

## Overview of the State of International Environmental Governance

*Presentation made by Dr. Dan Bondi Ogolla at the second workshop on the implementation UNGA Resolution 73/333*

- International environmental governance (IEG) refers to the normative and institutional arrangements as well as related institutional processes established at the international level for the management and protection of the environment.
- IEG is characterized by three dominant realities:
  - ◆ A proliferation of MEAs: There are currently some 500 MEAs, 300 of which have been negotiated and adopted since the 1972 Stockholm Conference.
  - ◆ Institutional fragmentation: This is reflective of the piecemeal, reactive and sectoral nature of the development of international law in this field. A large number of global and international institutions participate in law-making and implementation.
  - ◆ The involvement of non-state actors in international environmental governance: Although States are the primary actors there is increasing involvement of non-state actors such as non-governmental organizations, the scientific community and the private sector in international environmental governance.

### **Proliferation of MEAs**

- MEAs adopted at the global and regional levels are the dominant sources of the legal norms in the field of the environment. Currently there are some 500 MEAs. Their development has not followed some overarching guiding principle. It has been piecemeal, reactive and issue-specific - responding to some urgent global or regional environmental challenge at a particular historical moment.
- Each MEA has a distinct and separate mandate, is issue-specific and has its own membership and governing body. The MEAs cover some five clusters

of environmental challenges: biodiversity; atmosphere; land; chemicals and wastes; and oceans, seas and water.

- The governing bodies of the MEAs undertake regular reviews of their adequacy and effectiveness. This often leads to the further development of the treaty regimes either through the adoption of implementation guidelines or of supplementary treaty instruments further exacerbating the problem of treaty-congestion.
  
- The piecemeal and incremental nature of law-development and the consequent proliferation of sectoral legal regimes poses a number of challenges:
  - ◆ It ignores the interdependent nature and interconnectedness of the Earth's ecosystem as well as the interlinkages between environmental challenges.
  - ◆ Leads to a lack of coherence and potential for conflicts and overlaps between regimes.
  - ◆ Creates the need for synergy and co-ordination in law-making and implementation.

### **Institutional Fragmentation**

- There is a large number of international institutions involved in international environmental governance. They include:
  - ◆ The United Nations system organizations: the UN funds and programmes such as UNEP, UNDP and UN Habitat; the specialized agencies such as FAO, ICAO, ILO, IMO, WMO, and the World Bank Group; and related organizations such as the IAEA, WTO, ISA and ITLOS
  - ◆ Treaty bodies established by MEAs- such as the COPs; subsidiary scientific and technical bodies; the financial mechanisms and funds; and compliance mechanisms. Currently, there are some 200 treaty-based bodies.

- The proliferation of MEAs and the ever increasing number of organizations participating in international environmental governance calls for cooperation, coordination and coherence amongst the various actors as well as the building and enhancement of synergies between regimes. Cooperation, coordination and coherence at three different levels:
  - ◆ Amongst UN system organizations;
  - ◆ Between UN system organizations and MEAs; and
  - ◆ Amongst MEAs.
  
- Mechanisms for cooperation, coordination and coherence have been established at all three levels with varying degrees of success and effectiveness.

### **Coordination & Coherence Amongst UN system organizations & Between UN system organizations & MEAs**

- Within the UN System the ACC was established in 1946 to ensure coordination of programs of the various organisations and to promote cooperation in the pursuit of common goals. It was replaced in 2002 by the UN System Chief Executives Board (CEB) which serves as the internal coordination mechanism that provides high level strategic guidance, promotes coherent leadership, shared vision and enhanced cooperation. The CEB is a 31 member body and brings together the executive heads of the UN, its 12 Funds and Programmes, its 15 Specialized Agencies and 3 Related Organizations. The executive heads of other UN entities are invited to CEB meetings by the Chair - these include regional commissions, UNU, UNAIDS and UNFCCC.
  
- The work of the CEB is supported by two high-level committees: the High-level Committee on Programmes (HLCP) and the High-level Committee on Management (HLCM). Under each committee there are inter-agency mechanisms and networks to coordinate specific topics. The HLCP has established three inter-agency mechanisms to increase

coherence across the UN system in addressing urgent development challenges: UN-Water, UN-Oceans and UN-Energy.

- MEAs are not part of the CEB. However topics addressed by the CEB include biodiversity, climate change and disaster risk reduction for resilience. However, MEAs participate in the inter-agency mechanisms at a lower and purely technical levels.
  
- UNEP is the primary environmental co-ordinating body within the UN system. Its role has been reaffirmed in the Rio+ 20 outcome document, *The Future We Want*. In its coordination function UNEP works through the Environment Management Group (EMG) - a 51 member inter-agency group comprising UN system organizations and MEA Secretariats. It seeks to foster system-wide coherence and effectiveness through enhancing UN environmental and social responsibility; collaboration on global environmental issues; and supporting the UN SDGs through system-wide strategies.
  
- The EMG has been deemed ineffective because of:
  - ◆ Lack of high-level representation and engagement;
  - ◆ Negative perception of EMG as a tool of UNEP's control of MEAs;
  - ◆ Lack of clarity of purpose and outcomes;
  - ◆ Resource constraints.

### **Coordination & Coherence Amongst MEAs**

- There have been a limited number of initiatives to enhance cooperation and synergies amongst related MEAs. These have been in the chemicals and wastes; biodiversity; and the land degradation, biodiversity and climate change clusters.
  
- In the chemicals and wastes cluster, the Basel, Rotterdam and Stockholm (BRS) Conventions have established a single secretariat

with joint administrative and programmatic activities.

- In the land degradation, biodiversity and climate change cluster, the three Rio Conventions (UNCCD, CBD and UNFCCC) in 2001 established a Joint Liaison Group (JLG) to promote synergistic activities and increase coordination. The JLG comprises officers of the scientific subsidiary bodies, the Executive Secretaries of the Conventions and Secretariat officials. In 2017 the Executive Secretaries identified options for enhanced cooperation and coherence as including:
  - ◆ Complementarity among NBSAPs, the NAPs of UNCCD and the NAPAS of UNFCCC;
  - ◆ Collaboration amongst the scientific subsidiary bodies;
  - ◆ Collaboration amongst national focal points;
  - ◆ Development of joint work programs.
  
- Initiatives regarding coordination, coherence and synergies in the biodiversity cluster include:
  - ◆ The establishment of the Biodiversity Liaison Group in 2004 to enhance coherence and synergies in implementation of the seven biodiversity -related conventions;
  - ◆ The involvement and collaborative engagement of other MEAs in the implementation of the CBD Strategic Plan for Biodiversity 2011-2020. The Plan and the associated Aichi Biodiversity Targets has been used to coordinate and align targets to promote and enable more effective implementation across all biodiversity-related conventions;
  - ◆ At CBD COP13 (2016), Parties and the Secretariats of all the biodiversity-related conventions worked together to identify options for synergies resulting in a COP decision that includes national options for action and a roadmap for improving synergies between conventions at the international level.
  
- The establishment of such mechanisms amongst related MEAs helps

to harness inter-linkages and promote synergies and coherence in regime development and implementation.

### **Options for Further Improvement Regarding Coordination & Coherence**

- In summary, continuing efforts to improve the existing structure of international environmental governance have focused on:
  - ◆ Institutional reforms and the establishment of mechanisms to enhance coordination and coherence, including reforms relating to the governance, financing and functioning of UNEP; and
  - ◆ Enhancing synergies and coherence amongst MEAs.
- These twin elements have been reaffirmed in paragraphs 88 and 89 of the Rio+20 outcome document, *The Future We Want*.
  
- Options for further improvement could include:
  - ◆ Integrating some of the global MEAs in the CEB and its processes.
  - ◆ Integrating the governing bodies of MEAs, through their Presidencies or Bureaux, in the sessions of UNEA.
  - ◆ Collaborative definition of priorities and rotational chairing of EMG in order to build trust and ownership of outcomes and dispel any notions of UNEP interference in treaty mandates. Rotational chairing would also impact on the level of representation at EMG meetings.
  - ◆ The mapping and clustering of existing global and regional MEAs. This could be undertaken by UNEP in collaboration with relevant MEAs.
  - ◆ Collaboration between UNEP, UNDP and MEA Secretariats in national level implementation and their promotion of national level coordination.
  - ◆ The strengthening of cooperation and collaboration between related MEAs scientific bodies.

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