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# International Governance of Resource Efficiency – Prospects for a treaty?

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## Overview

- ▶ Background to the research
- ▶ Stocktake: Does existing international law address resource efficiency?
- ▶ Options for legally binding approaches
- ▶ Design of a potential treaty on RE
- ▶ Conclusions

## Background

- ▶ Research funded by German Environment Agency
- ▶ **Options for anchoring resource efficiency (RE) more strongly at the international level**
- ▶ Based on stocktake of existing international law & governance, non-binding and non-governmental approaches related to RE
- ▶ Focus on abiotic resources

## RE in existing international legal instruments

- ▶ **Treaty or principles of international law do not address RE directly**
  - Small exception: bilateral treaties
  - Some indirect incentives to strengthen RE
- ▶ Non-binding and non-state governance approaches are mostly reporting and management tools with varying degrees of specificity. Their steering impact is mainly based on informal market incentives.
- ▶ **No link or division of labour** between binding and non-binding or other approaches

## Impediments to RE

- ▶ **Conceptual difficulties** in applying the existing norms and concepts to RE:
  - International law addresses direct physical impacts on environment, not environmental impacts of resource inefficiency
- ▶ Other potential impediments: technical nature of RE, potential conflict of rules on process and production standards with trade rules

## Options for binding approaches

- ▶ Two main proposals in literature:
  - An international treaty for sustainable resource management
  - Transforming the *existing* system of the Basel Convention into a system based on certification
- ▶ **Time might not be ripe for a new standalone treaty on resource efficiency at this stage. But**
  - The project drafted a potential treaty text
  - Plastics could be frontrunner

# A potential treaty on resource efficiency

- ▶ Framework approach
- ▶ Issues can be addressed more or less prescriptively and precisely, and leave flexibility for parties
- ▶ Content could e.g. be based on the existing non-binding initiatives
- ▶ **Overarching principles** for all resources, e.g.
  - interpret the polluter pays principle in terms of resource efficiency
  - general obligations to increase resource efficiency
  - refer to the global benefits of resource efficiency
- ▶ Allow for **specific obligations to be developed over time in separate parts**, such as annexes for specific sectors, products, materials, etc
- ▶ Institutional framework

## Conclusions

- ▶ RE is on the international agenda, but it is hardly addressed by binding rules.
- ▶ One potential reason is that RE does not quite fit into traditional approaches to environmental protection.
- ▶ Binding options could show a new level of commitment and also better contribute to more certainty and a level playing field.
- ▶ Framework design could be a start for a RE treaty
- ▶ A treaty on plastics could be frontrunner