



Internal CEESP NRGF Background Brief #2

July 2013

Environmental governance/environmental management – Some reflections

By James Murombedzi

19th July 2013

“There is a deep structural link between the use and control of resources and the organization and exercise of power. Control over resources is the ultimate source of power” Shivji 1998:48)

Defining Governance

Environmental governance is of course an extension of the general concept of governance. It overlaps and intersects with ‘environmental management’ at many different points. In fact, what is now termed environmental governance is what was referred to as environmental management until recently when the concept of governance rose to prominence. But as governance has gained popularity, it is also increasingly distinct from management. The concept of ‘good governance’ has gained currency and traction in recent years, and mostly as part of the neo-liberal project. As such, both in its global meaning and in its application to the environment, “governance” has come to define a specific set of actions regarding the exercise of power, designed to achieve specific outcomes regarding the distribution of benefits or resources or both.

Although there is not yet a strong consensus on how to define ‘governance’, the concept is generally used to describe how power and authority are exercised and distributed, how decisions are made, and to what extent citizens are able to participate in decision-making processes. Hence, governance is about making choices, decisions and trade-offs, and it deals with economic, political and administrative aspects.

“Good governance” (sometimes referred to as ‘democratic governance’) aims at ensuring inclusive participation, making governing institutions more effective, responsive and accountable, and respectful of the rule of law and international norms and principles. Thus for instance the UN states that :”Good Governance promotes equity, participation, pluralism, transparency, accountability and the rule of law, in a manner that is effective, efficient and enduring” <http://www.un.org/en/globalissues/governance/>

"Good governance" has become a mantra in international circles. The consensus across a range of sectors is that good governance is critical to sound policymaking. How this concept applies in the context of environmental decision making, though, is still being developed, both in a variety of contexts (governmental, corporate, and private market) and at scales ranging from local to global. Yale Centre for Environmental Law and Policy.

<http://envirocenter.yale.edu/programs/environmental-governance>

Good governance refers to the processes that bring and collate different interests and resources together in a functioning order to produce and achieve collective goods at global and national levels. These goods (goals) are shaped by political, economic and social values from which a particular form of governance derives its legitimacy by discovering and enforcing overarching values. These overarching values are not the properties of the state but of the polity. Too much dependence on laws, rules and regulations may also mean the value-basis of the community and society is in collapse, therefore more emphasis is put on procedures like dialog, discussions, participation and democracy to increase the legitimacy of governance structures and laws.

Most 'good governance' definitions and approaches focus on the exercise of political, economic and administrative authority to effectively manage a society's affairs. As such these approaches seek to advance the rule of law, promote accountability and transparency, and enhance consensus with references to social and economic priorities, and the means of achieving development objectives. The philosophy of good governance also encompasses civil society and its groups and organizations and the ways in which these are structured.

Thus features of good governance include:

- A market-supporting regulatory framework,
- minimum government,
- partnership between state and civil society,
- decentralized and participatory public administration,
- consensus-based political institutions,
- social equity and inclusiveness,
- accountability,
- integrity,

We should note here that the UNESCO firmly identifies the source of good governance approaches in the structural adjustment programs promoted by the World Bank, and mentions an "ideological risk" in debates about "who governs, how and on behalf of whom". Perhaps because the UNESCO is more of an academic body, and less of a development institution, it is able to provide a critique of the discourse on good governance, by delineating its ideological roots, by linking it very clearly to market reforms, and by identifying the discourse itself as a "new strategic top-down and hegemonic speech".

"Historically, the first use of governance is related to the research on firms ('corporate governance'), and structural adjustment programmes and decentralisation projects promoted by the World Bank. At the origin of the debate on governance we can already find a major

ideological risk related to who governs and how (legitimacy of the political actors), and on behalf of whom. It is true that this discourse on market-based governance finds its legitimacy in the increasing development of corruption schemes and other social forms of 'anomie'. That is why governance may stand for a new strategic top-down and hegemonic speech and the debate on its dimensions may be very controversial. Thus, one of the major stakes for development actors such as UNESCO in the coming years is to give governance more content and to make development policies stand aloof from the ideological background of the notion of governance. Ethical and political dimensions of governance are of central importance in this endeavour.”
<http://www.unesco.org/most/globalisation/Governance.htm>

The critique of the neo-liberalization of governance notwithstanding, the UNESCO approach recognizes the utility of governance for organizing collective action around the promotion of public goods. “Governance can be a useful social science approach insofar as it devises new techniques for managing joint affairs. Constant innovation is needed to discover more sustainable options for future development. Partnerships and civic engagement are crucial in stimulating innovation, as part of decentralisation, devolution, participation and empowerment.”
<http://www.unesco.org/most/globalisation/Governance.htm>

Environmental Governance

This brings us to a discussion of the concept of governance as it applies to the environment. The environmental sphere is not isolated from other policy areas and depends on general governance aspects. As with the general concept of governance, there are several definitions of environmental governance:

Environmental Governance is the means by which society determines and acts on goals and priorities related to the management of natural resources. This includes the rules, both formal and informal, that govern human behaviour in decision-making processes as well as the decisions themselves. Appropriate legal frameworks on the global, regional, national and local level are a prerequisite for good environmental governance. IUCN
https://www.iucn.org/about/work/programmes/environmental_law/elp_work/elp_work_issues/elp_work_governance

Environmental Governance comprises the rules, practices, policies and institutions that shape how humans interact with the environment. Good environmental governance takes into account the role of all actors that impact the environment. From governments to NGOs, the private sector and civil society, cooperation is critical to achieving effective governance that can help us move towards a more sustainable future. UNEP
<http://www.unep.org/pdf/brochures/EnvironmentalGovernance.pdf>

Environmental governance refers to the processes through which societies make decisions that affect the environment. Governments have long been dominant players in this context. However, the ability of governments alone to address environmental problems is being called into question. As a result, contemporary environmental governance increasingly involves citizens, non-government organizations, and businesses.
<http://www.uoquelp.h.ca/registrar/calendars/undergraduate/current/c10/c10ba-egov.shtml>

Common to these definitions are:

- The rules, practices and institutions related to the management of the environment in its different forms (conservation, protection, exploitation of natural resources, etc.)
- the processes and institutions, both formal and informal, that encompass the standards, values, behaviour and
- organizing mechanisms available to regulate the interactions between multiple interest groups regarding the environment, and at multiple scales

As with governance generally, environmental governance has also undergone a neo-liberalization. This entails the privileging of the market in through selective re-regulation and re-orientation of state involvement or legal instruments, rather than a minimization of the state regulatory apparatus. These re-orientations are reinforced through the technocratic and political deployment of knowledge by global biodiversity institutions to enhance the marketization of the environment through the emphasis on “ecosystem goods and services”. This is evidenced in the proliferation of institutions and initiatives whose mandate is to “count” biodiversity (Millennium Ecosystem Assessment; The Economics of Ecosystems; WCMC; CBD; European Biodiversity Outlook Observation Network; etc). Through such initiatives, environmental governance is increasingly defined in the neo-liberal market terms of goods and services. As such, broader theorizations of neo-liberalism are relevant to understanding the recent governance shifts at the frontiers of environment and nature.

International financial institutions such as the World Bank have played and continue to play a major role in furthering neo-liberalization agendas in environmental (e.g., through loan conditionalities and through training of an international cadre of experts). This helps us make sense of connections between sites (including Northern and Southern sites), as well as why neo-liberalization is unfolding so rapidly in so many contexts and across so many realms of resource governance.

The emergence and rise to prominence of environmental movements encompassing a wide range of social concerns such as environmental justice, animal welfare, and resistance to GMOs etc demonstrates that environmental realm also offers key sites of resistance to neo-liberalization processes. They also highlight the difficulties in translating market logics to particular resource realms because resources are central to livelihoods, health, and well-being. Privatization and marketization thus often result in social protest and resistance

In practice, very specific linkages have been made between environmental outcomes and governance, and particularly with the key elements of good governance - transparency, representation/participation, accountability, and integrity.

Transparency and resource rents

Natural resources, particularly agricultural land, subsoil minerals, timber and other forest resources, are economically and socially significant in developing and transition countries, and make up a relatively large share of the national wealth. Governance is intricately linked to natural resources. Paradoxically, natural resource rich countries typically shows lower levels of socio-economic development, are less diversified, less transparent, subject to greater economic

volatility, more oppressive and more prone to corruption and internal conflicts, compared to non-endowed countries at similar income levels. (i.e. the “resource curse”). E.g. -

- Where access to high value mineral resources (could also apply to forests as in e.g. Liberia and Sierra Leone) is controlled by fractions and elitist groups, the risks for conflict and corruption escalate.
- Elite capture of natural resources is also elite capture of government and politics, and the resources can form the basis of political patronage with few benefits for the poor.
- Even without conflicts, volatile world market prices can generate boom and bust circles that can destabilize the economy and negatively affect growth.
- Large foreign exchange earnings from natural resource exports reduce the competitiveness of other economic-sectors
- The outcomes are usually socially and environmentally unsustainable. Increased transparency can reduce the risk of the resource curse for resource rich countries.

Representation and Participation

Arguably, sustainable development requires the development and ongoing reproduction of democracy, characterized by broad participation. In large societies, where citizen participation is mediated by political representatives, democracy depends on strong downward accountability of political representatives to the broader population

Integrity and Ecosystems

(I avoid the use of ecosystem services because of the market emphasis of “services”, and marginalization of multiple values of ecosystems)

The environment comprises of a variety of ecosystems, from forests and grasslands to wetlands and coral reefs, which in turn have many values and support life. Sustaining biodiversity and ecosystems is directly linked to poverty alleviation.

- Good governance in general, including fight against corruption and promotion of accountable and transparent institutions can improve the management of natural resources and implementation of environmental legislation.
- It can also work the other way around: concerns for environmental governance can have spinoff effects and contribute to improved democratic governance at a more general level. Many social movements are coalescing around environmental issues and agitating for improved environmental governance through representation

In many developing countries, the debate over sustainability is largely related to justice and rights, influenced by a history of colonial and post-colonial abuse of, and uneven access to, natural resources. Environmental justice movements have become significant factors in engendering good environmental governance.

As noted earlier, environmental governance has to be understood at multiple scales:

Global Environmental Governance

The transboundary nature of most environmental challenges calls for joint actions to address them. The international environmental governance system provides an important foundation for addressing these types of common environmental challenges, and the last decades have witnessed a rapid development of the international system of environmental governance, manifested in a series of major UN conferences and as much as around 900 multilateral environmental agreements (MEA)

However, despite the success of some MEAs, e.g. trade in endangered species and ozone depletion, national implementation of most of these agreements have been largely insufficient to halt escalating environmental degradation. The “implementation deficit” has partly been explained by the inefficiency of the international environmental governance system itself. The rapid growth in MEAs, actors and resources involved, combined with a lack of a holistic approach to environmental management, has led to a fragmented system and inefficient use of resources.

- There are too many organizations involved in too many different places and the mechanisms for coordination are too weak.
- Concerns about the legitimacy and fairness of key MEAs, such as the UN Framework convention on climate change (UNFCCC) and the convention of biological diversity (CBD), have been highlighted as another crucial obstacle to implementation.
- Arguments about distribution of responsibility in financing the implementation of the MEAs in developing countries (notably the historical emissions of green-house gases from industrialized countries)
- OECD countries have failed to deliver on their promises on development aid and additional environmental financing.

Considering the challenges highlighted above, and the importance of international cooperation and a well-functioning international governance system to jointly manage the environmental challenges, there is a need to review and reform the international environmental governance system.

National level Environmental Governance

Alignment of international goals to national priorities is problematic. Poor technical and financial capacities of environmental ministries in developing countries are usually blamed for poor implementation of environmental laws (including MEAs) and measures. However, capacity may not be the major issue. Rather, most externally financed environmental projects are simply not in line with short term national political and economic priorities.

- The economic and social benefits of economic growth (employment, exports and tax revenue etc) are often tangible in the short term
- The environmental costs or benefits tend to be more long term and elusive.
- The poor who often bear the heaviest costs of environmental degradation tend to be dispersed and weakly organized in comparison to interests vested in the current – often unsustainable – growth path.

The implementation of environmental legislation and other measures may hence be dependent on a broader process of improved public participation and democratization.

It is also important to unpack the state as a key player in national level environmental governance. The state in Africa, as in many other parts of the world, falls far short of the Weberian ideal type depicting an on-going organization with sovereignty and a monopoly over the means of violence within a defined territory. The character of the state, whether overpowering or absent, an ally or illegitimate and threatening, conditions the possibilities for development and its sustainability. Efforts to extend state authority and achieve political consolidation encourage to patrimonialism and discourage decentralization. Manifestations of these state strategies include:

- transformations of property rights and systems of production,
- land concessions, and
- Efforts to control markets.

Note: The state is just one of several organizations and actors claiming authority over people, natural and other material resources, and markets. Competition among rival authorities represents an important driver of interventions that influence access to and management of natural resources

Sub-National level Environmental Governance

Obstacles to the implementation of environmental laws (including MEAs) and measures are also found at sub-national governance levels. Environmental authorities are typically very weakly represented at the local level in developing countries making monitoring and enforcement of national environmental laws difficult. In combination with a lack of well-defined property rights for land and forests in developing countries, many researchers have feared a massive exploitation of these resources due to their open-access characteristics. However, certain communities have established customary systems for managing bodies of water, forests, agricultural land, etc. which satisfactorily balance equity and social justice, efficiency, sustainability and the preservation of biodiversity.

These types of common property natural resource management systems have proven to be efficient and sustainable during certain circumstances. In fact, communal organizations have proven able to solve problems that neither the state nor the market has been capable of managing effectively –

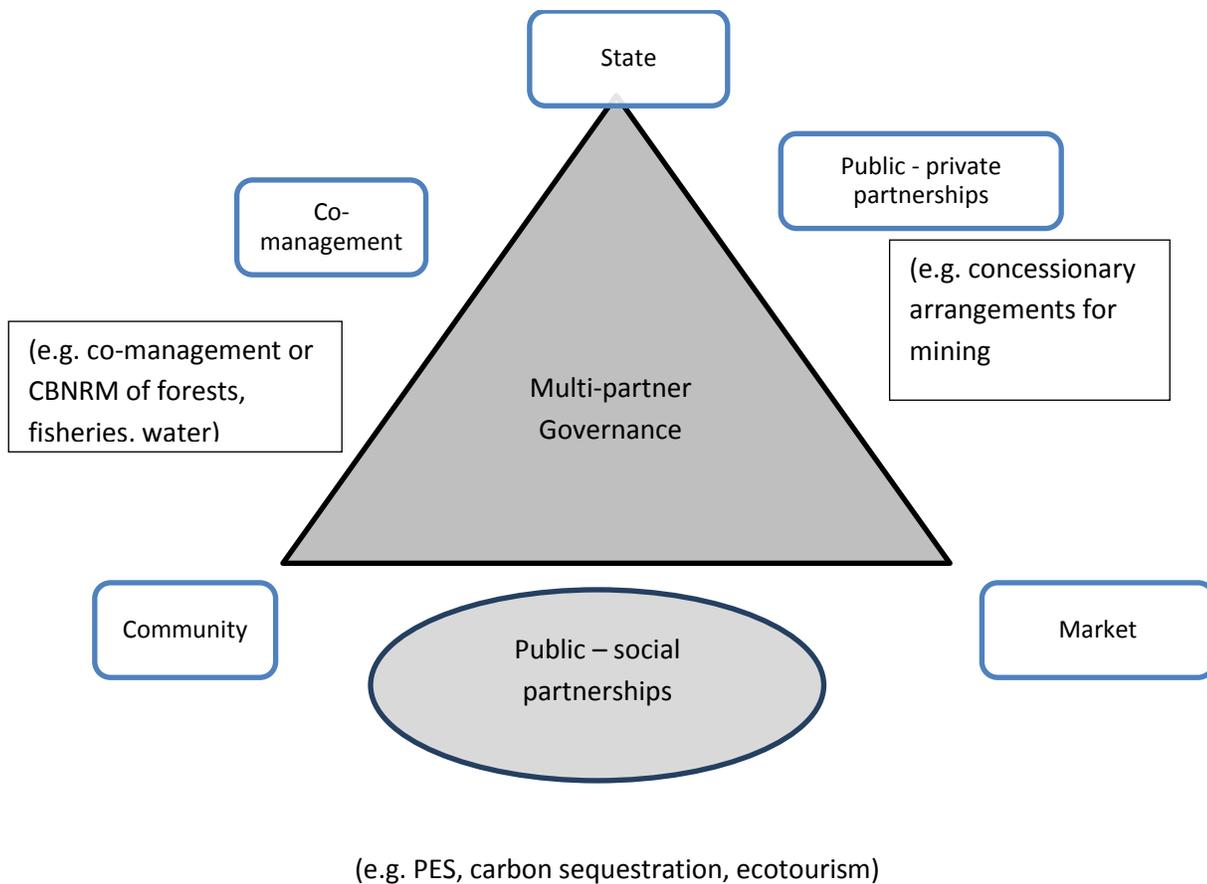
- the production of local public utilities or
- The internalization of ecological externalities.

Consequently this has led to a reconsideration of the role of communities and other actors in between the state and the market

During the last decades many developing countries have launched ambitious programs to decentralize the management of environmental and natural resources. Experiences demonstrate that these processes of decentralization involve opportunities as well as risks for environmental management in some countries; decentralization has led to improved natural

resource governance through enhanced representation, transparency and strengthened accountability. However, in several countries responsibilities for natural resource management have been decentralized without being accompanied by sufficient resources - for instance information, training and financing needed to carry out the new functions – and elite capture and conflicts around natural resource management have been frequent. In practice, many decentralization reforms holding promises for improved natural resource management have been only partly implemented as they have encountered resistance from strong interest groups

Multi-Partner Governance



Courtesy: James Murombedzi
(Adapted from Agrawal and Lemos, 2007)

References

Acheson 2000;

Bromley 2005.

Nelson, 2010

Ostrom 1990

Ribot, 2004;

Turnhout et al 2013

Shivji, 1998

<http://www.un.org/en/globalissues/governance/>

<http://www.uoguelph.ca/registrar/calendars/undergraduate/current/c10/c10ba-egov.shtml>

<http://envirocenter.yale.edu/programs/environmental-governance>

<http://www.unesco.org/most/globalisation/Governance.htm>

https://www.iucn.org/about/work/programmes/environmental_law/elp_work/elp_work_issues/elp_work_governance

<http://www.unep.org/pdf/brochures/EnvironmentalGovernance.pdf>