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### Global Governance in the 21st Century: Rethinking the Environmental Pillar

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Global Governance in the  
21st Century:  
Rethinking the  
Environmental Pillar

By Dr. Maria Ivanova, for Stakeholder Forum  
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## About the Author

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## About sdg2012

Sdg2012 is Stakeholder Forum's Sustainable Development Governance Programme towards the UN Conference on Sustainable Development in 2012 (UNCSD), also known as 'Rio+20' and 'Earth Summit 2012'. The programme has a number of elements, including the publication of think pieces from a variety of stakeholders, the production of briefing papers and analysis, the coordination of a global network to share ideas and promote discussion, and the development of information resources.

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***"The environment is not an esoteric topic of those who have no other problems in the world,  
but is in the center of economic stability."***

Prof. Dr. Klaus Töpfer, UNEP Executive Director (1998-2006)  
at the Global Environmental Governance Forum, Glion, Switzerland, June 2009

Efforts to reform the international environmental governance architecture are not new. Since the 1960s, debate over existing and potential institutions has played out in newspapers, academic journals, and governments around the world. But it has been the major UN environmental summits – the 1972 Stockholm Conference, the 1992 Rio Earth Summit, the 2002 World Summit on Sustainable Development in Johannesburg – and their follow-up meetings which have provided the impetus for the most heated discussions and the boldest proposals for environmental institutions.

The Stockholm Conference resulted in the creation of the United Nations Environment Programme (UNEP) as the principal UN body, or “anchor institution”,<sup>1</sup> for the global environment. Institutional reform discussions in the run up to the 1992 Rio Earth Summit led to the creation of the Global Environment Facility and the Commission on Sustainable Development. Preparations of the five-year review of the Rio Earth Summit in 1997 and then of the Johannesburg Summit on Sustainable Development elicited strong calls for a World Environment Organization<sup>2</sup> that subsequently led to the Cartagena package<sup>3</sup> of international environmental governance reforms in 2002. Responding to the 2005 UN General Assembly's call for a more coherent international environmental system through paragraph 169 of the Millennium Report,<sup>4</sup> Mexico and Switzerland led an informal consultative process,<sup>5</sup> but this effort did not produce significant results. Reform was taken up by environment ministers yet again in 2009<sup>6</sup>, initiating a new round of deliberations on a range of options for improving the effectiveness, efficiency and equity of international environmental institutions. As UN member nations prepare for the UN Conference on Sustainable Development (what will perhaps come to be known as the Rio Sustainability Summit) in 2012, international environmental governance reform has once again come onto the international political agenda.

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<sup>1</sup> Ivanova, Maria. 2005. *Can the Anchor Hold? Rethinking the United Nations Environment Programme for the 21<sup>st</sup> Century*. New Haven, CT: Yale University.

<sup>2</sup> Several academics (Runge, Esty, Charnovitz, Biermann) proposed a Global Environmental Organization in the early 1990s when trade and environment concerns were prominent on the international agenda. In 1997, then German Chancellor Helmut Kohl, with support from the governments of Brazil, Singapore, and South Africa, called for the creation of a World Environment Organization. The call was later picked up by French Prime Minister Lionel Jospin and by French President Jacques Chirac, as well as by several Directors-General of the World Trade Organization.

<sup>3</sup> UNEP Governing Council decision SS.VII/1 of 2002.

<sup>4</sup> Paragraph 169 of the outcome document of the World Millennium Summit of 2005.

<sup>5</sup> Informal Consultative Process of the Institutional Framework for UN Environment Work of the UN General Assembly, 2006-2008.

<sup>6</sup> UNEP/GC.25/4 established a Consultative Group of Ministers or High-level Representatives on international environmental governance.

Governments have yet again expressed dissatisfaction with the current state of both the environment and environmental governance.<sup>7</sup> Scholars and policymakers have proposed several alternative arrangements for environmental governance.<sup>8</sup> Given the erratic history of reform, however, why would deliberations result in reform this time? Moreover, what is the likelihood that reform would consist of concrete, practical and realistic steps toward a broad transformational vision for equitable and effective global environmental governance? This paper outlines briefly the contemporary context for international environmental governance debates, reviews the rationale for reform, analyzes the most recent reform options as drafted by a Consultative Group of ministers, and suggests a possible way forward.

### A New Opening

The United Nations was created in 1945 without an environmental body. Almost thirty years later, in 1972, governments established UNEP. Twenty years later, in the early 1990s, when rethinking the institutional arrangements, they created the Global Environment Facility and the Commission on Sustainable Development, as well as several core conventions (on climate, biodiversity and desertification). Despite the attempts to bring about further governance reform over the last decade, however, progress has been limited. While governance discussions continued, they were never explicitly on the political agenda. Now, for the first time since the 1992 Rio Earth Summit, a clear political opportunity to reshape the institutions for environment and development has opened up. The 2012 Rio Conference on Sustainable Development is expected to make decisions on governance under the rubric 'institutional framework for sustainable development,' one of the core themes of the Conference. Even a decision for no reform will have enduring consequences and will shape the actions of the global community over the next twenty years.

Three features of the reform debates in 2010-12 are qualitatively different from the earlier discussions. First, a much larger body of sound analysis, as well as sound practices developed over time, is now available – from analyses of the reasons behind UNEP's challenges to implementation of complaints procedures in the Human Rights Council. Second, several governments have emerged as champions in the international environmental governance deliberations and have injected a more positive and collaborative spirit. Third, while previous consultations on international environmental governance have largely been restricted to governments, in a historic Decision on International Environmental Governance adopted at the 11th UNEP Special Session of the Governing Council/Global Ministerial Environment Forum in Bali, Indonesia, ministers opened the process to civil society, thus allowing for an influx of new and innovative ideas as well as greater public engagement. Global civil society responded in October 2010 by organizing an Advisory Group on international environmental governance as a mechanism for structured contributions to the intergovernmental deliberations. With two

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<sup>7</sup> Country statement made by Zhang Yishan on behalf of China, 25 April 2006. Country statement made by the European Union, 19 April 2006. Country statement made by Javad Amin-Mansour on behalf of Iran, 23 January 2007. Country statement made by Toshiro Ozawa on behalf of Japan, 19 April 2006. Country statement made by Malaysia, 18 January 2007. Country statement made by Johan L. Lovald on behalf of Norway, 25 April 2006. On file with author.

<sup>8</sup> Proposals range from using public policy networks to clustering the environmental conventions to creating a Global Environment Organization to creating an Environment Security Council.

members from each of the nine major groups and two from each of the six world regions, the 30-member group includes individuals from 21 countries and numerous professions, ranging in age from 25 to 88.<sup>9</sup> It is indeed the concerted efforts of global civil society aided by new social media communication tools that could bring about the change we want to see in global governance in the 21<sup>st</sup> century.

### Rationale for Reform

UNEP and the agencies, ministries, and non-governmental organizations it works with around the globe have met with some successes over the past forty years. But the system of global environmental governance has not lived up to expectations or to the needs of the moment. The battles won have generally been isolated, and many have not been sustained over time. The challenges have been persistent and broader. The lack of progress in confronting climate change, ocean pollution and fisheries depletion, and other pressing global environmental challenges is glaring, as is the lack of improvement in environmental quality in developing countries. While governments have built many institutions for environmental protection, they have yet to translate all that energy into effective environmental protection on the ground. As environment ministers declared in 2000, “despite many successful and continuous efforts of the international community since the Stockholm conference, and some progress having been achieved, the environment and the natural resource base that supports life on earth continue to deteriorate at an alarming rate... [and require] an institutional architecture that has the capacity to effectively address wide-ranging environmental threats in a globalising world.”<sup>10</sup>

In the environmental arena, international cooperation is often necessary to coordinate national activities and spur international action to resolve global problems that no nation can handle on its own. States have created international institutions and organizations to serve as facilitators of collective action in the management of the global commons and transboundary pollution. Furthermore, ubiquitous or ‘common’ problems that occur around the world may be amenable to ‘common’ solutions, which make an international response useful, if not necessary. International organizations have proved valuable for dealing with such issues by channeling information, training, and financial resources to the affected countries. They also served as conveners and fora for articulating and aggregating the interests of multiple stakeholders, encouraging a broader social dialogue. However, practical coordination is politically difficult, as states are often unwilling to bear the sizable cost of environmental protection, and regional and global environmental problems overlie many traditional policy antipathies. For example, while industrialized countries have been mostly concerned with commons and transboundary issues, developing countries are more interested in local issues such as desertification and resource use.

As governments deliberate on how to confront the problems of the 21<sup>st</sup> century – some new, others that have persisted – some leaders have urged “to demonstrate boldness and to think big on the issue of international environmental governance reform.”<sup>11</sup> It is imperative that

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<sup>9</sup> See <http://www.environmentalgovernance.org/reform/cs/ag/>

<sup>10</sup> Malmö Declaration of 2000.

<sup>11</sup> Statement of South Africa at UNEP Governing Council in 2009, Nairobi, Kenya.

reform is grounded in the successes of the system to date and geared to overcome structural and programmatic challenges.

### Successes of International Environmental Governance

The core achievement of the international environmental governance system has been in **spurring environmental awareness and action** throughout the world. Designed as a catalyst, UNEP in general has been able to prod the UN specialized agencies into moving on environmental problems in concert. It has also motivated governments to address environmental problems collectively such as the successful initiative to address pollution in the Mediterranean. UNEP's efforts were most successful, though, when the Environment Fund was distributed among other agencies for environmental activities.

Many **national-level environmental problems have been addressed**, including local air and water pollution. In developed nations across the globe, and in some developing nations as well, vehicle emission standards have become more stringent, leaded gasoline has been phased out of use, and point source emissions are well regulated. The visibility and palpability of the problems, sustained public demand for action, and the ability of national governments to regulate within their borders have all contributed to lasting improvements in pollution reduction. At the international level, in the realm of problems that UNEP was designed to solve, success has been less apparent. With the Montreal Protocol of 1987, UNEP successfully recruited governments to reverse ozone depletion. But in other areas, including climate change, ocean pollution, biodiversity loss, and fisheries depletion, little or no progress has been made.

**Scientific understanding of the environment has improved** as knowledge about human-generated phenomena such as pollution, habitat destruction, and resource depletion, has increased exponentially and become more widespread and accessible. An unassailable scientific foundation has made many environmental problems, especially climate change, a high-priority political issue for many heads of state. The Intergovernmental Panel on Climate Change, created jointly by UNEP and the World Meteorological Organization, has provided an innovative, powerful, and safe avenue for governments to address climate change in their policy process.

International environmental law is among the fastest growing fields of international law, and states have created and agreed to a number of norms since the 1970s. Thus, **norm and law development** are among the core successes of the international environmental institutions that have been instrumental in their creation. These are, however, "soft law norms," difficult to enforce and institutionalize, and their proliferation has actually fragmented the authority of international environmental institutions. Each new agreement establishes a new, independent bureaucracy and bodies performing a similar function elsewhere.

UNEP along with other international organizations has devised a number of **best practices and models in global governance**, where scarce funding and lack of an enforcement mechanism make delicacy, efficiency, and management of public opinion crucial. The transparency of the environmental regime and its openness to civil society participation have unquestionably spread awareness and understanding of environmental problems. The system constantly gathers more public support for international cooperation and taps the creativity of an ever-broader constituency. The number of NGOs participating in the environmental system



has increased exponentially since the Stockholm Conference in 1972, when NGOs gathered for the first time to hold an “Environment Forum.” Over the years, NGO participation in the environmental field has strengthened considerably. Public-private partnerships have also taken root in the environmental field, yielding positive results in species conservation, water conservation, alternative energy, and other areas. Other models that can be studied and imitated include the structure, operation and leadership of the Secretariat of the Stockholm Conference; the integration of developing countries into the Montreal Fund; the integration of the scientific community into the policy forum of UN agencies, via the World Climate Research Program; the clustering of multilateral chemicals conventions; and the creation of scientific assessment capacity in developing countries through the UNEP Global Environmental Outlook process.

Success in international environmental governance has come under three conditions: 1) when the mandate has been focused and concrete; 2) when the issues at hand have been of high priority to governments; and 3) when financial resources, even modest, have been directed specifically to core functions.

### Systemic Problems

Despite the known successes, the system of international environmental governance continues to face significant challenges. At the core of the challenges stands the persistent false dichotomy of the environment and the economy. The environment is the foundation for economic and social well-being. But an **outdated development model**, reliant on unbridled consumption and extraction to drive growth, has damaged the natural capital upon which all life on earth depends. Unfortunately, the dichotomy between economic growth and environmental protection is still lodged in the outlook of individuals and governments worldwide. Moreover, sustainable development, the paradigm for understanding the relationship between economic growth and environmental protection has largely failed to reform economic decision-making in the way originally intended. A new vision of an economy focused less on short-term rewards and externalized risk and more on long-term values of sustainability and social justice is needed.

Lack of implementation is cited by governments and civil society alike as a major global challenge. The often-lamented implementation gap, however, is a symptom and our **outdated moral and ethical paradigm**, the root cause. Implementation derives from motivation grounded in a basic system of ethical and moral principles in addition to economic and scientific variables. While science is an important tool for understanding environmental problems, it cannot alone motivate action. An ethical foundation for concerted, collective global efforts at environmental stewardship is lacking. Without a common moral grounding, long-term environmental concerns cannot override short-term economic interest in determining national policy and attitudes.

With persisting disagreements about substantive and procedural norms, inadequate incentive mechanisms, insufficient capacity, and the absence of an authority whose decisions carry real force, a **policy-implementation disconnect** has emerged. Moreover, fierce protection of national sovereignty threatens to further inhibit intergovernmental action on global problems. In the absence of shared vision and common goals as well as effective communication and

coordination, the increasing number of organizations, agreements, and instruments for global environmental protection has led to significant **fragmentation** in the international environmental governance system. As a result, UNEP's authority has eroded, governments and the public have lost policy control, priorities have been misplaced, and funding squandered.

A glaring **lack of accountability** hampers any serious efforts at international environmental governance. In general, signatories to the multilateral environmental agreements are able to breach the terms of the agreements with impunity. Environmental conventions have lacked strong provisions for non-compliance, and UNEP does not have a formal arbitration mechanism. In the absence of an enforcement mechanism and public pressure directed by NGOs, governments in both the industrial and developing world can duck responsibility for the environmental consequences of their actions. The lack of coherent performance metrics to evaluate the performance of international organizations is another facet of the same problem.

The allocation and utilization of **scant financial resources** throughout the global environmental governance system has not proven to be effective, efficient and equitable. UNEP's limited financing has precluded it from conducting effectively its role as coordinator and scientific assessor, much less to fulfill the operational obligations it sometimes assumes. The failure of industrialized countries to deliver on financial commitments has reinforced resistance of developing countries to the responsibilities of sustainable development. This has led to a growing confidence gap not only between the North and the South but also in the multilateral system more broadly.

Global environmental governance depends on effective implementation at the national level. But environmental ministries in many countries experience **significant capacity gaps and authority deficit**. These shortages can also prevent countries from seizing the constructive opportunities that international mechanisms can provide. Governments may therefore be unable to implement their obligations under international environmental agreements even when they wish to. Enhanced national environmental policy capacity is a necessary condition for effective environmental governance, and without it all the efforts of institutions at the global level will amount to little.

### Contemporary Reform Options

It is clear that the current institutional system is falling short of both the world community's needs and expectations. If it is to have a sustainable future, the world requires thoughtful ways to manage the interdependent threats to which it is vulnerable and an institutional mechanism that is up to the task. An extraordinary degree of "policy harmonization and cooperation behind national borders [and] joint, concerted policy-making among nations"<sup>12</sup> is necessary, which requires a carefully constructed institutional architecture.

The Consultative Group of Ministers or High-level Representatives on International Environmental Governance convened in 2009 during UNEP's Governing Council session and

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<sup>12</sup> Kaul, Inge. 2001. "Public Goods in the 21st Century." In *Global Public Goods: Taking the Concept Forward*, ed. M. Faust, I. Kaul, K. Le Goulven, G. Ryu, and M. Schnupf. New York: UNDP Office of Development Studies.

concluded its work at a meeting in Helsinki in November 2010. Governments focused on arriving at consensus on the functions of international environmental governance and have begun deliberating on the institutional forms to address these functions. Since the institutional forms suggested – enhanced UNEP, a specialized agency such as a World Environment Organization, and streamlining existing structures – have not been officially discussed, this paper does not deal with them explicitly. It focuses instead on the discussions about functions.

Functional discussions have evolved over the past two years from what UNEP termed five core objectives<sup>13</sup> to six core options that outline the main functional areas in global environmental governance.<sup>14</sup> Ministers adopted the six functional objectives framework during the meeting in Helsinki in November 2009:

- Option a) Strengthen the science-policy interface
- Option b) Develop a UN system-wide strategy for the environment
- Option c) Realize synergies between multilateral environmental agreements
- Option d) Link global environmental policy making and financing
- Option e) Develop a system-wide capacity-building framework for the environment
- Option f) Strengthen strategic engagement at the regional level

They will present it during the 26<sup>th</sup> session of the UNEP Governing Council in February 2011 and seek to launch a continuation of the consultative process focusing on institutional form. Appendix A presents the initial objectives and the present functional options.

In essence, these options respond in broad terms to the need for improved delivery on several core functions in international environmental governance but some of the fundamental challenges as discussed in the previous section remain. The politically difficult issues such as an outdated economic model, an outmoded moral and ethical paradigm, and lack of accountability have no corresponding reform options. Table 1 maps out the fundamental systemic problems in international environmental governance and the corresponding institutional reform options as suggested by the Consultative Group.

**Table 1. Comparison of systemic global problems with reform options suggested by the consultative group of ministers in Helsinki outcome document**

Systemic Global Problems	Suggested Reform Options by Consultative Group of Ministers
<b>Outdated development model:</b> relying on consumption and extraction for growth, irreparably damaging natural capital.	No explicit suggestions

<sup>13</sup> Outlined in the Co-Chairs' Paper "Elaboration of Ideas for Broader Reform"

<sup>14</sup> Outlined in the Nairobi-Helsinki Outcome Document of the Consultative Group of Ministers or High-level Representatives. <http://www.unep.org/environmentalgovernance/Portals/8/NairobiHelsinkioutcome.pdf>.

Systemic Global Problems	Suggested Reform Options by Consultative Group of Ministers
<p><b>Outdated moral and ethical paradigm:</b> science is important for understanding environmental problems, but cannot alone motivate action. An ethical foundation for concerted, collective global efforts at environmental stewardship is lacking.</p>	<p>No explicit suggestions</p>
<p><b>A policy-implementation disconnect:</b> with persisting disagreements about substantive and procedural norms, inadequate incentive mechanisms, insufficient capacity, and the absence of an authority whose decisions carry real force, a gap between a growing body of policies and decreasing implementation has emerged.</p>	<p><b>Option a) Strengthen the science-policy interface</b></p> <p>Improve scientific research and development at the national level; facilitate cooperation in the collection, management, analysis, use and exchange of environmental information; provide early warning, alert services, assessments, the preparation of science-based advice and development of policy options</p> <p><b>Option f) Strengthen strategic engagement at the regional level</b></p> <p>Increase country responsiveness and implementation; strengthen environmental expertise within United Nations country teams</p> <p><b>Option d) Link global environmental policy making and financing</b></p> <p>Create new revenue streams for implementation</p>

Systemic Global Problems	Suggested Reform Options by Consultative Group of Ministers
<p><b>Fragmentation:</b> lack of clear goals, common vision, and effective communication and coordination has led to multiple organisations, agreements, and instruments for global environmental protection and a highly fragmented system.</p>	<p><b>Option b) Develop a UN system-wide strategy for the environment</b></p> <p>Increase the effectiveness, efficiency and coherence of the United Nations system; increase interagency cooperation and clarify the division of labour within the United Nations system</p> <p><b>Option c) Realize synergies between multilateral environmental agreements</b></p> <p>Promote the joint delivery of common multilateral environmental agreement services with the aim of making them more efficient and cost-effective; remain flexible and adaptive to the specific needs of multilateral environmental agreements</p>
<p><b>Lack of accountability:</b> signatories to multilateral environmental agreements can breach the terms with impunity. The lack of coherent performance metrics to evaluate performance is another facet of this.</p>	<p>No explicit suggestions</p>

Systemic Global Problems	Suggested Reform Options by Consultative Group of Ministers
<p><b>Inadequate financial resources:</b> the allocation and utilisation of financial resources throughout the global environmental governance system has been ineffective, inefficient and inequitable.</p>	<p><b>Option d) Link global environmental policy making and financing</b></p> <p>Widen and deepen the funding base for environment; secure sufficient, predictable and coherent funding; increase accessibility, cooperation and coherence among financing mechanisms; enhance linkage between policy and financing; create stronger and more predictable contributions and partnerships with major donors; pool public and supplementary private revenue streams; consider the development of financial tracking systems and a strategy for greater involvement of private sector financing.</p> <p><b>Option c) Realize synergies between multilateral environmental agreements</b></p> <p>Reduce the administrative costs of secretariats</p>

Systemic Global Problems	Suggested Reform Options by Consultative Group of Ministers
<p><b>Capacity gaps:</b> Global environmental governance depends on effective implementation at the national level. But environmental ministries in many countries lack the financial structure and manpower necessary for implementing agreements.</p>	<p><b>Option e) Develop a system-wide capacity-building framework for the environment</b></p> <p>Ensure a responsive and cohesive approach to meeting country needs, taking into account the Bali Strategic Plan for Technology Support and Capacity-Building. The framework should be targeted at strengthening national capacities required to implement multilateral environment agreements and agreed international environmental objectives.</p> <p><b>Option a) Strengthen the science-policy interface</b></p> <p>Ensure financial support and capacity-building in developing countries and countries with economies in transition</p> <p><b>Option c) Realize synergies between multilateral environmental agreements</b></p> <p>Free up resources for the implementation of multilateral environmental agreements at the national level, including through capacity-building</p>

The systemic problems of international environmental governance have remained outside the political debates because of both ideological and technical difficulties. Ideologically, nation states give priority to national sovereignty over the common planetary interest and developing countries are still fearful that international environmental agreements are a front for an agenda designed to stunt their economic growth. As the G-77 and China's statement in the contemporary reform process contends, "Promotion of environmental protection alone in developing countries is not a priority as it raises obstacles to the use of limited resources for economic development" (G-77 and China 2007). Developing countries thus insist that international environmental governance reform negotiations be firmly grounded in a sustainable development framework.

Technically, developing countries claim that new and additional financial resources are necessary for them to be able to take on the new environmental agenda, that technology transfer is critical to their ability to leapfrog over traditional industrialization methods, and that greater capacity – institutional, technological, and human – would be indispensable to integrating environmental concerns into development priorities. Industrialized countries, on the other hand, demand accountability for any funding as well as monitoring, reporting and verification procedures for environmental actions. Both industrialized and developing nations,

however, stall the creation of a comprehensive universal accountability mechanism and a robust dispute resolution and settlement body.

The politics of reform thus dictate that any successful reform option must incorporate the consideration of environmental protection and economic development as mutually reinforcing initiatives rather than competing interests. Sustainable development, which “marries two important insights: that economic development should be ecologically viable and that environmental protection does not preclude development”<sup>15</sup> needs to be explicitly at the basis of any reform negotiation. It should, however, be an essential and inherent component of all mandates, policies, and projects, not just in the international environmental institutions but also in the financial and development ones. As Gupta suggests, “it would make more sense to... define sustainable development as a process and the ends will take care of themselves.”<sup>16</sup> To this end, the commonly held perception of a linear causal relationship between environment and development must be overhauled and replaced by a universal respect for their dependence upon one another and the necessity of both. Moreover, there needs to be a universal recognition that sustainable development is “less a matter of cost than of conscience, commitment, and cooperation by all”.<sup>17</sup>

In concrete terms, the proposals for any new institutions, policies, and norms have to internalize the principle of new and additional financing into their design;<sup>18</sup> offer a plausible way to acquire new technologies and a prospect for enhancing capacity; and contain a complaints or dispute settlement procedure. Without a real financial commitment and a genuine effort to address the underlying concerns of developing countries, no reform initiative would pass through the voting bloc of the G-77 and China. At the same time, these countries have to recognize that the institutions created to deliver on those issues have faced significant challenges not because developed countries incapacitated them but because of structural impediments. And that without significant reform, country needs will continue to fall by the wayside and the environment will continue to be degraded to the detriment not only of development but also of life on earth.

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<sup>15</sup> Charnovitz, Steve. 2005. Toward a World Environment Organization: Reflections upon a Vital Debate. In *A World Environment Organization*, ed. Frank Biermann and Steffen Bauer, 87-117. Aldershot: Ashgate.

<sup>16</sup> Gupta, Joyeeta. 2005. “Global Environmental Governance: Challenges for the South from a Theoretical Perspective.” *A World Environment Organization: Solution or Threat for Effective International Environmental Governance?* Ed, Frank Biermann and Steffen Bauer. Burlington, VT: Ashgate Publishing Limited, p.73.

<sup>17</sup> El-Ashry, Mohamed. “The Challenges of Sustainable Development after Johannesburg.” Economic Commission for Latin America and the Caribbean. Santiago, 20 March 2003, p.5.

<sup>18</sup> Drumbl, Mark A. 2002. “Northern Economic Obligation, Southern Moral Entitlement, and International Environmental Governance.” *Columbia Journal of Environmental Law* 27, no. 3: 363-382.



## Conclusions and Recommendations

Several key elements need to form the core of an institutional structure for revitalized global environmental governance that addresses sustainability concerns:

- *Information and analysis*
- *Forum for interaction and negotiation*
- *Forum for rulemaking*
- *Financial mechanism*
- *Enforcement mechanism*
- *Equitable participation provisions*
- *Capacity building*
- *Ethics*

UNEP has been active in all of these areas, though in many cases its activities have not achieved the necessary results. It offers a strong comparative advantage in the information domain that should be developed and utilized fully. It was designed to provide coordinated forums for policy and priority setting through the Governing Council, the Environmental Coordination Board, and more recently the Environmental Management Group. UNEP has also undertaken many projects to support national efforts, and needs a more strategic, prioritized and long-term capacity building approach. We advance six concrete recommendations in two areas – programmatic and structural – that build on UNEP’s strengths and address some key challenges.

## Programmatic Recommendations

### ***Give UNEP Explicit Task to Serve as a Global Environmental Information Clearinghouse***

UNEP should build on the success of the Global Environmental Outlook network and other information-related programs to become the comprehensive, consolidated information source on all environmental issues, trends, risks, best practices, and capacity building needs around the globe. This requires a coherent strategy and investment across the information flow. Such a role would contribute to enhanced capacity building in Africa and other developing regions and energize and catalyze improved environmental policymaking and investment. The emerging Environment Watch framework identifies steps to improve and consolidate UNEP’s monitoring and assessment. UNEP needs to also focus on improving its delivery of information to provide governments, civil society, and the public fuller and easier access to data and analysis through a single, comprehensive mechanism. This requires going beyond the current structure and framework to develop a clear action plan over a multi-year period.

### ***Focus UNEP’s Capacity Building Program***

In view of the Bali Strategic Plan, UNEP should focus on three functions in capacity building: information, matchmaking, and direct service provision. First, conducting systematic assessment and prioritization of needs and systematic cataloguing and evaluation of resources. Second,

actively matching needs and donors and disseminating best practices. And third, providing direct capacity building services in a limited number of areas concerning which there are gaps in the system and UNEP has a comparative advantage in filling them. An example of this is PADELIA: Partnerships Developing International Law in Africa. UNEP is uniquely positioned to serve these three functions. Such an approach would better use UNEP's limited resources while allowing the organization to cover a broad agenda.

***Strengthen and Utilize the Environmental Management Group***

Environmental results are more likely to be attained if unproductive duplication of effort is reduced, synergies are captured, and scarce resources are pooled. Effective catalytic and coordination roles require a proactive organization with access to accurate and timely information and to its constituency, with sufficient authority and the ability to provide incentives. While UNEP has been charged with the task of coordinating and the formal authority to do so, it does not possess the necessary capacity and has not sufficiently developed the requisite reputational authority. The Environmental Management Group holds significant potential in this regard, particularly with a location in Geneva. Strengthening the Environmental Management Group with top-quality staff (currently it only has three staff members), clear mandate, flexible organizational structure, and visionary leadership with adequate discretion and resources would be an important step toward the creation of functioning and result-driven international environmental governance system.

**Structural Recommendations**

***Strengthen Governance by Creating an Executive Board at UNEP***

Currently, UNEP's Governing Council/Global Ministerial Environmental Forum performs both of the governance functions UNEP needs: providing leadership to international environmental governance and overseeing UNEP's program and budget. Performing both roles leads to circumscribed leadership and circular decision making, in which programs and budget drive priorities and strategies, rather than global needs. A global leadership role requires a large and inclusive structure like the GC/GMEF to review global issues, assess global needs and identify gaps, identify global priorities, and develop strategies to address priorities. The internal oversight role is best performed by a smaller body with greater discipline and focus on the program of work, budget, management oversight, and program evaluation. An executive board of no more than 20 members, comprising representatives of both member states and civil society could perform this function. Membership of the board should be either universal or rotating and ensuring regional representation.

***Consolidate Financial Accounting and Reporting***

Comprehensive and clear financial reporting is critical to building and maintaining the confidence of donors. While UNEP currently reports the sources of monies for each fund both separately and consolidated together, expenditures are not reported in a consolidated fashion. Expenditure reports should indicate expenditures in terms of mandated functions – capacity building, information, coordination, catalyzing – as well as by environmental issues so that members states and donors can understand how UNEP as a whole is expending money and effort.

***Holistic Review of Global Environmental Governance and UNEP's Role***

Any reform of global environmental governance needs to be based on a holistic and regular assessment of the strengths and weaknesses in the current system and the effectiveness of UNEP in fulfilling its core mission. An independent external review of (1) the system of international environmental governance and (2) UNEP's role and performance within the system would help to clarify the mandates of other UN agencies and programmes, the Multilateral Environmental Agreements, and international financing institutions, reveal their comparative advantage, and provide vision for reduced competition and a productive division of labor. It will contribute to an improvement in the governance of the organizations as well as to global environmental governance more broadly. Such an assessment should be undertaken by an independent commission established for this purpose by the General Secretary and performed regularly thereafter by a commission of experts from governments and civil society.

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Collective action in response to global environmental challenges continues to fall short of needs and expectations. The integrated and interdependent nature of the current set of environmental challenges contrasts sharply with the fragmented and uncoordinated nature of the institutions we rely upon for solutions. We need an approach that acknowledges the diversity and dynamism of the environmental challenge and recognizes the need for specialized responses. And we need an environmental organization with the resources and authority to succeed at leading and coordinating international environmental governance; a much stronger global voice and conscience for the global environment. UNEP was envisioned as such an organization. Before deciding to change its mandate or institutional form and structure, it is imperative to assess the root causes behind the functions and malfunction of UNEP and the institutions that together comprise the system of global environmental governance.