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GEO-Politics

The gains of Copenhagen will be fleeting unless the world's nations create a Global Environmental Organization to enforce them.

International organizations are a familiar—as well as worthy, dull, and sometimes faintly annoying—part of the twenty-first-century's geopolitical landscape. How strange, then, to recall the gigantic aspirations of their twentieth-century creators. Describing the Bretton Woods conference, which led to the IMF and World Bank (and foreshadowed the UN and the General Agreement on Tariffs and Trade), Cold War historian John Lewis Gaddis described its goal as nothing less than to "prevent any new war"—and still more dramatically, to eliminate the causes of war by a combination of international law, economic integration, safeguards against Depression-style trade protectionism, and a security council of great-power members, who would be willing to stand united against new aggressor powers.

These ambitions were a bit much. War has not been prevented, nor have the causes of potential wars disappeared. And at 65 years of age, the post-war

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international organizations more often get complaints and abuse than applause. Some comes from the right, directed most often against the UN. Left-wing activists admire the UN, but often pour into the streets in protest any time the WTO, the IMF, or the World Bank comes to town. And nobody seems to think the financial institutions work as they should.

But in most cases the record is better than we think. The UN has hardly abolished war, but it has done more than most of us realize—smoothing out arguments, creating consensus, and enforcing agreements on a wide array of issues, from training a Haitian police force to allocating radio spectrum space, conducting vaccination campaigns in Guinea, and monitoring sanctions on Iran. The very existence of a standing forum where countries can debate and sometimes settle differences is a world-historical achievement. Likewise, the economic institutions are imperfect—the IMF has needed an update for two decades—but they nonetheless provide loans to poor countries that need them, keep trade flowing in crisis, and define basic goals for labor policy. And perhaps the founders' highest aspirations weren't wholly naïve: Whatever the connection may be, the post-World War II years have been the longest period of unbroken peace among great powers in the historical record.

Their real failure is elsewhere—not in politics or economics, but environmental policy. Here the problem is not that institutions are antiquated and need an update; nor that they make decisions that the right or left doesn't like. It's that they do not exist. The closest approximation to an international environmental institution, the United Nations Environmental Programme, is structurally unable to resolve disputes or even enforce existing agreements, and it has only a modest ability to facilitate negotiations on new issues. Major environmental problems therefore go unaddressed, and existing environmental agreements often fail. And bad as they are today, the problems with international environmental policy will take on genuinely global dimensions in the next decade. Should the world's scientists and diplomats succeed later this year in designing a Copenhagen Process agreement capable of limiting greenhouse emissions and slowing or halting climate change, they are likely to find the existing institutions and law too weak to make it work.

If international environmental policy—both the climate-change agreement and its smaller predecessors—are to succeed, governments need to think about institutions as well as policy. We need an international institution capable of organizing today's miscellany of multilateral environmental agreements and the climate-change treaty into a coherent body of policy and law, one that can ensure countries understand their obligations, ensure compliance, and so ensure that environmental agreements achieve their goals. Without such an institution, the gains of Copenhagen are likely to be fleeting.

International Organizations

Multilateralism in any major field, be it politics, finance, trade, labor, or development, has four concepts at its heart. First, countries will be more effective acting together—whether they hope to prevent conflicts, take advantage of shared interests, or meet common threats—than acting apart. Second, they act together more easily in crisis and stress when they have worked together for years on mundane matters. Third, acting together is easiest when it rests on agreed rules and procedures. And finally, these rules are more often respected when they are overseen by strong, impartial institutions than when each government is free to determine the others' compliance.

None of these concepts is hard-wired into the minds of nations. Rather, it's the opposite: Most countries like autonomy for themselves and rules for everyone else. But most have also accepted the role international organizations have come to play in policy as inevitable. The oldest, in fact, have succeeded so well that today we barely notice them. These are the nineteenth-century institutions created by Victorian diplomats and governments, such as the International Telecommunications Union, founded in 1865, which ensured telegraph compatibility and survives today in the UN to avoid snarls in submarine cables. An international conference in 1875 standardized weights and measures, using the French-designed metric system; another in 1884 defined today's international time zones and dateline, balancing France's metric triumph by using Britain's Greenwich Mean Time to synchronize the world's clocks. And though many believe today's WTO created global patent and copyright rules, agreements on these intellectual property rights concepts date to 1883 and 1886.

The most visible organizations, though different in many respects, share three characteristics. First, each oversees negotiations and agreements on a particular issue: the UN for diplomacy, security, and war; the World Bank and International Monetary Fund for development and financial stability; the International Labor Organization for labor standards; the WTO (an updated version of the 1947 General Agreement on Tariffs and Trade) for negotiations and disputes over trade, defined expansively to include investment, services exchange, intellectual property, and subsidies as well as quotas, tariffs, and anti-dumping laws. Second, each has a structure designed to guarantee independence from and impartiality toward its members, including funding by mandatory membership dues rather than voluntary contributions, an independent staff, and a chief officer drawn from high-profile politics rather than bureaucracies. And third, each has a unique dispute mechanism. Each, with the partial exception of the ILO, has a way to deal with violations of agreements, and failures of implementation due to incapacity. The UN Security Council backs its resolutions with the threat of

military force, the World Bank and IMF have real money to lend or deny, and the WTO's quasi-judicial dispute panels hear cases and let the victorious members enforce their judgments through sanctions.

Despite their successes, these organizations have limits. They are not substitutes *for* national governments, but ways to facilitate consensus and effective action *by* governments. The most cleverly designed organization cannot replace accord on fundamental interests and goals. During the Cold War, western and communist governments viewed one another as mortal rivals, and the UN Security Council became unworkable. And even with basically compatible interests and goals, the institution's procedures must find an uneasy balance between legitimacy and realistic reflection of power.

International organizations struggle when small and weak countries see them as tools meant to legitimate decisions taken by big powers. The financial institutions—especially the IMF—are particularly vulnerable to this charge, since big rich countries provide their money and upper management while small poor countries get the loans. International organizations erode when they do not adapt to changes in real-world power. Here again the financial institutions run into trouble, retaining voting structures and appointments of top officials which assume the U.S. and Europe are still the sole centers of financial power, while emerging Asia—China in particular, but also South Korea and India—has attained great financial power. And international organizations fail completely when they base all decisions purely on numerical counts without regard to power. In this case, the big powers see them facilitating numerical mobbing by small-country governments hoping to extract concessions. This is why the American public tends to ignore the UN General Assembly.

The record of international organizations is better than we think. The UN, for example, has enforced agreements on a wide range of issues.

No single formula can overcome all these shortcomings. The WTO, despite its troubles with the anti-globalization movement, is probably the best-designed of the group. Its difficulty in concluding the Doha Round of trade negotiations is well-publicized, reflecting the difficulty institutions have when their leading members are divided over complex and sensitive matters like agricultural reform. But this is hardly its only job. The WTO is quite successful in overseeing the implementation of its 20 existing trade agreements and in settling the dozens of disputes that arise among its members each year, including China's compliance with industrial-subsidy rules, the legality of European agricultural

policy, and Brazilian intellectual-property rights law. The organization's dispute settlement bodies have heard arguments on 396 disputes and reached judgments that, almost all the time, the unhappy trade partners accept. And about every three years, each member of the WTO gets a grilling by the entire organization on its trade policies generally and compliance with agreements in particular.

And even if they have not fully achieved their creators' hopes, international organizations deserve a bit of credit for something quite substantial: Since the Bretton Woods era, the world has seen a long, slow reduction of political tension, poverty, and risk of war among the big powers. The economic disaster of the Depression has never returned, despite the calamities of the 1970s and of the current global crisis. No great-power war has erupted in the half-century since the Korean War armistice—the longest period of peace among great powers in the historical record. One can suggest many explanations for this fact—greater economic interdependence, aging populations, wealth gained through technological change rather than control of land, decolonization, waning ideological conflict—but these changes can produce tension as well as consensus. It is credit to the genius of our postwar institutions that they provide ways to ease out the tensions while encouraging the consensus.

But there is still a gap between what exists and what we need, and it is in environmental policy.

Global Environmental Policy Is Busy...

Multilateral environmental agreements date, in misty forms, to the years after World War II. Early agreements from the 1940s and 1950s limited whaling, created fishing quotas, and attempted to protect migratory birds. More ambitious agreements followed in the 1960s and 1970s, often designed to protect "commons" areas, especially oceans and rivers, from pollutants. Ever since, governments, NGOs, and well-intentioned experts have been busy meeting, negotiating, publishing reports, and passing agreements. They have used a string of high-profile summits and reports—in particular the 1972 Conference on the Human Environment and the Rio summit in 1992, and the Bruntland Commission's comprehensive 1987 report on commons protection, climate, oceans, biodiversity, and other environmental threats—to share information and lay out an environmental policy agenda.

With this in the background, governments have concluded a string of multilateral environmental agreements (MEAs), from the 1987 Montreal Protocol on chlorofluorocarbons (CFCs) to the Convention on Biological Diversity, the Antarctic Treaty, the Convention on Persistent Organic Pollutants, and the Basel Convention on hazardous waste transport. The UN Environmental Programme

(UNEP) counts 98 multilateral environmental agreements and 117 regional agreements, including ten it considers to be of systemic significance. This year's Copenhagen Process, meant to negotiate a climate-change accord to replace the Kyoto Protocol, aims to create the largest and most complex agreement to date.

Clearly, the issue is not a lack of will per se. Governments and interested parties have devoted much time and diplomatic effort to environmental problems. They have negotiated many agreements on environmental policy. And they have put together an organization whose hope is to make these agreements effective. But their work has nevertheless fallen short. Few major environmental agreements work as they should. They are uncoordinated, full of major gaps, weakly enforced (when enforced at all), and physically headquartered around the world in a way which makes improving them exceptionally difficult. Even the titular coordinator, the UNEP, is too weak, structurally and politically, to enforce the agreements or improve them. The world's multilateral environmental achievements are mostly on paper and in meeting halls—rather than in the forests, the air, and the water.

...But Not Very Successful

One fairly successful agreement, the Convention on International Trade in Endangered Species (CITES), illustrates the disparate problems of environmental multilateralism. Founded in the 1960s and based in Geneva, CITES oversees international trade in about 30,000 listed species. A typical meeting of the CITES executive conference might decide how many ball pythons can travel from Benin to zoos and pet shops in the United States and Europe, how many lynx pelts Russia can export in a year, and whether to ban trade in elephant ivory altogether. Conclusions are often reached quickly and successfully. But this very fact shows a weakness common to the existing international environmental organizations: An enormous amount energy, time, and political capital is being devoted to a relatively small part of a very big problem.

In a few cases, international trade can threaten the viability of an animal or plant species, and CITES management is essential to species survival. But in most cases, the main threat to most rare species is destruction of habitat, through climate change and industrial or urban development. CITES protects sea turtles against the minor threat of sale for jewelry and canned soup, but it does nothing about the large threat of fishing by catch or destruction of nesting beaches in favor of hotels and tourism development. The turtle population, as a result, continues to decline.

Other agreements don't work even on their own terms. The International Tropical Timber Agreement, which goes back to 1985, revamped most recently

in 2006 and based in Yokohama, was meant to ensure sustainable logging as developing countries raise revenue from timber sales. It was launched (and relaunched) to great fanfare, but the world's tropical-forest cover has shrunk by some 10 percent since the Agreement was concluded. The Biodiversity Convention is an even sadder case. Launched in 1992 and based in Montreal, it committed the world to a "significant reduction in loss of biodiversity" by the year 2010. No such thing has happened. Nearing its twentieth anniversary, the Convention seems more pious hope than policy.

For its part, UNEP is too weak to do much to improve the situation. It has none of the strengths of the other big international organizations. It has no mandate as the single central venue for environmental policy, instead struggling to coordinate the far-flung secretariats of the MEAs. It has a visibly second-tier structure, with a director of lower status than his counterparts and reliance on voluntary contributions by its richest members rather than assessed dues. And it has no effective way to mediate or solve disputes over the agreements under its jurisdiction. All of these flaws will be magnified as the world addresses climate change in Copenhagen.

A Climate-Change Agreement—Then What?

While attending the Kyoto Conference in 1997, I had the sad experience of seeing a giant penguin made out of ice, sponsored by an environmental group to help dramatize the risk of climate change, refuse to melt. That week was Kyoto's coldest in three decades. Unable to discreetly remove the penguin, the group had to bring out electric space heaters and fans to get it to turn to water. A painstaking, elaborate, probably expensive publicity device, the penguin was launched in circumstances that made it unusable.

As governments work through the "Copenhagen process" of climate-change talks meant to produce a successor agreement to Kyoto, the penguin that refused to melt is hard to forget. Here, too, the best of intentions are colliding with the cold winds of the real world. The agreement, meant to be inked this December, will likely be more technically complicated than any previous agreement in environmental policy—or any other policy realm. Where the Montreal Protocol deals with a single set of chemicals, the Copenhagen agreement will cover most of the world's industry, transport, energy production, forestry, and agriculture. Its negotiators will have to do more than design an agreement that limits emissions by country and a permit-trading system that eases and speeds the reduction. They will also need a credible way to measure emissions by facility and by country, and they will need a linked system that provides extra credits to facilities which sequester, destroy, or use carbon dioxide and other emissions-linked

gases as inputs for some other sort of activity. On top of this will come clean-development and joint-implementation mechanisms—an array of investment and technical projects, to upgrade building energy efficiency, ease the impact of emissions reduction by electrical and water utilities on low-income families, and support for farmers and businesses seeking ways to store CO_2 in plants, dirt, and underground holding facilities. They will need to carefully define temporary escape valves for economic crisis, as well as technology-transfer programs involving agreements between rich and poor countries on sale, licensing, training, and donation of efficient technologies. And, of course, all of this will require a compliance and penalty system.

The technical aspects of the agreement, however, are not the only complex matter. If successful, the Copenhagen treaty will bind a huge number of diverse nations—the United States, the European Union, Japan, Switzerland, Russia, Brazil, Mexico, Saudi Arabia, China, and India, among others—requiring each to implement obligations covering dozens or hundreds of industries. These countries are split ideologically, with governments in the developing world focused on responsibility for past emissions and rich-country governments viewing future emissions reductions as the main object of the agreement and shared responsibility as the main principle. Similar divisions erupt on lower levels, with, for example, rich-country businesses expecting to be paid while the poor-country businesses expect donations. Capacities vary widely, too: Some of the participants have very sophisticated legal and scientific institutions, with decades of experience in designing and enforcing laws to ensure urban air quality, fight acid rain, and take on other comparable challenges. Others are plagued by corruption and have weak environmental ministries, small scientific establishments, ineffective courts, and poor records of implementing existing environmental laws. Most fall in between.

Inevitably, implementation will be difficult. Well before any agreement has emerged, suspicions pitting poor-country fears about cost, obstacles to development, and administrative capacity against rich-country fears of competitive disadvantages have taken deep root. Such suspicions could easily become destructive conflicts, as governments face pressures to allow industries to cut corners at moments of economic stress and as unexpected swings in the business cycle cause unplanned jumps and drops in emissions unrelated to the implementation of the agreement. In both cases disputes will emerge which would be hard to resolve in dispassionate academic circumstances—and of course the circumstances are far from academic and dispassionate.

Comparing Copenhagen to the far less ambitious Montreal Protocol illustrates the difficulty of the task ahead. Compliance will require far more sophisticated

mechanisms for verification and dispute settlement than previous agreements. No environmental institution now has such mechanisms—neither the internationally accepted monitoring facility, nor the impartial and respected dispute-settlement panels that could hear complaints about failures of implementation and offer reasonable solutions.

In their absence, countries will determine the others' compliance on their own. June's bill in the House of Representatives, imposing a border tariff in 2020 should developing countries not participate, hints at the potential consequences—a blizzard of proposals for offsetting tariffs to be imposed on cement, steel, or other heavy-industry, high-emission goods from developing countries seen to be shirking their responsibilities. This could eventually lead to the worst-case outcome: a combination of economically destructive trade conflicts with little actual reduction in emissions. Countries targeted by these tariffs, viewing themselves as victims of self-interested lobbying campaigns rather than climate-change villains, will respond with their own retaliatory trade policies. In the political heat of economic nationalism and trade conflicts, the physical heat of climate change can easily be forgotten; and the outcome will be one that does not contribute to a reduction in emissions, but simply a reduction in prosperity.

A Global Environmental Organization

Nobody wants that result. Rather than require each country to be the arbiter of all the others' compliance by default, the solution must be to create an institution to do the job. The goal should be to ensure that the Copenhagen negotiations generate not only an effective and fair emissions-reduction agreement, but also an institutional structure that can make sure it is implemented—and in doing so bring environmental policy into line with security, trade, labor, and finance, as a field in which institutions and rules ease policymaking and improve its enforcement. In other words, we need a global institution modeled on the sort of organizations that have served the world for the last 65 years: The UN, the IMF, the World Bank, and the WTO.

The simplest approach would be to transform UNEP from a well-intentioned but often ineffectual organization into something with powers commensurate to the scope of the challenges. Such a revamped institution would, as its peers do, rest on three pillars: a mandate, an institutional structure that ensures respect and impartiality, and a dispute-settlement mechanism. And it should draw from their experience in balancing legal equality among members with acceptance of real-world power relations. Here's how it would work.

First, the new organization—renamed the Global Environmental Organization, or GEO—would be a permanent venue for negotiating and implementing

agreements on international environmental policy. It would take responsibility for overseeing the implementation of existing agreements, improving them when necessary, and negotiating any potential new agreements. The first task would be to assume responsibility for the existing network of MEAs, along with the climate-change agreement that emerges from the Copenhagen process. The MEAs' current far-flung offices would be closed and their staff transferred from Yokohama, Tasmania, Quebec, Bonn, and Montreal to the new organization's headquarters, which could be left in Nairobi or moved to Geneva.

These agreements would become the first elements of larger divisions fitted to the main international environmental challenges. A logical approach might be to have four divisions: one on oceans; one on climate and atmosphere; one on biodiversity, including unique environments like Antarctica; and one on pollution prevention and remediation. Other divisions could be appended as necessary. Each would have a governing council composed of participating countries, with a small, expert staff reporting to the organization's director-general.

The GEO would oversee the implementation of existing agreements, improve them when necessary, and negotiate potential new agreements.

As with the WTO, the governing councils of the divisions would regularly review the major agreements under their jurisdiction to ensure that they are effective in reaching their goals and that the members are complying with their obligations. The first round of assessments, however, would have a broader goal. This would be to evaluate the effectiveness of each agreement, in its own right and as part of a broader mission. For example, the biodiversity division's council would ask whether CITES is succeeding not only in its mission to control trade in rare animal and plant species, but also in its contribution to the general effort to protect endangered species and biodiversity. The same would hold for other agreements in this division, such as the International Whaling Commission and the Biodiversity Convention. Over time, this would place the current miscellany of agreements in simpler, larger, and more logical categories; clarify the areas in which they are insufficient; and ultimately help create a smaller set of strategic initiatives fitted to the main global environmental threats. As with the WTO in trade negotiations, new agreements would be adopted by consensus, ensuring that small members have influence, but that great powers do not view the organization as an attempt to overwhelm them by numbers.

An important side benefit of this restructuring would be to ease the task of publics, NGOs, businesses, and governments seeking to understand their coun-

tries' obligations and those of others. The new organization's website would post the text of all environmental agreements, and national obligations of the members, online so that NGOs, businesses, and interested citizens (as well as governments) could track the obligations of their own country and others.

Second, the GEO would be given the institutional structures, procedures, and status to stand as an equal with the major existing international organizations. This will require a significant reshaping of the financing, staffing, and leadership of UNEP. Rather than voluntary contributions, the new organization would have mandatory dues assessed in proportion to GDP. It would employ a larger independent staff of legal and scientific experts, joining UNEP's existing professional staff with the secretariats of today's MEAs and the staff of the Intergovernmental Panel on Climate Change. And it would have an independent director-general of recognized stature, drawn from national politics rather than from an NGO or the UN civil service, someone able to speak with national leaders on a more or less equal basis and with the credibility drawn from personal experience in politics.

Countries participating in MEAs would likewise upgrade their representation. Each would station a permanent delegation at the headquarters—as they do at the WTO, ILO, and UN—headed by an ambassador responsible for international environmental policy. This official would be the government's point-person for environmental policy, in negotiation of new agreements, contacts with NGOs and other stakeholders, and management of disputes.

Third, the GEO would have a structured and enforceable system for arbitrating disputes over implementation of agreements—akin to the WTO's panels, though with a few twists. The dispute settlement body would have two-fold panels, so that it could muster both scientific and legal expertise. One branch would be composed of independent and respected scientists and experts in the relevant field. They would provide analysis of scientific evidence in a dispute as necessary, and provide a factual context for legal analysis of a dispute. The other branch would be composed of expert lawyers, who would hear cases and be able to judge legal regimes and enforcement against commitments in agreements. Both would require strong conflict-of-interest rules, barring panelists from plaintiff or defendant nations from participating in dispute hearings, and also barring panelists with financial stakes in a dispute. The same would apply to an appellate body designed to hear appeals. This is the same general structure the WTO has used to settle countless international trade disputes, and as at the WTO only governments would have the right to file disputes. (Though in contrast to the WTO, where disputes are closed unless the participants agree to open them, disputes at GEO panels would be open to the public in all cases.)

The panels' first step after identifying a failure of implementation would be to recommend solutions that would bring the country in question back into compliance. This could include assistance from experts on improving the quality of regulation, or changes in actual law and enforcement when necessary. Should a dispute have implications for international trade or investment attraction, or for the rights of other users of exhaustible resources, remedies could include compensatory sanctions or limits on rights to the relevant resources in the global commons. For example, if a country were found to violate an obligation under a climate-change agreement to reduce emissions from its heavy industry, the other partners to the agreement would have a right to impose tariffs sufficient to offset any advantage the industry in question might have won. This would create a painful and effective trade-based enforcement method, but one limited by internationally accepted rules rather than imposed at will by any single country. A second example could come from the fisheries industry. If a country's fishing fleet is found taking more fish from fishing grounds in international waters than it has a right to take, a dispute body could temporarily cut its right to harvest fish in these grounds.

Such an organization could begin review and enforcement of the current set of environmental agreements immediately. Of course, designing and approving the GEO would take time. So a logical approach would be to reinforce the creation of the GEO with the adoption of the new climate-change agreement which, if all goes well, will emerge from this year's negotiations. Assuming the Copenhagen agreement formally takes effect as planned in 2012, countries will begin implementing their obligations. This point, a bit more than two years from now, is the moment at which countries will need the institutional rules and enforcement procedures the GEO would provide.

How much should we expect of a global environmental organization? We should be realistic. The error of the Bretton Woods generation was to overstate the potential of international institutions. Neither war nor its causes are gone for good, and international organizations will never make them go away. Should governments feel vital interests or values are at risk, they are liable to fight, regardless of whether they are members of the UN General Assembly, or whether the Security Council has ordered them not to, or whether the IMF, World Bank, and WTO have helped them become deeply integrated with their neighbors and rivals. To create a new institution for environmental policy will likewise not be a substitute for the will of the world's governments to face and address environmental problems. If they are fundamentally unwilling to accept the responsibility, an institution probably won't be able to make them face it.

But while being realistic, we need not be cynical. The Bretton Woods organizations and their cousins have not abolished war, but they have made the world more peaceful than it used to be. Likewise today, if governments are willing to reduce emissions and cut fishing subsidies, a permanent and respected GEO would make it easier for them to succeed. It could clear the path to international consensus, hold governments to their promises, and allow transparent and legal dispute settlement to ease mutual suspicions. And it could make advocacy more effective by giving NGOs, businesses, and citizens a better grasp of their countries' obligations, and by giving both stakeholders and their governments a better grasp of the state of international environmental policy.

And if all works as it should, the citizens of a cleaner and healthier world, sometime in the 2070s, will be complaining about the GEO, occasionally criticizng it as domineering or ineffectual—as it quietly improves the quality of their lives. **D**