

**International Environmental
Governance: Strengthening
UNEP**

Richard G. Tarasofsky

Preface

This paper is part of series of working papers that represents one of the first outputs from a two-year United Nations University Institute of Advanced Studies project on International Environmental Governance Reform, being conducted in collaboration with Kitakyushu University, Japan, and with support from The Japan Foundation Center for Global Partnership.

The project was initiated in response to increasing calls, from both within the UN and from external sources, for a more detailed analysis of the current weaknesses and gaps within the existing system of international environmental governance (IEG) and a more elaborate examination of the various proposals that have been put forward for reform. In responding to these calls, the project has drawn upon the expertise of several renowned academics and practitioners in the fields of international environmental law, science, economics, political science, the humanities, and environmental politics.

The first section of the project focuses on the identification of weaknesses and gaps within the current system of international environmental governance. The individual research papers commissioned within this section have concentrated on six key aspects of international environmental governance: the inter-linkages within the environmental governance system; the science/politics interface; industry/government partnerships for sustainable development; the participation of NGOs and other civil society representatives; the interaction between national, regional, and international negotiation processes; and the role of international institutions in shaping legal and policy regimes.

The second section of the project elaborates upon specific reform proposals that have been generated throughout recent debates and evaluates the potential of each proposal to strengthen the existing IEG system. The papers commissioned within this section of the study have focused on exploring the potential advantages and disadvantages of specific reform models and explained, in detail, how each model may be structured and how it would function. The models of reform that have been explored include: clustering of MEAs; strengthening UNEP; expanding the role of the Global Ministerial Environment Forum (GMEF); reforming existing UN bodies; strengthening financing sources and mechanisms; building up the environmental competence of the World Trade Organization (WTO); different possible models for a World Environment Organization; reforming the UN Trusteeship Council; expanding the mandate of the UN Security Council; and establishing a World Environment Court.

The final section of the project combines insights gained through the first two sections in order to provide an in depth evaluation of current reform proposals, elaborate on how they may resolve current gaps and weaknesses, and offers alternative recommendations for reform.

For more information relating to the International Environmental Governance Reform Project and for details of related publications, please visit the United Nations University Institute of Advanced Studies website at <http://www.ias.unu.edu> or contact Shona E.H. Dodds dodds@ias.unu.edu or W. Bradnee Chambers chambers@ias.unu.edu or visit The Japan Foundation Center for Global Partnership website at <http://www.cgp.org/cgplink/> or contact Norichika Kanie kanie@kitakyu-u.ac.jp

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**INTERNATIONAL ENVIRONMENTAL GOVERNANCE:
STRENGTHENING UNEP**

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Abstract

This paper explores possibilities for enhancing the role and contribution of the United Nations Environment Programme (without changing its legal status) within an improved regime of international environmental governance. The paper explains why reform of UNEP is necessary and what changes have taken place prior to the recent initiative on international environmental governance. Also examined in detail, are the options that have emerged in recent discussions on enhancing UNEP, including the Global Ministerial Environment Forum (GMEF) and the Environment Management Group (EMG). These proposals largely play on UNEP's strengths - policy formulation, scientific assessment, a regionalized structure, linkages to a wide range of international institutions within the UN, as well as with international financial institutions, a high degree of interaction with civil society, and a commitment to building capacity in developing countries. By combining policy leadership on a limited set of priorities established through mechanisms that link the national, regional and global levels, and then providing support on ensuring effective implementation of these policies, a strengthened UNEP could play the central role in international environmental governance. Key to all this would be the extent to which UNEP succeeds in defining and enhancing the mechanisms at the appropriate levels that create the linkages and feedback loops necessary to foster innovative solutions, stakeholder ownership, and effective implementation.

INTERNATIONAL ENVIRONMENTAL GOVERNANCE: STRENGTHENING UNEP

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INTERNATIONAL ENVIRONMENTAL GOVERNANCE: STRENGTHENING UNEP

Richard G. Tarasofsky *

Introduction

This paper examines the prospects for strengthening the United Nations Environment Programme (UNEP), without changing its legal status. Other papers in this project are to examine other possibilities for institutional reform, both within the current UN system and in the creation of a new organization. Therefore, this paper is limited to exploring the possibilities for enhancing the role and contribution of UNEP (basically as it is now constituted) within an improved regime of international environmental governance.

The second section of this paper will introduce the status quo for UNEP, while the third section will explain why reform of UNEP is necessary and what changes have taken place prior to the recent initiative on international environmental governance. The fourth section will examine in detail the options that have emerged in the recent discussions on enhancing UNEP, including the Global Ministerial Environment Forum and the Environment Management Group. The last section will contain some general conclusions.

UNEP's Approach, Structure, and Achievements

The UN Environment Programme (UNEP) was established in the wake of the 1972 UN Conference on the Human Environment. Its constituent document is UNGA Resolution 2997 (XXVII). UN General Assembly Resolution 53/242, as well as other instruments, continue to affirm that UNEP's role is to be the leading global environmental authority that sets the global environmental agenda and is to promote the integration of the environmental aspects of sustainable development into the work of the United Nations system.

Mission and Approach

UNEP's mission is:

To provide leadership and encourage partnership in caring for the environment by inspiring, informing, and enabling nations and peoples to improve their quality of life without compromising that of future generations.

This mission statement reveals that UNEP's role is a catalytic one, in the sense of leveraging and enabling others to act in the protection of the environment. In other words, UNEP is not an implementing agency – and has never had the capacity to be one – unlike UN bodies as UNDP and FAO.

Rather, UNEP seeks to achieve improvement through the actions of nations and

non-governmental actors involved in policy-setting and implementation, the credibility to provide leadership and set the agenda, and the resources to motivate its partners to carry out implementing actions.

Governing Bodies

i. Governing Council

UNGA Resolution 2997 (XXVII) established a Governing Council (GC) as the governing body of UNEP, composed of 58 Members selected by the General Assembly for three-year terms. The seats on the Governing Council are allocated specifically according to region. Among the main functions and responsibilities of the Governing Council are to:

- promote international cooperation in the field of the environment and to recommend policies to this end;
- provide general policy guidance for the protection and coordination of environmental programmes within United Nations system;
- keep under review the world environmental situation in order to ensure that emerging environmental problems of wide international significance receive consideration by governments;
- promote contributions from scientific and other professional communities to the acquisition, assessment and exchange of environmental knowledge, information, and the formulation and implementation of environmental programmes within United Nations system; and
- maintain under continuing review the impact of national and international environmental policies and measures on developing countries, and ensure that such programs and projects are compatible with the development plans of those countries.

UNGA Resolution 53/242 agrees to the creation of a Global Ministerial Environmental Forum (GMEF), which acts as the Governing Council is described below in section 4.1. At present, the GMEF is to meet in alternate years, when the GC is not meeting, and is to be a special session of the GC.

ii. Committee of Permanent Representatives

The Committee of Permanent Representative (CPR) is a subsidiary organ of the Governing Council. The CPR consists of representatives of all UN member States and members of its specialized agencies, and the European Community accredited to UNEP. The CPR meets four times a year, but there have been suggestions to increase this to six, on account of the heavy workload. The CPR establishes subsidiary bodies, subcommittees and working groups on specific subjects, which meet intersessionally. Decision 19/32 elaborated the following mandate for the CPR:

- Review, monitor and assess implementation of Council decisions on administrative, budgetary and programme matters;
- review the draft programme of work and budget during their preparation by the Secretariat;

- review reports requested of the Secretariat by the Governing Council on the effectiveness, efficiency and transparency of the functions and work of the Secretariat, and make recommendations thereon to the Governing Council;
- prepared draft decisions for consideration by the Governing Council based on inputs and the Secretariat and the results of the functions specified above.

The CPR provides a useful “reality check” of the work of the Secretariat, and providing it with a bridge to the views of the member States.

iii. Secretariat

A small Secretariat in Nairobi was established by the Resolution 2997 (XXVII) "to serve as a focal point for environmental action and coordination within the United Nations system in such a way as to ensure a high degree of effective management". The responsibilities of the Secretariat included, *inter alia*:

- Coordinating environmental programmes within the United Nations system, keeping their implementation under review and assessing their effectiveness,
- advising intergovernmental bodies of the United Nations system on the formulation and implementation of environmental programmes
- securing the effective cooperation of, and contribution from, the relevant scientific and other professional communities in all parts the world
- providing, on request, advisory services for the promotion of international cooperation in the field of the environment

The cost of servicing the Governing Council and providing the Secretariat are to be borne by the regular budget of the United Nations. The programming and administrative costs are to be borne by the Environment Fund, also established by the Resolution.

The initial focus of UNEP was sectoral and largely linked to pollution issues. Since then, as the environmental agenda has grown in breadth and complexity, UNEP has become increasingly cross-sectoral. These developments, although necessary, have had some undesirable effects, such as increased competition among UN bodies, as well as duplication of functions.¹

UNEP's secretariat structure has evolved over its lifetime, which reflects the growing complexity of its mandate and programme. It can no longer be considered a “small” secretariat, although by UN standards it is still relatively modest. UNEP now has six regional offices, covering and every area of the world, as well as a number of offices relating to science and technology and a host of environmental treaty secretariats.

UNEP's Achievements

UNEP has a record of important environmental achievements:

- UNEP was at the forefront of developing environmental law at national, regional and global levels. At the global level, major treaties such as the

¹ Reports of the Civil Society Consultations and Expert Consultations on International Environmental

Montreal Protocol on the Protection of the Ozone Layer, the Basel Convention on the Transboundary Movement of Hazardous Wastes, and the Convention on Biological Diversity were the result of UNEP initiatives. UNEP was also a key promoter of regional seas treaties, e.g., the Barcelona Convention, and has an extensive programme to assist developing countries in developing national environmental law.

- UNEP has built tremendous credibility as an institution that provides policy-relevant scientific information about the environment. The best example of this is the Global Environment Outlook. The GEO-2000 was an important achievement in reviewing the state of the world's environment. The process leading up to GEO-2000 was both participatory and cross-sectoral, and based largely on the work of a coordinated network of Collaborating Centres that prepared most regional inputs. The result was an integrated assessment combined with bottom-up environmental reporting. Usefully, the GEO- 2000 not only identifies the environmental challenges and priorities in each of the Earth's regions, but also provides guidance on real-life alternative policy responses to address the issues raised. This highlights UNEP's strong potential to link credible scientific assessment with policy advice.
- UNEP has succeeded in raising the importance of environmental issues throughout the UN system. Since 1972, a large number of UN agencies have developed environmental programmes,² and the central importance of the environmental agenda within the UN is unquestioned.

The UNEP Reform Process

Despite these impressive achievements, there has been consensus for a number of years that UNEP was not fulfilling its full potential, and that steps needed to be taken to strengthen it.

Why Reform of UNEP is Necessary

There are a number of reasons for why reforming UNEP is necessary:

- UNEP's budget is insufficient for UNEP to carry out its mandate. Contributions fluctuate from year to year, and the level of contributions is unpredictable
- UNEP's role and a focus have been under increasing question since UNCED
- there is a need for a more forceful authoritative global environmental institution
- increasing sense of policy incoherence among the different international bodies dealing with environmental issues, with UNEP lacking the authority to play a coordinating role.

1992 prove to be a fateful year for UNEP, in many ways a turning point. UNEP's role during the UNCED process was unclear. Certainly, it did not play a leadership role. UNCED itself created several new institutions, but two key ones, the UN Commission on Sustainable Development and the UN Framework Convention on Climate

² For example, there are now a number of UN agencies that carry out environmental work, such as UNFCCC

Change, were not linked directly to UNEP. Indeed the CSD's mandate appeared to overlap somewhat with that of UNEP, again creating confusion as to what exactly UNEP's role in the UN system was. Adding to the confusion is that both UNEP and the CSD report to ECOSOC (sometimes on overlapping issues) – although in the case of UNEP, it is to the UN General Assembly through ECOSOC.

1992 was also the high point in government financial contributions to UNEP, notwithstanding that the importance that Agenda 21 assigned to UNEP. Gradual discontent among donors led to a financial crisis in 1996 and 1997, when some donor governments froze their contributions. In 1998, 73 countries contributed to the Environment Fund, while in 2000, only 56 countries contributed.³

Previous Initiatives

Although the official discussion on reforming UNEP – and international environmental governance – is relatively recent, there have been several milestones that have impacted on the work UNEP does.

A key milestone was UNCED, which established a new set of norms and institutions that UNEP needed to fit into. Chapter 38 of Agenda 21 includes a set of 14 priority areas, on which UNEP was meant to concentrate.⁴ In 1997, the Governing Council adopted the Nairobi Declaration on the Role and Mandate of the United Nations Environment Programme. This declaration emphasised that UNEP was and should continue to be the principle UN body in the field of the environment. According to this Declaration, the role of UNEP was to be the leading global environmental authority that sets the global environmental agenda, promotes the coherent implementation of the Environmental dimension of sustainable development within the UN system, and serves as an authoritative advocate for the global environment. The Declaration went on to elaborate a mandate for UNEP, based partly on the Programme for the Further Implementation of Agenda 21 that focused on the following eight areas:

- analyse the state of the global environment and assess global and regional environmental trends, provide policy advice, early warning information on environmental threats, and to capitalise and promote international cooperation and action, based on the best scientific and technical capabilities available
- further the development of international environmental law aimed at sustainable development, including the development of coherent interlinkages among existing international environmental conventions;
- advance the implementation of agreed international norms and policies, to monitor and foster compliance with environmental principles and international agreements and stimulate cooperative action to respond to emerging environmental challenges;
- strengthen its role in the coordination of environmental activities in the UN system in the field of environment, as well as its role as an Implementing Agency of the Global Environment Facility, based on its comparative advantage and scientific and technical expertise
- promote greater awareness and facilitate effective cooperation among all sectors of society and actors involved in the implementation of the

³ UNEP/CCC/WG

international environmental agenda, and to serve as an effective link between the scientific community and policymakers at the national and international levels;

- provide policy and advisory services in key areas of institution-building to governments and other relevant institutions.
- enhance UNEP's competence to coordinate in the administration of MEAs
- universal mechanisms for compliance and enforcement under MEAs to be coordinated by UNEP

In 1998, the UN Task Force on Environment and Human Settlements was established at the initiative of the UNEP Executive Director. It made a number of recommendations on improving the effectiveness of UNEP. This led to UN General Assembly Resolution 53/242 of 28 July 1999, which paved the way for a more focused mandate concentrated on the following five priority areas:

- environmental information, assessment and research, including environmental emergency response capacity and strengthening of the early warning and assessment functions of UNEP;
- enhanced coordination of environmental conventions and development of environmental policy instruments
- freshwater
- technology transfer and industry;
- support to Africa.

This latest refocusing of the mandate seems useful. Given the limited financial resources and the complexity of the challenge of providing global leadership, it is not possible for an intergovernmental institution like UNEP to be too diffuse in its scope, while at the same time trying to be effective in all of them. A limited focus should facilitate priority setting, and lead to more effective and targeted outputs.

Current Proposals to Strengthen UNEP

In the context of the current discussions on international environmental governance, a number of proposals have been made to strengthen UNEP without changing its legal status.

Global Ministerial Environment Forum

The GMEF is at the heart of a revitalised UNEP. The extent to which UNEP will be strengthened in the coming years will depend on the success of the GMEF in providing environmental leadership and leveraging concrete results.

i. Role and Functions

The Nairobi Declaration stated that UNEP should serve as the world forum for the Ministers and the highest-level government officials in charge of environmental matters in the policy and decision-making processes of UNEP.⁵ Following this, UNGA Resolution 53/242 established the GMEF as an annual, Ministerial-level, forum, with the UNEP Governing Council constituting the forum in the years that it meets in regular session, and in alternate years, and is to take on the form of a special session of the Governing Council. Participants are to

... gather to review important and emerging policy issues in the field of the Environment, with few consideration for the need to ensure the effective and efficient functioning of the governments mechanisms of the United Nations Environment Programme, as well as possible financial implications, and the need to maintain the role of the Commission on Sustainable Development as the main forum for high-level policy debate on Sustainable Development.⁶

The UN Legal Counsel has clarified that because the GMEF is merely a forum for discussions and dialogue, it does not have its own independent legal standing or status.⁷ Therefore, an affirmative decision, reflected in an instrument, will have to be taken in order to change this status.

So far, two Meetings of the GMEF have taken place. These meetings have been successful in raising the profile of the environmental agenda,⁸ but more thought is needed to define the role and structure of the GMEF. The Committee of Permanent Representatives to UNEP have argued that the GC/GMEF should be:

placed as the cornerstone of the international institutional structure of International Environmental Governance. It should provide general policy guidance to and promote coordination with the other relevant organizations in the environment field, while respecting the legal independence of the MEAs. GC/GMEF should become the central forum for Ministerial policy discussions along the lines of a refined "Malmö model", i.e. a well focused and will structured forum for its extensive discussions to define priorities and address problems and needs - institutional, operational and financial - in the global environmental field.⁹

The CPR argues that the GC/GMEF could usefully be guided by the development of objectives, principles, provisions, rights and obligations. This would help strengthened the normative authority of UNEP. It would clarify the links between UNEP and existing instruments, such as MEAs. It would also clarify the role of UNEP in contributing to the wider sustainable development agenda. Similarly, the G-77 has

⁵ Paragraph 4 (a).

⁶ Paragraph 6.

⁷ UNEP/IGM/4/INF/5/Rev.1, Legal Status of the Global Ministerial Environment Forum, 1 December 2001.

⁸ E.g. through the Malmö Declaration.

⁹ Contribution of the Committee of Permanent Representatives to the United Nations Environment Programme, Open-Ended Intergovernmental Group of Ministers or their Representatives on International Environmental Governance, fourth meeting, Montreal 20 November - 4 December 2004

recently proposed that the GMEF be remodelled. It proposes transcending the mandate provided in the UNGA mandate by encouraging it to "provide general policy guidance to, and promote coordination with, the other relevant organizations in the environmental field".¹⁰

The President of the UNEP GC has proposed that the GMEF consider grouping issues relating to environmental assessment and monitoring, early warning, and emerging issues.¹¹ It is further suggested that the GMEF consider addressing the environmental aspects of one or two selected sectoral issues on an annual basis. The President also suggests having the UNEP CPR continue to play its mandated role in monitoring the implementation of GC/GMEF decisions, as well as the preparation for the sessions. All of these suggestions would appear likely to enhance the impact and effectiveness of the GMEF and have the potential to usefully link with UNEP's current focused mandate.

The relationship and distinction between the GMEF and the GC is complex – and remains to be clarified. In some ways the GMEF is very different than the traditional UNEP Governing Council. The GMEF will address issues that are beyond UNEP's programme, and operate in a different manner than the GC. However, since UNEP's role in supporting the GMEF and the implementation of its recommendations is pivotal, it may be appropriate to link the GMEF so closely to the Governing Council – e.g. by deeming GMEF meetings as a special session of the Governing Council. Indeed, the functions of the GC under UNGA Resolution 2997 are sufficiently broad so as to allow it to capture most of the functions of the GMEF. Indeed, UNEP's CPR provides a useful basis for an inter-sessional process for the GMEF. However, the specific functions of the GMEF should be sufficiently clarified so that the distinction between it as a normal GC meeting become more apparent – and to ensure that the participants in a GMEF meeting are fully unencumbered in addressing issues that are beyond the current UNEP programme. A fuller examination of the functions and membership need to take place, based on the experience with the GMEF.¹² In addition, the size of the bureau and the Rules of Procedure may need to be altered. Ultimately, an amendment to UNGA Resolution 2997 may need to be adopted.

In order for the GMEF to have the proper authority to take decisions regarding coordination, a legal instrument will need to be elaborated. The EU has called for the elaboration of a "general agreement", without specifying its form. Such an instrument could take the form of a memorandum of understanding between the relevant organisations or even a statute. A UNGA resolution would also be possible, but that would only bind UN institutions.

The GMEF will also need to have credibility and buy in from civil society. It will need structured mechanisms to ensure a meaningful civil society input. This is discussed further below in Section 4.4 of this paper. Civil society input will be all the more important, since the intent of the GMEF is to be a different type of forum than other intergovernmental bodies, in the sense of promoting "actual debate, more in-depth discussions, more interaction with major groups to produce innovative strategies that

¹⁰ G-77, Non-Paper, 5.10.2001, adopted provisionally by the G-77 Nairobi Chapter at its General Counsel Meeting on Oct. 5,2001.

¹¹ Proposals, 10 November 2001

can meet tomorrow's challenges."¹³ It has been suggested that the GMEF adopt "CSD-style approaches" to interactive discussion between States and observers.

The results of GMEF deliberations should be fed through the UNEP process, as well as throughout the EMG. G-77 also recommends that it report to CSD. It is an open question as to whether the GMEF should report to ECOSOC or directly to the UN General Assembly. Having it report to ECOSOC, as well as to the UNGA might be appropriate, since ECOSOC would be able to link the results more closely to the work of the CSD, which also reports to it. The President of UNEP has recently suggested that environmental policy and financing issues be better linked by having the GMEF play a stronger policy advisory role to multilateral financial institutions and the GEF, including through regular dialogues with the heads of these institutions. This could also lead to increased and coordinated funding of GMEF outputs.

It is important that the work of the GMEF does not become undermined or paralyzed by the political dynamics that have adversely impacted on the effectiveness of the CSD. Much of this will depend on the political will of the GMEF Members, but also on the clarity of the mandate and programmes of the GMEF, as well as its structure.¹⁴ A clear division between the GMEF and the CSD must also be apparent, although the two agendas might also usefully be linked for particular items. In principle, the starting point should be that the GMEF addresses environmental issues, with a view to achieving sustainable development, whereas the CSD seeks to create appropriate balances between all three pillars of sustainable development: environment, economics and social equity.

ii. Membership

A key issue in which consensus has yet to emerge is whether the membership in the GC/GMEF should be universal. So far, the format has been to limit the formal membership to those of the Governing Council, while allowing any other State to attend as an observer. The UN Legal Counsel has argued that to fulfil the mandate of the GMEF, it is necessary for it to have universal membership,¹⁵ as does the President of the UNEP GC.¹⁶ The European Union has also indicated that it favours universal membership. Indeed, universal membership would seem to be in accordance with the leadership role and coordinating functions that the GMEF should have.

The G-77 is open to considering the expansion of the membership of the GMEF so as to be universal, although it considers the present arrangement to be adequate. If the membership should be expanded, the G-77 would not oppose this as long as this change does not impact negatively on UNEP, does not consume additional financial resources, and does not jeopardise the present position of the Commission on

¹³ Legal Status of the Global Ministerial Environmental Forum.

¹⁴ WHAT Governance Programme, Governance for Sustainable Development, paper#4, Submission to the Fourth Meeting of the Open Ended Intergovernmental Group of The Ministers or Their Representatives on International Environmental Governance, Montreal, 30 November - 1 December 2001.

¹⁵ CITE.

¹⁶ Proposals of the President of UNEP GC For Consideration by the Open-Ended Intergovernmental Group of Ministers or Their Representatives on International Environmental Governance, 10 November

Sustainable Development as "the main forum for high-level policy debate on sustainable development".

In order to ensure that the GMEF can address all environmental issues, it is necessary to ensure that the membership is not limited to environment ministers.¹⁷ Some environmental issues, such as fisheries and forests, are traditionally dealt with by other ministries, who should also be encouraged to participate in the GMEF, as appropriate. This would be another argument for not limiting membership in the GMEF to UNEP Members – since UNEP members tend to be represented at UNEP through their environmental ministries.

Another issue is the participation of representatives of other international institutions that impact on the environment. In principle, their participation should be encouraged – perhaps by convening meetings of the EMG adjacent to meetings of the GMEF. Depending on what the membership of the EMG is, it would also be useful to allow the GMEF the right to invite representatives from agencies on an ad hoc basis, depending on the agenda items. The institutions so invited might also come from outside the UN family (e.g. WTO).

iii. The Role of Scientific Assessments and Raising Awareness

In order for the GMEF to be able to lead in setting the environmental agenda, it will need to be serviced with a credible source of scientific information. The Committee of Permanent Representatives to UNEP and Norway have recently proposed enhancing UNEP's function in providing scientific assessments and raising awareness by establishing an Intergovernmental Panel for Assessing Global Environmental Change. This Intergovernmental Panel would be a subsidiary body of the GC/GMEF, and would be based on the experience of the Intergovernmental Panel on Climate Change and be supported by UNEP's programme. According to the Committee of Permanent Representatives:

The Panel would respond to and fuel the environmental agenda with cutting edge science on environmental change and its consequences for social and economic development. It would synthesize knowledge and interlinkages, inter alia, based on existing initiatives. The pyramidal outputs ranging from in-depth reports, outlooks (GEO), and ICT-products to summaries would enjoy both political ownership and scientific credibility.

The CPR also propose reviewing the modalities of an independent and impartial system that could receive, gather and present information on and solutions to new and emerging environmental concerns. This system should be based on UNEP's ongoing activities.

This proposal is a welcome one, so long as it has functional linkages with the work of other UNEP bodies and regional networks that are catalysed through regional ministerial environmental forums. According to the Norwegian proposal, "the Global

¹⁷ The Danish Institute of International Affairs (2000). Global Environmental Institutions: analysis and

Environmental Outlook could become a point of departure for defining the scope of the assessment and become an integral part of the outputs generated.”¹⁸

iv. Linking the Global and Regional Agendas

To provide relevant leadership on the most pressing environmental issues, the GMEF will need to have linkages to what actually happens on the ground. UNEP has both a global and regional structure, with the potential to ensure that the global and regional levels are linked in a way that the GMEF can provide global leadership that takes account of regional priorities. However, to fulfil this potential, clear linkages will have to be made to regional environmental fora. (this suggests that regional programmes develop capacity and structure to feed into the GMEF process).

The importance of linking the GMEF to regional Ministerial environmental forms was noted in GC Resolution 21/20 on Governance of the United Nations Environment Programme and implementation of General Assembly Resolution 53/242.

Regional ministerial environment fora do not yet exist in every region. However, the Forum of Ministers of the Environment of Latin America and the Caribbean was formed in the 1980s and provides an instructive experience as to the potential of these regional fora. That Forum of Ministers established an Inter-Sessional Committee which is charged with reviewing progress in the implementation of agreements, making proposals for future work and identifying themes for future consideration by the Forum. In addition, an Inter-Agency Technical Committee was established to develop and implement projects and activities based on the decisions and priorities of the Forum of Ministers. The members of the Inter Agency Technical Committee currently include UNEP (the coordinator), the Inter-American Development Bank, UNDP, the United Nations Economic Commission for Latin America and the Caribbean, and the World Bank.

As an illustration of the types of decisions taken at the Forum of Ministers of the Environment of Latin America and the Caribbean, the Thirteenth meeting decided, *inter alia*, the following:¹⁹

- To approve the Regional Strategic Action Plan 2002-2005
- to recommend the ratification of various multilateral environmental agreements
- to develop a strategy for countries of Latin America and the Caribbean to adopt sustainability indicators
- to request UNEP to continue providing leadership in the preparation of integrated Environmental assessments as to regional level, and to provide support to countries in preparing national assessments within the framework of the Global Environment Outlook process and methodology
- request UNEP to continue developing sectoral and targeted assessments within the GEO methodology
- to request UNEP to continue developing environmental databases and indicators

¹⁸ Norway, An Intergovernmental Panel for Assessing Global Environmental Change, Open-Ended Group of Ministers of Their Representatives on International Environmental Governance, UNEP/IGM/4/CRP.1, 30 November 2001.

¹⁹ Draft Final Report of the Thirteenth Meeting of the Forum of Ministers of the Environment of Latin

- to request the Inter Agency Technical Committee to cooperate in designing and coordinating project proposals to the GEF

This experience suggests that it is possible to develop positive linkages between the global and regional agendas. However, to become more meaningful, the regional level will need to be endowed with sufficient capacity and programmatic basis to ensure that the global agenda is effectively implemented in the most appropriate fashion at the regional level. Similarly to the GMEF, regional ministerial environmental forums should seek to have close relations with other regional institutions, including those established by regional environmental treaties. The optimal scenario would be a legal instrument between relevant institutions that would clearly articulated the policy and programmatic role of regional ministerial environmental fora. There are certainly obstacles that will need to be overcome, such as the reality that many regional environmental treaties are not UN-based, however the importance of achieving synergies at the regional level suggests that modalities for enhanced cooperation be found.

UNEP's Role in Enhancing Synergies among MEAs

There is a need to ensure coordination of the programming and further development of MEAs, so as to avoid unnecessary duplication, as well as to maximise synergies. There is consensus on the need for coherence between MEAs, coordination, compliance, and capacity building for implementation.²⁰ The Task Force recommended:

UNEP's substantive support to global and regional conventions should be founded on its capacities for information, monitoring and assessment, which need to be strengthened substantially and urgently. UNEP should build its capacity and its networks of support in order to ensure the scientific underpinning of conventions, to respond to their requests for specialized analysis and technological assessments, and to facilitate their implementation.²¹

To achieve this, action needs to take place at both the Secretariat and policy making levels. UNEP is well placed to make this happen by:

- Linking MEA actions with GMEF and EMG recommendations
- providing technical support in the development and implementation of crosscutting themes (e.g. compliance and dispute resolution)
- establishing a mechanism for monitoring the decisions of MEA bodies so as to identify inconsistencies and then bring such inconsistencies to the appropriate MEA bodies.

The GMEF could usefully make normative and organisational recommendations directed at MEAs. The former could include clarifying the main principles to be incorporated into MEAs with a view to harmonising their implementation. The latter could include recommendations regarding the clustering of MEAs.

²⁰ Government of Canada, International Environmental Institutions: where from here?, Discussion Paper, Report, Informal Ministerial Meeting, 15-17 September 2000

There are some formal issues that need to be considered here. For example, not all MEAs are affiliated with UNEP and not all MEAs have the same membership. However, UNEP is already active on enhancing coordination for a number of years, and so far, these obstacles have not proven to be fatal.

One of the proposals currently being considered is to enhance coordination between MEAs through regular meetings of the bureaux of the MEA Conferences of Parties.²² It is proposed that these take place on an annual basis to consider in an integrated manner the priorities of their work programs and linkages to other MEAs and intergovernmental organizations. This could entail:

- Promotion of cooperation and complementarity at the policy level;
- joint efforts in responding to basic human needs, such as poverty alleviation, food security, access to clean water and technology;
- building synergies at the programmatic, scientific and technical levels;
- avoiding potential inconsistencies among decisions adopted by Conferences of Parties;
- monitoring the implementation of COP decisions

The GMEF would take a central role in developing a work programme for these meetings. Furthermore, it has been suggested that such meetings of the bureaux could also be dovetailed with GMEF meetings.

Furthermore, since synergy and coordination between MEAs is vital at the implementation level, UNEP, in collaboration with MEA secretariats and possibly UNDP, FAO and the World Bank, could facilitate the establishment of national coordination mechanisms, and provide advice on these issues.²³

One example of how UNEP can support synergy between MEAs is in the proposal for the 2002 meeting of the GMEF in 2002 that a set of guidelines on enforcement and compliance with MEAs be adopted.²⁴ The draft includes a set of guidelines aimed at enhancing compliance with MEAs and a set aimed at national enforcement and international cooperation in combating violations of laws implementing MEAs. If this draft is adopted, their success will partly depend on the extent to which UNEP can support effective implementation – e.g. through information exchange and capacity building – and can define linkages and feedback loops between the two guidelines.

UNEP's Role in the Coordination of Environmental Activities within the UN System

UN General Assembly Resolution 53/242 expressed support for the creation of an Environmental Management Group (EMG), with a view to enhancing inter-agency coordination in the field of Environment and human settlements. At present, the EMG is chaired by the Executive Director of UNEP. At the second meeting, held on 15

²² UNEP/IGM/2/4.

²³ UNEP/IGM/2/4, at paragraph 39.

²⁴ Note by the Executive Director, Addendum, Draft Guidelines on compliance with and enforcement of multilateral environmental agreements, Global Ministerial Environment Forum, Seventh Special

June 2001, 27 organizations were represented, including UNEP.²⁵ A Secretariat has recently been established for the EMG, to be based in Geneva.

According to the Executive Director of UNEP, the EMG is to be a:

problem-solving, results-oriented mechanism to foster coordinated action on specific environmental issues. It is envisaged that an important goal of the Environmental management Group will be to achieve effective coordination and joint action to identify, address and resolve collectively specific problems and concrete environmental issues. It will provide a forum for an early discussion and the sharing of information on such issues. It is expected that the Environment Management Group will facilitate the mandate of UNEP to integrate the environmental dimension of sustainable development into United Nations programmes, as emphasized by the Governing Council in its Decision 20/12.²⁶

The G-77 is of the view that the reporting relationship of the EMG should not only be to the GMEF, but also to the CSD.²⁷ However, this may not be necessary if the GMEF interacts effectively with the CSD. Since the focus of the EMG is on the environmental pillar of sustainable development, it should have a direct relationship with the GMEF, rather than the CSD, whose focus is on all three pillars of sustainable development. This will allow the EMG to respond most effectively to any policy guidance from the GMEF.

The EMG has developed criteria for selecting priority themes, which include items of common concern to members of the Group, importance, no duplication of the work of other coordination mechanisms, high on international agenda, and specific and concrete and capable of being addressed in 6 to 12 months with clearly identified deliverables.²⁸ So far, the EMG has established three Issue Management Groups: harmonization of information management and reporting for biodiversity-related treaties, environmental education, and municipal waste. The Issue Management group on harmonization of information management and reporting for biodiversity-related treaties, it is proposed that an action plan for a more proactive approach to harmonization be developed, partly on the basis of current pilot projects, which will identify lead roles, participation and available resources.²⁹

The issue management approach is useful, and should produce concrete results. Once the GMEF begins to address coordination issues, then the EMG could also be more active in facilitating the coordination of priority implementation issues.

Civil Society Inputs into UNEP

²⁵These include three entities that are not members of the UN system: the Ramsar Convention, the World Bank, and the World Trade Organization.

²⁶ UNEP/GC/21/4, paragraph 5.

²⁷ CITE

²⁸ Report of the Environmental Management Group on its Second Meeting, Open-Ended Intergovernmental Group of Ministers or their Representatives on International Environmental Governance, Bonn, Germany, 17 July 2001, UNEP/IGM/2/INF/4, 4 July 2001.

²⁹ UNEP, Issue Management Group, Harmonization of Information Management and Reporting for Biodiversity-Related Treaties, Third Meeting of the Environmental Management Group, Geneva, 10

UNEP's authority and credibility can be enhanced to the extent that it takes on board civil society inputs into a meaningful way. According to the Malmö Declaration, civil society:

...provides a powerful agent for promoting shared environmental purpose and values. Civil society plays an important role in bringing emerging environmental issues to the attention of policy makers, raising public awareness, promoting innovative ideas and approaches, and promoting transparency as well as non-corrupt activities in environmental decision making.

There is a need to ensure that civil society inputs into the policy, programme, and implementation components. At the same time, capacity building is necessary to ensure meaningful public participation in developing countries. Achieving this will entail some formalisation.

The Nairobi Declaration called for the establishment of a "cost-effective and politically influential inter-sessional mechanism" whereby the participation of major groups would be increased.³⁰ Partly in response to these instruments, UNEP established a Civil Society and Non-Governmental Organizations Unit within the Secretariat.

In addition, UNEP Governing Council Decision 21/19 called for the development of a strategy on enhancing the engagement of civil society in the work of UNEP. A draft of this strategy will be presented at the forthcoming GMEF.³¹ The draft strategy calls for eight more institutionalised relationship between civil society and the GC/GMEF and the Secretariat through a forum of stakeholder representatives. This multi-stakeholder body would be to prior to the GC/GMEF meetings, "to reflect on issues of major concern of the global environment, and to make recommendations on these matters to be considered by these meetings. Such a body shall not have any decision-making role however the modalities for the development of the forum will be agreed with the CPR."³²

UNEP Regional Offices are to play a key role in facilitating the participation of local and national level stakeholders. Participants to the multi-stakeholder forum should be nominated by parallel regional-level forums convened by the regional offices of UNEP. These regional multi-stakeholder forums are to be based on the model of the WSSD preparatory process. In turn, participants in the regional forums will be nominated by national level umbrella groups or networks of major groups, or UNEP National Committees or by National Councils for Sustainable Development. In cases where such bodies do not exist, government facilitate processes may take place so as to select Representatives to the regional meetings. In addition to convening such forums, UNEP Regional Offices are to work to strengthen the capacity of national

³⁰ Paragraph 4 (d).

³¹ Draft Strategy on Enhancing the Engagement of Civil Society in the Work of the United Nations Environment Programme, Seventh Special Session of the Governing Council of the United Nations Environment Programme, Cartagena, 13-15 February 2002, UNEP/GCSS.VIII/Add.1, 3 December 2001.

³² Report of the Executive Director, Draft Strategy on Enhancing the Engagement of Civil Society in

bodies in building consensus around environmental issue and are to work closely with other UNEP units to design and implement this component of the strategy. The draft strategy recognises that the private sector is not always included in such networks or umbrella groups, and that special modalities need to be determined for their participation.

The draft strategy recommends certain legislative changes to strengthen the input of civil society. Rule 69 of the Governing Council Rules of Procedure currently limits participation to international NGOs. The draft strategy suggests that this restriction is outmoded, and that categories of groups to be allowed observer status should include international NGOs, representatives of civil society networks (including national level designated Representatives), national/local NGO members of global multi-stakeholder networks dealing with environmental policy, national NGOs with documented contributions to global environmental policy processes, and NGOs accredited to the CSD or an MEA. This would need to be worked on further, so as to define more precisely "NGO", particularly as regards the private sector.

In addition, the draft strategy also suggests that the Rules of Procedure could be further changed so as to allow the President or Chairman of the Governing Council or any subsidiary organ to schedule the presentation of NGO statements during the course of government statements. The current practice is for such statements to be held at the end, which limits their impact. Rule 34 would appear to allow speeches by any person in the order they request the right to speak. However, a clarification to allow the President to call on specific Members or Observers at opportune moments during the debate would be useful.

The draft strategy also recognises that its implementation will require increased financial resources. Implementing the objectives of Governing Council Decision 21/19 will entail earmarking financial resources from UNEP's biennial programme budget. The engagement of civil society is to be reflected in the budget lines of respective sub-programs of UNEP so as to ensure civil society inputs into programme design and management. The draft strategy calls for the establishment of a CSO Trust Fund to provide for targeted implementation, including capacity building and programmatic measures.

These proposals, if fully implemented, would considerably enhance the participation of civil society in the setting of global environmental policy, as well as in the activities of UNEP. The draft strategy is therefore to be welcomed. However, one action suggested by the UNEP Executive Director in the proposal to the forthcoming GMEF meeting is questionable. In the draft decision, the request is made for the Executive Director to *select* delegates to the form of representatives of civil society.³³ Although this is to be done through a transparent procedure developed in consultation with a broad range of civil society constituencies, it may not be acceptable to civil society representatives for the Executive Director to be making the final decisions on selection. There is a strong tradition of "self-selection", by NGOs in various international environmental fora, and there is every reason to believe that the NGOs would also be able to do self-selection in this instance.

³³ Report on the Implementation of the Decisions Adopted at the 21st Session of the Governing Council/Global Ministerial Environmental Forum, Report of the Executive Director

Improvements to Financing of UNEP

i. Regular Finances

The lack of sufficient and predictable funding for the UNEP program has been a significant - perhaps the most significant - handicap since the beginning. At present, UNEP is funded voluntary contributions to the Environment Fund; counterpart contributions earmarked in support of selected project activities, trust funds; and the UN regular budget. Its budget is generally in the area of US \$60 million per year, which is far less than the budget of most environmental ministries in developed countries, and even of some international NGOs. The Governing Council decided that the programme and support budget for the 2002-2003 biennium will be US \$119.88.

The Executive Director has identified several problems associated with the funding of UNEP:

- The apportionment of the UN regular budget has decreased over the years to a very low level;
- contributions to the Environment Fund are on a voluntary basis;
- the number of countries contributing to the Environment Fund
- the number of countries contributing to the fund has decreased; and
- increasingly, contributions are made in your marked form.³⁴

The result is that the funding is both inadequate for UNEP to carry out its work and unstable. Both of these factors significantly impede effective programming.

The CPR examined several options for funding to UNEP.³⁵ In its view, mandatory assessments using the UN scale of assessments were not politically feasible, and would be opposed by both donor and developing countries. Thus, the only feasible options were variants of the current system, which is based on voluntary contributions.³⁶ Although the options examined by the CPR were considered to have the advantages of flexibility and stability, several potential disadvantages were also identified:

- A system of periodic negotiations may be a time-consuming and cumbersome process
- a new mechanism for such negotiations has to be developed
- it still may be difficult to reach a consensus on the adequate level of payments
- late payments could affect cash flow

³⁴ International Environmental Governance, UNEP/IGM/3/2.

³⁵ UNEP CPR Non-Paper, 22.10.01.

³⁶ These options included (1) negotiated and agreed assessed contributions on a voluntary basis with a multi-year perspective, (2) voluntary contributions on the basis of the UN assessed scale with a multi-year perspective, and (3) increased voluntary contributions, on an agreed basis, with a multi-year perspective in support of "negotiated" costs by developed countries and enhanced financing of

Given these conditions, it cannot be realistically expected that the financing of UNEP will become fully adequate and stable in the near future. Other solutions must also be pursued.

One possibility which has been raised is to distinguish between programming and administrative budgets. It would then be envisaged that the UN regular budget would cover the administrative costs, whereas the Environment Fund would cover the programming costs. This separation is envisaged by UNGA Resolution 2997, but has not been fully implemented. While this approach seems sensible, it may not be realistic to expect any significant increase in the allocation from the UN regular budget, given the overall budgetary constraints and deficits in the UN system.

Another possibility which might be pursued is to examine whether the programming and funding cycle is adequate. Although planning on a biennial basis is likely more suitable than on an annual basis, it might be that it is too short a cycle for UNEP to act strategically. If indeed UNEP is to be programmatically lead by the Global Ministerial Environment Forum (see below), and if multi-year contributions are indeed the more feasible option for funding UNEP, it might make more sense for the programming to cover the same time period. That way, the budgetary needs for the full contribution period might be clearer, while at the same time, donors might be more attracted to funding a programme that is more strategically oriented.

Linkages between UNEP and the Global Environment Facility

One idea has emerged for UNEP and the Global Environment Facility to have a more intensified relationship.³⁷ The 1998 Task Force recommended the following:

Consistent with the GEF instrument, UNEP's role in providing environmental advocacy, analysis and advice in shaping GEF priorities and programme should be strengthened, building on UNEP's current responsibility for ensuring the scientific underpinning of GEF activities. UNEP should act as a catalyst and advocate for new directions and should take the lead among the three GEF implementing agency's in providing environmental advice...³⁸

The GEF was launched formally in 1994, following a three-year pilot phase. Its implementing agencies are to the World Bank, UNDP, and UNEP. Membership in the GEF is open to any State member of the United Nations or specialized agencies.³⁹ Its mandate, structure and functions are described in the Instrument for the Establishment of the Restructured GEF (1994). It is meant to be a mechanism for international cooperation that provides new and additional grant and concession on funding to meet the "agreed incremental costs of measures to achieve agreed global environmental benefits" in four focal areas: climate change, biodiversity, international waters, and ozone depletion.⁴⁰ In addition the agreed incremental costs of activities

³⁷ It has even been proposed to broaden the mandate of the GEF so as to become the financial mechanism of *all* global environmental agreements and be more closely linked with UNEP so as to bring coherence between policy and financing

³⁸ Recommendation 16.

³⁹ Article 7.

concerning land degradation as they relate to the four focal areas are eligible for funding.⁴¹

The GEF is also the financial mechanism for the implementation of the UN Framework Convention on Climate Change and the Convention on Biological Diversity. As such, it is to function under the guidance of, and be accountable to, the Conferences of the Parties of these conventions, which have the authority to decide on policies, program priorities, and eligibility criteria for the purposes of the conventions.⁴² The GEF has also been called upon to be the financial mechanism on an interim basis for the Convention on Persistent Organic Pollutants.

UNEP's primary role is defined as catalysing the development and scientific and technical analysis and in advancing environmental management in GEF-financed activities. It is to provide guidance on relating GEF-financed activities to global, regional and national environmental assessments, policy frameworks and plans and international environmental agreements.⁴³ UNEP is also to establish and provide the secretariat for the Scientific and Technical Advisory Panel (STAP), which is an advisory body to the GEF.⁴⁴

The STAP is to provide objective, strategic scientific and Technical advice on GEF policies, operational strategies, and programs; conduct selective reviews of projects; and maintain a roster of experts. The STAP's activities are to be integrated with those of the GEF Secretariat and the implementing agencies. The STAP is to be complementary to other scientific and technical bodies, especially those under the CBD, FCCC and the Desertification Convention . For areas in which the GEF is not a financial mechanism for a Convention, the as STAP is to advise on the development of scientific and technical criteria, and provide scientific and Technical advice on priorities for GEF funding.

The STAP's role in providing strategic advice to the GEF includes the following:

- Advising on the state of scientific, technical and technological knowledge relating to each focal area, highlighting policy and operational implications for the GEF;
- advising on the scientific and technical aspects of specific strategic matters, such as crosscutting issues, scientific coherence, and integration of national and global benefits
- advising on research which would improve the design and implementation of GEF projects and review the research work of the Implementing Agencies and the GEF Secretariat
- participating in the editorial review board for GEF scientific and technical publications.

In the first 10 years of its existence, the Global Environment Facility allocated \$3 billion to project activities. The overall UNEP-GEF funded project portfolio amounted to an accumulative total of \$286 million during 1999-2000. This level of funding –

⁴¹ Article 3.

⁴² Article 6 and 26.

⁴³ Article 14(b) of Annex D

although representing an increase over previous years, does indicate that UNEP is not a very significant proportion of overall GEF expenditure.

Although it has been proposed that the GEF become a more integrated funder of UNEP activities, there are limits to the extent to which this can happen. Firstly, the two institutions have different objectives – i.e. whereas the GEF is limited to the funding the "incremental costs", UNEP's mandate is far broader than just the incremental benefits of global environmental action. Secondly, the GEF is meant to work with all three implementing agencies, each of which has a different approach and constituency, as well as with the Conferences of the Parties of the conventions for which it is the financial mechanism. Enhancing UNEP's role and financial share will therefore be complex, and may encounter institutional resistance.

Although there are limits to the extent to which the GEF can be used to support UNEP, there are a number of steps that can be taken to strengthen the operational partnership between the two. Indeed, UNGA Resolution 53/242 calls for enhancing the for the role of UNEP as implementing agency of the GEF.⁴⁵

Much could be done to enhance collaboration between UNEP and the GEF, as well as with the other Implementing Agencies, through business planning and country coordination, as well as from reviewing and modifying the GEF Operational Programs. The latter, in particular, would seem timely, since most of the Operational Programs were adopted in 1996, well before the MEA COPs could provide much guidance. Moreover, the Strategic Partnership between UNEP and the GEF, agreed in 1999, forms a useful basis upon which to deepen cooperation. The initial phase of that Partnership covers three areas: assessment, global environmental knowledge management, and global environmental outreach. The CEO/Chairman of the GEF has proposed that the GEF fund mutually agreed UNEP's activities of relevance to the global environment and the GEF, including: assessment, scientific information, best practice and policy analysis; capacity building and training; and country-level coordination for sustainable development⁴⁶

Coordination between the three implementing agencies could be improved. An institutionalised high-level forum consisting of the heads of the implementing agencies is to focus on strategic operational issues, common direction and broad guidance, and is to meet not less than once a year.⁴⁷ Article 22 of the GEF Instrument calls for an interagency agreement to be concluded by the three Implementing Agencies based on the principles of cooperation elaborated in Annex D. So far, such an agreement has not yet been prepared.

Miscellaneous Proposals

A number of other proposals have emerged:

- The G-77 has suggested that a limited operational role for UNEP should be developed, in conjunction with UNDP, which would enable it to capitalise and

⁴⁵ Paragraph 12.

⁴⁶ See Proposal of the President of the UNEP COP, 10 November 2004.

promote international environmental cooperation and action.⁴⁸ This might prove to be a useful option in the medium term. But developing such an approach, even a limited one, would mean some fundamental changes in the character and operations of UNEP, and is probably best dealt with after the workings and status of the GMEF and the EMG are fully entrenched.

- A civil society representative suggested that an environmental ombudsman or centre for amiable settlement of disputes could be established within UNEP.⁴⁹ Such a role for UNEP could be developed, based in part on the experiences of implementing the guidelines on compliance and enforcement of MEAs. The modalities and scope of such a body within UNEP would need further study, but in principle, such a role could be most credibly occupied by UNEP.
- A civil society representative suggested that UNEP should be included in the UN Development Group.⁵⁰ The need for linkages between environmental and development policies within the UN is manifest. However, while UNEP might usefully be an observer of UN Development Group meetings, it is not appropriate for a body that aims to coordinate development policy to also include an environmental institution. The place for linkages should be through organs such as the CSD or ECOSOC.

Conclusions

In many respects, the current proposals to strengthen UNEP seem promising. Their ultimate success will depend on the extent to which governments and civil society are supportive -- politically and financially. However, a lot will also depend upon the confidence that UNEP can win in filling its important niche with credibility and leadership.

Approach to International Environmental Governance

The current proposals, if enacted, will allow UNEP's approach to international environmental governance to be multifaceted, innovative, and integrative, allowing it to provide a forceful voice for the environment both within and beyond the United Nations. The proposals largely play on UNEP's strengths -- policy formulation, scientific assessment, a regionalized structure, linkages to a wide range of international institutions within the UN, as well as with international financial institutions, a high degree of interaction with civil society, and a commitment to building capacity in developing countries. By combining policy leadership on a limited set of priorities established through mechanisms that link the national, regional and global levels, and then providing support on ensuring effective implementation of these policies, a strengthened UNEP can play the central role in international environmental governance. Key to all this will be the extent to which UNEP succeeds in defining and enhancing the mechanisms at the appropriate levels that create the linkages and feedback loops necessary to foster innovative solutions, stakeholder ownership, and effective implementation.

⁴⁸ G77 proposals.

⁴⁹ G77 proposals.

Interface between Politics and Science

The proposal to create a subsidiary body to the GMEF that focuses on scientific assessment has the potential to develop a solid interface between politics and science. It will be vital for UNEP to be able to integrate the assessment process under the GMEF with its other work on assessments, such as the GEO process, the IPCC, and the STAP. Indeed, based on the experience with the GMEF, UNEP might consider expanding its role as a scientific advisor to other global and regional institutions.

Financing

It is universally accepted that a strengthened UNEP will require a more solid financial base than currently exists. The proposal to have UNEP Members contribute on a multi-year basis may be an improvement, as will an intensified relationship with the GEF, but so far it is far from evident that States are willing to commit the necessary resources to UNEP. Thus, it can be expected that even if the other proposals on strengthening UNEP are implemented, severe financial challenges will remain. To overcome this, UNEP might consider exploring innovative funding partnerships with the private sector.

Participation Levels

Participation of civil society appears to be a high priority in the current proposals on strengthening UNEP. These proposals appear to be mainly aimed at the GMEF and the UNEP Governing Council. Certainly, a deeper level of interaction between civil society and those bodies are to be welcomed. But effective participation will also need to be developed at regional and national levels, and capacity there is often lacking. More thinking about the modalities of civil society at those levels needs to take place, as well as a greater commitment to build capacity and mechanisms to allow for effective public participation.

Policy Influence at Both the National and International Levels

The ultimate test of the effectiveness of a strengthened UNEP will be the extent to which it succeeds in influencing national and international policy-making and implementation. UNEP has a particularly important role in facilitating the implementation of international policy at national levels. The current proposals, especially those relating to the GMEF and the EMG, will help to enhance UNEP's influence at international levels. What is less certain is extent to which its influence will also be felt on the ground, at national levels. UNEP national committees do not seem to be well developed in many countries, and so far, UNEP's influence at the regional level has been mixed. The current draft guidelines on enforcement and compliance with MEAs are a useful example of what UNEP can achieve by aiming at both national and international levels. Ultimately, however, UNEP will need to develop mechanisms to link international and national policy, provide for effective interaction with civil society from all regions, and provide a greater investment in capacity building at national and regional levels.