

LAWRENCE E. SUSSKIND • SALEEM H. ALI

FOREWORD BY ZAKRI ABDUL HAMID

Chair of the Intergovernmental Platform on Biodiversity and Ecosystem Services (IPBES), Science Advisor to the Prime Minister of Malaysia



ENVIRONMENTAL DIPLOMACY

**Negotiating More Effective
Global Agreements**

SECOND EDITION

OXFORD

Environmental Diplomacy

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Dedicated to the memory of Nobel laureate Wangari Maathai, founder of the Greenbelt Movement, Kenyan environment minister, and university professor. Against much criticism and cynicism from the international arena, she showed the way for connecting grassroots activism and education constructively to environmental diplomacy

“To those devoid of imagination a blank place on the map is a useless waste; to others, the most valuable part.”

Aldo Leopold,
First Conservation Advisor to the United Nations, 1946

“Our ultimate goal, when we deal with environmental issues, is to show that national boundaries do not obscure the fact that all people in North and South, East and West, are united. We are all trustees of the earth for the unborn. I am not a dreamer. I know this is an aspiration quite distant from today’s reality. But, I am still optimistic that we will reach there one day, and soon.”

Mostafa K. Tolba (longest serving UNEP
Executive Director 1975–1992 and author of
Global Environmental Diplomacy, 1999)

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FOREWORD TO ENVIRONMENTAL DIPLOMACY

Environmental factors in global affairs are gaining prominence as countries recognize the importance of collective action to deal with challenges that confront our planet from human activities. Clear but rigorous texts that guide students of international relations, policymakers, and the public at large on such matters are few and far between despite immense progress in this arena during the past two decades. It is thus opportune that *Environmental Diplomacy* is being published as a second edition with a renewed emphasis on the role of developing countries in fostering greater progress toward an effective international system for environmental decision-making.

As the Chair of the newly created Intergovernmental Science-Policy Platform on Biodiversity and Ecosystem Services (IPBES), I am particularly keen to see the lessons contained in this book being given a greater audience. The creation of IPBES was itself a landmark exercise in environmental diplomacy that attempted to glean the lessons from past organizations such as the Intergovernmental Panel on Climate Change (IPCC) and to also make a more explicit connection between science and policy. Although there are still numerous threats of diplomatic inertia in the international treaty-making system, if we are willing to learn from sound research on consensus-building provided in this book, the tasks of negotiators will undoubtedly become easier.

This book is predicated on a vast array of experience in negotiations theory and international environmental diplomatic research over the past three decades at the MIT-Harvard Public Disputes Program where Larry Susskind has taught for four decades and pioneered consensus-building techniques. I have had the pleasure of engaging with Professor Susskind through the MIT program at the University of Technology, Malaysia. Saleem Ali was trained as one of Larry Susskind's doctoral students fifteen years ago and then developed his own area of particular expertise in environmental peace-building, which also comes through in this revised second edition. As a Pakistani-American,

Saleem Ali also brings a sense of personal empathy with the predicament of both developed and developing countries as they attempt to grapple with the complexities of international environmental treaties.

As we prepare for the next milestone in gathering global consensus around environmental diplomacy, it will be essential for us to also embrace economic expediency more directly. This book provides a welcome departure from focused disciplinary texts on international environmental law to provide a more integrated planning perspective on environmental treaties. Fields such as ecological economics are now far more mainstream than they were at the Rio Summit in 1992. Indeed, IPBES itself exemplifies the incorporation of such paradigms by noting the concept of ecosystem services in its organizational title. The Rio Plus 20 document on “The Future We Want” also espoused a “Green Economy” approach to international environmental diplomacy, which this book also supports with persuasion.

Susskind and Ali have a lucid writing style and have made the language in this book easily readable without being too encumbered with protracted theoretical tangents. However, they also do not compromise academic rigor and have chosen to go through a peer-reviewed academic press to ensure the book maintains credibility with academia as well. I applaud their willingness to be public intellectuals in this regard at a time when books on such topics are either too academically convoluted or too simplified for marketability. Keeping the balance between depth and breadth is always tough and it is commendable that the authors have achieved that in this work.

It is now incumbent on practitioners involved in the daily workings of international environmental institutions to ensure that governments, civil society, and various other communities engaged in environmental diplomacy read and heed the learning in such important works.

Dr. Z.A. Hamid

*Chair, Intergovernmental Platform on Biodiversity
and Ecosystem Services (IPBES)*

Kuala Lumpur, Malaysia, April 2014

PREFACE

International environmental agreements have increased exponentially within the last five decades. According to a recent estimate from the United Nations Environment Programme, world leaders have signed up to over five hundred internationally recognized agreements, including 61 atmosphere-related; 155 biodiversity-related; 179 related to chemicals, hazardous substances and waste; 46 land conventions; and 196 conventions that are broadly related to issues dealing with water. Following trade, environment is now the most common area of global rule-making.¹

In 1994, the first edition of *Environmental Diplomacy* was published following the momentous Rio Summit (The United Nations Conference on Environment and Development), and the book was one of the first to synthesize lessons about international environmental treaty making. Twenty years hence, much has changed and the Rio Plus 20 summit held in 2012 has provided an impetus for us to update this study. For the second edition Larry Susskind has invited his former doctoral student Saleem Ali as coauthor to help provide an additional perspective from the Global South as well as providing a broader analysis of the role of science in environmental treaty making.

As the world's population grows, our task becomes increasingly difficult. Many nations do not have adequate resources to meet even the most basic needs of their citizens, let alone those they will need to feed millions of additional mouths in the future. In the meantime, some of the wealthier nations have taken their resource endowments for granted—wasting energy, allowing land to become unproductive, polluting water supplies, and poisoning the air—all in the name of economic growth.

¹ John Vidal, "Many Treaties to Save the Earth, but Where's the Will to Implement Them?" *The Guardian*, sec. Environment. Accessed July 5, 2013. <http://www.guardian.co.uk/environment/blog/2012/jun/07/earth-treaties-environmental-agreements>.

Some of the key questions we seek to address in this second edition are: What have been the successes and failures in the environmental treaty-making arena within the last two decades? How has the role of civil society and scientific consensus contributed to this maturing process? Why have some treaties been more enforceable than others, and which theories of international relations can further inform efforts in this regard? Addressing these questions with renewed emphasis on close case analysis will make this volume a timely post-script to the Rio Plus 20 appraisal that took place in 2012.

In order to gain from the experience of negotiators directly, we also contacted twenty-five key diplomats or administrators involved in the environmental treaty-making process and sought their views on the following four questions:

- 1) What do you see as the most significant **impediments** to reaching further agreement (on policy changes or new approaches to implementation) within any of the international environmental treaty regimes with which you are familiar? How might these be overcome? Could you give an example from your own experience of a consensus-building “move” that has helped?
- 2) Is **science** playing an important role in the administration of any international environmental treaties with which you are involved? Is there something we can and should learn about the role of science or science advice from the Intergovernmental Panel on Climate Change (IPCC) process or new initiatives such as the International Panel on Biodiversity and Ecosystem Services (IPBES)? If you are not working in the climate change or biodiversity space, you can comment more generally about the role of science in your area of environmental decision-making.
- 3) Are there **structural changes** in the United Nations’ treaty-making process that you would recommend and/or changes in other multilateral agreement frameworks?
- 4) How might we improve **enforcement** of international environmental agreements? Are there examples of particular enforcement mechanisms that you think have worked reasonably well?

Their responses have informed our revisions, and where they agreed to be quoted we have provided their perspectives directly as well.

Environmental activists and advocates of sustainable development have pressed for changes in domestic policies in both developing and developed nations. In Europe, the United States, and several other places, substantial progress has been made: conservation efforts are underway and pollution levels have stopped climbing. Indeed, in some of these countries most resource management decisions are now made with much greater attention to minimizing environmental impacts and achieving sustainability. In a good portion

of the developing world there is grudging acceptance that economic growth and wise resource management need not be traded off against each other; and the rapid rise of nongovernmental groups devoted to this proposition, even in some of the poorest nations of the world, suggests that the prospects for the future are improving.

However, just as environmental progress is about to be achieved at the domestic level, at least in some parts of the world, the environmental agenda is shifting. Now the most pressing environmental problems are global, including ozone depletion, pollution of the oceans, loss of biodiversity, and potentially devastating climate changes. The resources that need protecting are common ones—fisheries, endangered species, rivers, oceans, forests, and the like that transcend national boundaries. Countries that have learned how to make environmental regulations and control development will, unfortunately, not be able to solve these global problems on their own. And countries still struggling with the burdens of poverty, famine, and war do not see themselves as being in a position to help.

How will we achieve the level of global cooperation needed to tackle this new generation of environmental threats? We do not have much to work with—only the United Nations (which has not had much success) and a handful of multilateral organizations. Although there are a great many individuals and nongovernmental groups throughout the world eager to assist, coordinating a global response, sometimes in the face of active resistance, is extremely difficult.

In June 1992 the world's attention was focused briefly on these global environmental problems when tens of thousands of official delegates and unofficial activists met in Brazil at an "Earth Summit" sponsored by the United Nations. After two years of elaborate preparatory meetings, 178 countries attempted to negotiate a series of international environmental treaties. Conference organizers managed to get more heads of state to the conference than had ever gathered before, but they were not able to complete even a small portion of the agenda assigned to them by the General Assembly of the United Nations. In 2002, the organizers of the "World Summit on Sustainable Development" (WSSD) purposely took out the word "environment" from the title of what was meant to be a ten-year milestone. Millennium development goals became our compass for the following ten years of environmental diplomacy. At Rio Plus 20 in 2012, we repackaged our aspirations toward sustainability in a forty-nine-page manifesto called *The Future We Want* within the framework of a "green economy." All these changes have tested our system of environmental diplomacy, which requires renewed analysis.

We must find other ways of ensuring the level of collective action required to address the next generation of global environmental threats. To do this, the art and science of environmental diplomacy must be enhanced.

Diplomats, politicians, environmental action groups, scientists, business leaders, journalists, and many others will need to find new ways of working together. We will have to weave together knowledge and skills from the fields of international relations, environmental science, negotiation, law, economics, and others to build the necessary institutional capacity. It will not help, the way it sometimes does, to break the problem into smaller, more manageable, pieces. Yet twenty years hence since the publication of the first edition, we maintain that only a comprehensive global approach to managing environmental resources and coordinating sustainable development will work.

A book project of this kind is a team effort behind the scenes of authorship. We would like to thank our students and colleagues worldwide who have helped to shape our perceptions about environmental diplomacy over the years. In particular, thanks to David Bodansky, Scott Barrett, Geoff Dabelko, Alex Dehgan, Daniel Esty, Adil Najam, Maria Ivanova, Sanjeev Khagram, Bill Moomaw, Kal Raustiala, Rosemary Sandford, James Sebenius, and William Zartman. Our families continue to be patient with our hectic travel schedules and writing deadlines, which have become unavoidable with such panoramic research tasks, and we are deeply grateful to them for their patience. Special thanks to research assistant Takeo Kuwabara for help in updating the bibliography and the Appendices in this volume.

We are dedicating this book to someone who was not an environmental diplomat but a bold and committed scholar and practitioner who operated at multiple levels of human endeavor to drive home the importance of environmental cooperation across borders. Wangaari Maathai (1940–2011) embodied the spirit of environmental diplomacy in quite unconventional ways. Although we do not necessarily agree with all the tenets of Dr. Maathai's campaigns, she was the person who raised environmental issues most directly to an international pedestal from the developing world and earned a Nobel Prize for it. She worked in the academy, in government, and at the grassroots with equal measures of dedication to show that planetary protection and governance cannot be left just to one particular constituency or profession. Environmental diplomacy necessitates engagement between governments and various sectors of society, and we must remain committed to such an inclusive approach.

Lawrence E. Susskind and Saleem H. Ali
Cambridge, Massachusetts USA and Brisbane, Queensland Australia

ABBREVIATIONS

ATS	Antarctic Treaty System
BRICS	Brazil, Russia, India, China, South Africa (Bloc of countries)
CCAMLR	Convention on the Conservation of Antarctic Marine Living Resources
CFC	chlorofluorocarbon
CITES	Convention on International Trade in Endangered Species of Wild Flora and Fauna
CMS	Conservation of Migratory Species of Wild Animals
CRAMRA	Convention on the Regulation of Antarctic Mineral Resources Activities
EC	European Community
EC Commission	Commission of the European Communities
ECE	UN Economic Commission for Europe
ECOSOC	UN Economic and Social Council
EMEP	Cooperative Program for Monitoring and Evaluation of the Long-Range Transmission of Air Pollution in Europe
EPA	U.S. Environmental Protection Agency
G20	Block of 20 significant economies of the world
GAI	“Green” Amnesty International
GATT	General Agreement on Tariffs and Trade
GEF	Global Environmental Facility
GEMS	Global Environmental Monitoring System
HCFC	hydrochlorofluorocarbon

IAEA	International Atomic Energy Agency
ICEL	International Council on Environmental Law
ICSU	International Council of Scientific Unions
IENN	International Environmental Negotiation Network
IMO	International Maritime Organization
IPCC	Intergovernmental Panel on Climate Change
IUCN	International Union for the Conservation of Nature (now called World Conservation Union)
IWC	International Whaling Commission
IWRB	International Waterfowl and Wetlands Research Bureau
LDC	London Dumping Convention
MARPOL	International Convention for the Prevention of Pollution from Ships
NAFTA	North American Free Trade Agreement
NGI	nongovernmental interest group
NGO	nongovernmental organization
NIEO	New International Economic Order
ODA	official development aid
OECD	Organization of Economic Cooperation and Development
RAMSAR	Convention on Wetlands of Importance Especially as Waterfowl Habitat
TFAP	Tropical Forestry Action Plan
UN	United Nations
UNCCD	United Nations Convention to Combat Desertification
UNCED	UN Conference on Environment and Development
UNCLOS	UN Convention on the Law of the Sea
UNDP	UN Development Programme
UNEP	UN Environment Programme
UNESCO	UN Educational, Scientific, and Cultural Organization
UNITAR	UN Institute for Training and Research
WWF	World Wildlife Federation
WTO	World Trade Organization

What Is This Book About?

Suppose you were asked to serve on your nation's delegation to an international conference charged with negotiating a global environmental treaty. There is an ever-increasing number of such negotiations on topics ranging from ozone depletion to ocean pollution, from preserving tropical forests to global warming. And, there are literally billions of stakeholders, including representatives of business and industry, environmental activist groups, and scientific organizations, all of whom insist on being consulted, if not actually included, in such negotiations. Hence, being invited to serve on such a delegation is not an outlandish premise. What problems would you face and how would you handle them?

To participate, you would have to digest a great many technical and scientific reports. Much of this material, you would find, is speculative; that is, it talks about what might happen but acknowledges that much is uncertain. Our collective wisdom about global environmental ecosystems and how they are likely to react to various human interventions is still quite skimpy despite Herculean efforts such as the Millennium Ecosystem Assessment, which was published in 2005 after several years of collaborative work by over a thousand scientists. Notwithstanding the challenge of data availability and "digestion," the risks associated with severe damage to the biosphere are so frightening that your delegation (as well as the teams from other countries) has no choice but to take some kind of action at the international conference.

You would quickly find yourself facing pressure from numerous interest groups, each eager to influence your thinking about how to define the risks and what ought to be done about them. Some groups will not be represented directly on the negotiating committee, so they will have no choice but to rely on you and other delegates to express their concerns. In addition, your delegation will face strong external demands from other national delegations with different needs and priorities. Longtime allies may turn out to be adversaries on certain environmental matters.

The greater the number of countries involved, the more difficult it will be to generate global agreement, yet that is what is required. Global environmental threats are of growing concern to a broad cross section of groups within each

country as well as to a growing number of countries. Transboundary environmental problems such as climate change, the preservation of biodiversity, protection of the oceans, decisions about how best to manage pristine resources such as Antarctica, or the difficult task of promoting sustainable development go well beyond anything one country or even a group of countries can accomplish on its own.

Ultimately, your negotiating committee will be expected to advocate for your country's national interests and to speak with a single voice. Yet, the more diverse the membership of your committee, the more difficult it will be to achieve internal consensus. It was disconcerting, for example, to the president of the United States to learn that members of the U.S. Negotiating Committee at the 1992 "Earth Summit" in Brazil disagreed publicly with his stated position on the Biodiversity Convention (which he refused to sign). If your own team is pulling in different directions, it is all but impossible to be effective in a multilateral negotiation.

Negotiating committees usually receive explicit instructions from the most senior levels of their governments, including—in the case of the United States—the White House, the State Department, and a variety of federal agencies, including the Environmental Protection Agency. Indeed, it is not unusual to have technical specialists from these agencies assigned to work with a negotiating committee or even to be members of it.

Unfortunately, individual federal agencies frequently have different priorities and agendas. The State Department, for example, will not want the negotiating committee to take a position on an environmental issue that might damage ongoing relationships with allies, or undermine bilateral discussions concerning collective security or economic aid. The Environmental Protection Agency will want to be certain that all positions taken by the negotiating committee are consistent with prevailing environmental laws and regulations within the United States, so that its domestic enforcement efforts will not be undercut. Key congressional representatives will want to be heard, and some may even demand to be included on the negotiating committee (in part, to be certain that the views of the party out of power are not ignored). Many of these representatives will be primarily interested in promoting regional concerns. For example, they could well oppose a treaty that might hurt their section of the country, even if it helped the rest of the country or, indeed, the rest of the world.

In addition to a whirlpool of conflicting pressures from various governmental representatives, the negotiating committee will also face demands from two other sources, neither of which speaks with anything approaching a single voice: grass-roots environmental groups and such private-sector interests as transportation, energy, and agriculture. Some corporate leaders, concerned that new regulations might increase operating costs, inhibit expansion, or

undermine the value of their investments, will launch major lobbying efforts in opposition.

The nongovernmental grass-roots groups, though they rarely speak with one voice, remain a potent political force. Environmental groups range from out-and-out conservationists who oppose any further development in sensitive areas to “free marketeers” who believe that only pricing strategies and financial incentives, not regulations, will be effective in achieving greater environmental protection. Other nongovernmental interests, whether represented on the negotiating committee or not, will work to push the committee in still other directions: consumer advocates will fight to ensure that environmental regulations do not increase the burdens on the poor and the disadvantaged, real estate developers worry that local investment options could be limited by new environmental restrictions contained in international treaties, bankers are wary of the impact that new environmental regulations might have on economic growth, and spokespeople for various scientific groups want to ensure that all policy decisions take account of the “best” technical research available—especially the work that they have done.

Assuming that a negotiating committee can reconcile all these competing internal interests (which is no easy task), it then must deal with the demands of delegations from more than 195 countries—each with its own delicately balanced political agenda, each also dealing with the same kind of multifaceted internal pressures your delegation faces. Included among these countries are democracies as well as dictatorships; nations struggling with the incredible burdens of poverty, famine, and rapid population growth as well as those with substantial gross national products per capita; newly industrializing or reindustrializing countries with little, if any, environmental enforcement; and highly developed countries with elaborate environmental management systems.

This book explores how best to structure global environmental negotiations so that the internal and external pressures on national negotiating committees can be addressed effectively. Obviously, such negotiations must take account of each country’s desire (and right!) to pursue its national interests while recognizing the absolute necessity of promoting effective cooperation if we are going to preserve and protect the biosphere. This, then, is why global environmental negotiations are so difficult. We must find a way to do better.

Consider, for example, the much-ballyhooed historic Earth Summit in Rio de Janeiro in 1992. Preparations for this mega-event, attended by four thousand official and thirty thousand unofficial negotiators, took many years. It culminated in a mere two weeks of face-to-face interaction, during which the negotiators tried to work out the details of several incredibly complex agreements. In the fall of 1989, when the United Nations General Assembly called for the Conference on Environment and Development (as it was officially titled), there was some hope that treaties dealing with climate change, transboundary air

pollution, deforestation, soil loss, desert expansion and drought, conservation of biological diversity, protection of the oceans and seas, protection of freshwater resources, and strategies for financing all these improvements could be signed in Rio.

In the end, the conferees managed to move forward with three treaties: a convention on climate change, a convention on desertification, and a convention on biological diversity. These documents still had to be ratified by at least 60 of the legislative branches of the 150-plus governments that signed. The leaders present in Rio also initialed a general declaration of concern about the environment, called the Rio Declaration; supported a long list of “action projects” called Agenda 21; and drafted statements of principles to guide future treaty making on forest protection and desert expansion. They were unable, however, to muster a commitment for even a small portion of the estimated \$125 billion in annual contributions needed to implement such a package.

The fact that the 1992 Rio de Janeiro delegates succeeded in reaching any agreement at all was a testament to growing worldwide concern about the environmental threats facing the planet. Leaders from all parts of the world were under tremendous pressure to show progress of some sort. Yet, the two treaties that did emerge are, for the most part, only very general statements of concern, or what are called “framework conventions.” The Climate Change Convention included neither timetables nor targets for reducing the emission of the so-called greenhouse gases that are blamed for global warming trends. The Biodiversity Convention was unacceptable to the United States, which charged that it did not adequately protect intellectual property rights and would discourage technological innovation. As this second edition goes to print in 2014, the United States is still not a party to this Convention. Yet there are other treaties where progress has been made in getting consensus even from the otherwise recalcitrant U.S. Congress. In 2013, the United States became the first party to the Minamata Convention on Mercury that lays out a plan to phase out use of mercury because of its ecological and human health impacts.

The task of generating international agreement on *anything* is extremely difficult. And environmental issues, which combine scientific uncertainty with politics, and citizen and industry activism with economics, are probably the most complicated and difficult of all to resolve. Unfortunately, the procedures we currently use to formulate global agreements were not designed to handle the unique demands of environmental problem-solving. Moreover, they fail to take account of what we have learned about the dynamics of multi-issue, multi-party negotiation. These procedures accept as given the structure of the United Nations and its sister institutions, even though these organizations were not designed to handle global resource management questions. Indeed, they have been relatively ineffective in promoting the kind of worldwide collaboration required to handle these problems.

Too few people realize that the processes we use to negotiate global agreements are as important as the technical capabilities and the scientific understanding that the negotiators bring to the bargaining table. In fact, good technical solutions are often unattainable because the negotiators are not able to overcome the cultural, ideological, and political differences that divide them. A new consensus-building process is required, and the institutional arrangements on which we have relied must be changed. We also need to rebuild productive working relationships between the developed nations of the North and the developing nations of the South, which have deteriorated markedly in recent years. The current schism between the North and the South makes progress on environmental issues almost impossible.

Based on a close look at fifteen major environmental treaty-making efforts, including those culminating at the Rio Earth Summit, we have identified four procedural shortcomings that account for most of the failures of global environmental negotiation:

- representation and voting procedures do not guarantee that all countries and interests are treated fairly;
- scientific and political considerations are not balanced in ways that ensure that the wisest possible agreements will emerge;
- linkages among environmental concerns and other policy issues are rarely explored or crafted adequately; and
- effective monitoring and enforcement arrangements are not implemented.

These shortcomings are evident to some extent in other kinds of multilateral negotiations, especially those involving international security and trade. They are more pronounced, however, in global environmental treaty negotiations and must be handled differently. Although there are surely things to learn from these other types of treaty negotiations, the differences are not insignificant. The importance of scientific considerations, the need to involve large numbers of nongovernmental groups, and the overwhelming uncertainty surrounding both the scope and dynamics of ecological change require a unique approach to environmental diplomacy. Thus, we have focused almost exclusively on the ways in which these shortcomings present themselves in the environmental treaty-making arena.

Until ways of overcoming these shortcomings are found, global environmental negotiations are not likely to produce adequate results, regardless of how well prepared the individual negotiators are. Although additional global treaties may be signed, they are not likely to accomplish their intended objectives. And, in some instances, years of debate may well end with no agreement at all.

This book provides what we hope will be viewed as a framework for understanding the current way we negotiate global environmental treaties and a

guide that offers practical advice on how we can do better. We have concentrated on global, not regional agreements. Regional negotiations among large numbers of countries, especially sets of countries facing markedly different ecological, economic, and cultural circumstances, provide important clues as to how we might handle global environmental treaty negotiations more effectively. Bilateral treaty negotiations, however, or those involving small clusters of countries facing mostly similar conditions are less relevant even though they concern the management of natural resources or responses to environmental threats of various kinds.

Over the past twenty years, the term “environmental diplomacy” has acquired connotations within political science and international relations discourse as covering three key areas of scholarship, which are briefly defined as follows:

- a) *Environmental security*: This genre of literature has emerged from the post-Cold War era where scarcity of resources has been posited as a potential source of violent conflict and hence in need of mechanisms of diplomatic intervention.
- b) *Global environmental governance*: Institutional analysis dominates this area of research that attempts to understand the key drivers of behavior within organizations that have international underpinnings, particularly within the United Nations’ system
- c) *Environmental peace-building*: The derivative potential for environmental issues in securing peace actively in situations of conflict or helping in the healing process in the reconciliation phase after a conflict has been the locus of inquiry within this emerging area of discourse.

In this second edition, we have attempted to provide more direct connectivity between the international treaty development process and the aforementioned areas of scholarship.

In Chapter 2, we describe the steps typically involved in formulating conventions and protocols, the two types of global environmental agreements that nations have signed in recent years. We review the inadequacies of high-sounding statements that fail to mandate specific action. We also point out the weaknesses of regulations that are drawn too narrowly to do any good. We explain why most environmental treaty-drafting efforts have fallen victim to the demand that national sovereignty not be abridged, the inherent weaknesses of our international legal system, and the mishandling of scientific uncertainty. In addition, we examine the growing hostility between North and South that threatens to derail most global treaty-making efforts.

In Chapter 3, we look more closely at the first procedural problem—representation and voting—and consider why countries are or are not inclined to

participate in global environmental negotiations and the sources of bargaining power that each can tap. Relatively few countries have signed all the global environmental treaties ratified over the past twenty years; many have signed only a few. It is our contention that this is because a few powerful nations play an unnecessarily dominant role in most treaty negotiations, forcing other countries and nongovernmental interests to accept secondary roles or to sit on the sidelines.

Chapter 4 focuses on the dangers of “advocacy science”: the misuse of technical information by countries seeking to advance their short-term national interests. We also look at the prospects for formulating “self-correcting” treaties that can incorporate new scientific knowledge about environmental impacts and global change as it emerges.

Chapter 5 delves into the concept of linkage. In our view, unless the participants in global environmental treaty-making negotiations broaden their scope to encompass population growth and the need for more sustainable patterns of development, unconstrained development trends will negate any environmental improvements that future treaties might achieve. Furthermore, unless we find ways of encouraging wealthier countries to help struggling nations meet tougher environmental standards, there will be no hope of bridging the growing chasm between North and South.

Chapter 6 deals with the difficulties of ensuring compliance with global environmental treaties, especially in the face of continued demands that national sovereignty not be compromised. We do not believe it is necessary to trade sovereignty to achieve compliance. We believe we can move toward nearly self-enforcing agreements that ensure compliance while guaranteeing sovereignty. The key is to encourage individual nations and groups of countries to make continuous adjustments in their policies and programs in light of what is learned about the true benefits and costs of environmental protection.

Finally, in Chapter 7, we try to pull together a range of recommendations aimed at overcoming the weaknesses of our environmental treaty-making institutions. These reforms do not require radical transformation of existing multilateral arrangements, nor do they depend on changes in leadership in countries that have been reluctant thus far to take part in global environmental negotiations.

We are especially enthusiastic about a new system of *sequenced negotiation* that will move us away from the convention-protocol approach and toward a multistep process that synchronizes worldwide expectations and moves systematically—following a prescribed schedule—from Level I treaties (that spell out principles, definitions, timetables, contingent targets, and responsibilities) to Level II treaties (that require commitments to minimal levels of performance in exchange for explicit sets of benefits), then to Level III treaties (that offer maximum benefits for maximum effort and are based on what can be learned from shared efforts to monitor performance and compliance).