

**Recent Developments in  
International Environmental  
Governance In Relation to  
International Trade Policy:**

**Looking Forward from the WSSD**

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**SUSTRA**

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**Recent Developments in International Environmental Governance  
In Relation to International Trade Policy:**

**Looking Forward from the WSSD**

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**I. Introduction**

This paper will examine the most recent international environmental governance (IEG) reform initiatives, which have emerged from the Monterrey Conference on Financing for Development (FfD), the World Summit for Sustainable Development (WSSD) and the UNEP’s Open-Ended Intergovernmental Group of Ministers on International Environmental Governance.

This paper will highlight in particular those reform initiatives that are directed towards strengthening environmental regimes to ensure an enhanced level playing field between those regimes and the global trade regime.

Specific focus will be directed towards the reform efforts surrounding the WTO, UNEP, the CSD and the challenge of strengthening MEA regimes.

## **II. Overview of Key Conclusions from the Selected IEG-Related Reform Processes**

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### **1. Objectives of Chapter X (Institutional Framework for Sustainable Development) of the Johannesburg Plan of Implementation**

Chapter X of the Johannesburg Plan of Implementation affirms that an effective institutional framework for sustainable development at all levels is key to the full implementation of Agenda 21, the follow-up to the outcomes of the World Summit for Sustainable Development and emerging sustainable development challenges. The key guiding objectives for Chapter X includes the following:

- Strengthening commitments to sustainable development;
- Integration of the economic, social and environmental dimensions of sustainable development in a balanced manner;
- Strengthening of the implementation of Agenda 21, including through the mobilisation of financial and technological resources, as well as the capacity building programmes for developing countries;
- Strengthening coherence, coordination and monitoring;
- Promoting the rule of law and strengthening of governmental institutions;
- Increasing the effectiveness and efficiency through limiting overlap and duplication of activities of international organisations, within and outside the United Nations system, based on their mandates and comparative advantages;
- Enhancing participation and effective involvement of civil society and other relevant stakeholders in the implementation of Agenda 21, as well as promoting transparency and broad public participation;
- Strengthening capacities for sustainable development at all levels, including the local level, in particular those of developing countries;
- Strengthening international cooperation aimed at reinforcing the implementation of Agenda 21 and the outcomes of the Summit.

## UNEP IEG Conclusions:

Key conclusions that emerged from UNEP's Open-Ended Intergovernmental Group of Ministers on International Environmental Governance include the following:

- The IEG process encompasses all international environmental efforts and arrangements within the United Nations system, including at the regional level, and is not restricted to UNEP;
- The IEG process should be evolutionary in nature. A prudent approach to institutional change is required, with preference given to making better use of existing structures;
- The increasing complexity and impact of trends in environmental degradation require an enhanced capacity for scientific assessment and monitoring and for provision of early warnings to Governments;
- The design and implementation of environmental policy at all levels requires a clear link to the sustainable development context as well as greater involvement and engagement of non-governmental organizations, and civil society and the private sector, allowing them a meaningful role in intergovernmental policy-making, and requires also strengthened national frameworks of governance;
- Any new IEG system should take into account the needs and constraints of developing countries on the basis of common but differentiated responsibility;
- An essential complement to international cooperative arrangements is the requirement to strengthen the capacity of developing countries to participate actively in policy formulation and implementation. In this regard there is a need to emphasize and support capacity building and technology transfer, and the role of UNEP in this regard was emphasized;
- As the principal United Nations body in the field of the environment, UNEP should be strengthened. This requires a clear solution to the issue of adequate, stable and predictable financing;
- The Global Ministerial Environment Forum should be placed as the cornerstone of the international institutional structure of international environmental governance;
- The proliferation of institutional arrangements, meetings and agendas is weakening policy coherence and synergy and increasing the negative impact of limited resources;
- The clustering approach to multilateral environmental agreements holds some promise, and issues relating to the location of secretariats, meeting agendas and also programmatic cooperation between such bodies and with UNEP should be addressed.

### **3. Monterrey Financing for Development Conference Governance-Related Outcomes**

Section 6 of the Monterrey Consensus on Financing for Development contains several important recommendations for improving global economic governance. These include the following:

- Improve global economic governance and the strengthen the UN role in promoting development;
- Ensure that international efforts to reform the international financial architecture are sustained with greater transparency and the effective participation of developing countries;
- Multilateral financial institutions should work on the basis of sound, nationally owned paths of reform that take into account the needs of the poor and efforts to reduce poverty;
- Improving participation of developing countries in international processes should include the following: IMF and World Bank should enhance participation of developing countries and strengthen international dialogue; the WTO should ensure that consultation is representative of its membership and that participation is based on clear, simple and objective criteria;
- Strengthening the effectiveness of the global economic system's support development should include the following: (i) improve the relationship between the UN system and the WTO for development; (ii) support ILO in its ongoing work on the social dimensions of globalisation; (iii) strengthen the coordination of the UN system and all other multilateral financial and trade and development institutions to support economic growth, poverty eradication and sustainable development.

### **III. Reform of the WTO**

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#### **1. WSSD, IEG and Monterrey Recommendations**

##### **1.1. WSSD Recommendations Related to WTO Reform:**

- Enhance the integration of sustainable development goals into the work of international financial and trade institutions;
- Strengthen collaboration between the UN system and the WTO;
- Reform the international financial architecture with greater transparency and effective participation of developing countries in decision-making processes;
- Promote a universal, rule-based, open and non-discriminatory and equitable multilateral trading system to stimulate development world-wide;

##### **1.2. Monterrey Consensus Recommendations Related to WTO Reform:**

Chapter Six of the Monterrey Consensus contains the following recommendations related to reform of the WTO:

- Improve global economic governance and strengthen the UN leadership role in promoting development.
- Ensure that international efforts to reform the international financial architecture are sustained with greater transparency and the effective participation of developing countries.
- Multilateral financial institutions should work on the basis of sound, nationally owned paths of reform that take into account the needs of the poor and efforts to reduce poverty.
- Economic governance must develop in two areas: broadening the basis of decision-making on issues of development concern and filling the organisational gaps.
- Improving participation of developing countries international processes should include the following: IMF and World Bank should enhance participation of developing countries and strengthen international dialogue; WTO should ensure that consultation is representative of its full membership and that participation is based on clear, simple and objective criteria.

- Strengthening the effectiveness of the global economic system's support for development should include the following: improve the relationship between the UN system and the WTO for development; support ILO in its ongoing work on the social dimensions of globalisation; strengthen the coordination of the UN system and all other multilateral financial and trade and development institutions to support economic growth, poverty eradication and sustainable development; mainstream gender perspective into development policies.

## 2. The WTO Reform Challenges:

- **Contrasts in Strengths:** There is a sharp contrast between the strength of the current international institutional arrangements that govern the trade field and the relatively weak environmental institutions. The WTO is a very strong and effective centralised organisation with an increasing membership. Its dispute settlement system is clearly the strongest and most successful. On the other hand, UNEP, as the main international environmental institution lacks a solid financial basis, with each of the MEAs operating as separate legal entities with their own and rarely used dispute settlement mechanisms;
- **Making the WTO More Sustainability Friendly:** While the WTO cannot assume a rule-making function for the environment, a strong counterpart in the environmental arena is greatly needed. At the same time, certain reforms are needed to ensure that the WTO is more responsive to the global sustainable development agenda.
- **Resolving the MEA/WTO Battle:** Trade and sustainable development under the current architecture of global governance are not being reconciled. The MEA/WTO battle at the WSSD illustrated the extent to which the international community has floundered in addressing the impacts of trade on sustainable development. While the US pushed very hard for language calling for WTO agreements to take precedence over MEAs, the EU and G-77 succeed in retaining the status quo, i.e. uncertainty. Agreement was reached to adopt the ambiguous terminology of promoting “mutual supportiveness” between the two regimes. As observers have noted, this outcome outlines a real tension and institutional overlap, particularly in relation to future resolution disputes between international agreements within and outside the UN.
- **Strengthening the CTE and CTD:** The WTO's CTE and CTD - initiated as a means to encourage coherence between these areas – have been criticised as talk shops, lacking sufficient clear jurisdiction to make clear or obligatory policy recommendations. UNEP and some of the MEAs have observer status at the WTO and as an intermediate solution this role could be extended to a clearer advisory/supervisory role.

### 3. The WTO Reform Paths:

A number of recommendations have been articulated in the past two years regarding how best to ensure the responsiveness of the WTO to the global sustainability agenda.

NGOs have called for the WTO apply the following principles within its frameworks, rules and agreements:

- ❑ **Integration** of immediate, long term and potential global economic, social and environmental concerns;
- ❑ Set development and poverty eradication as **core aims of trade** , and regulate trade toward enabling greater social equity;
- ❑ Respect for **workers' rights** and labour standards within these agreements;
- ❑ Regulation of world markets should also include the conditions for investment and fair competition, e.g. a **convention on Multi-national Corporations**;
- ❑ **Sustainability Impact Assessments** (covering environment, basic rights, poverty) of future trade policy, agreements, programmes;
- ❑ To address areas of potential conflict between trade policy and multilateral agreements e.g. through the establishment of a **referral body to resolve disputes** between trade law, customary law on human rights and multi-lateral agreements;
- ❑ Enhancing principles of democracy, participation and good governance within the **WTO's architecture** e.g. develop a system of accreditation for different stakeholders to observe and even participate in Committee and Council meetings, ensuring that stakeholders are balanced by region and sector;
- ❑ To provide **capacity building** for governments to enable their effective deliberation of trade policy and to better carry out technical cooperation to implement agreed policies e.g. through an enhanced Technical Cooperation and Training Division;
- ❑ Encourage public and parliamentary **scrutiny of negotiations** and agreements at national and regional levels e.g. publicising who is accountable to take decisions for a country at the international level, which member states spoke on particular issues and support particular positions, who is present in Green room meetings.
- ❑ Consultations (for evaluating trade policies and negotiations) should allow for stakeholder and parliamentary **participation**. A system of accreditation should be developed to allow for stakeholder observance in Committee and Council meetings;
- ❑ Establishing the **Implementation Review Mechanism** as a permanent institution to assess the progress in implementing particular agreements;

- ❑ Set into motion a process to “**mainstream**” **environment and social priorities** throughout the WTO’s constitutional rules, agreements and legislative frameworks.;
- ❑ **Environment and development experts** could be brought into WTO panels and appeal to institutions to ensure a more integrated approach to dispute resolution and decision-making;
- ❑ The **wider participation** of key stakeholder groups within dispute and negotiation processes would also help ensure a more open and legitimate process;
- ❑ A full **assessment** of the WTO’s relationship with the hundreds of bilateral trade agreements that currently exist and are being newly created could be undertaken.

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#### **IV. Reform of UNEP**

##### **1. The WSSD and IEG Recommendations**

###### **1.1 WSSD Recommendations:**

- ❑ Strengthen cooperation among UNEP and other UN bodies and specialised agencies, the Bretton Woods institutions and WTO;
- ❑ Encourage UNEP to strengthen its contribution to sustainable development programmes and the implementation of Agenda 21;

###### **1.2. UNEP IEG Recommendations:**

- ❑ A clear immediate solution to the funding of UNEP is a necessary condition for strengthening the current IEG system. Such a solution must address the need for stable adequate and predictable funding for UNEP.
- ❑ Proposals for converting UNEP into a UN specialized agency financed through a system of binding assessed contributions would require the negotiation and ratification of a new charter for UNEP, and a clear definition of its areas of jurisdiction. That being the case, this could be viewed as an option in the longer term.
- ❑ Governments should consider the establishment of a system of negotiated or “voluntary agreed” scale of assessments for the Environment Fund along the lines of the system of contributions to some multilateral environmental agreements, including the possibility of negotiated multi-year pledges, for states in a position to do so, in order to enhance predictability.

## 2. The UNEP Reform Challenges:

- ❑ **Constraints:** While UNEP is the centrepiece of the international community's efforts to safeguard the environment, its role continues to fall short of the expectations expressed in the Nairobi Declaration primarily because UNEP remains hampered by insufficient and unpredictable resources and by the lack of a clear framework for coordinating, and authority to coordinate, the environmental activities within the United Nations system;
- ❑ **Fragmentation:** UNEP competes with more than a dozen UN bodies (including the CSD, UNDP, the WMO, the International Oceanographic Commission) on the environmental scene. Adding to this fragmentation are the independent treaty secretariats, all of which compete for government time, attention and resources.
- ❑ **Need to strengthen other pillars:** There is a legitimate fear that if only UNEP and its environmental role is enhanced, then the other elements of sustainable development will be relatively neglected and that the outcome will therefore be unbalanced or that the development and equity aspects in handling environmental problems will be downgraded;
- ❑ **The politics of non-compliance:** The fundamental issue remains that the failure to implement sustainable development commitments under Agenda 21 and the MEAs is a substantive and political issue. IEG can facilitate implementation but it is not an end in itself. Governance is also not just about coordination and synergies at the functional level. It is equally about decision-making power, which is rooted, in meaningful participation in an open, transparent and democratic manner. Moreover improving environmental governance is only one side of the solution; improving economic and social development governance is equally important.

## 3. The UNEP Reform Paths:

- ❑ **Focus:** In revitalising global environmental governance, focus must be the key. UNEP has become bogged down carrying out projects in dozens of countries. While independently worthy, these local-issue focused activities would be better undertaken by national governments supported by UNEP. Priority instead should be given to inherently international-scale problems with an upgraded UNEP serving as a convening authority.
- ❑ **Mainstreaming SD:** It is critical to mainstream sustainable development, in particular the economic, social development and equity aspects into UNEP's environment work and in the process and substance of the strengthening of UNEP;
- ❑ **A pro-developing country UNEP:** The policies and programmes of UNEP also need to be clearly pro-sustainable development and pro-developing countries. Meaningful

participation by developing countries in UNEP governance and decision-making will be necessary. Thus there is a need to assist developing countries to boost their capacity to play their role in governance effectively.

- ❑ **Environment and Trade discussions at CSD:** A strengthened UNEP, with a better-defined relationship with the CSD, can relate to trade and environment issues, including those arising at the WTO. Trade and environment discussions should take place at the CSD and in UNEP and not just the WTO;
- ❑ These coordinated discussions could result in: (i) clarification of the issues in the interface between trade, environment and development (i.e. biodiversity, traditional knowledge, local community rights and intellectual property rights); (ii) provision of inputs and reference points to the work of the WTO on trade, environment and development; (iii) initiation of further MEAs that are rooted in the context of sustainable development.
- ❑ **UNEP must do its trade homework:** For UNEP to play an effective role, the Secretariat staff and member states should also increase their capacity to understand and assess the WTO principles and rules as well as the economic and social dimensions of development, so that they can place the environmental issues in a multi-dimensional context and thus be better advocates for both the environment and sustainable development.
- ❑ **The GMEF:** The establishment of the Global Ministerial Environment Forum is welcome indeed. However, efforts must be undertaken to ensure that the work of the Environment Forum does not become undermined and/or paralysed by the unconstructive political dynamics, which have impaired the work of the CSD, and which have dominated many recent international environmental negotiations. There must be a clear division of responsibility between the goals, objectives and work programmes of the Ministerial Environment Forum and the CSD. Indeed, questions must be raised as to the continuing utility of the CSD in light of the establishment of the Ministerial Environment Forum.
- ❑ **UNEP's financial basis:** Moreover, while instituting a budget system from assessed contributions will ensure a solid financial foundation for the challenges UNEP faces, it is important to of course assess whether current monies are being invested by UNEP in appropriate activities. Is there sufficient value for the contributions that governments are currently making? And how does UNEP compare in this regard to other relevant UN bodies. Of course another key question that must be addressed is whether the political climate is in fact conducive to the development of an assessed scale of contributions to UNEP.

## V. Reform of the CSD

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### 1. WSSD and UNEP IEG Recommendations:

#### 1.1. WSSD Recommendations

- ❑ CSD should continue to be the high-level commission on sustainable development and serve as a forum for consideration of issues related to integration of the three pillars of sustainable development and serve as a forum for analysis and exchange of experience on measures that assist implementation;
- ❑ The CSD needs to be strengthened, taking into account the role of relevant institutions;
- ❑ An enhanced role of the CSD should include reviewing and monitoring progress in the implementation of Agenda 21 and fostering coherence of implementation, initiatives and partnerships;
- ❑ The CSD should give more emphasis on actions that enable implementation at all levels, including new partnerships;
- ❑ The CSD should focus on the cross-sectoral aspects of key issues and provide a forum for further integration and address new challenges and opportunities

### 2. The CSD Reform Challenges:

- ❑ **The main critiques:** While the CSD has been the most interesting of the functional commissions, critiques maintain that the CSD:
  - (i) Is but a tedious talk-shop;
  - (ii) Does a poor job at renegotiating past agreements;
  - (iii) Often fails to recall previous agreements;
  - (iv) Allows little space to address barriers to progress;
  - (v) Has limited impact of the MSD on the official process;
  - (vi) Deals with too many environmental interests;
  - (vii) Is dominated by too many Environment Ministers, too many northern environmental NGOs;

- (viii) Provides no machinery for implementation;
  - (ix) Has failed to ensure adequate financial support, particularly towards the target of 0.7% of GNP, nor has it adequately assessed the transfer of technologies as outlined in Agenda 21;
  - (x) Has not lived up to the high expectations of supporting countries in the implementation of Agenda 21 commitments;
  - (xi) Provides inadequate coverage of the sectoral issues, which come up for discussion only once every five years;
  - (xii) Does a poor job at engaging other sectoral ministers so that environment and development linkages could be forged in substance and in action.
- The lack of binding decisions is viewed by some as negatively by some and positively by others. The non-binding nature frees the process from a negotiation atmosphere and has allowed in certain cases a greater free flow of debate. However for the same reason, the decisions that are made are not monitored.

### 3. The CSD Reform Paths:

- **Take a hard look:** As regards strengthening the UN Commission for Sustainable Development, while there is certainly a need to strengthen the UN Commission for Sustainable Development, it is now time to take a harder critical look at whether the CSD should continue to exist or whether its functions should be integrated into another existing body. Its main strength lies in the multi-stakeholder dialogues that have set a new precedent of civil society-government interaction within UN forums.
- **Define a clearer relationship between UNEP, CSD and WMEF:** The relationship between UNEP and the CSD must be clearly defined, especially in light of the new WMEF and of the potential upgrading of UNEP.
- **Ask tough questions:** Key questions that must be addressed in the next phase of the CSD reform include the following:
  - (i) Does the existing machinery have the political vitality, profile and voice in crucial debates where decisions are taken? Is its influence felt in the key debates?
  - (ii) Does the CSD machinery have enough sustained political influence to be not only relevant but credible in setting the global sustainability agenda?

- (iii) Does the CSD provide a venue to provide holistic strategic guidance to counter the fragmentation of the environmental debate, which results from the growing number of specialised environmental conventions and their autonomous governing bodies and secretariats?
- (iv) Can the CSD truly drive the effort to make the system of MEAs more effective in terms of their implementation and adequacy of targets?

□ **A more strategic role for the CSD:**

- (i) Clarify its purpose;
- (ii) Become more focused and better informed
- (iii) Involve more experts;
- (iv) Develop stronger partnerships within and outside the UN
- (v) Embrace greater stakeholder involvement;
- (vi) Identify points of leverage for key issues;
- (vii) Monitor and report on progress against goals and commitments;
- (viii) Facilitate greater understanding of the complex relationships between the trade and environment nexus.

## **VI. Strengthening MEA Regimes**

### **1. WSSD and IEG Recommendations**

#### **1.1 WSSD Recommendations for Strengthening MEA Regimes**

- Strengthen commitments to sustainable development;
- Strengthen coherence, coordination and monitoring;
- Strengthen capacities for sustainable development at all levels

## **1.2. IEG Recommendations for Strengthening MEA Regimes**

- Enhancing the synergies and linkages between MEAs with comparable areas of focus or of a regional character. Such synergy could take place either at the functional level (by bringing together the various functions undertaken by secretariats of multilateral environmental agreements such as capacity-building; or at the programme level, (by bringing together multilateral environmental agreements dealing with related issues such as chemicals, the atmosphere, biodiversity, etc.).
- Such synergies and linkages should be promoted in close consultation and with the full agreement of the COPs. UNEP should continue, in close cooperation with the secretariats of the MEAs, to enhance such synergies and linkages including on issues related to scientific assessments and overlap.
- While taking fully into account the autonomous decision-making authority of the COPs, considerable benefits could accrue from a more coordinated approach to areas such as scheduling and periodicity of meetings of the COPs; reporting; scientific assessment, capacity-building, transfer of technology; and, to enhance the capacities of developing countries before and after the entry into force of legal agreements to implement and review progress on a collective and regular basis;
- Biennial meetings as well as shorter duration of COPs should be promoted as well the need to consider as far as possible and practical back to back or side to side COPs meetings;
- Careful consideration should be given to the effectiveness and resource efficiency of establishing additional subsidiary institutions of COPs, and the co-location of future MEA secretariats should be encouraged. Enhanced coordination at the convention level will also require improved coordination of positions at the national level concerning MEAs.

## 2. The MEA Challenges

- **Impact of limited participation:** The negative impact of the increasing burdens on Governments' ability to participate meaningfully in the proliferating meetings and agendas of multilateral environmental agreements has been underscored as a major constraint to effective international policy-making.
- **Marginilization of the poor:** Poor people and poor countries have little influence and voice in global governance. Developing countries are often marginalised from the multi-lateral negotiations and policy making due to deficiencies in negotiating regimes and the lack of support for capacity building and access to technical, human and financial resources. Therefore it is no surprise that industrialised country priorities continue to dominate environmental debates;
- **Discrepancy between commitments and action:** As regards the current discrepancy between commitments and action, this problem is increasingly widespread in both developed and developing countries alike. In many countries, environment ministries still rank very low in the political hierarchy. As a result the national environmental agenda is not given the prominence, nor the degree of political commitment that is due. The low level of commitment is in part reflected in the very small number of countries who have actually yet implemented national strategies for sustainable development.
- **Fragmentation:** As regards the fragmentation problems, it is important to note that fragmentation takes many forms: overall lack of coherence between existing bodies, structures and institutions; treaty congestion and the lack of coordination between the different treaty secretariats; lack of coordination at the domestic level; fragmentation among the institutional structures which govern multi-lateral environmental agreements; policy incoherence between the trade and environmental agendas; the lack of a coherent structure within the management of international environmental affairs, etc.
- **Working at cross purposes:** Another important coordination-related problem is the fact that many MEA are not sufficiently mutually supportive. A coherent environmental international environmental agenda must be embodied in a comprehensive set of legal instruments and policy directions to better promote the sustainability agenda.
- **Lack of holistic approach:** As regards the lack of holistic approach to international environmental governance, as noted above, most developing country governments argue that global environmental governance processes are dominated by Northern science interests and do not adequately reflect the most pressing environment and development priorities of the South.

- ❑ **The politics of compliance:** It is important to note that as regards the importance of improving capacity and incentives for compliance, enforcement and compliance of environmental agreements will always be problematic in an international system based on the overriding paramountcy of national sovereignty. Developed and developing nations alike have pushed to weaken MEAs by omitting binding and specific commitments, and when concrete obligations are included they are rarely accompanied by sanctions or dispute settlement measures. Very few international environmental regimes actually contain provisions for compliance. Only seventeen international environmental instruments (Montreal Protocol, CITES, Basle Convention and a dozen species-specific conservation treaties) contain provisions for trade sanctions against violators. Those that do contain such provisions have virtually never been invoked or are being challenged by the WTO.
- ❑ Another problem is that states rarely submit the required self-evaluations for their own compliance with key MEAs. And it is even more rare for a convention secretariat or COP to publicly condemn a state for non-compliance, let alone impose meaningful penalties. This problem must be addressed with more specific and demanding agreements enforced by well-funded and independent monitoring bodies. Even public criticism of states that violate treaty obligations would help to improve the situation.

### 3. The MEA Reform Paths:

- ❑ **TWN reforms:** The Third World Network has identified a number of recommendations for strengthening MEAs. These include:

  - (i) Review the design, implementation, compliance and effects of MEAs from the perspective of environment, development and economic issues;
  - (ii) Ensure that the sustainable development framework underpins the negotiation of new MEAs and that it is better integrated into the post-agreement phase of existing ones;
  - (iii) Ensure that the common but differentiated principle is better reflected in MEAs;
  - (iv) Identify weaknesses and strengths and propose concrete measures for strengthening MEAs based on solid empirical analysis;
  - (v) Encourage greater cooperation among the MEAs;
- ❑ **Forging stronger compliance:** Stronger compliance for MEAs should be catalysed through clearer regulatory, monitoring and enforcement i.e. through an Environmental Ombudsman. Some have proposed that UNEP's Executive Director should take this role. The work of the Earth Council in promoting this idea should be

built on. A further option is to introduce a new World Environment Court under the auspices of UNEP, or to strengthen one of the existing environmental courts ie International Court of Justice's Environment Court. In the design of new compliance regimes, it is important however that compliance and monitoring responsibilities equally to both Northern and Southern countries.

- ❑ **The politics of enforcement:** Whatever steps are taken to ensure more effective enforcement and dispute settlement in the MEA arena, it is important to recognise that the current lack of compulsory universal, semi-universal enforcement and dispute settlement mechanisms within international environmental law is the result of a political decision on behalf of states. And this is a problem that will not be resolved by institutional reform.
- ❑ **The underpinning political problems:** Given the judicial alternatives available for enforcing international environmental law (i.e. ICJ, Permanent Court of Arbitration, International Criminal Court, Domestic Courts) the deeper rooted political problems must be resolved as they pertain to the reluctance of states to grant jurisdiction to courts and tribunals that would allow state or non-state actors to challenge their environmental policies or conduct.
- ❑ **The most critical IEG challenge:** Perhaps the most critical challenge in strengthening international environmental governance (so that it can provide a stronger and more effective counterweight to the global trade regime) is to mobilise the international community in agreeing upon a common approach to sustainable development governance;
- ❑ **The resistance:** However the resistance expressed thus far is rooted in the disparities between the perspectives and priorities of developed and developing countries. As UN University in their report on International Environmental Governance has stated "Reducing and overcoming these disparities remains a critical prerequisite for the creation of an effective, efficient and equitable system of sustainable development governance".