

Global Governance Speakers Series

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Professor Dr Bharat H. Desai
Jawaharlal Nehru University, New Delhi

“International Environmental Governance:
Johannesburg and Beyond”

July 10th 2003

In his contribution to the Global Governance Speakers Series, Professor Bharat H. Desai presented his views on the reform of international environmental governance. He argued that the institutions entrusted with international environmental governance have not kept pace with the changing needs of the international community. His presentation highlighted one recent effort to bring multilateral environmental agreements and other aspects of international environmental governance into a more coherent and stable institutional framework—the work of the “Open-Ended Intergovernmental Group of Ministers or Their Representatives on International Environmental Governance” as well as the follow-up to this work at the 2002 World Summit on Sustainable Development and beyond.

On July 10th, the Global Governance Project featured the eighth public lecture within its Speakers Series, with a vibrant talk delivered by Professor Dr Bharat H. Desai.

Professor Dr Bharat H. Desai is Associate Professor in International Law and International Environmental Law & Institutions at the International Legal Studies Division of the School of International Studies at Jawaharlal Nehru University in New Delhi, India.

From 1997 to 1999, he served as Director and Head of Division at the Wide Fund for Nature India’s Center for Environmental Law World. He has been a Humboldt Fellow at the University of Bonn and is currently a visiting fellow with the Max-Planck Institute for International Law in Heidelberg. Dr Desai is associate editor of the *Yearbook of International Environmental Law* as well as a member of the Yale University Policy Action Group on Global Environmental Mechanisms, the governing board of the Foundation for Development of International Law in Asia and of the IUCN Commission on Environmental Law.

As a point of departure in his presentation, Professor Desai noted that a variety of international institutions populate the domain of international environmental governance. While their effectiveness, Desai contended, is often called into question, the reform process has nevertheless been slow so far.

Mapping the territory of reform needs, Professor Desai presented a well-informed overview of the UN

system and of the large number of international institutions that are active in the field of international environmental governance.



He argued that one can distinguish between four different types of intergovernmental organisations that are active in the field of international environmental governance:

- Regime-based institutions, such as the large number of secretariats of multilateral environmental agreements;
- UN specialised agencies and functional intergovernmental organisations such as the World

Health Organisation or the International Maritime Organisation;

- Multilateral development banks, including the World Bank as well as regional banks;
- Specialised environmental institutions such as the United Nations Environment Programme (UNEP), the Commission on Sustainable Development (CSD) or the Global Environment Facility (GEF).



Professor Desai highlighted the decrease in the funding of UNEP as a general trend of the 1990s. He argued, that during the 1990s member states of UNEP had withdrawn contributions because they had perceived the organisation not to serve their interest and because they had been unhappy with the organisation's deliveries, in general. While a significant gap still exists between the financial contributions that member states promise to donate to UNEP and between the actual contributions received by the organisation, UNEP seems to have been able to stop the general trend of decreasing funding of the 1990s. With the new secretary general Klaus Töpfer coming into office in 1997, Professor Desai pointed out, overall funding has more or less stabilised although the number of countries contributing to the budget continues to decrease.

Professor Desai's presentation then culminated in the question of how to revitalise interest in UNEP. Desai introduced his view of five essential elements for UNEP as a global environmental authority. According to this view, UNEP needs to have:

- the organisational capacity to address wide-ranging environmental threats;
- funding reliability (proposes 'indicative scales' to increase funding reliability);

- legal and scientific expertise;
- political confidence;
- be perceived as a useful and effective organisation by other entities such as states, other inter-governmental organisations, and civil society groups.

Professor Desai's recommendations featured a step-by-step approach to the reform of international environmental governance. He proposed general membership to UNEP as a first step, followed by a relationship agreement with other international bodies as further step. As a possible third step, Desai discussed the development of UNEP into a United Nations Environmental Protection Organisation (UNEPO) which would then serve as the United Nations' central institution in the field of global environmental governance.

Since, in Professor Desai's view, states remain the central actors of global environmental governance, the institutional reform of international environmental politics is crucial. Desai underscored that any endeavour for institutional change within the UN system will require political support of the nation states. As a consequence, Professor Desai made very clear that states have a primary responsibility not to fail the institutions established by them by their political neglect.

Rapporteurs:

Klaus Dingwerth and Hans-Dieter Sohn

The Global Governance Project (glogov.org) is a joint research programme of the Potsdam Institute for Climate Impact Research, the Free University of Berlin (Environmental Policy Research Centre) and Oldenburg University. Within the larger context of earth system analysis, the GLOGOV Project examines international institutions, political processes, organisations and other actors that influence the emerging system of global environmental governance. Project members represent political science, economics, international law and integrated modelling. The Global Governance Speakers Series invites eminent scholars and practitioners to share their concerns on global governance research, thus providing further inspiration and constructive feedback to the Project as well as a committed public. Speakers included PD Dr. Reinhard Loske, MP (on Germany's foreign environmental policy after Johannesburg), Prof. Ron Mitchell (on the relevance of science for policy-makers), Marc A. Levy (on type-2 partnerships), and Prof. Klaus Töpfer (on results of the WSSD). For summaries of presentations and for forthcoming speakers please visit www.glogov.org.