

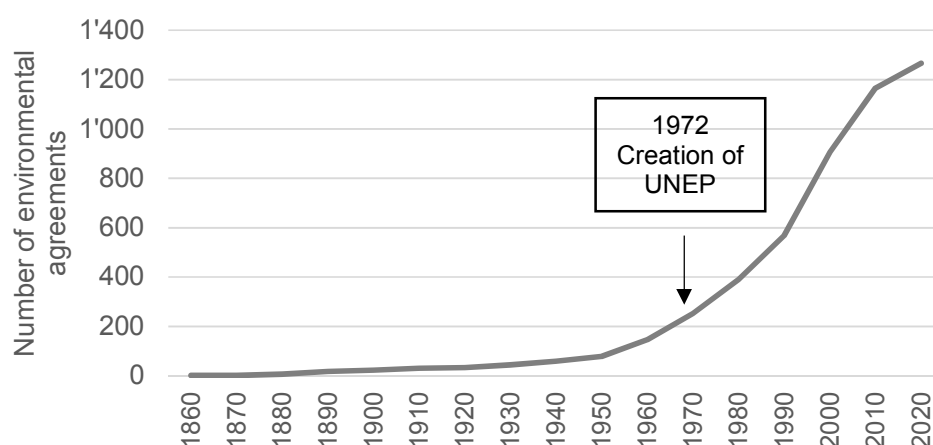
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Multilateral Environmental Agreements

Multilateral environmental agreements, also known as treaties or conventions,¹ constitute the main international legal instrument for promoting collective action toward managing ecological risk. They date back to the nineteenth century when governments established them to manage shared environmental resources. The number and membership of agreements has increased dramatically since the 1970s and has reached more than 1,250 (Figure 1). UNEP has played a key role in designing and supporting agreements on a range of subjects—pollution, fisheries, natural resources, toxic substances, wild fauna and flora, regional development, and ecosystems. About a dozen of the existing agreements could be considered truly global as they have universal membership (over 100 countries) and planetary scope (rather than local or regional) (Table 1).

Figure 1. Historical evolution of number of international environmental agreements



Source of data: (Mitchell, 2016)

UNEP's environmental assessment work set the foundation for its subsequent activities in environmental data collection, analysis, and dissemination as well as the development of relevant environmental law. Scientific assessment illustrated rates of desertification, deforestation, the depletion of the ozone layer, pollution of regional seas, loss of biodiversity, the global risks of mercury, etc. and led to international agreements to reduce these global threats. The treaties on biodiversity, ozone layer protection, regulation of chemicals and hazardous waste, and climate change were all created and concluded with UNEP's engagement. These treaties construct frameworks and processes to guide responses to environmental problems, set agendas, proscribe behavior, prescribe actions, contribute to the raising awareness about environmental issues, reduce uncertainty around regulation, and generate policy responses. Environmental conventions also contribute to policy specialization, opening spaces for the participation of civil society and for the use of innovative instruments to solve environmental challenges.

¹ In this document, we use the terms MEAs, conventions, treaties, and agreements interchangeably for ease of reading.

Table 1. Selection of global environmental conventions with global scope and near universal membership

		Start Year	Parties (No.)
Atmosphere	• Paris Agreement on Climate Change	2015	148
	• Kyoto Protocol to the UNFCCC	1997	192
	• UN Framework Convention on Climate Change (UNFCCC)	1992	197
Biodiversity	• Nagoya Protocol on Access and Benefit-sharing	2010	96
	• Cartagena Protocol on Biosafety	2000	103
	• Convention on Biological Diversity (CBD)	1992	196
	• Convention on International Wetlands (Ramsar Convention)	1971	169
	• Convention on International Trade in Endangered Species (CITES)	1973	183
	• Convention on the Conservation of Migratory Species (CMS)	1979	124
	• World Heritage Convention	1972	193
Chemicals and Waste	• Minamata Convention on Mercury	2013	54
	• Stockholm Convention on Persistent Organic Pollutants	2001	181
	• Basel Convention on Transboundary Movements of Hazardous Wastes	1989	186
	• Rotterdam Convention on Prior Informed Consent Procedure	1998	157
	• Vienna Convention and Montreal Protocol on the Ozone Layer	1987	197
Land	• UN Convention to Combat Desertification (UNCCD)	1994	196
Water	• Convention on the Protection and Use of Transboundary Watercourses and International Lakes	1992	41

Data to May 31, 2017

Implementation of global environmental goals as articulated by the MEAs is at the core of attaining environmental results. It is therefore critical to measure and track implementation and understand the process by which countries translate international environmental obligations into national policies. Preliminary research demonstrates the value of and need for measuring and assessing implementation.

At the University of Massachusetts Boston, the Center for Governance and Sustainability has developed an Environmental Conventions Index that assesses the level of implementation in global environmental conventions, evaluating answers to the questionnaires member states submit in national reports to each convention secretariat. The Index presents trends across countries, within countries (across issues and over time), and across conventions.² Findings about the performance of countries regarding their global environmental obligations show that:

- Performance on implementing the obligations under the MEAs has improved over time
- Many developing countries are more consistent with reporting and show higher performance than expected

² For more information visit: <http://environmental-governance.org/research/environmental-conventions-initiative-2/>.

- Many countries report consistently, even when the data show poor results
- The complexity of the reporting process is not necessarily a deterrent to reporting compliance
- Institutional support from the secretariats is important in ensuring regular reporting and facilitating implementation.

UNEP and the MEAs

International environmental law development became one of UNEP's major policy activities, and through the 1997 Nairobi declaration, a central part of the organization's mandate. It has also come to be regarded as one of the organization's most significant achievements. This success, however, has come at a price. As a 1998 report of the UN Secretary-General noted, "the flourishing of new international institutions poses problems of coordination, eroding responsibilities and resulting in duplication of work as well as increased demand upon ministries and government" (U.N. General Assembly, 1998). This challenge of coherence persists and has motivated several efforts at creating synergies, streamlining reporting, and improving coordination. Partially, the challenge stems from the governance relationship between UNEP and the conventions.

In contrast to other international organizations, including the International Maritime Organization, the International Labour Organization, and the UN Economic Commission for Europe, UNEP has not become the organizational home—administratively and physically—for all the conventions that have emerged under its aegis. Once launched, the conventions became autonomous entities with separate legally independent structures, decision-making bodies and procedures, each with its own Conference of the Parties, secretariat, and subsidiary bodies. Other conventions, however, are completely autonomous, including UNFCCC, UNCCD, or are hosted by other organizations, World Heritage by UNESCO and Ramsar by IUCN.

Currently, UNEP provides the secretariat for 13 agreements, and is expected to do so for two other agreements (the Tehran and Minamata Conventions). The secretariats of the MEAs are also geographically dispersed. Nairobi, Montreal, Geneva, and Bonn host some of the convention secretariats. In Resolution 2/18 of UNEA 2, governments identified three areas for improvement of the relationship between UNEP and the MEAs for which it provides the secretariats, including institutional framework and accountability, administrative and financial framework, and mutual supportiveness for the programmes of work (UNEP, 2016).

Over time, issues of institutional placement and geography have affected the relationship between UNEP and the MEAs. Governed by their respective Conference of the Parties, the convention secretariats see themselves clearly as responsive to them. This has created some tension between UNEP and the convention secretariats and the opportunity to work together on implementation and capacity building has not always been effectively utilized. Because of lack of communication and coordination, convention COPs still take decisions that may duplicate or even contradict decisions taken by UNEP's governing body, now the UN Environment Assembly. UNEA Resolution 2/18 seeks to resolve this concern and encourages UNEP and the MEAs to together in the framework of the 2030 Agenda for Sustainable Development.

The relationship between UNEP and the MEAs influences the effectiveness of the system of global environmental governance. That is why—following the discussions at the Governing Council and UNEA—there is a clear need for programmatic cooperation, that reduces fragmentation, and that includes a meaningful and consultative process between UNEP and the convention secretariats (UNEP, 2016). At the national level, reducing the overload of national-level authorities responsible for implementation is a priority and governments request streamlined reporting processes and capacity assistance. As UNEP incorporates the priorities of the conventions in its program of work and establishes mechanisms for effective coordination, it will be possible to reduce inefficient use of already limited financial resources, and conflicting or indeterminate policy guidance.

Synergies among MEAs

Coordination and collaboration among MEAs is essential to avoiding conflicts among agencies, reducing overlapping of activities, and improving the efficiency and effectiveness of the policy process at all levels. The importance of harmonization and synergies among the various agreements has been repeatedly confirmed by the various governing bodies and the Environmental Management Group has reviewed the harmonization of reporting.

Synergies have been a prominent topic in the chemicals and waste cluster. The Basel, Rotterdam, and Stockholm conventions launched a process to enhance cooperation and coordination. At the 2008/2009 COP of each convention, parties adopted "synergies decisions" to coordinate organizational, administrative, technical, informational, and decision-making practices and to improve efficiency and implementation through joint activities (Basel Convention, 2006; Rotterdam Convention, 2008; Stockholm Convention, 2006). A fundamental consequence of this process was the establishment of a joint executive secretariat in Geneva to oversee the three agreements. The synergy process is considered successful and the 4th joint COP convened in Geneva from 24 April to 5 May, 2017.

In the biodiversity cluster, UNEP has actively promoted a process to enhance the synergies among the related conventions (Convention on Biological Diversity, CITES, Convention on Migratory Species, the Ramsar Convention on Wetlands, and the World Heritage Convention) and the two regional seas conventions with biodiversity related protocols (Barcelona and the Cartagena Conventions). In 2000, UNEP launched the process of harmonization of reporting requirements seeking to avoid duplication of effort, increase efficiency and reduce the burden of reporting, and improve access to reported information.

There are still challenges in the practical implementation of a common reporting framework, however, and it is unclear where the process stands. CBD's website still only refers to COP 6 (that took place in 2002), which "welcomed the work of the United Nations Environment Programme on the harmonization of environmental reporting and encouraged its continuation"³ but offers no information on the continuation and the results. Cooperation and coordination has also been promoted in terms of the contribution of the biodiversity agreements to the implementation of the 2030 Sustainable Development Agenda.

³ <https://www.cbd.int/reports/harmonization.shtml>

Implementation of MEAs

Despite multiple efforts at improved global governance, the global environment continues to degrade at an alarming pace, and planetary boundaries are being pushed to new limits. This raises key questions about the institutional performance of the environmental conventions, including how national policies based on international environmental commitments contribute to solving global environmental problems. In other words, are the conventions, as they are being implemented by governments, improving the global environment?

Different studies, including the Global Environmental Outlook and assessments of global environmental goals have evaluated the extent to which progress has been made in the policy areas and goals included in the environmental conventions (UNEP, 2012a, 2012b). Surprisingly, there have been no systematic, time series empirical assessments of the degree to which countries have implemented their commitments under global environmental conventions. As a result, there is no baseline against which to assess performance, actions, or even expectations; and without empirical evidence, we risk erroneous conclusions. In the absence of implementation measurement, it is impossible to determine whether these conventions solve the problems they were created to address. Moreover, without understanding what enables or prevents countries from implementing their obligations, no serious institutional reform can take place either at the national or international level.

Empirical results are key to understanding the dynamics of implementation, engaging with policymakers, and identifying leverage points for improvement. Importantly, implementation of new global agreements, including the Paris Climate Agreement, the Minamata Convention on mercury, and the Sustainable Development Goals, will benefit from the lessons of existing environmental agreements. Understanding how the conventions function will also provide insights about states' capacity requirements to accomplish behavioral changes and outcomes at the national level.

Discussion questions

1. What would characterize a productive relationship between UNEP and the MEAs?
2. What are the benefits and challenges of UNEP serving as secretariat to some MEAs?
3. Should UNEP catalyze, create, and promote the development of new MEAs?
4. What is needed/missing for governments to successfully implement the MEAs? For UNEP and the MEAs to ensure successful implementation?
5. What are the potential synergies among MEAs? And how can they be achieved?

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