The Proposed GEO and its Relationship to Existing MEAs

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1. Introduction

There have been several initiatives and suggestions about a Global Environment Organisation (GEO). The Hague Declaration on the Environment (1989), signed by 24 States, called for “within the framework of the United Nations, new institutional authority, either by strengthening existing institutions or by creating a new institution” to combat global warming. Such an institution should “involve such decision-making procedures as may be effective even if, on occasion, unanimous agreement has not been achieved”.¹ Geoffrey Palmer proposed a “new UN organization called the International Environment Organization”² and Daniel C. Esty suggested a Global Environmental Organization.³ The former Director-General of the WTO, Renato Ruggiero, proposed, at the WTO High Level Symposium on Trade and the Environment, 15 March 1999, a World Environment Organisation.⁴ A proposal that the UN Trusteeship Council, after self-government of the former trust territories, could be allocated responsibilities for management of the global commons was forwarded by Maurice Strong⁵ and taken up by the Commission on Global Governance.⁶ The UN Secretary-General has also suggested that a reconstituted Trusteeship Council should exercise the “collective trusteeship for the integrity of the global environment and common areas such as the oceans, atmosphere, and outer space”.⁷

The idea of a GEO did, however, not find favour at the 1992 Rio Conference on Environment and Development (UNCED). Agenda 21 states that any new institutional arrangements should “depend to the maximum extent possible upon existing resources” (paragraph 38 (8) (i)).⁸ The emphasis in the Programme for the Further Implementation of

¹ 28 International Legal Materials 1308 (1989).
⁷ Renewing the United Nations: a Programme for Reform, UN Secretary-General Report (A/51/950), paragraphs 84,85.
Agenda 21, adopted by the special session of the General Assembly (Rio+5), is on greater coherence in various intergovernmental organisations and processes, rather than establishing new institutions.\textsuperscript{9} The need for strengthening of linkages between MEAs to facilitate synergies and promoting coherence of policies was also stressed by the Report of the United Nations Task Force on Environment and Human Settlement (Töpfer Report),\textsuperscript{10} and supported by the General Assembly in its resolution on International Institutional Arrangements Related to Environment and Development of 2 February 1999.\textsuperscript{11}

It may be asked whether the idea of a Global Environment Organisation is still of interest. My answer would be that none of the concerns expressed about the short-comings of the present institutional framework have been resolved. First, there is a need for more effective procedures to develop and enforce substantive environmental commitments. Secondly, the institutional fragmentation in different MEAs may be inefficient, both in terms of manpower and money, and represent difficulties in establishing a coherent policy, both within the environmental sector and in relationship to other international regimes, such as trade. While a GEO is not an option in the short term, institutional improvements are needed. The idea of a GEO may serve as an ultimate model with which such improvements may be contrasted.

The focus of this paper is primarily to discuss what are the differences between the legal powers of institutions established by MEAs and the powers of a GEO, which will be called the question of effectiveness. This question will be addressed in relation to powers at the internal level, powers to adopt substantive environmental commitments, and legal capacity at the external level.\textsuperscript{12} I will, however, also draw some lines to questions relating to efficiency and the possibilities for coherent decision-making. Finally, I will discuss what potential there is for more integrative action based on the existing MEA institutions.

\section*{2. Internal Powers}

\subsection*{2.1. Introduction}

Several decisions at the internal level, i.e. of an organisational and procedural character, must be taken whether we have a GEO or institutions established by MEAs. Such decisions may relate to the work of the organisation or institutions, e.g. adoption of the rules of procedure, the financial rules and the budget; the rights and obligations of member states, e.g. exclusion or suspension of voting and other rights; to representatives of member states, e.g. approval of credentials and election to different bodies; and to officials in the secretariat, e.g. hiring and firing.

\textsuperscript{9} A/Res/S-19/2, 19 September 1997, Part IV A.
\textsuperscript{11} A/RES/53/186.
\textsuperscript{12} This part of the paper is based on a forthcoming article with Robin Churchill, Cardiff Law School as co-author.
A GEO would be more efficient than the existing MEA institutions in the sense that it would only have one plenary body, less subsidiary bodies, and a secretariat in one geographical location instead of in several locations. It would also provide the opportunity for a more coherent approach on rules of procedure, and financial, administrative and personnel matters. As regards the effectiveness of MEA institutions at the internal level, it must, first, be examined to what extent the internal powers of these institutions are less extensive than those to be expected in a GEO. Secondly, the respective powers of the MEA institutions and the organisation hosting their secretariat need to be addressed.

2.2. Effectiveness

2.2.1. Powers of MEA institutions

The powers of the COP at the internal level are explicitly set out in specific MEA provisions relating e.g. to the adoption of the rules of procedure, financial regulations and the budget, the establishment of new subsidiary bodies, or the provisions on guidance to these bodies and to the secretariat. Such powers may also follow from a catch-all phrase authorising the COP to “consider any additional action that may be required” (London Dumping Convention, art. XIV (4) (f)), or to “exercise such other functions as are required for the achievement of the objective of the Convention” (Climate Change Convention, art. 7 (2) (m)). Through such specific and general powers, the COP is generally provided with authority at the internal level corresponding to that to be found in the constitutions of inter-governmental organisations (IGO). Consequently, there is no reason to expect different explicit internal powers in a GEO from those of the existing COPs in MEAs.

But a well-known feature of international institutional law is the doctrine of “implied powers”, i.e. a liberal interpretation of IGO constitution, emphasising their object and purpose. This doctrine would obviously apply to a GEO. But does it also apply to institutions of MEAs in spite of their not being termed IGOs?

A possible approach would be to ask whether the MEA institutions should properly be called IGOs, and thus be governed by international institutional law. It has been argued that “[t]hese institutional arrangements are, in effect, international organisations”. The UN Office of Legal Affairs in an opinion of 4 November 1993 stated that the Climate Change Convention established an “entity/organization” with international legal

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14 P. Sands, Principles of International Environmental Law (1995), Vol. I, p. 92. See also J. Werksman, The Conference of Parties to Environmental Treaties, in Werksman (ed.), Greening International Institutions (1996), p. 55: “... these MEAs establish independent intergovernmental bodies ... with the potential to develop powers over states that may far exceed those of more formally established international institutions”.

personality, and in an opinion of 18 December 1995 that the bodies established by this Convention “have certain distinctive elements attributable to international organizations”.

International organisations are defined by Schermers and Blokker as follows:

In this study, international organizations are defined as forms of cooperation founded on an international agreement creating at least one organ with a will of its own, established under international law.\(^{15}\)

The COP and its subsidiary bodies are self-governing since states parties may only influence the work of these organs by acting through them, and they are under no instruction from the international organisation hosting their secretariat (see the next subsection). MEA institutions are also established by an international agreement. Consequently, these bodies fulfil the necessary criteria for an IGOs and would thus aspire to the application of international institutional law. Furthermore, the character of the internal law and its functions in a institutionalised co-operation make it more similar to IGO law than to treaty law. Finally, we have no indication that states parties to MEAs by not establishing formal IGOs intended to create less effective bodies at the internal level. Accordingly, the law of international institutions, including the doctrine of “implied powers”, should be applied to the MEA bodies at the internal level.

It may thus be concluded that the internal powers, both those explicit and implied, of MEA institutions are similar to what would be expected in a GEO, and, consequently, that a GEO would not be more effective in terms of such powers.

2.2.2. Powers of the host organisation

Whereas a GEO would presumably have its own secretariat, MEAs generally make use of secretariats in existing IGOs, such as the UN (the Climate Change Convention) and UNEP (e.g. CITES and Biological Diversity Conventions). It may be asked whether the use of secretariats in existing IGOs makes MEA institutions less effective.

It should, first, be recognised that the supremacy of the COP means that the international organisation hosting the secretariat may only exercise the powers flowing from this particular function, and has no powers to instruct the COP or its subsidiary bodies. Thus, the General Assembly or the Secretariat of the United Nations have no right to instruct these bodies.

A distinction must, however, be made between, respectively, the powers of the COP and those of the host organisation in relation to the secretariats. The COP and its subsidiary bodies must be considered to have the authority to instruct the secretariat in substantive matters, as well as in procedural questions, e.g. on preparations for meetings of the COP, assistance to states parties, or contact with other international organisations and MEAs. On the other hand, as the officials of the secretariats are employees of the host

\(^{15}\) Schermers and Blokker, op.cit., p. 23. See also Amerasinghe, op. cit., p. 9.
organisation, this organisation has the right to appoint, promote and terminate appointments. Although the Executive Secretary of the Climate Change Convention has been vested with the authority to appoint certain categories of the secretariat staff, such appointments are made on behalf of the UN Secretary-General.\textsuperscript{16}

As a consequence of the staff being employees of the host organisation, this organisation must also have the right to direct officials in personnel and administrative matters.\textsuperscript{17} Hence, this organisation may in general instruct the officials about how their work shall be carried out. The interface between the instructions to the secretariat, as such, from the COP and its subsidiary bodies, and instructions to officials from the host organisation, may obviously have a potential for conflict. Another possible source of conflict may be the magnitude of the resources, both in terms of personnel and money, to be allocated to tasks defined by the COP.

2.3. Conclusions

It may be concluded that the internal powers, i.e. the internal effectiveness, of MEA institutions are comparable to those of a GEO. The separation of powers between the COP and the host IGO may create friction, but it seems that this has so far not been a major problem. Whereas the MEA fragmentation may lead to inefficiency and incoherence, the linkage to the UN/UNEP system may also be to the benefit of MEA cooperation. A GEO could, however, also make use of an IGO such as the UN hosting its secretariat. This would combine the advantages, especially as regards efficiency, of establishing a new formal organisation with the advantages of the linkages between the current MEA institutions and the UN.

3. Powers to adopt Substantive Obligations

3.1. Introduction

One of the main purposes of MEA institutions is to develop new environmental obligations of states, e.g. reduction of emissions of certain substances or the protection of certain species. A Global Environment Organisation would, as already pointed out, mean only one plenary and less subsidiary bodies. This would obviously entail a great advantage in terms of a potential for coherent policy-making. But both the 1989 Hague Declaration and Geoffery Palmer have called for a new organisation with more extensive decision-making powers as regards adoption of new environmental obligations. Would a GEO be expected to enjoy more extensive substantive powers than existing MEA institutions?

\textsuperscript{16} Letter from Richard Kinley, Climate Change Convention, 4 December 1998 (on file with author).
\textsuperscript{17} Kinley, op. cit., fax from Gilbert M. Bankobeza, UNEP, 9 February 1999 (on file with author).
3.2. Effectiveness

New substantive obligations may be imposed on states by the COPs adopting amendments to MEAs. Such a power is found in most of the global MEAs, such as the CITES Convention, art. XVII and the Climate Change Convention, art. 15. These amendments may generally be adopted by a two-thirds or a three-quarters majority. They will, however, not enter into force until ratified by a similar majority, and only for the states which have ratified. COPs may also have the power to add to parties’ obligations by adopting protocols, such as the Montreal Protocol on the Ozone Layer, but such protocols will also require ratification to enter into force. Such amendments to MEAs and adoption of protocols correspond to the procedure generally applied for amendment of constitutions of IGOs, where amendments are adopted by the principal organ(s) of the organisation, followed by ratification by a certain proportion of states members of the organisation, such as the UN Charter, arts. 108-9. Such a procedure would also be expected in a GEO.

The powers of COPs to adopt amendments and protocols to MEAs are only indirectly law-making powers, as these measures require ratification by states parties to become legally effective. Some COPs, however, do have genuine law-making powers. One, fairly common, form of such powers is the power to amend the annexes attached to a number of MEAs, such as the London Dumping and the CITES Conventions. States parties may, however, object to the amendment and will thereby not be bound by it. The Montreal Protocol provides, however, that the Meeting of the Parties may adopt “adjustments” on an earlier phase-out of production and consumption of certain ozone-depleting substances, without the possibility of objection by individual states. COPs may occasionally also be authorised to make new rules by specific provisions of MEAs. For example, under art. 17 of the Kyoto Protocol the COP may adopt “rules” relating to the operation of the system for trading in emissions of greenhouse gases, which presumably would be legally binding.

The various law-making powers of COPs described here are comparable to those powers enjoyed by many traditional IGOs in the environmental field. Thus, for example, the International Whaling Commission and various international fisheries commissions adopt resource management measures which bind all their members unless objected to. Even the Montreal Protocol’s remarkable provisions under which all parties are bound by adjustments without the possibility of objection are not without precedent amongst IGOs. Both the International Civil Aviation Organisation and the International Atomic Energy Agency have, for example, the power to take certain rule-making decisions by majority which bind all parties without the possibility of objection. It is, consequently, reasonable to assume that a GEO would have comparable powers.

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As already stated, COPs should be considered to have implied powers in relation to internal decision-making. There is no reason why they should not have similar powers in relation to matters concerning substantive obligations. But, as for IGOs, there may be reasons for a certain caution in accepting powers to adopt such obligations without an explicit basis, since these obligations to a greater extent may encroach upon the sovereignty of states.\(^\text{19}\)

COPs engage from time to time in interpretation of the provisions of MEAs in ways which relate to and affect the substantive obligations of their parties. In some cases such a power of interpretation is expressly conferred by the MEA, e.g. art. 10(1) of the Montreal Protocol, but interpretations may also be undertaken without such explicit basis. Only interpretations specifically authorised by an MEA can derive a binding force from the MEA. There is, however, reason to consider such practice along the same lines as practice from the organs of IGOs, which over time may contribute to a binding interpretation, or even amendment of the IGO’s constitution.\(^\text{20}\) This would also be similar to the situation in a GEO.

COPs may also adopt measures which are clearly not intended to be legally binding, i.e. soft law measures. Such measures may e.g. serve as a catalyst for developing a treaty obligation or lead to the generation of a new rule of customary international law. They are also known from IGOs, where especially the legal status of UN General Assembly resolutions have been discussed.\(^\text{21}\)

3.3. Conclusions

The great benefit of a GEO would be the potential to adopt coherent decisions in substantive matters. There are, however, limits for the need for coherence: integrating policy-making in protection of migrating birds and marine pollution is not as urgent as the need to integrate policy concerning the protection of such birds and biodiversity. Furthermore, as will be discussed in section 5, certain integrative measures may be undertaken under the existing MEAs. There is, however, no reason to expect more extensive powers of substantive decision-making in a GEO than in the existing MEA institutions. Whereas there is a need to develop more effective decision-making and enforcement, this will not depend on the creation of a GEO.

4. External Capacity

4.1. Introduction

\(^{19}\) See Amerasinghe, op. cit., p. 220, Schermers and Blokker, op. cit., p. 813.


Whether we have MEA institutions or a GEO, there is a need to act at the external level. e.g. by entering into arrangements with IGOs or states. A GEO would, however, “internalise” what are now external relations between different MEA institutions. This means that a GEO would have the potential to establish a coherent environmental policy through its decisions, rather than by co-ordination between different MEAs. Furthermore, a GEO would have the possibility to determine a coherent policy in relation to non-environmental regimes, such as trade. The absence of “one voice” from the environmental institutions in relation to trade was a concern expressed by Daniel C. Esty and Renato Ruggiero.

But would a GEO have a capacity not enjoyed by MEA institutions to enter into external arrangements, i.e. do MEA institutions have a “voice” at all? In international institutional law, the capacity to act at the external plane, especially in the form of entering into treaties, has been addressed as a question of enjoying international legal personality. It must therefore be examined whether MEA institutions have such personality.22

4.2. Effectiveness

There are no explicit provisions in MEAs setting out their international legal personality or their treaty-making capacity. The absence of such provisions is, however, common also in treaties establishing formal international organisations.23

In the opinion of 4 November 1993 by the UN Office of Legal Affairs referred to in section 2 above, it was stated that the Climate Change Convention established an “entity/organization” with international legal personality:

Once this Convention [the Climate Change Convention] enters into force it will establish an international entity/organization with its own separate legal personality, statement of principles, organs and a supportive structure in the form of a Secretariat (Articles 3, 7-10).

It was concluded that “the COP has the legal capacity, within the limits of its mandate, to enter into agreements and other arrangements with entities, such as states, intergovernmental and non-governmental organizations and bodies, which also have the authority to do so.”

This opinion refers to the catch-all phrase in the Climate Change Convention, art. 7 (2) which states that the COP “shall make, within its mandate, the decisions necessary to promote the effective implementation of the Convention”. To this end it shall “(m) exercise such other functions as are required for the achievement of the objective of the Convention”. Reference is also made to more specific functions of the COP listed in the Climate Change Convention, art. 7 (2) litra (a) to (l), including to “(l) seek and utilize,

23 Amerasinghe, op. cit, p. 85, Schermers and Blokker, op. cit., p. 978.
where appropriate, the services and cooperation of [...] competent international organizations and intergovernmental and non-governmental bodies”. Similar wording can be found in several MEAs, such as the Bonn Convention on Migratory Species, establishing that the COP may decide on “any additional measure that should be taken to implement the objectives of this Convention” (art. VII (5) (h)) and the Vienna Convention on the Ozone Layer, art. 7 (1) (e), stating that the secretariat may enter into “administrative and contractual arrangements”. It may be concluded that the external capacity of COPs to enter into treaties are supported by MEA provisions establishing both general and specific powers.

The doctrine of “implied powers” has been used to determine the external capacity of IGOs since it found its authoritative expression by the International Court of Justice in the Reparations case.\(^\text{24}\) It has above been concluded that this doctrine should be applied in determining the internal and substantive powers of MEA institutions. But what about the capacity at the external level?

It should, first, be pointed out that the absence of an explicit provision on international legal personality in IGO constitutions has not prevented international legal personality. Secondly, the purpose of establishing MEA institutions rather than new formal international organisations should be sought in the need for “institutional economy” rather than a desire to establish less effective institutions. There is a need to act at the external level in relation to the organisation hosting the secretariat, to international financial institutions, the state where the secretariat is localised, and with the bodies of other MEAs. It should be possible to enter into binding agreements with such entities. Consequently, to the extent that external capacity cannot be found explicitly in MEAs, it should be based on the doctrine of “implied powers”.

The capacity to enter into treaties has also been applied in practice. The Agreement between the UN, the Federal Republic of Germany, and the secretariat of the Climate Change Convention of 20 June 1996\(^\text{25}\) states that the UNV (United Nations Volunteers Programme) Headquarters Agreement shall be applicable, mutatis mutandis, to the Convention secretariat subject to the specific provisions of the Climate Change Convention Agreement (art. 3 (1)). It is provided that the secretariat shall have legal capacity in Germany (art. 4), and privileges and immunities are accorded to the secretariat, its officials, representatives of member and observer states, and persons invited to participate in the work of the Climate Change Convention (arts 3 and 5).

This must be considered to be an international agreement since its art. 6 (4) establishes that any disputes shall be resolved in accordance with art. 26 (2) of the UNV Agreement. Art. 26 (2) provides that disputes shall be resolved by arbitration “on the basis of the applicable rules of international law”. Furthermore, the title of the 1996 Agreement, the

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three signatures, and the entry into force upon notification from these parties under its art. 6 (6) mean that the secretariat as a body of the Climate Change Convention is to be a party on a par with the other two parties. It may be concluded that the 1996 Agreement is evidence that the COP has the international legal capacity to enter into agreements on privileges and immunities.

Reference can also be made to the Multilateral Fund of the Montreal Protocol which, according to a decision of the Meeting of the Parties, shall enjoy “such legal capacity as is necessary for the exercise of its function and the protection of its interests, in particular the capacity to enter into contracts, to acquire and dispose of movable and immovable property and to institute legal proceedings in defence of its interests”. Furthermore, the Fund as well as its officials shall enjoy such privileges and immunities as are necessary for the fulfilment, respectively, of its purposes and of their functions. 26 This was the basis for the 1998 Agreement between the Multilateral Fund for the Implementation of the Montreal Protocol and the Government of Canada on the privileges and immunities of the Fund, its officials, representatives of member states and experts. 27

4.3. Conclusions

It may be concluded that a GEO would mean an institutional structure suited to establish a coherent policy at the external level, including in relation to trade. Furthermore, such an organisation would require a smaller number of external arrangements. But the wording of MEAs, the doctrine of implied powers, as well as subsequent state practice strongly suggest that MEA institutions have powers at the external level comparable to those of a GEO. MEA institutions have accordingly the capacity to improve coherence through mutual non-binding and binding arrangements.

5. Integrative action in MEAs

5.1. Introduction

In this section, the focus is on the extent to which the fragmentation represented by institutions established in different MEAs may be mitigated by action in COPs, the organisations hosting secretariats, and the secretariats themselves. While the emphasis will be on procedural and institutional measures, the ultimate aim of such action is to contribute to more co-ordinated substantive policy and more efficiency.

26 Decision VI/16.
5.2. Action by COPs

COPs should be considered to have an obligation to co-operate with other MEAs in pursuing the objectives of the MEA, e.g. to combat climate change under the Climate Change Convention, art. 2. MEAs may also contain more specific directions on co-operative arrangements, such as art. 22 (2) (i) of the Convention on Desertification, which provides that the COP shall “promote and strengthen the relationship with other relevant conventions while avoiding duplication of effort”.

COPs may take action at the internal level by giving instructions to subsidiary bodies and the secretariat, or at the external level by entering into non-binding arrangements or binding agreements on co-operation with other COPs or with the international organisations hosting secretariats.\textsuperscript{28}

Amalgamation of COPs to one plenary body would require amendment of the relevant MEAs. There is, however, nothing to prevent the designation of a lead COP in certain matters or to delegate powers to co-operative bodies through decisions of the relevant COPs, provided that involved COPs formally remain the supreme bodies of the respective MEAs. Furthermore, procedures for co-ordination of the work by the COPs may be established, even in the form of joint meetings of different COPs. As long as consensus is applied in decision-making, such joint meetings could also take decisions in spite of different states being parties to the MEAs.

Similarly, subsidiary bodies established in MEAs may not be joined without amendment of the MEAs. But the COPs may establish new joint subsidiary bodies and agree upon co-operative arrangements for existing bodies.

The Töpfer Report proposes in its recommendation 2 (d) that every effort should be made to co-locate new secretariats with the existing ones in “the same functional cluster” and with institutions “with which they have a particular affinity”. Furthermore, with respect to existing conventions, it is suggested that co-operation should be promoted within each cluster “with a view to their eventual co-location and possible fusion into a single secretariat, and, in the longer term, should include the negotiation of umbrella conventions covering each cluster.” Such integration may require amendment of the MEAs in cases where the secretariat is designated in the MEA itself, such as UNEP in CITES (art. XII (1)). In other MEAs, the secretariat is designated by COP decision and may be changed by such decision, e.g. the Ramsar Convention (art. 8 (1)).

5.3. Action by host IGOs

\textsuperscript{28} On relations between international organisations, see Schermers & Blokker, op. cit., pp. 1056-92. Options in MEAs are discussed in ICCD/COP (2)/7, ICCD/COP (2)/14/Add.1, UNEP/CBD/COP/3/29, UNEP/CBD/COP/3/35. See also CBD decision II/3.
The organisations hosting the secretariats may determine their own structure and function, although this may require amendment of their constitution. This would apply to recommendation 1 in the Töpfer Report on the replacement of the existing UN Inter-Agency Environment Coordination Group with an Environmental Management Group. Similarly, it is up to the UN to decide whether a reconstituted Trusteeship Council should exercise functions related to the management of the global environment and commons.

The host organisation may also invite MEA institutions to joint meetings, such as those proposed by the Töpfer Report in recommendation 2 (b) and (c) between UNEP and the heads of MEA secretariats and with the presidents of COPs. Such co-operation may, however, also be formalised in non-binding or binding arrangements between COPs and their host organisations. A possible model could be the agreements between the UN and its specialised agencies.29

The administrative and personnel control enjoyed by the host organisation may hardly be used to promote integrative substantive approaches without encroaching upon the powers of the COP. But to the extent that the host organisation contributes with financial and other resources, such resources may be directed towards integrative efforts. And, if the organisation is host to several MEAs, such as UNEP, this position may be used to increased integration between relevant secretariats.

5.4. Action by secretariats

MEAs may also contain specific directions to secretariats to promote co-ordination, such as the Vienna Convention, art. 7 (1) (e) and the Convention on Biological Diversity, art. 23 (4) (h). But in addition comes the general obligation to promote the objectives of the MEA, which may require co-ordinated approaches.

As already mentioned, the secretariat of the Convention on Biological Diversity has entered into Memoranda of Co-operation with the secretariats of the Ramsar, CITES and Bonn Conventions. The Memoranda with the Ramsar and CITES Conventions are broadly similar and provide for the exchange of observers, exchange of information and experience, co-ordination of work plans and exploration of the possibility of harmonising reporting requirements of states parties, and co-operation on research, training and public awareness.30 Such arrangements could be further developed both in scope and detail, in addition to being made in binding form. The secretariats must be considered to have the powers to enter into all arrangements of a practical nature, as long as the policy-making function of the COP is respected.

30 The Memorandum of Co-operation with the Bonn Convention has not been available.
6. Conclusions

There is a need for further development of environmental decision-making and enforcement in international institutions. But it may be concluded that not much would be gained in decision-making powers and external capacity by establishing a GEO to replace the existing MEAs. Although the institutions established by MEAs are not formal IGOs, they have powers and capacity comparable to a GEO. In practical terms, it may thus said that we currently have several GEOs.

Whereas a GEO could pursue coherence through its internal decisions, the fragmentation between MEAs may result in both inefficiency and incoherence in environmental policy-making. The need for coherence is, however, of particular importance for certain issues and would not justify a GEO to cover all environmental management. It has also been concluded that by action of COPs, the host organisations and the secretariats of MEAs, it is possible to come a long way towards the necessary co-ordination and integration of MEA institutions. Such co-operation requires, however, acceptance from the autonomous MEA institutions and host organisations.

A GEO would have the potential to speak with one voice in relation to environmental and trade issues. It may, however, be asked to what extent the tension between these two regimes would be eased with such a voice. Furthermore, such an organisation would not have the powers to make decisions binding upon institutions established under the trade regime, especially the WTO.

An advantage with the existing institutional framework in MEAs is its connection to the UN system through the host organisations of the secretariats. A GEO would be a new formal IGO, presumably with its own secretariat. The secretariat functions of a GEO could, however, be undertaken by the UN system.