

INTRODUCTION

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An Inconvenient Truth, a documentary of a lecture by former US Vice-President Al Gore, recently won two Academy Awards and has galvanized policy makers and the general public to take action to stem the potentially disastrous effects of global warming. This publication aims to document a parallel “inconvenient truth” - the institutional deficiencies of global environmental governance which hamper global efforts to effectively address climate change unless timely action is taken to improve the international system.

Publications of the Center for UN Reform Education are designed to identify shortcomings in different areas of the United Nations system and present recommendations to overcome them. More often than not the problems revolve around a lack of adequate authority, institutional capacity, and resources.

One of the problems Member States themselves find most vexing is the inability of the system to fully meet the goals set by consensus in the General Assembly due to the failure of many Member States to fulfill the pledges they make. While this lack of commitment affects all the issues the UN system deals with, there is no area in which governments have invested less authority at the global level than the environment.

There is a growing realization that unless global environmental governance (GEG) is dramatically improved, the goal of providing environmental security for the world's peoples cannot be achieved. It would be a great tragedy if global awareness of the dangers climate change poses succeeds in creating the necessary political will to make effective action possible, but governments fail to provide the strengthened

international institutions needed in sufficient time to implement those actions.

Too often the North/South divide prevents the UN from acting in a timely fashion. But this should not be one of those times: as devastating storms have already proven, all countries are at risk from climate change. Although alleviating poverty and spurring development in the less developed countries must remain an important priority, preventing catastrophic environmental devastation should be of equal concern, bearing in mind that scientists predict it will have the greatest impact on the poorest people living in the least developed countries.

The Center supports strengthening the UN System, but does not endorse specific proposals to do so. Rather, it provides analysis and recommendations provided by experts on the subject to generate discussion and action amongst negotiators and NGOs. That is the prime objective of this book. We look to the UN General Assembly, the primary universal body dealing with the world's common problems, to reach consensus on strengthening global environmental governance in a timely fashion to safeguard our planet.

"Global Environmental Governance – Perspectives on the Current Debate," is divided into three parts. Part I describes current global environmental reform proposals and initiatives at the UN. Part II presents three chapters analyzing the architecture of the current system of global environmental governance, including its origins and its strengths and weaknesses. Part III offers three contributions on policy and institutional options for the future of GEG including one chapter dedicated to the issue of climate change and its governance.

As we go to press, UN Member States are holding informal consultations in the General Assembly, co-chaired by Mexican Ambassador Enrique Berruga and Swiss Ambassador Peter Maurer. In addition, the *High-level Panel on System-wide Coherence in the Areas of Development, Humanitarian Affairs and the Environment*, established by former Secretary General Kofi Annan, made a number of recommendations on environmental governance in their report "Delivering as One." The Co-Chairs of the GA informal consultations and of the High-level panel have been in close contact to ensure that the two processes are mutually supportive and complementary.

Ambassadors Enrique Berruga and Peter Maurer have provided an introduction for the Center's book on the process of the informal consultations on the UN's environmental activities. These consultations constitute a follow-up to the recommendations on environmental governance made in the September 2005 *World Summit Outcome Document*.

In June 2006, the Co-Chairs produced a summary of their findings, which has been reproduced in this volume following the Co-Chairs' introduction.

The summary indicates that there is consensus among Member States that environmental governance needs to be strengthened by building on existing structures and providing better implementation of agreements. There is also broad understanding that environmental activities should not operate to the detriment of the UN's millennium development goals. But there is as yet no agreement on the exact form institutional changes should take, with some Member States indicating their opposition to any fundamental, structural changes. In April 2007, at the time of writing this introduction, the Co-Chairs are in the process of producing an *Options Paper* based on contributions by Member States in response to a questionnaire they distributed in December 2006.¹

This book also includes commentary by Mohamed El-Ashry, a member of the Coherence Panel, regarding the recommendations from the Panel to build a "global consensus and capacity for action" in the area of environment. The Panel's full recommendations, which can be found following El-Ashry's poignant contribution, include strengthening the United Nations Environment Programme (UNEP) by upgrading its mandate, improving its funding, as well as making it the policy pillar within the UN environmental system by enhancing its normative, analytical and monitoring roles.

The panel further urges more effective collaboration within the UN's agencies, programmes and funds in the area of environment on a thematic basis with a dedicated agency at the centre and increasing collaboration between treaty bodies to support effective implementation of multilateral environmental agreements. In addition, the panel proposes strengthening the Global Environment Facility (GEF) to bolster the capacity-building abilities of developing countries and commissioning an independent and authoritative assessment of the current global environmental governance system. The Panel stresses that in a global and interdependent world, economic objectives and environmental protection cannot be separated.

When Kofi Annan forwarded the Panel's report to Member States on 20 November 2006, he stated that he was also: "transmitting the Panel's report to my successor, Ban Ki-moon, to enable him to formulate specific proposals on how the Panel's recommendations should be taken forward." In a document released in April 2007 (A/61/836), Ban Ki-moon indicated that he would commission an independent and authoritative assessment of the current UN system of international environmental governance as recommended by the Panel.

In Part II of the book, Maria Ivanova explores the origins of the United Nations Environment Programme (UNEP), which she believes lacks the necessary resources and political clout to fulfill its role as the environment's anchor institution. She examines the notion that UNEP was intentionally created as a weak organization following the 1972 UN Conference on the Human Environment held in Stockholm. Ivanova describes the strong concerns of the South in the early 1970s that environmental protection should not be achieved at the expense of needed development, underlying the North-South divide then as it does now. Ivanova's analysis of UNEP's design, especially its form, functions, and financing, could help current architects of environmental reform avoid creating another insufficiently empowered anchor institution for the global environment.

Next, Ivanova and Jennifer Roy explore the pros and cons of having a global environmental governance system with so many diverse actors functioning separately. They systematically review the system's actors across twelve specific issue areas: agriculture, air pollution, biodiversity, chemicals, climate change, desertification, energy, fisheries, forests, invasive species, trade in endangered species, and water. According to their initial analysis, of the 44 organizations in the Environment Management Group, 26 are active in climate change, 29 in chemicals, and 31 in water with little coordination of activities or synergies. Similar to the recommendation made by the High-level Panel, they conclude by proposing a comprehensive assessment of the global environmental governance system to clarify the roles, responsibilities, and resources of all intergovernmental organizations dealing with environment and development issues.

Norichika Kanie focuses on multilateral environmental agreements (MEAs) and explores the origin of the MEA system; its strengths and weaknesses, as well as the gap between much needed reform and existent political will. The transformation from traditional environmental protection to sustainable development, he indicates, has not been sufficiently accompanied by necessary institutional adjustments. Kanie then provides an overview of recent reform initiatives and examines the potential for further reform. Sensing that there is insufficient political will at this time to make more radical changes, he proposes reviewing and streamlining the current environmental governance system as a good first step in the right direction for now.

Part III begins with a contribution from Christiana Figueres on transforming the climate regime. She examines the necessary design elements of a more complex climate regime that, unlike the Kyoto

Protocol, would not be limited in its targets, timeframe, or participation. She further identifies the need for improved or expanded governance for a new climate regime in regards to regulatory and oversight functions, levels of participation, technical requirements, and financial mechanisms.

Frank Biermann, makes the case for upgrading UNEP into a World Environment Organization that would function as a Specialized Agency within the UN system. Like the World Health or International Labor Organizations, two of the existing Specialized Agencies within the UN's System, it would have its own membership, structure, and budget. Biermann believes such an organization would provide better coordination of global environmental governance; better development and implementation of international environmental law; and improved financial and technology transfers to the South. Clustering MEAs, he adds, though useful as a first step, would be insufficient in the end and would eventually require the co-location and joint administration of convention secretariats within a WEO.

In the final chapter, authors Nils Meyer-Ohlendorf and Markus Knigge describe a proposal made by the European Union and the "Friends of the UNEO" – a grouping of some 50 countries to date - to create a United Nations Environment Organization (UNEO) following a conference organized by President Jacques Chirac of France in February 2007. Meyer-Ohlendorf and Knigge then outline the legal basis, status as a Specialized Agency and institutional design proposed for the envisioned UNEO. As to its mandate and functions, the authors indicate that it is still unclear whether its proponents would seek a mandate that would significantly differ from UNEP's, but add that it is likely that the independence of MEAs would be respected.

Since the book's authors refer to the Environment Management Group, the Bali Strategic Plan, the Cartagena reform process and the Friends of UNEO group, relevant documentation on these are included in the appendices. A bibliography can be found at the end of the contributions.

Again and again, many of the book's authors come back to a salient point: a more ideal system of global environmental governance will not be able to prevent environmental degradation unless UN Member States fully commit themselves to making the system work. Given the urgency of environmental problems facing the world today, it is time for the General Assembly to initiate a preparatory process for the creation of a stronger global environmental anchor institution. Liaising with the Secretary General to obtain an independent evaluation of the functions and responsibilities of all organizations involved in global environmental

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governance, including a comprehensive assessment of the financial resources Member States invest in them, would be a good first step in this reform process. For such an evaluation to be genuinely authoritative, it is advisable that relevant experts from academia and NGOs be part of this assessment from the onset.

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¹ The questionnaire and written responses can be found on the website of the GA President:
www.un.org/ga/president/61/follow-up/environmentalgovernance.shtml.