

Policy Paper by Sanjay Persand

Vulnerability index as compared to the GDP

The further implementation of the Barbados Program of Action will depend on a large extent on external funding. Since 1994, there has been a decline in Overseas Development Assistance. Convincing the international community to further fund Small Islands Developing States (SIDS) has been opposed by the argument that SIDS have a relatively higher per capita Gross National Product (GNP) compared to other developing countries. This positions SIDS in a difficult stance to qualify for special funding vis-à-vis developing countries which are not island states. The argument put forward by SIDS is that there are a lot of inconsistencies with the use of per capita GNP to evaluate the national economic wealth of SIDS. SIDS claim that it is completely misleading to rely on the per capita GNP as there are so many hidden costs that are masked. SIDS have proposed the use of vulnerability index that will take into account their economic and environmental vulnerability.¹

Small Island Developing States (SIDS) are a special case both for environment and development. Although they continue to take the lead in the path towards sustainable development in their countries, they are increasingly constrained by the interplay of adverse factors like cyclones, sea level-rise, HIV and terrorism. It suffices for them to be hit only once by any of these calamities for them to be completely devastated. Their resilience is so low and their chances of recovery might be next to none.

SIDS have been trying to devise a Vulnerability Index, without much success, and with a lot of controversy since the implementation of the BPoA in 1994. Ten years later, it seems that the Vulnerability Index formula has taken shape. The Environmental Vulnerability Index (EVI) as proposed by the United Nations Division of Social and Economic Affairs (UNDESA) consists of 51 EVI Indicators ranging from tsunami through tourists up to Genetically Modified Organisms.² While it has been said at the conclusion of the 2004 New-York Preparatory Meeting³ that a key emerging challenge to SIDS is that of international security and terrorism, there is no such EVI indicator as terrorism in the scheme proposed by the UNDESA. It is hoped that the new environmental vulnerability index will be more convincing and influential at attracting funding than the previously used GNP.

Desperate need for help

The report of the United Nations states that the BPoA has been partially implemented, partly due to a reduction in foreign aid. Overall disbursements to small islands totalled

¹ Anita M. Halvorssen, HUMAN RIGHTS AND THE ENVIRONMENT: The UN General Assembly's Special Session on Small Island Developing States - Sustainable Development in a Nutshell" (1999) COLO. J. INT'L ENVTL. L. Y.B. 113 ¶ 122.

² See the Environmental Vulnerability Index as proposed by the United Nations Department of Social and Economic Affairs, online: EVI <<http://cobalt.sopac.org.fj/Projects/Evi/Index.htm>>.

³ *Report of the Secretary-General on the Review of Progress in the Implementation of the Programme of Action for the Sustainable Development of Small Island Developing States*, UN CSD, 12th Sess., UN Doc.E/CN.17/2004/8. (2004).

US\$2,335 million in 1994. That figure fell to \$2,158 million in 1996 and to \$1,700 million in 2001.⁴ At the same time, small islands did not attract the levels of foreign private capital and foreign direct investments that they had anticipated.

It is clear that insufficient financial help has been a major impediment to the proper implementation of the BPoA. On the other hand, substantial transfer of money will not automatically lead to the successful execution of the Action Plan unless national governance in many countries is made more effective both to reduce the need for aid and to increase the likelihood that aid will be used effectively.⁵ But improving governance does not guarantee the availability of resources to meet these goals. Therefore it will be practically impossible to avoid providing additional funding to SIDS if we want to attain the ultimate goals of the BPoA.

Need to stimulate funding

Most of the SIDS are so small that they appear to be invisible on a world map when juxtaposed to larger land mass of continents. It is not surprising that the international donor community forgets about islands and concentrate on the myriad of environmental problems in the international arena, especially within the African and Asian continent. While competing for funds, large developing countries stand a better chance of attracting most of the money available due to the high costs of their environmental problems as compared to SIDS. SIDS already lose the race well before aligning on the starting line and this is due to the practical considerations on the parts of the donors, not a lack of political will.⁶

The Global Environment Facility was selected as interim institutional structure operating the financial mechanism of the BPoA. Chapter 15 of the BPoA, section 94 states that: “the GEF should be seen as an important channel of assistance in those areas through the provision of new and additional resources.”⁷ Though the section further adds that: “In determining the eligibility criteria related to funding, and in the development of project proposals for funding, GEF should pay due attention to the special needs and requirements of SIDS” it is unlikely that the GEF has lowered its selection criteria for allocating funds, while considering the SIDS case. The report on the review of the preparatory meetings leading to the BpoA+10⁸ states that the GEF still needs to simplify its disbursement procedures so as to take into account the special consideration of SIDS.

Alternative solutions

⁴ <http://www.un.org/smallislands2005/intropage2.html>

⁵ John C. Dernbach, “Targets, Timetables and Effective Implementing Mechanisms: Necessary Building Blocks for Sustainable Development” (2002) 27 Wm. & Mary Envtl. L. & Pol’y Rev. 79 ¶ 133.

⁶ *Supra* note 1 at 123.

⁷ United Nations Department of Public Information, Programme of Action for Small Island States (1994), DPI/1609/Rev.1-99-16427 at 72.

⁸ *Review of the Outcomes of the Regional and Inter-regional Preparatory Meetings for the 10 year Review of the Barbados Programme of Action*, UN Convention on Biological Diversity, 2004, Ad Hoc Technical Expert Group on Island Biodiversity, UNEP/CBD/AHTEG-1B/1/2 at 2.

One way to circumvent the problem of resource allocation by the GEF would be to devise a special SIDS funding mechanism. This special mechanism should be set up in addition to the GEF and should not be an alternative to the GEF. In that way a special UN body (such as the UNDP) or an NGO could be designated to receive the funds and reallocate to SIDS⁹ basing itself on new criteria like the Environmental Vulnerability Index. In addition for biodiversity protection, it has been suggested that new sources of funding like the national Biodiversity Trust Fund shall be unveiled.¹⁰

While limited disbursement of funds by the GEF can be part of the problem, but it is not the only one. The report for the review of the BPoA+10 also states that there has been a lack of project proposals for funding under the United Nations Convention to Combat Desertification (UNCCD) and the Convention on Biological Diversity (CBD) to implement the BPoA. If not enough biodiversity related projects have been submitted as proposals to the GEF, this clearly demonstrates that SIDS are still facing a serious problem of lack of capacity.

Capacity Building

Technical assistance is an explicit or implicit objective of many treaty regimes. In the environmental area, technical assistance is increasingly being provided explicitly for the purpose of enabling compliance with treaty obligations.¹¹

While an entire chapter of Agenda 21, adopted at the 1992 Earth Summit at Rio, deals with “national mechanisms and international cooperation for capacity building in developing countries”, the BPoA consecrates its Chapter 11 to regional institutions and technical cooperation. The CBD reports that one of the main constraints in the implementation of the BPoA as regards to biodiversity has been insufficient human, institutional and administrative resource.¹² There will be a need for more regional co-ordinating mechanisms in between regional SIDS sharing the same environmental problems. Regional expertise training is preferred as there is a lesser risk of inappropriate technology transfer.¹³

SIDS also face a problem of migration of trained personnel,¹⁴ which might explain why they have not been able to submit enough GEF project proposals. The next challenge of SIDS would be to retain their personnel once they have been trained.

Political Commitment

⁹ *Supra* note 1 at 123.

¹⁰ *Review of the Outcomes of the Regional and Inter-regional Preparatory Meetings for the 10 year Review of the Barbados Programme of Action*, UN Convention on Biological Diversity, 2004, Ad Hoc Technical Expert Group on Island Biodiversity, UNEP/CBD/AHTEG-1B/1/2 at 2.

¹¹ Abraham Chayes & Antonia Handler Chayes, *The New Sovereignty: Compliance with International Regulatory Agreements*, (Massachusetts: Harvard University Press, 1995) at 2 199.

¹² *Supra* note 10 at 7.

¹³ Report of the Caribbean Regional Preparatory Meeting to Review the Programme of Action for the Sustainable Development of Small Islands Developing States, Trinidad and Tobago, 6-10 October, 2003 at 13.

¹⁴ *Ibid* at 14.

Parties to a non-binding action plan develop are supposed to develop more interest and congruence with time. Ten years have lapsed since the launching of the BPoA and now SIDS should believe much more in the BPoA than they believed before. The government of SIDS shall make it a commitment to maintain the trend they have taken in producing National Assessment Reports.

If efforts would be made to fine-tune the BPoA and use international targets and timetables, these efforts shall be replicated at the national level. While international targets and timetables can put pressure on national governments to adopt the same or similar objectives, national governments must ultimately make that decision.¹⁵ Governments should vision the BPoA as an opportunity and make full use of all the paraphernalia being provided to achieve sustainable development.

Concluding note

Island biodiversity and sustainability must be preserved at all cost and there is a need to act fast. The Barbados Programme of Action (BPoA) remains the blueprint for fighting environmental degradation and the loss of biodiversity in SIDS. Though 10 years have trailed away since the implementation of the BPoA, SIDS must continue this uphill battle. Whether SIDS are going to achieve the goals that they will have to reset will only be a matter of debate, if no action is taken at the national and international level.

The BPoA as a soft law is essentially the best tool to achieve environmental protection by virtue of the flexibility it confers to small island states. Though action plans can grow and unfold into binding agreements, it does not seem necessary for environmental commitments to shift from non-binding to binding for effectiveness to precipitate out. The BPoA in and of itself can make a significant contribution towards sustainable environment if it is fine-tuned and readjusted over time.

There is a need for SIDS to translate the vagueness of the action plan into concrete targets and work so as to attain these targets. One of the best ways to ensure compliance and advise member states and the international community about the state of progress, remains reporting. Though reporting does not necessarily ensue compliance, SIDS shall realize that in this continuous battle to hamper their vulnerability acting in good faith is paramount.

Political commitment shall be reinvigorated at all levels starting from national commitment up to the international scene. After being under the same BPoA umbrella for 10 years, sufficient congruence shall have developed among SIDS to refuel cooperation.

The vulnerability of SIDS is not likely to be eroded away without additional financial assistance. But additional financial assistance shall be coupled with adequate capacity building and technology dissemination so that financial help can be channelled efficiently through high result-yielding projects. Feedback to the financial agencies is crucial to ensure follow-up and monitoring. The possibility of a special funding mechanism for SIDS would ease the disbursement of funds. Lessons learnt from the past highlight the importance for improved coordination by SIDS, donors and multilateral organizations.

¹⁵ John C. Dernbach, "Targets, Timetables and Effective Implementing Mechanisms: Necessary Building Blocks for Sustainable Development" (2002) 27 Wm. & Mary Env'tl. L. & Pol'y Rev. 79 ¶ 135.