INTERNATIONAL ENVIRONMENTAL CO-OPERATION: RETROSPECT AND PROSPECT

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An international environmental issue is characterised by the transboundary nature of the environmental consequences of economic activity. A dynamic and interrelated complex of such issues constitutes the material of global environmental policies: it involves a threat to the integrity of the biosphere, including the planet's climate, atmosphere, land, oceans, seas, forests, and genetic diversity.

The emergence of environmental issues, on the agenda of international affairs, has posed new problems of co-operation for Nation-States. Even though some of these problems may not affect every region of the world, they nevertheless require extensive multilateral negotiation and international bargaining, as in the example of acid rain, if the problem is to be resolved by a concerted effort.

Effective international co-operation for environmental protection requires positive commitments by national governments and the sustained co-ordination of their activities. Ideally, such agreements should constitute a network of global environmental regimes, governing state behaviour in various areas. However, although some collaboration has been achieved in certain areas, successful international co-operation seems to be elusive in others.

This paper will explore the political and economic forces that complicate the negotiation and implementation of rational environmental policies between States; it will analyse the strengths and weaknesses of the diplomatic - legal instruments by which States have sought to co-operate in managing environmental problems and assess their relevance for the future.

The first concern, over human induced environmental degradation, was voiced in the 1960's. Rapidly-increasing understanding of the complex interactions between economic development and ecological harm made the environment a prominent international issue during the early 1970's.1

Recognition of the importance of the environment, as a matter of concern affecting all nations and the initiation of global environmental policy, dates from the UN General Assembly Resolution of December 3, 1968, to convene a UN Conference on the Human Environment in 1972. Before the Stockholm Conference, a number of multilateral agreements and declarations had been made (some of them as early as the nineteenth century) on specific issues such as migratory wildlife, nuclear testing, and oil pollution at sea; but even though these were environmentally significant agreements, they were not seen as part of a broader environmental context.2 These early agreements merely provided precedents for more comprehensive subsequent treaties.3

The 1972 Stockholm Conference placed the issue of environmental protection on the official agenda of international policy and law. The environment was elevated from "low" to "high" policy status. One-hundred-and-fourteen nations participated, although with divisions, disagreements and confrontations.

As a result of Stockholm, not only did a system of institutions emerge, designed to formulate international law on the environment, but also, several conferences and treaties were convened and formulated for the international protection of the environment. The Stockholm Declaration of Principles provided a rationale for international co-operation: "Such a beginning had to occur before general international co-operation could follow."4. Indeed, over a hundred international environmental agreements were signed after 1972 on a bilateral, regional, or global basis. UNEP's Register lists 152 multilateral agreements (including protocols and amendments), on environmental issues up to the 1990's, of which 102 were concluded after 1970.5

The Rio de Janeiro Earth Summit (UNCED) of 1992 was the other landmark in international environmental co-operation: it brought together over 150 nations, 1400 NGO's and 8000 journalists. This event accomplished some agreement among governments but, its greater value lies in the fact that it shaped the international agenda for the coming years: "It defined the new international values of equity and environment, linked them inseparably and dramatised how powerfully they affect North-South relations."6

Rio laid out, or reinforced, various legal and quasi-legal bases for the development of international regimes intended to cope with the complex problems of environment and development.7 Despite the difficulties involved in international co-operation, a global order for the environment is gradually emerging, through the formation of regimes in the areas of major issues (Table 1).

Table 1. International regimes for the environment

Issue	Regimes
Stratospheric ozone	Convention for the Protection of the Ozone Layer, 1985, and the 1987 protocol
Acid precipitation	Convention on Long-Range Transboundary Air Pollution, 1979, and subsequent protocols
Extinction of species (wildlife)	International Convention for the Regulation of Whaling, 1946; Interim Convention on the Conservation of North Pacific Fur Seals, 1957; Agreement on the Conservation of Polar Bears, 1973; Convention on International Trade in Endangered Species of Wild Fauna and Flora, 1973
Radioactive fallout	Convention on Early Notification of a Nuclear Accident, 1986; Convention on Assistance in Case of a Nuclear Accident or Radiological Emergency, 1986
Marine pollution	Convention on the Prevention of Marine Pollution by Dumping of Wastes and Other Matter, 1972; International Convention for the Prevention of Pollution from Ships, 1973; Convention for the Protection of the Mediterranean Sea Against Pollution, 1976
Hazardous waste	The Basle Convention on the Control of Transboundary Movement of Hazardous Wastes and their Disposal, 1989; Bamako Convention, 1991
Antarctica	Antarctic Treaty, 1959; Convention on the Conservation of Antarctic Marine Living Resources, 1980; Antarctic Minerals Convention, 1988
Electromagnetic spectrum	International Telecommunications Convention, 1982
Global climate change (greenhouse effect)	The Framework Convention on Climate Change, 1992
Biological diversity	1992 Convention on Biological Diversity

Record Assessment

Although the number of multilateral legal instruments signed so far is impressive, careful analysis of past efforts to build international environmental regimes reveals some discouraging facts 8: First of all, the co-operative agreements implemented, thus far, have been those most easily implemented by national action or those where no politically significant national interest has intervened and no extraordinary follow-up action was expected. Issues such as African elephant ivory, whaling, and even ozone depletion, are not linked with central political and economic interests in many participating States; thus, co-operation has been relatively easy, compared to issue-areas such as global warming and tropical deforestation, which involve higher economic stakes for the creation of potential veto coalitions, in both developed and less developed countries.

Secondly, these agreements have not been signed and ratified by all the states concerned. A truly international approach to environmental problems must involve all the world's nations. This is, of course, what makes environmental regime-formation a formidable task. Comprehensiveness becomes especially significant in the context of global environmental protection because, the power of veto of even a single State may frustrate the efforts of many others. In the case of climate change, for example, the veto role of the United States - which is the largest single contributor to the problem of greenhouse gas emissions - can vitiate the efforts of other countries to reduce emissions. Thus, one State can sabotage a global regime by simply refusing to comply with it.

Thirdly, there is as yet no regime in existence in the area of some of the most critical global environmental issues. No multilateral legal instrument has been ratified with regard to desertification, loss of topsoil, ocean pollution from land-based sources or population growth. These issues are obvious candidates for prolonged and difficult negotiations because, they carry a high potential for conflict between "national rights" and global interests.

Fourth, problems of implementation and verification overshadow the achievement of international environmental diplomacy. Agreement has not always been followed by implementation. A frequent reason for failure is that adequate provisions were not made to organise the collateral circumstances upon which successful implementation would depend. For example, in developing countries, forest reserves and national parks

have often been established, when there have been no effective programmes to meet the needs of evacuated local inhabitants or to prevent the invasion of the protected areas by squatters, the illegal felling of forests and the poaching of endangered wildlife.

The failure to implement agreements may also be the result of the following factors: First, the officials or agencies that negotiate agreements are not always those authorised to implement them. Second, a government may enter into international agreements for reasons of prestige or solidarity with allies, without a serious and genuine commitment to implementing them. Third, the administrative capabilities of some states may be insufficient to carry out the obligations. Fourth, the negotiating government may fall from power and its successor may be unwilling or unable to honour its commitments.9

The problem of implementation is particularly acute in Less Developed Countries (LDC's), which often lack the legal and institutional framework and expertise required. For example, the Convention on International Trade in Endangered Species (CITES), presupposes an already-established expertise in the national administration, particularly in the ability of customs officials to identify species in which trade is prohibited, as well as the ability to know for which products an export licence may be required. A convention, therefore, should provide technical assistance and training programmes to help LDC's to establish the infrastructure and expertise that its implementation requires.10

Assessing the effectiveness of international environmental agreements also requires an analysis of how compliance can be verified. International agreements, that are verifiable, are more likely to succeed in both negotiation and implementation. However, no organisational infrastructures have been created to fulfil the functions of monitoring and verification for international environmental agreements. Most formal information from the regimes is self-reported by existing domestic structures. To some extent, NGO's oversee implementation, but over-reliance on national reports (which may be inaccurate) makes the true assessment of compliance difficult. For example, parties to the CITES Convention are required to send annual reports, including trade records, to the secretariat but, assessing compliance requires some estimate of how many international shipments circumvent the system and this appears impossible to determine.11

Finally, the convention-protocol approach, usually employed in environmental agreements, has been criticised for several shortcomings12: the negotiation, signing and ratification of an initial framework convention, and the subsequent protocols, can be an extremely long and drawn-out process. The 1973 CITES agreement, for example, was not signed until ten years after the IUCN had called attention to problems of species extinction and the need to regulate the trade in endangered species. During that decade many traded animal and plant species disappeared.

Another weakness of the approach is that signing a framework convention may provide an easy substitute for real improvement, chosen by governments that are reluctant to make specific commitments. Also, the convention-protocol approach produces "lowest common denominator" agreements, designed to appeal to the largest possible number of signatory states. Real decisions are avoided; the language is vague and all-embracing; and the agreements allow opt-out clauses for almost everyone.

In short, the achievements of environmental diplomacy and the record of international co-operation are far from satisfactory at this point. An impressive number of multilateral instruments have been signed by states, but some issues have yet to be tackled; and where agreement has been reached, it has been too slow, partial, incomplete or sometimes not implemented.

What are the conditions needed for successful international co-operation on environmental problems? Students of international relations have studied the conditions under which regimes are formed and the factors that contribute to their success, as well as how regimes are maintained and changed.13 The major theoretical approaches explain the formation of international regimes as including the structural, game-theoretic, institutional-bargaining and epistemic-community models. However, these approaches either emphasise factors that are irrelevant to environmental politics or apply, only, to one type of global environmental regime.14

A theoretical approach to environmental regime formation needs to recognise the importance of the socio-political forces and economic relationships involved in the unique structure of each issue. States are not to be treated as unitary actors with single, internally consistent sets of values and attitudes. Instead, they reflect the interests of domestic, economic and socio-political balances, which are the most crucial factors in the outcome of global environmental bargaining. Furthermore, increasing scientific knowledge, the rise of pro-environmentalist public opinion and international prestige are also factors driving the process of regime formation and strengthening. These and similar dynamic factors are outlined below, to shed light on problems of international co-operation.

1. The inclination of national governments to co-operate, varies according to differences in their perception of the threat in question. The actual costs and risks of many forms of environmental degradation are not distributed equally among all states, so some are less motivated to co-operate. The threat may be perceived as immediate or remote, depending on the geographic location of a country, or its level of industrialisation. For example, in the case of climate-change, although all nations are likely to suffer in the long run, there may be winners and losers in the results of climate change, in the short run. The consequences of global-climate change, and the costs of preventing it, will not be equally distributed but will raise difficult issues of fairness and justice.15 States with densely populated coastal plains, such as Bangladesh, Egypt, and the Netherlands, are vulnerable to sea-level rise because of global warming and 32 such States have formed the Association of Small Island States (AOSIS) to lobby for international action against greenhouse gas emissions. However, some States might find a rise in temperature favourable, especially if they are in cold regions - until, of course, the polar

caps begin to melt.

2. States do not have the same perceptions of equitable solutions to environmental issues. For instance, less developed countries are concerned that the new preoccupation with the finiteness of the world's resources and fears of pollution, will diminish international commitment to the economic development of their regions. They would like to use their resources and industrialise, as the North did in the past. Northern countries were able to exploit tremendous amounts of their "natural capital" because the environmental effects were slow to appear. At present, the accumulated effects are much worse; nevertheless, in a desperate attempt to overcome poverty and underdevelopment, LDC's may choose to follow the growth-oriented industrialisation model of the North, despite its negative environmental consequences.
   Claims for equity have also clouded international-agreement efforts on global warming. There are tremendous differences in the distribution of sources of greenhouse gas emissions: three States, the US, Russia and the People's Republic of China, have accounted, in the past, for about one half of global carbon emissions. Therefore, the problem of what formula to use to calculate each country's reduction of its CO2 emissions is loaded with questions concerning fairness. Most LDC's want reductions to be on a per capita basis and to be based on cumulative release over the last several decades, rather than on current release, which some industrialised countries would prefer. Their point is that industrialised countries have to pay for their excessive, past use of fossil fuels, today, by implementing much heavier reductions. Also, the US, Australia and other States favour the inclusion of all greenhouse gases in an agreement, which would require greenhouse reductions by LDC's. LDC's, however, want the focus to be on carbon emissions because this would shift the burden to the largest energy users.
3. In the environmental arena, vested interests of domestic economic forces have a distinct role to play in the political process: the relative bargaining influences of these forces are defined by their status in the country's economy. Some examples of powerful vested interests that oppose environmental regulation are: Japanese trading companies which are heavily involved in logging in the Philippines, Indonesia, Malaysia, and Papua New Guinea, and which would resist any international interference in the tropical timber trade; Norway's coastal population, which has suffered as a result of declining fish catches because of the international protection of whales (as whales compete with the fishermen for the fish); and Brazil's agro-industrial elite who invest in cattle-ranches and wood-producing industries in the Amazonian rainforests.
4. The main interest of timber-producing countries (led by Malaysia, which accounts for nearly 60 percent of the world's tropical timber exports) has to obtain funding for better equipment and prices for their timber exports. On the other hand, timber-consuming countries such as Japan, mentioned above, also discourage regulation. The International Tropical Timber Organisation is dominated by Japan. It has a huge share of world tropical timber imports and its main interest is to maintain a constant flow of hardwood in order to produce and export furniture. The US, which is the world's largest importer of finished tropical hardwood products, has also been reluctant to see an international ban placed on those tropical timber products which are not produced by sustainable methods.
5. The relative strength of a domestic environmental constituency is another critical factor in environmental politics. The absence of public awareness (on environmental issues) and of popular pressure, especially at the polls, makes it easier for governments to avoid, or escape, international efforts for environmental co-operation. LDC's in which environmental issues remain insignificant from the public's point of view, when compared to economic problems and political issues, suffer from a lack of concerted action by their citizens for environmental protection, whereas the leading industrial democracies-Canada, France, Sweden, the UK, the US etc., had active and well-organised citizens' groups as far back as 1972, which were influential enough to pressure their governments into sending delegates to Stockholm. Authoritarian regimes that can simply suppress any opposition to their policies and political systems, with minimal popular involvement in inter-national issues, have a freer hand to escape international regulation. One example is the military regime in Brazil (1964-1985), which opened the Amazonian rainforests to agricultural and large-scale commercial activities and permitted no opposition from environmentalist critics.
6. Differences in the ability to participate in co-operative programmes also account for different attitudes toward international environmental regulation. A State may oppose an international proposal because it is relatively harder, or more expensive, for that State to implement it. Many programmes of international co-operation require advanced techno-scientific capabilities and skilled personnel, or capital, to activate those capabilities. States may have comparative advantages and disadvantages in each issue-area. In the ozone protection area, for instance, the US supported a ban on aerosol cans because they had found substitutes, whereas Western Europe and Japan, which had no technological alternatives, rejected the ban in the early 1980's. Also, States with abundant and cheap fossil fuels, such as the UK which, because of its coal supplies, opposed acid rain regulations in the EC in the early 1970's, are not likely to join in acid rain or climate-change agreements whereas France, which has an extremely modern industrial sector with high energy efficiency and relies on nuclear power for more than two-thirds of its electricity, finds no great disadvantage in a climate-change agreement.
7. Lastly, the world political system, made up of independent autonomous Nation-States and governed by the premises of exclusive national sovereignty, presents special difficulties for the resolution of transnational environmental problems. The national interests of a State may be adversely affected by the international agreements in question, creating strong incentives for non-co-operation. This problem has been summarised very well in the following words: "A single, complex and highly integrated ecosystem has to be managed within the constraints of a political system made up of over 170 States, each claiming sovereign authority within its territory. It is, moreover, a political system which has historically been prone to violent conflict and in which co-operation has been difficult to achieve."16

It is not only the fragmentation of the world's political systems that preclude concerted action, it is also the inequalities of wealth and power among the units. The LDC's of the South, faced with growing populations of poor and hungry people, are under great short-term pressure to

exploit their environment without much regard for its replenishment in the long run. Despite their stated apparent approval of sustainable development rhetoric, governments in LDC's still pursue the tradition of exhausting natural resources and environmental capital. On the other hand, the Developed Countries (DC's) of the North have also regarded global environmental issues from the narrow perspective of national interests and, in many instances, have refused to curtail their affluent lifestyles and restrict their profit-oriented market system, for the sake of environmental protection.

In accordance with the rules of the present Nation-State system, environmental diplomacy, like all other branches of diplomacy, functions to serve national interests. In fact, environmental diplomacy is not a special branch of diplomacy: only its substance is new. As always, diplomacy looks for the common bottom-lines of the opposing, as well as, the like-minded interests of the other nations concerned.17

In a fragmented world system, the success of environmental protection agreements, relies on national follow-up and implementation rates. Everything depends on progress at the national level. Furthermore, in a decentralised legal system, no obligation can be imposed without consent and States tend to be extremely resistant to the creation of any coercive mechanism for enforcement. Therefore, implementation and enforcement have been the weakest part of international environmental law and related regimes.

Conclusions and Projections

During recent decades, issues have arisen that were not even envisaged in the mid-twentieth century. The greenhouse effect, ozone depletion and acid rain are among the most conspicuous ones. There may be many more problems waiting to be discovered during the progress of science and technology; they may be of vast magnitude and a very complex nature and the economic and social costs of coping with them may be very high. The issue of climate change is already a good example of global problems which threaten to exceed the present capacities of the system. The decade of the 1990's is a critical one, in which, to address global environmental threats. International environmental policy must be promoted to face the challenges of existing, as well as future, threats. Most environmental problems demand immediate action; time is the most important element in environmental protection because late measures cannot retrieve what has been lost.

Today, we have a greater number of international treaties, conventions and accords than ever before. A body of international environmental law is coming into being, though it is partial and uneven, and in large part "soft."18 Our measure of success, however, is not how many agreements are signed, or how many countries ratify each agreement. Rather, it is the speed and effectiveness with which they produce tangible environmental improvements.

The slow growth of international environmental co-operation falls far behind the destructive advances of resource depletion, pollution, soil erosion, extinction of species, deforestation and desertification. The magnitude of the problems, the feeling that global environmental problems are very long-term issues which do not have to be attended to at least before the next election, as well as scientific uncertainty, have all promoted a wait-and-see attitude among governments. The agreements consummated so far have been too slow, too incremental, too vague and too general. Therefore, over the last twenty years, during which the greatest number of international environmental agreements have been signed, the global environment has not become any healthier.

The existence of over 150 multilateral legal instruments should not tempt us into the delusion that the environmental problem is under control. We must remember, first, that these instruments are only as effective as governments choose to make them. Governments must recognise that only through the acceptance of rules that limit their autonomy can States continue, and their populations survive. Second, international agreements, alone, cannot solve the problems: they are only one aspect of managing the global environment. A great deal also depends on individual attitudes and lifestyles, domestic public policies, the attitudes of companies and NGO's, the role of the media; that is to say, action at sub-national and transnational levels will be just as important as national action. What is required, in addition to the functions of diplomacy, is a fundamental change in our philosophy of governance and economics, as well as our lifestyle. The ultimate global need is for a new, transnational political ethic and a comprehensive broad economic, ecological and social philosophy. Once human value choices shift from national toward global interests, diplomacy can then help to solve even the most complex and challenging problems.

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