



# Embarking on Global Environmental Governance:

Thoughts on the inclusion of local  
governments and other stakeholders in  
safeguarding the global environment

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SDG 2012 is Stakeholder Forum's Programme on Sustainable Development Governance towards the UN Conference on Sustainable Development in 2012 (UNCSD), also known as 'Rio+20' and 'Earth Summit 2012'. The programme consists of the following activities:

- **Thought Leadership** – writing and commissioning think pieces on issues relating to sustainable development governance, to stimulate and inform discussion on this issue towards Rio+20
- **Sustainable Development Governance 2012 Network (SDG2012 Network)** – co-ordinating a multi-stakeholder network of experts to produce and peer review think pieces, discuss and exchange on issues relating to the institutional framework for sustainable development, and align with policy positions where appropriate
- **Information and Resources** – publishing informative guides and briefings and hosting an online clearing-house of information and updates on international environmental and sustainable development governance – 'SDG dossier'
- **Submissions** – making official submissions to the Rio+20 process based on think pieces and dialogue.

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Stakeholder Forum works across four key areas: Global Policy and Advocacy; Stakeholder Engagement; Media and Communications; and Capacity Building. Our SDG2012 programme sits within our work on Global Policy and Advocacy.

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If you would like to provide feedback on this paper, get involved in Stakeholder Forum's SDG2012 programme, or put yourself forward to write a paper, please contact Hannah Stoddart, Head of Policy and Advocacy at Stakeholder Forum – [hstoddart@stakeholderforum.org](mailto:hstoddart@stakeholderforum.org)

For more information on SDG2012 please visit [www.stakeholderforum.org](http://www.stakeholderforum.org) and [www.earthsummit2012.org](http://www.earthsummit2012.org)

## ABOUT THE AUTHOR

Konrad Otto-Zimmermann holds degrees in urban planning and public administration. In his activist years he served on the boards of regional and national environmental NGOs. He has 34 years of professional experience in federal government, local government, consultancy and local government organization (LGO). As leader of the world's largest association of cities and local governments dedicated to sustainable development he has organized local government involvement in various UN processes and bodies. He has authored numerous books and articles and given countless speeches on public policy, environmental management and urban planning.



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*"The outcome of the [Copenhagen climate] summit was not fair, ambitious or legally binding. This eluded world leaders because they put national economic self-interests, as well as those of climate polluting industries, before protecting the climate."*

Kumi Naidoo, Executive Director, Greenpeace International <sup>1</sup>

*"We are going from a world of G-20 to G-0, where there is no leader and there is disagreement on all the fundamental short-, medium- und long-term issues."*

Nouriel Roubini, Professor, New York University <sup>2</sup>

Wherever I go, whichever conference I attend and meeting I was a part of during the last 12 months, sooner or later the discussion turns to issues around what could be called International Environmental Governance. But, what is International Environmental Governance?

The central issue is that "the current international environmental governance architecture has many institutions and instruments and has become complex and fragmented"<sup>3</sup>. The fundamental question environmental governance has to answer is: how do we best safeguard the global environment? If we, the currently living humans, consider ourselves to be the owners or only the trustees of the climate, oceans, flora, fauna, air, et cetera, how and by whom are decisions made relating to their use, management and protection? International Environmental Governance describes responsibilities (who are the actors?), principles (what are our values?) and policies (what are our rules and guidelines?).

### **Is the UN the only relevant actor?**

Going back to the initial statement, do we trust that national governments, working together through the United Nations, are the most trusted, capable and effective custodians of our global climate, oceans, flora, fauna, air, et cetera? Many people say yes, that only the UN is designed for this purpose and has proven it can handle global issues, that the UN is the only globally

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<sup>1</sup> Guardian, 22December 2010

<sup>2</sup> At World Economic Forum, Davos, January 2011, cited in Time Magazine, 7 February 2011

<sup>3</sup> UNEP Nusa Dua Declaration, Bali, 2010

legitimated actor. Others have doubts. They have observed that there have so far been widely un-united nations in the fight against global warming. Countries and groups forged ahead in different directions and almost no one believes anymore that there could be one global climate agreement. Yet there is only one global climate. Who is taking care of it?

This question is open. There is neither a single legitimate custodian of the global climate nor a custodian of the oceans, air, flora or fauna. So what do national government negotiators, international law and governance scholars, UN officials, NGO and business leaders and journalists see as the way forward?

It has been interesting to note that in practically every discussion, whether formal sessions or informal gatherings, some of the elite of this world are saying that we need the business sector, cities and subnational governments as well as civil society to be part of the solution. To stress the relevance of what is being said, let me add that I heard these views in personal dialogues with civil society thinkers and senior diplomats. I have heard the same in seminars and think-tank meetings organized by leading UN organizations, in particular those working to protect the environment, and economic bodies, in particular those committed to improving the state of the world. Additionally, keynote speakers at international conferences emphasize the same point. For example Mayor Marcelo Ebrard of Mexico City, pointed out shortly before COP16 that "we have to tell the international community that it's in the cities that the battle to slow global warming will be won". This reflects what a high-level climate expert said during a dialogue at COP15: "I'm getting to the point where I believe nation states are not capable of handling these issues, and they have proved particularly inept in dealing with say, the problem of climate change" <sup>4</sup>.

### **What is the future of the international environmental governance architecture?**

Yet when discussions get concrete and the same people are talking about the future architecture for international environmental governance, good insight fades or creativity dwindles. People talk about the multitude of multilateral environmental agreements and how their secretariats could be merged. They talk about growing secretariats of conventions versus the UN Environment Programme. They talk about merging functions of International Environmental Governance into one single World Environment Organization modeled on the World Trade Organization. The discussions soon become a discussion on the reform of the UN system, about competitive attitudes of UN agencies and about acceptance by different clusters of nations in the UN context. The interested stakeholder and observer notes that instead of what was considered to be a mighty river in which many waters had merged and would flow

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<sup>4</sup> ICLEI Secretary General's *Time for Real Questions* dialogue series at the Local Government Climate Lounge in Copenhagen, December 2009

together, rather a little portion of the water has started to circle in a pool. This is the hour of professors for international law and UN administrators dancing around the UN Charter with their contributions. In these moments I dare to ask myself whether the discussion is still around the most effective custodianship of the global climate.

Let us for a moment take the idea seriously that we can keep the global temperature increase below the 2°C threshold only if all actors – central governments, sub-national governments, cities, businesses and civil society actors – do their utmost and maximize the contributions they can make. And yet, how do the discussions capture this idea?

So let this discussion piece be my contribution to this particular concern. I have chosen to focus on cities and local governments for the reason that this is the area of my mandate and experience. My colleagues from the group of sub-national governments, our friends from the business sector and the esteemed leaders of the civil society organizations could contribute their ideas in the same way.

### **The earth in 2050 – the role of cities**

Let's approach the idea of the design of an International Environmental Governance framework from a question: "40 years from now, what organization or overriding architecture do we think we will need to solve the environmental issues", rather than merely departing from and modifying the status-quo. Let's therefore have a brief preview of the year 2050. The planet will no longer house 6.8 billion but maybe closer to 10 billion people. Two-thirds (rather than half today) of the people will be living in cities<sup>5</sup>. Cities may account for 90 percent of the global economy. And they may consume 80 to 90 percent of the global energy available for immediate use and may be responsible for a similar proportion of related CO<sub>2</sub> emissions.

It might therefore be appropriate to have cities included in global environmental governance. However, cities are not actors. Cities are places where people and economic activities are concentrated, and cities are complex social, economic and physical systems. The related actors are local governments<sup>6</sup>. There is hardly a speech about the city's role without stating that cities are part of the problem and thus must be part of the solution. So, how?

As noted above, the world's elite in international environmental governance is widely mute about this point. What could a model for involvement of local governments in international environmental governance look like? Let me develop it along the example of climate change.

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<sup>5</sup> A city as a geographical space is here used to refer to any urbanized area.

<sup>6</sup> Let me note but not go deeper into one particular complexity, namely that in many cases the city as a system is not aligned with one single local government.

Today cities account for 70-80 % of greenhouse gas emissions<sup>7</sup>. Looking more closely at the emission sources, the predominant ones are building, heating and cooling, transport and energy production<sup>8</sup>. Taking a closer look at transport, one sees that the problem is vehicles with combustion engines. One can hold the view that the key actors responsible for reducing carbon emissions drastically in this sector are the automobile manufacturers. And yet, while the business sector is working on manufacturing motors that produce lesser emissions, no example is known of them working to effectively reduce car ownership and car use. To make them take action in this regard will require regulations by government (e.g. emissions standards). This is an issue because any progress due to such standards will be eaten up by the ever-increasing number of cars on the road. Car ownership or car use can be influenced by government via fiscal means such as taxes and charges. As experience shows, governments have hardly ever dared to make such measures effective that would lead to a reduction in car ownership and car use to the extent the planet requires. City governments have a variety of policy options to influence car ownership and car use. They can work through local taxes and charges, parking regulations, limiting road space, speed limits and traffic calming measures, pedestrian zones and car-free areas or days, and most importantly they can offer alternative options such as pedestrian zones, bicycle infrastructure and effective public transport systems.

This highlights a dilemma: while national governments could require industry to provide low-emission vehicles, force local governments to plan for ecomobility instead of for the car, and could tax fossil fuel so significantly that car use would be effectively reduced, they don't. And they won't. But they would truly welcome the other actors achieving this on their own. This conclusion holds true beyond the transport sector, being equally applicable to building and energy production.

### **The global role of local governments**

Local governments understood this message a long time ago. When nations adopted the United Nations Framework Convention on Climate Change (UNFCCC) at the Earth Summit in Rio in 1992, local governments convened to agree on a framework for voluntary CO<sub>2</sub> emissions reductions and launched the Cities for Climate Protection™ (CCP) Campaign. Managed and guided by ICLEI, over 1000 cities and local governments went through a five-milestone process of establishing their greenhouse gas emissions inventories, establishing their voluntary CO<sub>2</sub>

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<sup>7</sup> Exact numbers given or cited by relevant sources from academia and organizations such as UNEP, UN-Habitat, and the International Energy Agency vary somewhat but all lie between 70 and 80 %.

<sup>8</sup> The distribution among these predominant emission sources varies greatly between different cities and countries.

reduction targets, developing local climate action plans, starting to implement these measures, and monitoring progress. It is sad to note that while local governments responded to the adoption of the UNFCCC only *eight months* after the Rio summit, it took the United Nations *13 years* before the Kyoto Protocol entered into force. And this is still not working as intended.

Many of the cost-effective measures to reduce CO<sub>2</sub> emissions at the city level were identified in the area of transport. Cities have expanded public transport services, built bicycle infrastructure, introduced bike sharing schemes and supported car sharing systems, created car-free neighborhoods and imposed congestion charges.

But who gets the credit? In current international environmental governance architecture, local governments don't appear. Rather, local governments are a subset of the national political-administrative system and their representation at UN bodies perversely categorized as "non"-governmental. Voluntary action by local governments therefore presents a windfall gain for national governments.

### **Towards Global Environmental Governance (GEG)**

If a group of significant actors - such as local governments in our current exemplary case - make a significant contribution towards a global goal, modern thinking would suggest including them in a participatory governance framework. This is because, even when united, the entirety of the world's central governments is not a sufficient custodian of the planet's resources. At a time when the world's elite no longer believes that national governments alone will save the world's climate, the same elites should be acknowledging the role and contributions by local governments, sub-national governments, businesses and civil society. Thus national governments should take the deliberate steps to build them into a new environmental governance system. What is currently called Inter-"national" Environmental Governance would consequently become "Global" Environmental Governance. Indeed, inter-"national" environmental governance falls short of the planet's needs. Quite evidently nations have not yet been able to save the global climate. They are only partly successful in managing global fisheries and they could not halt the daily extinction of flora and fauna species. Nations working together in inter-"national" settings cannot be considered to be the ultimate problem-solving model. What we obviously need is Global Environmental Governance, and "global" must include more than just the entirety of national governmental actors.

### **Governance upgrade through responsive evolution**

So let's look at international climate governance involving national governments, sub-national and local governments, business and civil society stakeholders. Again I will focus on cities and local governments as it is my specialty. Would we start by revising the UN Charter, adding a

Local Government Chamber to the UN General Assembly, and adding a new constituency to the UN? There are already models for this. The Council of Europe is an inter-governmental body that maintains the Congress of European Municipalities and Regions as a chamber. The European Union maintains a Committee of the Regions as a standing reference body. Could this regional European approach be scaled up to the global level? As one can easily appreciate this might be the preferred approach for experts in international law and the law-makers guild.

The global society 2.0 may suggest a new way of approaching societal and institutional reform. One could introduce elements of multi-stakeholder governance in fields where this is key to success, introduce simple solutions first and gain experience, while learning how to improve and weave new structures into the world's environmental governance system thread by thread. What might at the first glance appear to the legal profession and international diplomats as a shocking idea could turn out to be a fascinating professional challenge for them to modernize not only institutions but the way of adapting policy and governance frameworks to tomorrow's needs? We may call it Responsive Evolution. Let's be creative, flexible and fast. Think of the 2050 challenge.

### **A proposal towards UNFCCC-COP17 in Durban**

At this point, I owe the reader a concrete proposal for a first step towards Global Environmental Governance. Why don't we take the urgent need for global climate action as a priority concern and create chambers, congresses or committees (the choice of the name is secondary) for local and sub-national government, business and possibly other stakeholders as elements of a global climate regime.

COP17 in Durban, South Africa is looming ahead and all governments, UN officials and stakeholders I have talked to do not expect that it will lead to a comprehensive and effective global climate agreement. But are national governments accepting and taking into account the commitments made by the business sector, sub-national governments, local governments and civil society to reduce greenhouse gas emissions? Are governments accepting the helping hands reaching out to them? Are they supporting the creation of MRV<sup>9</sup> frameworks for these actors to have commitment turn into accountability?

To give a concrete example: after 18 years of "Cities for Climate Protection"<sup>10</sup> UNEP and ICLEI initiated the establishment of the Bonn Center for Climate Action and Reporting (carbon7) which provides two kinds of services. It supports local governments by providing a greenhouse gas emissions accounting and reporting standard for cities and the necessary emissions

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<sup>9</sup> Measurable, reportable and verifiable (MRV).

<sup>10</sup> "Cities for Climate Protection" is an ICLEI brand, but there were also other city initiatives such as those by the Climate Alliance and more recently by C40.

accounting tools, and more importantly it provides a mechanism for cities to report climate commitments, actions and performance. The carbon $n$  Cities Climate Registry was launched in November 2010 at the World Mayors Summit on Climate in Mexico City. A commitment to reduce greenhouse gas emissions, which are reported via the Registry, was launched at the summit and has been signed by 146 cities<sup>11</sup>.

Is this an asset in global climate policy? I believe it is. Do nations understand the value of it? I believe they don't. The real question is: what can be done?

Imagine that while the upcoming Conference of the Parties in Durban sees the national negotiators at their negotiating table, local governments would declare targets, actions and reductions in the "local government chamber" next door. Cities (remembering that they account for 70-80% of global greenhouse gas emissions) would negotiate further reduction commitments and agree on accelerated action, and the carbon $n$  Cities Climate Registry would present commitments declared, actions undertaken and reductions achieved. Local governments might even convene as *Conference of the Parties to the Mexico City Pact*. In the neighboring rooms business and sub-national governments would be taking a similar approach, agreeing on binding and verifiable agreements. The value of aggregated CO<sub>2</sub> reduction commitments would be calculated and publicly presented to the global climate congress. Furthermore, during the Durban gathering all global climate stakeholders would hold cross-actor meetings to compare efforts and consider what further efforts need to be made, and by whom, to reach a global emissions reduction sufficient to not exceed the 2°C threshold.

Could this leading role for cities be seen as inappropriate? Well, let's consider that a single megacity of the size of Mumbai, Tokyo or Sao Paulo has a population larger than that of 150 of the smaller UN member states each. It is therefore not only appropriate but necessary to give them a responsible role in Global Environmental Governance. However, again in the words of a renowned climate expert "this is not to say that national governments do not have to be involved, because they've got to create the policy framework within which local governments can really function."<sup>(5)</sup> National governments would be well advised to seize what I see as a unique opportunity to speed up effective global climate action.

### **The defense of the old guard**

As I am writing this, I hear an outcry from a multitude of negotiators, lawyers, ambassadors, directors, ministers and advisors: "This will never work!", "We have never had this kind of arrangement!", "Don't make the impossible task even more complex!", "My God, they don't have a mandate for this!", "But local and industry emissions are already included in national

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<sup>11</sup> The Global Cities Covenant on Climate or "Mexico City Pact", accessible at <http://www.wmsc2010.org/the-mexico-city-pact>

inventories!”. I acknowledge this is all correct, but, does that mean we can leave it as it is? Why don't we try?

### United Actors

Would my proposal be positive or negative for the UN? I would contend that it would be positive for three reasons:

- Firstly, the UN would be showing itself to be a learning organization, to be flexible and able to adapt to changing world circumstance, gaining the respect of many in the process;
- Secondly, the proposed model would provide the only single legitimate space where a global environmental resource issue such as climate change could be tackled in a collaborative, responsibility-sharing fashion by all the relevant stakeholders;
- And finally, the model would ensure that the UN doesn't lose confidence and support by stakeholders and global civil society, because rather than seeing responsibilities being pushed into the grey zone of undefined public-private partnership, the proposed multi-stakeholder setting would allow the United Nations to emerge into a *United Actors*.

### Conclusion

Will the fairy grant me three wishes? Then let them be the following:

- Let's craft a framework of *Global* Environmental Governance, seeking to include all actors, and to not merely repair the system of UN agencies and conventions.
- Let's tie local governments, sub-national governments and business into a global framework of policy setting, implementation and accountability, and link this to the multilateral structure national governments are part of.
- Let's try it out; let's pilot it and learn from it; let's widen, deepen and formalize the new approach as we go.

We will never make progress if we attempt to craft the perfect legal framework first, build institutions accordingly and only implement the new ideas thereafter. The 2.0 approach of learning organizations requires us to be innovative, to have the courage to create new models, to test them and to then craft a supportive and empowering framework to make them effective.

Is there anyone out there who would support this approach?



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