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**Assessing UNEP as Anchor Institution
for the Global Environment:
Lessons for the UNEO Debate**

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ACRONYMS

CPR	Committee of Permanent Representatives
CSD	Commission on Sustainable Development
EMG	Environmental Management Group
EPA	Environmental Protection Agency
FAO	Food and Agricultural Organization
GC	Governing Council
GEF	Global Environment Facility
GEM	Global Environmental Mechanism
GEO	Global Environmental Outlook
GMEF	Global Ministerial Environmental Forum
GRID	Global Resource Information Database
ILO	International Labor Organization
MEAs	Multilateral Environmental Agreements
NGO	Nongovernmental Organizations
OECD	Organisation for Economic Cooperation and Development
UN	United Nations
UNDP	United Nations Development Programme
UNEP	United Nations Environment Programme
UNESCO	United Nations Educational, Scientific, Cultural Organisation
WCMC	World Conservation Monitoring Center
WHO	World Health Organisation
WTO	World Trade Organisation

EXECUTIVE SUMMARY

Anchor institutions are the primary, though not the only, international organizations in certain global issue areas and typically perform three core functions: 1) overseeing monitoring, assessment, and reporting on the state of the issue in their purview; 2) setting an agenda for action and advancing standards, policies, and guidelines; and 3) developing institutional capacity to address existing and emerging problems. While UNEP was explicitly charged with the functions of an anchor institution, it was not endowed with the necessary capacities and structural conditions from the onset. This paper examines the reasons behind these choices, their consequences, and the lessons for the architects of a UNEO.

UNEP AS ANCHOR INSTITUTION

Contrary to popular belief, UNEP was not deliberately set up as a weak and ineffective institution. Rather, it was created as a lean, flexible, and agile entity to gather and transmit information, catalyze action, and coordinate environmental activities in the UN system. It was expected to grow into its mandate as it proved its effectiveness. A set of key structural decisions, while considered right at the time, led to predictable, yet largely unforeseen effects.

CHOICE AND CONSEQUENCE

First, UNEP's authority was severely constrained by its "programme" rather than "specialized agency" status within the UN system. Second, UNEP's governance structure led to more attention to the needs and demands of member states than to the mission of the organization. Third, UNEP's financial structure enabled countries to pursue their own interests through UNEP rather than the common good. Finally, UNEP's location outside of the centers of political activity affected its capacity to coordinate the numerous agencies with environmental activities as well as, most importantly, its ability to attract top-tier policy staff.

MOVING FORWARD

Several key questions emerge for the architects of the global environmental governance system of the 21st century. First, what is the goal and vision for a new international environmental organization? Within that framework, what structures and conditions are necessary to attain that goal?

1. Is the specialized agency model of the 1960s adequate for 2010 and beyond?
2. How can legitimacy, effectiveness, equity, transparency, and accountability be balanced in the governance structure of the organization?
3. What amount of financing is necessary for the new organization to achieve its goals (rather than what amount of financing is available to attain the goals)?
4. How can the organization attract top quality policy staff, convene relevant institutions, and coordinate actions?

Analysis of UNEP's performance starkly illustrates that unless these key structural questions are addressed, little progress in the environmental domain is possible. Without an open and objective discussion of structural constraints and ways to overcome them, reform deadlock will continue.

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Assessing UNEP as Anchor Institution for the Global Environment: Lessons for the UNEO Debate

By Maria Ivanova¹

Introduction

In the context of increasing ecological, economic, and political interdependence, international organizations have evolved from simple mechanisms for state cooperation to central actors in world politics and active agents of global change. Many scholars, analysts, and politicians have called for strengthening the global environmental governance system and transforming the United Nations Environment Programme (UNEP) into a more powerful global environmental organization. The proposal by the French and German governments for the establishment of a United Nations Environment Organization (UNEO) is gaining increasing attention and is emerging as a serious political option.²

Institutional reform must ultimately be rooted in an understanding of where the global environmental governance system has succeeded, where it has failed, why that has been the case, and what the leverage points are to encourage effectiveness, efficiency, and equity. The story of UNEP holds valuable lessons in elucidating key features a UNEO, WEO, GEO, GEM or any other reform proposal.³ While some organizations have managed to grow far beyond their initial mandates and functions,⁴ UNEP has remained relatively constrained by member governments. Why is this the case? What are the lessons from UNEP's thirty-year history for the design and functions of a UN Environment Organization?

Currently, the debate on global environmental governance reform has artificially divided the academic community into "friends" and "foes" of UNEP rather than opening analytical avenues for constructive critique and refinement of theoretical assumptions.⁵ Very few statements about the effectiveness of the organization are grounded in systematic evidence. In this paper, I explore the origins of global environmental governance from the day in 1967 when three Swedes met for lunch to discuss ways to deflect the plans to hold another UN conference on atomic energy and draft a strategy to convene the first conference on the *human environment* instead. I show how the idea of a UN Conference on the Human Environment became a worldwide endeavor championed by a handful of energetic, dedicated, and enthusiastic believers in a better future for

¹ This paper draws on an analysis of UNEP under preparation for the International Task Force for Global Public Goods (<http://www.gpgtaskforce.org>) and is under consideration for publication in *UNEO—Towards an International Environmental Organization: Approaches to a Sustainable Reform of Global Environmental Governance* (Andreas Reckhemmer, ed., forthcoming 2005). The UNEP performance assessment sections culminate the work of a graduate level course on "International Organizations: UNEP and Global Governance" co-taught by the author at the Yale School of Forestry & Environmental Studies. The course attempted to assess the effectiveness of UNEP in the context of global environmental governance through original research, including primary data collection (data collection, surveys, and interviews) and desk review (U.N. publications and secondary literature). The overall analysis and ideas developed in this paper, however, reflect solely the opinions of the author. Thanks to Christine Kim for research assistance.

² See Tarasofsky and Hoare 2004 and <http://www.france.diplomatie.fr/frmonde/onue-en/>.

³ For proposals for a World Environmental Organization (WEO), see Biermann 2000, 2001, 2002a, 2002b; Biermann and Bauer 2004, 2005; Charnovitz 2002. For a Global Environment Organization (GEO) see Esty 1994, 2000; Runge 2001; Ruggiero 1998. For a Global Environmental Mechanism (GEM) see Esty and Ivanova 2002a.

⁴ See Barnett and Finnemore 2004 for a detailed analysis of the evolution and growth of the IMF and UNHCR.

⁵ Najam 2001b, 2002, 2003. While Najam exclaims 'Viva La UNEP!' others see the organization as ineffective. "Is the UN Environment Programme (UNEP) up to the job? Simply put, the answer is no." Esty 2001, available at <http://www.iie.com/publications/papers/g8-2001.pdf>.

humanity. I analyze the implications of decisions that set the course of global environmental governance for decades.

In this context, I examine how UNEP has performed as the “anchor institution” for the global environment. Anchor institutions are the primary, though not the only, international organizations in certain global issue areas and typically perform three core functions: 1) overseeing monitoring, assessment, and reporting on the state of the issue in their purview; 2) setting an agenda for action and advancing standards, policies, and guidelines; and 3) developing institutional capacity to address existing and emerging problems.⁶ These institutions define the problems, develop new policy ideas and programs, manage crises, and set priorities for shared activities that would not exist otherwise.⁷ I identify possible key factors that impact UNEP’s performance and need to be considered seriously in the context of organizational reform and creation of a UNEO. Five key questions frame the analysis in this paper. Why was UNEP established? Why was it given the form, function, governance, financing, and location it has? How has UNEP performed? How have these core structural factors influenced its performance? What are the lessons for a UNEO?

Despite a vigorous debate on how best to adapt and construct institutions for environmental governance,⁸ there is a significant gap between the level of academic analysis and the needs of the policy community. The theoretical (why) and the applied (how) are not easily separated in the study of global environmental governance. The current debate in the academic literature has focused on the need for policy change discussing what the instruments should look like, but falling back on normative arguments rather than analytical or empirical justification as to why the proposed policy instruments may overcome existing obstacles.

Analysts of UNEP offer a wide range of opinions regarding its reputation and performance. UNEP is considered by some as “one of the most impressive UN organizations in terms of its actual achievements,”⁹ “generally well-regarded,”¹⁰ “relatively effective,”¹¹ and “given its mandate, its resources, and its authority ... a remarkable success.”¹² It is also characterized as “relatively obsolete, eclipsed in resources and prestige,”¹³ “under-funded, over-loaded and remote,”¹⁴ a “peanut-sized”¹⁵ “weak agency”¹⁶ with “wasted scarce resources [and] a credibility gap.”¹⁷ However, lacking a systematic evaluation of UNEP’s effectiveness, recommendations for institutional reform have often derived from narrow perspectives and subjective opinions.

Moreover, without an analytically rigorous understanding of the achievements and challenges of UNEP as the anchor institution for the global environment, any reform proposal is likely to fail.

⁶ This terminology builds on a concept advanced by Alex Shakow in his Draft Paper for the International Task Force on Global Public Goods (Shakow 2004). In identifying the core functions, I draw on the analysis of the outcomes of the 1972 Stockholm Declaration in terms of key functions of the central international environment organization and on more recent works on this topic. See Head 1978, Esty and Ivanova 2002a.

⁷ Barnett and Finnemore 2004.

⁸ Comprehensive reviews of global environmental governance include: Sand 1990; Choucri 1993; Lipschutz 1996; Hempel 1996; Haas 1993; Young 1994, 1996; Esty and Ivanova 2002b; Desai 2004; Kanie and Haas 2004; Speth 2003; Speth 2004; Vogler and Imber 1996. For a discussion of the political debate, see Gorbachev 2001; Ruggiero 1998..

⁹ Najam 2001a.

¹⁰ Imber 1993 cited in Najam 2003.

¹¹ Conca 1995 cited in Najam 2003

¹² Von Moltke 1996.

¹³ Haas 2004.

¹⁴ *Ibid.*

¹⁵ Speth 2002.

¹⁶ Von Moltke 1996.

¹⁷ United Nations 1997.

The Beginnings of the Global Environmental Governance System

Through the Stockholm Declaration in 1972, governments acknowledged the ecological interdependence of the world and identified “an urgent need for a permanent institutional arrangement within the United Nations system for the protection and improvement of the environment.”¹⁸ Only ten years earlier, environmental concerns were highly localized at best and not even considered a political issue, much less of international and global proportions. How did these issues claim international attention?

While environmental concerns were gaining increasing domestic traction in the 1960s through growing social movements, it was through the efforts of a handful of individuals that they were placed on the global political agenda. In 1967, Inga Thorssen, Swedish negotiator and diplomat at the United Nations, set out to derail the UN plans to convene an international conference on the peaceful use of atomic energy, the fourth in a row. An ardent supporter of disarmament, she believed that expensive UN conferences on nuclear energy had to be stopped as they benefited mostly the North’s nuclear industry. Under her influence, the Swedish delegation decided, without instructions from Stockholm, to challenge the proposal when it was presented at the General Assembly.¹⁹ Thus, on December 13, 1967 Börje Billner of the Swedish delegation proposed to hold a conference to “facilitate co-ordination and to focus the interest of Member countries on the extremely complex problems related to the human environment.”²⁰ In the spring of 1968, the next step was taken. After multiple consultations with other delegations and with American environmental experts, the Swedish government was convinced by its delegation in New York to launch a formal initiative.

The matter was raised at the forty-fifth session of the UN Economic and Social Council through a convincing memorandum outlining the purpose of the conference to help governments and the public in countries around the world understand the seriousness of environmental problems. The environmental debate at the time was vigorous and well informed about concrete issues like water and air pollution, acid rain, erosion, and possible climate change. The interconnectedness between these problems, however, was not yet fully understood. Moreover, the economic, social, and political consequences were unclear to both the public and policy makers. The memorandum emphasized the need for a forum where governments and international organizations could debate environmental issues and come to collective decision for concrete action.²¹

In subsequent resolution 1346 (XLV) the Council underlined the urgent need for intensified action at the national and the international level to “limit and, where possible, to eliminate the impairment of the human environment.”²² The General Assembly decided to convene a United Nations Conference on the Human Environment in 1972 and accepted the proposal of the Swedish government to host the event.²³ The main purpose of the conference was “to serve as a practical means to encourage, and to provide guidelines for, action by Governments and international organizations designed to protect and improve the human environment and to remedy and prevent its impairment, by means of international cooperation, bearing in mind the particular importance of enabling the developing countries to forestall the occurrence of such

¹⁸ United Nations 1972a.

¹⁹ Åström 2003; Bäckstrand 1971.

²⁰ Billner 1967.

²¹ Åström 2003.

²² United Nations 1968a.

²³ United Nations 1968b.

problems.”²⁴ The stage was set for environmental issues to command not only attention but also respect through their elevation to the international political agenda.

The UN Secretariat, however, possessed neither the scientific nor the administrative capacity to deal with what came to be known as “the Swedish matter.” Philippe de Seynes, Under-Secretary-General for Economic and Social Affairs frequently solicited expertise and advice from the Swedish delegation. The agenda was thus shaped by a number of individuals with great knowledge and passion for the environmental cause as well as with an understanding of the intricacies of the international political and economic context.

It was recognized early on that in the period of post-colonialism, developing countries might be opposed to what could be perceived as a Northern agenda. It took great energy and commitment to convince delegations in New York that environmental issues could adversely impact economic development through lowering groundwater levels, soil erosion, increasing desertification, depleted fisheries, and other similar problems. It was, however, not until Maurice Strong took on the leadership as Secretary-General of the Conference and made it a priority to personally communicate and meet with each and every government that the plan to boycott the “green imperialism conference” was scrapped and developing country governments committed to attend and actively participate in the deliberations. Considerable attention in special working groups focused on the institutional arrangements likely to result from the Stockholm Conference.

Openness to inputs from UN agencies already active in the environmental arena to a great extent shaped the architectural structure of the environmental governance system. The four-year preparatory process received contributions from a much larger constituency than traditional intergovernmental processes, including members of the specialized agencies and various non-governmental organizations. A number of the UN specialized agencies (FAO, WMO, UNESCO, UNDP, ILO, WHO) possessed environmental responsibilities before UNEP was created and feared marginalization.²⁵ The emphasis was placed strongly on the need for “form to follow function” – a maxim that is oft repeated in the contemporary debate on the organizational architecture for the environment. This vision was in fact the foundation upon which the environmental governance system was built.

UNEP’s Form and Function

In December 1972, the General Assembly adopted Resolution 2977 (XXVII) creating the United Nations Environmental Programme (UNEP) with a Governing Council comprised of 58 members; a ‘small’ Secretariat to serve as a focal point for environmental action and coordination in the UN system; a voluntary Environment Fund to support environmental programs; and an Environmental Coordination Board to ensure cooperation and coordination among all the UN bodies addressing environmental issues.

UNEP was in essence the result of a negotiation process in which Sweden and the United States took the lead and largely designed the blueprint for the organizational structure and functions. The key premise of the institutional negotiations was that “the work in the field of environment needed a common outlook and direction”²⁶ and that what was necessary was “a central co-

²⁴ United Nations 1972b.

²⁵ United Nations 1969.

²⁶ Rydbeck 1972.

ordinating mechanism in the United Nations to provide political and conceptual leadership in the United Nations system, to contemplate methods of avoiding or reducing global environmental risks, methods of working out joint norms, where there is agreement that such are needed, and methods of avoiding or settling conflicts between states on environmental matters. Such a mechanism should be given enough authority and resources to ensure effective co-ordination of ongoing and planned activities.”²⁷

Formal Status and Governance

Four main functions were considered critical in the 1970s as the foundation upon which a new institutional mechanism were to be built:

1. Knowledge Acquisition and Assessment – *including monitoring²⁸ of environmental quality, evaluation of the collected data, and forecasting of trends; scientific research; and information exchange with governments and other international organizations.*
2. Environmental Quality Management – *including setting goals and standards through a consultative, multilateral process; crafting of international agreements; and devising guidelines and policies for their implementation.*
3. International Supporting Actions – *or what we now term capacity building and development – including technical assistance, education and training, and public information.*
4. Prevention and Settlement of Disputes – *including procedures for the resolution of conflicts arising between environmental priorities and other issues.*

UNEP’s form and structure were designed to follow these functions. Recognizing the complex nature of environmental issues and weary of the large UN bureaucracy, governments sought to create a lean, flexible, and agile entity that could pull together the relevant expertise housed in the various agencies and deploy it effectively. It was expected to grow into its mandate as it proved its effectiveness and be “essentially flexible and evolutionary so as to permit adaptation to changing needs and circumstances.”²⁹ The new environmental body was expected to gather and transmit information, catalyze action, and coordinate activities within the system. However, no institutional arrangements were made to ensure dispute settlement powers.

Contrary to popular belief, UNEP was not intentionally constituted as a program rather than a specialized agency so as to render it weak and ineffective. There was a general feeling among governments, even the most vocal proponents of a new intergovernmental entity, that there was “no need for the creation of a new big agency in the field of environment.”³⁰ In fact, the establishment of a specialized agency for the environment was deemed counterproductive since that would make the environment another “sector” and thus marginalize it. As Maurice Strong put it, the core functions could “only be performed at the international level by a body which is not tied to any individual sectoral or operational responsibilities and is able to take an objective overall view of the technical and policy implications arising from a variety of multidisciplinary

²⁷ *Ibid.*

²⁸ Monitoring is used as “the collection of ‘base-line’ environmental data and of information on changes in the quality of media which, directly or indirectly, may significantly affect the health of well-being of man. It does not connote the policing or surveillance of compliance with regulations or standards, though information obtained by monitoring will be a valuable indication of the effectiveness of control measures.” United Nations 1972d.

²⁹ United Nations 1972d.

³⁰ Rydbeck 1972.

factors.” Several international organizations already had “constitutional responsibilities in large areas of the human environment”³¹ in 1972. Noting that little cooperation among them existed, governments deemed streamlining and coordination the need of the hour.

Even recently declassified confidential materials of the United Kingdom government show that while there was interest in restricting the scope of the Stockholm Conference, Britain did not set out to create a weak environmental organization. It accepted that the time had come for new institutional arrangements and that a “new and expensive international organisation must be avoided, but a small effective central coordinating mechanism...would not be welcome but is probably inevitable.”³² UNEP’s small size and creation within UN proper (rather than on the periphery as is the case for the specialized agencies) was therefore seen as an asset rather than a liability. UNEP’s governance structure incorporated a small secretariat and a 58-member Governing Council, designed with flexibility in mind rather than as a deliberate strategy to render the organization irrelevant and ineffective.

Financing Structure

At conception, UNEP was provided with two sources of funding: an allocation from the UN Regular Budget and the Environment Fund. The UN Regular Budget was envisioned to cover the costs of “servicing the Governing Council” and a small secretariat required to provide “general policy guidance for the direction and management of environmental programmes, [and] UNEP’s role as a focal point for environmental action and coordination within the United Nations System.”³³ The Environment Fund was established as the principal source of funding for the implementation of UNEP programs as well as new environmental initiatives within the UN system.³⁴ While minimal by current standards,³⁵ the Environment Fund was considered an innovation rather than a hindrance at the time of its creation.

Unlike the UN’s specialized agencies, which are funded on a system of assessed contributions, UNEP’s Environment Fund relies on pledges of voluntary contributions. Only a dozen countries have regularly made annual contributions to the Fund since its inception in 1973.³⁶ In 1978, extra budgetary resources (other than the UN Regular Budget and the Environment Fund) were created to “supplement the substantive work programme of the organization, consistent with its objectives, policies, overall priorities and procedures” because of perceived constraints of UNEP’s funding mechanisms. These trust funds were limited to specific purposes, could be bilateral or multilateral, and were separately accounted for.³⁷ General trust funds have increased in number from the first two in 1978-79 to 43 in 2002-03, and total real funding has increased steadily from \$7M in 1978-79³⁸ to \$100M in 2002-03.³⁹ In 2002-3 general trust funds represented 23% of total UNEP funding.

³¹ United Nations 1972d.

³² Hamer 2002.

³³ United Nations 1972c [hereinafter *G.A. Resolution 2997*].

³⁴ UNEP 2004b; UNEP 1999.

³⁵ The Environment Fund is currently about \$144million/year. UNEP 2004b.

³⁶ Based on UNEP 2004b and the analysis of “UNEP Environment Fund Contributions by Donor Country” in late 2004 by the Yale research team.

³⁷ UNEP 2004b.

³⁸ UNEP 1979.

³⁹ UNEP 2003.

Location

The decision to locate UNEP in Nairobi was neither a “strategic necessity without which developing countries might have never accepted an environmental organ to be created” nor a way to marginalize the organization and “cannibalize its mandate” as some analysts claim.⁴⁰ It was not ill intended, premeditated, nor the result of a secret bargain. Quite the opposite – it was the outcome of an open ballot vote at the General Assembly in December 1972. Solidarity among developing countries, which outnumbered developed countries by far, led to the establishment of the first international organization in the developing world. The decision was openly political, seeking to affirm the role of developing countries as equal partners in multilateral affairs. Not only did the United States not participate in a secret deal to place the new environmental entity in Nairobi so as to render it ineffective, it was a vociferous opponent of such a decision on the grounds that Nairobi presented structural obstacles to its efficacy.

These critical structural choices made in 1972 carry significant responsibility for the global environmental governance system’s architectural flaws and subsequent policy failures. The decisions to create a central organization for the environment constrained the ability of the new international organization to function effectively due to the status of Programme rather than Specialized Agency, absence of universal membership in its governance, reliance on voluntary funding, and its remote location.

Importantly, in UNEP’s case these decisions were not purposefully made to incapacitate the organization. Nevertheless, they led to a marginalization of UNEP in world affairs, inability of the agency to fulfill some of its functions, alienation of its supporters, and proliferation of alternative institutional structures in other physical locations. Reversal of these early decisions was politically difficult and with time, the multiplication of environmental organizations became a self-reinforcing pattern. The result is “a nightmare scenario ... [a] crazy quilt pattern of environmental governance [that] is too complicated, and is getting worse each year.”⁴¹ The international community has been forced to make subsequent sub-optimal policy decisions because of the constant liability of UNEP’s status, governance and financing structure, and location.

UNEP’s Performance

UNEP was designed as an advocacy organization at the international level. It was expected to be proactive and set the global agenda by identifying emerging concerns and galvanizing action around them from government, international organizations, NGOs, and business. UNEP has indeed played a pivotal role in putting several key environmental issues on the international agenda – most notably desertification, ozone depletion, hazardous wastes, and toxic chemicals – and catalyzed agreements to address them. It has also helped create an environmental constituency within and outside governments to push the agenda forward.⁴² Some analysts claim that in the first two decades of its operations, UNEP “had established a reputation for conducting its small programmes in an efficient manner. Donor confidence was high, especially amongst the more sceptical [sic] American and British governments which regarded UNEP (by UN standards

⁴⁰ Von Moltke asserts, “Lacking enthusiastic supporters, UNEP’s mandate was cannibalized. The principal means of achieving this goal was to provide limited funds divided between a minimal institutional budget and a modest ‘Fund’, to assign it a ‘catalytic’ function, and to locate it away from the decision-making centres of the UN system.” Von Moltke 1996.

⁴¹ Charnovitz 2002.

⁴² Najam 2003.

at least) as a paragon of focused activities and tight budgetary restraint.”⁴³ Others, however, contend that UNEP has “by no means met the expectations placed on it by the Stockholm Conference” and that the problems are pervasive.⁴⁴

In this section, I analyze UNEP’s performance against the core functions of an anchor institution: monitoring and assessment, agenda setting and policy processes, and capacity development. Figure 1 illustrates the analytical framework for the assessment, building on the core functions identified at the Stockholm Conference as well as on more recent studies of the global environmental governance system.⁴⁵

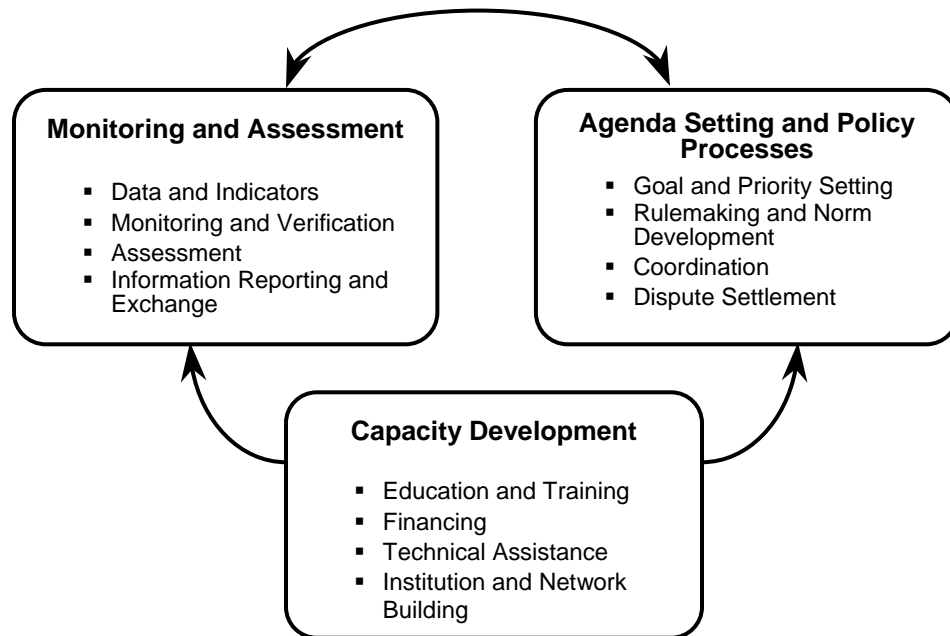


Figure 1: Anchor Institution Core Functions

Monitoring and Assessment

UNEP was established to “keep under review the world environmental situation” and “promote the contribution of the relevant international scientific and other professional communities to the acquisition, assessment and exchange of environmental knowledge and information.”⁴⁶ In the area of monitoring and assessment, UNEP is expected to “provide policy advice, early warning information on environmental threats, and to catalyze and promote international cooperation and action, based on the best scientific and technical capabilities available.”⁴⁷ UNEP does not perform any direct monitoring of its own. Rather, it collects, collates, analyzes, and integrates data from UN agencies and other organizations – including convention secretariats, universities, science institutes, and NGOs – to form broader environmental assessments.

⁴³ Vogler and Imber 1996.

⁴⁴ Eastby 1984.

⁴⁵ Head 1978; Esty and Ivanova 2002a. See note 7 above (where anchor institutions are defined).

⁴⁶ G.A. Resolution 2997.

⁴⁷ UNEP 1997 [hereinafter *Nairobi Declaration*].

UNEP is considered relatively effective in its assessment of global environmental issues.⁴⁸ Its flagship environmental assessment publication, the Global Environmental Outlook (GEO), has been recognized as “one of the two most respected environmental outlook publications currently available.”⁴⁹ This methodology applied in the GEO process has become an important model to develop and improve the scientific credibility, political relevance, and legitimacy of UNEP’s assessments. GEO utilizes an approach based on collaborating centers, involving universities, research centers, international institutes, and NGOs in 30 countries representing regions around the world. It also employs a periodic review process through an online user survey soliciting external feedback and an informal, self-reflective internal review.

This “comprehensive global state of the environment report”⁵⁰ has been widely cited as useful for identifying major emerging environmental issues and for placing national issues in a broader perspective, raising the awareness of policy makers, scientists and the general public about the large-scale processes and trends in the global environment. The GEO process’ most important contribution lies in influencing policy formulation, catalyzing action, and developing institutional capacity. Regional governmental forums and national governments have adopted GEO methodology for the production and/or improvement of their state of the environment reporting. The GEO process has catalyzed national State of the Environment reports in countries where no such reporting was carried out. Several of its collaborating centers reported that GEO participation has led to an improvement in their overall assessment and information proficiency.

One of GEO’s key limitations is the lack of comparative data across countries. While the report provides comprehensive information by issue and broad geographic area, it does not show the comparative performance of countries in addressing environmental challenges. The data, therefore, are not utilized to their full capacity for informing policy decisions.

On a broader level, fragmentation and the resulting duplication among the various monitoring and assessment activities within UNEP have inhibited it from becoming the anchor institution for the myriad such activities within the international system. Within UNEP, activities regarding information and scientific assessment spread across all eight divisions of the organization. Collection, processing, and dissemination of information are further allocated to a number of other UNEP-operated global scientific data centers. This problem is compounded at the international level where duplication of environmental assessments performed by other UN agencies and NGOs abounds. Stakeholders recognize this as a serious problem, yet there is little discussion to address the reasons for the failure to effectively coordinate activities and to formulate concrete strategies to overcome existing constraints.⁵¹ Collaboration and coordination do not just happen. They have to be encouraged, facilitated, and sustained. This requires a fundamentally different system of incentives for international organizations and governments where long-term vision and strategy are rewarded over narrowly focused projects with immediate outputs.

At a more specific level, the quality of incoming and outgoing information needs to be improved. Inconsistent use of scientific quality assurance and quality control protocols in information and data management lead to unreliable output quality and relevance.⁵² Missing data limit UNEP’s ability to compile complete international environmental assessments, draw conclusions, and make

⁴⁸ Haas 2004.

⁴⁹ UNEP 2005d.

⁵⁰ UNEP 2002.

⁵¹ UNEP 2004a.

⁵² *Ibid.*

scientifically based policy recommendations. They also impinge on the credibility of UNEP's work in the eyes of users. Environmental information coming out of UNEP also needs to be considerably improved in terms of coherence and accessibility. Currently, information is scattered and disorganized. The public cannot use UNEP's publications and benefit from the organization's work to the fullest due to the lack of a single easily accessible, searchable, and sortable database or catalog of publications. Existing databases, such as the GRID, WCMC, and UNEP.net are rife with data holes and inconsistencies.⁵³ UNEP's current capacity is not adequate to perform the function of a coherent clearinghouse for environmental information – highlighting “best practices” and promoting “information sharing” among countries. Significant institutional investment will be required to enhance this core function for UNEP. Most importantly, UNEP needs to attract the most qualified scientific experts in the key environmental issue areas – water, air, climate, biodiversity, forestry, desertification – as well as a number of policy staff to explicitly strengthen the linkages between environmental trends and policy options.

When UNEP's work becomes the standard for quality, relevance, timeliness, and accessibility in the environmental field, the organization would have begun to serve as the anchor institution for the global commons. This, however, will require targeted and stable investment both from UNEP and from governments.

Agenda Setting and Policy Processes

Another important function critical to the effectiveness of an anchor institution is agenda setting and management of intergovernmental processes to gain agreement on standards, policies, and guidelines or even just serving as the central forum for deliberation and debate. Goal and priority setting have been problematic areas for UNEP. Multilateral environmental agreements have been key to establishing standards, policies, and guidelines for the stewardship of the global environment. However, with the increasing number of treaties and institutions responsible for their administration, coordination of overlapping efforts has emerged as the most central issue. UNEP has not succeeded in becoming the central forum for debate and deliberation in the environmental field, like the WTO for trade or the WHO for health. A complex and integrative issue, the environment may indeed be difficult to encompass within one organization; however, the fragmentation of policy processes has had a largely detrimental impact on the effectiveness of global environmental governance.⁵⁴

Currently, UNEP does not have a work plan beyond the next two-year planning cycle. This limits its ability to set the global environmental agenda and build support. There is no vision and strategy document outlining the long-term goals of the organization and the actions leading to their achievement. UNEP does not regularly undertake a comprehensive strategic planning process and longer-term strategies are developed in an ad-hoc manner. Usually elaborated for in-house brainstorming and guidance, most of them remain internal documents.

UNEP's visionary capacity was seriously damaged during and after the Rio Earth Summit as the organization lost its leading role in the environmental field. The creation of the Global Environment Facility and the Commission for Sustainable Development detracted from UNEP's authority as an anchor institution, through financial superiority in the case of the GEF and convening power in a key location in the case of the CSD. An internal evaluation of UNEP's

⁵³ Test trials carried out by the Yale research team in late 2004 revealed that of the thirteen major GRID websites, two do not direct users to a working site and seven of the remaining eleven sites have less than six pieces of data. Individual website links work at a 75% success rate.

⁵⁴ Bernstein and Ivanova 2005 (forthcoming).

functioning and operations performed by the United Nations Office for Internal Oversight Services in 1997 declared:

The basic issue facing UNEP is the clarification of its role... It is not clear to staff or to stakeholders what that role should be. The lack of clarity has had consequences for how programmes have been conceived and managed, for the ongoing downsizing of programmes and for staff morale and esprit de corps. Management's first responsibility should be to focus on this new role, anchoring it to fewer priorities so as to increase the organization's effectiveness and its potential for impact.⁵⁵

Although considerable improvements have been initiated in the last few years, a sense of prioritization is still lacking.⁵⁶ UNEP's planning process is in many ways driven by the influence of individual states asserting their own priorities. The organization's dependence on voluntary contributions creates governance challenges, particularly with respect to the establishment of priorities, allocation of resources, and execution of programs. Governing bodies find it relatively easy to add new programs and activities but find it very difficult to achieve consensus on what to stop doing. This can lead to significant pressure on the secretariat, which is faced with increasing demands and often decreasing resources.⁵⁷ The existence of a clear and coherent institutional vision has enabled other international organizations to serve as stronger anchor institutions in their fields. The WHO, for example, has been able to reject funds that do not advance its long-term strategic vision and instead focus government contributions on a set of key priorities. Similarly, without a long-term strategy for accomplishing goals, it is difficult to raise the necessary funds. The withdrawal of financial support from UNEP after the Rio Earth Summit in 1992 is to a great extent due to the organization's inability to carve out a prominent role within the new institutional landscape. As the Office for Internal and Oversight Services observed in 1997, a vicious circle of limited funds and limited effectiveness had deterred UNEP from raising its visionary capacity and the necessary resources throughout much of its existence.⁵⁸

In the last thirty years, UNEP has played a highly regarded lead role in the establishment of an extensive system of international environmental law.⁵⁹ It has catalyzed the creation of multilateral environmental agreements, assisted developing countries in creating environmental law, and developed soft-law guidelines for a wide range of sectors. While UNEP has been instrumental in initiating or helping to initiate numerous environmental agreements, once launched they become autonomous entities, each with its own Conference of the Parties, Secretariat, and associated subsidiary bodies that, in many cases, have autonomous influence that may often exceed that of UNEP. Despite the successful creation of international treaties, "the flourishing of new international institutions poses problems of coordination, eroding responsibilities and resulting in duplication of work as well as increased demand upon ministries and government."⁶⁰ A need for greater coherence and coordination of the work of numerous multilateral environmental agreements has clearly emerged.⁶¹

⁵⁵ United Nations 1997.

⁵⁶ The 2006-07 UNEP Draft Programme of Work, for example, contains a detailed description of outputs for subprograms, including citation of relevant mandate(s) and any trust funds or earmarked contributions to support the output. It comprises a vast array of projects, publications, meetings, processes, services, symposia, studies, and training events. However, the program is largely comprised of many small, ad-hoc, and often short-term initiatives established independently of one another, rather than a set of harmonized initiatives developed to accomplish a set of focused priorities over the planning period. See <http://www.unep.org/gc/gc23/index-flash.asp>

⁵⁷ Campbell and Hushagen 2002.

⁵⁸ United Nations 1997.

⁵⁹ Haas 2004.

⁶⁰ United Nations 1998.

⁶¹ Andresen 2001.

UNEP's anchor role demands that it serve as the center of gravity in a complex system for international environmental governance.⁶² However, UNEP has not been able to fulfill its coordination mandate effectively in its two key areas of responsibility (1) coordination of multilateral environmental agreements and (2) coordination of the environmental activities of other international organizations.

Coordination among environmental conventions has been difficult, if not impossible, as UNEP has little if any formal authority over the conventions. Further, it is geographically far removed from the independent secretariats. No incentives exist for integrated activities between the conventions and UNEP. Efforts have been "piecemeal rather than the result of a deliberate, overarching strategic choice"⁶³ and, as one convention secretariat put it, "considerable lip service is paid to the synergies paradigm but, when it comes to implementation, each convention continues to be inward-looking and afraid of sharing or giving away part of their sovereignty."⁶⁴

The proliferation of agreements with various governing bodies and requirements is imposing an increasing burden on all countries, but especially on developing nations with limited human, institutional, and financial capacity. Developing countries stand to benefit most from a reform in the current system for global environmental governance. A more coherent institutional architecture would ensure that developing countries' priorities are addressed in an integrated manner. A set of clear and enforceable rules would also increase fairness and equity in terms of benefit and burden sharing and also ground decisionmaking in democratic principles.

Coordination of the environmental activities of international organizations has posed a significant challenge to UNEP as an anchor institution for a number of reasons. First, the explosion in the number of international organizations has overwhelmed the series of UNEP-driven coordination bodies and mechanisms, which have yielded few results. As often pointed out by UN officials, "everyone wants to coordinate but no one wants to be coordinated." Second, other UN bodies have refused to accept UNEP's mandate in coordination of all environmental activities in the UN system due to "institutional seniority." A number of the UN specialized agencies were active in the environmental field before UNEP was created and thus feel less of a need to defer to UNEP. Third, the fear of losing certain parts of one's work program, budget, and staff if duplication were eliminated leads agencies to jealously guard their "sovereignty" without a view of the broader public good. Fourth, UNEP's approach to coordination was perceived as controlling and threatening. This has led to strained relations and turf wars among the agencies compromising UNEP's role as an anchor institution managing broader policy processes. Subsequently, "UNEP could no more be expected to 'coordinate' the system-wide activities of the UN than could a medieval monarch 'coordinate' his feudal barons."⁶⁵ The ultimate result has been proliferation of institutional arrangements, meetings and agendas and "substantial overlaps, unrecognized linkages and gaps"⁶⁶ hampering policy coherence and synergy and amplifying the negative impact of already limited resources.⁶⁷

⁶² *G.A. Resolution 2997* clearly outlined UNEP's coordination function to "provide general policy guidance for the direction and co-ordination of environmental programmes within the United Nations system."

⁶³ UNEP 2001b.

⁶⁴ *Ibid.*, Appendix 2.

⁶⁵ Imber 1993 cited in Najam 2003.

⁶⁶ UNEP 2005c.

⁶⁷ UNEP 2001a Annex I, Proposals of the President of the UNEP Governing Council.

Capacity Development

UNEP has begun to reinvent its work programs to appeal to donors and recipients alike by putting a new emphasis on capacity development initiatives. Though UNEP's mandate clearly prescribes its core strategies to be normative and catalytic, the organization now views implementation as its primary strategy.⁶⁸ However, by shifting from a normative and catalytic function to an implementation and operational role, UNEP has moved from being proactive to being reactive. The focus on implementation – while critical and necessary – has put an emphasis on reacting to specific country needs and circumstances. With no country presence, small staff, and minimal resources, UNEP is no match for agencies like UNDP or the World Bank. With field offices in every country around the world, annual budgets in the billions, and a strong reputation, it is UNDP and the World Bank that set the agenda locally as well as globally.

UNEP cannot and should not function as a full-fledged operational agency – the institutional space is filled and UNEP does not have the capacity for such a role. However, a purely normative role is also insufficient and even unnecessary, as concrete results are increasingly needed. UNEP does hold a unique leadership advantage in the system at the regional level. It is at this level that UNEP can be proactive both in a normative and in an operational manner. Through its network of established regional offices, UNEP can facilitate the adoption of regional norms adapted from global agreements and serve as a matchmaker between donors and recipients in environmental capacity building.

UNEP recognizes the challenges in finding a balance between its normative mandate and the operational demands it faces. A High-Level Open-Ended Intergovernmental Working Group was established in March 2004 to improve UNEP's capacity building efforts resulting in the adoption of the Bali Strategic Plan for Technology Support and Capacity Building.⁶⁹ All forthcoming programs and activities by UNEP's divisions now have to link explicitly to the Bali Plan making it a cross-organizational framework. The Plan is a step forward in that it addresses many of the most important challenges facing UNEP's capacity building initiatives; however it offers few concrete solutions. It does not clarify the respective roles for UNEP, UNDP, and the World Bank, who have become more like competitors than partners. For some, the strategy in the Bali Plan marks the return of an issue-based philosophy and a shift from the function-based organizational structure and priorities. For others, the Bali Plan is the only means to enhance UNEP's profile and create a brand name – preconditions for the transformation of UNEP into a more autonomous and powerful World, Global, or UN Environment Organization.

Two key drivers explain UNEP's move from its normative to a more operational role. First, there is an overall "treaty fatigue" and governments increasingly call for concrete assistance with implementation. In particular, developing country governments now regularly demand financial and technical assistance with implementing multilateral environmental agreements rather than the development of new norms or guidelines. Second, concrete accomplishments on the ground are the clearest evidence of success, and completed projects have become the hard currency for governments. It is therefore much easier to mobilize funds from governments and private donors for tangible products than for normative or catalytic activities. Many of these capacity building projects are in fact requested by governments, compelling UNEP to pursue the work although it lacks the human and financial capacity to do so effectively. Availability of funding from the GEF

⁶⁸ The Work Programme for 2006-2007 concludes that "[w]hile it is recognized that there is a need for further policy development and guidance, there is consensus that the future emphasis of the work of UNEP must be focused on implementation, taking into account the gender perspective." UNEP 2005b, Paragraph 58.

⁶⁹ UNEP 2005a.

to the three “implementing agencies” – the World Bank, UNDP, and UNEP – has also pushed UNEP toward increased operational activities. Since the late 1990s, the GEF has accounted for the largest increase in UNEP income (see Figure 3 below).

While UNEP’s comparative advantage may lie in its normative role, the pressures to continue moving in a more operational direction likely will continue to grow. UNEP’s challenge would be to build on its comparative strengths in information provision, development of common norms and principles, and institutional capacity development and re-envision them in a way that facilitates implementation. Whether UNEP would take a leadership role as an anchor institution would depend on its ability to address several underlying dynamics limiting its authority, autonomy, and effectiveness.

Limiting Factors

International organizations have transformed from pure transaction mechanisms assisting countries in achieving collective goals to autonomous entities shaping preferences and delivering results.⁷⁰ However, their legitimacy is being openly challenged as they are increasingly seen as “unelected elites [with] no sense of common peoplehood and trust.”⁷¹ In the absence of direct elections at the international level, legitimacy *cannot* be granted through the traditional democratic representation channel. It is instead attained through expertise and the ability to generate “right answers,” through a systemic design of checks and balances, or through fair and transparent rulemaking procedures that instill confidence in the process and subsequent acceptance of the decision.⁷² International organizations are therefore likely to regain their legitimacy when they begin to effectively deliver results and to enact transparent, accountable and participatory rules and processes. To this end, five root causes of institutional dysfunction need to be addressed.

Formal Status

UNEP’s status as a Programme rather than a Specialized Agency within the UN system has been blamed for much of the organization’s limitations. In the UN hierarchy, Programmes have the least independence and authority. Specialized Agencies are separate, autonomous intergovernmental organizations with governing bodies independent of the UN Secretariat and the General Assembly.⁷³ Besides their role in elaborating common vision, rules, and standards, they also perform many operational activities within the particular sector they govern. The vision for UNEP in 1972, however, was for a new type of governing body.

While not intentionally diminishing UNEP’s power, the decision to constitute it as a Programme rather than an Agency has impacted its authority within the system. UNEP has not been able to claim the autonomy necessary to become an effective anchor for the global environment. As new institutions sprang up across various levels of governance and many existing ones added substantial environmental mandates, UNEP could claim little authority over them. The creation

⁷⁰ Barnett and Finnemore 2004.

⁷¹ Brooks 2005.

⁷² Esty 2005 (forthcoming).

⁷³ Some of the specialized agencies include the Food and Agriculture Organization (FAO), World Health Organization (WHO), World Meteorological Organization (WMO), International Bank for Reconstruction and Development (World Bank), International Maritime Organization (IMO), UN Educational, Scientific, and Cultural Organization (UNESCO), and UN Industrial Development Organization (UNIDO).

of the Commission on Sustainable Development and the Global Environment Facility in the early 1990s marginalized UNEP politically and eclipsed it financially. The increased emphasis on environmental work at the World Bank, while commendable, also led to overlap with UNEP activities. UNEP was unable to coordinate and create synergies among the multiple bodies in the environmental arena as newer institutions dwarfed its political power and resources. Thus, while the choice of organizational form did not seek to incapacitate UNEP, the effect has been largely negative.

Governance

Ultimately, UNEP's governance structure serves two very distinct roles: (1) an external function to advance international environmental governance by monitoring global environmental trends, setting a consensus global environmental agenda, and establishing global priorities, and (2) an internal responsibility to oversee UNEP's program, budget, and operations. UNEP's governance structure conflates these two roles. The Governing Council is responsible for both the setting of the global environmental agenda and for the elaboration of UNEP's work program and budget. This leads to overly politicized institutional governance and a work program that reflects a compilation of individual states' interests rather than a focused, strategic vision. It also leads to insufficient leadership concerning international environmental governance more broadly, as the governing bodies are constrained in their vision by UNEP's own limitations.

Three separate bodies share governance responsibilities for UNEP – the Governing Council comprised of 58 member states, the Secretariat headed by the Executive Director, and the Committee of Permanent Representatives (CPR) comprised of ambassadors to Kenya serving as Permanent Representatives to UNEP.⁷⁴ More often than not, these representatives have little environmental knowledge and expertise and have a number of other duties in their portfolio. The responsibilities of the CPR include reviewing UNEP's draft program of work and budget, monitoring the implementation of Governing Council decisions, and preparing draft decisions for consideration by the Council.⁷⁵ The CPR limits considerably the autonomy and power of the Secretariat in Nairobi either through direct intervention in UNEP's work (meeting four times a year to discuss the work program and budget) or through influence on UNEP's staff whose loyalties often lie with their national governments. Advancement within the ranks of national administrations is often contingent upon a good recommendation from the Ambassador at one's duty station creating pressure to pursue narrow national interest within the organization.

A further complication is the fact that while the CPR directly influences UNEP's work through the constant oversight of the organization's operations, the final say on decisions regarding the work program and budget lies with the Governing Council. Meeting once a year in Nairobi, the Governing Council is supposed to both set a visionary agenda for international environmental governance at the global scale and set the parameters within which UNEP is allowed to operate – i.e. its biennial program of work and budget. A different individual typically represents the country at the Governing Council, often the environmental minister who flies to Kenya specifically for the weeklong session, and even though a Permanent Representative to UNEP might have worked on a particular aspect of the work program for months, his or her recommendations and decisions could be contested by the national representative. Unless the

⁷⁴ The United States and Sweden have especially appointed Permanent Representatives, often with solid environmental background, whose only responsibility is to work with UNEP.

⁷⁵ UNEP 2001c.

CPR's relationship with the Governing Council is clarified, there will be little room for substantially improving UNEP's performance.

Financing Structure

UNEP's limited financial resources are the second primary reason analysts use to explain UNEP's ineffectiveness.⁷⁶ UNEP's annual budget of \$215 million is indeed miniscule compared to UNDP's \$3.2 billion⁷⁷ and to EPA's \$7.8 billion.⁷⁸ However, it is larger than the budget of the WTO.⁷⁹ Figure 2 compares the annual budgets of several major international organizations and the U.S. Environmental Protection Agency.

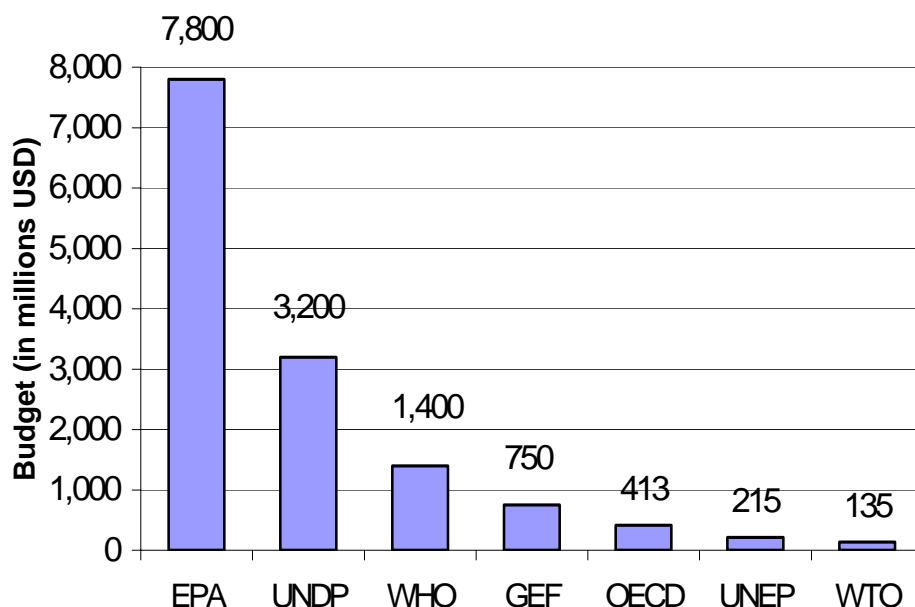


Figure 2. Comparative Organizational Annual Budgets⁸⁰

While the disparity in resources is striking, the nominal sum of the budget is a symptom. The root cause of UNEP's problems is the organization's unique financial structure. Unlike all other international organizations whose budgets are based on predictable mandatory assessed contributions, UNEP is completely dependent on the voluntary contributions of individual states. UNEP's unreliable and highly discretionary financial arrangement compromises the financial stability of the organization, its ability to plan beyond the current budget cycle, and its autonomy, thus instilling a risk-averse attitude within the organization's leadership. UNEP's *de facto* agenda is set by individual priorities of donor countries, which has resulted in a fragmentation of UNEP's activities and lack of clear prioritization.

⁷⁶ See Najam 2003, arguing that "UNEP has been denied authority and resources."

⁷⁷ UNDP's budget for 2003. <http://www.undp.org/annualreports/2004/english/IAR04E.pdf>.

⁷⁸ EPA's budget for 2005 <http://www.epa.gov/ocfo/budget/2005/2005bib.pdf>. More annual budget documents can be found at <http://www.epa.gov/ocfo/budget/>.

⁷⁹ For a breakdown of the WTO's budget for 2004, see http://www.wto.org/english/thewto_e/secret_e/budget04_e.htm

⁸⁰ The GEF budget in Figure 3 was estimated from the \$3 billion in replenishment funds in 2003 used for its work program over a four-year period. The WTO figure only accounts for its Secretariat's operations, since the WTO does not execute any projects of its own. The WHO budget information was found at <http://www.un.org/np/agencies/who>. The OECD budget information appears at <http://www.oecd.org/dataoecd/34/6/34711139.pdf>.

In the last ten years, contributions to the Environment Fund have dropped 36% and have decreased in real terms since the 1970s and 1980s. Contributions to trust and earmarked funds directing UNEP into specific activities, on the other hand, have increased dramatically. The proportion of restricted financing now comprises more than two-thirds of UNEP's revenue as shown in Figure 3.

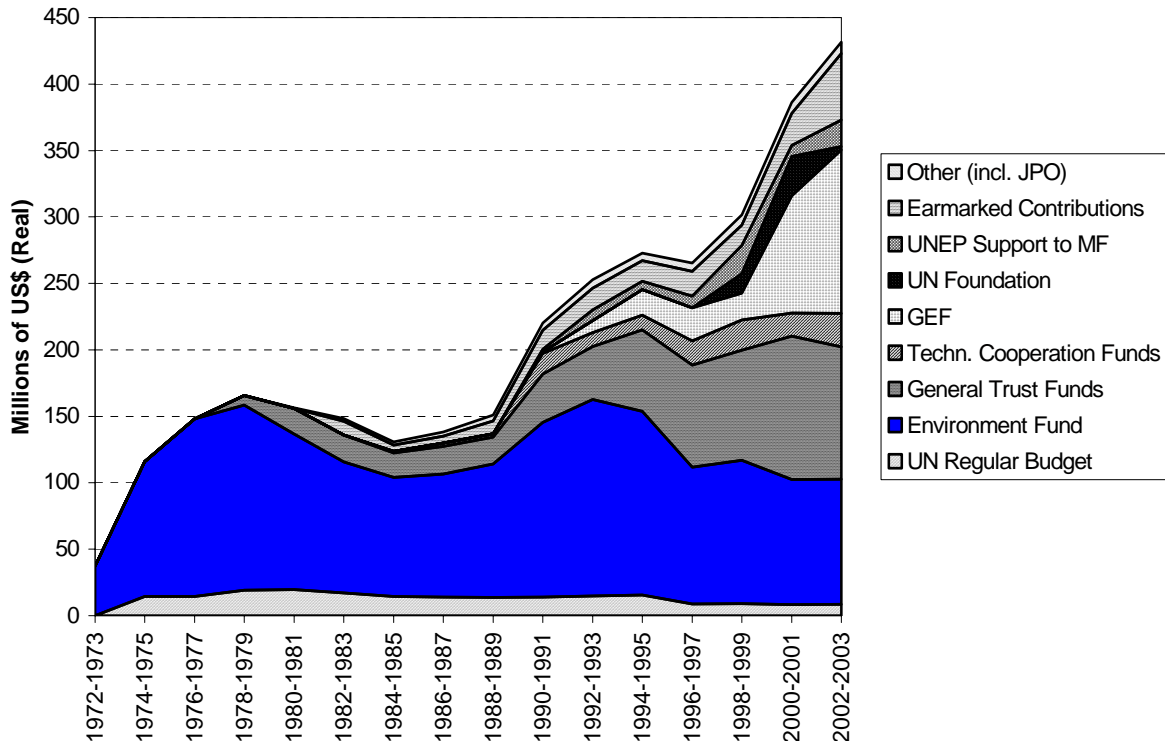


Figure 3. Total UNEP Biennial Income from 1973 to 2003 in Real 2000 US Dollars

This illustrates two important aspects that explain the political dynamics and consequences for UNEP's performance. First, the decline in contributions to the Environment Fund – the central financial mechanism at the discretion of the Secretariat – shows that confidence in UNEP has diminished. The Secretariat is being deprived of power to initiate and carry out programs it deems necessary and urgent. The second key trend – a three-fold increase in overall funding since the 1980s, including trust funds, earmarked contributions, and other revenues shows recognition of the need for international mechanisms and UNEP in particular in addressing environmental concerns. At the same time, greater direct control of the organization's expenditures through the earmarked funding demonstrates diminished trust in UNEP to deliver desired results. For example, the United States' dramatic withdrawal of support for UNEP in the mid-1990s after a peak in US contributions around the Rio Earth Summit was a criticism of UNEP's leadership and effectiveness.

Over the past few years under the leadership of Executive Director Klaus Töpfer, UNEP has made significant progress in attracting financial resources. The pilot phase of the voluntary indicative scale of contributions instituted in 2002 has broadened the donor base and encouraged many countries to increase their contributions. In 2003, over 100 countries contributed to UNEP – twice as many as in the mid-1990s. A number of countries have also increased their contributions

compared to the mid-1990s. Canada's contributions to the Environment Fund, for example, increased from a record low of \$662,000 in 1997 to \$1,985,000 in 2004. Canada contributed over \$1 million from 1994 through 1996 – the tenure of Executive Director Elizabeth Dowdeswell, a Canadian national. However, the record giving took place in 1977 when Canada contributed \$2,500,000 in nominal dollars. Canada's indicative scale of contribution for 2004-2005 amounts to only \$1,700,000. Though praised by UNEP as a valuable financial tool, the indicative scale of contributions may however be doing a disservice to the organization. Several countries are easily meeting their financial targets and have no incentive to contribute more. For example, Bulgaria paid its \$6,000 voluntary assessed contribution in 2003 and 2004 but contributed over \$20,000—more than 3 times as much – in 1990. Mozambique's contribution to UNEP as recently as 1998 totaled \$10,000 while the assessed contribution the country is currently paying amounts to only \$600. Egypt, Gabon, Gambia, Austria, Australia, Kenya, Japan, Hungary, China, and many others face similar circumstances.⁸¹

Organizational Structure

Several internal organizational issues also hamper the effective operations of UNEP. An assessment of UNEP conducted by the UN Office for Internal Oversight Services in 1997 identified several key areas where improvements were needed:

[t]he functional responsibilities of various major departments are not entirely clear, and there seems to be no clear delegation of authority. The internal instruments for collective guidance are cumbersome, dilute responsibility and impede efficiency. Furthermore, there is no coherent and comprehensive presentation in the programme budget of the global involvement of UNEP in environmental matters. Oversight of implementation and assessment of results is fragmented, making it hard to develop clear and coherent policies for the allocation of resources or to ascertain that resources are being utilized efficiently.⁸²

Under the leadership of Klaus Töpfer, a number of these issues have been taken up but many problems remain requiring a deeper and more systematic reform effort. Upon joining UNEP in 1998, the Executive Director reformed the organizational structure by the main divisions from issue-based to functional. For example, UNEP does not have divisions on Water, Air, Climate Change, or Biodiversity. Rather, the divisions are organized in a functional chain – early warning and assessment, policy development and law, policy implementation, etc.⁸³ The organizational structure across functional lines has resulted in many overlapping mandates and has scattered issue expertise across the organization. It has led to excessive competition among divisions and between UNEP and other institutions taking UNEP away from its comparative strengths and putting unnecessary burden on its human and financial capacity. These problems are compounded by both internal and external communication and coordination difficulties and by what staff characterize as a “mind numbing,” “stifling,” and “paralyzing” bureaucracy.⁸⁴ Furthermore, the hierarchical structure of UNEP, paucity of cooperation within the organization, and excessive overlap of tasks and responsibilities across divisions hampers UNEP's work.

⁸¹ See Voluntary Indicative scale of contributions by countries to UNEP's Environment Fund in 2004 – 2005. Available at <http://www.unep.org/rmu/en/pdf/indicativescale.pdf>.

⁸² United Nations 1997.

⁸³ For the functional organigram of UNEP, see <http://www.unep.org/Organigramme/>

⁸⁴ Based on results of preliminary organizational survey performed by Yale research team in late 2004.

Location

UNEP's location has influenced the organization significantly. Its ability to effectively coordinate and catalyze environmental action has been inhibited by the geographical isolation from other relevant UN operations, inadequate long-distance communication and transportation infrastructure, and lack of sufficient face-to-face interaction with counterparts in other agencies and treaty secretariats. Figure 4 illustrates the global spread of key international organizations working on environment-related activities. UNEP's headquarters is located far outside of the political activity "hotspots," posing a challenge to its ability to fulfill the coordination role specified in its mandate. UNEP's offices in Paris, New York, and Geneva, however, have tried to step into the liaison role. Their "proximity to other organizations and important governments seems to make these programs among the brighter lights of UNEP achievement."⁸⁵ It is important to note, however, that this spatial analysis is focused particularly on the coordination function, and that for other aspects of UNEP's mandate – such as capacity building – this may present an opportunity rather than a challenge. UNEP's expertise in institution building is greatly needed in Africa. However, pressing environmental challenges demand immediate on-the-ground action – a mandate, which UNEP does not possess. A demand for greater operational responsibilities for UNEP has thus emerged both from the developing world and from the organization's staff.

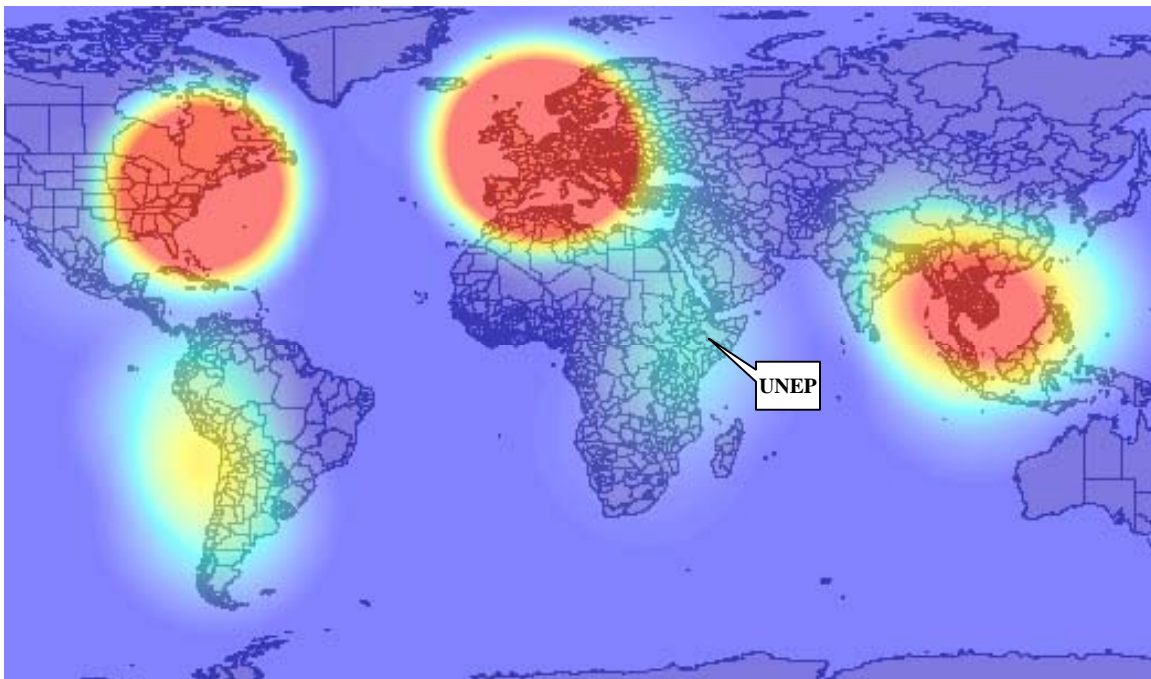


Figure 4. Density of International Organizations Working on Environment-Related Issues⁸⁶

The most important implication of UNEP's location is the inability to attract and retain top-notch staff with the policy expertise and experience necessary to make the organization an anchor institution. Nairobi is not necessarily a desirable location for staff with the expertise and

⁸⁵ Eastby 1984.

⁸⁶ Spatial analysis created by Emily Hicks of the Yale Student Team on the basis of data assembled by the Global Environmental Governance Project at Yale.

management qualities, which UNEP needs. The increasingly treacherous security situation exacerbates this problem. In addition, the remoteness of UNEP has required frequent travel by the Executive Director and many senior staff imposing a heavy financial burden, but most importantly creating a leadership vacuum due to prolonged absences from Nairobi. The effective management of the organization requires that the leadership be present and responsive to staff needs and organizational priorities.

Lessons for UNEO

Despite continuous cycles of numerous reform initiatives, UN member states still voice concerns about “inefficient operations; problems of fragmentation, duplication, and poor coordination; and the proliferation of mandates”⁸⁷ within the global governance system. Much of the censure centers on the perceived lack of legitimacy of international organizations, the lack of accountability of international officials, and dissatisfaction with both the procedural aspects and the actual results of international organizations’ work.

In this context, the creation of a new international environmental organization is a serious and responsible undertaking. Two important aspects merit critical consideration in the UNEO debate: (1) what functions a UNEO should carry out; and (2) what institutional structures are needed to effectively perform these functions. Lessons from the history and performance of the existing anchor institution, UNEP, will be essential.

Functional Comparison

Effective anchor institutions need to possess the ability to alert the international community to important emerging issues, threats, and risks; serve as the authoritative conscience in their respective domains; and catalyze action to attain the goals elaborated through an international policy process. As such, an effective anchor institution provides a gravitational pull for multiple actors in the system through three principal capacities: (1) provision of adequate data and information that ascertain problems to be addressed, reveal preferences, and clarify reciprocity; (2) a policy forum for negotiation, bargaining, and coordination that reduces duplication of effort, captures synergies, and pools scarce resources; and (3) sustained support for national efforts to address issues of concern and significance that ensures ownership at the country level.

The current UNEO proposal advances five substantive functions for the new organization:⁸⁸

1. Monitor and provide early warning on the state of the environment
2. Provide information, facilitate communication, and mobilize stakeholders
3. Provide a political platform for international legal and strategic frameworks
4. Undertake capacity building within developing and transition countries
5. Strengthen regional governance
6. Improve coherence and coordination, including the convergence of norms, implementation of international obligations and financing

This proposal clearly builds on the past experience of UNEP and the need for an environmental anchor institution. As shown in Table 1, the UNEO functions fall neatly within the three core capacities of an anchor institution – Monitoring and Assessment (item 1 and 2), Agenda Setting

⁸⁷ General Accounting Office (GAO) 2005.

⁸⁸ As elaborated by the French Government through consultations with a working group at the level of Ambassadors of missions to the UN and summarized in Tarasofsky and Hoare 2004 and at www.diplomatie.gouv.fr/frmonde/onue-cn/

and Policy Processes (item 3 and 6), and Capacity Development (item 4 and 5). The UNEO proposal lacks, however, a dispute settlement function, an element that was put forth as an integral part of an international environmental organization in 1971 but to this date has been avoided in the political discussions. The new proposal for UNEO addresses most of the functions necessary for an effective anchor institution for the environment, but fails to make any significant upgrade from the status quo in terms of mandate. The question therefore becomes whether a UNEO would be better equipped to effectively perform these functions.

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

Anchor Institution	UNEP⁸⁹	UNEO⁹⁰
Monitoring and Assessment <ul style="list-style-type: none"> ▪ Data and Indicators ▪ Monitoring and Verification ▪ Assessment ▪ Information Reporting and Exchange 	<ul style="list-style-type: none"> ▪ Keep under review the world environmental situation ▪ Provide policy advice, early warning information on environmental threats, and to catalyze and promote international cooperation and action, based on the best scientific and technical capabilities available 	<ul style="list-style-type: none"> ▪ Monitor and provide early warning on the state of the environment ▪ Provide information, facilitate communication, and mobilize stakeholders
Agenda Setting and Policy Processes <ul style="list-style-type: none"> ▪ Goal and Priority Setting ▪ Rulemaking and Norm Development ▪ Coordination ▪ Dispute Settlement 	<ul style="list-style-type: none"> ▪ Promote international cooperation in the field of environment and recommend policies to this end ▪ Provide advisory services for the promotion of international environmental cooperation ▪ Bring up any matter that requires consideration by the Governing Council ▪ Develop international environmental law ▪ Coordinate environmental programs within the United Nations system, keep their implementation under review and assess their effectiveness 	<ul style="list-style-type: none"> ▪ Provide a political platform for international legal and strategic frameworks ▪ Improve coherence and coordination, including the convergence of norms, implementation of international obligations and financing.
Capacity Development <ul style="list-style-type: none"> ▪ Education and Training ▪ Financing ▪ Technical Assistance ▪ Institution and Network Building 	<ul style="list-style-type: none"> ▪ Provide policy and advisory services in key areas of institution-building to governments and other institutions ▪ Advance implementation of agreed international norms and policies and stimulate cooperative action 	<ul style="list-style-type: none"> ▪ Undertake capacity building within developing and transition countries ▪ Strengthen regional governance

⁸⁹ Mandated functions as elaborated in G.A. Resolution 2997 and Nairobi Declaration.

⁹⁰ See note 94 above.

Structural Comparison

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

Today’s reformers face the issues regarding the formal status, governance, financing, and location of the new international environmental organization just like the founding members of the global environmental governance system did in 1972. However, there is a new sense of urgency and enough experience to learn from. The UNEO proposal is a departure from UNEP’s current structure in that it upgrades the formal status of the organization, suggests a considerable reform of the governing structure, and argues for assessed financial contributions as shown in Figure 3. However, it is still constrained in its scope and scale as it focuses on available resources first and mission second rather than on elaborating a compelling vision and suggesting options for attaining it. Moreover, it avoids the politically charged question of the organization’s location in view of the various functions that need to be performed.

Table 2: Comparison of the Structural Features of UNEP and UNEO

Features	UNEP	UNEO
<i>Formal Status</i>	<ul style="list-style-type: none"> ▪ UN Programme 	<ul style="list-style-type: none"> ▪ Specialized agency
<i>Governance</i>	<ul style="list-style-type: none"> ▪ 58-member Governing Council ▪ Committee of Permanent Representatives ▪ Secretariat ▪ Appointed Executive Director 	<ul style="list-style-type: none"> ▪ Assembly or General Conference with universal membership (building on the Global Ministerial Environment Forum) ▪ Executive Board (smaller Governing Council) ▪ Elected Executive Director
<i>Financing</i>	<ul style="list-style-type: none"> ▪ Voluntary funding ▪ Voluntary funding for earmarked projects ▪ Financing amount first, mission second 	<ul style="list-style-type: none"> ▪ Assessed contributions ▪ Voluntary funding for technical cooperation ▪ Financing amount first, mission second
<i>Location</i>	<ul style="list-style-type: none"> ▪ Nairobi 	<ul style="list-style-type: none"> ▪ Nairobi

Conclusion

Several key questions emerge for the architects of the governance system of the 21st century. First, *what is the goal of and vision for the new body?* Within that framework, *what structures and conditions are necessary to attain that goal?*

1. Is the specialized agency model of the 1960s adequate for 2010 and beyond? Who should be the members of the organization?⁹¹
2. What is the optimal governance structure to ensure effective results? How can legitimacy, effectiveness, equity, transparency, and accountability be balanced?
3. What amount of financing is necessary for the new organization to achieve its goals (rather than what amount of financing is available to attain the goals)? What innovative financial mechanisms would ensure that level of funding?
4. What are the impacts of the location for the key functions? How can the organization attract top quality policy staff, convene relevant institutions, and coordinate actions?

Analysis of UNEP's performance starkly illustrates that unless these key structural questions are addressed, little progress in the environmental domain is possible. Without an open and objective discussion of structural constraints and ways to overcome them, reform deadlock will continue. As UN Secretary-General Kofi Annan confirmed, "[t]he United Nations must be reshaped in ways not previously imagined, and with a boldness and speed not previously shown."⁹²

Furthermore, any reform of global environmental governance needs to be based on a holistic assessment of the strengths and weaknesses in the current system and the effectiveness of UNEP in fulfilling its core mission as anchor institution. An independent external review of (1) the system of global environmental governance and (2) UNEP's role and performance within the system would help to clarify the mandates of existing organizations, reveal their comparative advantage, and provide vision for reduced competition and a productive division of labor. A strategic review will systematically assess the history and performance of the anchor institution for the global environment, outline current and future needs, and define scenarios for action based on sound assessment of progress to date, constraints, and opportunities. Designing a feasible and functional blueprint for a UNEO will hinge on such a learning experience.

Scholars have the capacity to generate alternatives and assess their plausible implications. Politicians have the authority to put these into practice. But only when the attention of both communities is focused on the same set of core issues can we expect any significant progress. This paper has sought to initiate a crosscutting discussion on the core set of factors that shape the ability of international environmental organizations to "safeguard and enhance the environment for the benefit of present and future generations."⁹³

⁹¹ The International Labor Organization established in 1919 has a tripartite governance structure including governments, business, and trade unions as decision makers and may in fact provide a more progressive model than ore recent institutional arrangements.

⁹² United Nations 2005.

⁹³ GA Resolution 2997.

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