Considering Collaborative Governance

Nongovernmental organisations, the Convention on Migratory Species and the Convention on Wetlands of International Importance

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Key Points:

- Despite strong political commitment, key Multilateral Environment Agreements (MEAs) have minimal financial resources available to them.
- There is significant scope for nongovernmental organisations (NGOs) and civil society organisations to provide specific types of MEA implementation activity, especially where taxonomic or geographical gaps are identified or capacity building is needed.
- A ‘collaborative governance’ model should include mechanisms for the NGO community to contribute more systematically, consistently and transparently to the work of MEAs.

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Margi Prideaux is a specialist in international wildlife policy & law. Over a period of 25 years, she has participated in 20 different international conservation processes as a negotiator and advocate; worked with a number of international conservation organisations and served as Marine Policy Advisor to the Convention on Migratory Species (CMS). She currently divides her time and affiliation as the Policy and Negotiations Director with Wild Migration and as a Research Associate with the Indo-Pacific Governance Research Centre, with a focus on ecological justice, conservation policy capacity building and also the role of global civil society in ‘track one’ and ‘track two’ international diplomacy.
The world is now entering a period of unprecedented environmental change. By mid-century, climate change will cause dramatic ecosystem shifts. Hundreds, if not thousands, of species will disappear from the tapestry of the earth. International triage decisions about species and local ecosystems are already starting. Governments, caught within short political-term timelines and ongoing financial crises, are contracting the Multilateral Environment Agreements (MEA) budgets and mandates, throwing away important detail, and replacing it with broad sweeping global statements that cost little and achieve less.

The problem is not only related to the impact of climate change. It is also rooted in the inability of the current international system to proactively address the existential threats we collectively face. At some point soon the result of this governance retreat will become publically evident.

In 2011, many specialized agencies within the United Nations including the Educational, Scientific and Cultural Organization (UNESCO), the Food and Agriculture Organization of the United Nations (FAO), and the World Health Organisation (WHO) had annual budgets ranging from $300 million to over $2 billion. These dwarf the most recent biodiversity MEA budgets where detail and agreement about action is decided. In 2014 the Convention on Biological Diversity (CBD) annual budget (including voluntary contributions) was US$28 million. The Convention on Wetlands of International Importance (Ramsar), the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES) and the Convention on Migratory Species (CMS) are an even lower-order political priority, with recent budgets of US$5 million, US$6 million and US$4 million respectively. Each is forced to pursue voluntary contributions to complete their basic work programmes. The cases of CMS and Ramsar both illustrate the problem and illuminate a potential solution.

CMS and Ramsar provide a conservation policy framework for nearly 600 migratory species, 29 regional species agreements and over 2000 wetlands of international importance. The international system dictates that each contracting government bears a portion of shared responsibility for these places and species as a sovereign burden. Parties are obligated to implement their commitments. Yet many governments lack even basic implementation budgets and have insufficient capacity for progressive work.

CMS has 122 contracting Parties with additional governments participating in the 26 regional species agreements (that together with the parent convention are called the CMS Family) that have been concluded under the CMS umbrella. Ramsar has 169 contracting Parties. Both conventions benefit from strong developing world representation and commitment.

During the 11th CMS Conference of the Parties to CMS (CMS CoP11), more than half of the assessed fifty-nine Party Reports identified a need for financial support to address their commitment to CMS. Twenty-seven identified a need for capacity building/knowledge exchange, twenty-three for technical or material support, eighteen for scientific support and eleven for regional or international cooperation.
Many Parties continue to attend CMS and Ramsar meetings with the hope that these international processes will provide institutional support to their national efforts. While CMS and Ramsar institutional capacity remains as limited as it currently is this promise is fading.

NGOs have voiced and demonstrated a willingness to step into this capacity breach, offering an opportunity to increase the human resource and financial effort in support of CMS and Ramsar. Their integration into decision-making processes could be delivered through ‘collaborative governance’ where all participants are invested in policy, discourse, negotiation and arbitration towards a shared international goal.

The emergence of NGOs
Although the influence of NGOs in domestic environmental policy traces back more than a century, they have only come into their own as major players in international environmental discussions since the 1960s.\[7, 8\] The United Nations Conference on the Human Environment (the Stockholm Conference) in 1972 attracted over 400 representatives from inter-governmental and nongovernmental organizations. In the lead up to the United Nations Conference on Environment and Development (the Earth Summit) in Rio de Janeiro in 1992, NGOs marshalled a significant international awareness campaign to help set the conference agenda and about 2,400 NGO representatives were in attendance. An additional 17,000 representatives of civil society took part in the parallel NGO Global Forum.\[9-12\]

Between the Stockholm Conference and the Earth Summit, NGOs were a driving force in the development of key MEAs including the three flagship wildlife related biodiversity conventions: Ramsar, CITES and CMS.

The recognition of NGOs and civil society organisations within Ramsar and the CMS Family has consistently grown since the first Conference of the Parties to each convention in the late 1970s and early 1980s. By the 1990s, NGOs were regularly referred to in CMS and Ramsar Conference of Parties (CoP) decisions, often with requests for support of the work program.

Indeed, since 1999, Ramsar has recognised a small group of NGOs as International Organisation Partners (IOPs), conferring an additional participation status to these organisations.\[17\] IOPs play an active role and are able to contribute directly to discussions and meetings. They also work together to produce IOP statements. Ramsar’s recognition and involvement of the IOPs is progressive and very important, although IOP status is restricted to large international NGOs. CMS has a similar, although less official, system of NGO Partnerships. Unlike Ramsar, CMS Partners are not offered any additional access or recognition. As with Ramsar’s IOPs, CMS Partnerships are mainly restricted to large international NGOs.

Through these 30 years, a wide group of NGOs have demonstrated a considerable commitment to Ramsar and the CMS Family. Ramsar and CMS have grown accustomed to informally using the services of some NGOs for certain activities.
In the case of CMS these services have been offered or asked for on an *ad hoc* basis and there has been little or no conscious or formalized acknowledgment of NGO contributions.

NGOs have come to feel that their commitment has not been matched, in their view, by an institutional commitment within Ramsar or the CMS Family to implementation progress.\[18\]

To discuss this emerging view a *Civil Society Dialogue* was held on the margins of CMS CoP10 in 2012. It was apparent to the participants in the *Dialogue* that NGO implementation work in support of the CMS Family were not well understood by CMS Parties and that NGOs could be more effective contributors if facilitated to do so.\[18\] A subsequent review process, in 2013, comprehensively engaged with around 100 wildlife NGOs from all around the globe. The review sought to better define the existing relationship between NGOs and CMS in its present form in order to contribute to enhancing that relationship into the future. The NGOs involved came from developed (minority) and developing (majority) world perspectives. They included organisations who worked closely with the CMS Family right through to critics of CMS and its effectiveness.\[18\]

A similar review was conducted through the World Wetland Network (WWN) in 2014 by a survey of WWN’s members and the broader wetland conservation community. The 190 wetland NGOs and civil society organisations involved came from minority and majority world perspectives.\[19\]

NGOs understand that involvement has a cycle; that they must commit to and participate before and during Ramsar and CMS processes to raise the profile of species issues such as threats, species conservation status, linkages to other MEAs and the impacts of other decisions. They respect that they must influence these discussions and accords. They know that they may be needed for on-ground implementation support and many of them prepare for this by developing close working relationships with governments as well as seeking funding to facilitate work before, during and after meetings.

NGOs judge the value of Ramsar and the CMS Family on the implementation of the commitments made by governments, not the number of meetings that have been held or plans that have been developed.

Both reviews found that while NGOs and civil society organisations have historically demonstrated a considerable commitment to Ramsar and the CMS Family, the continuation of this commitment is increasingly weighed against commitments to other MEAs that are seen as better funded or more effective.

Both reviews also found that there is significant scope for NGOs to provide specific types of implementation activity, especially where priority taxonomic or geographical gaps are identified or where capacity building is needed in key regions.
NGOs would welcome a more structured and systematic long-term approach to joint planning (and evaluation) so that they could better contribute to Ramsar and CMS implementation.

However, both reviews also emphasised that NGO contributions need to be codified and accepted as a contribution against an agreed plan so that Governments recognize the value and build this work more fully into the progression of the Ramsar and CMS agendas. NGOs should be able, for example, to formally represent their own work and have that work accepted and acknowledged as a contribution. Ideally this will evolve into a ‘collaborative governance’ arrangement between Ramsar and CMS Parties and NGOs.

For collaborative governance to be successful, the institutional framework should involve all participants in policy, discourse, negotiation, and arbitration. It should accommodate and reflect variables such as prior histories of conflict or cooperation, the incentives for stakeholders to participate, power and resource imbalances, leadership and institutional design. Collaborative governance arrangements can and do extend governmental resources, develop new solutions and enable decisions that go beyond nominal compliance. Progress is achieved by the commitment of all participants to act in accordance with an agreed plan that is periodically revised by all those involved.

Despite government resistance to greater NGO involvement, some of the necessary ‘culture of collaboration’ already exists. For example, most government departments responsible for environmental issues operate by devolving their legal representation to their counterpart departments of justice. They usually rely on resource management departments to deal with threat mitigation in mining, fisheries or agriculture. Typically, environment department staff have comparatively little direct involvement in policy implementation. Their role is to coordinate their counterpart departments to follow through with implementation. Extending this culture to the international sphere would be challenging but far from impossible.

**Considering Collaborative Governance for Ramsar and CMS**

Progressing greater collaboration in Ramsar and the CMS Family requires a new dynamic to be created where NGOs contribute more systematically, consistently and transparently to the work of these two MEAs. NGOs and governments working together will require active dialogue, mutual transparency and accountability, trust building and the development of shared understanding.

The tacit agreement underlying any increase in NGO commitment will be that conservation progress must be made – that once policies are established, implementation will follow.

There is already strong international impetus towards more collaborative governance in MEAs. The Governing Council/Global Ministerial Environment Forum at the First Universal Session decided that there should be more active participation of all relevant stakeholders in it business and has prioritised the development of process for stakeholder accreditation and participation.
The review that began at the CMS CoP10 Civil Society Dialogue was presented to CMS CoP11 in 2014. It was, in effect, a first tentative step taken by the wildlife NGO community towards meeting the Governing Council’s expectations. During CMS CoP11, the CMS Parties reciprocated and endorsed a proposal to explore options for furthering the relationship between the CMS Family and civil society, including inter alia:

a) Mechanisms to enable NGO facilitated work to be formally and consistently reported across the CMS Family and to be considered by the Parties and CMS Family agreement bodies;

b) Models for further NGO involvement in CMS processes; and

c) Modalities for further strategic engagement with NGOs to provide implementation and capacity building expertise.

These options are to be developed through the formality of CMS process for presentation and discussion during CMS CoP12.

This decision marks a major turning point in the relationship between CMS Parties and the wildlife NGO community. A similar step should now be taken by Ramsar. The existential impact of climate change will soon overtake the capacity of the current international system – a system that is already failing to deliver. We need nimble feet and committed capacity if we are to save even a fraction of what we now stand to lose.

References


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