

What do your case studies suggest about the prospects for the UN encouraging or facilitating the development of a truly global civil society? What are the obstacles and how, if at all, may they be overcome?

‘State sovereignty is being redefined – not least by the forces of globalisation and international co-operation. States are now widely understood to be instruments at the service of their peoples, and not vice versa.’

Kofi Annan, 18 September 1999.

Commentators such as Richard Falk question whether the Westphalian concept of sovereignty can deal effectively or equitably with the problems facing humankind.¹ The 1993 United Nations (UN) Human Development Report concludes that ‘the nation-state now is too small for the big things, and too big for the small.’² Some of these ‘big’ problems include the environment, poverty, human rights, and terrorism. The transnational nature of global climate change or the Bali bombings highlight the need for a global approach to address these issues. Consequently, Stephan Stedman suggests sovereignty should now reside with individuals rather than states.³ The Commission on Global Governance asserts the concept of security should include the protection of people and the planet.⁴ An equally valid need to manage the common affairs of humankind matches these normative concerns.

The governance of these common affairs requires all relevant actors to establish and operate the rules, procedures, and practices necessary to manage these shared issues. At a global level, the decentralisation of politics and anarchical nature of global international society allows space for numerous actors to flourish and seek participation in governance. Some of these actors include states and elements of global civil society such as non-government organisations (NGOs),⁵ citizen’s movements, and multinational corporations. Moreover, A.J.R. Groom suggests that the UN provides the institutional framework for relations between these actors.⁶ This framework contributes to the emergence of global civil society and the possibility of

¹ Richard Falk in Wood, G.A. & Leland, L.S. (eds) *State and Sovereignty Is the State in Retreat?*, University of Otago Press, Dunedin, 1997, pp.44-45.

² United Nations Development Program. *Human Development Report*, Oxford University Press, New York, 1993, p.5.

³ Stephan Stedman in Qian, W. ‘The United Nations and State Sovereignty in the Post-Cold War era’, *Pacifica Review*, Vol 7, No 2, 1995, p.136.

⁴ Commission on Global Governance, *Our Global Neighbourhood: The Report of the Commission on Global Governance*, Oxford, University Press, 1995, pp.78-84.

⁵ Papp, D.S. *Contemporary International Relations Frameworks for Understanding*, Allyn & Bacon, Needham Heights, USA, 1997, p.112 defines NGOs as ‘professional organisations that seek to further the interests of their members.’ NGOs are not necessarily politically motivated and may include such diverse agencies as the International Olympic Committee to the International Council of Scientific Unions. However, this essay focuses on NGOs that ‘directly shape widespread behaviour in matters of public concern and involvement’ within global civil society. From Paul Wapner in Young, O.R. *Global Governance Drawing Insights from Environmental Experience*, The MIT Press, London, 1997, p.66.

⁶ A.J.R. Groom in Thakur, R. (ed) *The United Nations at Fifty; Retrospect and Prospect*, University of Otago Press, Dunedin and the Peace Research Centre, Research School of Pacific and Asian Studies, The Australian National University, Canberra, 1995, p.298.

global governance. Nonetheless, impediments such as state claims to Westphalian sovereignty and a lack of action within environmental programs constrains the development of a truly global civil society, one capable of effective and equitable global governance.

This essay assesses the prospects for the development of a truly global civil society in relation to the global issues of the environment. What are the obstacles to the creation of such a society? What is the role of the UN in creating this society? First, what is a 'truly global civil society'?

A Truly Global Civil Society

The term civil society derives from the Latin *societas civilis* and denotes a system of rule within a given community. Civil society provided a lawful society demarcated from the polis, republic, or state. Effectively, this was a domestic arrangement or ordering of relationships between individuals separate from the direct purview of the state. For Wapner, civil society 'is the domain of associational life above the individual and below the state.'⁷

Similarly, this space is reflected at the global level as territorial borders do not prevent human interaction. The existence of James Rosenau's 'sovereignty-free'⁸ actors at this level includes the Catholic Church, Microsoft, Greenpeace, and al-Qaeda. The activities of these organisations establish horizontal transnational networks. Accordingly, the difference between domestic and global civil society is the latter also *crosses* state boundaries.

This domain is not necessarily political. However, Thomas Weiss asserts 'people's participation (in managing global affairs) is becoming the central issue of our time.'⁹ Consequently, people through NGOs, citizen's movements even terrorism seek to influence the handling of public issues. For example, Greenpeace successfully convinced states to phase out industrial dumping in the North Sea, the Antarctic and Southern Oceans Coalition coordinated the defeat of a convention to exploit mineral exploration of the Antarctic.¹⁰

Elements of global civil society, therefore, contribute to and actively engage in global governance. Governance within environmental discourse requires people to exercise authority over nature. Thus, societal engagement in the governance and management of global environmental problems defines a 'truly global civil society' within an ecological context.

⁷ Wapner in Young, op.cit, p.65.

⁸ Rosenau, J. *Turbulence in World Politics. A Theory of Change and Continuity*, Princeton University Press, New Jersey, 1990, p.249.

⁹ Weiss, T. Forsythe, D.P. & Coate, R.A. *The United Nations and Changing World Politics*, Second Edition, Westview Press, Colorado, 1997, p.261.

¹⁰ Wapner in Young, op.cit, p.80.

Sovereignty and Ecoglobalism

Environmental problems are not exclusive to the present. During the Middle Ages, burning logs caused a major smog problem in London. In AD 79, a volcanic eruption from Mount Vesuvius entombed the neighbouring town of Pompeii. Perhaps the essential difference between recent and past environmental concerns is scale. Within the Pacific, the effects of global climate change submerged two islands of Kiribati.¹¹ Each year an area about the size of Austria turns into desert.¹² In 1985, radiation from the Chernobyl nuclear accident fell on 21 countries including Japan!¹³ The artificial, sometimes arbitrary, borders of sovereignty cannot contain these problems.

Clearly, then, ecoglobalism threatens or at least challenges Westphalian sovereignty. Boutros Boutros-Ghali, former UN Secretary-General, suggests that ‘the time of absolute and exclusive sovereignty has passed.’¹⁴ For Karen Litfin, sovereignty is less monolithic and mutates to survive in diverse cultural and economic settings. The concept of ‘restricted sovereignty’ incorporates a limiting of state action internally to gain external legitimation.¹⁵

‘Restricted sovereignty’ poses a dilemma for the developing states of the South within the environmental sphere.¹⁶ These G-77 nations, despite pressure from developed nations, reject attempts to expropriate their natural resources through a redefinition of sovereignty on environmental grounds. As G-77 representative Edward Kufour stated at the PrepCom 3 for Kyoto, ‘we (the G-77 nations) have not come here to negotiate away our permanent sovereignty over our natural resources.’¹⁷ Individual state action to maintain autonomy and control over their internal resources reinforces this view and includes Malaysian vetting of forestry practices, Norwegian and Japanese efforts to rebuff whaling conventions, and Brazilian attempts to undermine tropical rainforest conventions. Indeed, the North holds a similar position. In 1995 the United States (U.S.) Secretary of State Warren Christopher, in response to calls for targets for binding targets on greenhouse gas emissions, announced ‘we will not sacrifice American sovereignty.’¹⁸

¹¹ Vrolijk, C. ‘COP-6 collapse or “to be continued...?”’, *International Affairs*, Vol 77, No 1, 2001, p.163.

¹² Papp, op. cit, p.515.

¹³ Luke, J.C.O. ‘The Environment – Potential for Conflict in the 21st Century’, *Seaford House Papers*, Royal College of Defence Studies, 1997, p.157.

¹⁴ Boutros-Ghali, B. *Agenda for Peace*, UN Document s/24111, June 1992.

¹⁵ Litfin, K.T. ‘Sovereignty in World Ecopolitics’, *Mershon International Studies Review*, Vol 41, 1997, pp.167-204.

¹⁶ Decolonisation produced a proliferation of new states within the Developing World. These states are primarily situated in the Southern hemisphere. The established Developed states are mainly located in the Northern hemisphere. The South is occasionally referred to as the G-77, although membership of the group now stands at 128 states.

¹⁷ Kufour, E. ‘South Refuses to Compromise Sovereignty’, *Earth Island Journal*, Vol 11 No 3 Supplement, Summer 1996.

¹⁸ Qian, op.cit, p.137.

Nevertheless, state obduracy over sovereignty issues has not precluded a degree of international environmental co-operation. International environmental regimes include the International Convention for the Prevention of Pollution from Ships (MARPOL), the Convention on the International Trade in Endangered Species (CITES), and according to Stuart Smith the most successful international environmental treaty, the Montreal Protocol to protect the ozone layer.¹⁹ Litfin argues the success of regimes, like Montreal, lies in their initial soft law or legally non-binding approach.²⁰ Any adherence to abstract principles of environmental protection exposes states to subsequent internal and external pressure for further commitments. The regimes for the ozone layer, acid rain, and the resources of Antarctica all exemplify this path.²¹

Alternatively, the success of such regimes may rest with the discrete and defined nature of the problem. For instance, the Montreal Protocol targets the depletion of the ozone layer through the release of chlorofluorocarbons (CFCs) into the stratosphere. Smith argues that the limited number of manufacturers contributing to the problem 'is nothing like the complex matter the greenhouse gases represent...'²² At the very least, however, these treaties create new norms constraining states and provide a framework for global action on the environment.

Sustainable development represents this global framework for action. One definition of sustainable development is 'development that meets the need of the present without compromising the ability of the future to meet their own needs.'²³ Debates between North and South, especially at the World Summit on Sustainable Development (WSSD), highlight the difficulty of implementing this plan.²⁴ The North demanded the South place environmental protection ahead of development. For their part, the South stressed the North reduce consumption and contribute equally to Southern development.

Overall, the global nature of environmental problems requires global action. The construction of multilateral treaties and, albeit, acrimonious acceptance of global norms and plans such as sustainable development impinge on Westphalian sovereignty. A more intricate approach to sovereignty acknowledges states conduct sovereignty bargaining, where they exchange diminished autonomy for enhanced control and legitimacy. In the current multipolar nature of global society, this legitimacy is increasingly derived from non-state sources such as the UN and elements of global civil society.

¹⁹ Smith, S. 'The Impact of Globalisation on Sovereignty and the Environment', *United States Law Journal*, Vol 24, 1998.

²⁰ Litfin, *op.cit.*, p.181.

²¹ *loc.cit.*

²² Smith, *loc.cit.*

²³ Our Common Future. World Commission on Environment and Development, Oxford University Press, Oxford, 1987, p.43.

²⁴ The WSSD was held at Johannesburg in 2002. The WSSD is also known as Earth Summit II or Rio +10.

The UN and Global Civil Society

The UN was a statist response to the maintenance of peace in an anarchical world and initially focussed on the security of states. Certainly, the UN Charter makes no provision for ecological security. Consequently, the UN used existing agencies and programs such to counter environmental threats. For instance, the World Health Organisation considered pollutants from the viewpoint of consumer protection and human health.²⁵ This decentralised approach and increasing public awareness of global environmental problems provided an emerging global civil society a chance to have a voice in global policy development.

The UN has played a generally positive role in raising consciousness on environmental issues and, thereby, developing global civil society within this area. For example, the UN coordinated a series of world conferences including Stockholm (1972), Rio (1992), and Johannesburg (2002) that presaged the need to provide a global environmental approach. Each of these conferences involved a range of non-state actors. The Stockholm Conference represented the first time NGOs had participated in the policy-making process of states. Moreover, a citizen's movement, with representatives from 24 countries, presented the Dai Dong Declaration at a plenary session to influence negotiations at Stockholm.²⁶ Rio included local authorities, women, and indigenous groups. While, Johannesburg held parallel summits for business leaders, Chief Justices and farmers.

The conferences contributed to increased state and UN action on environmental issues. Thus, in the decade after Stockholm governmental environmental agencies or ministries increased tenfold. A doubling of the international environmental regimes reflected a similar upsurge in attention. Likewise, the UN established a range of programs to coordinate action in this area. Initially, the UN Environment Program (UNEP) fulfilled this role. Subsequently, Rio established the Commission on Sustainable Development (CSD) to oversee the implementation of Agenda 21, a program for action on sustainable development and environmental issues. Finally, the institution of global partnerships represents a major outcome of WSSD. The involvement of all stakeholders from business to concerned citizens to state authorities defines this institution, and allows the adoption of a concerted global approach to specific environmental concerns.

Notably, there are instances of both companies and some states initiating such partnerships. Companies such as Du Pont, Shell, and Amoco, have agreed to work with NGOs to reduce carbon dioxide emissions by 2010.²⁷ An urban campaign to reduce greenhouse gas emissions includes some 500 cities worldwide. Authorities, citizens, local experts, and NGOs from Hungary and Slovenia are coordinating a project to diminish transboundary pollution of the Danube River.²⁸

²⁵ Alger, C.F. (ed) *The Future of the United Nations System: Potential for the Twenty-First Century*, United Nations University Press, New York, 1998, p.317.

²⁶ *ibid*, p.325.

²⁷ Speth, J.G. "Recycling Environmentalism", *Foreign Policy*, No 131, July/August 2002.

²⁸ Bell, R.G. Stewart, J.B. & Nagy, M.T. 'Fostering a Culture of Environmental Compliance through Greater Public Involvement', *Environment*, Vol 44, No 8, October 2002.

A top-down greening of international institutions, apart from the UN, further assists these bottom-up projects. The World Bank, for example, has recently provided NGOs access to the Global Environment Fund (GEF).²⁹ Previously, GEF was a states only forum for the provision of funding to projects likely to achieve positive environmental outcomes. This access to the financial dimension of the environment affords elements of the global civil society an opportunity to participate as a decision-maker rather than as a lobbyist. However, a range of obstacles offsets these positive steps and retards the development of a truly global civil society.

Two of these obstacles are the non-binding nature of many international environmental regimes and the inadequate application of those treaties by states. In the first instance, international accords are only as effective as the participating parties make them. Non-binding, non-enforceable treaties provide signatories an opportunity to avoid compliance without penalty. These types of treaties, arguably shape international norms, but ultimately favour inaction over action. The Kyoto Protocol, for example, on greenhouse gas emissions contains an escape clause allowing nations to opt out of the treaty at a year's notice. The Framework Convention on Climate Change (1992) avoids committing signatories to any specific action. At WSSD, major industrial nations stymied efforts to set a timetable and targets for the reduction of fossil fuels. Moreover, no means exists to compel states to sign the treaties in the first place. Thus, the developing nations were exempt from the provisions of Kyoto, which sought the reduction of greenhouse gas emissions by 2010. What does this all mean? The Intergovernmental Panel on Climate Change reports environmental degradation is likely to accelerate within the future as states fail to restrict their current harmful practices. Thus, a massive loss of tropical vegetation will occur as continued global warming raises temperatures in tropical climates to unsustainable levels.³⁰

The second obstacle to the development of a truly global civil society is the uneven national implementation and compliance with international environmental treaties. One study into this area revealed vast differences in the standards between states.³¹ Cameroon, for example, has difficulty fulfilling the requirements of the International Tropical Timber Agreement (1983). Since the 1980's there has been a decline in Russian compliance with CITES. Conversely, Japanese effectively met all the criteria of the World Heritage Convention (1972). Admittedly, the study acknowledged a spectrum of variables affected the capacity of the state to achieve the specifications of such treaties. Also assessed as critical to success in this arena was the role of global powers, such as the U.S.

²⁹ Helen Sjoberg in Werksman, J. (ed) *Greening International Institutions*, Eartscan Publications, London, 1996, pp.148-162.

³⁰ Pearce, F. 'A rotten prospect for the tropics', *New Scientist*, Vol 156, No 2112, 13 December 1997, p.7

³¹ Jacobsen, H.K. & Weiss, E.B. 'Strengthening Compliance with International Environmental Accords', Diehl, P.F. (ed) *The Politics of Global Governance International Organisations in an Interdependent World*, Lynne Rienner, London, 1997, pp.305-334.

The United States: Rogue or Leader?

Success in the Cold War left the U.S. as the world's only superpower. This power accords the U.S. a leadership role within international politics. James Scherr asserts U.S. leadership extends to the global environment. He claims without U.S. guidance 'nothing gets done.'³² However, a narrow domestic agenda appears to compromise many U.S. actions on environmental issues.

The U.S. produces an estimated 25% of the global carbon dioxide emissions.³³ These emissions are part of the greenhouse gas problem, which contributes to global warming and environmental degradation. Therefore, the U.S. has sound national and global reasons for pursuing environmental control in this area. Yet, the U.S. opposed the Kyoto Protocol on the basis proposals setting timetables and targets for the reduction of gases contravened the national interest. This interest centres on the national economy and business sector contributing a large component of the 25% emissions. U.S. success in negating the Protocol followed a renege on promises in 1995 to reduce emissions. This unilateralist stance runs counter to most other industrialised nations, including traditional allies from the European Union, and undermines the credibility and effectiveness of the Protocol. Consequently, critics derided Kyoto as a treaty full of nothing except 'hot air.'³⁴

U.S. actions at WSSD reinforce a perception of the U.S. as out of step with environmental concerns. The U.S. blunted attempts to establish targets and timetables addressing global climate change. Norbert Walter argues the U.S., with this action, U.S. abdicated on the responsibilities associated with leadership.³⁵ Lempert believes the U.S. forfeits international good will and political capital with this position against the environment.³⁶ He argues the U.S. flirts with hypocrisy in seeking greater economic freedom for developing nations as the foundation stone of sustainable development, while protecting U.S. agriculture through government subsidies and imposing 40% tariffs on imported steel. For one commentator, 'if one wants to be a world leader, one must know how to look after the entire earth and not only American industry.'³⁷ Indeed, President Bush only added fuel to this particular fire by not attending WSSD.

These shortcomings should not disguise the creative and fresh ideas the U.S. brought to WSSD. The U.S. proposed distributing foreign aid through competitive private organisations committed to ecological improvements. For example, the U.S.

³² Jacob Scherr of the Natural Resources Defence Council of New York in Vesely, M. 'With us or against us?', *African Business*, 1 October 2002, 3p.

³³ 'Anger at US climate retreat', 29 March 2001. See http://news.bbc.co.uk/1/hi/english/sci/tech/newsid_1248000/1248278.stm

³⁴ Easterbrook, G. 'Hot Air Treaty', *U.S. News & World Report*, Vol 123, No 24, 22 December 1997, pp.46-48.

³⁵ Walter, N. 'An American Abdication', *New York Times*, 28 August 2002.

³⁶ Lempert, R. 'Missed opportunities in Johannesburg', *United Press International*, 22 October 2002. See <http://www.upi.com/view.cfm?StoryID=20021021-095122-6514r>

³⁷ European Commission President Romani Prodi. 'Europe backs Kyoto accord', 31 March 2001, See http://news.bbc.co.uk/1/hi/english/world/europe/newsid_1252000/1252556.stm

government will join global partners including private companies and NGOs to support sustainable forest management within central Africa. Additionally, the U.S. announced an intention to assist eighty countries remove lead from petrol.

Currently, U.S. intransigence to tackle domestic impediments provides a major obstacle to effective global environmental protection. Robert Repetto argues the first step for American political leaders is to get the Senate to ratify the Kyoto Protocol and overcome internal hurdles through the imposition of effective measures to both curb and monitor greenhouse emissions.³⁸ A task, like so many others, easier said than done.

The Future

A truly global civil society will be capable of good environmental governance. For Parvez Hassan, such governance is another vital component in the global partnership for sustainable development.³⁹ Arguably, the global partnership has three dimensions; global action, the UN system, and national efforts. A holistic approach to governance must consider the three dimensions to adequately address obstacles to the development of a global civil society including sovereignty, finance, and perceived U.S. unilateralism.

At a global level, Thomas Schelling proposes international environmental treaties must be enforceable and impose effective penalties when appropriate.⁴⁰ However, there is no historical precedent of any coercive regime on the magnitude of global warming. A non-coercive burden-sharing regime offers a suitable alternative. This regime requires a level of reciprocal multilateral scrutiny along the lines of NATO or the Marshall Plan. Indeed, in 1997 the U.S. Vice President Al Gore called for just such a plan. In Nina Graeger's terms, this pooling of sovereignty overcomes the tension inherent within a Westphalian notion of the concept.⁴¹ Moreover, like NATO, the regime could stipulate measurable, specific national actions instead of the current distant Kyoto Protocol targets opposed by the U.S.

Streamlining of the UN environmental framework complements any global agreements. James Speth criticises the UNEP and CSD as two of the weakest parts of the UN system.⁴² Certainly, the unwieldy linkages between UNEP, CSD, and the environmental aspects of other UN agencies require reform. Any reform must include equipping environmental agencies with the financial clout to influence and enforce decisions. An alternative to reform is to establish a Global Environmental

³⁸ Repetto, R. & Lash, J. 'Planetary Roulette: Gambling with the Climate', *Foreign Policy*, No 108, Fall 1997.

³⁹ Hassan, P. 'Environment and Sustainable Development', *Environmental Policy & Law*, Vol 31, No 1, 2001.

⁴⁰ Schelling, T.C. 'What makes Greenhouse Sense? Time to Rethink the Kyoto Protocol' *Foreign Affairs*, Vol 81, No 3, May/June 2002, pp.2-9.

⁴¹ Graeger, N. 'Environmental Security?', *Journal of Peace Research*, Vol 33, No 1, 1996, p.114.

⁴² Speth, op.cit.

Organisation (GEO) based on the lines of the World Trade Organisation (WTO). The success of the WTO stems from an ability to impose sanctions on recalcitrant members. The GEO might monitor the tradeable emissions concept floated by the U.S. This proposal requires a market where states trade emission credits in a similar fashion to how brokers trade stocks. Certainly, the GEO could oversee the global environmental regime, and coordinate action programs with other global partners such as NGOs and private industry. Finally, the GEO could include NGOs, citizen movements, business leaders and other components of global civil society as a part of the decision-making process. This would ensure the active and early cooperation of all relevant actors within an environmental issue.

Global partnerships require considerable effort from governments especially at the national level. National governments currently implement and monitor international accords. The creation of national targets provides one option of implementing environmental regimes. Richard Cooper, however, believes promoting a disincentive to undertake the offending action or behaviour may be a more effective longer-term strategy.⁴³ For instance, taxing energy consumption promotes one way of targeting global warming. Admittedly, similar previous proposals in the U.S. proved domestically unpalatable. Nonetheless, Germany is considering introducing such a system. Moreover, funds from such a tax could fund the GEO, thereby enable support for bottom-up initiatives and global partnerships. Alternatively, national authorities might consider tax incentives for the development of greenhouse friendly technology.

A continued emphasis on the value of partnerships will enable NGOs and local citizens to actively engage in the practice of sustainable development and, thus, turn global governance and civil society into an effective reality. WSSD, as the most recent UN conference on such issues, disappointed many groups concerned with global environmental problems. This did not prevent Kofi Annan from claiming WSSD represented ‘an important beginning.’⁴⁴ This may be so but as Clare Short said ‘we need a real period of intense implementation.’⁴⁵ Action, not words, is now necessary to create a ‘truly global civil society.’

⁴³ Cooper, R.N. ‘Toward a Real Global Warming Treaty’, *Foreign Affairs*, Vol 77, No 2, March/April 1998.

⁴⁴ Kofi Annan in Goering, L, ‘World Summit Develops Promises Aplenty – Now It’s Up To Nations to Deliver’, *Chicago Tribune*, 6 September 2002.

⁴⁵ Clare Short the UN International Development Secretary in Lean, G. ‘UN blocks future Earth Summits’, *independent.co.uk*, 8 September 2002. See <http://news.independent.co.uk/world/environment/story.jsp?story=331241>

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