



INTERNATIONAL ENVIRONMENTAL GOVERNANCE AND UNEP'S FUTURE

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This essay would have been directed at the new executive director of the UN Environment Programme (UNEP) but instead it goes to the incumbent, Achim Steiner, whom the General Assembly has reappointed for two more years following the recommendation of Secretary-General Ban Ki-moon in March 2014. He thus has the opportunity to implement UNEP's strengthening as proposed by the UN Conference on Sustainable Development ("Rio+20") in June 2012, and hopefully also to deal with the urgent challenges that remain for international environmental governance.

UNEP is a central but not the only part of what has come to be known as "international environmental governance" (IEG). This umbrella consists of the set of values, norms, legal instruments, formal and informal institutions, and decision-making processes that govern activities falling under the environmental dimension of sustainable development. Starting from the Brundtland report of 1987¹ and the subsequent Earth Summit of 1992, a perceived need to integrate environmental protection into the development process has given rise to the sustainable development debate. As a result, it has been largely environment experts and advocates interacting with negotiators from foreign ministries that developed the outcome documents of the main UN sustainable development conferences and dominated their follow-up, starting with the Earth Summit and its Agenda 21 (Rio de Janeiro, 1992), through the World Summit on Sustainable Development/Rio+10 and its Johannesburg Plan of Implementation (Johannesburg, 2002), and the most recent Rio+20 and "The Future We Want" (2012).

We may be moving, finally, to a more mature phase, during which the three dimensions of sustainability—the economy, society, and the environment—are paid equal attention in negotiations as in real life. While a few observers question the absence of certain qualities of human development in the approach,² this briefing is based on the realization that it is critical for UNEP and IEG to reposition themselves in this new setting, which poses three core challenges to environmental protection: the continuing need to fight poverty and achieve higher standards of living for people in

poor and middle-income countries; the global financial and economic crisis of 2008 and its aftermath, which have changed the priorities of even formerly staunch supporters of the environment in the developed world; and the increase in the global population and the global middle classes that adopt Western consumption patterns, whose impact on natural resources can only partly be offset by technological advances. The analysis that follows explores IEG as it emerged from the "Rio series" of conferences and related efforts to reform UNEP as the centerpiece of the IEG system. References to reform efforts are not exhaustive but reflect key decisions and turning points over several decades that are summarized in Table 1.

UNEP AND THE IEG UNIVERSE

The UN Conference on the Human Environment, held in Stockholm in 1972, marked an early peak in global planetary awareness and led to creating UNEP through General Assembly resolution 2997 (XXVII) of 15 December 1972. This was not the "Big Bang" that created an environmental universe from nothing because many previously established organizations had activities with an environmental dimension. These include the UN's Food and Agriculture Organization and the World Meteorological Organization (WMO), numerous multilateral environmental agreements (MEAs) going as far back as 1868 (Convention on the Rhine), and such nongovernmental organizations as the International Union for the Conservation of Nature and the World Wildlife Fund.

FUNDS supports and helps accelerate change in the UN development system to increase effective responses to global development challenges—especially after 2015, the target date for the Millennium Development Goals. Recognizing the many frustrations that have accompanied UN reform efforts, FUNDS envisages a multi-year process designed to help build consensus around necessary changes. Financial support currently comes from the governments of Denmark, Norway, Sweden, and Switzerland.

The new body was mandated, among other things, to promote international cooperation and recommend policies in the field of the environment; provide general policy guidance for environmental programs within the UN system; and keep under review the global environmental situation. UNEP's mandate was reaffirmed by the Earth Summit, or UN Conference on Environment and Development, in Rio de Janeiro (1992), which also saw the birth of two new MEAs—the UN Framework Convention on Climate Change and the Convention on Biological Diversity—and led to the creation of a third one, the UN Convention to Combat Desertification, two years later.

Initial euphoria at the time of the Earth Summit was underpinned by the end of the Cold War and the hope for a new era of global cooperation to address planetary problems beyond East-West and North-South divisions. Environmental negotiations, however, soon got entangled in new disagreements, diverging interests, and practical implementation problems.³ Efforts to enhance coordination and decrease fragmentation in IEG and the broader sustainable development framework in the late 1990s and the 2000s led to limited progress.

Tellingly, the Mexican and Swiss ambassadors to the UN published a report in February 2009 following a three-year consultation within the General Assembly that they had co-chaired; they pointed to the good will and overall agreement on strengthening IEG but also to diverging views among member states on such issues as strengthening UNEP and enhancing inter-agency coordination, the role and independence of MEAs, technology support and capacity-building, funding and next steps on IEG reform.⁴ As on many other occasions, a clear division among UN member states had become evident. Developed countries, especially those of the European Union (EU), would put more emphasis on the environment, while most of the G77 developing countries would focus primarily on poverty eradication and sustainable development. The former have tended to favor strengthening UNEP, while the latter the need for greater resources for development. This pattern was evident throughout the negotiation process before Rio+20.



Source: UNEP Yearbook 2008 (<http://www.unep.org/geo/yearbook>)

REACHING FOR THE STARS – UNEP AND RIO+20

In 2006 Achim Steiner, the new executive director, charted a more expansive approach to UNEP's work in his first annual report. He enumerated “four broad themes” for which it should “develop greater capacity, take intellectual leadership and, above all, generate targeted action.” These themes were: environment and economics as they relate to ecosystem services; organizational reform within the wider landscape of UN reform; partnerships with civil society and the private sector; and more effective and efficient management.⁵

Through such initiatives, UNEP went well beyond the functions that it would be traditionally expected to fulfil, namely assessment of environment status, international policy development, and formulation of new MEAs. It expanded into policy implementation, assessment, and enforcement, functions earlier covered primarily by established MEAs. It also went into broader sustainable development activities earlier undertaken by such developmental organizations as the UN Development Programme and the World Bank.⁶ In this spirit UNEP initiated partnerships with multiple stakeholders on a wide range of issues, notably the “green economy” and the “UNEP Finance Initiative,”⁷ in addition to its regular partnerships with UN system entities, trying at the same time to expand its budgetary basis through private sector and foundation support.⁸

At the Conference for Global Ecological Governance held in February 2007 in Paris, 46 states signed a declaration that called for the transformation of UNEP into a “fully fledged” member of the UN system.⁹ In the lead-up to Rio+20, the “Nairobi-Helsinki” process initiated by UNEP's Governing Council identified five options for IEG reform: enhancing UNEP; establishing a new umbrella organization for sustainable development; creating a specialized agency or a world environment organization; reforming the Economic and Social Council and the Commission on Sustainable Development; and enhancing institutional reforms and streamlining existing structures.¹⁰ The negotiations for the Rio+20 outcome saw a strong push on the part of UNEP and its main supporters, notably the EU, led by Germany and France, toward its elevation to a specialized agency of the UN system under the name UN Environment Organization or World Environment Organization. However, they did not manage to carry the day in Rio.

The actual Rio+20 conference “reaffirm[ed] the need to strengthen international environmental governance within the context of the institutional framework for sustainable development” and committed to strengthening UNEP's role “as the leading global environmental authority that sets the global environmental agenda, promotes the coherent implementation of the environmental dimension of sustainable development within the United Nations system and serves as an authoritative advocate for the global environment.” Among other things, the conference urged the General Assembly to approve strengthening and upgrading UNEP

by establishing universal membership in its Governing Council, increase the financial resources allocated to it from the UN's regular budget and through voluntary contributions, and promote a strong science-policy interface.

The General Assembly approved these recommendations in resolution 67/213 of 21 December 2012. As a result, the UNEP Governing Council was renamed United Nations Environment Assembly, bringing together 193 UN member states. Another result was the more than doubling of the amount provided by the UN regular budget to UNEP for 2014–2015. This amount, nonetheless, remains small compared to the overall budget, which still depends heavily on voluntary contributions.¹¹

WHAT NEXT?

Despite decades of reform attempts and modest recent successes in strengthening UNEP, the IEG framework remains weak and disjointed. There still are over 500 MEAs and some 20 other competent organizations and international financial institutions operating in this arena. The distinction between environmental protection and sustainable development remains blurred, while there is no single strategic planning framework, which results in policy fragmentation and incoherence. A clearer division of labor is required between UNEP and MEAs, and between UNEP and development agencies.¹²

A more focused and effective UNEP would be a place to start. Even its staunchest supporters should stop pursuing a change in its form, allowing it to make the most of post-Rio+20 arrangements and fulfill its core mandated functions. The IEG universe desperately needs a strong, legitimate, and authoritative center, a role that UNEP can play even more effectively with the weight of the United Nations and its secretary-general, as well as of the global environmental community that it can convene. Specialized agency status is neither a prerequisite for nor a guarantee of enhanced productivity and punch.¹³

Capitalizing on its mandate and comparative advantage, UNEP should focus on:

Setting the agenda by identifying major issues of system-wide concern and bringing them to appropriate decision-making fora at the global, regional, and national levels, with proposals for new legal instruments, policies, or other measures, as necessary.

Enhancing the interface between environmental science and society, and between environmental science and policy. To this end UNEP could, for instance, build on its Global Environment Outlook and work done by WMO and others to establish a more interactive and approachable system of Earth Watch, with regular bulletins for policy makers and the broader public covering from weather patterns to extreme pollution incidents, from earthquakes and tsunamis to resource depletion. Through annual reports to the High-level Political Forum on Sustainable Development, it could embarrass the world's leaders by continually reminding them of their responsibilities as delegated stewards of our planet.

Monitoring implementation of legal instruments, policies, and other agreed-upon measures by agencies and MEAs of the broader IEG.

Managing knowledge through the establishment and maintenance of knowledge platforms; preparation of capacity-building material for national authorities and other stakeholders; identification of partnerships for the exchange of knowledge and people who carry it; and cooperation for delivery with professional trainers.

Convening the members of the UN and other public sector entities like the MEAs, as well as regional and national authorities and centers of scientific excellence.

Catalyzing partnerships among various stakeholders of the public, profit, and non-profit sectors for them to be able to work together and better advance environmental aspects of sustainable development.

Broadly communicating and advocating for environmental issues, including in support of necessary behavioral changes, such as consumption and production patterns.

Many of these activities appear on UNEP's work program already but require more systematic and focused execution. UNEP should avoid spreading too thin its resources and expanding to areas that it cannot effectively manage itself, be they within IEG or the broader institutional framework for sustainable development. The green economy is one such example. Environment ministers cannot lay claim to being in charge of national economies, and UNEP certainly cannot do so for the global economy. However, it should bring environmental dimensions to the high table at which macroeconomic decisions are made rather than try to set its own table with trivial condiments. And UNEP should not encourage the commodification of nature by attempting to play the neoliberal market game better than international financial institutions and businesses. Similarly, the major global social problem of unemployment, especially of youth, cannot be solved by promises of "green jobs."

In brief, UNEP should stick to its role as advocate for the environment and proponent of transformational change to ensure its protection for present and future generations. In an era of "planetary boundaries," whose limits are being dangerously approached or even crossed¹⁴—for example, unprecedented weather patterns, accelerating natural resource depletion, and record levels of atmospheric pollution—the challenge is for UNEP to be the conscience of planet Earth, speaking for the environment while duly respectful of social and economic imperatives. Humanity requires a "lean and mean" body of excellence at the very center of the international environmental governance system, fully participating but not dominating the post-2015 sustainable development framework. That could and should be Achim Steiner's legacy.

Table 1: Milestones in International Environmental Governance, 1972–2012

1972	UNEP established after Stockholm UN Conference on the Human Environment	2001	Stockholm Convention on Persistent Organic Pollutants adopted
1983	The Brundtland Commission established by UN General Assembly following a decision by UNEP Governing Council	2002	World Summit on Sustainable Development adopts Johannesburg Declaration and Johannesburg Plan of Implementation
1987	Montreal Protocol on Substances that Deplete the Ozone Layer established following the Vienna Convention of 1985	2005	Bali Strategic Plan for Technology Support and Capacity-building adopted by the UNEP Governing Council
1988	Intergovernmental Panel on Climate Change (IPCC) established by UNEP and the WMO	2005	Millennium Ecosystem Assessment highlights the importance of ecosystems to human well-being, and the extent of ecosystem decline
1989	Basel Convention on the Transboundary Movement of Hazardous Wastes and their Disposal adopted	2007	Fourth IPCC Assessment Report states that warming of the climate is unequivocal
1991	Global Environment Facility established	2007	The Economics of Ecosystems & Biodiversity launched
1992	UN Conference on Environment and Development (Earth Summit) adopts Rio Declaration and Agenda 21	2007	International Panel for Sustainable Resource Management established to provide the scientific impetus for decoupling economic growth and resource use
1992	Convention on Biological Diversity and UN Framework Convention on Climate Change opened for signature (entered into force in 1993 and 1994, respectively)	2010	Governments agreed to establish an Intergovernmental Science-Policy Platform on Biodiversity and Ecosystem Services
1994	UN Convention to Combat Desertification established	2011	UNEP launches <i>Towards a Green Economy: Pathways to Sustainable Development and Poverty Eradication</i>
1998	Rotterdam Convention on the Prior Informed Consent Procedure for Certain Hazardous Chemicals and Pesticides in International Trade adopted	2012	UN Conference on Sustainable Development (“Rio+20”) adopts “The Future We Want,” where inter alia the strengthening of UNEP is recommended to the UN General Assembly, which follows up
1999	UN Global Compact launched		
2000	Millennium Declaration adopted: “ensuring environmental sustainability” as one of eight subsequently established Millennium Development Goals		

Source: UNEP 40th Anniversary web pages, 1972–2012: *Serving People and the Planet*, <http://www.unep.org/40thAnniversary/>.

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NOTES

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3. Pamela S. Chasek, Lynn M. Wagner and Peter Doran, “Lessons Learned on the Roads from Rio,” in *The Roads from Rio: Lessons Learned from Twenty Years of Multilateral Environmental Negotiations*, ed. Pamela S. Chasek and Lynn M. Wagner (New York: RFF Press, 2012), 253–70.
4. *Informal Consultations of the General Assembly on the Institutional Framework for the United Nations Environment Work: Report*, 10 February 2009, available at www.un.org/ga/president/63/PDFs/ReportIEG100209.pdf.
5. UNEP, *UNEP in 2006*, available at www.unep.org/pdf/annualreport/UNEP_AR_2006_English.pdf, 3.

6. See Joint Inspection Unit, *Management Review of Environmental Governance within the United Nations System*, UN document JIU/REP/2008/3, 2008, para. 22.
7. UNEP, *Green Economy*, available at <http://www.unep.org/greeneconomy/> and UNEP, *UNEP Finance Initiative: Changing Finance, Financing Change*, available at <http://www.unepfi.org/>.
8. Successive UNEP annual reports are available at http://www.unep.org/publications/contents/Annual_Reports.asp.
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10. Steven Bernstein, with Jutta Brunnée, *Options for Broader Reform of the Institutional Framework for Sustainable Development (IFSD): Structural, Legal, and Financial Aspects*, report commissioned by the UN Commission on Sustainable Development Secretariat (New York: UN, 2011), 1.
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