Reforming UN Environmental Governance

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Introduction

Climate change is the ultimate cross-cutting environmental issue and it has continuously moved to the top of the agenda of almost every international political gathering. The question of how to address climate change has also pushed the debate on how to reform the current international environmental regime. Today, international environmental governance is characterized by over 500[1] multilateral environmental agreements (MEAs)[2] and nearly 20 competent organizations and international financial institutions in the field of environment. This situation is increasingly perceived as unsatisfying because it has led to fragmentation and incoherence of environmental policies. Against this background, this fact sheet looks at the institutional status-quo as well as well as the challenges that calls for reforms are facing.

The Paris Declaration

At the Paris Conference for Global Ecological Governance in February 2007, 46 states declared their determination to strengthen the present environmental regime. The group includes practically all European states, but also a small number of developing countries among them Chile, Ecuador and Cambodia. Together they signed the Paris declaration[3], calling for the transformation of the UN Environmental Programme (UNEP) into a "fully-fledged" international organization, following the model of the WHO.

Debate on Environmental Governance at the UN

The debate on environmental governance is reflected at the UN-level in an informal consultation process at the General Assembly[4] launched in April 2006. Following up on the 2005 World Summit Outcome Document[5], member states agreed "to explore the possibility of a more coherent institutional framework" for the UN environmental activities.

In addition, the High-level Panel on System-wide Coherence, established by Kofi Annan, has made a number of recommendations on environmental governance in its report "Delivering as One"[6]. Among other things the report recommends strengthening the "environment policy pillar" by upgrading UNEP with a renewed mandate and improved funding. The report findings have not yet been discussed at the General Assembly, but they are intended to be integrated in the ongoing GA consultation process on the issue.

A Stronger Role for UNEP?

The debate on strengthening UNEP's role is not new and has come up several times since its creation in 1972. As a UN program, in terms of hierarchy, UNEP is responsible and reports to the General Assembly through the Economic and Social Council. Despite this relatively weak legal status, in the past UNEP has always acted as the leading global environmental agency and has also been perceived in this way. But its ambitious goals have been repeatedly undermined by weak and unpredictable funding and even more by the opposition it faced from developing countries. They fear that a strong environmental organization could restrict their legitimate economic development goals and therefore prefer to discuss

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[1] Approximately 300 of them are regional in their character, CIEL 2002

[2] Information on selected MEAs: http://www.un.org/ga/president/60/summitfollowup/060612d.pdf

[3] Complete declaration: http://www.ecologie.gouv.fr/conference/

[4] Official GA information: http://www.un.org/ga/president/61/follow-up/environmentalgovernance.shtml

[5] Paragraph 169 of the September 2005 World Outcome Document, http://www.un.org/summit2005/documents.html

[6] HLP-SWC Report: Delivering as One, released 11/09/07, http://www.un.org/events/panel/

environmental issues in the broader sustainable development framework, like in the UN Commission for Sustainable Development[7]. However, after a period of erosion in the status and authority of UNEP during the 1990s, serious efforts have been made in recent years to revitalize the program's role[8], most prominently with the launching of the Global Ministerial Environment Forum (GMEF)[9] which serves as a special session of UNEP's Governing Council (GC) and the Environmental Management Group (EMG)[10] for inter-agency environmental coordination within the UN system.

The Interests of the Member States
In the current GA consultation process the G77 and China seem to be committed to create a more coherent institutional framework to deal with environmental problems but are still reluctant to the creation of a new environmental agency. Besides the reasons already mentioned above this is also due to the fact that a transformed UNEP would no longer be controlled by the GA and would be even more independent from New York Headquarters. The extent to which some developing countries resist the idea of having the climate change debate taken out of the control of the GA also became obvious when in April 2007 the UN Security Council for the first time ever debated the nexus between energy, security, and climate change. As a reaction, the G77 declared that it saw "no role" for the Security Council on climate change.[11] However, in the medium-term the unity among the G77 is likely to become fragile on this issue since many poor countries are among the first to suffer from climate change. Particularly many Small Island States who are threatened by rising sea-levels in their existence feel a lot closer to the EU than to the G77 on environmental issues.

The European Union unequivocally favors creating a stronger and more coherent institutional framework by upgrading UNEP into an UN Environmental Organization that would be on an equal footing with other UN agencies and stresses that it should be provided with sufficient and more stable funding. EU member states already provide most of UNEP's budget which is mainly based on voluntary funds. Therefore, a stronger financial contribution by the EU is bound to the condition of a stronger UNEP mandate.

The United States by contrast seem to favor an "à la carte" approach to environmental governance with single issue treaties and weak enforcement mechanisms. "The existing system of MEAs reflects a good balance of coordination and decentralization."[12] At least the current US administration clearly does not favor another "supranational" organization in this field since "the principal responsibility for environmental governance should lay with national governments".

Outlook
It still remains to be seen what results the GA consultation process will bring. But given the differing positions between the member state groups, a radical approach towards a new UN Environment Organization seems to be not realistic. By contrast, a more evolutionary process could strengthen UNEP step by step for example by renewing its mandate, increasing its funding and adopting universal membership in the Governing Council. This could in the long term transform the Environment Program in a *de facto* UN agency.

Although many efforts have been made in the past to reform the UN environmental architecture, this time the circumstances seem to be rather favorable. Governments as well as the international public are increasingly aware of environmental problems. With the launch of the fourth IPCC Assessment Report[13] the scientific evidence of climate change is stronger than ever before. The public expectations for the next round of Post-Kyoto negotiations in Bali, Indonesia are very high, especially after the disappointing results of last year in Nairobi. In addition, the new UN Secretary-General, Ban Ki-moon declared climate change one of his top priorities.

Upcoming events:

- UN Commission on Sustainable Development, CSD 15th session, 30 April - 11 May 2007, New York.
- Follow-up conference to the Paris declaration in Agadir, Morocco (in 2007).
- IPCC, 9th Session of Working Group III, (Mitigation Options), Launch of the report, May 4th, Bangkok.
- Climate Change Conference: UNFCCC and Kyoto Protocol: 13th session of the Conference of the Parties (COP 13) and 3rd session of the Meeting of the Parties to the Kyoto Protocol (COP/MOP 3), 03 Dec - 14 Dec 2007 in Bali, Indonesia.

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[7] CSD website :
http://www.un.org/esa/sustdev/csd/policy.htm
[8] Bharat H. Desai, 2006: *UNEP: A Global Environmental Authority*, Environmental Policy and Law, 36/3-4
[9] GMEF: High-level policy dialogue at the intergovernmental level, more information on GC/GMEF
http://www.unep.org/resources/gov/overview.asp
[10] For more information on the EMG:
http://www.unemg.org/
[11] Thalif Deen: Climate Change: Legitimacy of Security Council Meeting Challenged, Terra Viva, April 18, 2007.

[12] US statement given at the GA's Second Committee on Sustainable Development in October, 2006
[13] International Panel on Climate Change, established by UNEP and the World Meteorological Organization (WMO) in 1988: http://www.ipcc.ch/index.html