



Regional governance by the South Asia Cooperative Environment Program (SACEP)? Institutional design and customizable regime policy offering flexible political options

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ABSTRACT

International governance by global, and especially by regional environmental regimes, is increasingly gaining attention in both political practice and academia. Such regimes may be clearly geared towards a specific environmental issue, which is at the core of the *institutional design*. Over time, regimes may also develop environmental *regime policies*. Using the case of the regional South Asia Cooperative Environment Program (SACEP), and based on 1982–2017 qualitative data from key regime policy documents and interviews, we pose the empirical question of whether the SACEP regime has been capable of developing a strong environmental regime policy in the period since 1982. We do so by pursuing the following research questions: What is the institutional design of SACEP making up the regime structures? Which policy issues, goals, instruments and implementing actors can be identified within the regional environmental SACEP regime? Our findings suggest that the *institutional design* is the result of a UNEP spin-off for more effective cooperation on environmental issues in South Asia. While serving the bureaucratic interests of UNEP, this design was in line with the interests of India as a regional power, through which it advanced its hegemony within South Asian environmental cooperation. The *environmental policy* developed within the SACEP regime is characterized by the very large number of issues covered, a lack of concrete and substantial policy goals, short-term and limited donor projects as the only instruments, and the vague mention of Member States as implementing actors. We conclude that the absence of a meaningful, streamlined and/or politically highly visible regime policy renders the SACEP regime policy an ad-hoc assortment of policies, which is, for strong donor countries, a “menu to choose from”.

1. Introduction

Environmental issues such as climate change, deforestation, waste management, and biodiversity are increasingly addressed through *regional regimes* (Kluvankova-Oravska and Chobotova, 2012; Balsiger and Prys, 2016; VanDeveer, 2004; Oberthür and Gehring, 2006; Weber and Christophersen, 2002; Dunoff, 2007; Balsiger and VanDeveer, 2012; Biermann and Pattberg, 2012; Kluvankova-Oravska and Chobotova, 2012; Schreurs, 2013). This trend is reflected also in broader political practice and academia (Little, 2001; Haas, 2016; Elliott and Breslin, 2011; Balsiger and VanDeveer, 2012; Rayner et al., 2010; Humphreys, 2006; Arts et al., 2010, 2013; Howlett and Rayner, 2010; McDermott et al., 2010a). This is partly due to frustration with *global environmental regimes* (Singer and Giessen, 2017; Oberthür and Gehring, 2006; Howlett and Rayner, 2010; Humphreys, 2012, 2016;

Pereira, 2015; Lidskog and Sundqvist, 2002; Jasanoff and Martello, 2004). They include, e.g. the failure to successfully address climate change (e.g. Pereira, 2015; Lidskog and Sundqvist, 2002); high public expectations towards global multilateralism (Dimitrov, 2006); a lack of implementation due to weak mandates of international environmental bureaucracies (Biermann and Siebenhüner, 2009); the persisting strong role of domestic actors with particular interests (Singer and Giessen, 2017; DeSombre, 2000); and the *customized* implementation of global regimes in line with the interests of strong domestic actors (Logmani et al., 2017; Giessen, 2018). Regional regimes also gain based on the assumption that they are closer to the ecological base of problems. This includes, for example, regional processes of criteria & indicators of Sustainable Forest Management (e.g. International Tropical Timber Organization for the tropical region) (e.g. Rametsteiner and Simula, 2003; McDonald and Lane, 2004; Mayer, 2000; Wolfslehner et al.,

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Fig. 1. SACEP location and its Member countries (Adapted from google maps: <https://goo.gl/images/Cer58t>, accessed on 25 September 2017).

2005). Moreover, possible political solutions based on the interests of regional powers (Prys, 2010; Acharya, 2007, 2011, 2012; Buzan and Waever, 2003; Katzenstein, 2005; Acharya and Johnston, 2007) are supporting this trend.

Thus far, there has been a lot of research effort to describe the structures established by international, state-driven (environmental) treaty regimes such as the CBD as well as non-governmental/private sector initiated transnational regimes such as FSC forest certification (Pattberg, 2012). No systematic and conceptual distinction has been made, however, between such “once-agreed” regime structures on the one hand, and “then-evolving” structures on the other hand. The latter are policies which are constantly developing towards issues being addressed under a particular regime (Giessen, 2018, exceptions include Grundig, 2012; Underdal, 2013; Stokke, 2013; Bernstein and Cashore, 2012). It is these policies, however, with the issues they put onto the agendas, as well as the goals, means and implementing actors they identify (Howlett et al., 2003; Krott, 2005), which are actually enabling international regimes to develop activities towards the issues they aim to address (Giessen, 2018). Such regime policies may in cases actively supporting and pursuing the overall regime goals. They may, however, also be used politically in counter-intuitive ways, for acting towards ends which are not fully in line with the original regime goals. Hence, regime policies can fully or partly support overall regime goals, or even contradict them at times, by processes of customization and re-purposing (Giessen, 2018). Consequently, clearly visible, firmly institutionalized and internationally reputed environmental regimes may develop rather weak, or no meaningful regime policies at all. One such

case might be the South Asia Cooperative Environment Program (SACEP) regime on environmental issues in South Asia, which has been in existence since 1982.

In order to assess the degree of actual regional governance executed by the regional SACEP regime, this study aims to analyze i) the institutional design of, as well as ii) the environmental policy developed within the regional regime. Consequently, the empirical question we are posing is: has the SACEP regime been capable of developing a strong environmental regime policy since 1982?

We do so by pursuing the following guiding Research questions:

- 1 What is the institutional design of SACEP which makes up the regime structures?
- 2 Which policy issues, goals, instruments and implementing actors can be identified within the regional environmental SACEP regime?

2. Context: The SACEP environmental regime

The SACEP region covers almost one twentieth of the earth's surface and provides a home for about one fifth of the world population (SACEP, 2017f). South Asia is home to about 14 percent of the world's remaining mangrove forests and the Sundarbans found between Bangladesh and India is one of the largest continuous mangrove stretches in the world. Hindu Kush Himalayan belt is home to over 25,000 major plant species, comprising 10 percent of the world's flora (SACEP, 2017f). This region is one of the world's most diverse, with a diversity of ecosystems, cultures, regions and economic development patterns

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