

# REFORM PAPERS



## *Stakeholder Forum for a Sustainable Future* Report UNEP: Changing Times

*"The concept of national sovereignty has been an immutable, indeed sacred, principle of international relations. It is a principle which will yield only slowly and reluctantly to the new imperatives of global environmental cooperation. It is simply not feasible for sovereignty to be exercised unilaterally by individual nation states, however powerful. The global community must be assured of environmental security." - Maurice Strong at the 1992 Earth Summit.<sup>1</sup>*

### **Introduction**

UNEP has played a vital role in shaping the global environmental agenda. This paper is an assessment of the development of UNEP since 1972. It highlights its successes as well as some of its problems. Finally, it focuses on the continuing reform agenda that must be addressed in 2006, as a number of key environmental governance initiatives have been set up. By the time of the five-year anniversary of the Johannesburg World Summit on Sustainable Development, the international environmental governance architecture may look somewhat different.

Stakeholder Forum, as part of our work on the *What Governance Programme*, have been following and contributing to the environmental governance debate since 2001. The object of our work has been to review gaps in the present international environmental governance architecture and, through consultations with stakeholders, make recommendations to governments.

### **Stockholm: A First Step for the Environment**

During the 1960s, books like *Silent Spring* by Rachel Carlson had a big impact on the awareness we had of our impact on the environment. In 1968, Sweden proposed that the UN convene a special conference where problems of the global environment could be addressed by the international community. In preparation for the Stockholm Conference, perhaps the single most important event in this process was an informal meeting that convened in a motel in Founex outside of Geneva in 1971. Attending were some 30 leading experts and

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<sup>1</sup> At the end of the UN Conference on Environment and Development.

policy leaders. Out of the meeting was produced the Founex Report on Development and Environment, which had a huge impact on the upcoming Stockholm Conference. Maurice Strong said in 1999:

*I regard the Founex Report on Environment and Development as a seminal milestone in the history of the environmental movement.*<sup>2</sup>

The Report laid the foundations for the creation of UNEP. It said:

*Adequate institutional arrangements should be made for coordinating various international activities in the field of environment as well as for diffusing knowledge among developing countries of the nature and scope of these activities.*<sup>3</sup>

The Stockholm Environmental Conference in 1972 was the first global Conference on Environment held by the United Nations. There had been a changing perception of the need to protect the environment, and in 1970, a group of top scientists was commissioned to do a report on the world environment. This would be known as the *Club of Rome* Report, or the *Limits To Growth* Report, which concluded that over the next 100 years there would be serious ecological breakdowns that would endanger all species on earth.

The key outcomes from the Stockholm Conference were an Action Plan for the Human Environment, a Declaration on Human Environment,<sup>4</sup> and the setting up of the United Nations Environment Programme (UNEP). This last step was considered necessary because until 1972 there was no global body for the environment. UNEP was also to become the first UN body to be headquartered in a developing country, Kenya. UNEP was designed to be a catalytic agent for the environment worldwide and to offer policy guidance and coordination on critical environmental issues. In addition it was to offer capacity building and technology assistance for developing countries.

The original mandate given to UNEP by the UN General Assembly in October 1972 said:

*That the Governing Council have the following main functions and responsibilities:*

*(a) To promote international co-operation in the environment field and to recommend, as appropriate, policies to this end;*

*(b) To provide general policy guidance for the direction and coordination of environmental programmes within the United Nations system;*

*(c) To receive and review the periodic reports of the Executive Director on the implementation of environmental programmes within the United Nations system;*

*(d) To keep under review the world environmental situation in order to ensure that emerging environmental problems of wide international significance should receive appropriate and adequate consideration by Governments;*

*(e) To promote the contribution of the relevant international scientific and other professional communities to the acquisition, assessment and exchange of environmental knowledge and information and, as appropriate, to the*

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<sup>2</sup> Maurice Strong, *The Hunger Project Millennium Lecture: Hunger, Poverty, Population and Environment*, April 1999, <<http://www.thp.org/reports/strong499.htm>>

<sup>3</sup> Founex Report 1971 Founex <http://www.southcentre.org/publications/conundrum/conundrum-04.htm>

<sup>4</sup> <http://www.unep.org/Documents.Multilingual/default.asp?documentid=97&l=en>

*technical aspects of the formulation and implementation of environmental programmes within the United Nations system;*

*(f) To maintain under continuing review the impact of national and international environmental policies and measures on developing countries, as well as the problem of additional costs that might be incurred by developing countries in the implementation of environmental programmes and projects, to ensure that such programmes and projects shall be compatible with the development plans and priorities of those countries.<sup>5</sup>*

Over the last 30 years, UNEP has played a critical role in the development of environmental conventions and in framing the global environmental agenda through a science-based evidence approach. The first convention negotiated under the new body was the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES) in 1973. It is still one of the few conventions to have a trade-related compliance mechanism.

Another one of the key outcomes of the Stockholm Conference was the call for a second conference on Environment and Development:

*Recommends that the General Assembly of the United Nations decide to convene a second United Nations Conference on the Human Environment;<sup>6</sup>*

A meeting in the terms thought of in Stockholm was not going to happen for twenty years. However, the UNEP Governing Council 1982 was the tenth anniversary of Stockholm and offered an opportunity to move forward in a number of areas.

In 1981 experts in environmental law from governments and NGOs met in Montevideo and developed a long term programme and strategy for guiding UNEP in the area of environmental law. At the Governing Council in 1982 this long term programme was adopted as framework for UNEP to further develop environmental law.

One of the significant outcomes from the 1982 Governing Council was the call for the creation of a Commission on Environment and Development. The initial motion was put forward by the Canadian Government and was then taken up in the General Assembly. The GA created the Commission on Environment and Development chaired by the Norwegian Prime Minister, Gro Harlem Brundtland; it was set up in 1983. It made its first recommendations in 1987. One of these recommendations was that there should be another UN Conference—this time, bringing together both the environment and development agendas. UNEP had the catalytic role in the setting up of the Brundtland Commission, and later in the preparation of the two conventions that were to be agreed upon in Rio.

The Nairobi meeting of the Tenth Governing Council also reviewed the future work of UNEP and concluded that it should:

*(a) Stimulate, co-ordinate and catalyze monitoring and assessment of environmental problems of world-wide concern and initiate international co-operation in dealing with such problems;*

*(b) Promote and co-ordinate appropriate policies and programmes for rational resource and environmental management as an integral part of economic and social development with particular attention to the needs of developing countries;*

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<sup>5</sup> <http://www.unep.org/Documents.multilingual/Default.asp?DocumentID=97&ArticleID=1493&l=en>

<sup>6</sup> <http://www.unep.org/Documents.Multilingual/default.asp?DocumentID=97&ArticleID=1515&l=en>

*(c) Promote, co-ordinate and direct activities in the fields of information, education, training and national institution-building especially for developing countries, as well as the further development of environmental law and guidelines and methodologies of environmental management, and where supplementary funds are available, assist in the implementation of these activities*<sup>7</sup>

## **Rio Summit on Environment and Development**

The General Assembly in 1989, acting on a recommendation in the Brundtland Report, set up a new global summit. The Rio Summit was a mixed success for UNEP. Rio happened at the end of Dr. Tolba's term as Executive Director of UNEP—he had been in post since 1975. He originally took over from Maurice Strong, who was not only the Secretary-General of the Stockholm Conference, but also the Secretary-General of the Rio Summit as well.

In preparation for Rio a number of processes were set up. These included a separate secretariat to oversee the negotiations of Agenda 21 and what was to become known as the Rio Declaration, another for the Biodiversity Convention, and yet another for the Climate Change negotiations. Of these, UNEP had only been given responsibility for negotiating the Biodiversity Convention. The Climate Change Convention was negotiated under the General Assembly, but UNEP was given responsibility for the negotiations for the Convention on Desertification and two other conventions that would be ratified by Johannesburg—those on Persistent Organic Pollutants and Prior Informed Consent.

After Rio the new UNEP Executive Director, Elizabeth Dowdeswell, had to cope with reduced political support and the reform of UNEP. The organization had been under the same director for nearly twenty years, and it is perhaps therefore not surprising that instead of a continued increase in funding for environment after Rio, we saw a dramatic drop of nearly a third in the funding for UNEP.

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<sup>7</sup> <http://www.unep.org/Documents.Multilingual/Default.asp?DocumentID=70&ArticleID=723&I=en>

## Contributions to UNEP's Environment Fund 1973 - 2006

As at 3 February, 2006

Year	No. of contributions	Amount (USD)
1973	32	11,521,778
1991	73	59,472,788
1992	75	63,837,475
1993	75	65,619,905
1994	75	65,041,872
1995	76	57,394,008
1996	79	45,691,711
1997	87	44,216,859
1998	75	47,349,201
1999	78	44,340,845
2000	73	40,908,365
2001	79	43,987,910
2002 *	92	48,348,315
2003 *	127	52,718,463
2004 *	123	58,986,120
2005 *	98	58,961,600

UNEP<sup>8</sup>

Some of the funding went to the Global Environmental Facility and to three new conventions. An additional factor in the funding drop was the drastic reduction of funding after 1995 by the French Government. This was due to the condemnation of the French nuclear tests by UNEP's Executive Director, Elizabeth Dowdeswell. At the negotiation for the Global Programme of Action for Protection of the Marine Environment from Land-based Activities, many of the delegations discussed the issue of the nuclear tests. The lack of funding had a huge impact on UNEP's political weight what it could do in the international arena. We will return to the issue of the need for assured funding for UNEP in the final section.

Of course the main outcome document for the UN system from Rio was Agenda 21. It identified the United Nations Environment Programme the following areas:

*38.21. In the follow-up to the Conference, there will be a need for an enhanced and strengthened role for UNEP and its Governing Council. The Governing Council should, within its mandate, continue to play its role with regard to policy guidance and coordination in the field of the environment, taking into account the development perspective.*

The section, 38.22 (see Annex 1), reaffirmed UNEP's role as a catalyst, promoting international co-operation, building a strong science and assessment and monitoring systems, continuing its work in environmental law, offering support to developing countries in enabling them to develop their national legislation, and promoting public awareness of environmental problems.

<sup>8</sup> [http://www.unep.org/rmu/en/Financing\\_of\\_UNEP/Environment\\_Fund/Table\\_Byyear/index.asp](http://www.unep.org/rmu/en/Financing_of_UNEP/Environment_Fund/Table_Byyear/index.asp)

These activities that UNEP were directed to undertake reflected a feeling that it needed to focus on its core mission. So instead of the follow up to Rio extending UNEP's mandate, the main outcome was the setting up of the UN Commission on Sustainable Development.

The CSD is a functionary of the Commission of the Economic and Social Council, and its secretariat is the Division on Sustainable Development which is part of the Department for Economic and Social Affairs. There had been some discussion led by Maurice Strong to convert the Trusteeship Council into the above mentioned body, which would oversee the follow up to Rio. This would have put it in a very critical position in the UN system, as the Trusteeship Council is one of the permanent five core organs of the UN.

For its first five years, the CSD reviewed each chapter of Agenda 21. UNEP's role was to act as Task Manager for certain Agenda 21 chapters. One of the successes of the CSD was that UN Agencies and Programmes became answerable outside their own Governing Bodies. This was important as sustainable development requires a more holistic approach. Unfortunately, at the same time the CSD became the main home for Environment Ministers.

The CSD was to be the custodian of the Rio process instead of UNEP. Over the next decade the high-level space for Environment Ministers attended became the Commission on Sustainable Development—not UNEP. The CSD benefited from being an annual meeting in New York whereas UNEP meet in Nairobi. Also, the CSD was to be chaired by Environment Ministers or UN Ambassadors. The relationship between the CSD and UNEP has been one of continual friction.

As previously mentioned, Chapter 38 of Agenda 21 states that the priority areas on which UNEP should concentrate include the further development of international environmental law, in particular conventions and guidelines; promotion of its implementation; and coordinating functions arising from an increasing number of international legal agreements.

Despite its conflicting relationship with the CSD, UNEP has played a critical role in the development of the environmental architecture that we see today. It has overseen the negotiations of conventions such as the Vienna Convention on the Protection of the Ozone Layer (1985), the successful Montreal Protocol, the Basel Convention on the Transboundary Movement of Hazardous Waste (1989), the Persistent Organic Pollutants Convention (2001) as well as regional seas agreements—the first, the Mediterranean Action Plan, negotiated in 1975.

One of the key developments under Elizabeth Dowdeswell was the introduction of the Global Environmental Outlook (GEO) report. The UNEP Global Environment Outlook project was initiated in May 1995 in response to the environmental reporting requirements of Agenda 21. GEO, first published in 1997, gave a global view of the state of the environment. It has since become one of the jewels of UNEP's work.

**By 1997 UNEP was in a real mess.**

### **UNEP starts to recover**

#### **1997 - Nairobi Declaration redefines and strengthens UNEP's role and mandate**

The UNEP Governing Council met in February 1997 during the preparatory process for what was known as Earth Summit+5, or the UN General Assembly Special Session, to review implementation of Rio. The focus was to get UNEP back on firm footing. In addition to the terrible state of its finances, UNEP seemed to have

continued to lose political support and therefore its authority to act as a global custodian for the environment. With governments grappling with the comprehension of sustainable development and the CSD growing in strength, an increased role for the conventions in government time and thinking was needed. Some of the work of UNEP was being dealt with through the inter-agency bodies such as the Inter-Agency Committee on Sustainable Development. The question was how to redefine and refocus UNEP's unique role as the voice for the environment.

The Nairobi Declaration was the first step in changing UNEP's fortunes. The Declaration (see Annex 2) reaffirmed that UNEP should be the principle UN body in the field of environment. The Declaration defined its role as:

*to be the leading global environmental authority that sets the global environmental agenda, that promotes the coherent implementation of the environmental dimension of sustainable development within the United Nations system and that serves as an authoritative advocate for the global environment.*

The declaration also reaffirmed the mandate from 1972 and 1992, focusing on UNEP's role to analyse the state of the global environment and assess global and regional environmental trends, provide policy advice, early warning information on environmental threats, and to catalyse and promote international co-operation and action, based on the best scientific and technical capabilities available. It was also to again build its work on environmental law and develop more coherent interlinkages among existing international environmental conventions but also to:

*promote greater awareness and facilitate effective cooperation among all sectors of society and actors involved in the implementation of the international environmental agenda, and to serve as an effective link between the scientific community and policy makers at the national and international levels.*

## **UN Secretary-General Track Two reforms**

Also in 1997, the UN Secretary-General presented his seminal report on reform, "Renewing the United Nations: A Programme for Reform"<sup>9</sup> (1997), on which he was advised very closely by Maurice Strong. One of the outcomes was that he set up the UN Task Force on Environment and Human Settlements with new UNEP Executive Director Klaus Toepfer as the chair. Dr. Toepfer had been the German Minister of Environment and in 1994 chaired the UN Commission on Sustainable Development. He, in effect, restarted the discussions on Forests which had stalled at Rio. The Task Force on Environment and Human Settlements met four times and made its recommendations in June 1998. Another agency in bad shape, besides UNEP, was the UN Centre for Human Settlements. For two years Dr. Toepfer acted as head of both UN Agencies.

*In making its recommendations, the Task Force proceeded on a commonly shared conviction that the institutional fragmentation and loss of policy coherence as a result of the number of separate environment-related intergovernmental processes had resulted in a loss of effectiveness in the work of the United Nations in the area of environment.*

Report of the UN Secretary-General 1998, "United Nations Reform: Measures and Proposals"<sup>10</sup>

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<sup>9</sup> <http://www.un.org/reform/refdoc.htm>

<sup>10</sup> <http://www.un.org/documents/ga/docs/53/plenary/a53-463.htm>

As a set of recommendations, The Report framed the institutional reforms that UNEP needed and the challenges it faced. The remainder part of this report will look at these reform suggestions, evaluate how successfully they were implemented, and identify what remains to be done.

The recommendations fall into six areas, and we will visit five.

## **A. Inter-agency linkages**

The Task Force made the recommendation that a new Environmental Management Group be set up to replace the Inter-Agency Environment Coordination Group.

The Environmental Management Group (EMG) was created to improve coordination between UN agencies and agreements that work in the area of environment. The rationale was that it should have a:

*problem solving, results-oriented approach that enables the UN bodies and their partners to share information about their respective plans and activities; to inform and consult one another about proposed new initiatives; to contribute to a planning framework that permits the plans and activities of each participant to be reviewed within the framework of the whole range of activities being carried out by all participants, and to consult with each other with a view to developing an agreed set of priorities and on measures through which each participating organisation can best contribute to those priorities and achieve a more rational and cost-effective use in their respective capacities and resources.*

The EMG's mandate, objectives, membership, structure and secretariat, as contained in the terms of reference, include:

*The EMG mandate is: (a) to provide a UN response, and facilitate joint action in finding solutions to issues of environment and human settlements; and (b) to promote inter-linkages and information exchange, contribute to synergy and complementarity between the activities of its members and add value to existing inter-agency cooperation.*

*The EMG objectives are: (a) to identify, address and resolve collectively specific problems through securing the collaboration of its members; and (b) to provide a forum for sharing information on new and emerging issues and deciding collectively the most effective approach to deal with them.*

*The EMG membership will consist of all the specialized agencies, programmes and organs of the UN system and all the secretariats of MEAs. Representatives of civil society and international non-governmental organizations (NGOs) may participate by invitation of the Chair.*

*The EMG structure will have a senior-level decision-making body chaired by UNEP's Executive Director, and ad hoc issue-management groups which will be time-bound.*

*The EMG secretariat will be provided by UNEP.*

The EMG started functioning in January 2001. To support the work UNEP set up, a small EMG secretariat was established in Geneva in June 2003. Since 2001, the EMG has held ten meetings and it has established a number of issue-management groups. The aim of these groups has been to work for the harmonization of reporting on biodiversity-related conventions, sustainable procurement, environmental aspects of water and sanitation, and capacity-building in the areas of biodiversity and chemicals.

In 2006, a review of the progress of the EMG was held, and in the discussion paper the Chair said:

*While recognizing that some modest progress had been made in certain programme areas over the last five years, there is general consensus that EMG had not lived up to expectations. Most UN partners feel that the real issues hampering progress has yet to be comprehensively addressed. There is also a broad agreement that an effective EMG is particularly crucial at this juncture, with Member-States and UN reform initiatives squarely focusing attention on inefficiencies arising due to lack of coordination and the value added of enhanced system-wide coherence in the field of environment --a serious challenge at a time when the UN is faced with decreasing resources to expend on such coordinating arrangements.<sup>11</sup>*

Another attempt to strengthen interlinkages was made by UNEP's Governing Council at its twenty-third session in February 2005. It agreed to the Bali Strategic Plan for Technology Support and Capacity-Building (BSP) which stipulated that the BSP:

*should support improved inter-agency coordination and cooperation, and that as part of its approach work must be coordinated, linked with efforts already in progress and integrated with other sustainable development initiatives using existing coordinating mechanisms, such as the EMG, the United Nations Development Group (UNDG) and the resident coordinator system. The BSP also states that UNEP should work to achieve improved and enhanced communication, cooperation, coordination and synergies with other UN organizations, international financial institutions, regional development banks, MEA secretariats, civil society and relevant stakeholders, in order to ensure optimum use of limited financial and human resources, strengthen regional and country level activities and provide a platform for multilateral approaches and consistency.*

## **Assessment of the performance of EMG**

One of the critical issues relating to the effectiveness of the EMG has been its lack of resources. In the first period it has, however, had some success in the harmonization of reporting on biodiversity-related issues and capacity-building in the field of chemicals management.

It has been recognized since the early meetings of the CSD that the burden put on developing countries in relation to reporting has grown enormously. WSSD and UNEP have both stated in resolutions the need to simplify this burden, while recognizing that developing countries must still deliver vital information. The UNEP World Conservation Monitoring Centre was asked in 2003 to undertake a pilot study in four developing countries and reported back "recommending further liaison meetings between secretariats, national-level approaches and collaborative workshops."<sup>12</sup> The EMG then decided that its own members should implement the recommendations of the report in relation to biodiversity-related conventions. The work after three years report "revealed the difficulties in achieving harmonized reporting and brought clarity in terms of identifying the obstacles."<sup>13</sup>

The other area in which the EMG undertook work was in the area of capacity-building for chemicals management. UNITAR prepared for the EMG a situation and needs analysis; this provided an overview of the existing policy framework, activities and coordinating arrangements in the area of chemicals management capacity-building in the UN system. UNITAR's report contributed to "international dialogue to explore opportunities to enhance information exchange and coordination in the area of chemicals management capacity-building and to identify possible areas in which the EMG might provide value-added. The Chairman of EMG's discussion paper said, "The report was made available and considered by EMG, the High-Level Open-Ended Intergovernmental Working Group, to develop an intergovernmental strategic

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<sup>11</sup> *High-Level Forum of the United Nations Environment Management Group Chairman's Discussion Paper* 24 January 2006

<sup>12</sup> *High-Level Forum of the United Nations Environment Management Group Chairman's Discussion Paper* 24 January 2006

<sup>13</sup> *High-Level Forum of the United Nations Environment Management Group Chairman's Discussion Paper* 24 January 2006

plan for technology support and capacity-building, and by IOMC during its discussions to develop a strategy for chemical management capacity-building.”<sup>14</sup>

This resulted in recommendations at WSSD for the development of the Strategic Approach to International Chemicals Management (SAICM).

In 2004 the UNEP Executive Director/EMG Chair commissioned an independent evaluation of the work of the EMG. The committee reported in February 2005, and the results were presented to the 23rd session of the UNEP Governing Council/Global Ministerial Environment Forum in Nairobi. Key concerns addressed in the evaluation included:

- *EMG’s Secretariat and work has developed much more slowly than desired.*
- *EMG is largely perceived as a support body for UNEP. Its meetings have not been very focused and have been dominated by a UNEP-specific agenda.*
- *EMG’s relationship to other inter-agency bodies is unclear and risks duplication. It has even supplanted other useful bodies such as the Ecosystem Conservation Group (ECG).*
- *EMG attendance has been poor with representation at a lower level than originally designed.*
- *EMG needs to provide more value-added with specific benefits for its members to ensure their full commitment and participation.*
- *EMG has had a very limited impact on information exchange.*
- *EMG now needs to refocus more on integrating environmental concerns in the work of all relevant bodies, including at the regional level.*

An additional challenge for the EMG is the consideration of its role in relation to other interagency groups such as UN Water, UN Oceans and UN Energy, all of which at present report to the High Level Committee on Programmes (HLCP) of the Chief Executives Board (CEB) for Coordination, and what role EMG might have directly to the CEB for identifying environmental priorities.

A final challenge for it will be the input to the new Panel set up by the Secretary-General which will develop “concrete and comprehensive analysis and recommendations on UN system-wide coherence in the fields of humanitarian assistance, environmental activities and development.” Within this new panel the environment component will address two key issues:

- how to achieve more comprehensive and coherent implementation, monitoring and management of the growing range of MEAs;
- how to achieve better integration of the crucial environmental aspects of sustainable development in UN country-level activities, especially in capacity-building and technology support

## **B. Linkages among, and support to, environmental and environment-related conventions**

The Secretary-General’s Track Two recommendations saw an increased role for UNEP in inputting to and in dealing with the need for better inter-linkages between the conventions. The recommendations concluded that UNEP should “build its capacity and its networks of support in order to ensure the scientific underpinning of conventions to respond to their specialized analysis and technological assessments, and to facilitate their implementation.”

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<sup>14</sup> *High-Level Forum of the United Nations Environment Management Group Chairman’s Discussion Paper 24 January 2006*

Following up the Track Two recommendations, UNEP initiated a review of international environmental governance leading up to the World Summit on Sustainable Development. One of the key aspects of the review was to promote an attempt by governments to cluster conventions, simplifying the structure of the conventions by classifying and grouping them into specific areas. Stakeholder Forum's contribution to that discussion was a paper in 2001 which suggested that MEAs can be crudely divided into 7 key areas (*Inter-linkages among Multilateral Environmental Agreements, Paper # 3, WHAT Governance Programme, Stakeholder Forum, 2001*)<sup>15</sup>:

- *Oceans and regional seas*: UN Convention on the Law of the Sea;
- *Biodiversity*: UN Convention on Biological Diversity;
- *Chemicals and Hazardous Wastes*: Rotterdam Convention on Prior Informed Consent Procedure for Certain Hazardous Chemicals and Pesticides in International Trade;
- *Energy, climate change and atmosphere*; UN Climate Change Convention;
- *Nuclear Energy and the testing of Nuclear Weapons*; Comprehensive Test Ban Treaty;
- *Freshwater*; Nine Basin Agreement; Convention for the Protection of the Rhine;
- *Land*; UN Convention on Desertification;

In its paper, Stakeholder Forum highlighted some of the specific advantages of clustering:

**Co-location of clusters:** This would move from the present system of governments offering to host convention secretariats to a co-location around the six clusters. This might mean six different countries but preferably they should be located in a UN centre which would probably mean Nairobi, Bangkok, Addis, Geneva and Bonn (though it is not a UN centre);

**Review of regional conventions:** There are a great number of regional conventions and they require a comprehensive review to see if they can be grouped under the clusters with regional hubs, to simplify their structures and maximize possible financial and technical opportunities.

**Joint secretariat functions:** There are considerable financial savings to be made from each cluster having one centre of administrative staff to organize meetings and service the programme staff.

**Joint meetings of the Bureaus within a cluster:** Bureau meetings might be backed onto a meeting of the Environmental Ministers Forum to ensure that a joint line is presented to the Ministers to enable action taken by the Ministers when they meet.

**Joint meetings of the heads of the scientific and technical committees within a cluster and, when relevant, between clusters:** The need to share knowledge between the different scientific and technical bodies is an area that is often over-looked. A meeting on a bi-annual basis would enable a greater understanding of overlaps, gaps and actions required. The use of the Internet to integrate the information provision of the committees would also help.

**Appointment of an overall Head of each cluster:** Each cluster would benefit from an overall head to ensure that the conventions within the cluster are being coordinated. The overall Head of all the clusters should be the Executive Director of UNEP. UNEP should be seen as the facilitator of the clusters to ensure a united front between clusters and within them.

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<sup>15</sup> <http://www.stakeholderforum.org/policy/governance/mea.pdf>

**Introduction of knowledge management (KM) within clusters and between clusters:** KM offers a great way of sharing knowledge and experience both vertically and horizontally. Many of the clusters will experience similar issues, and with KM, these issues will not have to be discussed six times, but rather once, and the information shared put into a knowledge bank to the benefit of the others.

**Agreement of a methodological framework for indicators to enable measurement of enforcement and compliance:** The discussion on indicators has lately focused on the need to create a recognized series of key global indicators.

Much of what Stakeholder Forum advocated was building on the Track Two recommendations, but unfortunately this was too far for most governments to go in 2002. The outcome of the UNEP process fed into the WSSD governance for sustainable development, which became Chapter XI, entitled "Institutional Frameworks for Sustainable Development." The chapter had a few recommendations:

- (d) Strengthening coherence, coordination and monitoring;*
- (e) Promoting the rule of law and strengthening of governmental institutions;*
- (f) Increasing effectiveness and efficiency through limiting overlap and duplication of activities of international organizations, within and outside the United Nations system, based on their mandates and comparative advantages;*

UNEP's 23<sup>rd</sup> Governing Council gave further guidance on this issue, as we mentioned in the previous section:

*UNEP should work to achieve improved and enhanced communication, cooperation, coordination and synergies with other UN organizations, international financial institutions, regional development banks, MEA secretariats, civil society and relevant stakeholders, in order to ensure optimum use of limited financial and human resources, strengthen regional and country level activities and provide a platform for multilateral approaches and consistency.*

The reality is that little has happened in this area, and perhaps the new Panel of the Secretary-General following up the World Summit 2005 will have the authority to address this, as it has three sitting Heads of State co-chairing it.

#### **D. Information, monitoring, assessment and early warning**

The Track Two recommendation sought to see UNEP's role as an "environmental guardian" enhanced, particularly in the area of monitoring the state of the global environment. The most significant development since these recommendations has been that of the Global Environmental Outlook (GEO). The UNEP Governing Council decision of May 1995 called for the production of "a new comprehensive global state of the environment report," as previously discussed in an earlier section.

UNEP undertook this work through a coordinated global network of Collaborating Centres (CCs). These centres have played an increasingly active role in preparing GEO reports. They are responsible for nearly all the regional inputs, "combining top-down integrated assessment with bottom-up environmental reporting." In addition, other institutions provide expertise on cross-cutting and thematic issues, and UN agencies also provide substantive data and information on the many environmental and related issues that fall under their individual mandates.

There have been three GEO reports so far: *GEO-1* in 1997; *GEO-2000* in 1999, and *GEO-3* in 2002. The next comprehensive GEO report (*GEO-4*) is due in 2007. The UNEP GC in 2003 requested the production of additional annual GEOs which highlight “significant environmental events and achievements during the year.”

In 1973, UNEP set up Earthwatch, whose objective was to coordinate all environmental monitoring and assessment activities throughout the entire UN system. To help achieve this, Earthwatch has also built working partnerships with NGOs, governments and the scientific community. The mission statement of Earthwatch says:

*It is to coordinate, harmonize and integrate observing, assessment and reporting activities across the UN system in order to provide environmental and appropriate socio-economic information for national and international decision-making on sustainable development and for early warning of emerging problems requiring international action. This should include timely information on the pressures on, status of and trends in key global resources, variables and processes in both natural and human systems and on the response to problems in these areas.*<sup>16</sup>

Track Two recommendations called for a strengthening of Earthwatch. By 2006 the activities of Earthwatch Coordination included:

- **Maintaining an effective UN system-wide Earthwatch process** through inter-agency coordination, harmonization and integration of environmental observations, assessments and reporting through the annual Earthwatch Working Party, the Earthwatch web site, electronic communications with focal points, and other inter-agency activities.
- As Earthwatch Task Manager, and in collaboration with the UN Division for Sustainable Development, **follow up the implementation of Agenda 21 Chapter 40: Information for Decision-making**, which is the cross-cutting theme for the Commission for Sustainable Development in 2001.
- Providing strategic direction, and **supporting the implementation of the UNEP Environmental Observing and Assessment Strategy** through a UN Foundation/UN Fund for International Partnerships project developed and launched through Earthwatch Coordination.
- **Supporting the Global Environment Outlook (GEO) process and other UNEP state-of-the-environment reporting** through direct inputs, capacity-building in GEO Collaborating Centres, and organizing participation by the UN system in GEO.
- Providing **UNEP leadership in the Integrated Global Observing Strategy (IGOS) Partnership** between space agencies, UN agencies, global research programmes and observing systems, and in the Global Observing Systems (GCOS, GOOS, GTOS) and their Sponsors Group:
  - contributing to secretariat services for the IGOS Partnership,
  - maintaining the IGOS web pages (<http://www.igospartners.org/>),
  - participating as possible in the intergovernmental meetings and steering committees of the G3OS.
- **Strengthening collaboration and coordination with the scientific community:**
  - reviewing international scientific advisory processes for environment and sustainable development,
  - supervising development by the Scientific Committee on Problems of the Environment (SCOPE) of a strategic cooperative network for early warning.
- Stimulating the development of **indicators of environment and sustainable development**, including:
  - collaboration with the UN Division for Sustainable Development in implementing the Commission on Sustainable Development work programme on indicators of sustainable development,
  - participation in the Consultative Group on Sustainable Development Indicators,
  - co-operation with targeted programmes of other agencies to develop sectoral indicators.

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<sup>16</sup> <http://earthwatch.unep.net/about/index.php>

- *Providing UNEP guidance and supporting information resources for **assessment and action on Small Island Developing States (SIDS), coral reefs, and marine environmental and international waters assessments**:*
  - documentation centre and on-line bibliography,
  - UNEP islands web page (<http://www.unep.ch/islands.html>).
  - on-line Island Directory of over 2000 islands,
  - training materials on island environmental management.

In 2005, the tsunami disaster highlighted the need for the work of Earthwatch more than perhaps any single event had done before. Without the work of Earthwatch it would have been clear that the environment would have been given an even lower role in the rebuilding process. President Clinton's comments that "we need to build back, build better" was also impacted by the recognition that the setting up of proper early warning system and proper response mechanisms are vital for the future.

## **E. Intergovernmental forums**

To strengthen UNEP's role in the different intergovernmental forums, the Task Force recommendations were focused at five key areas:

- The EMG should help governments to achieve coherence by providing coordinated overviews of activities, plans and policy approaches in the United Nations system as a whole,
- The UNEP regional offices should work with governments to help them review global commitments within a regional focus,
- UNEP should "establish [an] annual, ministerial-level, global environmental forum in which environment ministers can gather to review and revise the environmental agenda of the United Nations in the context of sustainable development; oversee and evaluate the implementation of that agenda; discuss key issues in depth; identify challenges requiring international environmental cooperation and develop plans of action for meeting them; review the role of UNEP in relation to GEF; and engage in a variety of discussions with their peers, with representatives of international institutions and with major groups. In the years when it meets, the UNEP Governing Council should be that intergovernmental forum. In alternate years, the forum should be a special session of the UNEP Governing Council, which would focus on issues of high priority. The venue of these special sessions should move from region to region, and regional issues should feature prominently on their agenda,"
- Within the GEF, UNEP should act as a catalyst and advocate for new directions, and should take the lead among the three GEF implementing agencies in providing environmental advice.

As mentioned in the beginning of this report, one of the trends after Rio was for more Environment Ministers to attend the CSD, rather than go to UNEP meetings. For UNEP to re-establish itself as the main forum for Environment Ministers, it needed to create, as the Task Force had recommended, a new body with an exciting agenda to which the Ministers would come. In response to the recommendation, UNEP convened the first-ever Global Ministerial Environment Forum in Malmoe, Sweden in May of 2000. UNEP has now convened such forums every two years. The most recent one in Dubai had over 150 Ministers in attendance.

It is probably not surprising that the success of these Forums has not only increased UNEP's political weight and profile, and also coincides with the increase in its funding from \$40 million in 2000 to \$56 million in 2005.

## F. Involvement of Major Groups

The set of recommendations on Major Groups and NGOs made by the Task Force are a significant recognition of the advancement in stakeholder involvement that had occurred during the 1990s within the UN system.

The Panel contained a number of key NGOs, but also a number of key officials who had worked closely with stakeholders over the past decade, including Maurice Strong and the chair Klaus Toepfer. In reference to UNEP the recommendations said it “should be reformed, as an initial step, to come up to the standard of the Commission on Sustainable Development with respect to the involvement of major groups.” This confirmed the role that the CSD had played in setting the standard for stakeholder involvement in the UN during the early part of the 1990s.

UNEP, like much of the UN, has had problems in deciding whether it is dealing with NGOs, Civil Society, Major Groups or stakeholders. The term NGO has been the traditional way the UN defined anything that was not central government. This included local and regional government as well as business associations. With Agenda 21 the term Major Groups came into existence.<sup>17</sup> This change is reflected in the 1995 Governing Council resolution which called upon UNEP to develop a framework for working more closely with NGOs. Consequently, UNEP agreed to support NGO and Major Group input into project design, implementation, evaluation, policy development as well as environmental governance. These decisions were formalised in UNEP’s Manual on Project Formulation, Approval, Monitoring and Evaluation.<sup>18</sup>

The term stakeholders entered the vernacular after the Five-Year review of Rio, as other groups not represented within the nine major groups felt the term “Major Group” limiting their involvement within the UN. Groups such as the education community, regional government and older people found themselves at all levels not being invited to consultations because governments and parts of the UN started with Agenda 21’s Major Groups.

In response to the Task Group Report in 1999, UNEP set up the NGO Unit within the Division of Policy Development and Law. The Unit in 2003 became a Branch headed by a D1 and changed its name to Major Groups and Stakeholders branch, representing the changing nature of UNEP’s relationship with “non-government organizations”. The branch does not encompass the relationship UNEP has with business and industry, as this has historically been undertaken by the Paris Industry Office of UNEP, although the Major Groups and Stakeholders branch now has a staff person in Paris to coordinate with the Industry Office.

The UNEP web site identifies the advantages of working with UNEP as an accredited organization:

*In the process leading up to sessions of the UNEP Governing Council/Global Ministerial Environment Forum the accredited non-governmental organizations have the possibility:*

- 1. To receive unedited working documents of the UNEP Governing Council/Global Ministerial Environment Forum at the same time as the Committee of the Permanent Representatives;*
- 2. To submit to the UNEP Secretariat written contributions to these unedited working documents of the Governing Council/Global Ministerial Environment Forum, for distribution to the Government.*

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<sup>17</sup> According to Agenda 21, the 9 Major Groups are: Women, Youth and Children, Farmers, Indigenous Peoples, NGOs, Local Governments, Trade Unions, Science and Technology and Business and Industry

<sup>18</sup> Victoria Elias and Jan-Gustav Strandenaes. (2005) UNEP, “Civil society and the implementation of the emerging environmental agenda in the 21<sup>st</sup> century”.

During the session of the UNEP Governing Council/Global Ministerial Environment Forum, accredited non-governmental organizations have the opportunity:

1. To attend the plenary, the Committee of the Whole and the Ministerial Consultations discussions as observers;
2. To circulate written statements to Governments through the UNEP secretariat;
3. To make oral statements during the discussions of the Governing Council/Global Ministerial Environment Forum at the invitation of the chairperson.

UNEP has developed a process over the last three years where the Regional Offices of UNEP conduct a consultation with predominantly NGOs, although some of the offices have invited Trade Unions, Women, Youth, Local government and Business and Industry. An additional complication to the engagement with stakeholders for UNEP is the role of National Committees.

UNEP Region	Number of NatComs	Countries
Asia and Pacific	1	South Korea
Northern America	2	Canada and USA
Latin America and Caribbean	4	Argentina, Brazil, Jamaica and Peru
Europe	26	Armenia, Azerbaijan, Belarus, Bulgaria, Czech Republic, France, Georgia, Germany, Greece, Hungary, Israel, Italy, Kazakhstan, Kyrgyzstan, Malta, Moldova, The Netherlands, Norway, Romania, Russia, Sweden, Spain, Turkey, United Kingdom, Ukraine and Uzbekistan

*From: Victoria Elias and Jan-Gustav Strandenaes. (2005) UNEP, "Civil society and the implementation of the emerging environmental agenda in the 21<sup>st</sup> century"*

As can be seen the majority of the Committees are in Europe, and at present there is no template for how they should operate. Though there is a recommendation that they should now be based on Major Groups, only one to date is based on that concept, and that one is in the UK.

The Civil Society Forum that occurs before the UNEP GC or Global Environmental Ministers Forum again is unsure as to its position in the UN framework. Industry has been included before, and at other times industry and youth have had separate processes—when it comes to input to the Ministerial meeting only two “civil society” representatives are allowed. These anomalies are ones to be addressed in the future but it is clear that the Track Two recommendations have been taken seriously by UNEP and that they have made a considerable effort to implement them.

What is still needed is the development of a role for stakeholders within the divisions of UNEP. At present this is very ad hoc and there should be an effort over the next few years to standardize the approach taken by the Divisions in a sufficiently transparent manner.

### **Possible role of a reconstituted United Nations Trusteeship Council**

Finally the Task Force recommended that “UNEP Governing Council undertake wide-ranging consultations concerning institutional arrangements for dealing with the environmental challenges of the next century.” Specifically it asked that a two-day environment forum be held in conjunction with the next Governing

Council and recommended to the Millennium Assembly, “forward-looking proposals for the protection of the global environment, including the possible future role of the Trusteeship Council.”

Although the idea of the Trusteeship Council has not progressed since then, another approach which recognizes the weak position that UNEP has in the UN system as an Agency has gained momentum. This initiative surprisingly has come from the French Government.

Reform of international environmental governance has been debated in the international arena for several years, with many calling for the development of a coherent structure of environmental governance. The current system is fragmented and complex, with a multitude of agencies, structures, and bodies mandated to work in the field of sustainable development. This structure is considered to lead to an ineffective and inefficient multiplication of efforts. As a result of these concerns, a number of proposals for reform of international environmental governance have been put forward.

Also within UNEP two key developments at the Seventh Special Session of the Governing Council/Global Ministerial Environment Forum Cartagena, 2002 were:

Access dues for member countries on the basis of UN scale to broaden the base of contributions to, and to enhance predictability in the voluntary financing of the Environment Fund, there should be a voluntary indicative scale of contributions, to be developed specifically for UNEP’s Environment Fund, taking into account, *inter alia*, the United Nations scale of assessment as well as the following:

- (a) *A minimum indicative rate of 0.001 per cent;*
- (b) *A maximum indicative rate of 22 per cent;*
- (c) *Maximum indicative rate for the least developed countries of 0.01 per cent;*
- (d) *Economic and social circumstances of the Member States, in particular those of developing countries and countries with economies in transition;*
- (e) *Provisions to allow for any Member State, in a position to do so, to increase its level of contributions over and above its current level.*<sup>19</sup>

- Universal Membership, i.e. all countries will be members.  
*Universal participation of Members States of the United Nations and members of its specialized agencies in the work of the Governing Council/Global Ministerial Environment Forum should be ensured. The question of establishing universal membership for Governing Council/Global Ministerial Environment Forum is an important but complex issue that should be considered in the broader context of the preparatory process of the World Summit on Sustainable Development and be reviewed at the twenty-second session of the Governing Council/Global Ministerial Environment Forum based on the outcome of the Summit.*<sup>20</sup>

Both of these issues, universal membership and assessed dues, are still being discussed at UNEP meetings.

Also at Cartagena 2002, the report on International Environmental Governance reported a number of ideas for strengthening the global environmental voice. These included:

- (a) *Upgrading UNEP from a United Nations programme to a full-fledged specialized agency equipped with suitable rules, a new redefined mandate and its own budget funded from assessed contributions from Member States, with a system of assessed contributions. Such an approach would involve the negotiation of a charter, its entry into*

<sup>19</sup> <http://www.unep.org/gc/GCSS-VII/Reports.htm>

<sup>20</sup> <http://www.unep.org/gc/GCSS-VII/Reports.htm>

force as a legal agreement constituting a new organization and the dissolution of UNEP by the General Assembly. The time frame involved from a legal and institutional perspective appears to indicate that this approach would be a medium to long-term option;

(b) *Utilization of the General Assembly or the Economic and Social Council in a more comprehensive institutional manner, for example by integrating deliberative aspects of the work of the Commission on Sustainable Development into the Economic and Social Council;*

(c) *Establishment of a new world environment organization. Issues that would need to be addressed are: what functions it would have; whether it would act as a parent organization for the various multilateral environmental agreements; and what financial resources and legal authority it would be endowed with. Considerations similar to those which apply to the creation of a specialized agency would apply and, as such, this option would be a medium to long-term possibility;*

(d) *Transformation of the Trusteeship Council, one of the six principal organs of the United Nations, into the chief forum for global environmental matters, including administration of multilateral environmental agreements, with the Commission on Sustainable Development reporting to an economic security council rather than to the Economic and Social Council;*

(e) *Some consolidation of the functions of UNDP and UNEP, possibly at the functional and operational level;*

(f) *Broadening of the mandate of GEF to make it the financial mechanism of all global environmental agreements and linking it more closely with UNEP to ensure coherence between policy and financing;*

(g) *Raising the profile of the Commission on Sustainable Development to integrate the three "pillars" - environmental, social and economic - with greater involvement alongside other programmes and the United Nations Development Group and involving ministries other than environment ministries;*

(h) *Establishment of an environmental court to address issues, particularly of dispute settlement and transboundary disputes related to environmental resources.<sup>21</sup>*

In September 2003, one such proposal was put before the United Nations General Assembly by the French Government, in which President Chirac stated:

*Against the chaos of a world shaken by ecological disaster, let us call for a sharing of responsibility, around a United Nations Environment Organization.*

The French proposal has developed over the last three years and has called for the transformation of the United Nations Environment Programme into a United Nations Environment Organisation. The idea of developing a World Environment Organisation has been circulated on the international stage in the past, but was met with scepticism and hesitation. Lack of political will to engage in the debate and concern over the complexities surrounding the development of such an organisation meant that this discussion did not progress. In the current context, however, the proposal of the French Government has struck a chord among many stakeholders and governments concerned with mainstreaming sustainable development, and have renewed debates of strengthening international environmental governance.

France set up two informal working groups, one in New York and the other in Nairobi, bringing together 26 countries<sup>22</sup> from the all over the world, as well as the European Commission. The working groups' role was

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<sup>21</sup> <http://www.unep.org/gc/GCSS-VII/>

identify reforms for UNEP and also to consider transforming UNEP into a UNEO. The initiative was based on the observations that:

- *The degradation of the environment has been recognized as one of the most serious threats, not just for the future of the planet and its natural resources, but also for the survival of human kind. Climate change, the loss of biodiversity, desertification, and an ever-increasing number of natural disasters affect all countries and all peoples – in particular, those that are most vulnerable. This observation, already included in the Millennium Declaration (UN, 2000), gained weight in the January 2005 UN Millennium Project Report, “Investing in Development: A Practical Plan to Achieve the Millennium Development Goals,” which recommended structural changes in order to be able to reach Millennium Development Goal 7, including the strengthening of governance and of competent agencies;*
- *Since the creation of UNEP in 1972, there have been attempts to strengthen environmental governance – and, in particular, following the Earth Summit in Rio de Janeiro in 1992 (where the UN Commission on Sustainable Development was formed) and the Johannesburg Summit in 2002. These important efforts have been made at an international level. At Johannesburg, the heads of state and government stressed the importance of the institutional framework for sustainable development, and asked that the concrete recommendations adopted at the UNEP Governing Council in Cartagena in February 2002 be fully implemented. The goal of these recommendations is to strengthen UNEP so that it can fulfill its mandate as the principal agency for international environmental governance. UNEP duly initiated a process for the strengthening of environmental governance, when it decided in February 2002 to ‘consider further measures for the strengthening of the United Nations Environment Programme in light of the outcome of the World Summit on Sustainable Development at its twenty-second session’. (UNEP, 2002). However, this crucial move does not go far enough;*
- *At the present time, the international community is having difficulty in adequately responding to global phenomena that threaten or degrade the environment, as well as in providing sufficient support to countries that need it. This situation is made even more worrying by the fact that these challenges will only increase in the coming years.<sup>23</sup>*

Discussions on the reform of the United Nations Environment Programme have been central to this debate on international environmental governance reform. In 2001, UNEP created an Open-Ended Intergovernmental Group on International Environmental Governance to explore possibilities for strengthening environmental governance. A programme for implementing the Group’s recommendations and further measures for strengthening UNEP have since been pursued, culminating in such outcomes as the Bali Strategic Plan for Technology Support and Capacity-Building and strengthened mechanisms for civil society input into UNEP (such as the coinciding of the UNEP Governing Council and Global Civil Society Forum). Debates continue as to whether the current programme of reform is comprehensive enough to redress weaknesses in the global environmental architecture.

The question of strengthening international environmental governance has been linked to the overall UN reform process and has, as a result, gained high-level political momentum. In preparation for the World Summit, the UN Secretary-General’s report entitled *In Larger Freedom* served to highlight this issue on the international agenda. In this document he states:

*It is now high time to consider a more integrated structure for environmental standard-setting, scientific discussion and monitoring treaty compliance. This should be built on existing institutions, such as the United*

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<sup>22</sup> The countries involved in the informal intergovernmental working groups are: Belgium, Brazil, Burkina Faso, Canada, China, Colombia, Czech Republic, France, Germany, India, Indonesia, Italy, Japan, Kenya, Luxembourg, Mexico, Morocco, Nicaragua, Nigeria, Norway, Senegal, South Africa, Sweden, Switzerland, United Kingdom, Vietnam, and the European Commission.

<sup>23</sup> Serge Lepeltierin *Reforming Environmental Governance in Human and Environmental Security* edited by Felix Dodds and Tim Pippard

*Nations Environment Programme, as well as the treaty bodies and specialized agencies. Meanwhile, environmental activities at the country level should benefit from improved synergies, on both normative and operational aspects, between United Nations agencies, making optimal use of their comparative advantages, so that we have an integrated approach to sustainable development, in which both halves of that term are given their due weight.*<sup>24</sup>

The World Summit itself gave further support to this debate, with world leaders agreeing to “explore the possibility of a more coherent institutional framework to address this need, including a more integrated structure...”<sup>25</sup>

As Serge Lepeltier, the former French Environment Minister, said in his chapter for the Stakeholder Forum book, *Human and Environmental Security*:

*First of all, it is essential for the steering authorities to be clearly identified. At the present time, UNEP and the Conference of Parties to the major environmental agreements are sharing power; no single body, however, is invested with the role of arbiter that is crucial for ensuring overall coherence, the first requirement to be met by UNEO.*

*Secondly, because financial resources, in particular, are scarce, it has become vital to rationalize and pool their use. The challenges we have to meet are so varied and great in number that they require significant resources. We should bear in mind the large number of multilateral agreements governing environmental issues, and that their areas of application sometimes overlap. In view of this, it should be possible to list those of their functions that may be pooled together. As all agreements would benefit from such a move, so would the environmental issues addressed by them. But who could implement such a rationalization, other than an ‘authority’ invested with the required legitimacy?*

*Thirdly, both the international community and public opinion need to get their bearings: given the complexity of the issues we are dealing with, in terms of the international environment, it is difficult for us to make the great majority of people understand their crucial importance; it is no easier to clarify who does what and how and for what purpose. Yet the environment is everyone’s concern. Given the power of the media in a world such as ours, it is surprising that the environment should be denied institutional representation, like health (through the World Health Organization, WHO), culture (through UNESCO), trade (through the World Trade Organization, WTO), and even intellectual property (through the World Intellectual Property Organization, WIPO).*

*Finally, with a view to sustainable development, it is important to build more balanced relations with the major international institutions. I am well aware that this is of particularly sensitive concern to some of our major partners. I think it would nonetheless be unrealistic to examine the issue of international environmental governance while disregarding the institutional context within which it is to be implemented. The principal institutions I mentioned – including the WTO, the WHO, and UNESCO – address, for their own specific purposes, issues relating closely to the environment. Yet what weight does the executive secretariat of a multilateral agreement truly carry when faced with these organizations? A UNEO would very likely help to establish more balanced relations and ensure that the voice of the environment was heard and noted.*

It looks like 2006 could be the most important year for International Environmental Governance (IEG). Two processes have started which will change the landscape of IEG. The French initiative was formally launched as a General Assembly process on the 29<sup>th</sup> of January when the President of the Governing Council, Mr. Eliasson, as a “discussion devoted to the reinforcement of international environmental governance.”<sup>26</sup> This

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<sup>24</sup> In Larger Freedom: Towards Security, Development and Human Rights for All, Report of the Secretary-General of the United Nations for Decision by Heads of State and Government in September 2005.

<sup>25</sup> World Summit Outcome Document, 15 September 2005.

<sup>26</sup> Speech by Minister of Ecology and Sustainable Development of France at Dinner in Dubai at the UNEP Governing Council February 2006

process will be under the Swiss and Mexican Ambassadors. At the UNEP Global Environmental Ministers Forum in Dubai in February 2006 the French Minister of Ecology and Sustainable Development announced that 90 states had committed to the setting up of a UNEO. This is a long way from the announcement made by President Chirac in 2003, but the proposal at present has some large countries opposing it, including Brazil and the United States.

The second initiative was that of the Secretary-General, who has set up a Panel on UN System Wide Coherence<sup>27</sup> chaired by three Prime Ministers to explore how the United Nations system could work more coherently and effectively across the world in the areas of development, humanitarian assistance and the environment.

The objective of the panel is to create more tightly managed United Nations entities in the fields of the environment, humanitarian assistance and development. The Secretary-General in his press release for setting up the Panel said:

*[I] strongly believe that a fundamental review of these activities is central to the long-term success of the overall United Nations reform process and critical if the United Nations system is to be able to play its role in supporting Member States to achieve the Millennium Development Goals.*

## Conclusion

It is clear that International Environmental Governance will look very different in 2007 to what it does today. The reforms identified in the 1998 Task Force report have played a critical role in defining the landscape of the problem facing environment in the UN system at that time and giving a roadmap to how those problems needed to be faced.

We have tried to show in this report the historical development of environmental issues within the UN, and to try and reflect the successes and setbacks that the 1998 reform package has had.

If the decision that governments want to negotiate new UN body on environment, 2006 will just be the beginning of that process. It is likely, however, that any future body will not be set up before there is a new person in the White House.

Although the French and several NGOs have differing ideas on the type of environmental body that should be created, the discussion on what a new body would look like and what role it can play with the MEAs and WTO can only benefit the environment, as it will bring the discussion to more parts of government than are at present aware of, or interested in, the environment.

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<sup>27</sup> Shaukat Aziz (Co-Chair) Prime Minister, Pakistan, Gordon Brown, Member of Parliament, United Kingdom Chancellor of the Exchequer, Luisa Dias Diogo (Co-Chair) Prime Minister, Mozambique, Mohamed T. El-Ashry, Egypt Senior Fellow, United Nations Foundation Former Chairman and CEO of the Global Environment Facility (GEF), Robert Greenhill, President of the Canadian International Development Agency Deputy Minister, International Cooperation, Canada, Ruth Jacoby Director-General for Development Cooperation, Ministry for Foreign Affairs, Sweden, Ricardo Lagos Escobar President of the Republic of Chile, Louis Michel, Belgium European Commissioner for Development and Humanitarian Aid, Benjamin W. Mkapa Former President, United Republic of Tanzania, Jean-Michel Severino, France Director General, French Development Agency Former Vice President of the World Bank East Asia and the Pacific, Josette S. Shiner Under Secretary for Economic, Business and Agricultural Affairs, United States Department of State, Jens Stoltenberg, (Co-Chair) Prime Minister, Norway, Keizo Takemi Member of the House of Councillors, Liberal Democratic Party Former State Secretary for Foreign Affairs of Japan, Ex Officio Members, Kemal Derviş, Turkey Administrator of the United Nations Development Programme (UNDP) Former Turkish Finance Minister Lennart Båge, Sweden President of the International Fund for Agricultural Development (IFAD)

## Annex 1

### Agenda 21 (1992)

38.22. *Priority areas on which UNEP should concentrate include the following:*

*(a) Strengthening its catalytic role in stimulating and promoting environmental activities and considerations throughout the United Nations system;*

*(b) Promoting international cooperation in the field of environment and recommending, as appropriate, policies to this end;*

*(c) Developing and promoting the use of such techniques as natural resource accounting and environmental economics;*

*(d) Environmental monitoring and assessment, both through improved participation by the United Nations system agencies in the Earthwatch programme and expanded relations with private scientific and non-governmental research institutes; strengthening and making operational its early-warning function;*

*(e) Coordination and promotion of relevant scientific research with a view to providing a consolidated basis for decision-making;*

*(f) Dissemination of environmental information and data to Governments and to organs, programmes and organizations of the United Nations system;*

*(g) Raising general awareness and action in the area of environmental protection through collaboration with the general public, non-governmental entities and intergovernmental institutions;*

*(h) Further development of international environmental law, in particular conventions and guidelines, promotion of its implementation, and coordinating functions arising from an increasing number of international legal agreements, inter alia, the functioning of the secretariats of the Conventions, taking into account the need for the most efficient use of resources, including possible co-location of secretariats established in the future;*

*(i) Further development and promotion of the widest possible use of environmental impact assessments, including activities carried out under the auspices of specialized agencies of the United Nations system, and in connection with every significant economic development project or activity;*

*(j) Facilitation of information exchange on environmentally sound technologies, including legal aspects, and provision of training;*

*(k) Promotion of subregional and regional cooperation and support to relevant initiatives and programmes for environmental protection, including playing a major contributing and coordinating role in the regional mechanisms in the field of environment identified for the follow-up to the Conference;*

*(l) Provision of technical, legal and institutional advice to Governments, upon request, in establishing and enhancing their national legal and institutional frameworks, in particular, in cooperation with UNDP capacity-building efforts;*

*(m) Support to Governments, upon request, and development agencies and organs in the integration of environmental aspects into their development policies and programmes, in particular through provision of environmental, technical and policy advice during programme formulation and implementation;*

*(n) Further developing assessment and assistance in cases of environmental emergencies.*

Annex 2  
The Nairobi Declaration (1997)

The Heads of Delegation declare:

1. That the United Nations Environment Programme has been and should continue to be the principal United Nations body in the field of the environment and that we, the ministers of the environment and heads of delegation attending the nineteenth session of the Governing Council, are determined to play a stronger role in the implementation of the goals and objectives of the United Nations Environment Programme;
2. That the role of the United Nations Environment Programme is to be the leading global environmental authority that sets the global environmental agenda, that promotes the coherent implementation of the environmental dimension of sustainable development within the United Nations system and that serves as an authoritative advocate for the global environment;
3. That to this end, we reaffirm the continuing relevance of the mandate of the United Nations Environment Programme deriving from General Assembly resolution 2997 (XXVII) of 15 December 1972 and further elaborated by Agenda 21. The core elements of the focused mandate of the revitalized United Nations Environment Programme should be the following:
  - a) To analyse the state of the global environment and assess global and regional environmental trends, provide policy advice, early warning information on environmental threats, and to catalyse and promote international cooperation and action, based on the best scientific and technical capabilities available;
  - b) To further the development of its international environmental law aiming at sustainable development, including the development of coherent interlinkages among existing international environmental conventions;
  - c) To advance the implementation of agreed international norms and policies, to monitor and foster compliance with environmental principles and international agreements and stimulate cooperative action to respond to emerging environmental challenges;
  - d) To strengthen its role in the coordination of environmental activities in the United Nations system in the field of the environment, as well as its role as an Implementing Agency of the Global Environment Facility, based on its comparative advantage and scientific and technical expertise;
  - e) To promote greater awareness and facilitate effective cooperation among all sectors of society and actors involved in the implementation of the international environmental agenda, and to serve as an effective link between the scientific community and policy makers at the national and international levels;
  - f) To provide policy and advisory services in key areas of institution building to Governments and other relevant institutions<sup>28</sup>

The **terms of reference** of the UN system-wide Earthwatch are to:

1. facilitate access to information on on-going and planned environmental activities, and to information held by each part of the system;

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<sup>28</sup> <http://www.unep.org/Documents.multilingual/Default.asp?DocumentID=287&ArticleID=1728&I=en>

2. *identify possibilities for collaboration and mutual reinforcement among agency observation and assessment programmes and reports, and with outside partners including governments, the scientific community, NGOs and the private sector;*
3. *promote and monitor capacity-building for data collection, assessment and reporting;*
4. *improve and obtain international agreement on the harmonization and quality control of data and the standardization of methodologies to ensure reliable and comparable information on the environment at the national and international levels;*
5. *facilitate the wider use of information and assessments from each partner beyond its own constituency in national and international decision-making processes;*
6. *coordinate joint reporting on broad interdisciplinary issues such as the global state of the environment and sustainable development;*
7. *identify priorities for international action;*
8. *establish joint procedures to identify the need for early warnings of emerging environmental problems and to bring such warnings to the attention of the international community;*
9. *share experience in applying new technologies and in increasing the impact of environmental and sustainable development information and reports;*
10. *assist in increasing support for observing, assessment, reporting and capacity-building activities across the whole UN system and its programme countries;*
11. *demonstrate the ability of the United Nations to organize coherent plans for activities responding to system-wide mandates such as [Agenda 21](#).*<sup>29</sup>

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