, and in terms of the co-operation they arranged for, the subsequent evolution has enlarged the reach of international environmental treaty law and intensified the forms of international co-operation. This evolution was characterised by the globalisation of international environmental law – thus, on the one side

increasingly global issues such as the protection of the ozone layer and climate change have come to the forefront of international environmental law, and on the other side, traditionally local issues like the protection of endangered species or biodiversity became matters of international regulation. The development of international environmental law has further involved a move from traditional rules of “command and control” towards the increasing use of economic instruments. This evolution, however, also required a strengthening of international co-operation which was reflected in the newer conventions and treaties dealing with environmental law.

III) The Proliferation of Treaties

During the second half of the 20th century, the number of international treaties covering all fields of environmental problems has increased tremendously. Since the 19th century the number of environmental treaties has risen to over 500 international treaties and other agreements related to the environment, of which 60% are regional. About 60 percent of these international environmental treaties, or over 300, have been negotiated since 1972, the year of the UN Stockholm Conference on the Human Environment. This mushrooming growth in the adoption of environmental treaties and non-binding instruments lead to a proliferation of international environmental treaties. Each of the multilateral environmental agreements has normally its own Conference of the Parties (COP), its own secretariat, advisory bodies, and subsidiary bodies such as technical expert groups. If a minister of the environment would have to participate at all the meetings of the Conference of the Parties – as it is sometimes expected – he or she would probably be on mission during 600 days each year.

Nevertheless, despite these efforts to address international environmental challenges and despite its rapid growth, the international environmental regime is still fragmented and institutionally weak. Moreover, important gaps still exist and many international environmental agreements are not yet sufficiently ratified and implemented. Thus, while we have witnessed on the one

side impressive efforts to address the common environmental challenges, we must nevertheless acknowledge that we are far from having established the perfect institutional and political framework.

2.2 The UNEP Process for Strengthening International Environmental Governance

This evolution from “ad-hoc” international environmental treaties towards a proliferation of international environmental treaties, agreements and processes has not occurred in isolation. It was accompanied by several efforts to ensure coherence in this growing international environmental regime. I would like to highlight three such efforts which were crucial steps in the emergence of such a regime: the establishment of UNEP after the Stockholm Conference on the Human Environment, the creation of the Global Ministerial Environment Forum, and finally the UNEP Process for strengthening international environmental governance.

I) The Establishment of UNEP

In June 1972, representatives from 113 countries met in Stockholm at the United Nations Conference on the Human Environment which was the first attempt by the international community to address the relationship between the environment and development at the global level. By adopting three instruments – an Action Plan, the Stockholm Declaration, and a Recommendation on Institutional and Financial Arrangements – the Stockholm Conference succeeded in putting the environment at the top of the global agenda. The Stockholm Action Plan for the Human Environment with its 109 recommendations was the first global action plan for the environment and established a broad policy framework for addressing international environmental challenges. The Stockholm Declaration adopted at this conference became the

foundation for the development of international environmental law during the 1970s and 1980s. Finally, the Recommendation on Institutional and Financial Arrangements proposed the establishment of an intergovernmental Governing Council for Environmental Programmes, an Environmental Secretariat headed by an Executive Director, an Environment Fund, and an inter-agency Environmental Co-ordinating Board. As a result, the Stockholm conference led to the establishment of the United Nations Environment Programme by the UN General Assembly.

The UN Conference on the Human Environment was important for several issues. It outlined the general framework for international environmental policy, it established the basic rules of general international environmental law, and it led to the establishment of UNEP as an institution to co-ordinate the international co-operation for the protection of the environment. Thus, it can be concluded that Stockholm laid the ground for the emergence of a coherent and comprehensive international environmental regime.

II) From Stockholm to Rio and the Creation of the Global Ministerial Environment Forum (GMEF)

The period after Stockholm was not only marked by greater efforts by existing institutions to address environmental issues and the development of new environmental norms but also a proliferation of international environmental institutions, instruments, and processes. An event of major importance was the establishment of the Global Environment Facility (GEF) in 1991. The GEF created a global fund to help developing countries fund projects and programs for the protection of the global environment. During the first decade of its operation, the GEF served as a financial mechanism to the Convention on Biological Diversity (CBD) and the UN Framework Convention on Climate Change (UNFCCC), and it provided funds for international waters and ozone activities. This initial focus was enlarged later to include also land degradation and persistent organic pollutants as focal areas of its work. Funded by a group of 36 donor countries, the GEF has provided since 1991 \$4.5 billion in

grants and generated \$14.5 billion in co-financing from other partners for projects in developing countries and countries with economies in transition. Thereby, UNEP, the United Nations Development Programme UNDP and the World Bank served as implementing agencies. While UNEP and some multi-lateral environmental conventions were first rather critical towards this new mechanism because they feared that it would intervene with their tasks, a constructive cooperation has emerged over time. Moreover, the GEF has contributed significantly to the mainstreaming of the environment into developmental and economic policies and it has promoted a coherent approach in the areas in which it is working.

In 1992, 20 years after the Stockholm Conference, the United Nations convened in Rio de Janeiro the UN Conference on Environment and Development (UNCED) to address again environmental challenges in a comprehensive manner. The UNCED focused on the balance between environment protection and economic development and thereby recognised that environment and development must be addressed in their mutual relationship. However, this stronger focus on economic and developmental interests is seen by some as a weakening of the environmental issue, a shift in the direction of the development side of the environment/development debate, and an abandon of the right to a wholesome environment in favour of a right to development. UNCED agreed upon the creation of a UN Commission on Sustainable Development (CSD) as a proper institutional structure for carrying Agenda 21 forwards. However, UNEP and the specific international environmental institutions and processes remained the primary locus of international environmental policy making. Moreover, the agenda of the CSD turned out to be too broad and the political commitment too weak to make this institution an effective tool of global policy making for sustainable development. In the light of the continued destruction of the natural resources and the recognition that the numerous international environmental institutions have often been created without due consideration of how they might interact with each other and the overall system, concerns emerged on the co-ordination and efficiency of this multi-faced institutional architecture. It became clear

that there is a need for a more co-ordinated approach. Hence, the 1997 Nairobi Declaration on the Role and Mandate of UNEP, which was adopted in 1997 by the UNEP Governing Council and endorsed the same year by the UN General Assembly, clearly established UNEP as “the principal United Nations body in the field of the environment” and clarified its role as the “leading global environmental authority that sets the global environmental agenda”, that promotes the coherent implementation of international environmental policy. The Nairobi Declaration is generally seen as an important step in the process of strengthening UNEP as the centre of competence for international environmental policy making.

At the same time, a fierce debate emerged within UNEP on the question of who should be the leading governing body of such a strengthened centre of competence for international environmental policy making. On the one side, one group aimed at increasing the importance of the Committee of Permanent Representatives (CPR), a body composed of the permanent representatives of the UNEP members at the headquarters of UNEP in Nairobi, in UNEP’s decision making. On the other side, another group which included the most important donor countries, argued that the Governing Council should remain UNEP’s main governing body responsible for taking political decisions. In difference to the CPR, the Governing Council is clearly “capital-driven” as all the countries send high-level delegations to participate in its bi-annual meetings. No compromise could be reached at the 19th meeting of the UNEP Governing Council and the meeting had to be suspended. The conflict was finally resolved at a resumed meeting and the leading role of the capitals was reinforced by establishing a capital-driven High-Level Committee of Ministers and Officials (HLCOMO) responsible for making reform and policy recommendations to the Governing Council and providing guidance and advice to UNEP’s Executive Director.

The following year, the UN Secretary-General appointed within the overall efforts to renew the United Nations a Task Force on Environment and Human Settlement. In 1999, based on the Task Force’s recommendations, the UN General Assembly created the Environment Management Group, an instrument for

enhancing inter-agency co-ordination in the field of environment, and the Global Ministerial Environment Forum (GMEF). Global Ministerial Environment Forum (GMEF) offered a forum in which the environment ministers could meet each year in order to review important and emerging policy issues in the field of environment and to ensure the effective and efficient functioning of UNEP's governance mechanism. Thereby, the UNEP Governing Council, which meets every second year, constitutes the forum for the GMEF, and the GMEF takes the form of a special session of UNEP's Governing Council in the alternate years. The GMEF has become an important tool for environmental policy co-ordination, and it has underlined the crucial role UNEP has to play as the central pillar of the global environmental regime.

III) UNEP's International Environmental Governance Process (IEG) and the World Summit on Sustainable Development (WSSD)

In 2001, the UNEP Governing Council made another effort to address the still remaining challenge to ensure an effective and co-ordinated international environmental regime: expressing its increasing concern that the current governance structures do not meet the needs of the environmental agenda, it called for a further strengthening of UNEP and an Open-Ended Intergovernmental Group of Ministers or their Representatives was established to undertake a comprehensive policy-oriented assessment of existing institutional weaknesses as well as future needs and options for strengthened intentional environmental governance. This group met 6 times and was finally able to present a comprehensive report to the 7th GMEF which took place in February 2002 in Cartagena. Switzerland, throughout this process, took not only an active part in the work of this group, it also had a leading role as State Secretary Philippe Roch was chairing several working groups and facilitating several crucial discussions on the future governance structure of UNEP and possibilities of improving the co-ordination in the international environmental regime. After year-long negotiations during 6 meetings, the IEG-process culminated in final negotiations at the Global Ministerial Environment Forum in Cartagena in

February 2002. In Cartagena, we had to spend another night in order to be able to agree on a package of 5 clusters of measures aimed at strengthening the international environmental regime. The first cluster proposed measures to improve coherence in international environmental decision making. Namely, it underlined the need for a high level environment policy forum as one of the cornerstones of an effective system of international environmental governance and it required the UNEP Governing Council / GMEF to provide broad policy advice and guidance, to identify global environmental priorities and to promote international environmental co-operation. In order to strengthen this policy role of the UNEP Governing Council / GMEF, universal participation in its work should be ensured and universal membership should be considered. The second cluster proposed measures for strengthening the financial situation of UNEP. Most importantly, in order to broaden the base of contributions and to enhance predictability in the financing of UNEP, it requested the establishment of an indicative scale of contributions which outlines the contributions each country is invited – or supposed – to pay. The third cluster addressed the co-ordination among different multilateral environmental agreements and therefore suggested that synergies and linkages between MEAs should be enhanced. This wording was a compromise which paraphrases the idea of clustering related MEAs at the same place. This idea is underlined by the specific reference to the current collaborative work among the chemicals/waste MEA secretariats including the interim secretariats – this reference can be understood as a general invitation to maintain the secretariats of the chemicals conventions at their present location in Geneva. The third cluster also requires a more co-ordinated scheduling of meetings, the promotion of biennial meetings and explicitly encourages the co-location of MEA secretariats. The fourth cluster proposes several measures in the area of capacity-building and technology transfer, and the fifth cluster calls to strengthen the role of the Environment Management Group (EMG). As discussed before, the EMG was established by the UNEGA in 1999 in order to enhance co-ordination and co-operation among the different MEAs. The

decisions taken in Cartagena further clarify and strengthen the role of this important forum and by requiring the EMG to report annually to the GMEF, a direct link between this inter-agency group and the policy-level was created.

This comprehensive package of measures for strengthening international environmental governance was agreed upon by the Global Ministerial Environment Forum in Cartagena. This agreement was certainly a very important success as it underlined the commitment of the ministers of the environment to strengthening the international governance structure in general and to give UNEP specifically a more important central policy role in international environmental policy making. While this agreement of Cartagena was important, it was equally important to confirm this decision at the World Summit on Sustainable Development (WSSD) in Johannesburg which took place later the same year. This confirmation was important because it broadened the relevance of the decision and made it a part of the overarching global commitment for sustainable development. During the preparation of the WSSD, several attempts were made to weaken the decision taken at the GMEF. However, we have finally succeeded to a full and strong confirmation of the whole IEG-programme by the WSSD.

As a whole, Switzerland supported the outcome of the IEG process. As indicated in my introduction, we might have hoped for even more ambitious solutions, but the comprehensive package agreed upon by all states was certainly more than what we would have seen as a minimal result. We were especially satisfied that the IEG-decision also addressed very hot issues such as the universal membership of UNEP or the development of a new, more binding system of financial contributions of UNEP, and that it promoted the concept of clustering related MEAs as an important tool to enhance synergies, linkages, coordination and cooperation. I believe that the effective implementation of all the different measures will contribute significantly to a strengthening of the international environmental regime.

3. Characteristics and Shortcomings of the Present International Environmental Regime

Thus, over the years a rich and thorough network of numerous environmental rules and institutions has emerged. Today's complex global environmental regime is characterised by being relatively young and dynamic. However, the fact that new environmental issues and challenges have in the past been addressed with new and specific instruments has resulted in a proliferation of MEAs and environmental institutions. Moreover, the fact that ratification and implementation differ between the separate instruments increases the fragmentation of the actual international environmental regime. As indicated, there have been several attempts to bring more coherence in the international structure such as the recent UNEP's IEG-process that has led to the adoption of a programme of measures for strengthening IEG. It has to be seen how effectively the implementation of these measures will lead to strengthened international environmental governance. While supporting the full implementation of the IEG-decisions, I believe it is still important to identify regularly the shortcomings and deficiencies of today's system. This will maintain the stamina to strive for a strong and effective international environmental regime, at the same time, it will provide guidance in the next step for the realisation of that goal.

The shortcomings of the present international environmental regime have been repeatedly analysed and described. I would like to structure these shortcomings into 4 groups or clusters:

1. Insufficient commitment by the states to MEAs: in fact, important gaps exist such as in the field of water, forests or liability rules; many of the most important international environmental agreements are not yet fully ratified by the states; and, environmental agreements are not always effectively implemented or enforced.

2. Fragmentation of the regime: there is a proliferation of environmental agreements and institutions, many agreements stand outside the administrative and political arrangement of UNEP, and the Convention Secretariats are scattered across the globe. This fragmentation is leading to inefficiencies, lack of synergies, fragmentation of rules and proliferation of institutions. It creates overlaps and duplications of rules, complicates or even prevents coherence. The fragmentation of the regime leads to inconsistent or even contradictory standards.
3. Limited authority of UNEP: UNEP which is supposed to be the central pillar and catalyst for the international environmental regime has not been given – or not yet used – the full authority necessary to fulfil this task. Similarly, it lacks adequate, stable and predictable resources.
4. Structural / institutional imbalance between the environmental regime and other regimes: compared with other international regimes such as for e.g. the trade regime or the international financial institutions, the environmental regime is not equipped with the same amount of resources, effective structures and political weight. I.e., the international environmental regime still lacks an effective dispute settlement mechanism. The fact that UNEP is under-equipped, understaffed and under-financed creates an imbalance in the interaction with other international institutions. Moreover, there is also a structural or institutional imbalance because of the often weak or soft provisions in MEAs: while other regimes typically provide for compulsory obligations, environmental agreements often include only recommendations or obligations that cannot be legally enforced. Finally the relationship and complementarities of the environmental pillar with the economic and social pillars within the global system for sustainable development still needs to be clarified and operationalised.

4. Concrete measures for strengthening the International Environmental Governance

After having outlined the shortcomings of the present international environmental regime, let me focus again on the reason why we want to address and correct these deficiencies: it is our goal to strengthen the international environmental regime in order to create the structure and mechanisms necessary to effectively protect the basis of our existence, i.e. global environment. In other words: the function of strengthening international environmental governance is to enable and promote the protection of the global environment. Having in mind the shortcomings and this overarching goal to protect the environment, I would like to recall a set of concrete measures for strengthening the International Environmental Governance that Switzerland has formulated during the IEG-process. While some have been taken up and were reflected in the final IEG-decision, others have not been included because they were considered too ambitious.

1. In order to address the shortcomings linked to the insufficient commitment to MEAs, the states should ensure:
 - the rapid ratification, implementation and enforcement of the existing MEAs;
 - the rapid finalisation of the work begun;
 - the closing of existing gaps of the actual international legal environmental regime;
 - the core environmental principles such as the precautionary principle and the polluter pays principle, and effectively implement the principle of common but differentiated responsibilities which requires all countries to participate according to their means in the common efforts to protect our global environment;

Example In the past Switzerland has always had a very strong commitment to

MEAs. E.g., in the framework of the climate change negotiations, Switzerland has formed the “Environment Integrity Group” As speaker of that group, Switzerland is trying to find constructive, forward-looking solutions. Thus, Switzerland has launched the debate on a road map for the time after the 1st commitment period. Switzerland has similarly formed a country-group in the Biosafety-process where it is speaking now on behalf of the “Compromise Group”. Switzerland has also chaired for a long time the Basel Convention. Finally, Switzerland is also on the forefront of those advocating further clarification and operationalisation of the precautionary principle and the implementation of the polluter pays principle.

2. In order to address the shortcomings linked to the fragmentation of the regime, it is crucial to convert fragmented sector policy responses into more coherent and integrated approaches. Therefore, the following policies should be pursued:

- Promotion of clustering of MEAs, which would imply the geographic co-location and structural / organisational integration of related institutions.
- Strengthening and clarifying the role of the EMG: the EMG plays a crucial role in ensuring coherence and co-operation between the different institutions involved in international environmental policy. Measures for strengthening and clarifying the role of the EMG include the clarification of its mandate, namely, to explicitly include the tasks to provide a platform for co-ordinating the activities of its members, to address inconsistencies and duplications between its members and to monitor their environmental decisions, strategies and policies.
- And, in order to streamline and consolidate the mechanisms for financing the implementation of these agreements, the GEF should be developed into the central international environmental financial mechanism. Possible measures could include expanding the scope of the GEF to new thematic areas and further streamlining its decision-making process.

Example Switzerland has established in Geneva the “International Environment

House” as a centre where secretariats of different international environmental agreements and institutions can work closely together. Switzerland has made in the same spirit an offer to host the permanent secretariats of the Chemicals’ Conventions in Geneva. Switzerland has also provided the EMG with substantial financial support and offered to host it in Geneva in the International Environment House. In the meantime, the EMG could effectively begin its work and will present at the next GMEF in 2004 for the first time a report on the ongoing efforts to enhance co-operation between related MEAs.

3. In order to address the shortcomings linked to the limited authority of UNEP, UNEP must be strengthened politically, institutionally and organisationally as the central pillar or the international environmental regime, and it is necessary to provide UNEP with an adequate and predictable financial basis. Possible measures to discuss should include:

- clarify and strengthen the role of the Global Ministerial Environment Forum and of UNEP’s Governing Council. Participation and membership in both institutions should be universal. The GMEF/UNEP Governing Council should use its existing mandate more effectively to review the overall development of international environmental policy and provide overarching policy guidance.
- focus UNEP to its political and legal core activities and prevent duplications with other existing institutions which have a comparative advantage with regard to concrete projects or implementing activities;
- convert the actual funding through voluntary contributions into a more binding system;
- increase the financial contributions and foster equitable burden sharing.

Example Switzerland, as chair of the relevant working group in the IEG-process, has repeatedly promoted proposals that would have clearly strengthened the political role of UNEP. However, several states were afraid that such a strengthening of UNEP would reduce at the same time the autonomy of the other international environmental institutions and of the conferences of parties of the MEAs.

4. Finally, in order to address the shortcomings linked to the institutional imbalance between the environmental regime and other regimes, the following measures should be discussed:
- to mainstream environmental concerns into all activities related to sustainable development on a global as well as regional and national level;
 - to evaluate possibilities of an effective global environmental dispute settlement mechanism;
 - to clarify the relationship between the trade and the environmental regimes;
 - to clarify the interaction between the environmental and other pillars of sustainable development;

Example Switzerland re-launched in 1999 the debate on the relationship between the WTO and MEAs with several submissions. This debate has ultimately led to the inclusion of this issue in the Doha agenda. At the WSSD, the relationship between the trade and the environmental regime was one of the key-priorities for Switzerland, and Switzerland ultimately succeeded, together with Norway, to further clarify the concept of mutual supportiveness, no hierarchy and deference should govern the relationship between the WTO-regime and MEAs.

As indicated, some of these concrete measures are reflected in the comprehensive package of measures adopted by the GMEF and the WSSD for strengthening international environmental governance. Others, such as the clarification and operationalisation of the precautionary principle and the polluter pays principle, or the further clarification of the relationship between the WTO and the MEAs will remain on the top of our international environmental agenda.

5. Conclusions

Let me briefly summarise the development of the international environmental governance regime. While the first international environmental treaties and agreements were already concluded in the middle of the 19th century as a response to the realisation of the necessity to limit the exploitation and destruction of natural resources, these first treaties provided ad-hoc solutions and were limited in scope and approach. However, more the pressure on the environment has increased and more obvious the necessity for co-operative responses has become, more international agreements for the protection of the environment have been concluded. Over time, a complex and thick network of over 500 international environmental agreements and treaties has emerged. However, with this incredible growth of environmental regulation, proliferation of environmental processes and mushrooming of environmental institutions, the need for co-operation and co-ordination has also become increasingly clear. The institutional structure has not yet been able to keep up with this development. Several attempts have been made to strengthen the international environmental governance structure, the most promising has been the adoption by the GMEF and the WSSD of a set of measures for strengthening UNEP and increasing co-ordination and co-operation between related MEAs.

I would like to conclude with the presentation of 4 options for the future:

1. We could continue as we always have done it. I am convinced that this is no real option: the proliferation of institutions and processes has made it almost impossible to participate actively and constructively in all relevant international activities. The present regime is simply no longer adequate to ensure comprehensive, coherent, effective and efficient international environmental policy making.
2. We could effectively implement the IEG-programme adopted by the GMEF and

the WSSD for the strengthening of the international environmental governance structure. This would include ensuring universal membership in the UNEP Governing Council and providing UNEP with a compulsory financial contribution scheme. While this might be seen as a very pragmatic solution, it is also an ambitious approach: it will not be easy to implement all elements of the IEG-programme, some might still be afraid that they lead to a too strong, too active, too dominant and too restrictive global environmental regime.

3. A third option would be the creation of a World Environment Organisation (WEO), as repeatedly proposed by France. This option seems to be very attractive. However, a closer look reveals several open questions. Thus, the relationship of such a WEO with the existing MEAs is still entirely unclear. The relationship between a WEO and the UN is similarly unclear: Should the WEO follow the model of a WHO which is generally seen as part of the overarching UN system, or should it rather follow the model of the WTO which has a more independent character? Interestingly, some of the countries which are promoting the idea of a WEO do not yet seem ready to implement directly some of the key IEG-measures, especially with regard to financial support of UNEP. Nevertheless, I believe that the idea of a WEO has important merits and should be further developed.
4. Finally, a fourth option would be the creation of a "Security Council for the Environment", a supreme body which would have the authority to adopt binding decisions and measures, a supreme body that would reflect the reality that today, environmental threats might become one of the biggest threats for global security. Its mandate could include the following elements: to react in situations of urgency; take initiatives to respond to serious environmental threats; solve environmental conflicts between states but eventually also between states and private actors; ensure the balance between social and economic development and the protection of the environment; and take measures to address the relationship between environmental crises, environmental refugees, armed conflicts and threats to peace.

While some of the concrete measures discussed in this presentation seem to be – at first glance – quite far fetched and complex, we should bear in mind that the issue at stake, the global environment, is also complex and that failing to address challenges to the environment in time would have even more far fetched consequences than implementing these measures. Moreover, strengthening International Environmental Governance and establishing a coherent, comprehensive, efficient and effective international environmental regime would also reduce existing transaction costs and facilitate the active participation of all governments in the institutions and structures which are now scattered all over the globe. Finally, it would be a first step to ensure a more effective protection of global environment which is the basis of all life, including human life.

Philippe Roch

International Environmental Governance

Striving for a Comprehensive,
Coherent, Effective and Efficient International
Environmental Regime

**Institut universitaire
de hautes études internationales**

Rue de Lausanne 132
Case postale 36
CH - 1211 Genève 21

info@hei.unige.ch
heiwwww.unige.ch