



Distr.: General  
4 February 2011

English only



**Governing Council  
of the United Nations  
Environment Programme**

**Twenty-sixth session of the Governing Council/  
Global Ministerial Environment Forum**  
Nairobi, 21–24 February 2011  
Items 4 (c) and 4 (e) of the provisional agenda\*\*

**Policy issues: international environmental governance**  
**Policy issues: coordination and cooperation with major groups**

**Inputs from major groups and stakeholders on international  
environmental governance**

**Note by the Executive Director**

The annex to the present note contains inputs from the major groups and stakeholders on international environmental governance. The inputs were prepared by the United Nations Environment Programme major group and stakeholders advisory group on international environmental governance, following a teleconference between major groups and stakeholders and the co-chairs of the Consultative Group of Ministers or High-Level Representatives on International Environmental Governance and the Executive Director. The teleconference was held before the Consultative Group's second meeting (21–23 November 2010, Finland). The annex has been reproduced as received, without formal editing.

\* Reissued for technical reasons on 17 February 2011.

\*\* UNEP/GC.26/1.

## Annex

### Civil society and international environmental governance

#### Executive Summary

The recently formed civil society Advisory Group on International Environmental Governance (IEG) offers this initial input to the discussion at the UNEP Governing Council/Global Environment Ministerial Forum (GG/GMEF). It addresses four topics raised by UNEP's Executive Director:

- rethinking and strengthening multilateralism;
- the need for both a stronger environment programme and for integration of environment into all other programmes;
- the importance of stronger international environmental governance for developing countries; and
- the combination of both incremental and fundamental reform in a plan for systematic structural change.

It then describes practical ways to include major groups and stakeholders in various environmental governance processes and mechanisms. In summary, the document proposes:

1. Governments should renew their commitment to multilateralism and the principles of the United Nations as the foundation for IEG. It is necessary to rebuild trust among nations through respecting agreements and commitments, and responsible enforcement mechanisms.
2. IEG should reflect the common global interest in environmental protection and sustainable and equitable resource use, as an expression of our collective trusteeship of all humanity and the planetary environment, especially in responding to developing country priorities, protecting them from the environmental causes of poverty, and ensuring resources for their future development.
3. The UN should undertake a high-level evaluation of the efficiency and effectiveness of existing IEG mechanisms. The leadership role of UNEP should be strengthened through scientific assessment, mediation, coordination and performance monitoring in support of UN system-wide strategic planning. Increased integration and coordination should aim to reduce the burden of national participation.
4. IEG proposals should combine a vision of systematic structural reform with incremental steps to its achievement, including: external review, a UN system-wide strategic plan and collaboration, restructured funding, and accountability mechanisms. The ideal could be a tripartite mechanism of governments, science and civil society.
5. Scientific assessments and reporting should be more transparent, objective, with established international standards, supported by global research networks, and with capacity-building for developing countries.
6. A multilevel approach should be taken to environmental governance, from the global to the local levels. Increased multi-stakeholder collaboration should strengthen the interlinkage of policy, science and field actions, and catalyze innovative approaches to policy development, technological application, social mobilization and partnership building. Global environmental objectives should be built into national sustainable development and poverty eradication strategies.
7. An international framework for business is needed to encourage responsible corporate citizenship and more effectively regulate activities damaging to the environment on an international scale.
8. Civil society participation should be included systematically in IEG, especially in scientific advice, deliberations, accountability, access to dispute settlement and legal remedies, definition of ethical and moral principles, education and building public support. Transparency, public participation and accountability are foundational and essential elements of sound environmental governance, both at international and domestic levels, and must be fully incorporated and realized in environmental governance systems.
9. An information and education campaign should be launched in support of IEG. Training and capacity-building in IEG should be provided to various groups so that they can contribute to the IEG reform debate.

## Introduction

In the short time since its formation, the UNEP Major Groups and Stakeholders Advisory Group on International Environmental Governance<sup>1</sup> (AG IEG) has chosen to focus in this information document on five topics: innovative, effective or promising models for civil society participation in IEG, and four questions raised by the Executive Director of UNEP in a telephone conference on 22 November 2010, between members of the AG IEG and MGS, and the co-chairs of the Consultative Group on IEG just prior to the Helsinki meeting of the Consultative Group. These questions were circulated widely and input was solicited from across civil society. The resulting paper reflects the richness of viewpoints available in civil society without aiming to be a consensus view from such a diverse constituency or from the Advisory Group itself.

Efforts to reform the international environmental governance architecture are not new. Since the 1960s, debate over existing and potential institutions has played out in newspapers, academic journals, and governments around the world. But it has been the major UN environment/development summits – the 1972 Stockholm Conference, the 1992 Rio Earth Summit, the 2002 World Summit on Sustainable Development in Johannesburg – and their follow-up meetings which have provided the impetus for the most heated discussions and the boldest proposals for environmental institutions. As governments prepare for the UN Conference on Sustainable Development in Rio in 2012, international environmental governance reform has once again come onto the international political agenda.

Collective action in response to global environmental challenges continues to fall short of public needs and expectations as a result of the magnitude of those challenges and deep-seated weaknesses in the existing institutional architecture. As the World Economic Forum's *Global Risks 2011* report notes, "The frequency and severity of risks to global stability have amplified, while the ability of global governance systems to deal with them has not." Environmental concerns (including related human health concerns) are among the most urgent global risks the world is facing, yet environmental institutions are among the weakest global instruments. Indeed, the integrated and interdependent nature of the current set of environmental challenges contrasts sharply with the fragmented and uncoordinated nature of the institutions we rely upon for solutions.

Since the problems with the present system of IEG have already been well documented, this paper answers common criticisms and focuses on ways forward, including both pragmatic proposals and a more visionary view of where international environmental governance needs significant improvement to respond to scientific and social realities in a globalizing world.

---

### 1 UNEP Major Group and Stakeholders Advisory Group on International Environmental Governance

The UNEP Major Group and Stakeholders Advisory Group on International Environmental Governance (AG IEG) is composed of 15 expert members and 15 alternates from all the Major Groups and the UNEP regions selected by the UNEP Major Groups Facilitating Committee. It was initiated in July 2010 and its members were nominated in October 2010. It will operate for a limited period of three years as the principal body through which input from major groups and stakeholders (also referred to as civil society) should be channelled into the IEG process of the Consultative Group of Ministers or High-level Representatives (Consultative Group), and into subsequent discussions leading to and following the UN Conference on Sustainable Development (Rio+20 or Earth Summit 2012).

The AG IEG's responsibilities are to: a) provide comments and specific recommendations on innovative models for civil society participation in any new or existing arrangements related to IEG and discussed by the Consultative Group, as well as on IEG more generally; b) compile relevant contributions related to IEG reform from interested major groups and stakeholders (MGS) into consolidated submissions to the Secretariat; c) inform the Consultative Group on positions of MGS regarding IEG; d) provide MGS input at other meetings where input is gathered for the IEG reform process; e) consult with MGS and keep MGS informed about its work, as well as the work of the Consultative Group throughout the process, including through written reports and website updates; and f) promote and use mechanisms through which the importance of and options for IEG reform should be communicated to a wider audience. However, the AG IEG does not speak on behalf of all major groups and stakeholders, nor does it replace contributions from accredited organizations or individual major groups. Further information on the AG IEG and its composition is available at the Global Environmental Governance Project web site at <http://www.environmentalgovernance.org/reform/cs/ag> and at UNEP <http://www.unep.org/civil-society/GlobalMajorGroupsStakeholdersForum/RegionalConsultations2010/MajorGroupsandStakeholderAdvisoryGrouponIEG/tabid/6345/Default.aspx>.

## Multilateralism and the United Nations

Many ask why the world should believe in and support the United Nations, arguing that multilateralism is not delivering results. We believe that multilateralism (including the UN) is delivering results. For example, multilateralism is playing a major role in reducing inter-state warfare, increasing trade and economic development and technological innovation, and opening states and societies to ideas and change. It delivers fewer results in the environmental area because states (developed and developing) have prioritized trade and economic globalization over environmental protection, human security and sustainable development. If the latter goals were higher priorities in inter-state cooperation, more positive results could be achieved. The critiques made of a lack of delivery by the UN also apply to state institutions at national level. Attitudes towards integration and sustainability need reform both among traditional political power centers of trade and economy, and in environmental circles, recognizing that all are legitimate elements of sustainability. Advancing all these societal interests in a more coordinated and coherent fashion will bring the environmental pillar more prominently into play.

Though there is room for improvement and coherence, the UN multilateral system constitutes the core of the existing system of global governance. What is needed is for member states to show political will in implementing the provisions of the UN Charter and related instruments. Armed with more than 50 years of experience, knowledge and competence and legitimacy from its near universal membership of States and its mandate, the UN is uniquely equipped to spearhead the process of reform in environmental, economic and social policies. At the same time, as the world moves to ever greater interdependence in a widening range of activities, the need for new international agreements and new areas and forms of cooperation will become even more urgent.

However, in order to discharge this pivotal role effectively, the multilateral system needs to be strengthened. Developing countries need the UN and its agencies to assist with sustainable development generally, environmental protection, public health, universal education, and gender equality among others. The more economically advanced countries need an arena to forge consensus on global challenges. A key requirement is therefore a renewed political commitment to multilateralism. All countries must acknowledge their common interest in, and obligation to, a strong, effective multilateral system that can support a fair, productive, environmentally-friendly and sustainable global economy. Developed and developing countries together with civil society need to work cooperatively to bring forward the UN agenda as spelt out in the founding Charter and to participate actively in the reform process. There should be a concerted global effort to support the UN and related institutions, with a focus on implementation.

### *A crisis of governance*

The need for reform is also rooted in a global crisis of governance and regulation, both at a national and international level. The trend has been towards more globalized economic and financial activity, combined with an assumption that government regulation is an obstacle, posing a difficult challenge to the traditional role of sovereign states in asserting control over their economy and financial flows, among other things. Global governance is not a lofty disembodied sphere. It is merely the apex of a web of governance that stretches from the local level upwards.

The situation is aggravated by the present systems of governance, which are characterized internationally by competitive and conflictual expressions of power among sovereign states. A more unified vision of the needs of the world and of governance for mutual benefit are required if multilateralism is to succeed. Justice and equity are the only means by which unity can be maintained on an interdependent planet, the indispensable compass in collective decision-making, in achieving unity of thought and action, and in engaging lasting commitment and support for implementation. Regardless of whether a more unified vision is achieved, international governance mechanisms should mutually empower all countries, including by assisting developing countries to compensate for the past unequal distribution of power.

At an ethical level, we must recognize the primacy of the oneness of humanity as the foundation for multilateral action. Since humanity is one, each person is born into the world as a trust of the whole, and each bears a responsibility for the welfare of all humanity. This collective trusteeship constitutes the moral foundation of human rights and environmental governance. It also suggests that a role of governance is to empower each individual and each community to contribute to the general welfare. Our national and cultural diversity is a source of collective capacity, creativity, productivity, resilience and adaptation. The wealth of environmental and biological diversity is vital to the social and

economic development, prosperity and well-being of all people. It is a heritage that effective international environmental governance should permit to bear its fruit in this age of interdependence.

One consequence of the present situation has been a failure to address adequately the social and environmental dimensions of globalization. Vested economic interests influence governments to maintain the status quo against new, more sustainable, economic activities. International business enterprises operate beyond the constraints of national regulations in countries affected by their actions; and with only limited exceptions, no effective system of international governance has been put into place to ensure that business activity contributes to economic and social progress and environmental protection. The absence of proper public supervision nationally and internationally has enabled irresponsible actions that have only been partly balanced by increasing corporate social responsibility. New and better regulations are needed to ensure that the environment is protected from business activities that are damaging and that responsible corporate citizenship is encouraged. Likewise, government action (and inaction) can also contribute to environmental impacts. We need democratic and effective States at the national level and transparent, participatory and effective UN institutions. Certain multilateral agreements have mechanisms to limit the influence of vested economic interest groups, e.g. through their balanced governance structure and through a decision making procedure based on transparent and independent science. A stronger and more efficient multilateral system is the key to creating a participatory, legitimate and accountable framework for globalization.

### ***The strength of multilateral action***

The present environmental challenges demonstrate that the welfare of each country and community can only be derived from the well-being of the whole planet, requiring multilateral actions. Yet realistically, governments will only collaborate when they see a greater advantage for themselves in collective action. Unfortunately in the field of environment and sustainability, the benefits are often long term, and there may be immediate short-term costs or restrictions on economic activities. Governments are under great pressure to give priority to the short term. The challenge for effective multilateral environmental action is that it must be perceived as advancing (or at least not undermining) the broader range of interests of each of the parties through mutually supportive trade, economic, social and environmental policies. It is not enough to rally around some common norm. Multilateral action involves shedding a degree of sovereignty. That is done when States have confidence they will get something in return that they value, but cannot get on their own. Thus multilateral agreements are limited in scope and typically carefully negotiated or constrained. Accomplishing real fundamental change needs to begin with recognizing and finding ways to advance the interests of the existing players, but in a way that is more systematically responsive to environment and sustainability.

In environmental governance, some multilateral mechanisms (e.g., the Montreal Protocol on Chemicals that Deplete the Ozone Layer) have been effective, and the failure of others does not mean that there is any reasonable alternative. The consensus rule that allows any one country to hold all the others hostage to its own self-interest is another symptom of the (often justified) lack of trust that powerful countries or interests will respect the rights and needs of the weak. The solution is for multilateral mechanisms to become more effective and trustworthy both by defining and protecting the common interests of all states, including restoring and maintaining the biosphere's ecosystem services, and by applying principles of justice and equity in the inevitable situations where there will be winners and losers. We should learn from the successes to repair or strengthen mechanisms that are broken. We also need a more complete set of international institutions and mechanisms able to provide the same safeguards now taken for granted at the national level in many states: access to information, the rule of law, a system of justice (dispute settlement, arbitration, courts), means of enforcement and compensation, financial and fiscal mechanisms, and meaningful opportunity for public participation.

### **Strengthening the environment programme and integration into all other programmes**

In establishing the United Nations Environment Programme (UNEP) in 1972, the key premises of the institutional negotiations were that the work in the field of environment needed a common outlook and direction and that a central coordinating and catalytic mechanism was necessary to provide political and conceptual leadership in the United Nations system. The goal was to reduce or avoid global environmental risks by providing necessary information, establishing joint guidelines and standards, coordinating the environmental activities of existing organizations, and catalyzing action to protect the environment.

Global environmental issues permeate many other sectors of society. UNEP has not been given the means to bring coherence amongst the multilateral environmental agreements (MEAs) and other UN bodies whose activities – development, human rights, education, health etc. – often take into account environmental issues: in total some dozen other UN bodies, many environmental financial mechanisms and various treaty-based secretariats and funds. In contrast, other international issues such as trade, health, or labour have retained relatively well-developed and coherent governance structures centered in an anchor international organization (World Trade Organization (WTO), World Health Organization (WHO) and International Labour Organization (ILO)).

Just as integration of policy areas and coordination between ministries is a great challenge at the national level, MEAs which focus on a specific topic (climate, biodiversity, etc.) also need to take into account development in other areas. UNEP has no formal authority over many of the MEAs and is geographically far removed from the independent secretariats, which does not stimulate sharing of lessons learned, identifying gaps and encouraging increased cooperation and coherence where beneficial. UNEP should have a key mandate for better cooperation and policy consistency between countries and international institutions.

The environmental pillar should be strengthened in the UN system, in terms of resources (finance among others), authority, effectiveness and efficiency. Environmental issues should also be better integrated in all other UN programs and activities, like international trade, finance, energy, and development cooperation. The challenge is to balance the environment and other issues more effectively and efficiently, so that all these dimensions are strengthened.

### ***Environment and sustainability***

This becomes more complicated when we acknowledge that environmental issues are interwoven within sustainability issues. Should sustainability be strengthened within the UN rather than the environment pillar only? Some argue that economic and social issues already get more attention than environmental issues, given their existing stronger institutional and political powers, and call for enhancing the environmental pillar through strengthening UNEP, while ensuring its integration under a sustainability umbrella - which currently is not achieved by the CSD. Proposals range from creation of a UNEO (United Nations Environment Organization)/ WEO (World Environment Organization) to creation of an Environmental Security Council. More important, however, may be to increase the authority, focus and expertise of UNEP to make it more effective in networked governance. One immediate proposal is to create a new Environmental Mediation Programme in the UNEP Secretariat. The unit would consist of experts on call to respond to governmental requests for environmental mediation to help with conflicts within nations and between nation-states.

Acknowledging the existing institutional and political strengths of both the economic and social pillars of development on one hand, and the roles, though fragmented, of the various UN programs intervening in the environment, another argument calls for shifting the reform discussion from an institutional to a mandate reform, since mandates dictate institutional requirements. As such, a mandate, entailing a strong and credible science base, developing a global environmental strategy, setting policies and regulations, monitoring performance and mainstreaming proper environmental integration within the existing UN policies, plans and programmes could lead to a system-wide plan that ensures that every programme's contribution is aligned with this global strategy and set of priorities so as to counteract the existing fragmentation.

It is important to make a political assessment: how do leading governments in North and South view this issue? Are they willing to make any changes, and in which direction? Additionally, we suggest an evaluation of the effectiveness and efficiency of existing mechanisms, including UNEP and CSD. We also plead for an informational and educational campaign to highlight the importance of environmental issues for development, equity and social well-being, and for the economy. Training and capacity-building in IEG should be provided for various groups, particularly youth and children, so they are able to contribute in thought and action to the IEG reform debate.

This political assessment, efficiency assessment, and education and outreach should be supported by a research program that addresses environmental, social and political issues and their integration. Too often the environment is seen as a burden for economic interests; and the international negotiation process in which environmental policies are developed is incomprehensible for those not directly involved. Likewise the economic and social dimensions of the global intergovernmental structure are not always fully integrated in the formation of environmental policy. A new governance structure should be more integrative, transparent to the general public, and provide full opportunity for public participation.

## **The importance of IEG for developing countries**

IEG reform must ensure fair multilateral negotiations, taking into account financial, economic and power asymmetries, moving toward a more coherent principle- and rule-based institutional structure with universal participation. A more streamlined and effective system for environmental governance should ensure that developing countries' priorities – meaning an integrated approach to poverty eradication, development and environment – figure more prominently and are embedded within environmental policies. A set of clear and enforceable rules would also ensure that fairness and equity in terms of benefit and burden sharing, guided by the principle of common but differentiated responsibility, are built in and that decision making is based on democratic principles. The obligations of industrialized countries to address unsustainable production and consumption patterns should also be negotiated, decided and complied with.

The earth's oceanic, atmospheric, living and mineral resources are being consumed at unsustainable and accelerating rates, biodiversity and ecosystem services are threatened, and the climate is changing, increasing poverty and instability and reducing options and opportunities for developing countries in the future. The vulnerable, poor, and disempowered peoples cannot rely on market mechanisms, because they cannot invest and discount the future. They need rights to protect their lives and livelihoods. Assuring these rights should be the main aim of a reform of IEG, thus, harmonizing human rights, environmental protection and peace, and promoting sustainable development. IEG needs legally binding mechanisms establishing and implementing the rights of the disregarded parts of the present and future generations.

World trade in natural resources has created global pressures for resource consumption that require international management in order to prevent environmental degradation. Perverse subsidies, such as for fishing, agriculture and fossil fuels, have distorted trade, with serious social and economic impacts on the poor. In the present global market economy, the poor will always lose out to the rich in the distribution of increasingly scarce resources. The present structure of control over resources, including minerals, fossil fuels and arable land, in poor countries, and their sale to foreign interests, is a symptom of this fundamental problem. Mechanisms for international management of trade in resources for the collective benefit of all peoples and the planet will be the best means to protect the interests of the weak against exploitation by the powerful, and ultimately to ensure the equitable distribution of resources in the common interest. Such management must aim both to reserve adequate resources for poverty reduction and to ensure sustainability for future generations.

### ***Making IEG relevant in the midst of globalization challenges***

There is an urgent need to integrate global environmental objectives in national sustainable development and poverty eradication strategies. The UN and its related institutions need to refocus their actions in order to assist developing countries effectively towards the sustainable development path that integrates economic progress, social progress and equity, and environmental protection. Globalization has been proceeding with such speed that these institutions are unable to cope. Developing countries need the UN to build capacity and access financial and technical support for environmental management. The reality that major institutions like the World Bank and WTO operate without adequate coordination with UN Institutions, even while ostensibly promoting environment protection and sustainable development within their programmes, points to the need for reforms in IEG that would ensure that non-UN institutions, especially international financial and trade institutions, operate based on the principles of transparency, public participation, accountability and equity. Since sustainable development involves the integration of the economic, social and environmental spheres, the architecture of international institutions working on these areas should operate in a coherent manner based on the principles that guide the UN system.

### ***Coherence in intergovernmental processes on the environment***

The multiplication of environmental agreements with various governing bodies and substantive and reporting requirements is imposing an increasing burden on all countries, but especially on developing nations with limited human, institutional, and financial capacities. Fragmentation may not only limit effectiveness, but legitimacy and equity as well. The conflicts among international agencies, overlap of activities and overload of national-level authorities responsible for implementation, and conflicting or indeterminate rules, impact developing countries most seriously. The scattering of environmental activities across many international organizations and geographic locations creates high costs for

attending intergovernmental sessions to negotiate environmental agreements and treaties, both in terms of direct economic expenses and opportunity costs of days away from already understaffed national ministries. Countries with limited diplomatic and financial resources have thus been forced to choose not only which conferences they can afford to attend, but even which sessions to attend in single negotiations where simultaneous activities and negotiations are not unusual. Such physical challenges are exacerbated by limited capacity and a knowledge divide at many levels, which limit the effectiveness of developing countries in negotiations and implementation.

Just as restructuring ministries in a country does not mean abolishing legislation, so does restructuring IEG not imply abolishing legally-binding multilateral environmental agreements. Their proper administration and coordination, monitoring and assessment could ensure that industrialized countries set an example, and will assist developing countries with compliance and implementation, help them to measure progress made and support the required action for improvement. Part of the problem is the lack of capacity in ministries of environment, which are often the least resourced of all ministries in all countries, and particularly in developing countries. There is a lack of funding mechanisms for implementation of MEAs, as well as of national environmental legislation. UNEP could assist with country-driven identification of needs for capacity building in this area. The current move in the UN system, under the auspices of UNEP, to ensure synergy and closer coordination among MEAs working on similar themes and areas, such as the successful but thus far limited process in forging closer coordination among the chemicals and toxic wastes Conventions (Basel, Stockholm and Rotterdam), is an exemplary effort towards coherence.

### ***Reliable financial and technical support***

In concrete terms, the proposals for any new institutions, policies, and norms must incorporate new and additional financing. They also have to offer a plausible way to acquire new technologies and a prospect for enhancing endogenous capacity. Previous developed country commitments of financial and technological support in key MEAs and finance agreements have seriously failed in delivery and implementation to meet the expectations of developing countries. Without a real financial commitment and a genuine effort to address the underlying concerns of developing countries, it will be very difficult to pass any reform initiative in global environmental governance. At the same time, these countries have to recognize that the institutions created to deliver on environmental issues have faced significant challenges because of structural impediments. Without significant institutional reform, country needs will continue to fall by the wayside and the environment will continue to be degraded to the detriment not only of development but also of life on earth.

There is also a need to restructure the Global Environment Facility (GEF). The Adaptation Fund under the Kyoto Protocol, for example, has a more balanced governance structure, with equality between donor countries and developing countries, and the possibility for NGOs to be the implementing agency. Strengthening or re-establishing the GEF small grants programme is another key issue.

### ***Strong and responsive scientific assessment component***

A key mandate of IEG is scientific assessment, but the scientific questions need to be developed in cooperation with developing countries, and with as much input and involvement of their scientists as possible. A responsive scientific assessment component in IEG will help improve the capacity of developing countries to understand, manage, conserve and sustainably utilize their environmental systems, especially their natural ecosystems, the impacts of climate change, and the poverty-environment nexus. Committed North-South cooperation in a global research network and scientific assessment can both compensate for the often-weak scientific infrastructure in developing countries by providing collective access to scientific information, and assist in reducing the knowledge gap by building capacity for environmental assessment and reporting in all regions. It should facilitate access of developing countries to appropriate scientific knowledge and technologies that respond to their specific needs and situations, and be supported by stable financial and technical components.

### ***Building responsive institutions and systems at different levels***

Reforms in the global environmental governance architecture should not concentrate capacities and resources in international institutions. A meaningful reform process must not only actively involve developing countries in all stages, but must also strengthen institutions and actors in environmental governance at various levels, specifically at the regional, sub-regional, national and local levels. Governance mechanisms should work closely with and be relevant to the lives of communities and



people who are directly impacted by environmental issues. In many developing countries, national and local institutions need to be established or strengthened. Reinforcing the regional, sub-regional and national presence of UN agencies through coherent programmes and interventions and reliable financial and technical support will enable institutions and actions involved in environmental governance at the national and local levels. The current effort of UNEP to strengthen its sub-regional presence and establish national programmes in key pilot developing countries is a noteworthy example.

### **From incremental versus fundamental reform to systematic structural change**

While the number of international environmental agreements and institutions aimed at global environmental protection might seem encouraging and demonstrate mainstreaming environment into the mandates of all relevant organizations, the practical result has been jurisdictional overlaps, eroding responsibilities, gaps, duplication of work, and increased demand upon governments, especially in developing countries. The question, therefore, is no longer *whether* to reform the global environmental architecture, but *how*.

Two seemingly competing views have emerged – incremental reform and fundamental reform. Incremental reform implies immediate steps to improve parts of the system. Fundamental reform entails addressing the root causes of the problems. Both of these approaches, however, have been caricatured and misunderstood. Incremental reform is seen as perpetuating business as usual, complacency, and abdication of responsibility. Fundamental reform is portrayed as a big-bang demolition and replacement of the current international institutions.

The urgency of global environmental crises and the presence of tipping points make business-as-usual approaches inadequate. Resource overconsumption is accelerating, while developing countries face ever-increasing environmental pressures that strain their economies and social fabric. Moreover, the diffusion of environmental problems over space and time makes the short-term economic rationale for incrementalism inherently limited as an analytical framework to address equity and the rights of future generations. More robust international cooperation, more serious and systematic engagement by countries in their own resource and environmental governance and in global governance, and more functional international institutions are necessary over the longer term to reduce environmental and humanitarian externalities. An ambitious reform vision is imperative.

Without a clear definition of the problem, the main levers for change, and envisioned results and outcomes, fundamental institutional reform will not be possible and incremental reform will be insufficient. Any reform needs to begin with the basics and systematically build up a sequence of actions. By definition, reform has to be fundamental as it needs to change core structural elements. By necessity, reform has to be incremental as only sequential steps can lead to systematic change. Systematic and well thought-out incremental reform at multiple points and levels in the overall system can do much to advance effective, fundamental reform.

### ***Elements of a reform agenda***

For the first time since the 1992 Rio Earth Summit, a clear political opportunity to reshape the institutions for environment and development has opened up. The UN Conference on Sustainable Development (Rio+20) is expected to make decisions on governance under the core theme ‘institutional framework for sustainable development’. Even a decision for no reform will have enduring consequences and will shape the actions of the global community over the next twenty years. We call on environmental ministers to relinquish the unnecessary debate over incremental versus fundamental reform and agree to make a strong case for *systematic structural reform* guided by strategic thinking and an overarching vision.

We offer the following structural reform elements for consideration:

1. **An independent external review of (1) the system of international environmental governance, (2) the role and performance of UNEP and the other institutions within the system; (3) mandates and relationships of other UN agencies and programmes, the Multilateral Environmental Agreements, and international financing institutions.** Such a review will reveal comparative advantages and provide vision for reduced competition and a productive division of labor. It should be undertaken by an independent commission established for this purpose by the UN Secretary-General and performed *regularly* thereafter by a commission of experts from governments and civil society.

2. **An integrated framework for prioritization and coordination of activities relating to environment and sustainability within the UN, with objectives and monitoring plans.** Such plans would improve inter-agency coordination at the international level (reconsidering coordination bodies such as the CSD, UN-Water, UN-Oceans, UN-Energy) and at the national level (evaluation of the UNDP-UNEP Poverty and Environment Initiative, UN-Development Assistance framework (UNDAF) among others.)
3. **Establishment of UNEG (United Nations Environment Group)** by the Chief Executives Board along the lines of the UN Development Group, to be chaired by the Executive Director of UNEP. UNEG could be a substitute to the current Environment Management Group. It could provide a common platform for a number of agencies with environmental mandates, since in an era in which all agencies must evolve to accommodate all three pillars of sustainability, a strong joint “environmental” voice will be an important component of sustainability governance.
4. **Mechanisms for systematic engagement of global civil society in decision-making within international organizations in the environmental field.** The governance structure of the International Labor Organization, considered innovative almost 100 years after the organization’s creation in 1919, allows for governments, labor and business to participate in decision-making and could be used as a model for deeper participation of major groups and stakeholders in UNEP and the conventions. Such engagement would enable more adaptive nested governance responsible to local needs and with a global reach. UNEP’s Executive Director should thus follow the spirit of UNESCO’s Director-General, Irina Bokova, who committed to “open UNESCO’s doors to intellectuals, scientists and artists so that viable solutions are found here to the great challenges of our time”. See more discussion of this issue below.
5. **A restructured funding mechanism for the environment** (with a focus on UNEP and the conventions). New and additional financing is clearly necessary for UNEP to fulfill its mandate. Several countries have demonstrated their willingness to support the work of the UNEP in voluntarily contributing to its budget beyond their usual share in the UN system. While this approach should be commended, it also highlights that there is significant scope for both widening and deepening contributions to UNEP. The Green Economy initiative that UNEP is currently pursuing could also be harnessed to propose innovative financial mechanisms, without sacrificing the mandate and principles that guide UNEP’s operations.
6. **Accountability mechanisms.** Other international bodies in the UN system and in regional agreements have instituted various accountability and mediation procedures such as a complaint procedure in the Human Rights Council and the North American Free Trade Agreement and a dispute resolution mechanism in the World Trade Organization. The UN Human Rights Council complaint procedure was established to “address consistent patterns of gross and reliably attested violations of all human rights and all fundamental freedoms occurring in any part of the world and under any circumstances.” Since the Council has set a clear precedent for a UN body to have this type of authority over member states, it is appropriate to consider a similar mechanism for environment issues. The protect, respect, and remedy framework proposed by the UN Secretary-General’s Special Representative on business and human rights and accepted by the UN Human Rights Council could be a model.

### **Civil society participation in international environmental governance**

Governments alone no longer have the resources to respond to present environmental, social and economic challenges, and their repeated failure to respect their international commitments has produced a generalized loss of confidence. Significant power and wealth have shifted to economic and political forces that often transcend sovereign bounds, top-down control is being replaced or paralleled by networking functions driven by new information technologies, and civil society organizations of many types are increasingly important locally, nationally and internationally.

Civil society provides an important counterweight and partner to government in many functions, including information provision, capacity-building, implementation, and enforcement, among others. Civil society actors, however, have to be empowered to act through explicit participation provisions, access to information, and procedures for justice (Rio Principle 10), as exemplified regionally by the Aarhus Convention. Importantly, in an era of globalization, civil society, whether in the form of business & industry, NGOs, labour, etc., is well-adapted to deal with global matters, as it can organize and mobilize beyond political boundaries.

The operative economic models have demonstrated fundamental flaws in repeated financial crises. Single-issue approaches are no longer effective when all problems are reflections of complex systems interactions. Moral and ethical paradigms remain challenged in providing sufficient direction for society in times of rapid change and growing inequities, resulting in increasing difficulties with law enforcement, security and governance. Globally, there is a generalized lack of accountability, posing a huge challenge in building consensus on governance mechanisms.

The amount of attention given to governments and intergovernmental organization in the present Consultative Group on IEG reflects these limitations, underlining the tension between sovereign states and the economic and social networks that transcend those sovereign bounds. From the perspective of countries struggling to raise their populations out of poverty, intergovernmental mechanisms have too often been dominated by the rich and powerful. Intergovernmental progress has stalled even as global environmental and resource problems are accelerating.

### *New roles for civil society*

The existing structure of nation states and intergovernmental organizations needs significant structural renovation, with new cross-linkages reflecting interconnected problems, and bottom-up as well as top-down modes of functioning. States and intergovernmental organizations should open up to wider partnerships and collaborations with all non-state actors including civil society in all its diversity, to enable practical solutions to emerge. Only through such collaborations will it be possible to mobilize greater resources, reach the public more deeply with information and educational programmes, build capacity and empowerment at multiple levels, and observe, analyze and report on the complex interlinked processes of natural and human systems as a basis for collective reflection on the further actions required. From the perspective of much of civil society, structural and systemic change is required to refashion existing institutions for the new challenges of this century. All of the options for IEG now on the table or to be considered in the future need to include an explicit place for the contribution of civil society broadly defined, recognizing that the present definition of major groups may not be sufficiently inclusive of components of civil society with a significant potential to contribute to IEG.

Design criteria for an effective civil society input into IEG include, *inter alia*:

- effective implementation of the principles of transparency and access to information, meaningful opportunities for public participation, especially by parties at interest, and accountability as fundamental elements of all aspects of IEG;
- a major role in scientific advisory processes, giving weight to scientific expertise (including social science) as well as indigenous and local knowledge with high environmental relevance;
- an institutionalized role in holding governments and institutions accountable for their commitments;
- a significant place at the table in preparatory and deliberative processes;
- participating in decision-making through regular inclusion in national delegations to intergovernmental deliberations;
- a financial mechanism to assist the participation in IEG processes of civil society organizations from the global south and of those constituencies that are most directly affected and might not have the means to participate without encouragement and support;
- access for civil society to effective legal remedies and dispute settlement mechanisms at the international level;
- a forum for discussion of the ethical and moral dimensions and principles underlying governance and decision-making, with a formal opportunity to provide this dimension to intergovernmental debates; and
- links from the mechanisms of IEG to the educational processes, media and institutions of civil society that play an important role in both building the human capacity to implement IEG and in preparing public opinion to support the necessary actions to protect environmental systems and resources and ensure their sustainability.

The best available scientific understanding of the planet and its environmental and socio-political processes is an essential foundation for decision-making at all levels of governance, as reflected in the IPCC, IPBES, scientific subsidiary bodies under the Conventions, and other scientific advisory processes. Strengthened IEG should include:

- transparent selection processes for the best scientists and holders of environmental and human dimensions knowledge, with disclosure of any affiliations;
- procedures to arrive at the best consensus or peer-reviewed scientific information;
- a mechanism similar to the UN Statistical Commission to establish criteria for all scientific review and assessment processes, to verify their methodologies, and to build national capacity to participate in such assessments; and
- processes for systematic reporting on the main environmental and human dimensions challenges and constraints, building on and incorporating existing processes but also considering the interactions among all environmental systems and human impacts.

### ***Models of Civil Society Participation in Intergovernmental Processes***

There are traditions and effective models for civil society involvement that can help to inspire new mechanisms in IEG. The tripartite structure of the International Labour Organization is a well-known example. The participation of civil society representatives in the bureau of the UNEP Chemicals SAICM process is a further example. Another success is the Vienna+ model used in the Convention on Biological Diversity. Joint working groups of civil society organizations, government experts, and UN agency staff were at the heart of preparations for UNCED in 1992 and drafting of Agenda 21. Many scientific advisory processes have been essentially organized and staffed by civil society organizations. Some of the most widespread environmental and sustainability indicators and indices have been developed by NGOs, industry and academics, and industry has increasingly taken advantage of its global organizing capacity to develop necessary global standards (e.g. via ISO). The Permanent Forum on Indigenous Issues at the UN is another model for a civil society interface with intergovernmental processes. Organizations like Amnesty International and Transparency International have built a reputation for independence and objectivity that are unsurpassed in the governmental and intergovernmental spheres. There is also a convening power in civil society that complements intergovernmental conferences and their civil society forums.

Civil society organizations face their own challenges of legitimacy and accountability. Further improvement of the UN accreditation process may be required, including the need to protect it from government political interference in what should be objective decisions. This should be accompanied by resources for capacity building, especially among local organizations at the grass roots, and those in developing countries, to ensure more balanced access and representation. Stronger IEG should increase the structure and standing of MGS/civil society forums to be capable of producing more defined inputs to global environmental decision-making, in order to increase the effectiveness of that input.

It is possible to imagine an IEG institution building on present bodies but evolving gradually into another structure, such as for example a tripartite structure like the ILO, with governmental, scientific and civil society components collaborating to define the actions necessary to resolve our pressing global environmental and sustainability challenges.

### **Conclusion**

Effective international environmental governance will require the greater involvement of civil society in a multi-level system of environmental and sustainability governance with the following components: transparency, opportunity for public participation and accountability; a strengthened multilateral system with a strong environmental voice, scientific advisory component and UN-system-wide integration; greater responsiveness to the special needs of the poor and disadvantaged countries and people; and a plan for reform that combines practical steps with a strategy for systematic structural transformation. The Advisory Group will continue to develop these initial contributions, and to extend them in the coming broader discussion of governance for sustainability, in support of the wider efforts by major groups and stakeholders to search for constructive ways forward.