

# *Keynote Address*

## **Governing Shared Resources: Key Challenges**

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I experienced great pleasure speaking with you and participating in the IASC's global conference to discuss our common resources and the challenges we face to govern them. Devising better ways of governing resource systems is one of the major challenges of this century. Climate change, loss of biodiversity, ozone depletion, and most other environmental problems involve the commons.

In July, a few days before I gave this keynote address, the UN Department of Economic and Social Affairs (UNDESA) published its World Economic and Social Survey 2008 focusing on economic insecurity. One of the key findings of this report is that the world is no longer the same as it was few decades ago and we are facing enormous challenges due to increasing inequity and associated social tensions.

I am not an academic like many of you. People like me survey evidence but have little time for in-depth analysis. This is why we need people like you to help us in focusing on the issues.

Let me challenge you with a few of my assumptions on global commons based on the evidence before me.

### **Is there something called global commons/common goods today?**

If we view the value of common resources as that which is due to nature and to the activities and demands of society as a whole, and not to the efforts or skill of individual people or organizations, I am not sure! We have moved away many miles from this assumption. Let me draw your attention to the issue of food and genetic resources. For millennia people around the world were exchanging natural resources that formed the basis for food security and livelihood security. The inter-dependence of countries for food security has been amply demonstrated. There is no country in the world –big or small – that is independent with regard to their sufficiency in natural resources or food crops. However, that seems not to be the basis for much of current global governance debates in biodiversity or natural resources management.

Take one example – African farmers in late 1980s faced a severe food crisis due to the attack of a bug on their staple food crop – the cassava. This bug was fortunately controlled by the introduction of another bug from Paraguay that can feed on the parasitic bug. The result was not just millions of dollars worth of food crop saved, but the local food crisis in many parts of Africa was contained. In 2006, this situation reversed. Africa now faces the attack of a fly that damages soft fruits, like mangos, which are a source of micronutrients for local people, in addition to being important economic crops. This fly is now devastating mango crops across Africa. A natural enemy for this fly is found in Sri Lanka but taking this insect out of Sri Lanka seems almost impossible due to strict regulations on sovereign rights over genetic resources, as per the Convention on Biological Diversity. In situations like this, what types of rights are important? How is 'ownership' established?

A new approach is clearly needed, one that is based on assessing the value of common resources for the benefit of all citizens. If genetic resources are for the good of humankind, then why are we grappling with the problem of countries not wanting to share whatever resources they have where livelihoods are threatened? A question for your consideration!

**If natural resources and biodiversity are for public good, then why are we dealing with many of these issues under difficult and often one-sided trade regimes?**

I do not have to elucidate of the problems faced by several developing countries around the world with regard to world trade rules. If we all recognize natural resources and biodiversity as global public goods, don't we all have a responsibility to educate our trade negotiators on the importance of incorporating appropriate trade norms that do not impact this global commons?

We are nearing a decade in our collective failure to negotiate and come to an agreement on the Doha Development Agenda under the WTO. Why? Uncommon arguments that are many times not based on principles of equity are creating havoc with regard to dealing with issues of food security. Needless to say, we are going through the spasm of food crisis today— linked to the issue of markets and trade dynamics in addition to other factors. Does the world need a second or third generation of environmental law now? We have completed a full cycle of making and implementing – however effectively – the first generation of environmental law. Most of the focus in this phase has been tactical - based on the assumption that a 'carrot and stick' approach is a good way of ensuring that States and citizens follow the provisions of such laws. We now have reached a stage in international legal negotiations where people are uncomfortable hearing the words "compliance and enforcement" preferring "implementation" instead.

Many of the Multilateral Environmental Agreements (MEAs) today require national implementation based on global rule making. Signals of such 'implementation' are often very weak. Environmental law in general has been poorly understood and practiced in many parts of the world. Environmental law is not treated with same seriousness as criminal or civil law.

We now therefore have reached a stage where we are not just looking at environmental law or rule making that is 'softer' but 'effective'; but that is also 'inclusive' while serving 'exclusive' purposes. Environmental law is therefore changing— and rightly so. Law has more a social link than previously thought. Many existing commons management regimes have had to adapt in order to survive. This applies to the developing world where traditional rights are under threat from global and national economic changes.

If we are to move in the direction of common but differentiated responsibilities for shared resources, where do we draw the line between the common and differentiated issues? Do we need environmental law and lawyers to be more entrepreneurial and multi-faceted? If so, what kind of environmental legal system will ensure better focus on common goods and services? You may wish to discuss this.

**Do we have to move from 'think global, act local' to a scenario of 'think local and act**

## **global'?**

We are all familiar with the issue of 'think global, act local.' Maybe we embraced this thinking a bit more than we should have. Global environmental governance systems are based on this. But time has come for us to revisit the relevance of this in today's world. Should we be thinking of 'think local and act global'? I would argue a big 'Yes'. The local level is where it is most important to tackle environmental challenges. It is at this level that people suffer most from environmental problems.

Sustainable resource management can never be independent of sustainability of collective human institutions that frame resource governance, and that local users are often the ones with the greatest stakes in sustainability of resources and institutions. But the challenge is how to bring about the right kinds of changes to the environmental governance agenda at all levels?

Governance is concerned with making informed decisions. We have terabytes of information but what we lack is knowledge! We need to focus on knowledge generation and its management. For example, until the 1970s, portrayals of the English Commons and their enclosures suggested that common property was a curious holdover from the past that was destined to disappear in the face of trends toward modernization. We now know that this is not the case, but more importantly, what lessons can we draw from 'old' commons for application to 'new' common pool resources, and is there scope to transfer knowledge From Global Commons to Global Community to an institution, sustainability refers to the continued use of the institution over time with adaptation occurring in the day-to-day rules within the context of a stable constitution. If this is so, where are we going wrong? We need answers.

The World Bank's World Development Report in 1982 argued that global and national food crisis can be avoided by having good governance structures and mechanisms. In 2008 the same report lamented little progress in this direction – at least with regard to current food crisis and the way it is being handled. But how much of focus is on governance structures and mechanisms? Almost little to none! How do we change this? We need answers from you.

I have placed before you the above four challenges or issues that, to me, are key to further discussing the future of global commons and conservation of our natural resources. I am sure you are all well placed to counter-challenge my observations and perhaps find some answers to the issues and problems I have mentioned.

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