



*Promises and Pitfalls
of
Global Environmental Treaties*

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Nanzan University Institute for Social Ethics

Promises and Pitfalls of Global Environmental Treaties is a summary of the discussion at an International Conference on Governance and Environment held at Nanzan University, Nagoya, Japan, September 15-18, 2009.

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A Japanese translation of *Promises and Pitfalls of Global Environmental Treaties* is planned, as is a publication of the proceedings of the conference. For further information, contact the Nanzan University Institute for Social Ethics.

**THE PROMISES AND PITFALLS
OF
INTERNATIONAL ENVIRONMENTAL TREATIES**

Michael T. Seigel, Yusuke Honda, Mai Fujii

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December, 2009

Preface

An international conference dealing with international environmental treaties was organized by the Nanzan University Institute for Social Ethics from September 15 to September 18, 2009. The conference theme was “International Environmental Treaties: Their Role, Possibilities, Risks and Limitations.” The focus was the three conventions that came out of the 1992 Earth Summit, namely the United Nations Framework Convention on Climate Change (UNFCCC), the Convention on Biodiversity (CBD), and the Convention to Combat Desertification (CCD).

The perception behind the conference was that these treaties have not (at least up to the present) been an effective means of addressing the issues they are intended to address. Climate change, biodiversity loss and desertification are matters that are critical for sustainability and for human survival, and yet they have continued to worsen unabated in spite of the conventions and the various strategies of implementation.

COP 10 of the CBD is scheduled to meet in Nagoya in October 2010, COP 16 of the UNFCCC in Mexico from the end of November 2010, and COP 10 of the CCD by 2011 at the latest. These are critical meetings for all the conventions and discussion at the conference focused in particular on the issues that need to be addressed by these meetings.

Prior to the conference, a number of questions were posed to the participants as a means of stimulating preparatory reflection. These questions were:

- 1. Given that the treaties are negotiated by governments of nation-states, with each government concerned primarily about the national self-interest of its own country, do the treaties really achieve a global perspective and do they succeed in promoting a global level of cooperation? Or are the perspective and the level of action too limited to the nation-state and too bound up with competitiveness between countries to really constitute a global approach?*
- 2. In the process of governments negotiating treaties and determining methods of implementation in international forums, is there a risk of local communities and local levels of activity becoming disempowered? This is critical, given that sustainability in the areas of biodiversity, desertification and even some aspects of climate change is contingent on the way local people (particularly farmers and indigenous peoples living traditional lifestyles) relate to their immediate natural environment, .*

3. *Does the process by which the treaties are negotiated promote a tendency towards a minimalist approach—either because countries want to minimize their commitments, or because, given the difficulties of reaching consensus, an approach or an interpretation of the problem is adopted not because it accurately reflects or responds to the nature of the problem, but because it is more conducive to negotiation or because it makes the achievement of some kind of agreement more feasible?*
4. *Does the approach of the treaties result in certain crucial issues not being addressed? In other words, are there critical environmental situations that are not receiving the attention they need because they are not included in these treaties.*
5. *In treating problems such as climate change, biodiversity and desertification, does the approach of the treaties fail to address the interrelatedness of problems, and if so are there negative consequences that arise from this failure?*
6. *By focusing on climate change, loss of biodiversity and desertification, the treaties focus on outcomes. Does this focus really make possible an effective response to the environmental crisis? Or is it necessary to focus more on causes, such as lifestyles and patterns of production and consumption?*

As the list of participants shows, the conference brought together a diverse group of people carefully selected for their expertise and for their ability to represent different perspectives and geographic regions. Participants came from Africa, Asia, Australia, the U.S, and Europe, and from a variety of academic backgrounds including philosophy, economics and anthropology. There were participants with expertise in the direct subject matters of the treaties, experts who have been deeply involved in the processes of the treaties and in the IPCC, and also participants from environmental NGOs.

The conference was designed to maximize opportunities for intense discussion and deliberation. Presentations were limited to twenty-five minutes and the time devoted to discussion was roughly twice that devoted to presentations. A formulating committee was established that took note of the main points of discussion. This formulating committee made a summary of the discussion at the beginning of each session so that each period of discussion and deliberation would build on the previous discussions. This gave the discussions a significant degree of coherence and a sense of progressive development.

The present pamphlet is based on the work of the formulating committee, aided by a review of the written materials distributed at the conference and the tape-recordings of the presentations and discussions. It was drawn up by Michael Seigel, the conference organizer, and then reworked together with the members of the formulating committee. The draft that resulted from this process was sent out to the participants for comments and revised once again in light of these comments.

There was no attempt to achieve a consensus of views at the conference and therefore this report is not a consensus document, nor is it anything of the nature of a position paper. Rather, it is an attempt to present the main insights of the conference in a way that is clear and relevant. The hope is that policy-makers, NGOs working in relevant fields and the general public will gain benefit from these insights and that the discussion achieved at the conference will help shed light on the kind of orientation that will help to achieve effective decision-making for ecological sustainability.

While the pamphlet does not necessarily represent the views of any particular person on the list of participants, it is a representation of the contributions of the participants and it does present the overall thrust of the discussion at the conference. Responsibility for the pamphlet rests with the authors.

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Introduction

The three conventions that were the focus of the conference were all born from the Rio Earth Summit in 1992. They came to birth at a time when the Montreal Protocol on Substances that Deplete the Ozone Layer had led to a high level of optimism about the effectiveness of international treaties as a strategy for responding to the environmental crisis. Seventeen years have now passed—certainly enough time to say whether or not that optimism was well placed. It is clear that it was not.

Certainly there have been a number of achievements that can be attributed to the treaties. We have improved knowledge of the issues; there has been a considerable dissemination of best practices; there is substantially improved monitoring; national action programs have been elaborated; networks have been set up and numerous projects have been undertaken.

But for all these developments, the environmental situation itself has continued to worsen. Anthropogenic drivers continue to threaten the environment and human well-being. Changing climate is having negative impacts on ecosystems, agriculture and human health. The goal of limiting warming to not more than 2 degrees above the pre-industrial level is now close to impossible. Entrenched pollution continues to affect innocent people. The depletion of safe drinking water endangers the survival of people, particularly of marginalized and vulnerable communities.

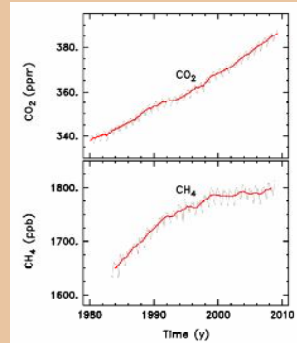
Loss of biological and wildlife species remains exponential. Land degradation and desertification are constantly gaining ground in many regions of the world, particularly in Africa where the few economic gains that some countries have managed to achieve are being thwarted.

Not only have the problems continued to worsen, but, as the lack of progress at the recent COP 15 in Copenhagen demonstrates, in the critical areas of public awareness and political will, progress since the Earth Summit has been limited. While perceptions that there is a problem have become mainstream, there has only been the faintest degree of perception in mainstream society that a substantial degree of social change will be necessary. While there are some signs of emerging political will, this seems to dissipate when changes in lifestyle have to be considered. In the developed countries the majority of people, including policy makers, seem unwilling to act until they are directly affected—as, for example, when Europe, particularly France, was hit by a heat wave or New Orleans was devastated by Hurricane Katrina.

Because of the adaptive capacity of developed countries they are relatively protected from the direct impact of the problems. People in Africa, Bangladesh, and the low-lying island countries of the Pacific, or the Inuit in the Arctic Region, experience climate change as part of their daily life and are much more

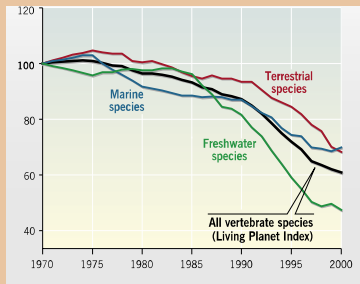
In spite of the conventions:

With regard to climate change *The Copenhagen Diagnosis*¹ indicates that: “The global rate of increase of fossil fuel CO₂ emissions has accelerated three-fold over the last 18 years, increasing from 1.0% per year in the 1990s to 3.4% per year between 2000-2008” (p. 11). The accompanying chart indicates emissions trends of carbon dioxide and methane. Since international negotiations have concentrated on carbon dioxide emissions, this is most important for assessing the effectiveness of the international process. Clearly, the rate of emissions continues to increase unabated.



Carbon dioxide and methane emissions trends, 1980-2010

Source: *The Copenhagen Diagnosis: Updating the World on the Latest Climate Science*, p. 10. (See bibliography for details).

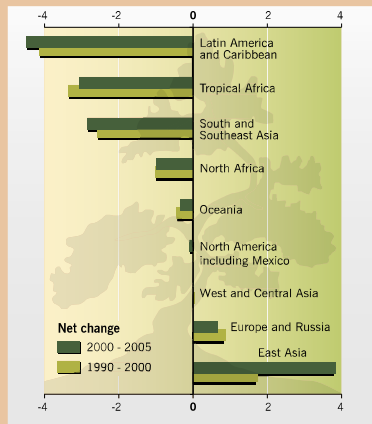


Trends in species populations worldwide.
Source: *Global Biodiversity Outlook 2*, p. 25

With regard to biodiversity, *Global Biodiversity Outlook 2*¹ indicates that: “Species are going extinct at rates 1,000 times the background rates typical of Earth’s past” (p. iv). The chart on the left indicates that the rate of decline continues unabated. *Global Biodiversity Outlook 2* points out that “we are currently responsible for the sixth major extinction event in the history of the Earth, and the greatest since the dinosaurs disappeared, 65 million years ago” (p. 10).

Forests are of major importance to all three conventions, yet, as the accompanying chart indicates, and as *Global Biodiversity Outlook 2* points out, “Deforestation ... continues at an alarmingly high rate. The loss of primary forest since 2000 has been estimated at 6 million hectares annually” (p. 2).

Annual net change in forest area. Note that where the lighter colour indicates a period of ten years, the darker colouring indicates a period of only five years—indicating a pronounced increase in the rate of deforestation. The substantial increase in forested area in East Asia is “primarily due to large-scale afforestation reported by China” (See *Global Biodiversity Outlook 2*, p. 26). Source: *Global Biodiversity Outlook 2*, p. 25



¹For publication details see p. 20

likely to be convinced of its reality and severity than people who can deal with heat by simply turning on an air-conditioner and with cold by turning on a heater.

Further, at least in developed countries, climate change gets vastly more media attention than the other issues, so the level of public awareness and political will in relation to these other issues remains low. Biodiversity and desertification, however, are issues of extreme importance to all, and there is no reason to doubt that the situation is as critical in regard to these issues as it is in regard to climate change.

As the conference discussed these matters, there were two ideas that were accepted as basic presumptions by the participants. They are mentioned here to avoid any risk of the intent of the conference or of this report being misunderstood or misconstrued:

1. While the conference discussed a good deal the need for improved scientific knowledge, there was a strong conviction that there is already enough scientific information available to provide a basis for action. The need for further scientific knowledge cannot be used as a reason for postponing action. In regard to a very large proportion of environmental is-



While desertification is a particularly serious issue for Africa, it is certainly not restricted to Africa. *The Millennium Ecosystem Assessment* indicates that: “Desertification occurs on all continents except Antarctica and affects the livelihoods of millions of people, including a large proportion of the poor in drylands. ... even by conservative estimates it ranks among today’s greatest environmental challenges with serious local and global impacts” (p. 7). The above photograph shows a dried up irrigation reservoir in the Murray-Darling Basin in Australia—a clear sign of the severity of the drought that has affected this important food producing region. Photograph by Michael T. Seigel.

sues, the level of certitude is already high enough to warrant action, and in many cases in which there remains a significant lack of certitude, the precautionary principle would suggest that action is still necessary.

2. Although the conference aimed at a critical stance towards the international process, it did so with absolutely no sense that the problems of climate change, biodiversity loss and desertification can be solved without such a process. These problems are global. They affect every region and every dimension of social, political, economic and cultural life. The international process is and will remain essential.

I. The Conventions and their Scientific Base

1. Disparity in the Scientific Base of the Conventions

There is a substantial degree of disparity in the amount and kind of scientific information that is made available both to decision-makers and to the general public in regard to the three treaties.

a. The UNFCCC and the IPCC

For the UNFCCC, scientific information and assessment is provided by the Intergovernmental Panel on Climate Change (IPCC). The IPCC is a scientific body that, according to the definition of its task on its homepage, “reviews and assesses the most recent scientific, technical and socio-economic information produced worldwide relevant to the understanding of climate change.”¹ It is made up of three working groups which assess the physical science basis (Working Group I), climate change impacts, adaptation, and vulnerability (Working Group II), and mitigation of climate change (Working Group III). The main aspect of the IPCC’s work is an assessment report originally made every five years and now made every seven years.

The IPCC draws on literally thousands of scientists from a wide variety of fields. The process operates on a consensus basis, which constitutes a substantial guarantee against extremism or unnecessary alarmism, and it is thoroughly peer-reviewed, which provides a guarantee of its objectivity. Though

there are problems with this process that we will discuss later, the IPCC is recognized as having a great degree of authority and is treated as such by decision-makers. The publication of the reports attracts a great deal of media attention and therefore these reports also constitute a major opportunity for raising public awareness.

b. The CBD

The Convention on Biodiversity has the Subsidiary Body on Scientific, Technical and Technological Advice (SBSTTA). Like the IPCC, the SBSTTA does not generate scientific knowledge, but rather brings it together for policy makers.

However, the SBSTTA does not carry out the same extent of compilation and assessment of information produced worldwide that is carried out by the IPCC, and it does not generate assessment reports on a regular basis as does the IPCC. It is, rather, a panel “made up of government representatives with expertise in relevant fields, as well as observers from non-Party governments, the scientific community, and other relevant organizations.”² The Secretariat of the CBD has produced some very important documents, most particularly the *Global Biodiversity Outlook* (now in its third version), but this does not bring together the same degree of global research, does not include the same de-

¹ See IPCC homepage: <http://www.ipcc.ch/organization/organization.htm>

² See CBD homepage: <http://www.cbd.int/convention/bodies.shtml>

gree of impact assessment and analysis of approaches to mitigation, and does not have the same level of impact on policy makers, the media, or the general public as the IPCC reports.

c. The CCD

The Convention to Combat Desertification (CCD) also has its Committee on Science and Technology (CST) which, like the SBSTTA of the Convention on Biological Diversity, is composed of government representatives, in this case “government representatives competent in the fields of expertise relevant to combat (sic) desertification and mitigating the effects of drought.”³ These government representatives are assisted by a Group of Experts.

While the CST and the Group of Experts produce valuable papers on specific issues, these have neither the scope nor the impact of the IPCC reports, and they do not constitute a compilation and assessment of the available information in the way that the IPCC reports do. Compared with the IPCC which is made up of about three thousand scientists, the Group of Experts for the CCD, by stipulation of COP 5 where it was established, “should not exceed 25 members.”⁴ The small number and the stipulation that this group should “use existing means of communication”⁵ suggest a severe shortage of funds.

The relative paucity of scientific input into the CCD and the lack of monitoring assessments result in inadequacy both in the scientific basis and in the means to channel scientific information and analysis to policy-makers. The CCD in particular, since it focuses mainly on Africa and was created at the instigation of African leaders, is prone to get very little attention from the rest of the world. Among the three conventions, it is the one of which people in the developed world are least aware.

2. Redressing the Imbalance

There are already moves in the UNEP to establish an intergovernmental panel, known as the Intergovernmental Platform on Biodiversity and Ecosystem Services (IPBES), to make scientific knowledge available for policy-makers in the area of biodiversity.⁶ IPBES is to be broadly similar in function to the IPCC. We strongly support these moves.

In fact the IPCC itself could have a major role in this. The scientists of the IPCC, particularly of working groups 2 and 3, are not climatologists but experts in fields relevant to impact assessment, adaptation and mitigation. This same network of scientists could do reports on impacts, adaptation and mitigation in regard to biodiversity and desertification, just as they do for climate change in the

³ See CCD homepage: <http://www.unccd.int/cop/cst/menu.php>

⁴ For details on the Group of Experts, see *Report of the Conference of the Parties on its Fifth Session, Held in Geneva from 1 to 12 October 2001*. Addendum Part Two: Action Taken by the Conference of the Parties at its Fifth Session, p. 47-48. [http://www.unccd.int/php/document.php?ref=ICCD/COP\(5\)/11/Add.1](http://www.unccd.int/php/document.php?ref=ICCD/COP(5)/11/Add.1)

⁵ *Report of the Conference of the Parties on its Fifth Session*, , Annex, ICCD/COP(5)/11/Add.1 (2001), para.9.

⁶ See IPBES homepage: <http://www.ipbes.net/en/index.asp>

IPCC assessment reports. The networks that the CBD and CCD already have, and the network of scientists involved in such projects as the *Millennium Ecosystem Assessment*, could produce the equivalent of the IPCC's first working group assessment report, and working groups 2 and 3 could examine the impacts and the means of adaptation and mitigation. This would therefore *not* require whole new organizations and would minimize the expense of any additional bureaucracy.

This should be carried out not only with regard to biodiversity but also with regard to desertification (although, as is described in the accompanying text-box, the scope of this latter report should be broadened). With regard to biodiversity and desertification, both policy-makers and the general public need the kind of credible and authoritative information and analysis that is achieved by the IPCC.

As already noted, in developed countries the climate change convention has gotten vastly more media attention

than the other conventions. There are undoubtedly numerous reasons for this, but one is surely the fact that the issues of biodiversity and desertification lack the regular kind of scientific assessment that draws so much media attention to the climate change issue.

Additionally, with regard to biodiversity, there have been objections that there are numerous treaties dealing in one way or another with this—such as the Convention on International Trade in Endangered Species, the Convention

Desertification as Part of a Broader Depletion of the Biosphere

The CCD focuses on Africa. The convention itself was proposed by African countries and certainly African countries are severely affected by drought, soil degradation and desertification—although these are also problems in other regions such as Australia and some parts of Asia. Unfortunately it is a problem that seems distant from most people in developed countries. Desertification, however, is only one aspect of a broader decline in the biosphere. There are problems such as deforestation, the decline in the world's fish stocks, increases in anoxic regions in the oceans, loss of farmland, grassland and forest through land conversion, urban expansion and other human activities. These factors also need to be monitored in an integral way at a global level and brought to the attention of decision-makers. Where biodiversity loss may be seen as a qualitative decline in the biosphere, this area could be seen, in a certain sense, as a quantitative decline. It is equally as critical for sustainability and needs to be addressed at a global level. It is therefore a fitting area for an international convention, and one way to achieve this would be to incorporate it into the issue of desertification, which is a dimension of this kind of decline. Far from distracting attention from the issue of desertification, including these other dimensions may well enhance the perception in developing countries that desertification is in fact an issue that is close to home.

on Migratory Species, the TRIPS (Trade Related Aspects of Intellectual Property Rights) Agreement and the Convention Establishing the World Intellectual Property Organization. The criticism is that since each of these agreements tends to have its own scientific organization, there is too much duplication. A process equivalent to the IPCC would provide an opportunity to bring the work of these various groups together and create an enhanced basis for networking and collaboration.

3. Interrelatedness of Issues

The issues of climate change, biodiversity and desertification are extremely interrelated mutually and they are intricately tied up with other issues such as poverty and development. At the levels of scientific analysis, policy-making and implementation there needs to be close synergy not only between the three treaties but also between the treaties and other socio-economic and socio-political issues. Programmes to respond, for example, to climate change should not be pushed forward without a thorough analysis of their consequences for biodiversity, desertification, poverty, etc. Likewise, environmental considerations should be a part of development and poverty reduction strategies. Factors such as land, water, poverty, indigenous issues, etc., are linked in reality, and they need to be linked in analysis, policy-making and implementation at local, national and global levels. This can only be achieved if there are extensive inter-institutional consultations.

Not only among the general public but also among politicians and experts there is a serious failure to perceive the interrelatedness of these issues—or, if the perception does exist, there is a failure to integrate it into processes of analysis, policy making and implementation. It was argued at the conference that almost two decades after the Rio Earth Summit, we have yet to look scientifically at the relationship between the three conventions. It was pointed out that Jeffrey Sachs has said that he has never seen the word biodiversity in a poverty reduction strategy paper. Developing countries are asked by the IMF, the World Bank and other international bodies (including the Rio conventions) to elaborate Poverty Reduction Strategy Papers, National Adaptation Programs of Action, and various other national strategy plans, but because these are all carried out separately they become disjointed and largely ineffective. Overcoming this is crucial. Only when issues are understood in relation to one another can they be truly addressed.

In the previous section, the suggestion was made that the IPCC (most particularly working groups 2 and 3) deal not only with climate change but also with biodiversity and desertification. If this is implemented, it will go a long way towards dealing with these issues in an integrated way, overcoming the tendency to take them in isolation from one another.

II. Limitations in the Science/Policy Interface

In this section we will look at the science/policy interface of all three conventions, but given the above recommendation that the IPCC address not only climate change but also biodiversity and desertification, we will take particular note of the strengths and weaknesses of the IPCC process on the grounds that, as the scientific base of the other treaties is advanced, they are likely to face the same difficulties.

The strength of the IPCC lies in the very process on which it operates. The panel itself does not do climate monitoring, field research or primary research. It assesses the research that is done globally. The fact that it deals with peer-reviewed research and has its own processes of extensive review give the panel credibility and authority. It does no more and no less than an assessment, and is therefore seen by governments as unthreatening and impartial. While this process is the strength of the IPCC, it also presents some limitations.

1. The Problem of Time Lag

Policy makers and the general public, for the most part, do not have the time and in most cases also not the aptitude or the basic knowledge of the sources to keep up with the latest research on climate change, and particularly not to filter out information that is overly alarmist or overly skeptical. They are therefore dependent on the assessment reports of the

IPCC. However, the rigorous review process and the reliance on consensus that gives the IPCC report its credibility also means that there is a substantial time lag between the actual research and its eventual inclusion in an IPCC report. The elapsed time means that science has moved on. The IPCC report is in fact a snapshot of the state of research at a certain cut-off date set some time before the report is published. Given the seven year gap between the reports, this means that policy and public opinion are guided by information and analysis that is likely to be well out of date.

Strategies are needed to get around this without compromising the objectivity and credibility of the IPCC reports. One possibility that should be considered would be the publication of an interim report after three years.

The Copenhagen Diagnosis

A group of scientists associated with the IPCC have, in fact produced something of the nature of an interim report, and they have been clearly motivated by the need we describe here. Because this report is not an official report of the IPCC, it may not get the same degree of acceptance. Because it has not gone through the watering down process that we refer to in the following pages, it has a value of its own. Both kinds of interim reports would seem necessary.

2. Overlap Between Policy-Making and Scientific Assessment

We have seen that the three conventions each have their own body of scientists that provide them with scientific knowledge and analysis—the IPCC for the UNFCCC, the Subsidiary Body on Scientific, Technical and Technological Advice (SBSTTA) for the CBD, and the Committee on Science and Technology (CST) for the CCD. As we have seen, in contradistinction to the IPCC, these last two are made up of government representatives. Granted they are government representatives with expertise, but clearly this is not a simple process of scientists providing information and analysis to policy makers. Rather policy makers are already active in the process of formulating the scientific assessment that will provide the scientific basis of their policy making.

This is perhaps less true of the IPCC, since the IPCC was formed before the UNFCCC and is independent of

it. However, even in the IPCC, government representatives have a role in the preparation of the *Summary for Policy Makers*—a document that is crucially important since it is the main source of information and assessment for policy makers. In the approval process of this summary, scientists and government representatives together go through and approve the summary line by line. This means that the main document that is provided for policy makers is already influenced by them. The advantage is that governments are less able to ignore the content of the summary since they have been involved in the approval process.

The disadvantage, however, is that the science can be watered down. At the conference, an example of this watering down process was given. A sentence in the Final Government Draft originally read “Roughly 20-30% of species are likely to be at high risk of irreversible extinction if global average tempera-

Text submitted to the Final Government Review	Roughly 20-30% of species are likely to be at high risk of irreversible extinction if global average temperature exceeds 1.5-2.5°C. * N 4.4]
Text projected at the Approval Meeting	[Page 6, Lines 27-28] Roughly Twenty to thirty percent 20-30% of species will be are likely to be at high risk of committed to irreversible extinction if increases in global average temperature exceeds 1.5-2.5°C. * N [4.4]
Final published text	Approximately 20-30% of plant and animal species assessed so far are likely to be at increased risk of extinction if increases in global average temperature exceed 1.5-2.5oC

A copy of the slide presented at the conference to indicate the process of negotiation over the text of the IPCC report.

ture increase exceeds 1.5-2.5°C”. In the final published version, following the approval meeting, this came to read “Approximately 20-30% of plant and animal species assessed so far are likely to be at increased risk of extinction if increases in global average temperature exceed 1.5-2.5°C.” The addition of the phrase “species assessed so far”, the deletion of the word “irreversible”, and the change from “at high risk” to “at increased risk” considerably weaken the statement.

Trying to remedy this situation may not be easy in that any attempt to eliminate policy makers from this stage may have the consequence of reducing the commitment of governments to work with the results of the assessment report. Nevertheless, at least a widespread recognition that this kind of watering down process takes place would seem necessary.

One of the implications of this is that, quite contrary to the charges of the climate change skeptics, the IPCC reports are more likely to understate than overstate the problem. This is a fact that should be more widely recognized, especially if, as recommended here, a similar approach is adopted for the issues of biodiversity and desertification.

3. Risk of a Minimalist Approach

In the process of negotiating, reaching some kind of agreement tends to become a goal in itself. This is inevitable in that insofar as no agreement is achieved, no action will take place. The problem is that there is no inherent

reason for believing that the strategies on which agreement can be reached in the negotiating process are necessarily the strategies most conducive to dealing with the ecological problems they are meant to address. There are simply too many other factors that affect the negotiating process. As negotiating governments are forced to compromise in order to reach an agreement, there is a high risk that a lowest common denominator will be sought that in fact involves a very minimalist approach—not only in the sense that the strategies adopted are likely to be the ones that conflict least with the national interest of the negotiating countries (particularly the more powerful negotiating countries), but the very interpretation of the problem promoted is likely to be a minimalist one.

We have seen one example of this minimalizing effect in the process of watering down described above. In the CBD, focusing on what are called hot spots of biodiversity makes absolute sense, but if this becomes too much of a focus it could lead to a failure to sufficiently deal with biodiversity in other areas, perhaps even leading to an implied permission to ignore biodiversity in other areas.

In regard to biodiversity, it is widely recognized that the two major threats to biodiversity are habitat loss and invasive species. While the CBD has a special focus on invasive species, it does not have a similar focus on habitat loss (except insofar as the attention to “hot spots” constitutes such a focus). The question is whether a focus on this

would have such serious economic implications that negotiating countries prefer to keep away from it.

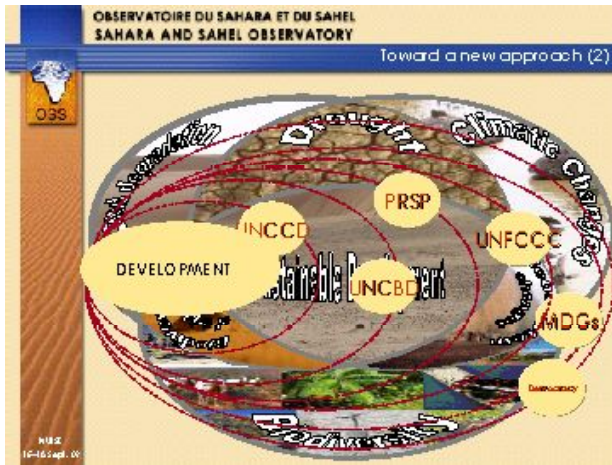
In negotiations on climate change too, it is important to question whether the focus on emissions may be an example of this kind of minimalist approach—adopted because it is more conducive to concluding an agreement than because it is the best way to solve the problem. Narrowing of the focus in this way makes it extremely unlikely

available for the kind of process that is carried out by the IPCC. This is particularly true in regard to biodiversity and desertification, but even in the IPCC process it is true in regard to certain aspects of adaptation and mitigation where often there is a paucity of literature to be assessed.

In these areas, there may be a need for fieldwork—something that is not currently part of the role of the IPCC. It may also be important to look at literature that appears in government reports, NGO reports, etc. This has been called “grey literature.” It is not necessarily subject to rigorous review such as the peer review characteristic of science literature. Yet much of the literature that appears on biodiversity, desertification and adaptation to climate change appears not in science journals but in this grey

literature. This kind of material must be incorporated without compromising objectivity and credibility. A rigorous process for evaluating this literature that raises it to the level of peer-reviewed work is therefore necessary.

Another aspect of developing a broader knowledge base is the integration of different styles of knowledge—for example the knowledge of indigenous peoples and knowledge grounded in the day-to-day experience of farmers



A slide used in the presentation of Youba Sokona to demonstrate the kind of integrated approach necessary.

that the correlations and synergy with the other conventions that we have called for above will ever be achieved. Further, the focus on emissions is a focus on a particular consequence of our lifestyle and patterns of production and consumption, and a greater focus on causes may be necessary.

4. A Broader Knowledge Base

In many cases, there may not be sufficient objective peer-reviewed research

and others whose lifestyle involves intensive interaction with nature.

Both broader knowledge and broader participation in the process of information generation and analysis is necessary, but it is essential that this be carried out in a way that does not compromise objectivity and credibility. To achieve this, a vastly greater degree of communication across sciences will be required, particularly between natural scientists, social scientists, anthropologists and economists.

5. Difficulties Associated with the Consensus Process

The decision-making of these conventions is a very difficult process of over 190 nations operating essentially on a consensus basis. Achieving consensus in an inherently disparate grouping is in itself a difficult task. It is a process that encourages moderate rather than extreme decisions—even when more radical decisions are called for. And it is also a process that is vulnerable to being held back by the will of those who want the least to happen.

One way that has been suggested for dealing with this problem is to try to reach agreement in smaller groups. For example, given that the top 17 emitters (including the EU) are responsible for 80 per cent of carbon emissions, negotiations among these countries, it has been suggested, could be a more pragmatic approach.

The Major Economies Meeting set up by the Bush administration was an example of this kind of approach. This

was widely rejected both because it was seen as being at odds with the UNFCCC and because it was to operate through voluntary means only. However, this initiative has been renewed by the Obama administration under the title “Major Economies Forum”. More recently, there have been suggestions that the G20 work together to achieve the kind of agreement that could not be achieved at Copenhagen.

However there is a serious risk in this approach. While it is quite feasible that more creative ideas will come from smaller forums, there is a serious risk that these better off countries will cater to their own needs and pay insufficient attention to other countries and to the need for synergy. Certainly the approach of working in smaller groups may have some pragmatic advantages, but the risks involved must not be underestimated, nor should the need for a broader consensus approach be downplayed. If an approach is adopted that involves seeking agreement among a limited number of countries with similar interests or facing similar issues, then strategies must be put in place to assure that this will be fully integrated into the broader consensus process, with effective systems of transparency and dialogue set up to avoid the risk of forming a club that panders to its own interests to the exclusion of others.

III. Developing Countries and Local Communities

The role and place of developing countries in the negotiations is a matter that is frequently discussed—often with the implication that developing countries too must be willing to accept such burdens as emissions cuts, etc. But developing countries must be given a much greater role than just being asked to share in the burdens associated with implementation. With issues such as biodiversity and desertification, with some issues that impact on climate change such as deforestation, land conversion, the release of methane from waste dumps and landfills, etc., and with many aspects of adaptation and mitigation in regard to climate change, the way people relate to their immediate environment is key. With regard to fossil fuel emissions, undoubtedly, the role of the wealthier countries is key. But with these other areas, in many cases, the way that people in developing countries—particularly the poorest of these countries and very often the rural and indigenous communities in these countries—interact with (or are constrained by socioeconomic conditions to interact with) their natural environment has a critical impact on sustainability.

For this reason, the impact that the conventions have on these countries and communities and the role they have in the convention process is of critical importance. Without adequate participation by developing countries, an adequate response to the ecological crisis will be impossible. When people are not part of

the decision-making process, when they have no say in setting the agenda, they are unlikely to be eager to accept the decisions made, they will be prone to mistrust, and there is a high risk that the decisions made will not be cognizant of their situation and therefore not suited to implementation in their socioeconomic circumstances.

The participation of developing countries, then, is much more than a matter of sharing in the responsibility of implementation. Participation of poorer countries, and of the poorer communities in these countries, is essential at the levels of analysing the problems and setting both long term and short term goals.

This means that avenues for participation by indigenous peoples, farming communities, etc., in decision making processes must be created and also that decisions must be made with sufficient understanding of the circumstances of the people who will be affected.

1. Differing Perspectives on Developing Countries

In very general terms, there are essentially two perspectives regarding the situation of developing countries.

One perspective sees the developing countries very much as victims. These countries are, for example, highly vulnerable to climate variability, which means that they are likely to suffer more from the consequences of global warming. This vulnerability is due to

their location in regions highly prone to natural hazards, to their relatively dense populations, and to their weak economy, high poverty and low adaptive capacity.

Those most seriously affected by climate change, therefore, are in most cases those lacking the resources for effective participation in the decision-making process. Given that for the most part they have contributed very little to the problem, this leads to the conclusion that they are victims in the whole process.

The other perspective seeks to treat the developing countries as both more responsible and more capable of being responsible for themselves. China, it is pointed out, is today the greatest emitter of greenhouse gases (i.e., as a country and not in per capita terms). Many other developing countries too have achieved significant economic growth and are not seen exclusively as victims in the environmental crisis.

Further, the perception of these countries as victims is seen by some, even within the countries, as encouraging passivity and dependence, and as turning attention away from what that they can really do for themselves. The fact that numerous countries, particularly in Asia and Latin America, have gone a long way towards extricating themselves from poverty is taken as indicating that there is much these countries can do for themselves.

However, the countries of the developing world should not be seen as a monolithic whole. There is a wide disparity within these countries. The fact

that in recent years some developing countries have achieved a fairly high level of growth should not be allowed to obfuscate the difficulties that many developing countries continue to face. Many remain highly dependent on the export of agricultural products, are stricken with ethnic tensions, and have extremely inadequate infrastructure—all factors that are in one way or another a legacy of the colonial era. In many of these countries, factors such as external debt, the imposition of structural adjustment programmes, and conflicts (sometimes exacerbated by outside forces in quest of resources), have further weakened the capacity of the state to govern. The worst case scenario, it was suggested at the conference, can be seen in Congo where so many countries intervene because of its rich resources.

The increasing gap within the so-called developing countries can be seen by the fact that the CDM (clean development mechanism) portfolio of the Kyoto Protocol is dominated by China and India. Africa has practically no share.

To treat the problems as all internal or all external would therefore be a mistake. We are dealing with a nexus of internal and external factors. Our starting point must be that, due to both internal and external factors, developing countries—and particularly the poorer developing countries—are disadvantaged in the process of negotiating and of implementing international environmental agreements. Given that the tensions that arise between developed and developing

countries frequently cause an impasse in negotiations, it is essential that the nature of this disadvantage and the way it affects the process of the conventions be addressed.

2. Disadvantages in Negotiation and Implementation

Negotiations are inevitably carried out between governments who see their main role as promoting the national interests of their respective countries. This may involve favouring particular industries or corporations. In the negotiation process, the relative influence of each country varies according to



The conference at work: a presentation by Ulrich Brand

the relative strength or weakness of that country. Some more powerful governments, in fact, attempt to shape the processes even of conventions they have not ratified. They do this through such strategies as warning against “over-regulation”, holding out against the idea of compensation for Southern actors, and arguing for voluntary rather than binding agreements.

In this competitive context, poorer and weaker countries stand at a considerable disadvantage. Currently, rich countries dominate the key global economic structures such as the IMF, the World Bank, the G-8, the OECD and the

WTO, whereas poor countries, either through lack of membership or through lack of capacity for effective representation and participation, have very little influence.

Developing countries generally, and the poorer developing countries in particular, have a limited range of technical, scientific, legal and economic expertise and consequently are necessarily dependent on northern

scientists and institutions to tell them the extent and impacts of global warming and to lead the negotiations in areas that are intensely science-driven. The three IPCC Working Groups are dominated

by U.S. and European scientists. Particularly poorer developing nations are not able to send their representatives and scientists to expensive intergovernmental meetings (preparatory meetings, ad hoc working groups, inter-sessional meetings, etc) and this limits their participation in global environmental negotiations. Even when they are able to send representatives to such meetings, they often lack sufficient knowledge of environmental science, international law, international environmental politics, etc. There are numerous factors that lie behind this. One is the “brain drain.” Fully one in three trained Africans are

said to live in a developed country. In addition to this there is the lack of funds available for education and research, and even inadequate availability of the information necessary for applying for funding.

Even when the poorer developing countries are able to participate in and even influence global environmental negotiations, many factors can impede effective implementation. There are, for example, treaties promoting technology transfer, but the treaties are between countries, and most of the technology is owned by the private sector, not the government. At the Bali meeting of the UNFCCC, developing countries did accept the basic idea that they would agree to emissions cuts if there was technological support from developed countries, but this is a factor that impedes that technological support.

Frequently developing countries, and particularly the poorer developing countries, don't have the institutional capacity for implementation. Many African countries, not having the financial and technical capacity to control the importation of genetically modified foods and crops, have not been able to implement and regulate the Biosafety Protocol and other global environmental agreements with full capacity. African

countries' precariousness and heavy financial dependence on development cooperation partners are still the main obstacles to the implementation of sustainable development strategies and environmental initiatives.

Ultimately, the objective of international negotiations must include efforts to remedy both environmental problems and situations of poverty and inequality. While problems related to climate, biodiversity and desertification need to be addressed, the starting point should be a comprehensive grasp of the whole situation. Responding to climate change, promoting and preserving biodiversity and combating desertification must be accompanied by development and empowerment at the same time. Both nationally and internationally, a cross-sectoral approach is essential.

3. Indigenous Peoples and Local Communities

Developing countries are frequently countries whose borders were defined at the convenience of former colonial masters and without reference to the ethnic make-up of the population. They are made up of numerous ethnic groups, often including indigenous peoples who are either still living traditional lifestyles or mix to some degree traditional



Janna Thompson, Monirul Mirza, Youba Sokona

Some factors that, in spite of the express inclusion of indigenous peoples in the CBD, limit their capacity for involvement:

- The CBD seeks to protect the intellectual property rights of indigenous peoples, but under the principle of national sovereignty control of biological diversity is granted to national governments, not local populations.
- In some cases, indigenous peoples have extremely egalitarian societies in which no person is entrusted with authority for the group. This can make any form of representation extremely difficult.
- The factors that hinder developing countries at the international level often hinder indigenous peoples at the national level: they often lack the funds and expertise necessary for participation and representation.
- Indigenous peoples may be subject to discrimination and marginalization
- Many of the above factors also apply to farming communities. Further, some environmentalists display a distrust of farmers and other people whose lifestyle and economic activity involve substantial interaction with the natural environment. Their practices can be seen as exploitative and as destructive of biodiversity. This distrust is not conducive to promoting participation and in most cases is an oversimplification by people who are not sufficiently attuned to the various factors affecting farmers and other local communities.

lifestyles with lifestyles that have arisen with the advent of westernization. Even when there is no particular form of discrimination, it is frequently difficult for governments to represent the diversity of their own people, and it is not uncommon for indigenous peoples

and other minorities to feel that they are not represented by their governments.

In contrast to other international forums, the importance of indigenous knowledge and indigenous peoples is explicitly recognised in Article 8(j) of the CBD. Their participation in the political process is encouraged, and it is stated that they should be included in the process of benefit sharing. However, as is shown in the accompanying textbox, there are numerous factors that interfere with the effectiveness of this.

There is a serious need for the systematic integration of local and grass-roots voices into decision-making processes at the national and at the global level. International

conventions could feasibly provide a framework for encouraging a more adequate integration of local communities both globally and nationally.

Conclusion

The outcome of this discussion creates a dilemma. That dilemma can be summed up in the following three points:

1. The environmental crisis is global. Its causes and its consequences reach into every region and every dimension of the world's socio-economic system. No country or region can deal with it in an isolated or totally self-reliant way. International cooperation is essential and therefore there is no alternative to carrying out international negotiations.
2. The environmental crisis requires an approach that is integral and comprehensive. Environmental issues such as climate change, biodiversity, desertification, etc., have to be correlated with one another and also with other issues such as poverty, development, etc. Poorer countries, indigenous peoples, farming communities, etc., must have a voice and must be included in the earliest stages not only of negotiation but also of scientific assessment.
3. The process of international negotiation works best with issues that are very specific. It is far less suited to dealing with issues that require an integral, interrelated, comprehensive approach. In order to achieve agreement, the tendency will inevitably be to define very specific problems and treat them in isolation, particularly when the negotiating partners are primarily concerned with their

own interests.

What follows from this is that, while the original perception that gave rise to these conventions—the perception that negotiating international treaties is the way to go in responding to the environmental crisis—was not misplaced, there need to be adjustments in the international negotiating process to make it more suited to the task that the environmental crisis sets for it.

1. The UNFCCC

In the follow-up to the failed Copenhagen Conference, *in addition to setting adequate and binding emissions reductions targets*, the UNFCCC should

- a) Lay the groundwork for a system of interchange and collaboration with the other conventions so that the synergy we have spoken of can be achieved.
- b) Begin a process to broaden the knowledge base of the convention in a way that draws in the information generated by government agencies, indigenous peoples, farming communities, NGOs, etc., (including those in developing countries) without compromising the objectivity and credibility of the knowledge base.
- c) Establish means for greater representation of developing countries and particularly the poorer developing countries at the earliest stages of problem analysis and agenda setting.
- d) Begin the process of setting targets for negotiation that go beyond emis-

sions reductions targets and other outcomes and address the causes that lie in the patterns of production and consumption. These targets that must be worked out in dialogue with the other conventions.

2. The CBD

The CBD too, at its Nagoya meeting, should formalize as much as possible its relationship to the proposed Intergovernmental Platform on Biodiversity and Ecosystem Services, and initiate a process of collaboration with the IPCC that would enable it to include the work of Working Groups 2 and 3 in the process. Like the UNFCCC, the CBD also needs to enhance the participation of developing countries, develop strategies for raising knowledge that derives from sources other than academic expertise to the same level of objectivity and credibility as peer-reviewed academic work, ascertain that the strategies that it adopts for the inclusion of indigenous peoples are adequate for this task, and set up a structure for communication and collaboration with the other conventions.

3 The CCD

The CCD, first of all, needs better funding, better press, and more attention from the developed world. Desertification should not be seen as a problem that exists only in those parts of the world where deserts are in fact forming or spreading. Rather it should be seen as one very important aspect of a multidimensional degradation and despoliation of the biosphere—a phenomenon that includes the growth of anoxic regions

in the oceans, deforestation, reduction in the primary production of biomass through photosynthesis, etc. It should therefore be seen as something that affects all and that is at the same time an outcome of socioeconomic processes that involve all.

In sum, the process of all three conventions must become more adapted to the interrelated nature of the problem. This does not mean that specific problems do not need to be treated in a specific way. There are already many international treaties for dealing with specific problems—treaties regarding trade in endangered species, intellectual property rights, etc. Where there are no such treaties, it is appropriate for the three Rio conventions to carry out specific negotiations to deal with specific problems. Negotiations therefore to reduce fossil fuel emissions remain appropriate for the UNFCCC even when this is done in a way that does not correlate this with other problems.

But dealing with specific problems through specific strategies in an isolated way, while it may be necessary, will never be an adequate approach to dealing with the highly interrelated nature of the environmental crisis. To deal with the problem comprehensively within the context of the present international architecture, this interrelatedness must be addressed. The three Rio Conventions provide the most appropriate forum for addressing this interrelatedness. The architecture of the conventions themselves however has to be configured in a way that makes them conducive to this

goal. Creating that architecture, then, would seem to be the most important step forward for these conventions.

Finally, The whole process needs to be guided, far more than it currently is, by the perception that climate change, loss of biodiversity, and desertification are outcomes of human activity. Ultimately, there can be no real solution to the environmental crisis unless the human activity that gives rise to it is addressed. That means that attention must turn more and more from the outcomes to the causes—the patterns of consumption and production, the political and economic decision-making processes, the attitudes towards nature and towards other peoples, and those other factors in

human society that have given rise to a society that seeks wealth and comfort at the expense of other peoples and of the environment. An accurate identification of the causes of the environmental crisis will be achieved only when the various ecological problems we face are seen in conjunction with one another and equally in relation to problems of poverty, development, inequality, etc. This perception will necessarily hinge on the participation of those least advantaged not only in the process of addressing the problems, but also in the process of understanding and assessing them, and setting the agenda for addressing them.

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