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## DELIVERING ON AN EVOLVING MANDATE: RECONCILING NORMATIVE AND OPERATIONAL EXPECTATIONS

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Tasked with protecting the foundations of human society (nature and human health) but provided only minimal resources, UNEP has done extraordinary work identifying environmental problems, conducting relevant research, coordinating international efforts, framing constructive solutions, and catalyzing needed action. The world and humanity would be much poorer without UNEP's continued efforts.

—Daniel Magraw, President and Chief Executive Officer of the Center for International Environmental Law (2002–2010)<sup>1</sup>

Created as the focal point for environmental action and a “permanent institutional arrangement within the United Nations system for the protection and improvement of the environment,”<sup>2</sup> the UN Environment Programme is a normative body that provides policy guidance for the direction and management of environmental programs. The *raison d'être* for its establishment was the coordination of environmental activities across the UN system. The new institution was to catalyze synergies among existing UN agencies, with a view to ensuring that the system's whole was greater than the sum of its parts, minimizing overlap and maximizing the use of resources.<sup>3</sup>

In addition to this coordination mandate, the three-part functional framework of the 1972 Stockholm Action Plan—“environmental assessment,” “environmental management,” and “supporting measures”—shaped the

other core functions of UNEP. Environmental assessment, UN coordination, and policy development have stayed at the center of UNEP's mandate over time, with supporting measures integrated across all of these issues as UNEP provided assistance to nations in developing the necessary institutional capacity for science, policy and law, and implementation.<sup>4</sup> Figure 3.1 illustrates the ways in which the mandate has evolved through the core documents that have articulated UNEP's functions since 1972, and showcases the continued emphasis on the three core functions envisioned in Stockholm.<sup>5</sup>

UNEP's mandate reflects the aspirational goals at the time of its creation and the vision of becoming an important source of authority and legitimacy.<sup>6</sup> It has defined UNEP's work and place in the international system over the past fifty years. Governments see the mandate as robust, and staff view it as stimulating. The viability of UNEP's mandate has been a disputed subject among scholars, with some considering it impossible to realize and others criticizing it as insufficient.<sup>7</sup> As this book illustrates, however, UNEP's mandate is ambitious and achievable, inspirational and meaningful.<sup>8</sup> The core functions were grounded in the logic that nothing can be done about global environmental problems without accurate scientific data, and that these data should be used for the development of sound environmental policies and management strategies.

At its core, the mandate to set the global environmental agenda and serve as the advocate for the global environment is highly normative. Indeed, as UN Deputy Secretary-General and former environment minister of Nigeria, Amina Mohammed, remarked in our interview in 2018, "The United Nations is normative. Operative work is for the countries and the UN helps with input and advice on how to enhance government capacity to deliver." To this end, she added, it is important "to understand what instruments are available, what the regulatory environment is, and how to integrate processes."<sup>9</sup> UNEP's core functions were to lead the development of environmental policy and coordinate the environmental activities in the UN system. However, most developing countries required assistance in creating their environmental institutions, policies, regulation, and infrastructure, and UNEP was the logical place to turn to for such material assistance. Although created as a normative institution, UNEP often has been called to act in an operational capacity, and

UNEP's ability to deliver on these operational requests has often been insufficient.

Headquartered in Kenya, in a country and a region where natural resource challenges demand urgent action, UNEP staff could not remain indifferent as they bore witness to environmental problems and their interconnectedness with social justice, economic development, and political change. Over the years, the organization has been drawn into an operational role in supporting countries with their concrete needs on the ground. Thus, UNEP has had difficulty projecting a clear identity as it has struggled with the tension between normative and operational expectations. In light of these competing demands, how has UNEP fared in delivering on the core functions in its mandate, and what have the results for the environment been? This chapter assesses UNEP's performance in its functions of coordination of environmental activities in the UN system, scientific assessment, and policy development; chapter 4 evaluates the achievements and challenges in addressing key environmental concerns. Together, these two chapters create a baseline that can assist in articulating and implementing a vision for the future.

It is impossible to state definitively whether UNEP has been effective or not, because, in short, it has been both effective and ineffective across issues and over time. Throughout the 1970s and 1980s, under the leadership of Maurice Strong and Mostafa Tolba, UNEP developed as a new institution in a new field. Its greatest challenges came in the 1990s as the end of the Cold War altered the political and economic reality across the world. The result was not the expected increase in financial resources for environmental activities but a neoliberal economic order that led to a single-minded focus on economic growth, a sharper division among states on issues of inequality, uneven technological development and thus uneven access to information and connectivity, and dramatically diminished financial contributions to UNEP.<sup>10</sup> In fact, while public concern with environmental issues increased, awareness about UNEP as the anchor institution for the global environment decreased. In the aftermath of the 1992 Rio Earth Summit, governments created and invested in new institutions that eclipsed UNEP in capacity and credibility, effectively marginalizing it.

In the final analysis, however, UNEP delivered on its mandate. Expected to protect nature and human health but largely marginalized and possessing

## COORDINATION

**1972 General Assembly Resolution 2997 (XXVII)  
“Institutional and Financial Arrangements for  
International Environmental Cooperation”**

- provide general policy guidance for the direction and coordination of environmental programs within the UN system (II.2.b)
- coordinate, under the guidance of the Governing Council, environmental programs within the United Nations system, to keep their implementation under review and to assess their effectiveness (II.2.b)
- advise, as appropriate and under the guidance of the Governing Council, intergovernmental bodies of the United Nations system on the formulation and implementation of environmental programs (II.2.c)

**1997 Nairobi Declaration  
UNEP Governing Council’s 19.1. Nairobi Declaration  
on the Role and Mandate of the United Nations  
Environment Programme**

- further ... the development of coherent interlinkages among existing international environmental conventions (3.b)
- strengthen its role in the coordination of environmental activities in the United Nations system in the field of the environment ... based on its comparative advantage and scientific and technical expertise (3.d)
- promote greater awareness and facilitate effective cooperation among all sectors of society and actors involved in the implementation of the international environmental agenda ... (3.e)
- provide policy and advisory services in key areas of institution-building to governments and other relevant institutions (3.f)

**2012 Rio +20 outcome document “The Future  
We Want,” paragraph 88**

- enhance the voice of UNEP and its ability to fulfill its coordination mandate within the United Nations system by strengthening UNEP engagement in key United Nations coordination bodies and empowering UNEP to lead efforts to formulate United Nations system-wide strategies on the environment (88.c)

### 3.1 Evolution of UNEP’s mandate.

ASSESSMENT

POLICY

- keep under review the world environmental situation in order to ensure that emerging environmental problems of wide international significance receive appropriate and adequate consideration by governments (I.2.d)
- promote the contribution of the relevant international scientific and other professional communities to the acquisition, assessment, and exchange of environmental knowledge and information and, as appropriate, to the technical aspects of the formulation and implementation of environmental programs within the United Nations system (I.2.e)
- secure the effective cooperation of, and contribution from, the relevant scientific and other professional communities in all parts of the world (II.2.d)

- promote international cooperation in the field of the environment and to recommend, as appropriate, policies to this end (I.2.a)
- provide, at the request of all parties concerned, advisory services for the promotion of international cooperation in the field of the environment (II.2.e)
- maintain under continuing review the impact of national and international environmental policies and measures on developing countries, as well as the problem of additional costs that may be incurred by developing countries in the implementation of environmental programs and projects, and to ensure that such programs and projects shall be compatible with the development plans and priorities of those countries (I.2.f)

- analyze the state of the global environment and assess global and regional environmental trends ... (3.a)
- provide ... early warning information on environmental threats ... (3.a)

**SCIENCE-POLICY INTERFACE**

serve as an effective link between the scientific community and policy makers at the national and international levels (3.e)

- provide policy advice ... (3.a)
- catalyze and promote international cooperation and action, based on the best scientific and technical capabilities available (3.a)
- further the development of its international environmental law aiming at sustainable development ... (3.b)
- ... stimulate cooperative action to respond to emerging environmental challenges (3.c)
- advance the implementation of agreed international norms and policies, to monitor and foster compliance with environmental principles and international agreements ... (3.c)
- strengthen ... its role as an Implementing Agency of the Global Environment Facility ... (3.d)

- disseminate and share evidence-based environmental information and raise public awareness on critical as well as emerging environmental issues (88.e)

**SCIENCE-POLICY INTERFACE**

promote a strong science-policy interface, building on existing international instruments, assessments, panels and information networks, including the Global Environment Outlook, as one of the processes aimed at bringing together information and assessment to support informed decision-making (88.d)

**CAPACITY-BUILDING ELEMENT**

- provide capacity-building to countries, as well as support and facilitate access to technology (88.f)
- progressively consolidate headquarters functions in Nairobi, as well as strengthen its regional presence, in order to assist countries, upon request, in the implementation of their national environmental policies, collaborating closely with other relevant entities of the United Nations system (88.g)

3.1 (continued)

minimal capacity, UNEP has called public and political attention to key environmental problems, developed a robust body of international environmental law, framed constructive policy options, and catalyzed needed action. Even though it stumbled in providing a one-stop shop for state-of-the-environment assessments, in coordinating the UN's numerous environmental activities, in supporting implementation of international environmental agreements, and in providing consistent and reliable assistance to national environmental efforts, UNEP has delivered more than could be expected given the obstacles in its course.

### COMPETITION AND COHERENCE CHALLENGES IN THE UN SYSTEM

Coordination is a critical precondition for the resolution of global problems through successful collective action; such collective action is in turn essential for realizing the ideals of the United Nations. The complexity of the global environmental governance system and the lack of any authority structure make coordination of the various actors, institutions, and norms critically important.<sup>11</sup> Coordination requires being both *in* authority and *an* authority—having the mandate and the money to coordinate as well as the knowledge, expertise, and credibility. Since its creation, UNEP has been in authority to coordinate as it has had both the legal mandate and a financial mechanism to do so. UNEP's authority—its expertise and credibility—have, however, been tested over the decades. Struggles in meeting the core coordination function have no doubt contributed to the widely diverging conclusions on the feasibility and appropriateness of UNEP's mandate and on the organization's ability to perform. Why, observers have asked, has UNEP not succeeded in becoming the central forum for debate and deliberation in the environmental field, like WTO has done for trade or WHO for health?

The conventional answer has been that UNEP does not have the status and therefore the authority and resources of a specialized agency.<sup>12</sup> Indeed, the financial resources at UNEP's disposal are grossly inadequate for resolving the set of evolving global environmental problems it faces, but this is not a result of its institutional form. Being a relatively small entity in terms of staff and funding has often led to the perception that

an increase in size, through a change of institutional form, would translate into improved coordination. Yet, as the analysis of resource availability to various UN bodies illustrated, subsidiary bodies, programmes, and funds such as UNDP, WFP, UNHCR, and UNICEF command the largest resources in the UN system, and several specialized agencies including UNIDO, WTO, and WMO have smaller budgets than UNEP (see figure 1.4 in chapter 1). Change in institutional design, therefore, or what many proposals term an “upgrade,” would not yield the desired effects.

UNEP’s institutional design, its form and function, is not the limiting factor and root cause of the coordination and coherence challenge. Rather, capacity and credibility are. And they have been shaped by location and leadership. The turbulent political, economic, social, and security situation in Nairobi affected UNEP’s capacity and connectivity. The severe security concerns were an obstacle to attracting staff, and the long distances for travel and absence of state-of-the-art communication technologies affected its credibility and ability to raise the requisite resources. Meanwhile, leadership determined the authority of the institution among particular constituencies. While Maurice Strong had the personal power and influence to convene the directors of the World Bank, IMF, and consequently all the specialized agencies, his successor, Mostafa Tolba, did not manage to maintain their interest and convince them to make the long trips to Nairobi. A dedicated and talented scientist, Tolba carried considerable legitimacy in environmental circles but did not possess Strong’s convening power necessary for the leadership of the international agencies. UNEP gained reputation as a scientific organization but lost much of the networking power that Maurice Strong envisioned it would possess. Effective coordination requires a strong organizational identity and the authority to convince others to undertake actions toward common goals; this is an area in which UNEP’s influence has waxed and waned.

Well before UNEP was created, environmental issues had been part of the portfolios of a number of UN agencies, including ILO, FAO, UNESCO, WHO, WMO, IMCO, IAEA, ICAO, and UNDP.<sup>13</sup> Each UN agency has its own mandate, budget, and governance structures and is accountable to a particular subset of member states. All possessed some environmental responsibilities and feared that they might lose parts of their work program, budget, and staff if duplication were eliminated.<sup>14</sup> Opposition to

the creation of UNEP, therefore, came not from national governments but from UN agencies that feared competition, because the design of the UN system is stacked in favor of separate rather than coordinated and collaborative efforts. This competition has been present throughout UNEP's history and in 2019, 80 percent of UNEP's respondents to a survey by the UN Office of Internal Oversight Services noted that there was critical competition for donor resources with other UN entities.<sup>15</sup>

UNEP's architects foresaw these challenges and created an organizational structure for coordination with a healthy funding mechanism at its core in order to incentivize participation by other agencies. As documented in chapter 2, UNEP was purposefully designed as a subsidiary body rather than as an independent specialized agency so that it would be better positioned to coordinate environmental activities across the UN system. Resolution 2997 of 1972 created an Environment Coordination Board (ECB) to ensure cooperation and coordination among all UN bodies concerned in the implementation of environmental programs. It charged the secretariat—under the leadership of the executive director—to serve as a focal point for environmental action and coordination in the UN system. It also established the Environment Fund to provide financial incentives for the direction and coordination of environmental activities.

During its first few years, UNEP engaged in intensive and effective large-scale consultation and interaction with other UN agencies through the Environment Coordination Board. In its first report to the UNEP Governing Council, the Board emphasized that “the subject of the environment demonstrated the process of evolution of new networks of relationships, the formation of new links between institutions, the establishment of new institutions and the search of new roles by exiting institutions.”<sup>16</sup> As the UN entity with authority for coordination, UNEP led the formulation of UN policy on environmental matters and provided money, personnel, and content guidance. In 1978, however, the Environment Coordination Board was eliminated and its functions relegated to the UN's Administrative Committee on Coordination (ACC) in New York. This decision to abolish the ECB “was the worst decision taken by the United Nations,” Mostafa Tolba argued in 2009.<sup>17</sup>

Multiple other entities would follow over the years, as illustrated in box 3.1.<sup>18</sup> The frequent changes in the institutional vehicle for coordination



**Box 3.1**

## Coordination Mechanisms: Trying to Find the Right Formula

**The Environmental Coordination Board (ECB)** comprised the Executive Heads of the UN agencies, and its principal mandate was to ensure cooperation and coordination in the UN system on environmental programs. The Board initiated, defined, and developed much of the environmental program of the UN system and instituted joint programming as a valuable method of collaboration among governments and UN agencies. It consulted with a wide range of UN bodies and facilitated the formulation and implementation of a variety of collaborative projects and programs. In 1978, in the context of a broader UN reform effort to increase coherence and coordination within the system, the UN's **Administrative Committee on Co-ordination (ACC)** fully assumed the functions of the ECB.

**System-Wide Medium-Term Environment Programme (SWMTEP)** was created along with a new group of UN officials, **Designated Officials for Environmental Matters (DOEM)**. Through these mechanisms, UNEP encouraged other UN agencies to inject environmental considerations into their own programs and developed shared environmental activities, created common methodologies, harmonized program budgets and plans, and initiated joint programming. This did not produce the system-wide coherence necessary for effective collective action. A 1993 UN report noted that "DOEM falls short in their support and functional roles for the ACC; that [it] needs revitalizing and re-directing in order for it to meet the challenges offered by the new post-UNCED [Rio] phase."

After the Rio Earth Summit in 1992, governments established the **Inter-Agency Committee on Sustainable Development (IACSD)** with the mandate of identifying major policy issues and ensuring effective cooperation and coordination of the UN system in the implementation of Agenda 21. The IACSD was to be "the only body to prepare decisions for ACC in the areas of development and environment." With the focus having shifted away from the environment and UNEP having lost its leadership position, the DOEM, too, lost influence, and in 1995 it itself was replaced by the **Inter-Agency Environment Management Group (IAEG)**. This group only met twice and was then replaced by the **Environment Management Group (EMG)** in 2001. That year, the ACC was transformed into the **UN System Chief Executives Board (CEB) for Coordination**, and the Inter-Agency Committee on Sustainable Development ceased to exist.

The **Environment Management Group (EMG)** was established in 2001, pursuant to Resolution 53/242 of July 1999, with the goal of improving coherence and collaboration among UN agencies and the secretariats of Multilateral

**Box 3.1 (continued)**

Environmental Agreements (MEAs). It comprises forty-eight 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.

shifted the centrality of UNEP in the environmental coordination work within the UN system. None of the subsequent coordination mechanisms delivered the value-added kind of coordination envisioned by UNEP's founders because of the pervasive competition dynamic in the UN system as well as the major challenges to UNEP's authority because of the difficulties in connecting, communicating, and collaborating with the rest of the UN system. Geographical distance and technological challenges were important determinant factors until well into the 2000s, as chapter 5 outlines.

Much of the influence of UN agencies derives from the perceived authority of the national ministries with which they are associated—ministries of health, development, agriculture, environment, or other issues. These ministries form the core membership and thus political base of the respective international organizations. The support of member states—political, financial, operational, and normative—is critical to the international organizations' ability to operate and command authority among peers. A novelty in the 1970s, environment ministries never garnered the power and resources of other line ministries such as health, development, industry, or foreign affairs. They have limited clout because they are usually small, underfunded, and marginalized. They tend to focus on cleaning up the impacts of other ministries' actions and mistakes, rather than managing to change these ministries' strategies before mistakes happen. As Jim MacNeill, the Secretary General of the 1987 Brundtland Commission, noted, "They were told to take development as a given and to worry about ways and means to ameliorate the effects of

development on health, property and ecosystems. And to do so almost exclusively with add-ons: add-on technologies, add-on policies, and add-on politics.”<sup>19</sup> This dynamic led to the core challenge of environmental ministries and agencies—they failed to make the economic, trade, and sectoral institutions in any way responsible for the environmental implications of their policies and actions. Moreover, in many countries, environmental ministers tend to have short terms in office and move on to other careers, making it difficult to build a strong corps of national-level environmental leaders. The absence of strong national environmental institutions has led to gaps in oversight and continuity for UNEP and ultimately to the lack of adequate support from national governments. And since every UN agency is accountable to a different line ministry, incentives for coordination are minimal. “It is extremely difficult to get the agencies to look across the board,” Kofi Annan pointed out. “They look to where their money is coming from, and it is not from UNEP or New York.”<sup>20</sup> Their funding comes from member states, and they seek to develop demand for their work from recipient states as well as support from donor countries.

During its first two decades, UNEP utilized the Environment Fund to work effectively with other agencies. It leveraged its finances for coordination, leading to successful partnerships among several agencies including WHO and FAO and the creation of common work programs on health and environment and pesticide management. “We had a rule, a standing rule which Mostafa Tolba imposed on us,” a UNEP staff member recalled, “and it was very frustrating at times, but one third of the Environment Fund had to be executed through the specialised agencies. That was a massive motivator of environmental action and seed projects and programs in the UN system.”<sup>21</sup> In 1984–1985, for example, 16.5 percent of the Environment Fund (which totaled approximately \$61.5 million at the time, or \$148.8 million when adjusted for inflation) was spent on projects with other UN agencies for a total of over \$10 million (slightly over \$24 million when adjusted for inflation).

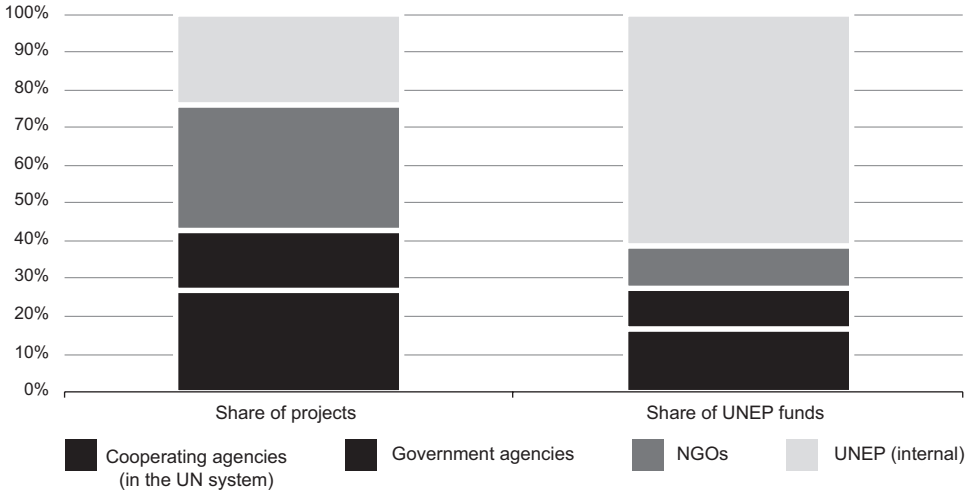
As UNEP established itself and countries sought its assistance, it began using more of the Environment Fund resources to support its own technical assistance activities rather than to invest in the other UN agencies to motivate the rest of the system. By 1992–1993, for example,

only 6.9 percent, or about \$9 million (over \$16.2 million when adjusted for inflation), of the Environment Fund was used for collaborative projects with UN agencies, governments, or NGOs (see figure 3.2). The Environment Fund thus came to be seen as UNEP's budget rather than as the funding mechanism for environmental activities across UN agencies because, as UNEP's evaluation office noted, the Fund "pays for almost half of the UNEP staff and a large portion of its resources go to internal projects."<sup>22</sup> Without resources explicitly earmarked to support cooperation between UNEP and the specialized agencies, such initiatives became increasingly superficial and geared mainly toward administrative and procedural work rather than substantive issues.<sup>23</sup> UNEP, therefore, became more of a competitor than a coordinator. Ultimately, this inadequacy of resources was a major limiting factor.

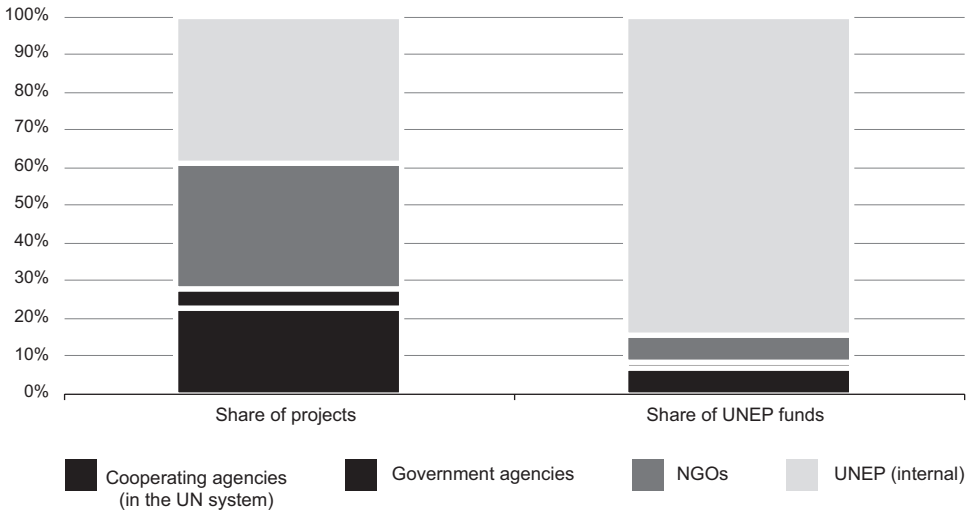
The 1990s marked a difficult period in UNEP's history and the most significant challenge to coordination. In 1989, the Berlin Wall fell and with it, the entire Soviet Bloc. That same year governments committed to convene the UN Conference on Environment and Development, later known as the Rio Earth Summit, in 1992. The end of the Cold War ushered in a neoliberal economic model, which, combined with the minor economic recession that occurred in the early 1990s, led the international community to focus on economic growth, often at any cost.<sup>24</sup> Political support for the environment and its main international institution plummeted.<sup>25</sup> Furthermore, Kenya was suffering from corruption, insecurity, and uncertainty under the regime of President Moi, as chapter 5 explains. As a result of these factors, contributions to the Environment Fund plunged more than 30 percent in less than five years, from close to \$130 million in 1992–1993 to \$90 million in 1996–1997.

The United States disengaged and diminished its contributions from the all-time high of \$21 million per year in both 1993 and 1994 to \$5.5 million in 1997. The Soviet Union had contributed \$6 million in 1990 but, after its dissolution in 1991, contributions from the Russian Federation, which assumed its responsibilities, fell to \$500,000. Struggling with the dual impacts of the aftermath of the dissolution of the Soviet Union and the Yugoslav Wars, the European states were weak and divided. Without strong support from developed countries, UNEP found itself confined to a narrow interpretation of its mandate, with its actions limited by funding.

1984–1985



1992–1993



3.2 Shift in share of collaborative projects and funds with UN agencies supported by the Environment Fund.

In the 1990s, UNEP struggled to address the mismatch between its normative mandate, requests from developing countries for its operational engagement, and donor contributions to meet such demands. Formally mandated to conduct normative activities but consistently asked to support more operational ones, UNEP constantly shifted between roles and could not develop a clear, consistent, and compelling identity. When in 1992, as a result of the Rio Earth Summit, governments created a range of new environmental institutions, UNEP had an opportunity to reclaim its coordination role. However, it had all but lost its preeminent convening and coordination power in the field because it had not engaged substantively during the Rio Earth Summit and had little influence over the environmental narrative.

UNEP Executive Director Dr. Mostafa Tolba had deliberately chosen not to engage actively in the preparations for the Earth Summit, thus effectively ceding leadership to the conference secretariat and other international organizations, a dynamic that chapter 6 explains in more detail. This led to the marginalization of UNEP when substantive issues were deliberated, new activities planned, and follow-up arrangements discussed. A new global narrative about sustainable development replaced the earlier environmental focus, and attention moved away from UNEP's core expertise. The Rio Earth Summit became the defining event in global environmental governance, as it transformed the international environmental stage by catalyzing a wave of new norms, policies, and institutions. Governments set up independent secretariats for the new conventions on climate change and desertification in Geneva (later moved to Bonn) and on biodiversity in Montreal. They launched the Global Environment Facility (GEF) in Washington, DC, and the Commission on Sustainable Development in New York.<sup>26</sup>

The GEF became the main financing instrument for environment, including for several of the conventions that UNEP had facilitated. The Commission on Sustainable Development assumed the leadership role in convening the world's environmental constituency for two weeks every year in New York, which effectively eliminated the incentive for environmental ministers and other actors to convene in Nairobi and to engage substantively with UNEP. The center of gravity thus moved to Washington, DC, and New York. UNEP's elaborate coordination mechanisms

became redundant and were promptly eliminated.<sup>27</sup> Political attention shifted from the environment to sustainable development, the divide between the Global North and South deepened, and the institutional landscape became very crowded. The result was a “punch to the solar plexus” for UNEP as its authority as coordinator and attractiveness as collaborator diminished, and its credibility suffered as a result.<sup>28</sup> Though a more integrated environment and development agenda emerged, UNEP was not in a position of leadership in this new landscape.

Widely sought after and seldom achieved, coordination remains a modern-day quest for the philosopher’s stone, and it has been UNEP’s greatest challenge. “No one likes to be coordinated,” explained Donald Kaniaru, the officer at the Kenyan mission in New York who had worked with Ambassador Odero-Jowi in getting UNEP to Nairobi and who later joined UNEP as a lawyer.<sup>29</sup> Without a stable center of gravity in environmental governance, institutional specialization took hold, and, with no clear division of labor, fragmentation ensued. UNEP has clearly “fallen short in exercising effectively its original mandate to coordinate all environmental initiatives in the United Nations system,” a major evaluation by the UN inspector general concluded in 2008.<sup>30</sup> As a result, it continued, “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.”<sup>31</sup> These critiques came as governments were undertaking another attempt at reforming international environmental governance.

Coordinating the activities of intergovernmental agencies with bigger budgets, larger governing bodies, longer histories, and greater authority among member states was certainly a herculean task. The coordination difficulties challenged UNEP’s authority and capacity to serve as an effective anchor institution and, ultimately, one observer noted, “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>32</sup> Over time, the explicit emphasis on coordination softened to collaboration and cooperation. Working through clusters on concrete issues presented an opportunity for UNEP to deliver on its coordination and coherence mandate while sharing the leadership role and diminishing competition. The clusters approach, which brings together various institutions

working on similar issues around a common focused agenda, Mohamed El-Ashry, founder and former CEO of the Global Environment Facility, recalled, “would give UNEP the leadership in areas where it really has the strength. So that it’s not twenty-two or twenty-four organizations of the UN all doing environment, all doing water resources, all doing energy.”<sup>33</sup>

The Environment Management Group, the main body in the UN system for coordinating environmental work since 2001 (See box 3.1), also moved toward collaborative projects and the clusters approach. The EMG used programmatic expertise, knowledge, and capacity to provide the foundation for joint programming and to reduce overlap. It harnessed the multiplicity of institutions to explore opportunities for synergies and more effective implementation, but it has had limited effectiveness in system-wide concerns.<sup>34</sup> The EMG has been a “great way to engage with the UN system on specific issues,” explained Janos Pasztor, its first director. “People want to work together by definition. We managed to turn around the UN system attitudes by becoming a UN initiative rather than a UNEP initiative and making clear we were playing a different game. We listened to people and collectively developed a program on how to make the UN climate neutral.”<sup>35</sup> This approach worked and other topics followed, including e-waste and marine litter and microplastics. These thematically driven efforts happened through issues-management groups and task forces, which have enhanced the coherent delivery on several issues, including biodiversity, drylands, sound management of chemicals, and green economy, but have not amounted to a coherent system-wide approach. It was not until 2016 that the EMG launched an initiative to create a system-wide framework of strategies on the environment that seeks to integrate environment into the implementation of the 2030 Agenda on sustainable development.

As discussed previously, effective coordination depends on the existence of a legal mandate and financial means, being *in* authority. But it is also determined by the ability to influence, to use its expertise and reputation and be *an* or *the* authority. Integrating these two notions of authority is critical. “Coordination comes when there is a common goal, when resources are pooled together for greater impact,” Kofi Annan remarked. Coordination becomes natural when the reputation of an institution attracts others to its sphere of influence. “And good leaders are able to



do that," Annan continued.<sup>36</sup> UNEP's leaders have been pushed to advance the goals of the organization and protect it from undue outside influence. Operating in a climate of strong competition, they have more often than not chosen to strengthen the institution as an independent actor that delivers to member states—to be *the* authority—rather than as simply the convener and coordinator. Chapter 6 explains the competitive reality that each executive director faced and the choices they made in response. Following the 2012 Rio+20 conference and the conclusion of the reform process, governments abolished the Commission on Sustainable Development and replaced it with a new political body—the High-Level Political Forum. The division of labor across the UN system on environment, development, and sustainable development, however, still remains unclear and reinforces the often unproductive competition among the agencies.

### WHAT IS MEASURED IS MANAGED

Since Rachel Carson called attention to environmental concerns in the 1960s, science has been a prominent foundation for policy and action.<sup>37</sup> Policymakers asked, What is the state of the environment, why, and what is to be done? Existing monitoring and measurement systems could not produce a clear answer. Worldwide monitoring of air, soil, or water quality; of hazardous substances; and of species abundance and distribution was in its infancy. Environmental information was sparse and of varying quality, and no central data facility existed. International agencies across various issue areas—food and agriculture, labor conditions, health—continued to measure indicators and substances they considered relevant, developed guidelines, and carried out environmental programs.<sup>38</sup> However, the guidelines, principles, and policies various organizations had been producing were disparate and incoherent. The multiple efforts at measurement rarely produced comparable results, even when focused on the same problems. And without coherent measurements, environmental management would be futile. UNEP was expected to fill the existing knowledge gap. And, against steep odds, it did. There are, however, further gaps to be filled.

With a mandate to “keep the world environmental situation under review,” UNEP engaged in monitoring, tracking, and recording environmental data

and sought to bring science to bear on policy with the goal of resolving environmental problems. It harnessed science, and scientific advances, in the service of setting global priorities. It put the spotlight on specific environmental issues—from the pollution of the Mediterranean to ozone depletion—and lay the foundation for the creation of legal, policy, and institutional frameworks to address these issues at both the national and international level. It created a body of scientific knowledge on chemicals and waste, on ecosystems and species, as well as scientific institutions on climate change and biodiversity, such as the IPCC (Intergovernmental Panel on Climate Change) and IPBES (Intergovernmental Science-Policy Platform on Biodiversity and Ecosystem Services).

Without an institutional center of gravity for environmental monitoring, assessment, and analysis, however, systematic data on the state of the environment, on the status of policy responses, and on linkages between policy implementation and the state of the environment remains absent. “In health we track how many people are treated and cured,” John Matuszak of the US State Department remarked, “in economic development we track the increase of economic activity, in environment we track laws, studies, meetings, but [we] cannot tell whether the environment is better.”<sup>39</sup> Substantive, reliable data on the state of the environment is insufficient, which makes it impossible to establish causal connections between the existence and implementation of multilateral environmental agreements and the condition of the environment. Despite significant successes in bringing scientific data to bear on environmental policy, therefore, UNEP has room for improvement.

Creating a strong scientific foundation for environmental policy was at the core of UNEP’s mandate to provide the “best available objective knowledge ... for rational decision-making”<sup>40</sup> and to deploy rigorous and robust science in an institutionally innovative and politically powerful way. One of the first decisions governments took during the inaugural UNEP Governing Council in 1973 was to create Earthwatch, a program to coordinate, harmonize, and integrate observation, reporting, and assessment activities across the UN system.<sup>41</sup> This innovative venture was to provide common baselines to assess environmental concerns, determine priorities for action, and spur the development of policy responses.

Earthwatch was a trailblazing initiative: it focused on creating methodologies for monitoring, establishing global databases and quality control, providing technical support, and delivering overviews and trends in the state of the environment. Through Earthwatch, UNEP was able to exercise its catalytic coordinating role in environmental monitoring and assessment, and also collected and processed information from existing sources rather than acquire its own stations, equipment, and highly specialized staff. However, over the years, the constraints of financing, connectivity, and political commitment undermined Earthwatch's ability to deliver on its original tasks. It was therefore reconstituted several times, and did not grow into the data coordination hub originally envisioned.

Nevertheless, UNEP catalyzed environmental data collection, analysis and dissemination, and established a credible scientific baseline for the development of a body of international environmental law. Global environmental monitoring and assessment requires the ability to identify and measure environmental problems, warn of looming crises, research long-term environmental hazards, and facilitate information exchange. Baseline studies set up the measurements for environmental phenomena that need to be addressed. They are "notoriously difficult to carry out," Richard Sandbrook of the International Institute for Environment and Development in the UK warned in 1976, because determining "the quantities of various pollutants ... and their effect on the biological system is almost an impossible task; the state of the initial biological system is usually not known, is probably inherently variable, and the pathways of the pollutant far from clear."<sup>42</sup> UNEP, however, delivered reliable data on a number of environmental issues, including, among others, changes in the mass balance of glaciers as an indicator of climate change, methyl mercury levels in regional fisheries, and pesticide levels in human tissue.<sup>43</sup>

Armed with solid scientific findings, UNEP launched initiatives that coordinated global efforts to address global pollution and resource management. It carried out successful scientific assessments that "shed light on rates of desertification, deforestation, loss of biological diversity and stratospheric ozone depletion," explained Peter Thacher, UNEP's deputy executive director from 1977 to 1983. They provided the foundation for policy, motivated public engagement, and contributed to the successful

conclusion of international environmental agreements.<sup>44</sup> UNEP's assessment of ozone-layer depletion, for example, provided the necessary impetus for policymakers to develop international environmental law and to move toward a common solution to the runaway use of chlorofluorocarbons (CFCs), a group of synthetic chemicals used widely as aerosols, solvents, and refrigerants. UNEP successfully convened and engaged many scientists across the world at numerous conferences, placing the issue in the public sphere. Explicit support from scientists and a call for action by policymakers generated agreement on the need for action and, ultimately, a legal treaty articulating goals and means of implementation. UNEP's leadership in marshalling the science to directly influence policy in order to resolve the problem was exemplary. Its executive director at the time, Mostafa Tolba, "simply got hold of the [ozone] issue and wouldn't let it go," remarked David Runnalls, former President of the International Institute for Sustainable Development, "and when finally the science became clear we got the fastest agreement that I think anybody's ever had." The successful work on ozone depletion through the Montreal Protocol increased UNEP's visibility, authority, and impact.

Throughout the years, UNEP produced numerous high-quality reports that articulated the science and urged for a policy response. The reports on chemical pollution, for example, set the standard for high-quality assessments in UNEP's early years. "UNEP collaborated with the WHO [World Health Organisation] to produce what was called environmental health criteria on almost every single chemical," Professor Calestous Juma, the inaugural Executive Secretary of the Convention on Biological Diversity, recalled. In the late 1970s, "UNEP mobilized scientists and the first report was on mercury. These were very high quality. Technically, the series was the best thing coming out of UNEP. It was excellent," Juma remarked.<sup>45</sup> A decade later, UNEP would begin to oversee the drafting of conventions to regulate chemicals, hazardous waste, and, some years later, mercury.

UNEP's focus on monitoring the environment evolved from tracking indicators to synthesizing data into environmental assessments. The expectation was that UNEP would produce a "concise yet comprehensive State of the Environment Report" and publish it every three years, a 1982 evaluation of UNEP noted.<sup>46</sup> The report was to be drafted by a small group of experts and "published under the exclusive authority of the executive

director, possibly in consultation with an independent advisory group of scientists, and without any formal intergovernmental review prior to its public release.<sup>47</sup> These assessments sought to examine not only the state of the environment and the pressures on it—what is happening and why—but also the impacts on human and natural systems as well as the range of existing and new responses—the chain of interactions between society and environment. They therefore expanded the excellent technical work into more comprehensive assessments of cause-effect dynamics.<sup>48</sup>

The first integrated environment assessment, the *Global Environment Outlook* (GEO), was published only in 1997. It has since become the flagship publication on the environment and is released every five years, for a total of six reports published through 2020.<sup>49</sup> Building on the IPCC model of multi-stakeholder engagement, the GEO has sought to provide timely scientific input on important policy issues, engage renowned scientists and experts from around the world, and deliver objective analysis with high policy relevance (see box 3.2).<sup>50</sup>

In climate change, UNEP's reports and collaborative work with WMO set the stage for the creation of the IPCC and the UN Framework Convention on Climate Change. Despite the fact that they became independent entities located in Geneva and Bonn respectively, as chapter 4 explains, UNEP continued to produce flagship assessments, including the Integrated Assessment of Black Carbon and Tropospheric Ozone, the Emissions Gap Report, the Production Gap Report, and the Integrated Assessment of Short-lived Climate Pollutants in Latin America and the Caribbean. "One of the very useful inputs from UNEP into the climate change negotiations," noted Michael Zammit Cutajar, the first Executive Secretary of the climate change convention, "was the emissions gap report, which is a really good piece of political journalism. It gives you information that you can absorb and understand and a really strong political message."<sup>51</sup> Where UNEP continues to struggle is linking reports to policymaking and producing the required change in decisions and behavior. As Amina Mohammed noted in 2018, "The GEO is useful, but it is not used enough. Even UNEP does not use the GEO. It should be in the briefcase of every UNEP officer."<sup>52</sup> In 2019, the annual *Emissions Gap Report* received high levels of media and public attention and recognition for driving home the dangers of high emissions and climate change,

**Box 3.2***Global Environment Outlook*

The *Global Environment Outlook* (GEO) is the flagship assessment through which the UN Environment Programme carries out one of its core functions: reviewing the state the global environment. GEO's goal is to produce scientifically credible and policy-relevant assessment of the state of the global environment and to enhance the capacity of a wide range of actors to perform integrated environmental assessments.

Six GEO reports have been published to date: GEO-1 in 1997, GEO-2000 in 1999, GEO-3 in 2002, GEO-4 in 2007, GEO-5 in 2012, and GEO-6 in 2019. A multi-stakeholder process engages experts from around the world in the drafting of the report. Each iteration has resulted in the creation of related products, such as GEO assessments at regional, national, and city levels, and editions targeted at specific audiences, such as summaries for decision makers, specialized reports, thematic assessments and reports for Youth, Cities, and Business.

Each GEO cycle has employed a different approach to process design, with an overall tendency toward greater consultation and engagement and increasing the capacity of the organizations involved. In its earliest stage, the GEO process involved a network of twenty collaborating centers and gathered data through regional policy consultations. The trend with each subsequent GEO report has been to increase the number of organizations and individuals as authors, contributors to the methodology and process planning, and reviewers of multiple drafts.

The most important contributions of the GEO process have been developing capacity, raising awareness about global and international environmental issues, and fostering engagement and participation. The GEO publications offer overarching trends by issue and geographic area; they do not provide comparative feedback to countries and regional networks on the policies' implementation and efficacy. Funding and management for the production and publication of the report remain a critical challenge.

including floods, heat waves, and ocean acidification, to the general public. But, as UN Secretary-General António Guterres remarked, "For ten years, the Emissions Gap Report has been sounding the alarm—and for ten years, the world has only increased its emissions."<sup>53</sup> Translating science into policy is indeed challenging and has yielded uneven results. On the whole, UNEP executive directors have not prioritized the assessment function of the original mandate and have not accorded it the requisite attention and investment.

Over the years, UNEP designed and launched a number of initiatives that sought to put issues on the policy agenda. It also built capacity in countries through a network of assessment-supporting collaborating centers that provided a mechanism for input from developing countries. It developed integrated assessments in post-crisis countries for reducing risks from disasters and conflicts, and this in turn created demand in member states for UNEP to engage in improvement of environmental emergency prevention, preparedness, assessment, response, and mitigation.<sup>54</sup> Follow-through and long-term investment were insufficient, however, making many of the initiatives short-lived rather than consistent and continuous programs with sustainable outcomes. The State of the Environment assessments published in 1982 and 1992, for example, were “one-off” reports that did not provide a rigorous basis for comparison over time.<sup>55</sup> In 1994, UNEP’s office for the Harmonization of Environmental Measurements published a directory of environmental information and assessment programs—seemingly in an effort to shed light on the range of activities undertaken by UNEP, and possibly to encourage transparency and coordination. However, due to lack of funding, the program was abandoned, and a second directory was never published. UNEP also stopped working closely with the collaborating centers and began engaging with individual scientists instead. This change in process was pivotal, as collaborating centers were designed to address issues holistically, whereas individuals tend to have deep expertise but limited scope. New people came on board too often or too infrequently, and oversight and continuity suffered. Consequently, focus on regional capacity in assessments diminished.

Scholars have lauded UNEP for achieving “considerable success in alvanizing international environmental concerns”<sup>56</sup> and making “a great contribution ... on the use of shared natural resources,”<sup>57</sup> but UNEP has been unable to maintain the momentum, the demand, and the justification for continued support.<sup>58</sup> UNEP also made poor internal investment decisions and chose to follow new trends rather than to invest core funding in its core mandated functions. Despite the publication of numerous reports, it has been difficult to track the impact of UNEP’s actions on overall environmental quality. As a result, UNEP’s legacy is made up of a collection of discrete efforts that each in their own way were promising,

but did not as a whole deliver the needed monitoring of the progress on environmental issues.

Importantly, UNEP did not instill coherence into the monitoring system, nor did it catalyze cooperation in assessments. UNEP worked on urban air-pollution monitoring with WHO, on food quality with WHO and FAO, and on water quality with WHO, FAO, and UNESCO. In the face of the structural constraints in the UN system, the response was the creation of siloed sectoral programs rather than integrated ones. UNEP produces the *Global Environment Outlook* and the *Global Chemicals Outlook* as well as various reports through the International Resources Panel; UNESCO publishes the *UN-Water World Water Development Report*, FAO the *Global Food Security Update*, and the IEA the *World Energy Outlook*. At most, only two of these domains have been paired together—water and energy, water and food, energy and agriculture, and the interconnectedness of all dimensions of the water-food-energy nexus has been difficult to map out and analyze systematically.<sup>59</sup> An integrated approach to assessment across all environmental issues would require coordination and coherence among institutions *within* these areas as well as coordination and coherence *across* them.

Producing scientific reports is not coterminous with influencing policymaking, and spurring policy action in response to assessments has been a challenge for UNEP. In addition, as environmental issues have multiplied, becoming more acute and more interconnected, and powerful lobbies have been spurred to advocate for maintaining the status quo. Despite the large number of reports generated, there is no direct link between UNEP's reporting and international negotiations on environmental issues. "UNEP is very poor in linking science to decision-making," remarked Niko Urho, a former official in the ministry of environment of Finland. "They have these massive reports coming from here and there; that looks good. But how much do they actually support the negotiations? They don't. They don't have that type of documentation."<sup>60</sup> Moreover, the environmental policy community has not applied any serious pressure in support of good data collection for tracking the impacts of policy responses. Without measuring the extent of implementation of international environmental agreements, it remains impossible to assess



whether these agreements solve the problems they were designed to address.

UNEP has not adequately invested in its data and science expertise and authority. Despite the importance of scientific assessments, or perhaps because of it, UNEP has not consistently directed funds from its core budget into assessment. Following the logic of the “Washington Monument syndrome,” UNEP has chosen not to allocate core resources to assessment, knowing that someone will come in with the funding because the issue is too important to ignore. Extrabudgetary resources, however, are unpredictable, volatile, and scarce, and financial uncertainty undermines institutional confidence and commitment. Many of the areas in which UNEP had comparative advantage, such as pollution and chemicals, or areas in which it had an explicit mandate to keep the environment under review, have not received funding from UNEP’s core resources. UNEP has instead used the Environment Fund to chase the hot topic of the day. This has reinforced the tendency to react to and prioritize new events—wild fires, tsunamis, river clean ups, or reconstruction after disasters—and to then move resources, staff, and attention to these issues. “At UNEP we chase the first bus we see, hoping it will take us to our destination,” exclaimed Gerry Cunningham, former Head of Partnerships at UNEP.<sup>61</sup> As a result, trust has eroded, member states have not delivered contributions, and the Environment Fund has decreased.

Much like the challenge to UNEP’s coordination function, new institutional arrangements have emerged and vied for attention and resources to deliver environmental assessments. In 2005, governments created a new global initiative and platform, the Group on Earth Observations, which even carries the same acronym as UNEP’s flagship environmental assessment, GEO. This Group includes 105 governments and 127 participating organizations and seeks to provide “comprehensive, coordinated and sustained observations of the Earth system” as well as “timely, quality long-term global information as a basis for sound decision making.”<sup>62</sup> Located in Geneva, it provides a platform for coordinating monitoring, assessment, and early-warning information as well as timely, accurate, long-term scientific information as the basis for policymaking; in essence, this Group has in essence been tasked with one of the core mandates

envisioned for UNEP in 1972. The question, therefore, is whether UNEP is at risk of losing a part of its mandate that it has done relatively well.

Continuous assessment of the state of the global environment that draws on national and global monitoring will remain a critical function in global environmental governance. As the anchor institution for the global environment, UNEP will always have an important role in assessment, if it is willing and ready to assume it. As per the original vision for UNEP, science was not an end-in-itself; it was, instead, intended to inform policy. Governments and UN agencies have recognized the need to break the silo approach and work across issues and across institutions to ensure that global resources are appropriately and efficiently managed.

The Sustainable Development Goals—regarded as indivisible—offer an opportunity to develop an integrated vision and a range of new collaborative approaches and initiatives to instigate necessary institutional transformation and action. UNEP's engagement in this work could add value.<sup>63</sup> UNEP could potentially help transform the many reports and efforts into a more consistent initiative to influence decision-making and assess the impact of resulting actions in terms of change in behavior of nation states and in the state of the environment. A UNEP-led systematic monitoring effort could also engage civil society in the collection of data and deploy new partnerships with business in using AI and earth observation technologies. In the contemporary reality of hyper-connectivity and close collaborations across institutions, sectors, and geographies, having multiple organizations working on information collection, compilation, and comparison is not detrimental, indeed, it is necessary. Powerful computing platforms—and UNEP is working on making Environment Live such a platform—can present coherent overviews of the state of the environment, from a hyper-local to a global level; the state of policy formulation; and the trends in policy implementation.

Substantial, systematic, comparable data is fundamental to effective environmental policy, and systematic data collection is necessary for identifying problems and tracking the impact of policy responses. UNEP has been successful in building on its scientific assessment function, and its communication has been clear and simple—we have identified a problem, we are determining its root causes and its effects, and we are gathering all parties concerned to design solutions and the necessary

legal frameworks. This model produced a notable body of international environmental law, as chapter 4 explains, but an explicit connection to enacted policy could be improved. Will UNEP be able to take this model to the next level and analyze the impact of policy implementation on the resolution of the problem at hand and the collateral effects on other connected issues?

## CREATING DOMESTIC AND INTERNATIONAL ENVIRONMENTAL LAW

A core mandate of UNEP is to formulate and evaluate policy options and catalyze action to implement them. In 1972, governments termed this “environmental management,” including comprehensive goal setting and planning as well as international consultation and agreement to protect and enhance the environment. The creation of appropriate policy and legal instruments was envisioned in response to the assessments UNEP carried out and in tandem with its coordination mandate. The vision was that UNEP would provide support with institutional, technical, and policy advice and engage in public awareness and education, thus enabling governments, civil society, and business to implement necessary actions.

Using the scientific evidence accumulated through its assessment function, UNEP developed policy frameworks on a range of environmental concerns. It established a range of multilateral environmental agreements on stratospheric ozone, climate change, regional seas, biodiversity, desertification, and chemical and waste regulation, as chapter 4 illustrates. It fostered the establishment of domestic legal, regulatory, and institutional structures for environmental action. “UNEP’s work on environmental law,” noted Dan Magraw, former director of the Center for International Environmental Law, “has been remarkably effective in designing national legal frameworks, training judges about environmental science and law, and fostering the creation of and administering multilateral environmental agreements.”<sup>64</sup> UNEP also carried out research; maintained a register of environmental agreements, conventions, and protocols; prompted governments to adhere to the conventions; and supported them in addressing difficulties related to adherence.<sup>65</sup> While it is possible to track the

development of international environmental law, assessing the level of implementation at the national level has not been feasible making accountability and improvement difficult.

Development of international environmental law has been one of UNEP's landmark successes. Strictly speaking, creating international environmental law was not directly part of UNEP's original mandate.<sup>66</sup> Principle 22 of the Stockholm Declaration called for state cooperation to develop international environmental law, and a number of UN documents also assigned the organization a quasi-legislative role.<sup>67</sup> UNEP Executive Director Dr. Mostafa Tolba led this initiative. As Mark Allan Gray, First Secretary at the Australian Permanent Mission to the United Nations, wrote, "UNEP [was] always calling for legislation and treaties, and developed guidelines and model laws to assist legislators and diplomats."<sup>68</sup> A natural scientist, Tolba recognized the need to develop legal instruments for collective action toward the resolution of environmental problems and invested his personal energy toward this end. In 1982, UNEP adopted the Montevideo Programme for the Development and Periodic Review of Environmental Law, which has been renewed every ten years. The Montevideo Programme was designed to support the development of environmental law and legal frameworks, improve implementation at the national level, and support capacity-building for member states and a range of stakeholders.

Three first-tier priorities formed the core of the Montevideo Programme: (1) marine pollution from land-based sources, (2) protection of the stratospheric ozone layer, and (3) transport, handling, and disposal of toxic and hazardous waste. To address these priorities, UNEP developed international environmental agreements and specialized institutional and financial instruments to facilitate this work. In the first two decades, these became some of UNEP's most compelling successes. The global treaties on ozone-layer protection, regulation of chemicals and hazardous waste, climate change, desertification, and biodiversity were all created and concluded with UNEP's engagement.<sup>69</sup> Indeed, during the first decade of UNEP's operations, almost as many international agreements were created as during the previous sixty years.<sup>70</sup> Since 1973, Professor Peter Haas noted, UNEP has catalyzed the development of more than 40 percent of "multilateral environmental treaties adopted outside the














European Community.”<sup>71</sup> Although many scholars point to the existence of hundreds of multilateral environmental agreements, there are twelve to fifteen truly global environmental agreements—those concerned with a global rather than regional issue and with close to universal membership (see table 3.1).

However, UNEP’s “biggest success has also been the biggest failure,” remarked Gus Speth, founder of major international environmental NGOs and former Administrator of UNDP. UNEP developed most of the multilateral environmental agreements currently in existence, and, Speth pointed out, “this is the biggest thing that has happened in terms of creating global environmental governance.” But, he continued, “very few of these agreements are actually succeeding in their intended purposes, and that, to me, is the failure. The UNFCCC’s failure in particular is very serious, and from 1989 forward this failure is mainly attributable to the United States. We really need to step back and think about how to effectively implement legislation at the international level.”<sup>72</sup> Indeed, the quantity of new international agreements is not necessarily reflective of their impact on the environment. States voluntarily create international agreements to govern their relations through legal responsibilities, and there is no overarching judicial or penal system to ensure enforcement of these agreements. Parties face no penalties for not meeting their commitments, and breaches are not punishable by sanctions. Compliance and implementation have to be enticed rather than coerced.

Once launched, the conventions have become quasi-autonomous entities with separate, legally independent structures, decision-making bodies, and procedures, each with its own Conference of the Parties (COP), secretariat, and subsidiary bodies with influence often exceeding that of UNEP. This dynamic, much like that with the other UN agencies, has led to competition rather than cooperation. This perhaps became most evident at the 1992 Rio Earth Summit and the creation of the conventions on climate, biodiversity, and desertification. Over the years, UNEP backed away from the conventions and did not assist in their implementation, and, as a result, lost political influence with governments it could have leveraged strategically.

The successful creation of a such a body of international environmental law has led to some critical challenges. First, creating multiple new

**Table 3.1** Global environmental conventions

Adopted/entered into force	Convention	No. of parties	Issue area	Location
1971/1975	 Convention on Wetlands of International Importance especially as Waterfowl Habitat (Ramsar Convention)	170	Biodiversity	Gland
1972/1975	 World Heritage Convention (WHC)	193	Biodiversity	Paris
1973/1975	 Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES)	183	Biodiversity	Geneva
1979/1983	 Convention on the Conservation of Migratory Species (CMS)	130	Biodiversity	Bonn
1985/1988 1987/1989	 Vienna Convention for the Protection of the Ozone Layer (Vienna Convention) and Montreal Protocol on Substances that Deplete the Ozone Layer (Montreal Protocol)	198	Atmosphere	Nairobi
1989/1992	 Convention on the Control of Transboundary Movements of Hazardous Wastes and Their Disposal (Basel Convention)	187	Chemicals and Waste	Geneva
1992/1994	 United Nations Framework Convention on Climate Change (UNFCCC)	197	Atmosphere	Bonn
1992/1993	 Convention on Biological Diversity (CBD)	196	Biodiversity	Montreal
1994/1996	 United Nations Convention to Combat Desertification (UNCCD)	197	Land	Bonn
1997/2005	 International Plant Protection Convention (IPPC)	184	Biodiversity	Rome
1998/2004	 Rotterdam Convention on the Prior Informed Consent Procedure for Certain Hazardous Chemicals and Pesticides in International Trade (Rotterdam Convention)	161	Chemicals and Waste	Geneva
2001/2004	 Convention on Persistent Organic Pollutants (Stockholm Convention)	184	Chemicals and Waste	Geneva
2013/2017	 Minamata Convention on Mercury	117	Chemicals and Waste	Geneva

Source: Maria Ivanova, "Coloring the UN Environmental: The Catalytic Role of the UN Environment Programme," *Global Governance* 26 (2020): 318.

environmental agreements led to institutional multiplicity that increased demands on member states' time, attention, and resources. "I can spend all my time going from one international meeting to another and not do my job of running the ministry," an environment minister of one developing country noted.<sup>73</sup> Second, the proliferation of independent environmental agreements, with their own headquarters, staff, budgets, and COPs, has led to tough competition, much like that among UN agencies in the 1970s discussed in the earlier section on coordination. The result has been a strained relationship between UNEP, the conventions it administers, and the more autonomous conventions. Third, implementation of the complex and growing body of international environmental law has been and remains a significant challenge for countries, and thus for UNEP to fulfill its mandate in supporting their efforts. Without targeted support to countries lacking the capacity to implement treaty provisions, progress has been slow. Little information is available on the extent to which countries implement their obligations and therefore on the extent to which environmental agreements address the problems they were designed to resolve.<sup>74</sup> Finally, without systematic support for implementation, whether through UNEP or other means, international environmental agreements have remained aspirations rather than plans of action incorporated into domestic legal practices.

Furthermore, the governance relationship between UNEP and the conventions has been tense. The COP is the primary governing body of each convention and the parties make all the decisions. "They tell the secretariat what to do and see the executive secretary as their person that is buying services from UNEP," explained Professor Calestous Juma, the first Executive Secretary of the Convention on Biological Diversity. "UNEP, however," Juma emphasized, "sees the relationship exactly reverse. Because the executive director of UNEP appoints the Executive Secretary of the convention, they see him as a UNEP person."<sup>75</sup> UNEP provides the secretariat for fifteen global and regional agreements. As John Scanlon, the then Secretary-General of CITES, told governments gathered at the Global Ministerial Environment Forum in Nairobi in 2012, "UNEP is, in many instances, playing a role that is akin to a 'middle man' between the convention secretariat(s) and the service provider(s), which comes at a cost." Administering the conventions is not UNEP's comparative

advantage, he explained; where UNEP is needed most and performs best is on programme, financing, and UN system-wide support.<sup>76</sup> Rethinking the relationship with the conventions will be critical when considering the future of UNEP.

The key question for governments has been how to keep the various conventions working cooperatively toward common objectives. "It's difficult enough within one organization," Michael Zammit Cutajar remarked, "but much more so when you spin off in different directions and only pay lip service to coordination."<sup>77</sup> The conventions have very different administrative set ups: UNESCO hosts the World Heritage Convention, IUCN hosts the Ramsar Convention on wetlands, UNEP hosts CITES, the chemicals conventions, and CBD under different agreements, and the climate and desertification conventions (UNFCCC and UNCCD) are autonomous, stand-alone institutions under the UN umbrella. Moreover, the convention secretariats are geographically distributed across Nairobi, Montreal, Geneva, Bonn, and Paris, which has presented a range of communication and coordination challenges.

Creating international environmental law is one of UNEP's most notable successes, but, lacking capacity and resources itself, UNEP has been challenged to assist member states in the implementation of these laws. Governments adopted the Bali Strategic Plan for Technology Support and Capacity Building in 2005 as "an effort to thread the needle to make UNEP help countries with implementation without taking on high administrative cost of having country offices," John Matuszak of the US State Department explained.<sup>78</sup> "Its purpose," he added "was to strengthen the [UNEP] regional offices to be responsive to member states' needs to implement existing agreements and strengthen national environmental programs and policies." The Bali Strategic Plan aimed to assist countries in the Global South to achieve environmental and development goals through greater focus on capacity building and technology transfer but fell short in articulating adequate guidance to put goals into practice and remains largely unfulfilled.<sup>79</sup> Indeed, "no mechanism exists to support implementation of the conventions and agreements," explained Youba Sokona, special advisor for sustainable development at the South Centre, in 2018.<sup>80</sup> With a limited operational budget, UNEP has not been able to provide the kind and scale of assistance necessary for member states



to improve delivery on complex environmental concerns. Without such support, countries remain unable to deliver on their international obligations, and the environment continues to be at risk.

A core problem with the policy function of UNEP has been the focus on development of law and policy rather than on implementation and accountability.<sup>81</sup> As new problems emerge, UNEP creates new agreements, and governments take on new obligations at every international conference. Governments have become accustomed to endorsing and signing new agreements with no regard for having to do anything to implement them. Neither UNEP nor the convention secretariats nor the NGO community have held governments accountable for delivering on their obligations set out in these legal instruments.<sup>82</sup> Although one might expect civil society to step up to this challenge, UNEP's governance arrangements have disincentivized such a development. Under the rules of the UNEP Governing Council (the governance arrangement in place from 1973 until it was replaced with the universal membership UN Environment Assembly in 2012 as discussed in chapter 7), in order to participate in Governing Council meetings, civil society groups had to receive funding from UNEP for travel expenses and a generous daily subsistence allowance. As a result, civil society has become quite timid in its relationship with governments attending the UNEP Governing Council. Given these lucrative financial aspects, selection was based on relationships. "This is what I think killed robust civil society engagement," explained Annabell Waititu, who had represented civil society at UNEP meetings. "With such financial dependency, you have nothing to say or you have no issues that you really want to drive home."<sup>83</sup> When a push for accountability from strong public actors is absent, ambitious environmental action is also lacking. Relatedly, there have been no systematic, time-series empirical assessments of the degree to which countries have implemented their commitments under global environmental conventions. Therefore, no baseline data exists against which to assess performance, actions, or even expectations. 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 actions can take place either at the national or international level

to promote their success. This is an area where UNEP has the potential to leverage its mandate, but has yet to do so.

## CONCLUSION

At its creation, the United Nations Environment Programme was designed to help resolve global environmental problems; to do so, UNEP was given the means to undertake scientific assessment, create environmental law and institutions, enhance the capacity of countries across a range of functions, and coordinate and collaborate with other UN agencies toward a common goal. Designed as a normative body but facing increasing demands for support of concrete initiatives within member states, UNEP was often walking a line between normative programs and operational activities and results (this tension will be addressed further in chapters 4 and 5).<sup>84</sup> There is no doubt that developing countries needed concrete assistance—both normative and operational—on many issues. Responding to multiple demands, UNEP worked on strengthening judicial systems, supporting the development of financial instruments to assist policy development, developing tools and training on eco-labelling, life cycle analysis, certification, and awareness. The gravitation toward project work was driven by powerful drivers: more readily available funding for concrete projects, the clear credit an institution would receive, and the continuous demand for on-the-ground engagement.

Throughout the years, UNEP has come to embrace these two aspects of its mandate and now acknowledges that it is both a normative and an operational entity that exercises leadership on environment within the UN system and beyond.<sup>85</sup> The shift from a normative, catalytic function to one that also encompasses implementation and operational roles has, however, further obscured the line separating UNEP from operational agencies. As a result, UNEP's role in providing technical assistance and improving capacity remains unclear, as does its role vis-à-vis UNDP and the World Bank; these entities now resemble competitors more than partners. And yet, the niche identified in 1972 is no less in need of being filled: none of these other institutions have the potential to systematically conceptualize, launch, implement, and scale up environmental programs on a nation-by-nation basis. In this, UNEP has yet to deliver on its

promise. On the other hand, the need for assistance with environmental activities at the national level remains unfulfilled. It may indeed be inevitable that UNEP's support function will be elevated to stand equally with the coordination, assessment, and policy development functions of its mandate.

Ultimately, UNEP has been both an astounding success and a disappointment on core functions that demand collective action at the global level. The biggest obstacles have been the lack of a common vision, consistent priorities, and recognized identity at UNEP.<sup>86</sup> Embracing the need for effective support that has been part of its core mandate since creation, and UNEP could yet be a bridge for collaborating with the various multilateral environmental agreements and member states. As the organization rethinks its identity for the next fifty years, it could draw on lessons from the past and chart a vision for the future that embraces improved monitoring, reporting, and implementation, and connects the fulfillment of international obligations to the attainment of environmental results across issues and across countries.

