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**Assessing UNEP as an Anchor Institution for the Global Environment**

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### Acronyms

CPR	Committee of Permanent Representatives
CSD	Commission on Sustainable Development
DEWA	Division of Early Warning and Assessment, UNEP
EF	Environment Fund
EMG	Environmental Management Group
EPA	Environmental Protection Agency
ESI	Environmental Sustainability Index
FAO	Food and Agricultural Organization
GC	Governing Council
GEF	Global Environment Facility
GEMS	Global Environmental Monitoring System
GEO	Global Environmental Outlook
GMEF	Global Ministerial Environment Forum
GPG	Global Public Goods
GRID	Global Resource Information Database
IAEA	International Atomic Energy Agency
ICAO	International Civil Aviation Organization
IMCO	International Maritime Consultative Organization
ILO	International Labor Organization
JPO	Junior Professional Officer
MEAs	Multilateral Environmental Agreements
NGO	Nongovernmental Organizations
OECD	Organisation for Economic Cooperation and Development
UN	United Nations
UNAIDS	Joint United Nations Programme on HIV/AIDS
UNDP	United Nations Development Programme
UNEP	United Nations Environment Programme
UNESCO	United Nations Educational, Scientific, and Cultural Organization
WCMC	World Conservation Monitoring Center
WHO	World Health Organization
WIPO	World Intellectual Property Organization
WMO	World Meteorological Organization
WTO	World Trade Organization

## Introduction

In the context of increasing ecological, economic, and political interdependence, international organizations have evolved from simple mechanisms for state cooperation to central actors in world politics and active agents of global change. However, while the number of institutions, policies, and programs charged with stewardship of the global commons has risen dramatically over the last thirty years, the state of the global environment continues to show negative trends and increasing risks.<sup>1</sup> As a result, scholars and politicians alike have called for strengthening the global environmental governance system<sup>2</sup> and, in turn, transforming the United Nations Environment Programme (UNEP) into a more powerful global environmental organization.

Contemporary reform initiatives for environmental governance fall into two categories: 1) those that take UNEP as a departure point for system-wide reform, such as the recent proposal by the French and German governments to establish a UN Environment Organization (UNEO) upgrading UNEP into a specialized agency<sup>3</sup> and 2) those that advance a radical system overhaul, like the proposals for a WEO (World Environment Organization), GEO (Global Environmental Organization), and GEM (Global Environmental Mechanism).<sup>4</sup> Institutional reform, however, must ultimately be rooted in an understanding of where and why UNEP has succeeded and failed in order to identify leverage points for better effectiveness, efficiency, and equity.

Currently, the debate on global environmental governance reform has artificially divided the environmental governance academic community into “friends” and “foes” of UNEP rather than opening analytical avenues for constructive critique and refinement of theoretical assumptions.<sup>5</sup> Analysts of UNEP offer a wide range of opinions regarding the effectiveness of the organization. It is considered by some as “one of the most impressive UN organizations in terms of its actual achievements,”<sup>6</sup> “generally well-regarded,”<sup>7</sup> “relatively effective,”<sup>8</sup> and “given its mandate, its resources, and its authority ... a remarkable success.”<sup>9</sup> It is also characterized as “relatively obsolete, eclipsed in resources

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<sup>1</sup> Speth 2004.

<sup>2</sup> Comprehensive reviews of global environmental governance include: Desai 2004; Esty and Ivanova 2002b; Kanie and Haas 2004; Speth 2003, 2004; Vogler and Imber 1996.

<sup>3</sup> See <http://www.france.diplomatie.fr/fr/monde/onue-en/> and Tarasofsky and Hoare 2004.

<sup>4</sup> For proposals for a World Environmental Organization (WEO), see Biermann 2000, 2001, 2002a, 2002b; Biermann and Bauer 2004, 2005; Charnovitz 2002. For a Global Environment Organization (GEO) see Esty 1994, 2000; Runge 2001; Ruggiero 1998. For a Global Environmental Mechanism (GEM) see Esty and Ivanova 2002a.

<sup>5</sup> See Najam 2002, 2003. While Najam exclaims ‘Viva La UNEP!’ others criticize the organization as ineffective. “Is the UN Environment Programme (UNEP) up to the job? Simply put, the answer is no.” Esty 2001.

<sup>6</sup> Najam 2001.

<sup>7</sup> Imber 1993 cited in Najam 2003.

<sup>8</sup> Conca 1995 cited in Najam 2003

<sup>9</sup> von Moltke 1996.

and prestige,”<sup>10</sup> “under-funded, over-loaded and remote,”<sup>11</sup> a “peanut-sized”<sup>12</sup> “weak agency”<sup>13</sup> with “wasted scarce resources [and] a credibility gap.”<sup>14</sup> Yet, as Bauer and Biermann have found, few of the normative statements are grounded in systematic evidence, “[b]oth proponents and opponents of a world environment organization [have] had to build their arguments in most cases on the basis of personal experiences, theoretical deliberation and normative visions, rather than on the findings of empirically-based research.”<sup>15</sup>

Moreover, theoretical differences contribute to largely discrepant explanations of the drivers shaping UNEP’s performance. Realist and rational institutionalist theories assume that international organizations have no independent role or function in international affairs and are thus mostly instruments of state power. Principal-agent analysts correct this by treating international organizations as actors but theorize that their interests are rational and driven by a desire to maximize their budgets and power. Even constructivists, who take ideas and ideology seriously, have only recently begun to open the “black box” of international organizations.<sup>16</sup> International relations theories have thus offered insufficient explanation for the performance of international organizations as they fail to examine the internal operations of organizations and rarely rely on empirical analysis. In the environmental field, the result has been the creation and perpetuation of a mythology of global environmental governance that hampers a constructive debate on the future of its institutions.

In this paper, I seek to evaluate UNEP’s performance more systematically by examining three core functions UNEP performs as an anchor institution – monitoring and assessment; agenda setting and policy processes; and capacity development. I identify five key factors that have limited UNEP’s ability to fulfill its mandate: formal status, governance, financing structure, location, and organizational structure. Because many of the underlying factors are products of decisions made in 1972, I provide a historical context and glean lessons for the architects of the environmental governance system for the 21<sup>st</sup> century. In conclusion, I compare the functions that UNEP currently performs with the vision of a United Nations Environment Organization (UNEO).

## **UNEP’s Performance as an Anchor Institution**

UNEP was created in 1972 as the core, or anchor institution, for the global environment to gather and transmit information, catalyze action, and coordinate environmental activities within the UN system. It was established in response to a common

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<sup>10</sup> Haas 2004.

<sup>11</sup> *Ibid.*

<sup>12</sup> Speth 2002.

<sup>13</sup> von Moltke 1996.

<sup>14</sup> United Nations 1997.

<sup>15</sup> Bauer and Biermann 2004.

<sup>16</sup> Barnett and Finnemore 2004.

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understanding that “the work in the field of environment needed a common outlook and direction”<sup>17</sup> and that it was necessary to create “a central co-coordinating mechanism in the United Nations to provide political and conceptual leadership, to contemplate methods of avoiding or reducing global environmental risks, of working out joint norms, and of avoiding or settling conflicts between states on environmental matters. Such a mechanism should be given enough authority and resources to ensure effective co-ordination of ongoing and planned activities.”<sup>18</sup>

Anchor institutions are the primary, though not the only, international organizations in a global issue area and typically perform three main functions:<sup>19</sup> 1) overseeing monitoring, assessment, and reporting on the state of the issue in their purview; 2) setting an agenda for action and managing the process of determining standards, policies, and guidelines; and 3) developing institutional capacity to address existing and emerging problems. Anchor institutions define the problems, develop new policy ideas and programs, manage crises, and set priorities for shared activities that would not exist otherwise.<sup>20</sup>

A strong anchor institution ensures the stability and resilience of the regime it governs by slowing the rate of formation of new intergovernmental organizations. Analogous to the notion of “competition” in population ecology, this process asserts that “the more elaborated and dominating the extant official structure, the more likely that new functions and activities will be absorbed by it in preference to the creation of new organizations.”<sup>21</sup> For example, the 1973 Convention for the Prevention of Pollution from Ships led to the addition of executive functions to the International Maritime Organization rather than a new independent body. In contrast, the creation of multilateral environmental agreements on desertification, biodiversity, climate change, or hazardous waste led to the establishment of autonomous organizational entities in Bonn, Montreal, and Geneva rather than an elaboration of UNEP’s organizational structure. Thus, the lack of a strong anchor institution weakened the system of global environmental governance by encouraging excessive fragmentation.

In the global environmental domain, no one organization is perceived to be “the authority” in environmental matters and no one organization is considered to be “in authority” to ensure coherence and effectiveness in the system.<sup>22</sup> By contrast, other

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<sup>17</sup> Rydbeck 1972.

<sup>18</sup> *Ibid.*

<sup>19</sup> The anchor institution terminology builds on a concept advanced by Alex Shakow (Shakow 2004). The definition of main functions also draws on the analysis of the outcomes of the 1972 Stockholm Declaration in terms of key functions of the central international environment organization and on more recent works on this topic. See Haas 1993; Head 1978; Esty and Ivanova 2002a.

<sup>20</sup> Barnett and Finnemore, p.156.

<sup>21</sup> Meyer, John W., David John Frank, Ann Hironaka, Evan Schofer, and Nancy Brandon Tuma. 1997. The Structuring of a World Environmental Regime, 1870-1990. *International Organization* 51 (4, Autumn 1997):623-51.

<sup>22</sup> Barnett and Finnemore distinguish between being “an authority” and “in authority” as the two key aspects of power for international organizations. An organization is “an authority” when it is perceived as an expert in its particular domain (for example, the WHO is an authority on global public health). An organization is “in authority” when its rational-legal status has empowered it to perform certain functions (for example, UNHCR is in authority to protect refugees within certain legal parameters).

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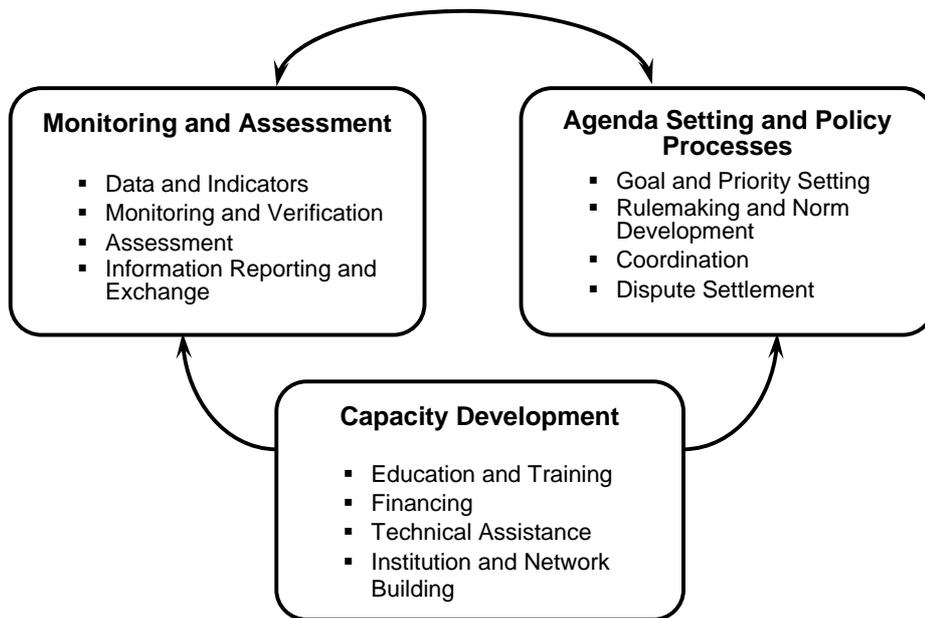
international collective action issues such as trade, health, or labor concerns have fairly well-developed and coherent organizational structure anchored in an international organization (WTO, WHO, and ILO respectively). The environmental governance architecture is fragmented, overlapping, and often conflicting. International environmental responsibilities are spread across multiple organizations, including UNEP and close to a dozen other UN bodies (such as the Commission for Sustainable Development (CSD), the World Meteorological Organization (WMO), the International Oceanographic Commission (IOC), the UN Educational, Scientific and Cultural Organization (UNESCO) and others). Adding to this fragmentation are the independent secretariats and governing bodies of the numerous environmental conventions. The practical result has been a series of jurisdictional overlaps, gaps, and “treaty congestion”<sup>23</sup> leading to unproductive duplication, competition, and waste of scarce resources.

UNEP’s mandate, defined as too broad by some and too narrow by others,<sup>24</sup> has stayed clear and relatively focused on five core functions over the last three decades: 1) monitoring, assessment, and early warning; 2) developing international norms, standards, and policies; 3) catalyzing action; 4) coordinating the environmental activities of the UN system; and 5) building national institutional capacity. These functions clearly fall within the three categories of anchor institution responsibilities. In the rest of the paper I seek to assess UNEP’s existing role and future potential as an anchor institution for the global environment by examining the organization’s performance in the three core roles of an anchor institution: 1) monitoring and assessment, 2) agenda setting and managing policy processes, and 3) capacity development. Figure 1 illustrates the analytical framework for the assessment.

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<sup>23</sup> Brown Weiss, Edith. 1995. International Environmental Law: Contemporary Issues and the Emergence of a New World Order. *Georgetown Law Journal* 81 (1):675-693.

<sup>24</sup> For example, von Moltke (2001b) characterizes UNEP’s mandate as impossible, Iwama (2004) as “narrow mandate of a “catalyst”” and Bauer and Biermann (2004) as “insufficient mandate.”



**Figure 1: Anchor Institution Core Functions**

## Monitoring and Assessment

UNEP was established to “keep under review the world environmental situation” and “promote the contribution of the relevant international scientific and other professional communities to the acquisition, assessment, and exchange of environmental knowledge and information.”<sup>25</sup> In the area of monitoring and assessment, UNEP is expected to “provide policy advice, early warning information on environmental threats, and to catalyze and promote international cooperation and action, based on the best scientific and technical capabilities available.”<sup>26</sup>

Unlike the WMO or WHO in their respective fields, UNEP does not perform any direct monitoring and assessment of its own. Rather, it collects, collates, analyzes, and integrates data from UN agencies and other organizations – including convention secretariats, universities, science institutes, and NGOs – to form broader environmental assessments.<sup>27</sup> UNEP’s assessments are highly recognized in the field and have served not only as tools for environmental information but also as tools for capacity building within collaborating centers around the world. Its flagship environmental assessment publication – the Global Environmental Outlook (GEO) – has been noted as “one of the

<sup>25</sup> United Nations 1972a [hereinafter *G.A. Resolution 2997*]

<sup>26</sup> UNEP 1997b [hereinafter *Nairobi Declaration*].

<sup>27</sup> A coordinated global network of collaborating centers contributes to the GEO process, where top-down integrated assessment is continuously combined with bottom-up environmental reporting inputs. A significant amount of analysis of spatial and statistical data comes from GRID, within UNEP. Other data centers like GEMS-Water and WCMC work very closely with governments and other scientific institutions to collect necessary data.

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two most respected environmental outlook publications currently available.”<sup>28</sup> This comprehensive global state of the environment report has been widely cited as useful for identifying major emerging environmental issues and for placing national issues in a broader perspective, raising the awareness of policy makers, scientists and the general public of the large-scale processes and trends of the global environment.

The GEO process’ most important contributions have been in influencing policy formulation, catalyzing action, and developing institutional capacity. Regional governmental forums and national governments have adopted GEO methodology for the production and/or improvement of their State of the Environment reporting. In countries where no such reporting was carried out (for example, Cuba, Peru, Costa Rica, Barbados, Gabon, Senegal, Congo, Ghana, and Cameroon among others<sup>29</sup>), the GEO process has catalyzed national State of the Environment reports. Several collaborating centers reported that participation in the GEO process has led to an improvement in the quality of products and services offered, increased satisfaction among center stakeholders, and enhanced credibility and reputation.<sup>30</sup> One of GEO’s key limitations, however, is the lack of comparative data across countries. While the report provides comprehensive information by issue and broad geographic area, it does not show the comparative performance of countries around the world in addressing environmental challenges. The data, therefore, are not utilized to their full capacity for informing policy decisions.<sup>31</sup>

When UNEP’s work becomes the standard for quality, relevance, timeliness, and accessibility in the environmental field, the organization will have begun to serve as the anchor institution for the global commons. UNEP is the natural forum for the creation of a coherent international system for environmental information and assessment. It offers the advantage of building on an existing institution with a clear mandate to serve as an information clearinghouse and a relatively strong scientific track record. Several key challenges, however, need to be addressed.

At the international level, two problems inhibit severely UNEP’s ability to serve as the anchor institution in environmental monitoring and assessment. One, the lack of comparable country data and limited domestic capacity to provide reliable data limit UNEP’s ability to compile complete international environmental assessments, draw conclusions, and make scientifically-based policy recommendations. They also impair the credibility of UNEP’s work in the eyes of users.<sup>32</sup> Second, duplication of environmental

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<sup>28</sup> See UNEP 2004b citing an environmental journalist, producer of a six-part BBC world service radio program based on GEO-2000.

<sup>29</sup> UNEP 2004a.

<sup>30</sup> It is important to note, however, that these are self-reported trends. A more accurate measure of enhanced credibility and reputation would be through a survey of change in perception by organizations working with the UNEP Collaborating Centers.

<sup>31</sup> In comparison, the Environmental Sustainability Index (ESI), developed by the Yale Center for Environmental Law and Policy and the Center for International Earth Science Information Network (CIESIN) at Columbia University, benchmarks the ability of nations to protect the environment. It allows governments not only to see their rank among the 146 countries in the data set, but also to compare their performance to that of their peers. Identifying leaders and laggards puts pressure on underperforming countries to improve results.

<sup>32</sup> UNEP 2004a, p.23.

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assessments performed by other UN agencies and NGOs runs rampant. Stakeholders recognize this as a serious problem,<sup>33</sup> yet little is done to address the reasons for the failure to effectively coordinate activities or to formulate concrete strategies to overcome existing constraints.

Within UNEP, there are also two core problems. One, UNEP's current capacity is not adequate to perform the function of a coherent clearinghouse for environmental information, highlighting "best practices" and promoting "information sharing" among countries.<sup>34</sup> The GEO team at Headquarters, for example, comprises only three professional staff, whose expertise cannot cover the full range of environmental and technical issues. Attracting high quality staff *and* investing in program activities would require at least a doubling of the annual budget of UNEP's Division for Early Warning and Assessment, which currently stands at \$US16 million.<sup>35</sup> Moreover, with 76% of the budget spent on staff salaries,<sup>36</sup> little is left for programmatic activities. Second, fragmentation and duplication of various monitoring and assessment activities within UNEP is pervasive. Activities regarding information and scientific assessment are spread across all eight divisions of the organization. Collection, processing, and dissemination of information are further allocated to a number of other UNEP-operated global scientific data centers. Inconsistent use of scientific quality assurance and quality control protocols in information and data management have led in some cases to unreliable output quality and relevance.<sup>37</sup>

### **Agenda Setting and Managing Policy Processes**

Another core function of an anchor institution includes agenda setting and management of intergovernmental processes to address critical issues and to gain agreement on standards, policies, and guidelines. UNEP was designed as an advocacy organization at the international level. It was expected to be proactive and set the global agenda by identifying emerging concerns and galvanizing action around them from government, international organizations, NGOs, and business. Setting goals and priorities and coordinating efforts for their attainment have, however, been problematic for UNEP.

UNEP's anchor role also demands that it serve as the center of gravity in a complex system of international environmental governance. Resolution 2997 clearly outlined UNEP's coordination function to "provide general policy guidance for the direction and co-ordination of environmental programmes within the United Nations system,"<sup>38</sup> and endowed the organization with specific institutional mechanisms by establishing an

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<sup>33</sup> UNEP 2005d, p.10. An example cited by governments in the report is in the area of health and the environment, in which various United Nations institutions and other organizations are active and potentially duplicating efforts.

<sup>34</sup> UNEP 2005d, p.12.

<sup>35</sup> See UNEP 2005b where the biennial budget for 2004-2005 is \$US32.5 million. The proposed amount for 2006-2007 is \$US37.7million.

<sup>36</sup> See UNEP 2005b, p.45. Total expenditures for established posts for 2004-2005 amount to \$US24.9 million out of \$US32.5 million biennial budget.

<sup>37</sup> UNEP 2004a, p.13.

<sup>38</sup> United Nations 1972a.

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Environment Co-ordination Board.<sup>39</sup> With the increasing number of treaties and institutions responsible for their administration, coordination of overlapping efforts has emerged as an issue of paramount importance. UNEP has not succeeded in becoming the central forum for debate and deliberation in the environmental field, like the WTO for trade or the WHO for health. Moreover, in contrast to other international organizations, including the International Maritime Organization, the International Labor Organization, and the UN Economic Commission for Europe, UNEP has not been able to provide an institutional home for the conventions that have emerged under their aegis. This fragmentation of policy processes, however, has had a largely detrimental impact on the effectiveness of global environmental governance.<sup>40</sup>

Some analysts have called UNEP a victim of its own success since most multilateral environmental agreements came into existence as a result of UNEP's catalytic role. In the last thirty years, UNEP has played a highly-regarded lead role in establishing an extensive system of international environmental law<sup>41</sup> through the creation of conventions and soft-law guidelines for a wide range of sectors. Despite the successful creation of international agreements, "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."<sup>42</sup> Once launched, the conventions became autonomous entities – each with its own Conference of the Parties, Secretariat, and associated subsidiary bodies that have autonomous influence often exceeding that of UNEP.

UNEP has undertaken efforts at greater coherence and coordination of the numerous conventions but with limited success.<sup>43</sup> For example, UNEP initiated a process of harmonization of reporting requirements for the five biodiversity 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). While a common website and a biodiversity clearing-house mechanism have been established, there has been little substantive progress toward the practical implementation of a common reporting framework.

Coordination of the environmental activities of *international organizations* has also posed a significant challenge. The constant creation, abolishment, and recreation of coordination mechanisms to assist UNEP in this anchor role illustrate the magnitude of the problem. The Environmental Coordination Board was established in 1972 by General Assembly Resolution 2997. In 1977, General Assembly Resolution 32/197 on the

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<sup>39</sup> The Environment Co-ordination Board (ECB) was made up of Executive Heads of the UN agencies under the chairmanship of the UNEP Executive Director and mandated to meet periodically to ensure "co-operation and co-ordination among all bodies concerned in the implementation of environmental programmes." In addition, the ECB was responsible for reporting annually to UNEP's Governing Council and fell under the auspices of the Administrative Committee on Co-ordination.

<sup>40</sup> Bernstein and Ivanova 2005 (forthcoming).

<sup>41</sup> Haas 2004.

<sup>42</sup> United Nations 1998.

<sup>43</sup> Andresen 2001.

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Restructuring of the Economic and Social Sectors of the United Nations merged the Environmental Coordination Board under the Administrative Committee on Coordination (ACC). Subsequently, each agency assigned a Designated Official on Environment Matters (DOEM) to coordinate environmental matters with the Executive Director of UNEP. In 1995, UNEP abolished the DOEM and substituted the Inter-Agency Environment Management Group (IAEMG). This group only met twice and was replaced by the Environment Management Group (EMG) in 1999. The EMG has not yet lived up to its potential as a joint coordinating body within the UN system largely independent of UNEP.

Four key reasons help explain the coordination challenge. First, the explosion in the number of international organizations has overwhelmed the series of UNEP-driven coordination bodies and mechanisms, which have yielded few results. As often pointed out by UN officials, “everyone wants to coordinate but no one wants to be coordinated.” Second, other UN bodies have refused to accept UNEP’s mandate to coordinate all environmental activities in the UN system due to “institutional seniority.” A number of UN bodies (ILO, FAO, UNESCO, WHO, WMO, IMCO, IAEA, ICAO, and UNDP) possessed environmental responsibilities before UNEP was created and thus feel less of a need to defer to UNEP. Third, the fear of losing certain parts of one’s work program, budget, and staff if duplication were eliminated leads agencies to jealously guard their “sovereignty” without a view of the broader public good. Fourth, UNEP’s approach to coordination was perceived as controlling and threatening. For example, UNEP’s earliest heavy-handed attempts (mid- to late 1970’s) at coordination drove the WMO to send out a memo warning others of “this upstart agency’s plans to take over everyone’s work.” This has led to strained relations and turf wars among the agencies, compromising UNEP’s role as an anchor institution with the mandate to manage broader policy processes. Subsequently, “UNEP could no more be expected to ‘coordinate’ the system-wide activities of the UN than could a medieval monarch ‘coordinate’ his feudal barons.”<sup>44</sup>

The existence of a clear and coherent institutional vision has enabled other international organizations to serve as stronger anchor institutions in their fields. The WHO, for example, has been able to reject funds that do not advance its long-term strategic vision and instead focus government contributions on a set of key priorities. UNEP’s attempts to cover a vast number of priorities, often under pressure from governments, and its risk-averse attitude have prevented it from establishing a solid brand name that would give it the freedom to act as a leader by setting the global environmental agenda and taking action to attain it. Without a long-term strategy for accomplishing goals, it is difficult to raise the necessary funds. As the Office for Internal and Oversight Services observed in 1997, a vicious circle of limited funds and limited effectiveness had deterred UNEP from enlarging its visionary capacity and raising the necessary resources throughout much of its existence.<sup>45</sup>

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<sup>44</sup> Imber 1993, p.83 cited in Najam 2003.

<sup>45</sup> United Nations 1997. The Office for Internal Oversight Services also noted that “[t]he basic issue facing UNEP is the clarification of its role... It is not clear to staff or to stakeholders what that role should be. The lack of clarity has had consequences for how programmes have been conceived and managed, for the

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Although considerable improvements have been initiated in the last few years, a sense of prioritization is still lacking.<sup>46</sup> UNEP's planning process is in many ways driven by the influence of individual states asserting their own priorities. The organization's dependence on voluntary contributions creates governance challenges, particularly with respect to the establishment of priorities, allocation of resources, and execution of programs. The ultimate result of UNEP's limited ability to perform the role of anchor institution in agenda setting and management of policy processes has been proliferation of institutional arrangements, meetings and agendas and "substantial overlaps, unrecognized linkages and gaps"<sup>47</sup> hampering policy coherence and synergy and amplifying the negative impact of already limited resources.<sup>48</sup>

### Capacity Development

UNEP has begun to reinvent its work programs to appeal to donors and recipients alike by putting a new emphasis on capacity development initiatives. Although UNEP's mandate clearly prescribes its core strategies to be normative and catalytic, the organization now views implementation as its primary strategy.<sup>49</sup> With a small staff and minimal resources, however, UNEP is no match for agencies like UNDP or the World Bank. With field offices in every country around the world, annual budgets in the billions, and a strong reputation, it is UNDP and the World Bank that set the agenda, locally as well as globally. UNEP does not have the capacity to function as a full-fledged operational agency. However, a purely normative role is also insufficient and even unnecessary, as concrete results are increasingly needed. The pressures to continue moving in a more operational direction will continue to grow and a balance between the normative and the operational would need to be struck.

There is an overall "treaty fatigue" and governments increasingly call for concrete assistance with implementation. In particular, developing country governments now regularly demand financial and technical assistance with implementing multilateral environmental agreements rather than the development of new norms or guidelines. In addition, concrete accomplishments on the ground are the clearest evidence of success,

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ongoing downsizing of programmes and for staff morale and esprit de corps. Management's first responsibility should be to focus on this new role, anchoring it to fewer priorities so as to increase the organization's effectiveness and its potential for impact."

<sup>46</sup> The 2006-07 UNEP Draft Programme of Work, for example, contains a detailed description of outputs for subprograms, including citation of relevant mandate(s) and any trust funds or earmarked contributions to support the output. It comprises a vast array of projects, publications, meetings, processes, services, symposia, studies, and training events. However, the program is largely comprised of many small, ad-hoc, and often short-term initiatives established independently of one another, rather than a set of harmonized initiatives developed to accomplish a set of focused priorities over the planning period. See <http://www.unep.org/gc/gc23/index-flash.asp>.

<sup>47</sup> UNEP and Environmental Management Group 2005.

<sup>48</sup> UNEP 2001b.

<sup>49</sup> The Work Programme for 2006-2007 concludes that "[w]hile it is recognized that there is a need for further policy development and guidance, there is consensus that the future emphasis of the work of UNEP must be focused on implementation, taking into account the gender perspective." UNEP 2005b, Para. 58.

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and completed projects have become the hard currency for governments. It is therefore much easier to mobilize funds for tangible products than for normative or catalytic activities. However, by shifting from a normative and catalytic function to an implementation and operational role, UNEP has moved from being proactive to being reactive. The focus on implementation – while critical and necessary – has put an emphasis on reacting to specific country needs and circumstances. Many capacity building projects are requested by governments, compelling UNEP to pursue the work without lacks the human and financial capacity to do so effectively.<sup>50</sup>

UNEP recognizes the challenges in finding a balance between its normative mandate and the operational demands it faces. The High-Level Open-Ended Intergovernmental Working Group was established in March 2004 to improve UNEP’s capacity-building efforts, resulting in the adoption of the Bali Strategic Plan for Technology Support and Capacity Building.<sup>51</sup> The essence of the Bali Plan lies in coordination, cooperation, and partnerships. The strategic premise is that efforts should build on existing institutions and be “coordinated, linked, and integrated with other sustainable development initiatives through existing coordination mechanisms.”<sup>52</sup> Given UNEP’s track record in coordination, however, the prospects for success are limited at best. The Plan underlines the need for improved inter-agency coordination and cooperation based on transparent and reliable information. It does not, however, clarify the respective roles for UNEP, UNDP, and the World Bank, which have become more like competitors than partners.

In sum, UNEP has a clear mandate to perform the anchor role for the global commons but has done so with only partial success. It has been relatively effective in two key areas – monitoring and scientific assessment and launching policy processes for environmental agreements. It has also often served as the only international partner of frequently marginalized environment ministries in many countries and provided a critical forum where they can meet their counterparts. However, UNEP has largely fallen short in managing policy processes in a coherent and coordinated fashion. It has failed to establish itself as the institutional home for the numerous international environmental conventions. And without a center of gravity, the system of international environmental governance has grown increasingly complex and fragmented.

## **Explaining (In)Effectiveness**

Several key factors have constrained UNEP’s performance as anchor institution for the global environment. UNEP’s status as a Programme rather than a Specialized Agency within the UN system has limited its authority and standing. UNEP’s governance arrangements, including the Committee of Permanent Representatives and the Governing

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<sup>50</sup> Availability of funding from the Global Environment Facility (GEF) to three implementing agencies – the World Bank, UNDP, and UNEP – has also pushed UNEP toward increased operational activities. Since the late 1990s, the GEF has accounted for the largest increase in UNEP income and the GEF division in UNEP has developed as an almost autonomous body.

<sup>51</sup> UNEP 2005a.

<sup>52</sup> UNEP 2005a, para 5.

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Council, have constrained its autonomy and leadership. UNEP's financing structure has led to complete dependence on voluntary funds resulting in a high degree of unpredictability and volatility of resources as well as openness to excessive member state influence on the organization's agenda. Finally, UNEP's location away from the centers of political activity have hampered its ability to coordinate the specialized agency, to assert itself as the central actor in global environmental, and to attract and retain the most highly-qualified policy staff.

### **Formal Status**

In the UN hierarchy, Programmes have the least independence and authority as they are subsidiary organs of the General Assembly. Specialized Agencies, on the other hand, are separate, autonomous intergovernmental organizations with governing bodies independent of the UN Secretariat and the General Assembly.<sup>53</sup> Besides their role in elaborating common vision, rules, and standards, they also perform many operational activities within the particular sector they govern. The vision for UNEP in 1972, however, was for a new type of governing body.

UNEP was not intentionally constituted as a Programme to diminish its power. Recognizing the complex nature of environmental issues, governments sought to create a lean, flexible, and agile entity that could pull together the relevant expertise housed in the various agencies and deploy it effectively. The new entity was expected to grow into its mandate as it proved its effectiveness and be “essentially flexible and evolutionary so as to permit adaptation to changing needs and circumstances.”<sup>54</sup> The establishment of UNEP as a specialized agency was deemed counterproductive, since it would make the environment another “sector” and marginalize it. As Maurice Strong, the Secretary General of the 1972 Stockholm Conference, put it, the core functions could “only be performed at the international level by a body which is not tied to any individual sectoral or operational responsibilities and is able to take an objective overall view of the technical and policy implications arising from a variety of multidisciplinary factors.”<sup>55</sup> Furthermore, there was a strong sense of disillusionment with the unwieldy bureaucracy of the UN specialized agencies. This new body was designed to operate at the core of the UN system -- best accomplished with the status of Programme, rather than Specialized Agency (which, with their semi-autonomous governing mechanisms, operate on the periphery of the UN system).

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<sup>53</sup> Some of the specialized agencies include the Food and Agriculture Organization (FAO), World Health Organization (WHO), World Meteorological Organization (WMO), International Bank for Reconstruction and Development (World Bank), International Maritime Organization (IMO), UN Educational, Scientific, and Cultural Organization (UNESCO), and UN Industrial Development Organization (UNIDO).

<sup>54</sup> United Nations 1972b. Even recently declassified confidential materials of the government of the United Kingdom show that while there was interest in restricting the scope of the Stockholm Conference and reducing the number of proposals for action that threatened to infringe on its domestic decision-making processes, Britain did not set out to create a weak environmental organization. Rather, it accepted that the time had come for new institutional arrangements. In the words of an official from the Environment Department, a “new and expensive international organisation must be avoided, but a small effective central coordinating mechanism...would not be welcome but is probably inevitable” (cited in Hamer 2002).

<sup>55</sup> United Nations 1972b.

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While not intentionally diminishing UNEP's power, the decision to constitute it as a Programme rather than a Specialized Agency has impacted its authority. UNEP has not been able to establish the autonomy necessary to become an effective anchor institution for the global environment. As new institutions sprang up across various levels of governance and many existing ones added substantial environmental mandates, UNEP could claim little authority over them. For example, the creation of the Commission on Sustainable Development and the Global Environmental Facility in the early 1990s marginalized UNEP politically and eclipsed it financially. The increased emphasis on environmental work at the World Bank, while commendable, also led to overlap with UNEP activities. UNEP was unable to coordinate and create synergies among the multiple bodies in the environmental arena as its political power and resources were dwarfed by newer institutions. Thus, while the choice of organizational form did not seek to incapacitate UNEP, the effect has been largely negative. As one senior UNEP official exclaimed, UNEP "just does not have a voice in front of the larger UN agencies."

### **Governance**

Ultimately, UNEP's governance structure serves two very distinct roles: (1) the external functions of advancing international environmental governance by monitoring global environmental trends, setting a consensus global environmental agenda, and establishing global priorities, and (2) the internal responsibility of overseeing UNEP's program, budget, and operations. UNEP's governance structure conflates these two roles. The Governing Council is responsible for both setting the global environmental agenda and elaborating UNEP's work program and budget. This leads to overly politicized institutional governance and a work program that reflects a compilation of individual states' interests rather than a focused, strategic vision. It also prevents UNEP from exercising leadership in international environmental governance more broadly, as no long-term, bold vision for the system can be elaborated and implemented.

Three separate bodies share governance responsibilities for UNEP – the Governing Council comprised of 58 member states, the Secretariat headed by the Executive Director, and the Committee of Permanent Representatives (CPR) comprised of ambassadors to Kenya serving as Permanent Representatives to UNEP. The responsibilities of the CPR include reviewing UNEP's draft program of work and budget, monitoring the implementation of Governing Council decisions, and preparing draft decisions for consideration by the Council.<sup>56</sup> However, more often than not, these representatives have little environmental knowledge and expertise and have a number of other duties in their portfolio.<sup>57</sup> The CPR considerably limits the autonomy and power of the Secretariat in Nairobi either through direct intervention in UNEP's work (meeting four times a year to discuss the work program and budget) or through influence on UNEP's staff, whose loyalties often lie with their national governments. Advancement within the ranks of national administrations is often contingent on a good

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<sup>56</sup> UNEP 1997a.

<sup>57</sup> The United States and Sweden have specially appointed Permanent Representatives, often with solid environmental backgrounds, whose only responsibility is to work with UNEP.

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recommendation from the ambassador at one's duty station, creating pressure to pursue narrow national interests within the organization.

A further complication is that, while the CPR directly influences UNEP's work through constant oversight of the organization's operations, the final say on decisions regarding the work program and budget lies not with the CPR, but with the Governing Council. Meeting once a year in Nairobi, the Governing Council is supposed to both craft a visionary agenda for international environmental governance at the global scale and set the parameters within which UNEP is allowed to operate – i.e. its biennial program of work and budget. Typically, a person other than the Permanent Representative represents the country at the Governing Council, often the environmental minister who flies to Kenya specifically for the weeklong session. Even though a Permanent Representative to UNEP might have worked on a particular aspect of the work program for months, his or her recommendations and decisions could be contested by the national representative under this arrangement. Unless the CPR's relationship with the Governing Council is clarified, there will be little room for substantially improving UNEP's performance.

### **Financing Structure**

UNEP's limited financial resources are another key reason analysts use to explain UNEP's ineffectiveness.<sup>58</sup> UNEP's annual budget of \$215 million is indeed miniscule compared to UNDP's \$3.2 billion<sup>59</sup> and to EPA's \$7.8 billion.<sup>60</sup> However, it is larger than the budget of the WTO.<sup>61</sup> Figure 1 compares the annual budgets of several major international organizations and the U.S. Environmental Protection Agency.

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<sup>58</sup> See Najam 2003, arguing that "UNEP has been denied authority and resources." Konrad von Moltke explains, "Given an impossible mission and a derisory budget, UNEP has slowly built an organization from program pieces," von Moltke 1996, p. 25.

<sup>59</sup> UNDP's budget for 2003. <http://www.undp.org/annualreports/2004/english/IAR04E.pdf>.

<sup>60</sup> EPA's budget for 2005 <http://www.epa.gov/ocfo/budget/2005/2005bib.pdf>. More annual budget documents can be found at <http://www.epa.gov/ocfo/budget/>.

<sup>61</sup> For a breakdown of the WTO's budget for 2004, see [http://www.wto.org/english/thewto\\_e/secret\\_e/budget04\\_e.htm](http://www.wto.org/english/thewto_e/secret_e/budget04_e.htm)

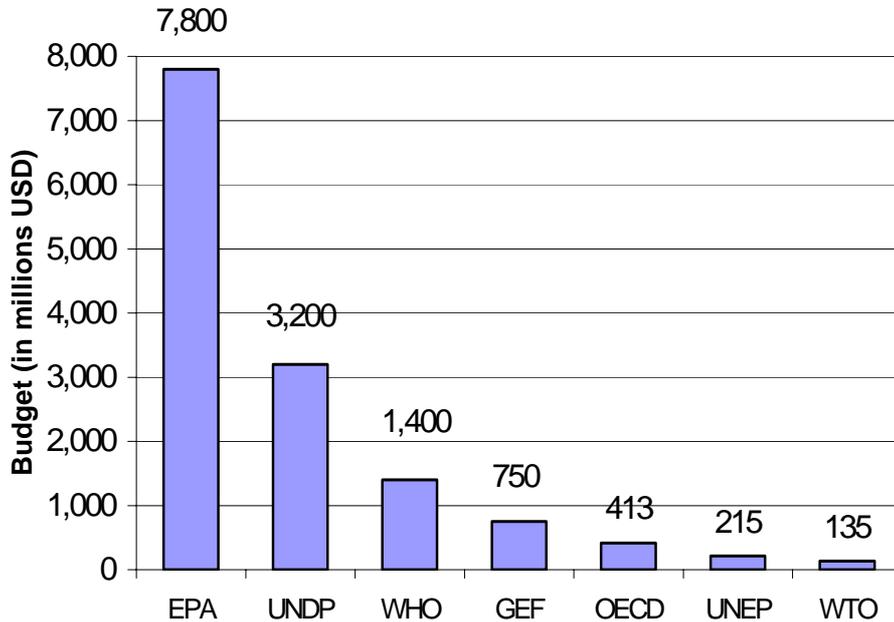


Figure 1: Comparative Organizational Annual Budgets <sup>62</sup>

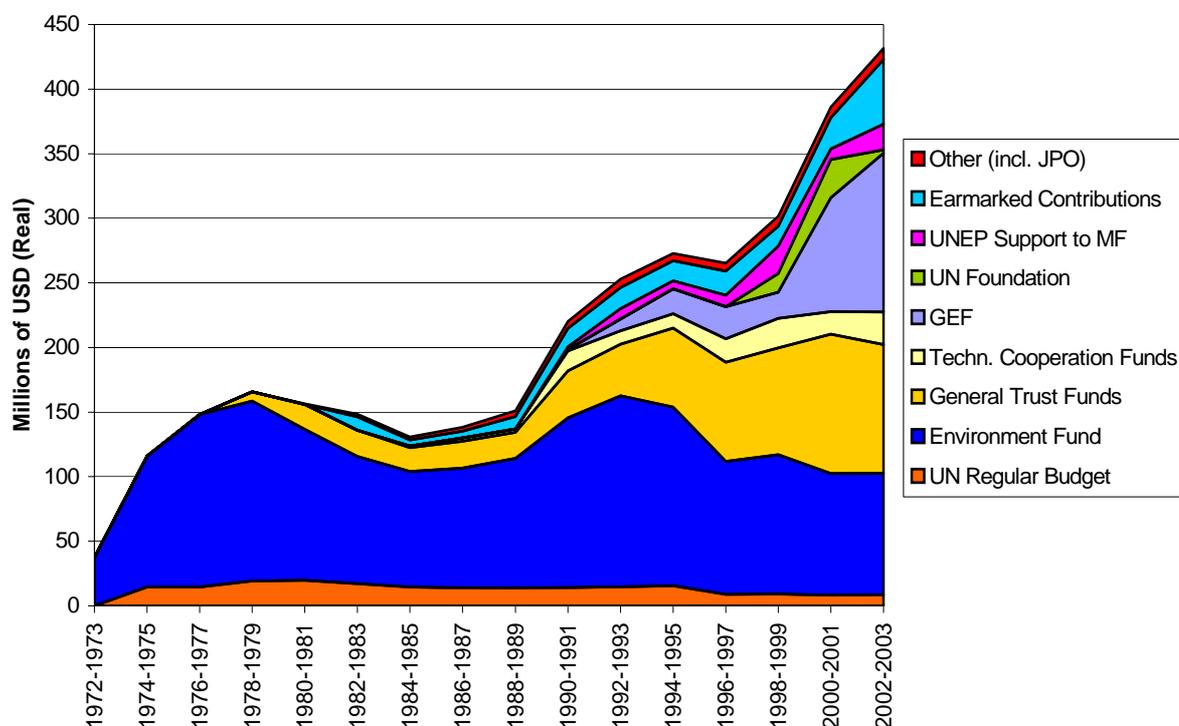
While the disparity in resources is striking, the nominal sum of the budget is a symptom of the problem. The root cause of UNEP’s problems is the organization’s unique financial structure. Unlike all other international organizations whose budgets are based on predictable mandatory assessed contributions, UNEP is completely dependent on the voluntary contributions of individual states. Only a dozen countries have regularly made annual contributions to the Fund since its inception in 1973.<sup>63</sup> This unreliable and highly discretionary financial arrangement allows for individual donors to dictate UNEP’s priorities, which has resulted in a fragmentation of UNEP’s activities and a lack of clear prioritization. Furthermore, UNEP’s financial stability, ability to plan beyond the current budget cycle, and autonomy are compromised, thus instilling a risk-averse attitude within the organization’s leadership.

In the past ten years, contributions to the Environment Fund have dropped 36% and have decreased in real terms since the 1970s and 1980s. Contributions to trust and earmarked funds directing UNEP into specific activities, on the other hand, have increased

<sup>62</sup> The GEF budget in Figure 1 was estimated from the \$3 billion in replenishment funds in 2003 used for its work program over a four-year period. The WTO figure only accounts for its Secretariat’s operations, since the WTO does not execute any projects of its own. The WHO budget information is from <http://www.un.org.np/agencies/who>. The OECD budget information appears at <http://www.oecd.org/dataoecd/34/6/34711139.pdf>.

<sup>63</sup> Based on UNEP 2004c and the analysis of “UNEP Environment Fund Contributions by Donor Country” in late 2004 by the Yale research team.

dramatically. The proportion of restricted financing now comprises more than two-thirds of UNEP's revenue as shown in Figure 2.<sup>64</sup>



**Figure 2: Total UNEP Biennial Income from 1973 to 2003 in Real 2000 US Dollars**

This illustrates two important aspects that explain the political dynamics and consequences for UNEP's performance. First, the decline in contributions to the Environment Fund – the central financial mechanism at the discretion of the Secretariat – shows that confidence in UNEP has diminished. The Secretariat is being deprived of power to initiate and carry out programs it deems necessary and urgent. The second key trend – a three-fold increase in overall funding since the 1980s, including trust funds, earmarked contributions, and other revenues – shows recognition of the need for international mechanisms and UNEP in particular in addressing environmental concerns.

The diversification trend in financial contributions is clearly illustrated in Figure 3, which depicts funding from the top five donors to UNEP: the United States (historically the top donor), Japan, Germany, the United Kingdom, and Sweden. For all countries, contributions have shifted from the Environment Fund to other earmarked mechanisms and are now currently roughly equal.<sup>65</sup>

<sup>64</sup> Financial analysis performed by Lisa DeBock and Jamie Fergusson of the Yale research team based on documentation provided by UNEP.

<sup>65</sup> Financial analysis performed by Lisa DeBock and Jamie Fergusson of the Yale research team based on documentation provided by UNEP.

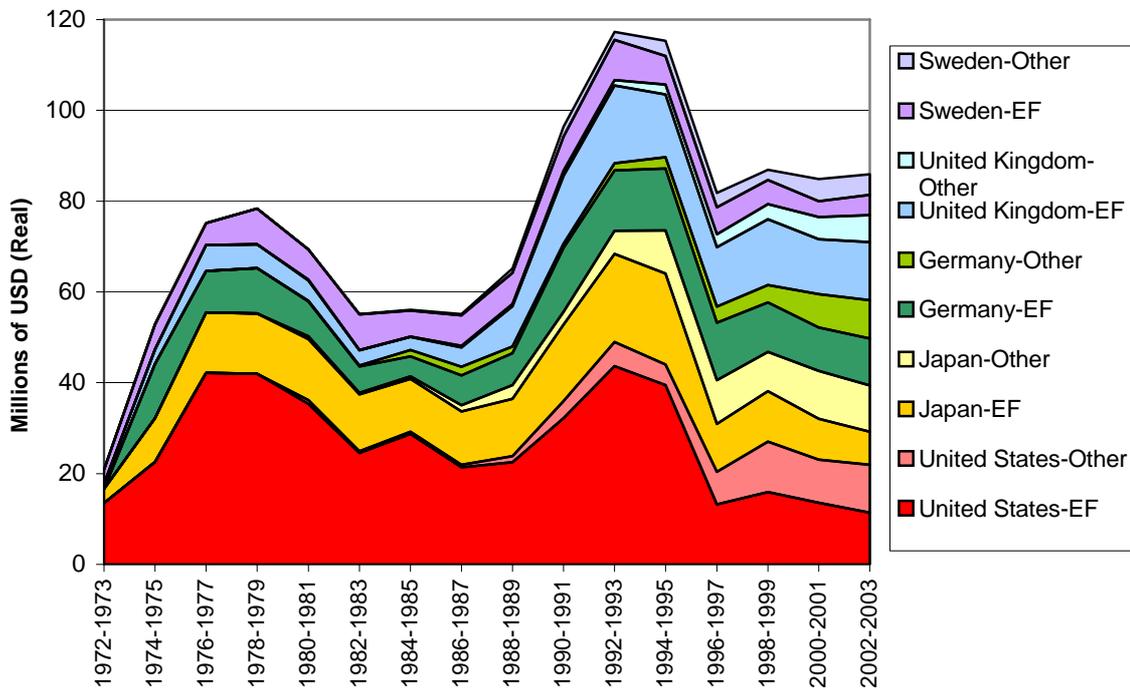


Figure 3: Top 5 Donor Contributions to UNEP in Real 2000 US Dollars

Over the past few years under the leadership of Executive Director Klaus Töpfer, UNEP has made significant progress in attracting financial resources. The pilot phase of the voluntary indicative scale of contributions instituted in 2002 has broadened the donor base and encouraged many countries to increase their contributions. In 2003, over 100 countries contributed to UNEP – twice as many as in the mid-1990s. A number of countries have also increased their contributions compared to the mid-1990s. Canada’s contributions to the Environment Fund, for example, increased from a record low of \$662,000 (USD) in 1997 to almost \$2 million in 2004.

**Location**

UNEP is the only UN agency headquartered in the developing world with the exception of UN Habitat, which is also in Nairobi and was headed by the Executive Director of UNEP. The decision to locate UNEP in Nairobi was neither a “strategic necessity without which developing countries might have never accepted an environmental organ to be created”<sup>66</sup> nor a way to marginalize the organization and “cannibalize its mandate.”<sup>67</sup> It

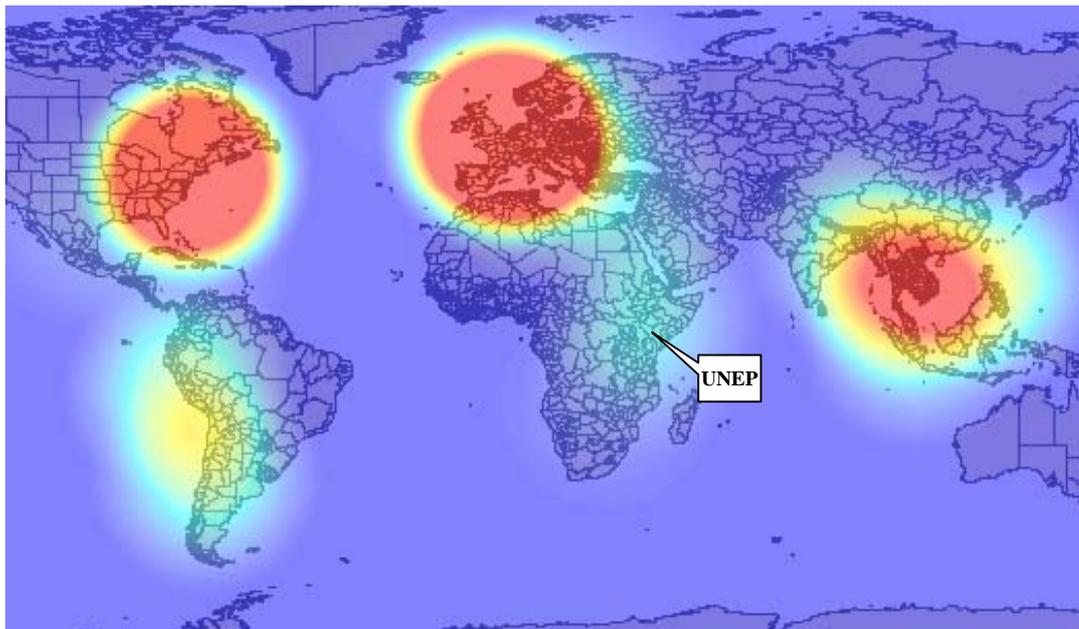
<sup>66</sup> Najam 2003, p.374.

<sup>67</sup> von Moltke asserts, “Lacking enthusiastic supporters, UNEP’s mandate was cannibalized. The principal means of achieving this goal was to provide limited funds divided between a minimal institutional budget and a modest ‘Fund’, to assign it a ‘catalytic’ function, and to locate it away from the decision-making centres of the UN system.” von Moltke 1996, p.54.

was not ill intended, premeditated, or the result of a secret bargain. Quite the opposite; it was the outcome of an open ballot vote at the General Assembly in November 1972. Solidarity among developing countries, which outnumbered developed countries by far, led to a decisive vote in favor of Nairobi. The decision was openly political, seeking to affirm the role of developing countries as equal partners in multilateral affairs.

UNEP's location has influenced the organization significantly. Its ability to effectively coordinate and catalyze environmental action has been inhibited by its geographical isolation from other relevant UN operations, inadequate long-distance communication and transportation infrastructure, and lack of sufficient face-to-face interaction with counterparts in other agencies and treaty secretariats. Map 1 illustrates the global clustering of key international organizations working on environment-related activities.

UNEP's headquarters are located far outside the dense political activity "hotspots," posing a challenge to its ability to fulfill the coordination role specified in its mandate. UNEP's offices in Paris, New York, and Geneva, however, have tried to step into the liaison role. Their "proximity to other organizations and important governments seems to make these programs among the brighter lights of UNEP achievement."<sup>68</sup>



**Map 1: Density of International Organizations Working on Environment-Related Issues**<sup>69</sup>

It is important to note that this spatial analysis is focused particularly on the coordination function, and that for other aspects of UNEP's mandate – such as capacity building – the

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<sup>68</sup> Eastby 1984.

<sup>69</sup> Spatial analysis created by Emily Hicks of the Yale Student Team on the basis of data assembled by the Global Environmental Governance Project at Yale.

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location may present an opportunity rather than a challenge. UNEP's expertise in institution building is greatly needed in Africa. However, pressing environmental challenges demand immediate on-the-ground action – a mandate that UNEP does not possess. A demand for greater operational responsibilities for UNEP has thus emerged both from the developing world and from the organization's staff.

The most important consequence of UNEP's location is the inability to attract and retain top-notch staff with the policy expertise and experience necessary to make the organization the leading authority in the environmental field. Nairobi is not necessarily a desirable location for the staff with the expertise and management qualities that UNEP needs. The increasingly treacherous security situation exacerbates this problem. In addition, the remoteness of UNEP has required frequent travel by the Executive Director and many senior staff, imposing a significant financial burden, but most importantly, creating a leadership vacuum due to prolonged absences from Nairobi. Effective management of the organization requires that the leadership be present and responsive to staff needs and organizational priorities.

## Conclusion

Collective action in response to global environmental challenges continues to fall short of needs and expectations.<sup>70</sup> The question, therefore, is not *whether* to revitalize the global environmental regime, but *how*. 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.

Yet, political emphasis is increasingly being placed on working within existing institutions rather than attempting bold new designs. As Secretary-General Kofi Annan urged in his 2005 report *In Larger Freedom*, “[i]t is now high time to consider a more integrated structure for environmental standard-setting, scientific discussion and monitoring treaty compliance. This should be built on existing institutions, such as the United Nations Environment Programme, as well as the treaty bodies and specialized agencies.”<sup>71</sup>

UNEP is still the leading international organization in the environmental domain. Only UNEP's mandate adequately reflects all the functions of an anchor institution. It is the natural forum for the creation of a coherent international system for environmental monitoring, assessment, information, and analysis. However, UNEP can no longer aspire to the lead role for *every* environmental issue since expertise within the system has been diffused over the past thirty years with the proliferation of other international organizations and non-governmental organizations in the environmental arena. Instead, UNEP could effectively lay the foundation for a policy forum where various clusters of agencies and networks convene to negotiate and exchange experience. A more strategic, prioritized, and long-term capacity development approach, drawing on UNEP's

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<sup>70</sup> Conca 1995, Speth 2004.

<sup>71</sup> United Nations 2005, para 212.

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comparative advantage as an information clearinghouse and a policy forum, rather than an operational agency, could facilitate the implementation of multilateral environmental agreements.

The initiative by the French and German governments to create a United Nations Environment Organization may provide the impetus for a restructuring of the system. Simply upgrading UNEP into a UNEO, however, will not suffice. In fact, the UNEO vision does not substantially depart from the existing UNEP mandate. Table 1 lists the functions of UNEP and the proposed functions of a United Nations Environment Organization (UNEO) and illustrates the degree to which they fit into the anchor institution framework. The proposal for UNEO addresses most of the functions necessary for an effective anchor institution for the environment, but fails to make any significant upgrade from the status quo in terms of mandate. The question therefore becomes whether a UNEO would be better equipped to effectively perform these functions.

While UNEP was explicitly charged with the functions of an anchor institution, it was not endowed with the necessary capacities and structural conditions from the onset. It is important to note that the decisions determining these key structural conditions were not deliberately constructed so as to incapacitate the organization. Nevertheless, they led to predictable, yet largely unforeseen effects. First, UNEP's authority is severely constrained by its UN Programme status. Second, UNEP's governance system attends more to the needs and demands of the member states than to the mission of the organization. Third, UNEP's financial structure enables member states and individual Governing Council/GMEF representatives to pursue their own interests through UNEP rather than the common good. Finally, UNEP's location outside of the centers of political activity affects its capacity to coordinate the numerous agencies with environmental activities as well as, most importantly, its ability to attract top-tier policy staff.

Today's reformers face the issues regarding the formal status, governance, financing, and location of the new international environmental organization just like the founding members of the global environmental governance system did in 1972. Analysis of UNEP's performance starkly illustrates that unless these key structural issues are addressed, little progress in the environmental domain is possible.

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**Table 1: Comparison of Functions Between General Anchor Institution, UNEP, and UNEO**

<b>Anchor Institution</b>	<b>UNEP<sup>72</sup></b>	<b>UNEO<sup>73</sup></b>
<p><b>Monitoring and Assessment</b></p> <ul style="list-style-type: none"> <li>▪ Data and Indicators</li> <li>▪ Monitoring and Verification</li> <li>▪ Assessment</li> <li>▪ Information Reporting and Exchange</li> </ul>	<ul style="list-style-type: none"> <li>▪ Keep under review the world environmental situation</li> <li>▪ Provide policy advice, early warning information on environmental threats, and to catalyze and promote international cooperation and action, based on the best scientific and technical capabilities available</li> </ul>	<ul style="list-style-type: none"> <li>▪ Monitor and provide early warning on the state of the environment</li> <li>▪ Provide information, facilitate communication, and mobilize stakeholders</li> </ul>
<p><b>Agenda Setting and Policy Processes</b></p> <ul style="list-style-type: none"> <li>▪ Goal and Priority Setting</li> <li>▪ Rulemaking and Norm Development</li> <li>▪ Coordination</li> <li>▪ Dispute Settlement</li> </ul>	<ul style="list-style-type: none"> <li>▪ Promote international cooperation in the field of environment and recommend policies to this end</li> <li>▪ Provide advisory services for the promotion of international environmental cooperation</li> <li>▪ Bring up any matter that requires consideration by the Governing Council</li> <li>▪ Develop international environmental law</li> <li>▪ Coordinate environmental programs within the United Nations system, keep their implementation under review and assess their effectiveness</li> </ul>	<ul style="list-style-type: none"> <li>▪ Provide a political platform for international legal and strategic frameworks</li> <li>▪ Improve coherence and coordination, including the convergence of norms, implementation of international obligations and financing.</li> </ul>
<p><b>Capacity Development</b></p> <ul style="list-style-type: none"> <li>▪ Education and Training</li> <li>▪ Financing</li> <li>▪ Technical Assistance</li> <li>▪ Institution and Network Building</li> </ul>	<ul style="list-style-type: none"> <li>▪ Provide policy and advisory services in key areas of institution-building to governments and other institutions</li> <li>▪ Advance implementation of agreed international norms and policies and stimulate cooperative action</li> </ul>	<ul style="list-style-type: none"> <li>▪ Undertake capacity building within developing and transition countries</li> <li>▪ Strengthen regional governance</li> </ul>

<sup>72</sup> Mandated functions as elaborated in G.A. Resolution 2997 and Nairobi Declaration.

<sup>73</sup> See <http://www.france.diplomatie.fr/frmonde/onue-en/> and Tarasofsky and Hoare 2004.

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