

# **International Environmental Governance Workshop**

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## *International Environmental Governance: Where do we stand 5 years after Rio+20?*

Created as the anchor institution for the global environment as a result of the Stockholm Conference on the Human Environment in 1972, the UN Environment Programme was expected to become the global authority on environmental issues, the environmental program of the United Nations. Its mandate derives from the UN General Assembly Resolution 2997 (XXVII) of 1972, 1997 Nairobi Declaration on the Role and Mandate of the UN Environment Programme, and paragraph 88 of the Conference on Sustainable Development Outcome Document “The Future We Want” and has stayed focused on six core functions:

1. keep the world environmental situation under review and assess global and regional environmental trends
2. promote greater awareness and facilitate international cooperation and action in implementing the international environmental agenda
3. provide policy advice and early warning and serve as an effective link between the scientific community and policy-makers
4. facilitate the development, implementation and evolution of international norms and policies including linkages among existing international environmental conventions
5. coordinate environmental activities in the UN system
6. strengthen technology support and capacity in line with country needs and priorities

These functions are grounded in the logic that accurate scientific data is the foundation for the development of sound environmental policies and management strategies, that catalyzing action in the UN system, among governments and within civil society, and coordination of the environmental programs of intergovernmental bodies in the UN system were core pillars, and that implementation of policies would hinge on the provision of support and capacity.

Over time, the number of actors in the international environmental governance arena increased dramatically as UN and other international agencies developed a range of environmental initiatives, as numerous multilateral environmental agreements emerged, and as civil society, the private sector, and governments developed a range of new initiatives. The UN Joint Inspection Unit noted in 2008 that UNEP had “fallen short in exercising effectively its original mandate to coordinate all environmental initiatives in the United Nations system”, and as a result, “an overarching authority for global environmental governance is lacking within the United Nations system,” and “[r]esponses to environmental challenges have become sector-specific, specialized and fragmented”(Inomata, 2008). Efforts at international environmental governance reform have sought to address this challenge. They culminated in 2012, at the UN Conference on Sustainable Development held in Rio de Janeiro.

At Rio+20, governments renewed their political commitment to sustainable development; agreed on the reform of environment and sustainable development institutions; launched the political processes for SDGs; and brought a broad spectrum of issues within the sustainable development mandate including food security, poverty eradication, and conservation of marine and terrestrial ecosystems. Governments also stressed the importance of strengthening international

environmental governance and green economy for sustainable development. Rio+20 set the agenda of the next two decades for global environmental and sustainability governance. Where do we stand 5 years after?

### **The Rio+20 Mandate**

Rio+20's legacy is the reform of the international institutions for environment and sustainable development, and the launch of Agenda 2030 – a plan of action for people, planet and prosperity. In the environmental field, governments concluded a reform process they had started in 1997 at the Rio+5 Summit. They had the option to transform UNEP from a subsidiary organ of the UN General Assembly into a specialized agency but decided that a dramatic change in UNEP's institutional form was neither necessary nor sufficient for the organization to fulfill its mandate.

Rather, they committed to “strengthen and upgrade” UNEP by expanding its governing council from 58 countries to universal membership; by increasing its financial resources through greater contributions from the UN regular budget; and by giving it role in capacity building and implementation. Paragraph 88 articulated eight core elements of reform (see the text of para 88). A few months later, Resolution 67/213 confirmed the need for “secure, stable, adequate and predictable financial resources for UNEP” and committed contributions from the UN regular budget in a manner that adequately reflects the organization's administrative and management costs (UN General Assembly, 2013b).

In the sustainable development field, through a rare institutional reform move, governments abolished the Commission on Sustainable Development—the central institutional outcome of the 1992 Rio Earth Summit—and replaced it with a high-level political forum (HLPF). Its core functions are to provide political leadership for sustainable development, follow up and review progress in implementation of sustainable development commitments, enhance integration of the three dimensions of sustainable development in a holistic and cross-sectoral manner at all levels, and provide an action-oriented agenda, ensuring due consideration of new and emerging challenges (UN General Assembly, 2013a).

The forum convenes at the heads of state level in the General Assembly every four years beginning in 2019, and annually at the ministerial level in the Economic and Social Council. The ambitious mandate carries the power for more effective coordination and integration of sustainable development at all levels. It also poses the peril of vacuous promises if not properly operationalized and executed. Rio+20 introduced the green economy as an important tool in the context of sustainable development and poverty eradication. Countries are encouraged to adopt relevant policies and the UN system to play a coordinating role and serve as a platform for communication and sharing best practices.

### **UN Environment Assembly**

As a result of the reforms initiated at Rio+20, UNEP's Governing Council transformed into the UN Environment Assembly. The change was expected to grant UNEP greater legitimacy vis-à-vis member states and multilateral environmental agreements. Universal membership in the Environment Assembly formally involves all UN member states in decision-making, thus

according its decisions greater legitimacy. As a result, the Assembly has greater authority to provide overarching policy guidance and engage with the governing bodies of the conventions, whose membership is nearly universal. Even the UN General Assembly, however, holds no formal authority over the conventions. Ultimately, UNEP has to earn the necessary influence to coordinate and oversee the work of the conventions and produce a coherent response to environmental challenges.

Governments created the universal UN Environment Assembly as a political forum that would convene biannually and provide a platform for the exchange of experience, knowledge, and best practices. Envisioned as a global environmental parliament, the Environment Assembly holds the potential for bringing countries together around common concerns and innovative solutions. The governance and operations of the Assembly will therefore be critical. If UNEA is to serve as the world's environmental parliament, consistently engaging all of its members will be important.

The biennial cycle of UNEA could affect its ability to effectively perform its functions and meet expectations. UNEP's Governing Council also had a biennial cycle of meetings and, in 1997, countries established a High-Level Committee of Ministers and Officials (HLCMO) as a subsidiary body and intersessional mechanism for the Governing Council. In 1999, through UN General Assembly resolution 53/242, governments instituted the Global Ministerial Environment Forum as an "annual, ministerial-level, global environmental forum" that would take the form of a special session of the Governing Council in alternate years to the regular Governing Council session. Special sessions convened around the world and regular sessions in Nairobi. The experience of the Global Ministerial Environment Forum might be useful as governments consider operational options for the UN Environment Assembly and its intersessional mechanism.

The biennial meeting schedule demands an intersessional body to guide the work. The open-ended Committee of Permanent Representatives is the main intersessional organ of the UN Environment Assembly and tracks progress on the implementation of resolutions and on UNEP's broader outcomes.

Some criticisms of the functioning of the Environment Assembly include the large number of resolutions and side events, the absence of a political declaration, and the lack of significant new substance. At UNEA 1, governments adopted 17 resolutions and 2 decisions, at UNEA 2, they adopted 25 resolutions and no decisions. These included resolutions on the science-policy interface, illegal trade in wildlife, air quality, the 2030 Agenda on Sustainable Development, and sound management of chemicals and waste among others. Moreover, a number of resolutions on different issues, such as marine plastic debris and microplastics, prevention, reduction and reuse of food waste, sustainable coral reefs management, sand and dust storms added to the already long list of more traditional issues UNEP has attempted to manage such as biological diversity, climate change, and chemicals and waste. The organization is, in short, responsible for raising awareness, monitoring, developing policy, and building capacity for a range of issues from the bottom of the ocean to the atmosphere.

### **Committee of Permanent Representatives**

The Committee of Permanent Representatives was created to establish a formal and regular system of consultation among governments and with the Executive Director during the intersessional periods of the Governing Council. This intersessional mechanism was formally established as a subsidiary organ of the Governing Council in May 1985 by Governing Council Decision 13/2 and now functions as a subsidiary organ of the UN Environment Assembly.

The CPR comprises 118 members, 81 of whom are based in Nairobi at their country's permanent mission. The rest accredited to UNEP PRs are based in other locations – Addis Ababa, Geneva, or New York – or operate from their home countries. The responsibilities of the Committee include review of UNEP's draft programme of work and budget, monitoring the implementation of Governing Council decisions and now of UNEA resolutions. The committee faces two challenges – representation and engagement. Only forty percent of all UN member states have missions in Nairobi: 54 percent of developed countries and 36 percent of developing countries.<sup>1</sup> The Latin America and Caribbean group (GRULAC) has minimal presence in Nairobi. Only 7 out of 33 GRULAC countries, 21%, are formally present in Nairobi: Argentina, Brazil, Chile, Colombia, Cuba, Mexico, and Venezuela. Many countries, therefore, are not represented in the CPR. With universal membership in UNEA, this discrepancy diminishes the ability of full participation but is in the process of being rectified as governments are appointing representatives and focal points.

Moreover, most of the representatives in Nairobi are in political posts that include a number of other duties in several countries in the region. Only a few countries, such as the United States and Sweden, for example, have specially appointed Permanent Representatives, often with solid environmental backgrounds, whose primary responsibility is to work with UNEP and UN Habitat. Since representatives usually come from the ministries of foreign affairs, they may have somewhat limited environmental knowledge and expertise when they take on their posts in Nairobi. Given the intense engagement with UNEP, meeting at least six times a year to discuss the work programme and budget, review the status of resolutions, and discuss a range of relevant issues, many government officials gain knowledge and skills. However, since duties often include responsibilities in neighbouring Somalia, Eritrea, Ethiopia, representatives' ability to engage systematically and fully is limited.

Given the importance of governance responsibilities of UNEA and the CPR, it is important to align membership, ensure communication, and facilitate improved understanding of priorities, constraints, and opportunities.

### **The Environment Management Group**

UNEP holds an explicit mandate to coordinate. Coordination of the environmental activities in the UN system and of the environmental conventions, however, has been a challenge. It has been likened to the modern day's "quest for the philosopher's stone" in that it is widely sought after and seldom truly achieved. A number of coordination mechanisms were created over time, disbanded, or merged with others. No single one of them seems to have delivered the kind of coordination and value added as envisioned or expected.

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<sup>1</sup> In contrast, 94 percent of UN member states are represented in New York and 62 percent in Geneva. Representation of developing countries is at 95 and 55 percent in New York and Geneva respectively.

In 2001, governments created the Environment Management Group (EMG) to improve coherence and collaboration among UN agencies, programs, organs, and secretariats of Multilateral Environmental Agreements. The EMG comprises 48 members including specialized agencies, programmes and funds of the UN system, and MEA secretariats. It also includes the Global Environment Facility (GEF), the Bretton Woods institutions, and the WTO. Its goal is to provide an effective, coordinated, and flexible United Nations system response to environmental concerns; to facilitate joint action; and to promote coordination among its members. The EMG consists of senior-level officials of member organizations and is chaired by the Executive Director of UNEP, UNEP also provides the secretariat for EMG in Geneva.

Through Resolution 11 of the first session of the UN Environment Assembly, member states invited the Executive Director as Chair of the EMG to assess whether the EMG is fit to respond to current coordination challenges in the field of environment and to identify possible measures to maximize its effectiveness and efficiency. To date, some of the EMG achievements include: preparing One UN contributions on sound chemicals management, green economy, drylands, biodiversity, sustainability management of the UN system, environmental aspects of fresh water, sanitation and human settlements, atmosphere/air pollution & industrial development, and environment related capacity building. EMG could be a tool for achieving the SDGs by contributing to a common understanding of integrated goals and targets. In the recently launched Nexus Dialogues Series, UN agencies and other stakeholders share areas of interest and exchange views about how action in one sector may impact the outcomes of another.

#### **Discussion questions**

1. Are we on track with respect to the vision defined at Rio+20? Is the mandate from Rio+20 being implemented successfully?
2. What should be UNEA's message and priorities? Is UNEA performing its role of environmental parliament and how can that role be achieved better?
3. Does EMG strengthen or erode UNEP's ability to coordinate environmental activities?
4. How to measure and improve the effectiveness of existing institutions – UNEA, CPR, EMG, and others? How to enhance coordination among them?
5. Optimizing the role of different governance bodies at UNEP: The UNEA Bureau, the CPR, and others, in guiding UNEP and its UN Environment Assembly

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