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Over the past 50 years, numerous countries have signed a variety of international agreements aimed at protecting fisheries, rivers, deserts, Antarctica, whales, migrating birds, elephants, Great Apes, as well as restricting hazardous pollutants of various kinds. More than 160 countries signed the original UN Framework Convention on Climate Change in Rio in 1992. Almost all the countries that signed the 1987 treaty that protects the ozone layer (The Montreal Protocol) have met their obligations, and this treaty remains one of the few international legal instruments ratified by every single member state of the UN system. Indeed, there have been many instances in which it has been possible to generate collective action to protect environmental resources, especially when the threats seem serious and there is agreement on a clear course of action. Why, then, was it so difficult for the countries present at the recent Paris Climate negotiations to reach a meaningful and enforceable agreement? Certainly, the fact that they reached any agreement at all is an important ac-

complishment. But, everything that the individual countries promised to do is voluntary, and not enforceable. And, all the promises added together do not represent a sufficient commitment to keep CO₂ emissions at levels necessary to keep global warming under the 2 degrees Centigrade goal that almost everyone agrees is an absolute necessity.

The parties to the Paris convention disagreed on the scope of the problem, the accuracy of the available scientific assessments, the efficacy of various strategies for combatting the impacts of climate change, and which countries (i.e. the Global North, the Global South or both) should have what financial responsibilities in both the short term and the long term. A number of past treaties like the Biodiversity Convention have been criticized for doing too little too late. Once a fishery is lost, or an endangered species goes extinct, there's no way to repair the damage. Some countries, like the United States, have refused to sign certain agreements like the Law of the Sea, for fear that their national sovereignty is being infringed. It may be that too few countries were willing to make sufficiently ambitious CO₂ reduction commitments to reverse

the effects of global warming.

In some instances, countries do not have the technical expertise they need or adequate financial resources to meet more ambitious treaty obligations. A treaty that countries sign but do not have the capacity to implement is useless. Some treaties call for actions that may have made sense at an earlier time, but haven't been updated to take into account new scientific findings or shifting economic and ecological conditions. We do not just need a statement of goals, we need to put in place an international regime with the authority to monitor what's happening, make ongoing adjustments, and ensure that all signatories comply. Under international law, nations have to voluntarily agree to abide by new global agreements. There has never been a completely effective means of enforcing global environmental treaties. We need treaties that can achieve "compliance without enforcement." For that to happen, every country needs to feel that whatever is proposed, and whatever constraints are implied, are in their long-term interest. Problems arise when elected officials care more about getting re-elected in the short-term than

THE END OF ENVIRONMENTAL DIPLOMACY?

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meeting the long-term interests of their citizens. They make short-term promises that they have no intention of implementing; or, they makes promises that they know will not be sufficient to solve the problem.

In our book, *Environmental Diplomacy: Negotiating More Effective Global Agreements*, 2nd edition, (Oxford, 2014) we review the 18 most important global environmental agreements implemented over the past 25 years. We identify the key obstacles that have diminished their effectiveness and suggest several ways more effective agreements -- including a replacement for the Kyoto Protocol on Greenhouse Gases and, now, the recent Paris Agreement -- might best be achieved.

To the extent that there is something that can be considered a global treaty-making "system," it needs to be modified. Of course, when we say system, we are not talking about institutional arrangements that were carefully designed to handle increasingly complex environmental problems. Rather, we are talking about the haphazard accumulation of international legal practices over hundreds of years. Unfortunately, these were not formulated with the unique attributes of environmental problems in mind. Environmental, or common pool resource management problems, are long-term in nature, the product of highly complex and interdependent socio-ecological interactions. Such "wicked problems" present a challenge to our limited scientific understanding and are likely to affect different nations in very different ways. Other problems, for which it is easier (but still difficult politically) to generate agreements, are immediate, do not affect all the countries of the world at the same time and do not depend on their

collective commitments for resolution. They are not so dependent on accurate scientific interpretation, and they can produce visible results in the near term.

To respond to the unique features of transboundary environmental problems and overcome the accumulated weaknesses of the environmental treaty-making "system," we suggest the following:

1. Build decentralized alliances: Right now, each country makes an independent judgment about whether and how it will participate in ongoing global efforts to address a particular problem. From start to finish, most global treaty-making efforts take at least a decade. Thus, we suggest that countries band together, perhaps regionally, to gather information, formulate solutions, and build their capacity. Instead of starting with a single treaty draft generated by a small group of experts and, then, waiting for every country in the world to respond, it would make more sense to start with a half dozen (or more) regional treaty drafts generated by clusters of countries experiencing a problem in the same way. This way, very different ideas and approaches will get a fair hearing. Based on these regional inputs, a consolidate draft could be developed for collective review.

2. Provide technical assistance to countries that need it: When groups of countries do not have sufficient technical capacity to sort through alternative policy options, they should be able to draw on technical assistance from a centralized source. While we do have the Intergovernmental Panel on Climate Change (IPCC) that seeks to engage scientists in producing global assessments of the changing climate, this is not the same thing. At present, there is no easy-to-access source

of technical assistance that is not lobbying for a particular outcome. Many countries need independent assistance and advice to formulate their own stand on an important international issue.

3. Expand the role of Non-governmental Interests (NGIs) in environmental treaty-making: Rather than limiting non-governmental interests (e.g., civil society organizations, professional associations, academic institutions, business groups, and others) to lobbying officials in their own country -- to ensure that their views (and knowledge) are shared -- these groups need to be directly involved as responsible parties in drafting potential treaties, debating their relative merits and even sitting at the high-level political discussions when decisions are made about which version of a treaty will go forward.

4. Recategorize countries for purposes of assigning responsibilities (differentiated responsibilities): Some of the most successful global environmental treaties, like the Montreal Protocol, gave developing countries an extra decade to come into compliance. The idea of "differentiated responsibilities" was at the heart of environmental treaty-making in the 1990s. It is not helpful to divide the world up into two simple categories: developed and developing countries. Rather, countries should be categorized differently depending on the issue, especially when assigning timetables and targets for coming into compliance. We suggest that it will be much easier to get countries to sign new treaties if they feel they are being treated fairly.

5. Reinforce better balance between science and politics: Scientists should not be asked to decide the goals of global environmental trea-

-ties or make the political trade-offs required to build support for action of various kinds. Science can tell us what has been and what is, but science can not tell us what ought to be. We need to ensure that global environmental treaty-making takes scientific input seriously and strives to balance science and political considerations in drafting and enforcing treaties.

6. Encourage issue linkage: The only way to achieve voluntary compliance with global agreements is to ensure that every country feels that it is coming out ahead when it joins a treaty regime. For this to happen, it may be necessary to link commitments to act on one issue with promises of assistance or changes in policy on other issues. Issue linkage is tricky because the participants working on one issue might not be the right stakeholders to handle a second issue. But, a willingness to consider more explicit issue linkage may be the key to implementing a new round of global environmental agreements.

7. Revise Penalties for Constructive action: It is a mistake, in our view, to penalize countries that take the actions a treaty seeks to encourage. That is what happens when new treaties set start dates that fail to take account of constructive efforts that countries make right before that kick-off point.. An alternative would be to allow countries to petition for an exemption from a mandated timetable or target so they will be encouraged to take constructive action.

8. Encourage the media and academic institutions to play a greater public educational role: Press coverage of global environmental treaty-making, in almost every part of the world, rarely aims to educate citizens on the underlying science of the problem being addressed. Too few media outlets have environmental reporters who can explain, in non-partisan

terms, what the problems are and what the range of possible treaty requirements might be. Instead, much of the media settles for political report cards highlighting who is winning and who is losing. The public needs a better understanding of what is at stake. Otherwise they will not press their elected officials to take appropriate action. We also need academic institutions to make public education (rather than partisan lobbying) their primary responsibility.

We have not seen much new international action on global resource management problems. The 2013 Minamata Convention on Mercury is an important exception, although it has only been ratified by 15 countries so far. There appears to be growing cynicism about treaty-based environmental diplomacy. This is unfortunate. Global environmental problems can provide a "superordinate goal" for states that otherwise have few interests in common. However, until the treaty-making "system" is reformed, and countries see that they have a lot to gain by working together, they are not likely to adopt a meaningful global climate change agreement. We think the Paris Agreement, laudable though it may be, proves that the incentives for realizing mutual gains remain elusive within the current system of environmental diplomacy.

