South-South Cooperation and Environmental Diplomacy

Options for India

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"Management is doing things right; leadership is doing the right things"

Peter F. Drucker

1. Introduction

The nature and style of India's engagement in enhancing cooperation with countries across the world is an interesting area of focus for many people working on issues of diplomacy during the recent months. Certainly there is enhanced level of interest in India to work with neighboring countries in South Asia and beyond that is driven by interests of economic development and sustaining growth.

If India could sustain its efforts to work with both developing and developed countries on issues of mutual interest, it is a matter of time before India could emerge as a key player in guiding multilateral processes and shaping the future of South-South Cooperation (SSC).

While the immediate interest of the Government is to engage in enhancing cooperation for trade, investment, development of infrastructure and the related, the Government should not lose sight of another significant opportunity that exists for India to shape the future of its positioning, globally. This opportunity is through environmental diplomacy.

This Policy Brief provides an assessment of current state of play in the area of environmental diplomacy and suggests options for India to engage more effectively in re-shaping SSC, especially when the Prime Minister of India is keen for India to play a lead role on issues such as climate change negotiations.

2. Defining and Understanding Environmental Diplomacy

Though environmental diplomacy is defined by various people and institutions, the following best captures the elements and principles of environmental diplomacy "*Environmental Diplomacy is the established method of international discourse or the art of managing international relation, chiefly by negotiation, on issues related to environment*".

3. Principles and Characteristics of Environmental Diplomacy

3.1 Precautionary Principle

The precautionary approach is in essence a management methodology that emphasizes caution before an action to prevent any untoward issue rather than to provide a response after the occurrence of any negative result. Though there are several interpretations and arguments of precautionary principle, the approach is something that is generally accepted by governments and stakeholders in dealing with issues of environmental governance.

3.2 Principle of Common but Differentiated Response (CBDR)

Though this phrase was identified as key to achieving the outcomes of the 1972 Stockholm Summit, it was considered as a Principle only after the UNCED in 1992[1]. This Principle was included in several legally binding international agreements and has been consistently used by the developing countries in many multilateral processes to drive home the point that countries have to agree for differential responses, based on

[1]Rajamani, Lavanya, (2002). The Principle of common but differentiated responsibility and the balance of commitments under the climate regime (http://onlinelibrary.wiley.com/doi/10.1111/1467-9388.00243/abstract.

their levels of development and impact on environment, keeping in mind the managing the environment is a common responsibility of every country and citizen.

3.3 Principle of Global Commons

Environment and natural resources are seen as the common heritage for mankind, making the management common responsibility of countries. However, during the past few decades we have seen a quick transition in this Principle to make several components such as biological diversity, water resources and others as sovereign property of countries. This transition has been too quick for countries to understand implications of their management as well as evaluating the collective impacts of their actions and several times the inactions. In the absence of clarity of which components are considered as belonging to commons or as sovereign resources, negotiations using this Principle are still to mature.

3.4 Principles based on Justice and Equity

Equity issues in conservation largely focus on environment and natural resource management. It is imperative to understand equity and to ensure that equity underpins all management actions that can help decide on how to share environmental goods and services across society, holding the state responsible for its influence over how such goods and services are distributed in any society. As detailed by Shroeder and Pisupati[2], discussions relating to management and governance could be discussed under three ethical frameworks as presented in Box 1. The debate about overcoming the deadlock at the theoretical level discussions on ethics is not to focus on high-level theories but on mid-level principles such as justice, respect, dignity, equality and freedom.

[2]Doris Shroeder and Balakrishna Pisupati (2010) Ethics, Justice and the Convention on Biological Diversity. UNEP and University of Central Lancashire, UNEP

Experience based on participatory approaches in decision making as well as managing biodiversity indicates that multi-stakeholder interaction is considered just, if all parties in the exchange receive an appropriate return for their contribution. Article 15 of the CBD, focusing on issues of access to genetic resources and benefit sharing, has been designed to deal with this component. However, there has been very limited focus on linking issues of justice in exchange, distributive justice, corrective justice and retributive justice within the discussions on access and benefit sharing (ABS), making ABS a purely policy issue based on rights and obligations.

Of all the multilateral environmental agreements (MEAs) focusing on issues of conservation, use of biodiversity and its governance, the Convention on Biological Diversity (CBD) offers a unique opportunity to undertake implementation of actions based on ethical aspects. As described by Shroeder and Pisupati[3], the CBD deals with conservation of biodiversity for future generations (inter-generational distributive justice), fair and equitable sharing of benefits (international justice in exchange) and recognizing that traditional knowledge has to be accessed subject to prior informed consent (justice in exchange).

Operationalizing the principles of ethics and justice is not something new or one which has to be designed now. Subramanian and Pisupati[4] (2009) elaborated 14 case studies on how communities are governing and using environmental goods and services in a manner that underpins many principles of ethics, justice and fair governance. Policy makers need to learn from these experiences too.

[3] ibid

[4]Suneetha M Subramanian and Balakrishna Pisupati (2009) Learning from Practitioners: Benefit Sharing Perspectives from Enterprising Communities. UNEP and UNU-IAS.

A number of recent studies and reports have argued that equity should be a central concern for development. These include the Human Development Report[5] and the World Development Report[6]. In a recent working paper, Anderson and O'Neil[7] (2006) argue that a 'new equity agenda' is emerging. Harry Jones[8] (2009) sums up some approaches to dealing with equity in development as:

"There are three main arguments why equity should be central to government policy in developing countries, and why it should be a major concern of international development actors. First, equity is of intrinsic value: greater equity is a good thing in itself and is valued worldwide. Second, through its relationship with other goals (such as growth and rights), equity is a key ingredient in numerous conceptions of what 'development' or 'good'

Box 1 Ethics defined

Rules-based Ethics
The more technical term for rules-based ethics is deontological ethics (from *deon*, Greek, obligation). The focus in this type of ethics is whether the person musters the will to adhere to certain rules (e.g. do not lie, do not kill). Traditionally, this approach concentrated on obligations, hence the term. Nowadays, it has been developed with a focus on rights. The Human Rights Framework would be considered to be rules-based or based on deontological ethics as well as a part of the natural law theory - an issue we will discuss later.

Virtue ethics
Virtue ethics focuses on the character of the moral person, which has to be built through education and life-long self-discipline in order to produce virtues such as courage, justice, temperance, and wisdom. Those who succeed in developing the above cardinal virtues will flourish and lead a good life, according to Ancient Greek thought.

Consequentialist ethics
As the term suggests, consequentialist ethics focuses on the intended consequences of one's actions. The most common type of Consequentialist ethics is called utilitarianism, which tries to achieve the greatest happiness for the greatest number by focusing on good outcomes. For a consequentialist, it does not matter much why one does a good deed, as long as the benefit is not an unintended consequence. For instance, under this understanding, one could donate to charity purely to impress somebody, and this would still be an ethical act.

[5] UNDP (2005) Human Development Report - *International cooperation at crossroads: Aid, trade and security in an unequal world* UNDP.
[6] World Bank (2006) World Development Report – *Equity and Development*. World Bank.
[7] Anderson, E. and T. O'Neil (2006) A New Equity Agenda? Reflections on the 2006 World Development Report, the 2005 Human Development Report and the 2005 Report on the World Social Situation. Working Paper 265.Overseas Development Institute, London.
[8] Harry Jones (2009) Equity in development: Why is it important and how to achieve it? Working Paper 311, Overseas Development Institute, London.

social change constitutes. Third, equity is instrumental to any development strategy through its causal links with other crucial outcomes, which make it an important factor in securing growth, poverty reduction, social cohesion and long-term change".

These recommendations also fit in appropriately with the discussions on how to better support environmental governance and diplomacy systems in a manner that contributes to development that is not only equitable, but sustainable too.

4. Characteristics of Environmental Diplomacy

1. *Participation in decision-making* – All relevant stakeholders, especially those who are managing environment and natural resources and using it, such as indigenous and local communities, should effectively participate in the discussions on prioritization of issues related to decisions on environmental management. Such participation should be at all stages - problem identification, assessment, discussion, identification of policy and action oriented solutions, implementation, as well as monitoring and assessment of impacts. Participation in the evaluation of results is also critical. In addition to the modes and timing of participation, stakeholders should be informed, trained and empowered in the design and delivery of conservation, and use and benefit sharing modalities.

   In international environmental diplomacy, countries need to chart out national prioritization of issues as well as implementation options based on such participatory approaches. This will enhance not only the credibility of the process of engagement but will effectively influence negotiation and subsequent implementation.

2. *Rule of law* – Legal frameworks should be fair and enforced effectively. These frameworks should be responsive to the needs of stakeholders who will be both

directly and indirectly impacted by the enforcement of legal systems. Exchange of experiences from international and national legal regimes form the core of maintaining the relevance of rule of law.

This characteristic is being pursued globally and forms the basis of outcomes of sustainable development agenda, including designing the Sustainable Development Goals (SDGs) now.

3. *Transparency* – Transparency should be based on effective and efficient flow of information. Such information should be objective and un-biased. Transparency in decision-making, management of systems, and sharing of benefits across stakeholder groups should be facilitated. There should be transparency in dealing with who decides for whom and what is critical, given the political nature of negotiations within the multilateral processes.

4. *Equity* – All stakeholders should have opportunities to improve and maintain their well-being that is ethical and guided by economic and social issues. Stand of countries such as India in several global, multilateral negotiation processes is based on its interest to invoke this character in the decision making process where the development interests are to be balanced with commitments being made in sound environmental management including on issues such as reducing emission, energy security, technology transfer and biodiversity management and related sharing of benefits.

5. *Accountability* –There should be full accountability for all actions involving any stakeholder. Accountability should also exist in terms of institutional and decision making issues, both internally and externally.

The role of United Nations and regional entities such as the South Asian Association for Regional Cooperation (SAARC) in ensuring accountability in decision making and actions to implement the decisions are critical.

6. *Strategic vision* – Environmental diplomacy should be inclusive, comprehensive, specific, and result-oriented with appropriate indicators to review the impacts of decision-making and policy setting. While doing so, it should also be ensured that environment and natural resources are considered a public good with equitable sharing of both costs and benefits of managing the same.

5. Emerging Paradigms

During the recent years, environmental diplomacy is characterized by dynamic and complex linkages between foreign and domestic policy and politics. Successful environmental diplomacy requires a cooperative, multilateral approach. As described by Jallow and Craft[9], to engage effectively with this complex system of environmental forums, governments must go beyond established, more reactive forms of diplomacy to take an approach that merges environmental and foreign policy in creative and proactive ways.

Though environmental diplomacy has come of age since the Stockholm Summit in 1972 (with just two Heads of State being present), it is now clear that environment ministers have lost control over their domain since environment is seen more important issue to be left to 'environmentalists' to handle. Case in point is the mandate to deal with critical environmental issues being handled by the President's or Prime Minister's office in many countries. Recent multilateral negotiations under the UN Framework Convention on Climate Change (UNFCCC) have attracted more

[9] Bubu Pateh Jallow and Brianna Craft 2014 Engaging effectively in climate diplomacy: Policy pointers from the Gambia. IIED Policy Brief.

Ministers and senior negotiators from Ministries of Foreign Affairs, Finance, Development and Planning than Environment.

The role of science, policy making, negotiations and multilateral interests in environment sector ranging from trade to intellectual property to financing have all undergone significant changes during the past two decades. Countries are still unclear whether to negotiate binding agreements or settle for soft approaches such as guidelines, frameworks and others.

It has to be remembered that only twenty-four nations signed the Montreal Protocol in September 1987. Less than five years later in Rio de Janeiro, more than 150 nations signed both the climate change and the biodiversity conventions and currently the Biodiversity Convention has 194 countries as Parties. The same is the case for participation of civil society organizations, non-governmental organizations, private sector and interest groups in the negotiations. In 1985 when the Vienna Convention was signed, there was not a single NGO present. From there, we have come to stage when we are negotiating in a 'goldenfish bowl'.

Increasingly, North-South conflicts have become common in environmental diplomacy, stemming primarily from sharply differing levels of material consumption, and concerns over how to equitably share the world's "ecological space."[10]

At least five major factors distinguish the new environmental diplomacy: (1) the nature of the subject matter; (2) the role of science and scientists; (3) the complexity of the negotiations; (4) the unique equity issues involved; and (5) innovative features and approaches[11].

[10] Claude Weinber 1998 From environmental diplomacy to environmentally sound diplomacy. In: Conference Report 'Environmental Diplomacy' The Johns Hopkins University, USA.
[11] Richard E Benedick 1998 The new generation of environmental dangers. In Conference Report 'Environmental Diplomacy' The Johns Hopkins University, USA.

Such evolution requires countries to be more prepared when negotiating decisions at multilateral level. Countries in the South, traditionally have had limitations with understanding this changing dynamic and many times had to compromise on issues of priorities at national level while participating in the negotiation processes. Such a situation leads to countries not being able to address the question whether environmental diplomacy is a cause or a concern.

Countries in the North have always advocated for economic independence and environmental interdependence paving the way for setting regional and international negotiation processes that favor developed countries than developing countries. The 17 megabiodiverse countries in the world that account for 70 per cent of the global biological wealth have to hard bargain to support conservation for the rest of the world under the guise of 'global good'. Countries like Ecuador have begun to vehemently question this approach of countries in the North pushing for countries in the South to conserve nature and protect environment at the cost of national development[12].

Therefore, it is correct to say that the current approaches to dealing with environmental diplomacy is based on ability for countries to negotiate based on clearly identified priorities and capacities, economic and financial preparedness to implement actions, collective negotiations on key issues at regional and or sub-regional levels for enhancing the 'voice and visibility' and ability to prepare for the future based on guided and informed advice and options.

6. Environmental Diplomacy and South South Cooperation

According to the United Nations Office for South South Cooperation (UNOSSC), South South Cooperation can be defined as "a broad framework for collaboration among countries of the South in the political, economic, social, cultural, environmental and

[12] http://www.theguardian.com/environment/2012/sep/03/ecuador-yasuni-conservation

technical domains. Involving two or more developing countries, it can take place on a bilateral, regional, subregional or interregional basis"[13].

As understood, South South Cooperation (SSC) is the manifestation of both solidarity and common interests of countries to ensure their collective actions could mutually benefit in ensuring national well-being and sustainable development.

Common interest in SSC emerges from commonalities that countries in the South have on issues of economies, socio-political systems, culture and environmental resource management. They also share common challenges in managing their resource base and assets such as human, financial, social, physical and natural assets.

South-South cooperation initiatives are determined by the countries of the South, guided by the principles of respect for national sovereignty, national ownership and independence, equality, non-conditionality, non-interference in domestic affairs and mutual benefit[14].

During the recent years SSC has benefitted from collaborative actions on issues related to climate change. The nature and kind of cooperation, for example, in the South Asia region between countries is currently reaching a critical point that exchange of information, experiences and expertise is happening and impacts of such cooperation is also yielding results when the South Asia region came together to negotiate issues during the UNFCCC COP 20 meeting in Lima, Peru based on agreement reached on common positioning during the SAARC summit held in Kathmandu during November 2014.

Current focus of SSC on issues related to environment largely deal with climate change and in general is weak on issues such as management and sharing of natural

[13] http://ssc.undp.org/content/ssc/about/what_is_ssc.html (accessed on 7 December 2014)
[14] ibid

resources, protection and recognition of traditional knowledge and practices, community based actions on resilience and adaptation and common approaches to deal with issues of financing and intellectual property rights in the context of environmentally sound technologies and related research and development.

For example, the Convention on Biological Diversity (CBD) identifies the following as opportunities for SSC when conserving, managing and sharing the benefits of biological resources[15],

- Preserving more than 70% of the world's biodiversity as well as supporting development goals,
- Contributing strategically to biodiversity mainstreaming,
- Catalyzing expertise of developing countries cost-effectively and efficiently, and
- Responding to the need of ratifying the Nagoya Protocol on Access to Genetic Resources and the Fair and Equitable Sharing of Benefits arising from their Utilization

Similarly, the issue of traditional knowledge, practices and folklore and need to recognize, protect and reward indigenous and local communities for the same is increasingly receiving more attention within the realm of SSC recently. It was in October 2012 that the World Intellectual Property Office (WIPO) organized the first annual conference on SSC in the context of its development agenda. During this meeting, issue of intellectual property rights (IPRs) took a centre stage of discussions on how SSC could be more effective platform for promoting IPR related issues[16].

[15] UNEP/CBD/EM-SSC/3/2

[16] WIPO/SSC/GE/12/4

It is pertinent to mention that some of the above areas are not only critical for strengthening SSC but also provide enormous opportunities for collaborative work. It is time that SSC begin to focus on these issues.

7. Options for India's Engagement

With emerging interest of India to engage with a broad range of countries to move ahead its diplomatic and strategic partnerships, it is an appropriate moment for India to relook at its priorities for South South Cooperation using environmental diplomacy as a platform.

India has both technical and scientific expertise in broad-based engagement on environmental issues for a long time. Given this, India would a magnate to attract like-minded developing countries in preparing for national, regional and international decision making on issues of environment and development.

Current focus of India to engage with other countries on issues of climate change should be broadened to include focus on issues of multilateral process including negotiations under the environmental agreements and the SDG process.

India's rich natural resource base, its experience in defensive IPR protection through initiatives such as the establishment of Traditional Knowledge Digital Library (TKDL) to prevent misappropriation of its biological resources and associated traditional knowledge, supporting time-tested Indian traditional medical systems of practice to me mainstreamed into modern medical practice, pro-active IPR policies on issues related to human well-being and national development, policy preparedness to deal with issues of food security under the trade regimes are all areas of utmost importance and relevance for a large number of developing countries to learn from India's experience.

Apart from platforms such as the India-Africa Forum, India's broad engagement with development dialogue at multilateral levels needs strengthening. Using the SSC platform could be a step forward for India to develop and support developing country interests in negotiations and national priority setting. We need creative diplomacy in supporting setting up flexible targets on issues of trade, IPRs, technology transfer and the related. SSC will be a 'low hanging fruit' for India to make strategic use at this moment when the credibility and confidence in India is surging ahead.

India's ITEC (India Technical and Economic Cooperation) programme is a pioneering effort in supporting SSC and encouraging partnerships, knowledge sharing and enhancing cooperation among developing countries. However, India could further strengthen SSC through a series of simple, action-oriented, cost-effective action plan. The four point action plan could include the following:

a. Establishing structured, long-term cooperation platform on environment and development to focus on issues such as climate change, biological resource management, traditional knowledge, IPRs and innovations
b. Widening the scope of ITEC to include more institutions, including non-governmental organizations to attract scholars and research from the South to learn and contribute to India's efforts for knowledge generation, technology transfer and diplomacy
c. Establishing a South-South Knowledge Corridor that aims to identify, incubate and scale up environmentally relevant technologies, including with focus on dealing with issues of IPRs and their protection, use to the benefit of developing countries, and
d. Supporting bi-annual capacity building programmes on environmental negotiation training and priority setting.

8. Conclusions

As a British Parliamentarian observed during 1988 debates over the Montreal Protocol in the House of Lords, "*Politics is the art of taking good decisions on insufficient evidence."* For the negotiators of modern international environmental agreements, this observation assumes the quality of a maxim. Emergence of new and important multilateral processes such as the UN led Post 2015 Development Agenda will impact national and international policies on development in the days to come where environmental dimension will guide much of national action. The accountability framework that is accompanying the Post Development Agenda which is expected to be adopted by the UN General Assembly will add a new dimension to responsible actions to achieving development.

India's emerging interest in playing a significant role – both in South Asia and globally – could be further strengthened by investing in enhanced environmental diplomacy that is relatively soft but strong.

About the Author

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FLEDGE (Forum for Law, Environment, Development and Governance) is a non-profit trust established in 2014 to support human resource development and capacity building on issues of environment and development.

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