

International Environmental Governance

Accomplishments and Way Forward



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Niko Urho, Maria Ivanova, Anna Dubrova and Natalia Escobar-Pemberthy

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Abbreviations

BRS	Basel, Rotterdam and Stockholm Conventions
CBD	Convention on Biological Diversity
CEB	United Nations System Chief Executives Board for Coordination
CHF	Swiss Franc
CITES	Convention on Trade in Endangered Species
CMS	Convention on Migratory Species
COP	Conference of the Parties
CPR	Committee of Permanent Representatives
ECSM	Environmental Civil Society Mechanism
EMG	Environment Management Group
GEF	Global Environment Facility
GEO	Global Environment Outlook
GMEF	Global Ministerial Environmental Forum
GMGSF	Global Major Groups and Stakeholder Forum
HLPF	High-Level Political Forum
ICJ	International Court of Justice
IEG	International Environmental Governance
IGO	Intergovernmental Organization
IPBES	Intergovernmental Science-Policy Platform on Biodiversity and Ecosystem Services
IPCC	Intergovernmental Panel on Climate Change
IRP	International Resources Panel
MEA	Multilateral Environmental Agreement
MGFC	Major Groups Facilitating Committee
MTS	Medium-Term Strategy
NBSAP	National Biodiversity Strategies and Action Plans
NDC	Nationally Determined Contributions

NGO	Non-Governmental Organization
OECPR	Open-ended meeting of the Committee of Permanent Representatives
SAICM	Strategic Approach to International Chemicals Management
SDGs	Sustainable Development Goals
SWFS	UN System-Wide Framework of Strategies on the Environment
UN	United Nations
UNCT	United Nations Country Team
UNDAF	United Nations Development Assistance Framework
UNDP	United Nations Development Program
UNEA	United Nations Environment Assembly
UNEP	United Nations Environment Programme
UNSDG	United Nations Sustainable Development Group
UNSG	United Nations Secretary General
USD	United States Dollars
VISC	Voluntary Indicative Scale of Contributions

Summary

Systematic efforts to reform the system of international environmental governance (IEG) began in 1997 at the Rio+5 conference and concluded formally in 2012 with the adoption of *The Future We Want* outcome document at the UN Conference on Sustainable Development (Rio+20). These efforts centered on improving the coherence, coordination, and effectiveness of the institutional system for global environmental governance, both through reforms of the governance, financing, and functioning of the UN Environment Programme (UNEP), and through enhancing synergies in the operations of the various multilateral environmental agreements. The main reform elements for UNEP include: governance, financial resources, coordination in the UN system, science-policy interface, environmental information and awareness-raising, capacity building, consolidation of headquarters functions and strengthening regional presence, and stakeholder engagement.

Transforming UNEP's 58-member governing council into the universal United Nations Environment Assembly (UNEA) was the most significant *governance reform* that was approved and implemented. The change has led to increased participation by national governments, multilateral bodies and stakeholders, thus enhancing UNEP's visibility and legitimacy of decision-making, but arguably at the cost of increased politicization. The role, status and optimal number of resolutions need clarification to increase their impact, and guidance is needed to support their national implementation. The Committee of Permanent Representatives (CPR) has been reformed to increase engagement of capital-based representatives. More frequent and open-ended sessions have facilitated intersessional work, but their role needs further clarification.

UNEP's *financial resources* reached USD 1,166 million in 2016–2017, predominantly due to the growth of earmarked funding, which now constitutes 68% of all funding. Unrestricted funding has remained at the same level, as threefold growth of contributions from UN regular budget compensated for diminishing contributions to the Environment Fund. Only 88 donors—45% of UN member states—support the Environment Fund. Only 15 donors—7% of UN member states—account for over 90% of Fund resources. Consequently, UNEP's normative role has been jeopardized, and its ability to fulfill its core functions, such as keeping the environment under review, catalyzing action to protect the environment, developing international environmental

law, and ensuring stakeholder engagement, seems to be weakening. Increased transparency and communication about UNEP's activities could improve credibility and attract funding. Reporting on the use of funding, defining strategic priorities, recognizing core contributors, and demonstrating impacts of funding will be critical.

Ensuring *collaboration and coordination of environmental activities in the UN system* has both been at the core of UNEP's mandate since creation. UNEP is the main environmental coordinating body of the UN, working with other UN agencies through the Environment Management Group (EMG), with members from 51 multilateral bodies. The EMG developed a system-wide framework of strategies on environment and seeks to play a core role in delivery of the 2030 Agenda. Reforms in the coordination function, however, have been largely cosmetic, and coherence and coordination remain a challenge. An independent review of the EMG, including in relation to other coordinating bodies, could provide insights and recommendations to strengthen its role and influence.

Assessing the state of the environment and recommending policies to improve it—e.g., delivering on the science-policy interface—is at the core of UNEP's mandate. Global environmental assessments have provided important input for international negotiations, but they have made inadequate links across themes and disciplines and lack a holistic place-based overview of the state of trends and future trajectories. Importantly, there has been no explicit linking between environmental problems and the societal and political actions needed to solve them. Active engagement of more social science and humanities scholars will therefore be critical to increasing the relevance, utility, and impact of the global environmental assessments. Main findings of scientific assessments could be integrated into UNEP's programme of work. Moreover, the UNEA remains institutionally disconnected from science and would benefit from greater incorporation of science into decision-making and from systematic linkage with assessment mechanisms.

Investment in communication has increased UNEP's visibility and outreach and improved the availability and accessibility of *environmental information and awareness-raising*. Given limited capacity, UNEP should not work directly at the grassroots level. Rather, emphasis should be placed on strengthening member states' own communication capacities. Enhancing journalistic capacity by creating a platform of environmental communicators and scientists, for example, would be an important achievement. Information management has progressed through development of web portals, most notably *Environment Live* and *InforMEA*, which could be made more user friendly.

Due to its normative mandate and limited budget, UNEP is presently not well positioned to build capacity and facilitate technology transfer, although these

elements have been incorporated in all its subprograms. UNEP can catalyze action on these fronts by strengthening partnerships with other UN agencies working on implementation and by developing strategic partnerships with agencies and offices working at the local level, especially in terms of implementation of multilateral environmental agreements (MEAs).

The core *functions of UNEP headquarters* include corporate leadership, relations with governing bodies, strategic decision-making and work planning, corporate management and communications, and coordination of donor relations. Consolidating these functions has been achieved by moving senior staff from the UNEP offices in Europe to Nairobi headquarters and by creating new divisions: Corporate Services, Policy and Program, and Governance Affairs. Currently, UNEP *regional presence* relies on six regional offices and five sub-regional offices, which remain inadequately resourced to fulfill core tasks such as supporting UN country teams. UNEP has also opened and strengthened country offices, which is not quite in alignment with the Delivering as One approach. The role and effectiveness of all these reforms should be assessed to understand their effects on UNEP's performance and leadership.

Since Rio+20, stakeholders' interest in UNEP has increased, as evidenced by the more than five hundred accredited organizations that are now involved. Many reforms can be credited to the UNEP secretariat, including its new access-to-information policy and stakeholder engagement handbook. The CPR has been opened up to participation by accredited organizations, which receive documents at the same time as governments and can participate electronically. Although increased private sector involvement has been welcomed, it has also raised concerns about the need to establish rules for participation. Despite progress, no formal *stakeholder engagement* policy has been adopted, and the Rio+20 commitment of "drawing on best practices and models from relevant multilateral institutions" remains unfulfilled, while funding for stakeholder participation has plummeted. Undoubtedly, UNEP needs an official stakeholder policy, but there is a risk of weakening current practices during negotiation. The establishment of a small intersessional expert group, with participants from governments and stakeholders, could promote mutual understanding and increase trust and credibility.

Enhancing *synergies among MEAs* has been a fundamental part of IEG reform. The Basel, Rotterdam and Stockholm (BRS) conventions have been synergized, which resulted in a new secretariat with joint administrative and programmatic activities and a joint head but that did not compromise the independent legal nature of the conventions. The inability so far to merge the BRS and Minamata secretariats is challenging from a governance perspective. In the biodiversity cluster, two mutually supportive country-driven processes have been carried out focusing on programmatic

issues. The year 2020 is a critical juncture for considering synergies in design of timebound objectives for the chemicals and waste and biodiversity clusters in conjunction with adoption of the “Post-2020 Global Biodiversity Framework” and the “Beyond-2020 Framework for Sound Management of Chemicals and Waste”. MEAs have not yet seized the full potential of universal membership—coherent implementation could be pursued by adopting resolutions that address issues that cut across the conventions, clusters and themes, such as chemicals-biodiversity interface, and by aligning better convention priorities in the programme of work. At an institutional level, formalizing the role of the governing bodies of MEAs in the sessions of the UNEA could be pursued by involving their respective presidents, bureaus or secretariats.

The IEG reform that concluded at Rio+20 is a significant effort to renew UNEP’s functions and enhance synergies among MEAs. It has not, however, addressed the deficiencies in international environmental law—the normative foundation for keeping environmental challenges under control. To this end, in May 2018 the UN General Assembly adopted Resolution 72/277, which initiated an international process to address gaps in international environmental law and environment-related instruments. Lack of implementation of existing commitments and obligations is a pervasive feature of international environmental law that is often closely linked to lack of resources, information, capacity to implement, and political will. At the same time, fragmentation of the treaty system has resulted in “treaty fatigue”, witnessed as a deadlock in the expansion of international environmental law. UNEP’s role, in particular through its Montevideo Programme for the Development and Periodic Review of Environmental Law, is relevant in addressing the identified gaps and deficiencies; thus, it could be developed into a dynamic platform for proactively screening and addressing such gaps. The biophysical boundaries of the planet could form the baseline for reforming international environmental law, enabling governments to embark on a scientifically informed path to restore harmony with nature.

1. Introduction

"Reform is not a onetime action, it is a permanent attitude", UN Secretary-General António Guterres emphasized upon taking office (Guterres, 2016). Indeed, reform is a perpetual quest for the United Nations, because the problems the organization seeks to address evolve over time and require new approaches and actions. Systematic efforts to reform the system of international environmental governance (IEG) began in 1997 at the Rio+5 conference in New York and concluded formally in 2012 with the adoption of *The Future We Want* outcome document at the UN Conference on Sustainable Development (Rio+20). The reform process centered on improving coherence, coordination, and effectiveness of the institutional system for global environmental governance by improving the institutional form, functions, and financing of the UN Environment Programme—the anchor institution for the global environment—and by enhancing synergies in the operations of the various multilateral environmental agreements. These two types of reforms are articulated in paragraphs 88 and 89 of the Rio+20 outcome document.

Paragraphs 88 and 89 of the outcome document of the UN Conference on Sustainable Development

Paragraph 88

We are committed to strengthening the role of the United Nations Environment Programme (UNEP) as the leading global environmental authority that sets the global environmental agenda, promotes the coherent implementation of the environmental dimension of sustainable development within the United Nations system and serves as an authoritative advocate for the global environment. We reaffirm resolution 2997 (XXVII) of 15 December 1972 which established UNEP and other relevant resolutions that reinforce its mandate, as well as the 1997 Nairobi Declaration on the Role and Mandate of UNEP and the 2000 Malmö Ministerial Declaration. In this regard, we invite the General Assembly, at its sixty-seventh session, to adopt a resolution strengthening and upgrading UNEP in the following manner:

- (a) Establish universal membership in the Governing Council of UNEP, as well as other measures to strengthen its governance as well its responsiveness and accountability to Member States;
- (b) Have secure, stable, adequate and increased financial resources from the regular budget of the United Nations and voluntary contributions to fulfil its mandate;

- (c) Enhance the voice of UNEP and its ability to fulfil its coordination mandate within the United Nations system by strengthening UNEP engagement in key United Nations coordination bodies and empowering UNEP to lead efforts to formulate United Nations system-wide strategies on the environment;
- (d) Promote a strong science-policy interface, building on existing international instruments, assessments, panels and information networks, including the Global Environment Outlook, as one of the processes aimed at bringing together information and assessment to support informed decision-making;
- (e) Disseminate and share evidence-based environmental information and raise public awareness on critical as well as emerging environmental issues;
- (f) Provide capacity-building to countries, as well as support and facilitate access to technology;
- (g) Progressively consolidate headquarters functions in Nairobi, as well as strengthen its regional presence, in order to assist countries, upon request, in the implementation of their national environmental policies, collaborating closely with other relevant entities of the United Nations system;
- (h) Ensure the active participation of all relevant stakeholders drawing on best practices and models from relevant multilateral institutions and exploring new mechanisms to promote transparency and the effective engagement of civil society.

Paragraph 8g

We recognize the significant contributions to sustainable development made by the multilateral environmental agreements. We acknowledge the work already undertaken to enhance synergies among the three conventions in the chemicals and waste cluster (the Basel Convention on the Control of Transboundary Movements of Hazardous Wastes and their Disposal, the Rotterdam Convention on the Prior Informed Consent Procedure for Certain Hazardous Chemicals and Pesticides in International Trade and the Stockholm Convention on Persistent Organic Pollutants). We encourage parties to multilateral environmental agreements to consider further measures, in these and other clusters, as appropriate, to promote policy coherence at all relevant levels, improve efficiency, reduce unnecessary overlap and duplication, and enhance coordination and cooperation among the multilateral environmental agreements, including the three Rio conventions, as well as with the United Nations system in the field.

In May 2018, governments committed to exploring existing gaps in international environmental law and potential ways to address them. They adopted UN General Assembly Resolution 72/277, "Towards a Global Pact for the Environment", which set up a working group and a process to identify and consider gaps in international environmental law and environment-related instruments, and to articulate ways to address those gaps.

In an effort to contribute to these processes, the Nordic Council of Ministers designed a project to convene expert opinions that support governments' decisions in the context of the IEG reform process and a potential Global Pact for the Environment.

As part of it, they worked with the Center for Governance and Sustainability (henceforth “the Center”) at the University of Massachusetts Boston to undertake an analytical study of the achievements and challenges in the implementation of IEG reform and related initiatives. The project assesses progress to date in the implementation of the IEG reform decisions, explains the reasons for progress or lack thereof, and suggests options for further action by governments, UN organizations, and stakeholders. It aims to inform the deliberations of the United Nations Environment Assembly (UNEA) in furthering IEG reform, in particular for strengthening UNEP and enhancing synergies among multilateral environmental agreements (MEAs). It also seeks to assess opportunities that a process toward a global pact for the environment might provide to enhance particular areas. This summary report does not represent an exhaustive analysis but instead complements other reports, including that of the UNEP executive director on the implementation of paragraph 88 of the outcome document of Rio+20 (UNEP, 2019a).

1.1 Methodology

The methodology of the project consists of literature review, interviews and organization of a workshop. The research team reviewed literature published in academic and policy outlets. Scientific literature on IEG reform after Rio+20 is rather scarce, so this study engages multiple other sources as well, including UN reports and papers. Also, in order to provide an up-to-date analysis of progress, the study incorporates survey responses, interviews and input from the workshop.

A self-administered online survey with questions on the implementation of paragraphs 88 and 89, as well as a potential global pact on the environment, was distributed to official mailing lists of country representatives at UNEP, to NGOs accredited to UNEP, and environmental governance experts. Our team received 53 responses (an 87% rate of completion), a sample that is sufficient for descriptive statistical analysis (Hogg & Tanis, 2009). Annex I displays selected results from the survey.

Interviews with key experts who negotiated the reforms, those in charge of implementing them, and those who have observed the evolution of reform formed the cornerstone of the analysis. The research team conducted fourteen semi-structured one-hour interviews to achieve analytical rigor as well as depth and breadth (Mack and Woodsong, 2005). Hence, interviewees were selected to equally represent all UN regions in various capacities, including national UNEP focal points based in capital cities and members of the Committee of Permanent Representatives (CPR) in Nairobi. Interviewees from international organizations included current and former officials

from UNEP and the convention secretariats from both the chemicals and waste and biodiversity clusters. All interviewees were selected to get specific in-depth information on a particular aspect of the IEG reform. The interviews, which are included in this report, were anonymized through a random two-digit number designation.

An expert workshop entitled “International Environmental Governance and Global Pact for the Environment” was held in New York City on 29–30 November 2018, at the Permanent Mission of Finland to the United Nations. The two-day workshop was attended by thirty participants, including diplomats from New York, IEG experts from capital cities of many nations, international civil servants from UNEP, and stakeholders from civil society, media and academia (Figure 1). The workshop was held under the Chatham House rule. Five “thought starters” were prepared and distributed in advance of the meeting to stimulate discussion. The workshop helped identify options for action, which are summarized at the end of each section, and complemented with input from interviews and literature review. Annex II includes the workshop’s agenda and list of participants.

Figure 1: Participants in the IEG workshop



Note: 29–30 November 2018, New York City.

Source: Maria Ivanova.

1.2 Accountability and advisory group

An advisory group was created to help identify potential experts for survey distribution and further interviews as well as to provide feedback on survey design and interview protocols. The advisory group operated from September through December 2018 via electronic correspondence. Its members included Idunn Eidheim (Norway), Rungnapar Pattanavibool (Thailand), Franz Perrez (Switzerland), Wang Qian (China), Kerstin Stendahl (Intergovernmental Panel on Climate Change) and Tuulia Toikka (Finland and ministerial focal point at Nordic Council of Ministers).

2. Reforming the system of international environmental governance

Environmental concerns are no longer confined to national boundaries, and actions taken by individual countries alone are not enough to safeguard the global commons. International institutions facilitate the collective response to environmental challenges; effective global governance is critical to assist countries in monitoring and understanding the state of the environment and helping to ensure that the biophysical limits of the planet are not exceeded. For almost half a century, UNEP has served as the anchor institution for the global environment, assisting governments in this role. After the 1992 Rio Earth Summit, various assessments of the UN system evidenced a fragmentation in international environmental governance that needed to be addressed. After discussions and analysis led by the UN Task Force on Environment and Human Settlements, in 1999 the UN General Assembly adopted Resolution 53/242 agreeing to a series of changes.

UN General Assembly Resolution 53/242

- Creation of the Environmental Management Group (EMG) to enhance interagency coordination;
- Institution of the Global Ministerial Environmental Forum (GMEF) to convene as a special session of the UNEP governing council in the years when the governing body does not meet in Nairobi, to review important and emerging policy issues in the field of the environment;
- Facilitation of and support for enhancing linkages and coordination among the environmental conventions;
- Involvement, participation and constructive engagement of major groups active in the arena of environment and human settlements; and
- Strengthening of the UN office in Nairobi—the only UN country headquarters located in a developing nation—to provide support and stable, adequate, predictable financial resources.

In 2001, governments established an open-ended intergovernmental group on international environmental governance to assess institutional needs, weaknesses, and options for improvement. The group met five times and reported to the seventh Special Session of the UNEP governing council/GMEF held in 2002 in Cartagena (Colombia), launching what would be known as the Cartagena process. Over the following years, governments discussed ways to improve international policy-making and the role and structure of the GMEF, options to strengthen UNEP, including its authority and finances, and modalities for enhanced coordination across the UN system, including the role of the Environment Management Group.

The need for IEG reform was covered in paragraph 16g of the 2005 World Summit outcome document, which provided impetus to initiate an informal process in New York. This resulted in the 2007 Options Paper, which identified seven building blocks to strengthen IEG (Options Paper, 2007). In late 2008, an attempt to reach an IEG resolution in the General Assembly failed due to highly polarized views (Urho and Niinistö, 2016). Consequently, UNEP's governing council launched a political process to continue the IEG debate, and two formal ministerial groups convened in subsequent years to identify forms and functions to meet both incremental and fundamental needs for the IEG reform. In 2009, the first group (known as the Belgrade Process) identified options to improve the IEG system (UNEP, 2009). These were further elaborated by the latter group, culminating in 2010 Nairobi-Helsinki Outcome, which identified functions and institutional forms to address the challenges in the IEG system (UNEP, 2010a). In 2011, the outcome was transmitted by the request of UNEP's governing council to the preparatory process of Rio+20.¹

The reform process concluded at Rio+20 with the adoption of the outcome document, *The Future We Want*. Paragraphs 88 and 89 seek to implement the recommendations articulated by governments in previous processes including governance, funding, voice and coordination, science-policy interface, public awareness, regional presence and consolidation of UNEP headquarters functions, capacity building, stakeholder participation, and synergies among multilateral environmental agreements (MEAs). The following sections address each of these elements, explaining the evolution of the reform process, the key issues at stake, and options for action, which draw on research and particularly on discussions at the IEG workshop.

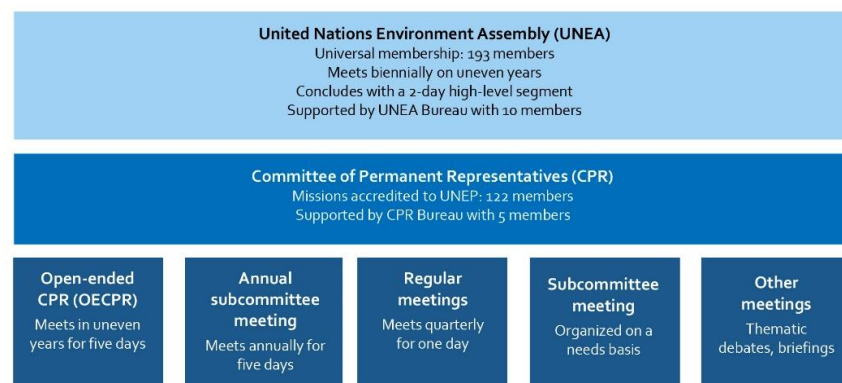
¹ UNEP/GC/26/1, para 4.

3. Governance

3.1 Background

Reform of UNEP's governance structure lies at the heart of paragraph 88 of the Rio+20 outcome document. Governments agreed to "establish universal membership in the governing council of UNEP, as well as other measures to strengthen its governance as well as its responsiveness and accountability to Member States". In practice, this has translated into significant reforms of the governance bodies, including the creation of the United Nations Environment Assembly (UNEA) and a renewed mandate for the Committee of Permanent Representatives (CPR) as the subsidiary intersessional body. The first universal session of the UNEP's governing council convened in Nairobi in February 2013, and the first session of UNEA convened in June 2014 in Nairobi. The CPR includes 123 member states (86 with UN missions in Nairobi and others operating remotely). Figure 2 presents the current UNEP governance structure.

Figure 2: Governance Structure of UNEP



The CPR bureau has five members elected for two years, with one member representing each UN regional group. It meets at least four times per year and provides guidance to the UNEP Secretariat. The UNEA Bureau's mandate is to "assist the

President in the general conduct of business of the UNEA”.² The 2013 governance reform expanded the number of bureau members from five to ten, with two members representing each region.³ The respective roles of the CPR bureau and the UNEA bureau in preparation for UNEA would benefit from clarification and codification.

3.2 United Nations Environment Assembly

As a result of the reform process, UNEP’s governing council went from 58 member states to universal membership, which includes all 193 members of the United Nations. This reform makes UNEP one of two UN subsidiary bodies with universal membership. The goal of enacting universal membership was to improve the legitimacy of decision-making by engaging all member states, and more than 90% of survey respondents see this as a positive development, with the rest having no opinion.

Importantly, participation in UNEP’s governing council has always been open to all UN member states as well as to all UN agencies and other intergovernmental organizations, although only the elected members of the governing council have had the right to vote. Participation, however, did increase after the formal designation of UNEP’s governing body as universal, and the first three UNEA sessions attracted 158 to 162 delegations, representing 81–83% of all member states. The first formal UNEA session was held in 2014 and attracted 157 government delegations (compared to 138 in the last regular governing council session in 2012). The number of participating multilateral bodies grew from 37 in 2012 to 53 in 2014.⁴ As Figure 3 shows, during 2010–2017 the number of participating delegations grew by 21%, whereas, the number of participating multilateral bodies grew by 116%. Participation increased, remarkably, almost threefold between UNEA-1 (1,200 participants) and UNEA-3 (4,450 participants).

Universal membership holds unrealized potential. It enables increased participation and legitimacy of decision-making, which grants UNEA authority to provide overarching policy guidance to the governing bodies of MEAs, most of which have near-universal membership (Ivanova, 2013; Ivanova, 2018). UNEA could therefore be used to bring together MEAs and foster collaboration among them and among the countries responsible for implementing them. This could create new opportunities, as

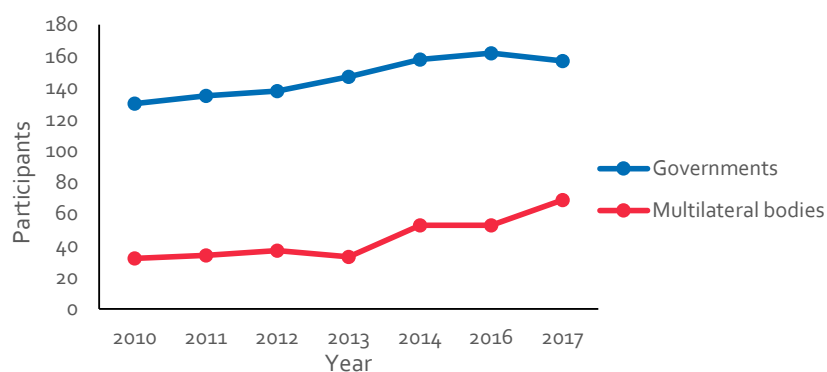
² Rules of Procedure of the United Nations Environment Assembly of UNEP, Rule 18, para 1.

³ UNEP/GC/27/2, para 6.

⁴ Multilateral bodies comprise organizations accredited as UN bodies, secretariat units and convention secretariats: UN specialized agencies; and other intergovernmental organizations.

one interviewee envisages: “Some sort of hierarchy could be established where all the conventions had to take note of the UNEA resolutions and help implement the UNEA resolutions. Parties to the MEAs could actually draft resolutions themselves [as] a way to implement UNEA resolutions so that it cascades down like that. That is absolutely essential and a first step in having a workable mechanism” (Interview 98).

Figure 3: Participation of governments and multilateral bodies in UNEP's governing body, 2010–2017



Source: UNEP, 2010b; UNEP, 2011; UNEP, 2012a; UNEP, 2013a; UNEP, 2014a; UNEP, 2016a; UNEP, 2017a.

Governance reform reduced the frequency of meetings of the governing body from an annual to a biennial cycle and gave lead responsibility to member states for introducing resolutions, previously coming primarily from the secretariat.⁵ The ramifications have been both positive and negative. “With the governing council, the Secretariat was on the lead”, one interviewee noted, and “now member states are firmly in the lead. Also, a more political dynamic has been brought to the Assembly because of bigger interest in the outcomes of the Assembly to guide international processes and therefore a tendency for politicization. The negative side is politicization on some of the issues. There is a tendency between those that see it as an essentially a technical UN body and others that see it as an essentially political UN body” (Interview 68).

As for the timing of UNEA sessions, 50% of survey respondents suggested complementing the existing practice of biennial meetings in odd years with either regular (20%) or occasional (16%) special sessions in even years. Some respondents also suggested that “regular UNEA-sessions could be organized occasionally, linked to a specific issue of high political interest/concern” and that they “could be outside Nairobi,

⁵ UNGA/GC/27/2, para 3.

which could help engage ministers and enhance participation of ministers/delegates from other regions”.

Another important reform action was to discontinue the Global Ministerial Environment Forum and establish a high-level segment that convenes at the end of the UNEA session for two days to take strategic decisions and provide political guidance.⁶ The high-level segment seeks to engage ministers more productively and has the following functions:

- Sets the global environmental agenda;
- Provides overarching policy guidance and define policy responses to emerging environmental challenges;
- Undertakes policy review, dialogue and exchange of experiences;
- Provides strategic guidance on the future direction of UNEP;
- Organizes a multi-stakeholder dialogue;
- Fosters partnerships for achieving environmental goals and resources mobilization.

The three UNEA sessions to date have focused on a range of issues and resulted in political outcomes in two out of three sessions (Table 1). UNEA-1 adopted a ministerial outcome document reaffirming the commitment to UNEP’s reform and to the development of the 2030 Agenda, which can be considered symbolically important despite its modest content (Nyangon, 2014). UNEA-2 was not able to finalize an outcome document since there was not enough time for informal consultations among ministers, evidencing an important challenge for ministerial involvement (UNEP, 2016b). UNEA-3 was able to induce interactive ministerial involvement through leadership and multi-stakeholder dialogues and adopted a ministerial declaration called “Towards a Pollution-Free Planet” (UNEP, 2018a). Such ministerial declarations, however, risk remaining mainly rhetorical. Importantly, UNEA-3 launched a CPR-led intersessional process to prepare an implementation plan to operationalize the ministerial declaration for consideration by UNEA-4, which will take place in March 2019.⁷

Ministerial involvement needs to balance many needs. On the one hand, involving ministers better in negotiations is considered vital to increase political commitment and impact. As one interviewee remarked, “Maybe they would then have more

⁶ UNEP/GC/27/2, paras 4–5.

⁷ UNEP/EA.3/HLS.1, para 14.

ownership and bring the UNEA messages to other fora and back home and try to change the policies if they felt 'I was there to decide on this'" (Interview 59). On the other hand, UNEA's role in building capacity of ministers to effectively engage is considered important, as another interviewee explained: "If you look at the statistics of the longevity of the environmental ministers they tend to be very short lived.... So many don't come to more than to two UNEAs and so the opportunity that we have for capacity building is so important, and we invest and we will continue to invest" (Interview 68). Environment ministers, however, need to recognize the significance of UNEA and promote it by giving it greater weight and credence. One interviewee warned of focusing too much on optics. "I don't think UNEA should be a discussion club or circus for ministers to show on Twitter that they were launching something. I think that it should be a serious intergovernmental decision body" (Interview 59).

Table 1: Outcomes of UNEA sessions

	Themes	Outcomes	Participants
UNEA-1 2014	Sustainable development goals and the post-2015 sustainable development agenda, including sustainable consumption and production Illegal trade in wildlife	17 resolutions 2 decisions Ministerial outcome document	1,200 participants 158 national delegations 53 multilateral bodies
UNEA-2 2016	Delivering on the environmental dimension of the 2030 Agenda for Sustainable Development	25 resolutions	2,193 participants 162 national delegations 53 multilateral bodies
UNEA-3 2017	Towards a pollution-free planet	11 resolutions 3 decisions Ministerial declaration	4,449 participants 157 national delegations 69 multilateral bodies
UNEA-4 2019	Innovative solutions for environmental challenges and sustainable consumption and production	n/a	n/a

In contrast to the programme of work, which sets timelines, allocates resources for implementation and identifies indicators for monitoring progress, there is lack of clarity on implementation and follow-up to the large number of UNEA resolutions. Furthermore, resolutions are considered merely as recommendations and thus have weak impact, and there is a clear need to delineate the role, status and optimal number of resolutions, including their relationship to MEAs and stakeholders and their contribution to international environmental governance. This has the potential to increase UNEP's reach: "There is need for better engagement with MEAs and NGOs for

the process of implementation as UNEP cannot do it all by itself" (Interview 58). Moreover, for resolutions to have an impact, they need to be integrated into UNEP's programme of work, and the roles of UNEP and member states in their implementation should be communicated. In particular, the implementation role of member states has remained unclear, as both UNEP staff and national governments remark. "Resolutions are for both member states and UNEP to implement, but we [UNEP] have been very weak in throwing the light into what member states are supposed to do" (Interview 75). For example, "Thailand set up a national system to follow up on UNEA resolutions", a national official noted; "Ministries work together and the UNEA delegation reports to the cabinet of ministers. But there is not enough follow up on the international level, no guidance from UNEP" (Interview 42).

More ambitiously, UNEA could introduce authoritative guidance in specific resolutions, as one interviewee remarked: "A body like UNEP should be able to not just to make recommendations but to set the standards" (Interview 75). Given that standards are developed under UNEA, they could address cross-cutting issues, giving added value to the "silo" approach that restrains MEAs, but standards would need to be accompanied by adequate monitoring and follow-up to make them effective. For example, in 2005, the World Health Assembly adopted the International Health Regulations, a legally binding instrument with 196 state parties, "to prevent, protect against, control and provide a public health response to the international spread of disease", in which the World Health Organization functions as the treaty oversight agency responsible for implementing the regulations (Gostin and Katz, 2016).⁸

Ultimately, the effectiveness of UNEA will be measured by its ability to link with broader sustainability questions, in particular the 2030 Agenda on Sustainable Development. Since the adoption of the 2030 Agenda, there has been ongoing discussion about increasing the visibility and role of UNEA in the High-Level Political Forum (HLPF). In 2016, the second session of UNEA committed to conveying the main messages of UNEA to the HLPF.⁹ The outcomes of UNEA are compiled into a report to the United Nations Economic and Social Council, and the UNEA president reports on the outcome of UNEA to sessions of the HLPF. Importantly, the main outcome of UNEA-3 was welcomed in the ministerial declaration of the 2018 session of the HLPF.¹⁰

⁸ International Health Regulations, 2005 (Article 2).

⁹ UNEA/2/5, para 2.

¹⁰ E/HLS/2018/1, para 9.

Despite progress, a formal organizational link between UNEA and HLPF has not been created. Also, the biennial schedule of UNEA makes it challenging to engage regularly in the annual session of HLPF. One possibility could be to task the Annual Sub-committee Meeting of the CPR to prepare input to the HLPF. In addition, the UNEA president could have a regular slot in the HLPF and greater involvement in the preparations.

3.3 Committee of Permanent Representatives

In 1985, the Committee of Permanent Representatives was established as a subsidiary intersessional body of UNEP's governing council to provide a formal and regular system of consultation among member states and with the executive director.¹¹ As of December 2018, the CPR comprised 122 members, 84 based in Nairobi, 29 from other UN hubs (Addis Ababa, Geneva, Dar es Salaam, New York) and nine from other locations (UNEP, 2018b). As a result, the CPR suffers from low representation, as only 40% of all UN member states have missions in Nairobi, which diminishes the ability of many member states to fully participate and engage in the intersessional work (Ivanova, 2018).

In 2013, UNEP's governing council launched two new meeting modalities of the CPR to enhance engagement of non-resident members in intersessional work: an annual sub-committee meeting of the CPR and an open-ended meeting of the CPR (OECPR).¹² The effects of both meetings are viewed positively by survey respondents: the annual sub-committee meeting of the CPR is considered beneficial by 63% and negative by 0%, whereas, OECPR is viewed as beneficial by 78% and negative by 3%. Nevertheless, respondents criticized CPR for having "a very heavy structure" and being "really hard to know how it works if one is not in Nairobi". However, the two CPR bodies are still seeking to find their place, as explained below.

The annual sub-committee meeting of the CPR is mandated to review the medium-term strategy, programme of work and budget. However, it has not attracted the expected interest from members not based in Nairobi, and engagement in priority setting is weak. It will be important to explore how governments will be able to better commit to conveying their programmatic priorities to the programme of work and the medium-term strategy, instead of relying predominantly on preparation of resolutions. The profile of the annual sub-committee of the CPR could be raised by allowing

¹¹ UNEP/GC/13/2, para 1.

¹² UNEP/GC/27/2, paras 10–11.

translation services and financial support for participation of developing countries (FOEN, 2018).

The OECPR is a week-long CPR session that convenes in Nairobi to prepare for UNEA. In 2013, UNEP's governing council decided that OECPR would be the main subsidiary intersessional body and mandated it to perform the following functions:¹³

- Contribute to the preparation of UNEA's agenda;
- Provide advice to UNEA on policy matters;
- Prepare decisions for adoption by UNEA and oversee their implementation;
- Convene thematic and/or programmatic debates;
- Promote effective ways and means to facilitate participation of non-resident members, particularly those from developing countries;
- Perform any other functions delegated by UNEA.

The role of the OECPR in the negotiation of resolutions has been questioned, not only due to low representation of CPR members in Nairobi, but also due to low participation of non-Nairobi-based members (Ivanova, 2018). Finding optimal timing for the organizations of the OECPR is critical, so that it can best support preparations of UNEA; 47% of survey respondents thought it should be organized 1–6 months prior to UNEA sessions, whereas 38% believed it should be organized back-to-back with UNEA sessions. The latter option could yield synergies in terms of increased participation, etc., but one drawback is the lack of time for internal consultation (FOEN, 2018).

A workshop convened by the Swiss Federal Office for the Environment in Ittingen, Switzerland, in June 2018 prepared a model that aims to clarify the roles of the two CPR bodies (FOEN, 2018). In this model the OECPR would be renamed the "Preparatory Committee for the Assembly" and would continue to convene in odd years to focus on preparation of resolutions for adoption by the Assembly. The sub-committee meeting of the CPR could be upgraded to an implementation and review committee convening in even years, focusing on review of implementation of the programme of work, and supported by interpretation, translation and travel support.

¹³ UNEP GC/27/2, para 9.

3.4 Options for action

UNEP is a normative international institution, and its governance structures and processes rely on member states to fulfill their commitments. Workshop participants identified key actions and actors, outlined in Table 2, to further strengthen UNEP's governance, responsiveness and accountability.

Table 2: Options for action on governance

	Options for action	Actors
1	Improve the process and content of UNEA resolutions and increase understanding of their functions.	Member States Secretariat
2	Increase governing bodies' decision-making capacity and implementation of those decisions.	Member States Secretariat
3	Clarify the process for implementation and follow-up on resolutions, including preparation of appropriate implementation guidance.	Member States Secretariat
4	Increase understanding of the relation between resolutions and the programme of work.	Members States Secretariat
5	Enhance engagement in preparation of the programme of work and the medium-term strategy.	Member States Secretariat
6	Clarify the role of CPR bodies, in particular the OECPR and the Annual Sub-committee Meeting of the CPR.	Member States
7	Enhances linkages with governing bodies of other UN entities, including MEAs and the High-Level Political Forum.	MEAs IGOs
8	Provide opportunity for governing bodies of other UN entities to engage in policy formulation.	IGOs MEAs
9	Enhance synergies with other organizations working on environmental issues, including human rights and trade.	Member States IGOs Stakeholders
10	Enhance linkages with local organizations, cities and subnational governments and their participation in governing bodies.	Stakeholders
11	Seek involvement of from heads of state and sectoral ministers in the UNEA sessions.	Member States
12	Enhance the role of ministers in negotiation of resolutions to increase their political ownership and outreach to other international fora.	Member States
13	Use UNEA as a body to give strategic guidance to the IEG system, increase political leverage and motivate political action.	Member States

4. Funding

Financing has widespread effects on the authority of UN governing bodies, donor control over UN programs and the efficiency of UN operations (Bayram and Graham, 2017). That is why paragraph 88 (b) of the Rio+20 outcome document calls for “secure, stable, adequate and increased financial resources from the regular budget of the UN and voluntary contributions to fulfil its mandate”. In essence, the paragraph consists of two commitments: to increase member states’ voluntary contributions to the Environment Fund, and to increase allocations from the UN regular budget.

4.1 Background

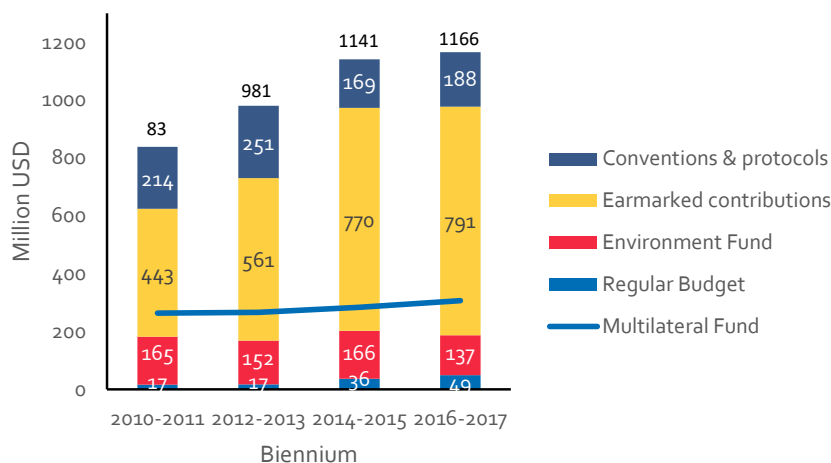
UNEP’s core funding comprises three elements: UN regular budget allocations, contributions to the Environment Fund, and earmarked contributions. In addition, UNEP’s revenues include contributions to fifteen MEAs hosted by UNEP and to the Multilateral Fund of the Montreal Protocol. Assessed contributions to UNEP comprise UN regular budget allocations and assessed contributions to MEAs and the Multilateral Fund, whereas other funding elements are based solely on voluntary contributions. The main sources of financing for UNEP’s operations are summarized in Table 3.

Table 3: Main sources of financing for UNEP

Elements	Source	Focus
UN regular budget	Constitutes the share allocated from the UN regular budget to UNEP	Supports the work of UNEP’s governing bodies and helps to staff the organization
Environment Fund	Constitutes non-earmarked contributions from member states	Supports balanced implementation of UNEP’s programme of work
Earmarked contributions (including programme support)	Constitutes trust funds and other earmarked contributions from member states, the Global Environment Facility (GEF), the Green Climate Fund, the European Commission, foundations, private sector and UN bodies	Supports select projects in support of the implementation of UNEP’s programme of work
Conventions and protocols	Constitutes trust funds for 15 MEAs for which UNEP provides secretariat functions	Supports the implementation of MEAs administered by UNEP
Multilateral Fund	Constitutes assessed contributions from 49 member states	Supports the implementation of the Montreal Protocol

Governments have implemented paragraph 88 (b) and, as Figure 4 illustrates, UNEP's overall income has increased 39% from 2010–2011 to 2016–2017, when it reached a new record in the organization's history: USD 1,166 million. In 2014, UNEP launched a funding strategy aiming to ensure secure, stable, adequate and increased financial resources (UNEP, 2014b). Figure 5 shows the share of different funding elements in 2010–2011 and 2016–2017. The two key elements of the funding strategy include a shift towards increased non-earmarked funding and widening the contributions base (Shaiya, 2016). These goals have encountered significant challenges and remain unfulfilled. A majority (60%) of survey respondents thought no or limited progress had been made on this element of the IEG reform, while 25% noted moderate progress.

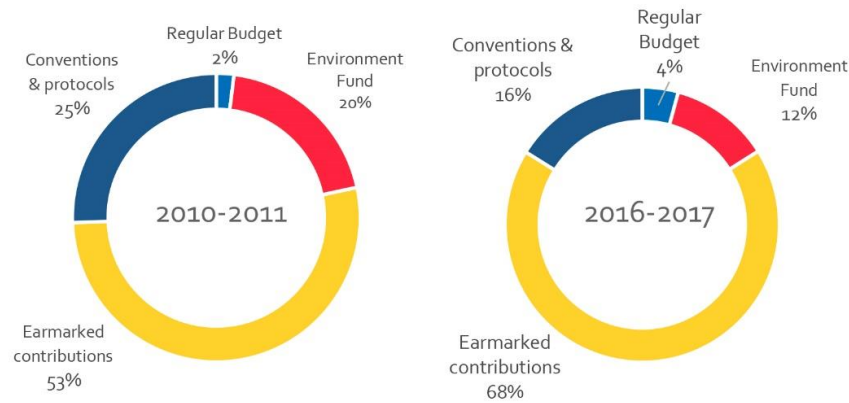
Figure 4: UNEP's overall income between 2010–2011 and 2016–2017



Source: UN, 2012; UN, 2014; UN, 2015; UN, 2016; UN, 2017; UN, 2018a.

Note: Earmarked contributions include programme support.

Figure 5: Share of UNEP's funding elements in 2010–2011 and 2016–2017

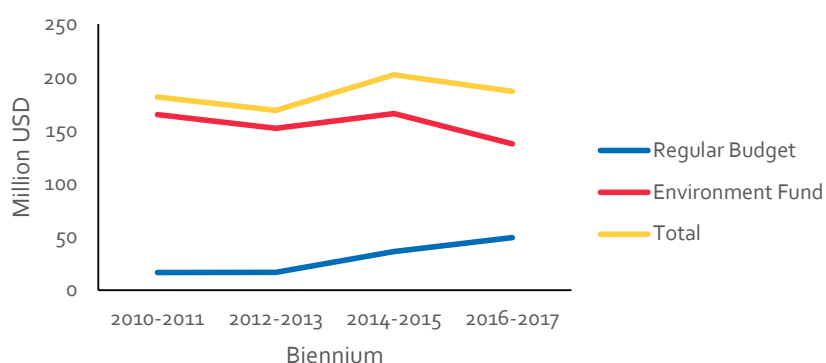


Source: UN, 2012; UN, 2014; UN, 2015; UN, 2016; UN, 2017; UN, 2018a.

4.2 Unrestricted vs. earmarked funding

Core, unrestricted funding is key to the smooth implementation of activities outlined in UNEP's programme of work and the operation of its governing bodies. Funding has two elements: the Environment Fund and the UN regular budget allocations. Figure 6 shows the trends in non-earmarked funding from 2010 to 2017. This income remained level from 2010 to 2017, as the growth in regular budget allocations compensated for the diminishing contributions to the Environment Fund, which decreased 17% from USD 165 million in 2010–2011 to USD 137 million in 2016–2017. Over the same period UN regular budget allocations tripled, from USD 16.6 million in 2010–2011 to USD 49.4 million in 2016–2017. Once the main funding mechanism for the organization, the Environment Fund now represents only 12% of total income. Moreover, in reality, the amount contributed to the Environment Fund equals only 50% of what was projected in the programme of work and budget (UNEP, 2018c).

Figure 6: Trends in non-earmarked funding from 2010–2011 to 2016–2017



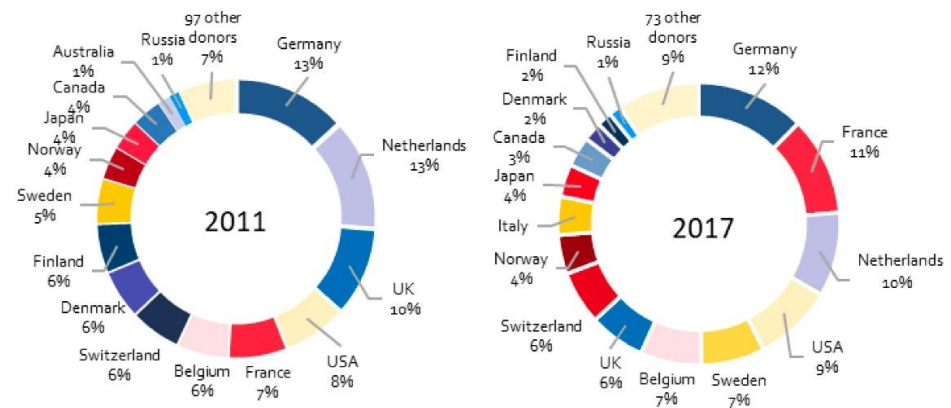
Source: UN, 2012; UN, 2014; UN, 2015; UN, 2016; UN, 2017; UN, 2018a.

Earmarked funding supports the implementation of programs and projects aligned with the programme of work. However, earmarking entails administrative costs and causes fluctuations in work due to changing donor interests. Since 2010–2011, earmarked funding has grown 79%—from USD 443 million to USD 791 million in 2016–2017. Earmarked funding now constitutes almost 68% of UNEP’s income. UNEP’s funding seems to follow the trend of other UN bodies, the budgets of which have an average share of 70% of earmarked contributions (OECD, 2014). Earmarked contributions are generally favored by donor member states, since they empower donors to dictate how their contributions are used and thus enhance donor control (Bayram and Graham, 2017). “With earmarked funding there are much more tangible results that officials can take back to their tax payers or their congress or whomever appropriates the budget”, one interviewee noted. “They can then say: ‘Well, look, we achieved this with this expenditure of funding’, whereas if you just give to UNEP as a whole and to the Environment Fund as a whole it is sometimes difficult to report” (Interview 10). Or as another interviewee remarked, “Earmarks allow for easier access to money as governments are attracted by an idea. They are attached to having the national flag fly over a particular office or be associated with an idea” (Interview 21).

4.3 Donor base

Widening the base of contributions to UNEP has been a significant challenge. Figure 7 shows the share of contributions by the fifteen main donors to the Environment Fund, and the number and share by all other donors in 2011 and 2017. Despite UNEP's efforts to expand the donor base, the number of countries contributing to the Environment Fund has decreased. In 2011, 59% of the 193 UN member states made contributions to UNEP's Environment Fund, but in 2017 only 46% had done so. In 2017, fifteen countries were responsible for 91% of contributions to the Environment Fund, whereas 73 countries contributed 9% of funding and 105 countries did not contribute at all.

Figure 7: Top fifteen contributors to the Environment Fund in 2011 and 2017



Source: UNEP, 2019b.

The UNEP secretariat regularly prepares a Voluntary Indicative Scale of Contributions (VISC) to encourage all member states to contribute to the Environment Fund. The VISC was introduced in the report of the Open-ended Intergovernmental Group of Ministers or their Representatives on IEG and was adopted by the seventh special session of UNEP's governing council in Cartagena, Colombia, in 2002.¹⁴ The VISC contains several parameters, including a maximum indicative rate of contributions for the least developed countries of 0.01%.

In 2013, the 27th session of UNEP's governing council noted the positive effects of the VISC and requested UNEP's executive director to adjust it in light of universal

¹⁴ UNEP/GC-SS.VII/1.

membership of UNEP. The revised VISC requests member states to contribute at least on the same percentage basis as their UN assessed scale level (UNEP, 2017b). Funding in accordance to the VISC should have yielded contributions of USD 271 million in 2016–2017, but only half the target was realized. In 2016, only 34 countries (40% of all donors) contributed at or above the proposed VISC level. The VISC is viewed as challenging by some. “The problem with VISC is that it is unrealistic to think that countries could go up with their contributions and never go back”, one interviewee remarked and suggested relying on established procedures “I think we could go to the normal UN scale so you contribute according to the size of your economy” (Interview 59). A discussion of VISC could be started to increase understanding of the indicators, which might make it more meaningful for countries.

4.4 Resource challenges and opportunities

After Rio+20, UNEP’s funding increased as a result of growth in earmarked contributions. The UN regular budget allocation has also increased but is only 4% of the overall income. The contributions to the Environment Fund have decreased, and the ratio between core funding and earmarked funding has become increasingly imbalanced, thus shifting UNEP’s priorities. “Earmarked contributions and funds from GEF are used for capacity building”, one interviewee noted, “and that is where UNEP is building a profile—like, for example, with climate change, where it now supports implementation of UNFCCC. And it is also difficult because earmarked funding is not supposed to support the core activities of UNEP like environmental law, for example, which suffers a lot. So it is a mix of weakness and opportunity” (Interview 75).

With universal membership, more countries should take ownership of UNEP’s work and contribute to a solid financial base. Governments tend to rely greatly on policy formulation through the preparation of resolutions, and show less interest in preparing the programme of work, which is the primary tool for channeling UNEP’s funding. To this end, governments could more proactively engage in preparation of the programme of work during the intersessional period to better reflect their priorities and increase the appeal of funding UNEP’s activities through the Environment Fund. The secretariat could develop a range of incentives to increase interest in the preparation of the programme of work. This could include regularly engaging and providing updates to member states.

After Rio+20, the VISC was revised to reflect the universal nature of UNEP, but in contrast to expectations, the number of donors has decreased. In the long run, the development of a system of minimum contributions might be a useful complementary

mechanism, and some form of assessed contributions to a core fund could bring greater stability and predictability to funding (Ivanova, 2012). For instance, an initiative could be launched to encourage developing countries to champion a minimum pledge of USD 1,000 to the Environment Fund, as a small yet critically important symbolic gesture of commitment to UNEP's global mission.

At the same time, UNEP needs to increase credibility and proclaim ownership of its activities to motivate the provision of more unrestricted contributions. As one interviewee emphasized, "With trust, funding will follow, and trust is based on consistent delivery" (Interview 21). It would be worthwhile to analyze and compare UNEP to other UN bodies. The Intergovernmental Panel on Climate Change (IPCC), for example, receives unrestricted contributions partially because it has gained trust and confidence from its donors. Strategies to improve the situation could include reporting on the use of funding, defining strategic priorities, recognizing core contributors, linking UNEA resolutions to the programme of work, increasing the traceability of funding, and showing its impact.

The overall number of UNEP staff increased 2% between 2010 and 2017, from 1,151 to 1,174. Funding of Environment Fund staff decreased 19%, from 454 to 370. Staff funding from the UN regular budget increased 125% from 48 to 108, and earmarked funding increased 7%, from 649 to 696. Staff at Nairobi headquarters decreased 1%, from 458 to 452, whereas staff in other regions increased 4%, from 693 to 722. Professional staff increased 5% (669 to 700), whereas general service staff decreased 2% (482 to 474). Core UNEP staff grew 4% (834 to 87), whereas MEA staff decreased 4% (317 to 304) (UNEP, 2019c).

In 2017, UNEP developed a resource mobilization strategy to secure funding to implement the medium-term strategy and programme of work for 2018–2021 (UNEP, 2017c). The strategy aims to increase contributions to the Environment Fund from the current 50% of the approved programme of work and budget to 75% in 2018–2019 and 100% in 2020–2021. It also seeks to increase contributing member states from 46% to 75% of the 193 members by 2020 (UNEP, 2017c). Additional transparency and accountability in financial matters are necessary to increase the trust and confidence of donors. Promisingly, UNEP has introduced results-based reporting for programme of work delivery, which should in the long run help to increase accountability.

4.5 Options for action

Funding and financing are critical for UNEP's visibility, credibility and ownership of activities that contribute to the execution of its mandate. Workshop participants identified actions listed in Table 4 as critical to ensuring adequate and stable funding.

Table 4: Options for action on financing

	Options for action	Actors
1	Enhance motivation to provide unrestricted contributions, including by encouraging engagement in preparation of the programme of work and the medium-term strategy.	Secretariat Member States
2	Expand the donor base, including by encouraging developing countries' contributions to the Environment Fund by championing a minimum pledge of USD 1,000.	Secretariat Member States
3	Enhance visibility and recognition of contributions from governments.	Secretariat
4	Increase transparency and credibility of implementation of resolutions and the programme of work, by enhancing reporting on funding use, enhancing traceability and showing impact of funding using the Results Based Management.	Secretariat
5	Facilitate access to resources and programmatic support for developing countries.	Secretariat
6	Prepare an analysis of internalizing economic and social costs of production, and encourage the use of economic and social instruments to shape consumer behavior.	Secretariat Stakeholders Member States
7	Increase understanding of the VISC to make it more meaningful for countries.	Secretariat Member States
8	Prepare the next work programme in consultation with member states, focusing on best practices and policies from the previous biennium.	Secretariat Member States
9	Prepare comparative financial analysis in consultation with other UN bodies.	Secretariat

5. Voice and coordination

Environmental activities have become an integral component of various bodies in the UN system. The environmental mandates of UN organizations range widely, from setting international environmental norms and standards and providing policy and programme support and capacity building, to integrating environmental sustainability into the operations and activities of the UN organizations (EMG, 2016). To this end, the complexity of the IEG system and lack of any hierarchical authority structure makes coordination of the diverse actors, institutions, and norms critically important (McInerney, 2017).

Paragraph 88 (c) of the Rio+20 outcome document calls for enhancing “the voice of UNEP and its ability to fulfill its coordination mandate within the UN system by strengthening UNEP engagement in key UN coordination bodies and empowering UNEP to lead efforts to formulate UN system-wide strategies on the environment”. Implementation of this paragraph has specifically focused on the Environment Management Group, as elaborated below.

5.1 Overview of the Environment Management Group

The Environment Management Group (EMG) is the primary coordination mechanism on environmental activities in the UN system. It was established in 2001 pursuant to General Assembly Resolution 53/242 for “the purpose of enhancing inter-agency coordination in the field of environment and human settlements”, after having been recommended by the Töpfer Task Force on environment and human settlements.

Structures and functions of the Environment Management Group

- Membership of the EMG consists of 51 specialized agencies, programmes and organs of the UN system, including the secretariats of MEAs. EMG is chaired by the UNEP executive director.
- The Senior Officials Meeting is organized regularly to convene the heads of agencies or their designated senior staff to make decisions.
- UNEA receives progress reports from the EMG as requested and provides guidance to the EMG.

- The secretariat is hosted, administered and financed by UNEP, with occasional in-kind support from EMG members. The director is the head of UNEP's office in New York, and four other staff members are located in Geneva.
- Issues Management Groups are ad hoc, time-limited groups that bring together a subset of interested EMG members to work on specific topics and produce reports and other outputs.
- Nexus dialogues are organized regularly to promote nexus-driven action linked to the SDGs. To date, six nexus dialogues have been organized.

5.2 Effectiveness and efficiency of the EMG

Scholars have pointed out several weaknesses of the EMG, including lack of high-level political engagement, the negative perception of the EMG as an instrument of UNEP's control, human and financial resource constraints, and lack of clarity of purpose and outcomes (Najam et al., 2006). In 2013, UNEP's governing council decided "to consider additional measures to strengthen UNEP's voice and ability to fulfill its coordination mandate on environmental matters, and in this regard, invite[d] the Secretary-General to take necessary steps to enhance UNEP's role in key UN coordination bodies".¹⁵ Enhancing the EMG has been a major focus.

In 2014, UNEA-1 invited UNEP's executive director to identify possible measures to maximize the effectiveness and efficiency of the EMG, and to submit a report with recommendations for UNEA-2.¹⁶ Consequently, the EMG set up a task force consisting of members of UN agencies, which delivered a report in 2015 pointing to the need to update the terms of reference (EMG 2015). In 2016, UNEA-2 invited the UN Secretary-General and the UN System Chief Executives Board (CEB) to implement its recommendations.¹⁷ Consequently, the terms of reference have been revised to include the 2030 Agenda and other important areas of work, such as the UN System-Wide Framework of Strategies on the environment (SWFS) and the internal UN environmental sustainability work (EMG, 2017a). In addition, the EMG's working modalities have been clarified in its rules of procedure (EMG, 2017a).

Despite action taken by the EMG to increase the effectiveness and efficiency of its work, its functions remain ultimately the same. As one of the respondents to the survey put it, "EMG has been rather ineffective from the beginning". The UN Secretary-

¹⁵ UNEP/GC/27/2, para 16.

¹⁶ UNEA/1/11, para 4.

¹⁷ UNEA/2/5.

General's recent report on gaps in international environmental law and environment-related instruments highlights that the EMG has had limited effectiveness and scope (UN, 2018b). An independent review of the EMG could provide valuable information to further enhance its coordination role, for instance, by learning from other UN coordinating bodies. It could also be valuable to review EMG's mandate in relation to other environmental coordination bodies such as UN-Water.

5.3 System-wide framework of strategies on the environment

Until recently, the work of the EMG was thematically driven and happened mainly through issue management groups and task forces (EMG, 2015). These bodies have helped to enhance the coherent delivery of many thematic issues, including biodiversity, drylands, sound management of chemicals, and green economy (EMG, 2015). However, they have not enabled the creation of a genuinely system-wide approach to the delivery of the environmental dimension of sustainable development.

In 2013, UNEP's governing council requested the executive director "to develop system-wide strategies on the environment and to invite the engagement of the UN Secretary-General and Chief Executives Board to facilitate broad ownership in the United Nations at all levels".¹⁸ Essentially, this was intended to respond to the Joint Inspection Unit's report on advancing IEG reform. This report highlights that global environmental governance is weakened by institutional fragmentation and specialization and the lack of a holistic approach to environmental issues and sustainable development, stemming from unclear division of labor between responsible constituencies and from the absence of a single strategic planning framework (Tadanori, 2008).

Against this backdrop, in 2016, the EMG launched the SWFS, which goes beyond specific thematic issues (EMG, 2016). Two mutually supportive objectives lie at the core of the SWFS. First, it aims to promote the convergence of different agency strategies related to environment and the elaboration of new system-wide strategies to guide the environmental activities of UN entities. Second, it seeks to strengthen the capacity and synergies across the UN system to support the integration of the environment in the implementation of the 2030 Agenda.

The effects of the SWFS are still unclear but, promisingly, several UN agencies are reported to have explicitly aligned their programs with targets and indicators of the

¹⁸ UNEP/GC/27/5, para 3.

2030 Agenda (EMG, 2017b). In the long run, the framework can provide a valuable strategic tool for coherent and effective implementation of the 2030 Agenda. Without intergovernmental approval by UNEA and the UN General Assembly, however, use of the SWFS is based on the good will of UN bodies, and the lack of accountability to governments could lead to gradual loss of interest in its implementation. Greater political support for advancing the framework could be sought through the High Level Segment of UNEA.

5.4 Options for action

A strong UN voice on the environment is necessary in the context of the global governance system, but that requires a clear definition of UNEP's role and the management of communications, including attention to issues listed in Table 5.

Table 5: Options for action on voice and coordination

	Options for action	Actors
1	Enhance system-wide collaboration and integration of UNEA into other processes in the UN system.	Secretariat IGOs MEAs Stakeholders
2	Clarify the role of UNEP within the EMG and prepare an independent review of its mandate and effectiveness in the context of other UN system-wide coordination bodies operating in the environment field.	Secretariat
3	Increase outreach of success stories and of UNEP's contributions to other policy areas.	Secretariat
4	Promote the integration of the environmental agenda into other policy issues, including trade and human rights.	Secretariat Member States
5	Increase political support for the SWFS through the High Level Segment of UNEA.	Member States
6	Revisit the Earth Charter and the World Charter for Nature, and reengage with them at international level.	Member States
7	Create coherent narratives about needs and accomplishments.	Secretariat
8	Strategically inform the UN hub in New York about UNEA resolutions and UNEP's work.	Secretariat Members States
9	Promote learning across UN coordination bodies such as UN-Water, UN-AIDS, and others.	Secretariat Members States

6. Science-policy interface

At the core of the science-policy interface are “social processes which encompass relations between scientists and other actors in the policy process, and which allow for exchanges, co-evolution, and joint construction of knowledge with the aim of enriching decision-making” (van den Hove, 2007). The interface needs to be framed by an effective and efficient governance structure to promote fruitful interaction between the policy and science domains (UNEP, 2017d).

Paragraph 88 (d) of the Rio+20 outcome document calls for promoting “a strong science-policy interface, building on existing international instruments, assessments, panels and information networks”. In 2013, UNEP’s governing council decided “that the governing body of UNEP will promote a strong science-policy interface by reviewing the state of the environment, by building on existing international instruments, assessments, panels and information networks”.¹⁹ Furthermore, in 2014, the first session of UNEA adopted a resolution on the science-policy interface that emphasizes the role of global environmental assessments and the online platform *UNEP Live* (now known as *Environment Live*).²⁰

6.1 Overview of science-policy assessment processes

A broad variety of science-policy assessment processes seek to fill previously observed gaps in the science-policy interface (UNEP, 2017d). In fact, global environmental assessments have become key mechanisms to organize the provision of “policy relevant” knowledge and advice to governments and for MEAs on global environmental issues (Borie et al., 2015). More than 130 global environmental assessments have been initiated over the past four decades (Kowarsch et al., 2016). Paragraph 88 (d) calls for building on existing assessments—which includes most importantly the Global Environment Outlook (GEO), the Intergovernmental Panel on Climate Change (IPCC), the Intergovernmental Science-Policy Platform on Biodiversity and Ecosystem Services (IPBES), and the International Resources Panel (IRP), as described in Table 6.

¹⁹ UNEP/GC/27/2, para 8.

²⁰ UNEA/1/5.

Table 6: Key characteristics of main global environmental assessments

	Mandate	Products	Representation	Established
IPCC	Assess on a comprehensive, objective, open and transparent basis the scientific, technical and socio-economic information relevant to understanding the scientific basis of risk of human-induced climate change, its potential impacts, and options for adaptation and mitigation (IPCC, 2013).	Five assessment reports Special reports, methodology reports and technical papers	195 members 152 observers	1988
GEO	Institute a consultative and participatory process to prepare an independent assessment of the state of the environment, the effectiveness of the policy response to address these environmental challenges, and the possible pathways to achieve various internationally agreed environmental goals (UNEP, 2018d).	Six global outlooks	n/a	1995
IRP	Provide independent, coherent, authoritative scientific assessments of policy relevance on the sustainable use of natural resources, in particular their environmental impacts over the full life cycle: and contribute to a better understanding of how to decouple economic growth from environmental degradation (UNEP, 2017e).	25 thematic reports	n/a	2007
IPBES	Strengthen the science-policy interface of biodiversity and ecosystem services for the conservation and sustainable use of biodiversity, long-term human well-being and sustainable development (UNEP, 2012b).	First global assessment (2019) Thematic reports and methodology reports	132 members 382 observers	2012

6.2 Gaps in the science-policy interface

At the request of UNEP's governing council in 2013 and UNEA at their first session in 2014, UNEP prepared a report on critical gaps in the science-policy interface.²¹ The gap analysis, published in 2017, summarizes the characteristics of an effective science-policy interface, identifies key concerns and provides ideas for addressing them (UNEP, 2017d), including several significant gaps:

- gaps in the chain of capable, motivated people exchanging evidence between scientists and final decision makers;
- gaps in available evidence; and
- gaps in the effective transfer of evidence between people in the chain.

²¹ UNEP/GC/27/2, para 8; UNEA/1/4, para 5.

The extent to which UNEP is delivering on its science-policy mandate has been questioned, due to the lack of core funding. "Science needs to be the center of the organization", one interviewee emphasized. "With science we can understand challenges and opportunities, without it we cannot set the agenda. There is lack of focus on this subprogram, the executive director needs to allocate resources to this" (Interview 91).

Despite the vast number of assessments developed to fulfill various needs, integrated and genuinely multi-disciplinary science-policy frameworks are still absent, and basic environmental trends are unclear. "Basic investment in monitoring the environment (is critical)", an interviewee remarked, "because you can't really have a strong science policy interface unless you have good science. And we don't have a systematic measure of environmental parameters year after year where we can look at the state and trends to be able to measure whether or not the policies and programs that have been put in place are actually contributing to an improvement in environmental conditions" (Interview 10). Credibility of the assessment process is a function of the process and not necessarily of the substance. In many countries, specific natural resources belong in various line ministries such as fisheries, forests, etc., which are often skeptical of the environment ministry. "The vision for paragraph 88(d)", one interviewee explained, "was to assist in shaping IPBES and ensure that the scientific process was solid and thus gain trust. All scientific assessments include similar issues and put a strain on scientists who do not necessarily know what is happening in different countries" (Interview 21).

Arguably, UNEA would benefit from greater institutionalization of science into decision-making and from systematic and sustainable linkage with the scientific assessment mechanisms. The establishment of a subsidiary scientific mechanism to UNEA could help bridge the work of various global environmental assessment scientific panels and decision-making bodies of UNEA. Currently, such institutional linkage with UNEA is absent, and science does not function as a basis for policy formulation. The form and functions of a possible subsidiary scientific mechanism requires careful consideration. An important function could be to assess progress, in particular if aligned with sub-programmes of the medium-term strategy. A study of modalities for a subsidiary scientific mechanism would help assess the benefits and challenges of different options, including estimated cost implications.

Since the adoption of the 2030 Agenda, global environmental assessments have been confronted with a new political reality characterized by a multitude of goals and targets. The inclusion of more scholars from social sciences and humanities would allow global environmental assessments to deepen their scientific work to better respond to the multidimensional nature of the 2030 Agenda. Recent attempts to enhance the

multidisciplinarity of IPCC and IPBES have not yet resulted in significant changes (Victor, 2015; Stenseke, 2016). In addition, the global environmental assessment processes could consider creating a joint approach to supporting the follow-up to the 2030 Agenda in close cooperation with the Global Sustainable Development Report.

This could include convening the heads of the scientific assessment bodies. It will also be important to respond to one of the greatest challenges confronting modern science-policy interfaces: how to motivate decision-makers to take necessary action in light of existing information. National policy-makers often lack capacity to interpret global environmental assessments; thus, translating them for regional/national/local use could significantly help in outreach (IPCP, 2018). Also, options to strengthen global environmental assessments through creation of national and local mechanisms deserves more consideration. At the national level capacity, resources and tools are needed to sort through massive data, interpret it well, and translate it into policies.

Lastly, ways to connect science and policy professionals through various networks need to be explored. One possible strategy is the creation of a consortium of academic and research institutes from around the world to enhance scientific cooperation and support decision-makers and relevant authorities in applying scientific and technical information. Ultimately, the scientific assessment processes are very vulnerable because of the limited number of scientists, especially in developing countries, who are able to engage and contribute. "Who is providing the input and how can we nurture resources at the national level?" one official remarked. "How are people picked to be part of these processes? The United States has many universities and scientists but even there, there are challenges because who pays? No one finances the scientists" (Interview 21). Assessments could also include scientific knowledge produced in local languages in developing countries (IPCP, 2018).

6.3 Options for action

Environmental assessments and scientific input into policy processes are essential to the work of UNEP. They vary in scope and institutional form, helping to serve the scientific needs of various MEAs and UN bodies in accordance with their respective mandates, as well as informing the general public. However, science and policy have been divorced in UNEP's work, and this split carries a high cost. Some of the issues that need to be addressed in order to reconcile the role of science in environmental governance are listed in Table 7.

Table 7: Options for action on science-policy interface

	Options for action	Actors
1	Review UNEP's institutional framework for scientific assessments, assessing possibilities and addressing gaps therein, e.g., through the creation of a platform for scientists and science communication.	Member States Stakeholders Secretariat
2	Analyze options for institutionalizing science into UNEA and consider modalities for a subsidiary scientific mechanism to integrate scientific findings into the policy process, including to provide better responses to data needs for implementation of SDGs and to monitor progress in implementing the medium-term strategy.	Member States Stakeholders Secretariat
3	Increase political participation in science-policy discussions at UNEA.	Secretariat Member States
4	Translate scientific approaches into concrete actions and models that respond to emerging issues and integrate the core messages of the various assessments.	Member States Academia Secretariat
5	Increase multidisciplinary by incorporating perspectives beyond natural sciences, in particular social science and humanities.	Academia Secretariat
6	Translate global environmental assessments into national and local context, including by developing science-policy interfaces at the national and local levels.	Member States Secretariat Academia
7	Make primary environmental data (including timelines) available and accessible.	Member States
8	Launch a consortium of natural and social scientists and NGOs from developed and developing countries to engage in capacity building.	Secretariat
9	Integrate the scientific findings of main global environmental assessments coherently in the programme of work.	Secretariat
10	Institutionalize and promote university engagement with UNEP.	Secretariat Academia
11	Convene heads of global environmental assessments and relevant subsidiary scientific bodies of MEAs to enhance collaboration and synergies.	MEAs Secretariat Academia
12	Turn scientific knowledge and approach into options and present as a business case; mainstream environmental issues into core academic curriculum; and mainstream activities conducted at science-policy interfaces into core academic performance evaluation schemes.	Academia

7. Environmental information and awareness-raising

Paragraph 88 (e) of the Rio+20 outcome document stipulates the need to “disseminate and share evidence-based environmental information and raise public awareness on critical as well as emerging environmental issues”. Furthermore, in 2014, the first session of UNEA gave specific importance to information management, in particular development of *UNEP Live*.²²

7.1 Communication and information management

Recently, UNEP has undertaken a major overhaul of its media outreach (UNEP, 2019a). Presently, UNEP has twenty-one social media accounts representing all six UN languages and more than two million followers (UNEP, 2019a). UNEP is running three public awareness campaigns: the Clean Seas campaign against plastic pollution, the Wild for Life campaign against illegal wildlife trafficking, and the Breathe Life campaign against air pollution (UNEP 2018).

Campaigns are beneficial, but there is concern that UNEP is assuming a grassroots actor role rather than functioning normatively, as expressed by one interviewee: “Governments don't fund UNEP and the Environment Fund so that UNEP can run a beach cleanup day in India, even though that attracts some media attention and it might get some stuff there, and then report back to their donors and say look we ran a beach cleanup day in India. I'm sorry, that's not really UNEP's role” (Interview 10). To live up to its mandate, UNEP should provide proper guidance and tools for countries to implement relevant decisions to maximize its influence. This could include encouraging countries to assign UNEP communication, education and public awareness focal points. Environmental outreach has traditionally focused on distributing facts and data through UN reports, which are poorly understood by the general public. More attention will need to be given to formulating clear and practical messages that are relatable on

²² UNEP/EA/1/4, paras 12–16.

a personal level and can induce needed behavioral change. Also, it is important to highlight success stories as well as challenges.

Attracting more journalistic attention to environmental and sustainability issues will be critical. For example, climate change reporting has become more constructive, and new voices are coming from different areas. It will be important to consider ways to enhance the capacity of environmental journalists and possibilities for creating a platform of environmental communicators and scientists.

Contests provide an important opportunity for recognizing environmental champions. In 2005, UNEP established the Champions of the Earth award to celebrate outstanding environmental figures and initiatives. In 2017, the initiative was expanded to support 18 to 30-year olds with outstanding achievements in the environmental field (the Young Champions of the Earth award). To date, ninety Champions of the Earth and thirteen Young Champions of the Earth prizes have been awarded. Options could be explored to award more such awards, analyze their impact and connect them in a network. New contests also could be developed, for instance, at the intersection of arts and the environment.

Environment Live (formerly *UNEP Live*) is an important online portal launched in January 2014, which provides open access to environmental data using distributed networks, cloud computing, big data and improved search functions. It is intended to serve as an information portal to the environmental dimensions of sustainable development and provide information on progress in meeting the goals of the MEAs.²³ Another online portal, *InforMEA*, contains information on MEA decisions, resolutions, news, events, a glossary, lists of Parties, national focal points, national reports and strategies, and free online e-learning courses. Both portals aggregate data and display it online, aiming to support uptake of environmental information by governments and the general public, but they lack focus, and the multiple features and layers have made them confusing for users. The portals would benefit from the development of a clear strategy and vision for their use.

²³ UNEA/1/4, paras 12–13.

7.2 Options for action

Investing in public awareness and information management is key for thriving in an information-driven society. Despite progress, more work is needed to increased visibility of UNEP and its agenda, as outlined in Table 8.

Table 8: Options for action public awareness and information

	Options for action	Actors
1	Prepare a communication strategy for effective delivery of the organization's message.	Secretariat Member States
2	Connect to the general public with a message that is relatable at a personal level and raises public awareness in individuals' everyday life, including increased engagement of youth.	Secretariat
3	Increase capacity and engagement of journalists and communicators on environmental and sustainability issues, including by creating a platform for them.	Secretariat Member States Stakeholders
4	Encourage countries to assign UNEP communication, education and public awareness focal points and provide appropriate guidance to this end.	Secretariat Member States
5	Develop a clear strategy and vision for the development of online information management portals, including <i>InforMEA</i> and <i>Environment Live</i> , to make them more user-friendly.	Secretariat Member States
6	Communicate national action, successes and challenges, including on relevant issues for each MEA.	Secretariat Member States MEAs
7	Set up a strategy that drives behavioral change and draws on innovative and interactive approaches to engage different audiences.	Secretariat
8	Award more Champions of the Earth and engage with them systematically; analyze their impact and create a network for them.	Secretariat
9	Create contests for arts and the environment.	Secretariat
10	Robustly and creatively commemorate Stockholm+50 and UNEP+50, focusing on norms, institutions, education and SDGs and fully involving civil society, including youth.	Secretariat Member States Stakeholders IGOs Academia

8. Capacity building

Paragraph 88 (f) of the Rio+20 outcome document calls for providing “capacity-building to countries, as well as support and facilitate access to technology”. Capacity building and facilitation of technology transfer have been integrated in all the programmes of work, in line with the Bali Strategic Plan for Technology Support and Capacity-building (UNEP, 2019a). However, UNEP is not well positioned to effectively provide capacity building due to its predominantly normative role and limited operational budget. Nevertheless, strategic partnerships with other organizations would increase the impact of UNEP’s mission. Specifically, there seems to be a window of opportunity to strengthen the partnership with the UN Development Programme (UNDP) based on the structural characteristics and leadership capacities of the UNEP and UNDP. Synergies with organizations working on trade and human rights issues could also be improved. Such partnerships fit well with the priorities for the UN development system in the context of reform efforts championed by the Secretary-General. Partnerships are also needed at the local level; UNEP needs to work with national agencies and regional offices, especially in implementing MEAs.

Capacity building and training of decision-makers is critical and needs to be complemented by institution building. Developing countries have weak national environmental administrations with few people and few resources. Turnover drains capacity and makes any successes short-term and unsustainable. To this end, attention needs to be given to strengthening those environmental administrations, helping to increase their voices and capacities in formulating national and international environmental agendas. Supporting national legislation and institutional strengthening could be emphasized more in the sub-programme on environmental governance of UNEP’s programme of work. In particular, the role of the Montevideo Programme could be more nuanced.

8.1 Options for action

To enhance UNEP’s impact and reach in the area of capacity building, workshop participants identified several options for action listed in Table 9.

Table 9: Options for action on capacity building

	Options for action	Actors
1	Strengthen partnerships with other UN field agencies, in context of UNSG reform of the UN development system.	Secretariat IGOs
2	Complement capacity-building efforts with institutional frameworks at international and national levels.	Member States Secretariat
3	Ensure that partnerships work at local levels through national agencies and regional offices, especially concerning the implementation of MEAs.	Secretariat Stakeholders MEAs
4	Identify cross-cutting issues for capacity building, especially in the context of the 2030 Agenda.	Secretariat
5	Improve collaboration with stakeholders and other private actors to deliver capacity-building mechanisms.	Secretariat Stakeholders
6	Emphasize the role of the Montevideo Programme in the sub-programme on environmental governance.	Member States Secretariat
7	Engage with environment ministries to train decision makers and strengthening institutions.	Member States Secretariat
8	Improve collaboration with UNDP (possibly setting up UNDP-UNEP units and/or teams) to support 2030 Agenda implementation.	Secretariat IGOs
9	Work with national agencies and regional offices on MEA implementation.	Secretariat
10	Facilitate North-South, South-South and triangular cooperation to enhance capacity building by supporting trainers from institutions (e.g., universities, government agencies NGOs).	Secretariat Member States Stakeholders Academia
11	Enhance strategic collaboration with UN system for SDG implementation.	Secretariat
12	Set up a programme with other relevant agencies to develop instruments that can effectively address environmental challenges.	Secretariat IGOs Stakeholders
13	Provide training to increase understanding of the role and functions of the programme of work.	Secretariat Member States
14	Take better advantage of universities and foundations (especially in partnership) as sources of capacity building.	Secretariat Stakeholders

9. Regional presence and headquarters functions

Paragraph 88 (g) of the Rio+20 outcome document consists of two objectives: (1) “progressive consolidation of headquarters functions in Nairobi” and (2) to “strengthen its regional presence, in order to assist countries, upon request, in the implementation of their national environmental policies, collaborating closely with other relevant entities of the UN system”. Developments in both these areas are described below.

9.1 Regional presence

UNEP relies on six regional offices: Africa (Nairobi, Kenya), Asia and Pacific (Bangkok, Thailand), Europe (Geneva, Switzerland), Latin America and Caribbean (Panama City, Panama), North America (Washington DC, USA) and West Asia (Manama, Bahrain). The regional offices have an important role for delivering the programme of work in their respective regions, in addition to their traditional representation and outreach roles (UNEP, 2019a).

In 2013, the governing council decided to strengthen UNEP’s regional presence, in particular by increasing UNEP’s participation in UN country teams.²⁴ However, the regional office teams are still too small to effectively support country teams and other partners with expertise, technical support and services (UNEP, 2019a). The development of regional environmental ministerial forums supported by UNEP is an important step that can also contribute to a voice for regions in UNEA (McInerney, 2017). Regions’ roles could be further strengthened to enhance the capacity of ministers in global environmental policy-making and consensus building prior to UNEA sessions. However, there is currently no formal mechanism for discussing the outcomes of the regional environment ministers meetings at UNEA, and it will be important to mobilize adequate resources for financing successful ministerial forums (UNEP, 2019a).

UNEP has sought to further strengthen regional presence by opening five sub-regional offices in the following locations: Almaty in Kazakhstan (2015), Apia in Samoa

²⁴ UNEP/GC/27/2, para 14.

(2014), Montevideo in Uruguay (2015), Abidjan in Cote d'Ivoire (2015) and Kingston in Jamaica (2016). Recently, emphasis has also been given to opening and strengthening country offices. One interviewee explained the benefits of country engagement in the case of Colombia. "UNEP's engagement in the country increased as they sent an official to Bogota to help with the conflict and environment projects. This built credibility of UNEP in the country" (Interview 74). However, opening new country offices has also raised concerns, as highlighted by one of the interviewees: "having national offices can be counterproductive. I think regional offices would be more useful, although some of the regions are very large and may need sub-regional offices" (Interview 10). Special emphasis given to country offices holds the risk of diverting UNEP's work from its core normative role into operational activities, which it is not mandated or resourced to deliver. Instead, supporting countries in a balanced manner will require working through properly resourced regional and sub-regional offices to help UN country teams incorporate environment issues properly in the United Nations Development Assistance Frameworks (UNDAFs). It is especially important for UNEP to review, jointly with member states, UNEP's regional and country presence in view of the reform of the UN development system with its reinvigorated country teams.

9.2 Headquarters functions

In 2013, the governing council committed to progressively consolidating UNEP's headquarters functions in Nairobi and asked the executive director to present a progress report to the governing body.²⁵ The report defined UNEP's headquarters functions as follows: corporate leadership, relations with governing and oversight bodies, corporate institutional relations, strategic decision and work planning, corporate management, corporate communications, and coordination of donor relations (UNEP, 2014c).

In line with the established criteria, UNEP has relocated senior staff to Nairobi. Most importantly, the seat of the director of the economy division has been moved from Paris to Nairobi, and all seven coordinators of the sub-programmes are now located in Nairobi, where previously there were only three (UNEP, 2019a). The director of the New York office continues to perform functions related to corporate institutional relations (UNEP, 2019a). Maintaining engagement at a high political level between New York and Nairobi will be important to ensure strategic input to broader UN policy

²⁵ UNEP/GC/27/2, para 13.

processes. To this end, including UNEP in the core group of the United Nations Sustainable Development Group is essential.

The consolidation of headquarters functions has been met with mixed enthusiasm. On one side, maximizing interaction with relevant intergovernmental organizations, international financial institutions, and civil society requires distributed presence around the world. On the other, increased regional presence holds the risk of creating multiple centers of authority in UNEP, which if not managed properly could undermine organizational and policy coherence (McInerney, 2017). This issue has ambiguous effects on UNEP's capacity, as noted by one of the interviewees. "They have now moved many of their headquarters functions to Nairobi. I'm not sure that this has enhanced and strengthened the capacity of UNEP. They have had some problems of attracting people", the interviewee remarked (Interview 10). The effects of actions taken to consolidate headquarters functions should be assessed to understand their effects on UNEP's performance and leadership.

9.3 Options for action

Options for strengthening UNEP's regional presence and headquarters functions are outlined in Table 10.

Table 10: Options for action on regional presence and headquarter functions

	Options for action	Actors
1	Better utilize regional environmental ministerial forums to enhance capacity of ministers to engage in global environmental policy-making.	Member States
2	Formalize the role of regional environmental ministerial forums as a mechanism for reporting regional outcomes/priorities to UNEA.	Member States
3	Review UNEP's regional and country presence in context of the reform of the UN development system.	UNEP Member States
4	Assess effects of actions taken to consolidate headquarters functions to understand their effects on UNEP's performance and leadership.	UNEP
5	Include UNEP in the core group of the United Nations Sustainable Development Group.	IGOs

10. Stakeholder engagement

It is a well-established principle that environmental stewardship requires the active participation of all stakeholders and all sectors of society to succeed. Members of civil society not only have the right to be heard in policy discussions affecting them, but their engagement is a way to hold governments accountable and exercise lobbying power (UNEP, 2013b). In addition, civil society can complement expertise of governments and UNEP, and can play an important role in implementation and follow-up of decisions (UNEP, 2013b).

Paragraph 88 (h) of the Rio+20 outcome document calls for “the active participation of all relevant stakeholders drawing on best practices and models from relevant multilateral institutions and exploring new mechanisms to promote transparency and the effective engagement of civil society”. In 2013, the 27th session of UNEP’s governing council noted that stakeholder engagement should be strengthened by 2014 through the following means, for UNEP and its subsidiary bodies:²⁶

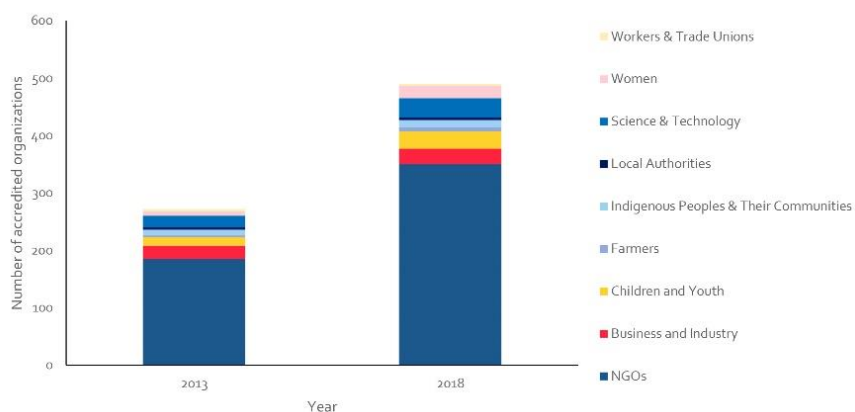
- Developing a process for stakeholder accreditation and participation that builds on the existing rules of procedure and takes into account inclusive modalities of the Commission of Sustainable Development and other relevant UN bodies;
- Establishing mechanisms and rules for stakeholders’ expert input and advice;
- Enhancing working methods and processes for informed discussions and contributions by all relevant stakeholders towards the intergovernmental decision-making process.

²⁶ UNEP/GC/27/2, para 7.

10.1 Stakeholder participation levels and demographics

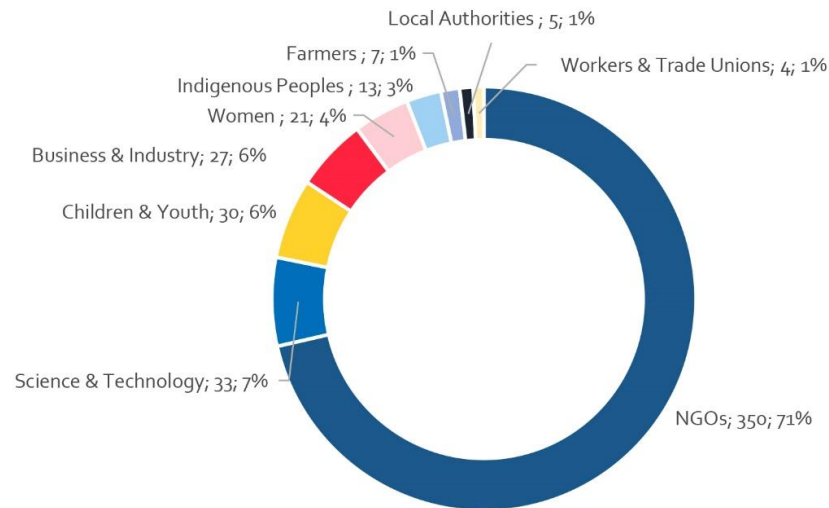
UNEP uses the term Major Groups and Stakeholders to address broader civil society based on UNEP's governing council decision SSVII.5 (2002), which states that "civil society encompasses Major Groups, that are farmers, women, scientific and technological community, children and youth, indigenous people and their communities, workers and trade unions, business and industry, non-governmental organizations". Accreditation provides major groups with observer status to UNEA, including its subsidiary organs, in line with Rule 70 of UNEA's Rules of Procedure. As Figure 8 shows, the total number of organizations accredited to UNEP has grown 80% in five years, from 272 in 2013 to 490 in 2018. Moreover, Figure 9 shows that 71% of all organizations accredited to UNEP are NGOs, and proposals for reform have suggested elevating the role and status of NGOs in relation to the other less-well-represented major groups (UNEP, 2013b). Only five local authorities are accredited to UNEP, despite their critical role in forging environmental stewardship.

Figure 8: Number of organizations accredited to UNEP in 2013 and 2018



Source: UNEP, 2013b; UNEP, 2018e.

Figure 9: Share and numbers of accredited organizations in UNEP in 2018



Source: UNEP, 2018e.

Rule 70 of UNEP's Rules of Procedure governs stakeholder engagement. Since Rio+20, UNEP has used more flexibility in its interpretation of Rule 70, facilitating broader stakeholder accreditation. For instance, the international scope of work to meet the related accreditation criteria is covered by having international partners, instead of having physical presence in more than one country (UNEP, 2019a). Proposals have been made to amend Rule 70 so that it would better reflect current stakeholder practices, for instance, by replacing "international non-governmental organizations" with "non-governmental organizations".

10.2 Stakeholder engagement policies

In line with Rule 6g of the Rules of Procedure, meetings of UNEA and its subsidiary bodies are open for participation to accredited major groups and stakeholders, although they lack the right to vote. After Rio+20, the subsidiary bodies were also opened to civil society participation (CIEL, 2016). Stakeholders have the opportunity to provide written and oral input to these meetings through the secretariat of the

governing bodies, and accredited organizations receive all documents sent to member states (UNEP, 2018f).

However, observers argue that these practices have not translated into a greater role for the major groups, including influencing decision-making (CIEL, 2016). As one interviewee noted, “At UNEA there are almost two parallel worlds—governmental negotiations and side-events organized by NGOs. Those rarely overlap because delegations are busy negotiating” (Interview 74). Stakeholder statements in UNEA are usually provided after formal statements by delegations in plenary meetings and, though they may have symbolic value, they influence decision-making only vaguely (Halle and Dodds, 2016). In addition, stakeholders are often excluded from contact groups, the small-group negotiations where decisions are made (Halle and Dodds, 2016). Stakeholders’ influence is further restricted due to their lack of capacity to participate in intersessional meetings (CIEL, 2016).

In 2014, UNEP published its first-ever Access-to-Information Policy to “enhance transparency and openness” in the organization’s work (UNEP, 2014d). The secretariat convened a series of consultations with governments and stakeholders, inviting their comments on the policy and in 2016 published its final version, which addressed many of the weaknesses of the draft (UNEP, 2016c). For instance, the final version established an Access to Information Panel with three members (two UNEP staff and one external member) to monitor the policy and to review appeals of decisions denying access to information. However, this policy is not considered as advanced as World Bank’s 2010 policy on access to information.

In 2016, UNEA-2 discussed a draft policy on stakeholder engagement but failed to reach agreement. A major controversy of views resolved around the proposed “no-objection rule”, which would have allowed any country to examine the list of potential participants to UNEA and blacklist any organization. In addition, the stakeholders criticized the draft policy because it did not codify best practices of stakeholder engagement (CIEL, 2016). However, they credited it for including some ambitious proposals, such as allowing local organizations to accredit themselves with UNEP (CIEL, 2016). Current rules, mechanisms, and practices for involvement of stakeholders in UNEP’s work are outlined in the *Handbook for Stakeholder Engagement*, published in 2015 (UNEP, 2015).

10.3 Stakeholder engagement mechanisms

In 2000, UNEP established the Global Major Groups and Stakeholder Forum (GMGSF) to support stakeholder engagement in its work. The forum has not changed significantly since Rio+20 and continues to be institutionally disconnected from intergovernmental negotiations. Regional consultative meetings are organized by UNEP's six regional offices and serve an important preparatory arena for the GMGSF, as they result in regional statements.

In 2007 the Major Groups Facilitating Committee (MGFC) was established to facilitate major groups and stakeholders' engagement with UNEP. It is a self-organized group composed of eighteen representatives and three co-chairs from the nine major groups. A proposal has since been made to replace MGFC with an environmental civil society mechanism (ECSM), following the example of the Committee on World Food Security (UNEP 2013). According to this proposal, the ECSM would participate in decision-making on an equal basis with governments but would not have the right to vote (UNEP 2013). However, there have as yet been no reforms to the MGFC.

The Civil Society Unit at UNEP facilitates the engagement of major groups, including by providing financial support for participation in meetings (UNEP, 2018f). Its funding, however, is minimal (USD 220,000 in 2018), hampering its ability to deliver on its mission. Only very limited additional extra-budgetary resources have been provided by member states toward this work (UNEP, 2019a).

After Rio+20, more emphasis has been given to enhancing private sector involvement in UNEP's work. In 2017, UNEP changed the Science-Policy Forum, which brought together policy-makers, scientists, researchers, and civil society stakeholders, to the UN Global Science-Policy-Business Forum on the Environment and added corporations to the science-policy dialogues. These new developments are not viewed favorably by all, as remarked by one of the interviewees. "I don't ever recall seeing the report for the Science Business Forum. And it's not been done in a very transparent or systematic way. In terms of moving forward I think that's unfortunate. I think that you need to have greater transparency" (Interviewee 10). Nevertheless, in January 2018, UNEP established a private sector unit in its governance affairs office to enhance relationships with the private sector.

10.4 Navigating for a positive outcome

The current state of multilateralism is challenging, and many UN agencies are faced with decreasing levels of funding. The participation and active engagement of civil society organizations can add value, as they have complementary expertise and help in strengthening UNEP's outreach and voice. Since the Rio+20 Conference, stakeholders' interest in UNEP has increased considerably, which can be seen in the rapid growth in accredited organizations.

Many UNEP reforms can be credited to actions of the secretariat: it created a new access-to-information policy and stakeholder engagement handbook; opened up the CPR for stakeholder participation, including remotely; and modified interpretation of the Rules of Procedure to facilitate accreditation of stakeholders. However, stakeholder participation in intersessional work is still weak and tends to focus around UNEA, and the decreasing funding for stakeholder participation is troubling.

UNEP's increased emphasis on private sector involvement could help create beneficial partnerships and drive innovation, but it also creates risks for greenwashing and moving away from UNEP's core tasks. These developments have been met with both enthusiasm and concern. "We don't need to be afraid, need to be open and realize that we need to work together. UNEP has been making MOUs with companies—there needs to be a mechanism for such cooperation" one person commented (Interview 91). However, experts also note that "it is important to engage the business sector on policy issues and get their views, but they can't drive it" (Interview 10). UNEP needs to establish rules for private sector participation.

Outside UNEP, despite some progress governments have not completed reforms around stakeholder engagement, and no new stakeholder engagement policy has been adopted. Regrettably, the current situation more closely resembles UNEP's traditional approach to engaging stakeholders, in which they are predominantly excluded from policy formulation, than what paragraph 88 calls for: "drawing on best practices and models from relevant multilateral institutions".

UNEP needs an official policy on stakeholder engagement, which would require member state approval. However, stakeholder participation can be weakened if it is opened to negotiation. The establishment of a small intersessional expert group, with equal numbers of government and stakeholder representatives, could induce constructive dialogue and promote mutual understanding of the way forward in developing more effective stakeholder engagement policy and practice. Also, governments could enhance stakeholder participation in national delegations, and UNEP could produce guidelines for this purpose.

10.5 UNEP+50

UNEP will reach fifty years of age in 2022. Its history dates back to the 1972 Stockholm Conference on the Human Environment, which adopted the Stockholm Declaration on the Human Environment. Transboundary pollution is prominently addressed in its famous Principle 21, which signaled the beginning of the modern international environmental movement and consequently led to the formation of UNEP. This anniversary provides a unique opportunity to educate and galvanize stakeholders, governments and intergovernmental organizations.

Many approaches to commemorating the anniversary can be envisioned, such as one event, coordinated events in a few locations, or an even more atomized set of events leading to a summit conference. The last approach, in particular, would facilitate attention being paid to a range of environmental issues. For example, preliminary conferences in different countries might focus on thematic topics such as ecosystems (forests, coral reefs, fresh water etc.) and their immediate threats (desertification, biodiversity loss, climate change, chemicals, etc.), or they could address cross-sectoral issues, such as consumption and production, trade, human rights, law and governance, and circular economy. From an even broader and more scientifically-informed perspective, commemorative events could aim to recognize and respect Earth system limits and integrity. Discussion points or conclusions of these preliminary conferences could be brought together at a concluding conference. This approach might be facilitated by several related anniversaries that will also occur in 2022, such as the fortieth anniversary of the UN Convention on the Law of the Sea, the thirtieth anniversary of the UN Conference on Environment and Development, and the tenth anniversary of the creation of the UN special rapporteur on human rights and environment.

Educational components of such a commemoration could also vary greatly, both at national and international levels. One can easily imagine participatory exercises involving design, writing and composing projects for children and young adults, creative story books and text books, radio programs and theatrical performances designed for young people, and other similar activities. A “fair” could be held for the private sector and innovators to showcase environmentally friendly technology, with suitable outreach and publicity. Other intergovernmental organizations such as the International Labour Organization and the World Health Organization could showcase their work in an accessible format. Online activities could engage people around the world. UNEP could play a catalytic role, though most activities would likely be organized at national or local levels. Holding a meeting of the UN General Assembly at the concluding event would help focus attention on the environment and UNEP, and

could serve an educational function for the public, including education about the sustainable development goals and 2030 Agenda. Regardless of the approach taken, planning for this commemoration should begin soon. UNEA-4 could serve as an ideal springboard for this process.

10.6 Options for action

Participation of civil society is critical for effective environmental governance. Civil society actors play many essential roles, such as providing critical factual and contextual input to negotiations and assisting in implementing policy and legal outcomes. However, UNEP's stakeholder policy still needs to incorporate practices and models that encourage engagement and learn from the experiences of other multilateral organizations. The variables listed in table 11 are critical to this process.

Table 11: Options for action on stakeholder engagement

	Options for action	Actors
1	Define an official policy for stakeholder engagement that updates rules of procedure for civil society participation and facilitates access to information, including new modalities and strategies.	Member States Secretariat Stakeholders
2	Establish an intersessional multi-stakeholder working group to make recommendations for a stakeholder engagement policy/practice for UNEA-5.	Member States Stakeholders
3	Pilot new UNEA stakeholder engagement models, drawing on best practices, including the HLPF stakeholder model.	Secretariat
4	Design and implement a user-friendly and efficient system for accreditation and logistics.	Secretariat
5	Define a minimum budgetary threshold for adequate stakeholder engagement and allocate resources from the Environment Fund accordingly.	Secretariat Member States
6	Encourage voluntary support from member states to increase stakeholder participation.	Member States
7	Encourage governments to include stakeholders in their national delegations, and prepare guidelines to facilitate such activity.	Member States Secretariat
8	Specify mechanisms to engage private sector actors, and create rules for their participation and liability.	Member States Secretariat
9	Update UNEA rules of procedure to reflect current practices.	Member States
10	Systematically and actively involve youth in national and international policy making discussions.	Member States
11	Analyze best practices across the UN system, as well as practices championed by member states (e.g., Escazu Agreement).	Secretariat
12	Empower women, especially environmental rights defenders.	Member States Stakeholders
13	Integrate Indigenous knowledge in the policy-making process.	Member States Stakeholders
14	Review actions taken to enhance stakeholder engagement, as stipulated in UNEP's Governing Council Decision 27/2 (para 7).	Secretariat

11. MEA synergies

Achieving greater collaboration among the many multilateral environmental agreements and UNEP is one of the core challenges in global environmental governance and one of the most important opportunities to add value and create a whole greater than the sum of the parts. “We have kept on creating small new kingdoms”, one interviewee remarked, “and the relationship between UNEP and the conventions must be improved”. While each convention has expertise in an issue area, UNEP and UNEA provide a platform for bringing together environmental action across the UN system.

Paragraph 89 of the Rio+20 outcome document acknowledges “the work already undertaken to enhance synergies among the three conventions in the chemicals and waste cluster” and encourages “parties to MEAs to consider further measures, in these and other clusters, as appropriate, to promote policy coherence at all relevant levels, improve efficiency, reduce unnecessary overlap and duplication, and enhance coordination and cooperation among the MEAs, including the three Rio conventions, as well as with the UN system in the field”.

11.1 Chemicals and waste cluster

The main chemicals and waste instruments have been negotiated during the past 30 years. They include four narrowly defined legally binding conventions and the Strategic Approach to International Chemicals Management (SAICM)—a voluntary instrument with a broad scope covering all chemicals and waste, as shown in Table 12.

Table 12: Key information on main chemicals and waste cluster instruments

Instrument	Objective	Scope	Parties	Adoption	Host	Location
Basel Convention on the Transboundary Movements of Hazardous Wastes and Their Disposal	Protect human health and the environment from the generation and management of hazardous and other wastes.	Hazardous wastes, except radioactive wastes and those derived from normal operation of a ship.	186	1989	UNEP	Geneva
Rotterdam Convention on the Prior Informed Consent Procedure for Trade in Certain Hazardous Chemicals and Pesticides	Facilitate information exchange about the transboundary movement of hazardous chemicals, by providing for a national decision-making process on their import and export and by disseminating these decisions to Parties.	Banned or severely restricted chemicals and severely hazardous pesticide formulations.	160	1998	UNEP/ FAO	Geneva / Rome
Stockholm Convention on Persistent Organic Pollutants	Protect human health and the environment from persistent organic pollutants.	Persistent organic pollutants.	182	2001	UNEP	Geneva
Strategic Approach to International Chemicals Management (SAICM)	Achieve the sound management of chemicals throughout their life-cycle so that, by 2020, chemicals are used and produced in ways that lead to the minimization of significant adverse effects on human health and the environment.	All chemicals.	n/a	2006	UNEP	Geneva
Minamata Convention on Mercury	Protect human health and the environment from anthropogenic emissions and releases of mercury and mercury compounds.	Mercury and mercury compounds, mercury-added products, and mercury wastes, as well as manufacturing processes in which mercury or mercury compounds are used.	99	2013	UNEP	Geneva

Parties to the Basel, Rotterdam, and Stockholm Conventions (the BRS Conventions) have done pioneering work to enhance synergies, as they convened together three times in 2006–2007 in the form of an ad hoc joint working group with equal representation from all conventions. The working group prepared recommendations for joint activities and the Conferences of the Parties (COPs) of the three conventions adopted them. As a result, the conventions share a joint secretariat, with a joint head and functions, and operate through a matrix management system without compromising the independent legal nature of the conventions. The COP cycles have been synchronized and, as a result, decision-making has been streamlined. Simultaneous extraordinary meetings of the COPs took place in 2010 and 2013, and at ordinary meetings of the COPs in 2015 and 2017.

Some view this as the greatest institutional merger in the international treaty area of the twenty-first century (Morgan, 2016). Others point out persistent challenges, including the inability to negotiate a compliance mechanism for the Rotterdam and Stockholm Conventions, a mismatch between available GEF funding and the needs of developing countries and those with economies in transition, and the demands on staff in developing country ministries of a two-week COP (Ripley, 2017). “BRS synergies have brought scientists together”, one interviewee noted, “and the secretariat became more effective, but negotiations became more challenging. BRS can now deal with joint issues, like joint reporting” (Interview 58). An independent review of the synergy arrangements concluded that synergies have improved parties’ ability to implement the conventions, and that the secretariat has been delivering “more with less”, increasing outputs and activities while holding steady or reducing its real-terms expenditures (UNEP, 2016d). The logical continuum is to extend this process to other instruments that address chemicals and waste.

In 2017, the Minamata COP-1 set up a temporary secretariat in Geneva.²⁷ In November 2018, COP-2 reviewed the organizational arrangements and agreed to a stand-alone secretariat located in Geneva with an annual host country contribution of CHF 1 million.²⁸ COP-2 requested that UNEP’s executive director (1) maximize the effective and efficient use of resources of the Minamata and BRS conventions and (2) submit an operational proposal for consideration at Minamata COP-3 in November 2019.²⁹ The inability so far to merge the BRS and Minamata secretariats is a failure from a global environmental governance perspective. The fact that both secretariats reside in the same location and are both administered by UNEP would have favored the creation of a joint secretariat. However, the proposal for shared secretariat services holds promise for progressive administrative integration. In addition, a shared secretariat could develop joint programmatic activities, in particular identifying activities of the Minamata convention that could be aligned with the joint BRS work programme.

In 2006, the international community established SAICM as a voluntary approach to achieve sound management of chemicals throughout their life cycles by 2020. It

²⁷ MC-1/11, para 2.

²⁸ MC-2/1.

²⁹ MC-2/7, para 1.

complements existing MEAs by identifying emerging issues and catalyzing action to tackle them. In 2015, the fourth session of the International Conference on Chemicals Management launched an intersessional process to prepare recommendations regarding strategic approach and sound management of chemicals and waste beyond 2020 (the Beyond-2020 Framework). To date, the secretariat has organized two intersessional meetings, which have initiated the preparation of time-bound objectives and milestones. Implementation and accountability could be increased by adding a national action plan mechanism linked to meaningful reporting and review (Urho, 2018). The framework could be voluntary, legally binding, or a combination (Honkonen and Khan, 2017). A particularly promising hybrid approach could consist of internationally agreed objectives and binding obligations, together with national flexibility in determining country-level measures for meeting those objectives and obligations (Tuncak et al., 2018). In July 2018, eight countries established an Alliance for High Ambition on Chemicals and Waste, which called for a new deal on chemicals and waste, following in the footsteps of the Paris Agreement (Government Offices of Sweden, 2018). Due to its broad scope, the new framework could incorporate highly pertinent emerging issues, as stipulated by one interviewee: "Obviously, Beyond 2020 is a natural place to put plastics regulations, as it will govern all chemicals and waste and take a life-cycle approach. We now have a window for opportunity to act in the next two years" (Interview 69).

In the long run, the cluster could extend from UNEP-administered instruments to other chemicals conventions hosted by various UN bodies. This includes, inter alia, the International Labour Organization's conventions on worker safety and specific chemicals, types of chemicals, or exposures, and the WHO's international health regulations. In particular, the indicators and reporting system of the Beyond-2020 Framework could be designed as a whole, in order to portray a comprehensive picture of progress in ensuring chemical safety worldwide.

11.2 Biodiversity cluster

Over the past five decades, countries have negotiated several biodiversity treaties. Key information about six major global biodiversity conventions is outlined in Table 13.

Table 13: Key information on main biodiversity-related MEAs

Convention	Objective	Scope	Parties	Adoption	Host	Location
Convention on Wetlands of International Importance (Ramsar Convention)	The conservation and wise use of all wetlands through local, regional and national actions and international cooperation, as a contribution towards achieving sustainable development throughout the world.	Wetland ecosystems	168	1971	IUCN	Gland
World Heritage Convention (WHC)	Identify and conserve the world's cultural and natural heritage, by drawing up a list of sites whose outstanding values should be preserved for all humanity, and ensuring their protection through closer co-operation among nations.	Natural and cultural (as well as "mixed") sites	193	1972	UNESCO	Paris
Convention on Trade in Endangered Species (CITES)	Ensure that international trade in specimens of wild animals and plants does not threaten their survival.	Plant and animal species threatened by trade	183	1973	UNEP	Geneva
Convention on Migratory Species (CMS)	Conserve terrestrial, marine and avian migratory species throughout their range.	Migratory species	126	1979	UNEP	Bonn
Convention on Biological Diversity (CBD)	The conservation of biological diversity, the sustainable use of various aspects of it, and the fair and equitable sharing of the benefits arising from commercial and other utilization of genetic resources.	All ecosystem, species, and genetic resources	196	1992	UNEP	Montreal
International Treaty on Plant Genetic Resources for Food and Agriculture (ITPGRFA)	The conservation and sustainable use of plant genetic resources for food and agriculture, and the fair and equitable sharing of the benefits arising out of their use, in harmony with the CBD, for sustainable agriculture and food security.	All plant genetic resources for food and agriculture	143	2001	FAO	Rome

In 2010, COP 10 of the Convention on Biological Diversity adopted the Strategic Plan for Biodiversity 2011–2020, including twenty Aichi Biodiversity Targets, and acknowledged the need for enhancing synergies among biodiversity MEAs. The strategic plan is a flexible framework relevant to all biodiversity MEAs.³⁰ However, it derives from a political process primarily aimed at improving CBD implementation and was not entirely appropriated by the constituencies of the other biodiversity MEAs (Velázquez, 2016). Nevertheless, it helps countries align the activities of the biodiversity cluster in CBD's *National Biodiversity Strategies and Action Plans* (NBSAPs). The Convention on Trade in Endangered Species (CITES) and the Convention on Migratory Species (CMS) have developed guidance on how to use NBSAPs as an implementation

³⁰ UNEP/CBD/COP/X/2.

tool. Aligning the activities of smaller biodiversity MEAs in NBSAPs helps them tap into funding from the GEF, which was previously inaccessible since all except CBD lack a financial mechanism (Tadanori, 2008).

Biodiversity synergies have been realized predominantly at the national level, as explained by interviewees. “Biodiversity synergies, unlike chemicals”, as one noted, “is not about the international or secretariat level but about actions at national level and common areas among the secretariats so that they can work together and deliver common messages” (Interview 42). This view is supported by a survey to national focal points of biodiversity conventions, eliciting 139 responses from 88 countries, in which 60% of the respondents viewed that the Strategic Plan for Biodiversity 2011–2020 and/or the NBSAP revision process had enabled more effective implementation of all biodiversity conventions in their respective countries (von Bieberstein et al., 2018). Furthermore, over 70% of respondents reported that national coordination mechanisms are now in place to facilitate cooperation among national focal points (von Bieberstein et al., 2018). However, few NBSAPs have explicitly incorporated measures to implement biodiversity MEAs other than the CBD (Pisupati and Prip, 2015).

Governments have taken action to enhance synergies by convening across biodiversity MEAs through two mutually supportive country-driven processes.³¹ First, in 2014–2015, UNEP organized two informal international expert meetings bringing together parties of the biodiversity MEAs, which resulted in a paper elaborating options for enhancing synergies, with 88 proposals for joint action (UNEP, 2016e). Consequently, in 2016, UNEA-2 adopted a resolution on synergies among biodiversity MEAs, which encouraged the biodiversity MEAs to jointly develop a post-2020 global biodiversity framework with UNEP’s support.³² Second, CBD organized a workshop in 2016 in Geneva that convened Parties of the biodiversity MEAs, resulting in over two hundred options for joint action. Consequently, in 2016, CBD COP-12 adopted a decision that specifies in annexes both national options for actions and a roadmap for enhancing synergies among biodiversity conventions at the international level during 2017–2020. The roadmap outlines concrete activities for enhancing synergies in three programmatic areas: cooperation and coordination mechanisms; information and knowledge management (national reporting, monitoring and indicators); and capacity building.³³

In 2020, the CBD COP-15 is expected to adopt the Post-2020 Global Biodiversity Framework, which should be developed through a participatory process that involves a wide range of stakeholders and engages closely with the other biodiversity conventions (von Bieberstein et al., 2018). The framework will indeed be key to further building the involvement of the other biodiversity conventions, their ownership of the outcome, and further efforts to ensure coherent implementation at the national level (von Bieberstein et al., 2018). The chemicals and waste cluster provides a model, as expressed by one interviewee: “I think the role of governments, and the way progress was achieved in the chemicals cluster by persistently going through the COPs was key—by not only using

³¹ UNEP/CBD/XI/6, para. 6.

³² UNEP/UNEA/2/17.

³³ UNEP/CBD/XIII/24.

carrots but also sticks. So we have done it before, and now with 2020 approaching, I think we should give it a try in the biodiversity cluster” (Interview 52). An independent analysis of progress in enhancing synergies in the biodiversity cluster would help to address gaps and outline the way forward in the post-2020 era.

In addition, other measures need to be taken to enhance the impact of global biodiversity governance. Primary among them is to develop a process similar to the Nationally Determined Contributions under the Paris Agreement, to inform the negotiations and ensure progress over time (CBD Secretariat, 2018). Such a process could cover implementation and review of actions relevant the biodiversity cluster.

11.3 Administration of MEAs

The management and administrative relationship between UNEP and the MEAs it administers are fraught with difficulties (UNEP, 2011). In 2008, a report by the Joint Inspection Unit of the United Nations criticized the fact that most MEAs have separate secretariats and “a variety of new financial mechanisms”, and pointed to difficulties facing UNEP’s provision of efficient and effective programme support services (JIU, 2008). The report recommended a clear division of roles and responsibilities among the entities that provide administrative, financial and human resources management services. The report also suggested increasing transparency in the use of the programme support cost resources by charging them to the relevant MEA against actual expenditures incurred (JIU, 2008). In 2011, UNEP’s governing council requested that the executive director prepare a report on accountability and financial-administrative arrangements between UNEP and the MEAs it administers (UNEP, 2016f).

MEAs that UNEP administers

- Convention on International Trade in Endangered Species of Wild Fauna and Flora.
- Convention on the Conservation of Migratory Species of Wild Animals and its associated agreements.
- Convention on Biological Diversity and its protocols.
- Vienna Convention for the Protection of the Ozone Layer and the Montreal Protocol on Substances that Deplete the Ozone Layer.
- Basel Convention on the Control of Transboundary Movements of Hazardous Wastes and Their Disposal.
- Bamako Convention on the Ban of the Import into Africa and the Control of Transboundary Movement and Management of Hazardous Wastes within Africa.
- Rotterdam Convention on the Prior Informed Consent Procedure for Certain Hazardous Chemicals and Pesticides in International Trade.
- Stockholm Convention on Persistent Organic Pollutants.
- Convention for the Protection of the Marine Environment and the Coastal Region of the Mediterranean (Barcelona Convention) and its protocols.
- Convention for the Protection and Development of the Marine Environment of the Wider Caribbean Region (Cartagena Convention) and its protocols.

- Convention for the Protection, Management and Development of the Marine and Coastal Environment of the Western Indian Ocean (Nairobi Convention) and its protocols.
- Convention for Cooperation in the Protection and Development of the Marine and Coastal Environment of the West and Central African Region (Abidjan Convention) and its protocols.
- Framework Convention on the Protection and Sustainable Development of the Carpathians.
- Framework Convention for the Protection of the Marine Environment of the Caspian Sea (Tehran Convention).
- Minamata Convention on Mercury.

In 2014, UNEP established a task team comprised of representatives of the convention secretariats and the relevant offices of UNEP to provide recommendations for more cost-efficient, effective, and quality-driven administrative arrangements between UNEP, the UN offices in Nairobi and Geneva, and the convention secretariats. In 2016, the task team delivered its final report to UNEA-2, which made recommendations in relevant areas, including the administrative-financial framework and mutual support for programmes of work.³⁴

The report highlights that programmatic cooperation could best be improved by incorporating priorities of the conventions into UNEP's programme of work, when such priorities are relevant to UNEP's mandate (UNEP, 2016e). The report recommended that the governing bodies of MEAs and UNEA set up modalities for programmatic cooperation. Consequently, UNEA-2 requested UNEP's executive director to foster mutually supportive programs of work between UNEP and MEAs "when invited to do so by the governing bodies of the UNEP-administered MEAs".³⁵

The work done to outline administrative and programmatic areas for cooperation between UNEP and MEAs it administers has been concluded (UNEP, 2018g). However, it is fair to say that the link between MEAs and the "mothership" is not efficient. As one interviewee remarked, "I feel that our medium-term strategy is too detached from the conventions. I don't think it should be completely aligned but it should be close" (Interview 52).

Importantly, potential exists to enhance programmatic cooperation in areas that require integrated solutions across MEAs, clusters and themes. For instance, such work could address the chemicals-biodiversity interface, as one interviewee suggested: "I think that there would just need to be a much stronger acknowledgement that all of these aspects—the biodiversity aspects and the chemicals aspects—actually need to come together in the bigger picture of the environmental crisis that we are facing" (Interview 98).

Concrete areas for integrated programmatic action include, for instance, the water agenda, as suggested by one expert: "I see UNEP as having much broader focus on an integrated view of the environment. To support and to develop a strategy and a vision for how UNEP now is going to really deal with this environmental emergency that we are

³⁴ UNEA/EA/2/18

³⁵ UNEA/EA/2/18, para 7

facing on so many levels involving water quality degradation, anti-microbial resistance, endocrine-disrupting chemicals, microplastics, nanoplastics—these pose a whole new generation of threats, and these are things that UNEP is going to have to deal with” (Interview 98). Recommendations on topics for joint programmatic action could be put forward for joint adoption by UNEA and the relevant governing bodies of MEAs.

More ambitiously, institutional changes are necessary. “One possible way to engage MEAs is using UNEA as a platform for bringing those MEAs so that they are able to speak and also set the agenda at high level”, one interviewee suggested. “That part is weak now, and MEAs are not integrated well into the substantive debate” (Interview 75). In other words, formalizing the role of the governing bodies of MEAs in the sessions of UNEA, through the involvement of their respective presidents of the COPs and bureaus, could build in the messages of MEAs and increase coherence of global environmental decision-making. This could also help UNEA and MEAs develop joint inputs for HLPF.

11.4 Options for action

Key actions for enhancing synergies among MEAs and their relationship with UNEP are listed in Table 14.

Table 14: Options for action on synergies among MEAs

	Options for action	Actors
1	Enhance domestic cooperation and coordination with officials working on related MEAs and non-environmental agreements.	Member States
2	Promote synergies between clusters and themes, including the chemicals-biodiversity interface.	MEAs UNEP Member States
3	Enhance international cooperation and coordination among MEAs and related instruments in and among clusters.	Member States
4	Explore opportunities to formalize the role of the governing bodies of MEAs in UNEA sessions.	Member States MEAs
5	Increase engagement of secretariats and/or presidents of MEAs at UNEA.	Member States MEAs
6	Expand cooperation between UNEP and MEAs, including for communication and implementation of related UNEA resolutions.	UNEP MEAs Member States
7	Align UNEP's programme of work and medium-term strategy with activities of MEAs.	UNEP Member States
8	Develop synergies with other policy issues and agreements in areas such as trade, labor and human rights, complementing synergies and mainstreaming efforts.	MEAs IGOs UNEP
9	Address the negative spillovers of synergistic processes, including challenges with compliance mechanisms.	MEAs UNEP
10	Launch "high-ambition" coalitions and other voluntary partnerships to achieve goals within or across MEAs.	Member States
11	Deepen collaboration efforts with MEAs and improve communication with member states the public.	UNEP
12	Engage regional offices more systematically in supporting MEA implementation.	UNEP
13	Work with other international bodies and instruments relevant to the issue area, such as UNEP's chemicals cluster should work more closely with ILO chemicals treaties and WHO's international health regulations.	MEAs IGOs UNEP
14	Analyze best practices and challenges in MEA implementation across issues and/or across countries.	MEAs Stakeholders
15	Conduct a study of progress achieved in enhancing synergies in the biodiversity cluster, address gaps identified therein and outline a process forward in the post-2020 era.	MEAs UNEP Member States

12. Global Pact for the Environment

This section introduces the debates around a possible global pact for the environment and analyzes some of the main gaps in international environmental governance, based on the UN Secretary-General's gap report of November 2018.

12.1 Background

In June 2017, a French think tank, "Le Club des Juristes", launched an initiative to create a global pact for the environment. The group proposed the establishment of a legally binding international instrument to bring together principles articulated in a range of political declarations on the environment. The goals were to codify principles of international environmental law, introduce a human right to an ecologically sound environment, and create a coherent system of international environmental law. The proposal outlined twenty-six articles and would enable national courts to monitor the compliance of national laws and regulations, which is not presently possible (Le Club des Juristes, 2017).

In May 2018, the UN General Assembly adopted Resolution 72/277 ("Towards a Global Pact for the Environment") that established an ad hoc open-ended working group co-chaired by the Permanent Representatives of Portugal and Lebanon to the UN office in New York. In November 2018 the UN Secretary-General released a report on "Gaps in International Environmental Law and Environment-Related Instruments: Towards a Global Pact for the Environment" (UN, 2018b). The proposal by Le Club des Juristes has thus fed into a state-led process, which could culminate in an intergovernmental conference to adopt a new international instrument.

12.2 Gaps in international environmental law

Governments and experts recognize the existence of a range of gaps and deficiencies in international environmental law and policy. Gaps can be factual or normative. Factual gaps, which exist when an issue is not addressed, can be:

- substantive (no instrument on the issue in question exists)
- legal (guidelines exist but are not legally binding)
- membership-related (some parties are excluded from all or certain commitments)
- geographic (an instrument does not apply to all regions)

- institutional (no institution/organization/instrument exists or is tasked to carry out particular functions) or
- compliance/enforcement-related (there is an agreement, but the compliance mechanism is very soft).

A normative gap exists when there is no agreement that an issue should be addressed. For example, there may be agreement that no instrument exists for a particular issue (a substantive gap) but no agreement that such an instrument is necessary. It is also important to consider whether a gap results from a deliberate design choice when negotiating a legal instrument. Examples include the ability to opt out of a species regulated under CITES, the ability to opt out of the commercial moratorium under the International Whaling Convention, and the non-legally binding targets under the Paris Agreement.

Implementation of commitments and obligations under international environmental law is the most important concern and perhaps the most significant gap in environmental law and environment-related instruments. The biggest impediments to implementation are not the lack of legal instruments but rather the lack of resources, information, capacity to implement, and political will.

The participants in the workshop outlined the core characteristics of a “gap”, and a range of actions to fill gaps:

- Amendment to an existing instrument (if the gap is within or related to the scope of an existing agreement or other instrument);
- Creation of one or more new instruments, whether regional or global, and whether its nature is legal, non-legal, or a hybrid;
- Action that does not necessarily require either a new or amended instrument and could be taken through other means, including increasing funding to one or more existing financial institutions or increasing international attention through a summit, dialogue, provision of information;
- Other efforts to promote the efficacy of international environmental law/policy, such as the development of model legislation or increased capacity building for domestic enforcement;
- Forging strong alliances and coalitions and actively involving stakeholders in the creation of an agreement, framework, or plan of action;
- Creation of joint working groups, engagement in joint meetings with agencies active in the particular issue area, and incorporating experts into other sectors;
- Creation of baselines for reporting, compliance, and implementation of MEAs.

Key issues to consider when assessing gaps and possible actions include the environmental significance of a gap and the urgency of taking action, the need for and desirability of action, and the feasibility of agreement on possible actions. Importantly, jurisdictional concerns need to be addressed—for example, if the gap is within an existing MEA, whether the UN General Assembly be involved in addressing it.

The UN Secretary-General's 2018 report identified gaps and deficiencies in international environmental law and environment-related instruments, which can roughly be grouped as follows: (UN, 2018b):

- Absence of an overarching normative framework collecting, in one document, established principles of international environmental law; and lack of clarity about the content and status of immature principles;
- Gaps in sectoral regulatory regimes, including lack of synergies, implementation deficits, insufficient reporting and review schemes, and limited regulatory reach;
- Lack of coherence among multilateral bodies;
- Lack of funding and institutional capacity at national and international levels;
- Lack of clear and effective rules for stakeholder engagement.

12.2.1 Principles of international environmental law

The Secretary-General's report suggests clarifying the content and legal status of principles that are not yet fully developed (UN, 2018b). Most importantly, this includes every person's right to an ecologically sound environment that would protect their health, well-being, dignity, culture and fulfilment (Kenig-Witkowska, 2018). While the international community has recognized for fifty years a human right to a healthy environment (Stockholm and Rio Declarations), and while at least 155 countries constitutionally recognize this right, no global agreement explicitly enshrines it (CIDCE, 2018; UN, 2018b).

A global pact would provide the opportunity to develop a "third generation of rights" to complement the UN Covenants on Economic, Social, and Cultural Rights and on Civil and Political Rights, both adopted in 1966 (World Commission on Environmental Law, 2017). The development of an instrument on environmental rights could build around the sixteen framework principles developed by the Special Rapporteur on Human Rights and the Environment (Kotzé and French, 2018; UN Human Rights Council, 2018). Existing mechanisms could enforce the right to a healthy environment at the international level.

Is an international environmental court needed?

The possible introduction of a human right to a healthy environment, undoubtedly raises the question whether an international environment court is needed. Individuals and corporations causing environmental damage have long been subject to criminal sanctions under domestic legal systems, but this is not possible internationally due to absence of an international environmental court (Andresen 2016). The International Court of Justice (ICJ) deals with environmental issues, but the number of cases is very low and it seems reluctant to use environmental law, especially MEAs (Andresen 2016). In 1993, the ICJ established a seven-member permanent environmental chamber, but it was never used and was abolished in 2006 (Andresen 2016). The fact that environmental law is not applied may not be due to a cautious stance by the ICJ, but rather to the vagueness of international environmental law (Andresen 2016). However, the need for a strictly environment-focused court can be questioned, since practice has shown that it might be difficult to single out exclusively environmental issues (Andresen 2016). More importantly, at the regional level the European Court of Human Rights has provided protection to the right to a healthy environment, even though is not explicitly included in the European Convention on Human Rights adopted in 1950. Similarly, other regional human rights courts could be used for this purpose.

This report highlights the significance of codifying principles of international environmental law and suggests gathering principles into one unifying document with legal force. This requires a systematic analysis or the regional recognition of these principles. For instance, access to information, public participation and access to justice are supported by international environmental law in only two regions: through the Aarhus Convention (Europe) and the Escazú Agreement (Latin America and the Caribbean). Legally enforcing these principles would mean extending their current regional recognition to the global level. Creating an overarching normative framework comprising all existing principles is one option for consideration.

Potential interactions between a possible new international legal instrument and existing principles of international environmental law are concerning. Principles such as polluter pays, prevention, precaution and environmental assessment appear within a very specific context in numerous MEAs and other soft law instruments, and they have been incorporated into these instruments for specific reasons (Biniaz, 2017). Equally important is that some principles have not been included in certain MEAs, thus raising the question of whether an overarching pact would superimpose principles that are absent from the relevant MEAs. In other words, an overarching document integrating multiple principles without specific context, scholars argue, would make it difficult to establish which instrument's principle would prevail if and when conflict arises (Biniaz, 2017). However, the relationships between general articles and more specific provisions contained in existing MEAs could potentially be resolved through a conflict clause (Raith, 2018). Importantly, it is necessary to consider the probable cause for any gaps and understand the extent to which proposed actions would deal with underlying dynamics and special circumstances across countries and regions.

Proposing a global pact centers on the idea of transforming soft law principles into hard law by adopting a legally binding multilateral treaty. The assumption is that the unprecedented rate of global environmental decline necessitates the creation of a new,

more effective and binding legal instrument. This is a tall order, and many member states and analysts question that new hard laws would result in effective resolution of environmental problems and the feasibility of such a move in the current geopolitical climate. As one interviewee remarked, “I support the idea but I can’t see how it can be successful” (Interview 21). Yet, the majority of the participants in the survey responded that the character of a possible legal instrument should be legally binding (38.6%) or contain a combination of legally binding and voluntary elements (29.5%). Eighteen percent of our interviewees responded that a new legal instrument should not exist at all.

If some states agree on the need for such a legal instrument and all efforts to reach agreement are exhausted, one possibility could be to adopt a plurilateral treaty, which is a treaty among a limited number of states with a particular interest in the subject. At the same time, our respondents noted that negotiating such an overarching instrument, regardless of its legal nature, would require a lot of time and resources. In addition to challenges with implementation, the possibly limited added value of the possible new framework was mentioned as a key argument against its development.

12.2.2 Sectoral regulatory regimes

The international governance framework for protecting the environment has substantive gaps, such as forests, plastic pollution, soil, human rights, climate change, nanomaterials and some geoengineering activities (UN, 2018b). More detailed analysis is needed, in particular, to identify where action is needed most urgently. Some gaps can be addressed through existing MEAs, but others might require new legally binding instruments (UN, 2018b). For instance, UNEP’s ad hoc open-ended expert group on marine litter and microplastics has discussed the possible development of a new and overarching global structure complemented by existing regional and global conventions (UNEP, 2018h).

However, scholars and policy makers have noted that the proliferation of MEAs has caused treaty fatigue as recognition grows that the number of treaties does not correlate with their effectiveness. To this end, focus has shifted to enhancing synergies among MEAs to reduce institutional fragmentation and improve coordination. The Secretary-General’s report emphasizes that clustering of related MEAs can improve policy coherence and ensure mutually supportive implementation, praising efforts already taken in the chemicals and waste and the biodiversity clusters (UNEP, 2018h). Other proposed “soft solutions” for reducing fragmentation in MEAs include:

- mapping existing agreements to identify gaps and interlinkages
- promoting integrated reporting
- sharing lessons learned and best practices
- developing implementation guidelines for MEAs and
- enhancing cooperation among scientific bodies that support MEAs.

These inconsistencies are exploited by certain stakeholders, as evidenced by illegal trafficking of wildlife and chemicals, destructive waste disposal and poaching. Nevertheless, MEAs are dynamic and evolving institutions, capable of learning and self-correction. Existing MEAs need to be reformed to enable them to deliver their intended mandates. This will require active engagement of governments with the support of civil society and academia.

A thorough review is needed on gaps and deficiencies that hinder effective and efficient implementation and follow-through of main global environmental treaties to trigger systematic reform. A review could identify areas that have progressed well in MEAs. For example, the World Heritage Convention has had a positive impact on biodiversity conservation because of the high visibility of the convention and countries' commitment to act on the recommendations of the World Heritage Committee.

The review could address conventions individually as well as concrete opportunities for enhancing synergies, for instance, the possibility of developing an integrated reporting system. In addition, reporting data could be better utilized to track progress and provide feedback about the performance of the treaty system as a whole, through a consolidated database and online platform.

Any future conventions should be designed to avoid challenges inherent to existing MEAs. The role of MEAs in addressing emerging environmental challenges would be indispensable, if they are designed around practices that have proven effective. However, a legally binding dimension of newly negotiated instruments (such as the Paris Agreement) is mainly procedural and relating to making efforts rather than achieving specific results (Bodle et al., 2016). Following the negotiation of the Paris Agreement, it remains to be seen whether any new MEAs are likely to rely on transparency and compliance-facilitation for accountability and effectiveness, rather than traditional enforcement and compliance mechanisms (Bodansky, 2015).

12.3 Strengthening international environmental governance

Many of the gaps identified in the Secretary-General's report have been at the center of IEG reform, including those relating to synergies among MEAs and other multilateral bodies, funding and capacity building, and stakeholder engagement. UNEP's role, in particular through the Montevideo Programme, is relevant in addressing the identified gaps and deficiencies. Since 1982, the Montevideo Programme has highlighted gaps and challenges, and progressively helped to develop legal principles and obligations, in the arena of the environment. The programme has been credited for its work to build capacity, but it generally suffers from low interest by member states, even though it was designed to provide the foundation for UNEP's work "to further the development of international environmental law aiming at sustainable development".³⁶ To date, IEG reform efforts have overlooked this function. An analysis could reveal reasons for low

³⁶ 1997 Nairobi Declaration, para 3b3(b3b).

interest in the programme. The Montevideo Programme could be transformed into a dynamic platform for proactively screening and addressing gaps in international environmental law, for example by linking it more closely with UNEP's scientific work as well as with capacity building on regional level.

The possible development of a new overarching international treaty requires consideration of possible risks and opportunities. "I don't think having another structure like the proposed Global Pact for the Environment is going to fix any of the issues we seek to address in paragraphs 88 and 89", one interviewee noted. "In fact, it may complicate it even more. I think the Rio principles are actually quite good, but if we had to renegotiate them so that they could be effective laws they would be weakened significantly" (Interview 10). On the other hand, political vision brings energy and new ideas, as another expert remarked: "The French proposal, even if not adopted, generated political momentum and awareness".

Scholars highlight that a global pact would provide the opportunity to make a paradigm shift in international environmental law by broadening its focus toward a more comprehensive system of Earth system law – "Lex Anthropocenae" – focusing on biophysical changes of the planet in the socioeconomic realm (Kotze and French, 2018). While such an ambitious transformation might not be feasible, anchoring a pact in science could be pursued by accommodating the view that effective environmental legislation must at a minimum prevent human activities from exceeding planetary boundaries.

Final remarks

During the past half century, the plethora of environmental problems ravaging the planet and its inhabitants have brought governments together to seek cross-border solutions. Consequently, an IEG system has been created aiming to guide human action to sustainability, but it has developed in an ad hoc and piecemeal manner in response to problems as they arose. At the Rio+20 conference, governments committed to strengthening UNEP and clustering MEAs to increase coherence of the overall system and grant UNEP the authority to catalyze action to respond to escalating global environmental problems.

The goals of bringing the environmental agenda to the attention of all governments around the world, increasing awareness, and generating political momentum and action have been achieved most importantly through establishment of universal membership. As a result, participation of member states and international institutions and stakeholders in the UNEA has increased significantly. The full potential of UNEA, however, remains untapped, and integrated solutions across themes as well as links with broader realms, including trade and human rights, remain underdeveloped. In particular, UNEA's link to MEAs is still vague, and decision-making operates in silos without an overall strategy or mechanism for cooperation to facilitate integrated solutions.

The IEG reform has also increased UNEP's funding from the regular UN budget and from earmarked funding, but at the same time contributions to the core funding mechanism, the Environment Fund, have decreased, jeopardizing core functions. Increased interest by academia, civil society and the UN system in UNEP's work provides opportunities for new partnerships, yet the voices and influence of such bodies on UNEP is still marginal. Capacity building is integrated throughout UNEP operations, but regional offices still lack capacity to sufficiently support countries. Although the content and role of a global pact are uncertain at this time, such a vision provides fresh momentum to address gaps in international environmental law that have been overlooked by IEG reforms.

By solidifying existing work and addressing gaps, UNEP could assume more authority, cooperation could yield better results and, ultimately, the impact at the national level could be more profound. The following list summarizes the options for actions provided in previous sections:

- Utilize UNEA to bridge thematic boundaries of MEAs, and align their activities in UNEP's programme of work;
- Consider ways to strengthen the role of stakeholders, so their contribution to promoting UNEP's agenda can be maximized at all levels, including by cities;

- Enhance synergies among MEA, work in clusters and beyond, including consider the possibility of advancing integrated reporting;
- Increase impact of decision-making in UNEA, and ensure proper follow-up of decisions taken and sufficient guidance for national implementation;
- Seek to institutionalize science in UNEA, maximize multidisciplinary of existing panels and enhance their mutual cooperation;
- Increase the link between environment with human rights, including taking steps to enshrine the human right to a healthy environment;
- Clarify the relationship between UNEA and CPR bodies to ensure efficient preparation of UNEA and sufficient oversight in the intersessional period;
- Strengthen capacities in developing countries through properly resourcing regional and sub-regional centers, to ensure sufficient engagement in UN country teams;
- Make UNEP's programme of work more attractive to governments, increase understanding of its value and ensure its proper follow-up;
- Expand understanding of gaps in international environmental law, set a clear vision and timeline to address them, and build on best practices.

Lastly, the fiftieth anniversary of UNEP in 2022 provides an opportunity to solidify global environmental governance. Addressing unresolved questions, in particular lack of integration in terms of both substance and institutional linkages, would be important to this end. If properly planned and executed, the fiftieth anniversary could be an important opportunity for UNEA to fulfill its potential as a convener of all governments and of a growing number of engaged stakeholders in pursuance of sustainability and prosperity of the planet and its inhabitants.

References

- Andresen, S. (2016). The Role of International Courts and Tribunals in Global Environmental Governance. *ASPJ Africa & Francophonie* 7: 67–81.
- Bayram, A. B., Graham, E. R. (2017). Financing the United Nations: Explaining Variation in How Donors Provide Funding to the UN. *Review of International Organizations* 12: 421–459.
- Biniarz, S. (2017). Ten Questions to Ask About the Proposed “Global Pact for the Environment.” Sabin Center for Climate Change Law, Columbia Law School.
<http://columbiaclimatelaw.com/files/2017/08/Biniarz-2017-08-Global-Pact-for-the-Environment.pdf>
- Bodansky, D. (2015). Reflections on the Paris Conference, *Opinio Juris*, 15 December 2015.
- Bodle, R., Donat, L., Duwe, M. (2016). The Paris Agreement: Analysis, Assessment and Outlook. *Carbon & Climate Law Review* 10: 5–22.
- Borie, M., Mahony, M., Hulme M. (2015). Institutional Epistemologies of IPBES and the IPCC. Conference Paper: Research Politics 2015.
<https://pdfs.semanticscholar.org/3dbc/03250294c3b33fbo6392c6a9226ecc68d35c.pdf>
- CBD Secretariat (2018). Exploring Elements for a Transformative Biodiversity Agenda Post-2020. UN Doc. CBD/SBI/2/INF/26
<https://www.cbd.int/doc/c/d694/1dob/9551cf69e03f0d9979ff70/sbi-02-inf-26-en.docx>
- CIDCE (2018). Contribution of the Centre International de Droit Comparé de l'Environnement (CIDCE)¹ to the UN Secretary-General's Technical Report on Possible Gaps in International Environmental Law.
<https://globalpact.informea.org/sites/default/files/documents/CIDCE%20contribution%20to%20SG%20Technical%20Report%20on%20possible%20gaps%20in%20IEL%202018.pdf>
- CIEL (2016). UNEA-2 and Stakeholder Engagement. Blog Post by Dr. Marcos A. Orellana.
<https://www.ciel.org/unea-2-stakeholder-engagement>
- EMG (2015). Maximizing the Effectiveness of the EMG in the Context of the 2030 Agenda for Sustainable Development.
https://unemg.org/images/emgdocs/Maximising/FINAL_report_on_EMG_effectiveness_2015.pdf
- EMG (2016). System-wide Framework of Strategies on the Environment for the UN System (SWFS).
https://unemg.org/images/emgdocs/UN_sws/Final%20final%20Version%202020516.pdf
- EMG (2017a). Updated/Revised Terms of Reference of the Environment Management Group.
https://unemg.org/images/Final_EMG_ToR_updated.pdf
- EMG (2017b). Synthesis Report on UN System-wide Contributions to the Implementation of the Environmental Dimension in the Sustainable Development Goals 2016–2017.
https://unemg.org/images/emgdocs/UN_sws/SWFS_Synthesis_Report.pdf
- FOEN (2018). Workshop on International Environmental Governance: Function and Interplay of UNEP Governing Bodies. 6–8 June 2018, Ittingen, Switzerland.
https://papersmart.unon.org/resolution/uploads/4a.report_from_the_workshop_on_international_environmental_governance_in_ittingen_switzerland_6-8_june_2018.pdf#overlay-context=node/127
- Gostin, L. O., Katz, R. (2016). The International Health Regulations: The Governing Framework for Global Health Security. *Milbank Quarterly* 94: 264–313.
- Government Offices of Sweden (2018). Alliance for High Ambition on Chemicals and Waste Launched in New York. Accessed December 26, 2018. <https://www.government.se/press-releases/2018/07/alliance-for-high-ambition-on-chemicals-and-waste-launched-in-new-york/>
- Gueterres, A. 2016. Vision Statement.

- Halle, M., Dodds, F. (2016). UNEP and Civil Society: An exchange. A New Landscape for Stakeholder Engagement in UNEP? UNEP Perspectives Issue No. 20. http://wedocs.unep.org/bitstream/handle/20.500.11822/10007/PERSPECTIVE%2020_5.pdf?sequence=1&isAllowed=y
- Hogg, R. V., and Tanis, E. A. (2009). Probability and Statistical Inference. Pearson Education International.
- Honkoniemi, T., Khan S. A. (2017). Chemicals and Waste Governance Beyond 2020: Exploring Pathways for a Coherent Global Regime. Nordic Council of Ministers, Copenhagen. <http://www.diva-portal.org/smash/record.jsf?pid=diva2%3A1061911&dsid=992>
- IPCC (2013). Principles Governing IPCC Work. <https://www.ipcc.ch/pdf/ipcc-principles/ipcc-principles.pdf>
- IPCP (2018). Multi-Stakeholder Workshop on Strengthening the Science-Policy Interface in International Chemicals Governance: Summary. Advance Copy.
- Ivanova, M. (2012). Institutional Design and UNEP Reform: Historical Insights on Reform, Function and Financing. *International Affairs* 88: 565–584.
- Ivanova, M. (2013). Reforming the Institutional Framework for Environment and Sustainable Development: Rio+20's Subtle but Significant Impact. *International Journal of Technology Management and Sustainable Development* 12: 211–231.
- Ivanova, M. (2018). International Environmental Governance: Implementing Reform. Center for Governance and Sustainability, UMass Boston. https://docs.wixstatic.com/ugd/8fed65_4baa02ad564e40d8b116aa38d0644f81.pdf
- JIU (2008). Management Reviews of Environmental Governance within the United Nations System. UN. Doc. JIU/REP/2008/3. https://www.unjiu.org/sites/www.unjiu.org/files/jiu_document_files/products/en/reports-notes/JIU%20Products/JIU_REP_2008_3_English.pdf
- Kenig-Witkowska, M. (2018). The Draft Global Pact for the Environment. ClientEarth Prawniczy dla Ziemi Foundation, Warsaw. http://pactenvironment.emediaweb.fr/wp-content/uploads/2018/10/GPDS_English-Maria-Kenig.pdf
- Kotze, L. J., French, D. (2018). A Critique of the Global Pact for the Environment: A Stillborn Initiative or the Foundation for Lex Anthropocena? *International Environmental Agreements: Politics, Law and Economics* 1–28.
- Kowarsch, M., Garard, J., Rioussel, P., Lenzi, D., Dorsch, M. J., Knowpf, B., Harris, J.-A., Edenhofer, O. (2016). Scientific Assessments to Facilitate Deliberative Policy Learning. Palgrave Communications: 16092. <https://www.nature.com/articles/palcomms201692>
- Le Club de Juristes (2017). White Paper: Toward a Global Pact for the Environment. Paris: Le Club de Juristes. <http://pactenvironment.emediaweb.fr/wp-content/uploads/2017/07/White-paper-Global-Pact-for-the-environment.pdf>
- Mack, N., Woodsong, M. (2005). Qualitative research methods: A data collector's field guide. Family Health International.
- McInerney, T. F. (2017). UNEP, International Environmental Governance, and the 2030 Sustainable Development Agenda. http://wedocs.unep.org/bitstream/handle/20.500.11822/21247/UNEP_IEG_2030SDA.pdf?sequence=1&isAllowed=y
- Morgan, J. C. (2016). Fragmentation of International Environmental Law and the Synergy: A Problem and the 21st Century Model Solution. *Vermont Journal of Environmental Law* 18: 134–172.
- Najam, A., Papa, M., Taiyab, N. (2006). Global Environmental Governance, a Reform Agenda. International Institute for Sustainable Development. <https://www.iisd.org/sites/default/files/publications/geg.pdf>
- Nyangon, J. (2014). International Environmental Governance: Lessons from UNEA and Perspectives on the Post-2015 Era. *Journal on Sustainable Development Law and Policy* 4: 174–202.

- OECD (2014). Making Earmarked Funding More Effective: Current Practices and a Way. https://www.oecd.org/dac/aid-architecture/Multilateral%20Report%20N%201_2014.pdf
- Options Paper (2007). Informal Consultative Process on the Institutional Framework for United Nations' Environmental Activities.
- Pisupati, B., Prip, C. (2015). Interim Assessment of Revised National Biodiversity Strategies and Action Plans (NBSAPs). UNEP-WCMC, Cambridge, UK, and Fridtjof Nansen institute, Lysaker, Norway. <https://www.cbd.int/doc/nbsap/Interim-Assessment-of-NBSAPs.pdf>
- Raith, J. (2018). The 'Global Pact for the Environment'—A New Instrument to Protect the Planet? *Journal for European Environmental and Planning Law* 15: 3–23.
- Ripley, K. (2017). The 2017 BRS COPs: Steps Forward, But Challenges Persist. *Environmental Policy and Law* 47(2), 66–77.
- Stenseke, M. (2016). The Intergovernmental Science-Policy Platform on Biodiversity and Ecosystem Services and the Challenge of Integrating Social Sciences and Humanities. *Bulletin of Geography. Socio-economic Series* 33: 119–129.
- Tadanori, I. (2008). Management Review of Environmental Governance within the UN System. Joint Inspection Unit. UN Doc. JIU/REP/2008/3. https://www.unjiu.org/sites/www.unjiu.org/files/jiu_document_files/products/en/reports-notes/JIU%20Products/JIU_REP_2008_3_English.pdf
- Tuncak, B., Goldenman, G., Bodle, R., Pelsy, F., O'Brien, S. (2018). Investigation of Legally Binding Elements in Support of the Global Post 2020 Framework for Chemicals and waste.
- UN (2012). Fund of the United Nations Environment Programme: Financial Report and Audited Financial Statements For The Biennium Ended 31 December 2011 and Report of the Board of Auditors. UN Doc. A/67/5/Add.7 <https://undocs.org/en/A/67/5/Add.6>
- UN (2014). Fund of the United Nations Environment Programme: Financial Report and Audited Financial Statements for the Biennium Ended 31 December 2013 and Report of the Board of Auditors. UN Doc. A/69/5/Add.7. <http://undocs.org/A/69/5/Add.7>
- UN (2015). Fund of the United Nations Environment Programme: Financial Report and Audited Financial Statements for the Year Ended 31 December 2014 and Report of the Board of Auditors. UN Doc. A/70/5/Add.7. <https://undocs.org/en/A/70/5/Add.7>
- UN (2016). Fund of the United Nations Environment Programme: Financial Report and Audited Financial Statements for the Year Ended 31 December 2015 and Report of the Board of Auditors. UN Doc. A/71/5/Add.7. <https://undocs.org/en/A/71/5/Add.7>
- UN (2017). Fund of the United Nations Environment Programme: Financial Report and Audited Financial Statements for the Year Ended 31 December 2016 and Report of the Board of Auditors. UN Doc. A/72/5/Add.7. <https://undocs.org/en/A/72/5/Add.7>
- UN (2018a). Fund of the United Nations Environment Programme: Financial Report and Audited Financial Statements for the Year Ended 31 December 2017 and Report of the Board of Auditors. UN Doc. A/73/5/Add.7. <https://undocs.org/en/A/73/5/Add.7>
- UN (2018b). Gaps in International Environmental Law and Environment-Related Instruments: Towards a Global Pact for the Environment. UN Doc. A/73/419. <https://wedocs.unep.org/bitstream/handle/20.500.11822/27070/SGGaps.pdf?sequence=3&isAllowed=y>
- UN Human Rights Council (2018). Report of the Special Rapporteur on the Issue of Human Rights Obligations Relating to the Enjoyment of a Safe, Clean, Healthy and Sustainable Environment. UN Doc. A/HRC/37/59. <http://daccess-ods.un.org/access.nsf/Get?Open&DS=A/HRC/37/59&Lang=E>
- UNEP (2009). Belgrade Process: Moving Forward with Developing a Set of Options on International Environmental Governance Co-Chairs' Summary. Consultative Group of Ministers or High-level Representatives.
- UNEP (2010a). Set of Options for Improving International Environmental Governance. Consultative Group of Ministers or High-level Representatives.
- UNEP (2010b). Proceedings of the Governing Council/Global Ministerial Environment Forum at its eleventh special session. UN Doc. UNEP/GCSS.XI/11.

<http://wedocs.unep.org/bitstream/handle/20.500.11822/11333/K1060433-Proceedings-final.pdf?sequence=1&isAllowed=y>

UNEP (2011). Proceedings of the Governing Council/Global Ministerial Environment Forum at its twenty-sixth session. UN Doc. UNEP/GC.26/19.
<http://wedocs.unep.org/bitstream/handle/20.500.11822/10644/K1170817-E-GC26-19-Proceedings.pdf?sequence=1&isAllowed=y>

UNEP (2012a). Proceedings of the Governing Council/Global Ministerial Environment Forum at its twelfth special session. UN Doc. UNEP/GCSS.XII/14.
<http://wedocs.unep.org/bitstream/handle/20.500.11822/11225/K1280542-E-GCSS-XII-14.pdf?sequence=1&isAllowed=y>

UNEP (2012b). Report of the Second Session of the Plenary Meeting to Determine Modalities and Institutional Arrangements for an Intergovernmental Science-Policy Platform on Biodiversity and Ecosystem Services. UN Doc. UNEP/IPBES.MI/2/9.
https://www.ipbes.net/system/tdf/downloads/UNEP_IPBES_MI_2_9_EN_o.pdf?file=1&type=node&id=13968

UNEP (2013a). Proceedings of the Governing Council/Global Ministerial Environment Forum at its first universal session. UN Doc. UNEP/GC.27/17.
<http://wedocs.unep.org/bitstream/handle/20.500.11822/17292/K1350945.pdf?sequence=3&isAllowed=y>

UNEP (2013b). Report of the Independent Group of Experts on New Mechanisms for Stakeholder Engagement at UNEP.
<https://wedocs.unep.org/bitstream/handle/20.500.11822/11280/Report%20of%20the%20expert%20group%20to%20UNEP%20-%2024%20October%202013.pdf?sequence=1&isAllowed=y>

UNEP (2014a). Proceedings of the United Nations Environment Assembly of the United Nations Environment Programme at its first session. UN Doc. UNEP/EA.1/10.
<http://wedocs.unep.org/bitstream/handle/20.500.11822/17289/K1402481.pdf?sequence=6&isAllowed=y>

UNEP (2014b). UNEP Funding Strategy.
<https://wedocs.unep.org/bitstream/handle/20.500.11822/14809/UNEP%20Funding%20Strategy-Web.pdf?amp%3BisAllowed=&sequence=1>

UNEP (2014c). Implementation of Governing Council Decision 27/2: Consolidation of Headquarters Functions. UN Doc. UNEP/EA.1/2/Add.5.
<http://wedocs.unep.org/bitstream/handle/20.500.11822/17638/K1400773.doc?sequence=5&isAllowed=y>

UNEP (2014d). United Nations Environment Programme Access-to-Information Policy. UN Doc. UNEP/EA.1/INF/23.
<https://wedocs.unep.org/bitstream/handle/20.500.11822/20401/K1401282.pdf?sequence=2&isAllowed=y>

UNEP (2015). Handbook for Stakeholder Engagement.
<https://www.unenvironment.org/resources/publication/stakeholder-engagement-handbook>

UNEP (2016a). Proceedings of the United Nations Environment Assembly at its second session. UN Doc. UNEP/EA.2/19.
<http://wedocs.unep.org/bitstream/handle/20.500.11822/17289/K1402481.pdf?sequence=6&isAllowed=y>

UNEP (2016b). Lessons Learned from UNEA-2 and Way Forward to UNEA-3. Compiled by the CPR Chair.
https://wedocs.unep.org/bitstream/handle/20.500.11822/17311/CPR%20Brief_Analysis%20on%20UNEA_10%20October2016.pdf?sequence=1&isAllowed=y

UNEP (2016c). Access-to-Information Policy (revised).
<https://wedocs.unep.org/bitstream/handle/20.500.11822/9922/REVISED-access-to-information-policy-Jan-2016.pdf?sequence=1&isAllowed=y>

UNEP (2016d). A Review of the Synergies Arrangements, Final Report.
<http://www.brsmeas.org/Portals/4/download.aspx?d=UNEP-FAO-CHW-RC-POPS-SYN-REP-ReviewSynergiesArrangements-20161013.English.pdf>

UNEP (2016e). Elaboration of Options for Enhancing Synergies Among Biodiversity Related Conventions. Nairobi, Kenya: United Nations Environment Program.
<https://wedocs.unep.org/bitstream/handle/20.500.11822/9967/elaborations-options-enhancing-synergies.pdf?sequence=1&isAllowed=y>

UNEP (2016f). Relationship between the United Nations Environment Programme and the Multilateral Environmental Agreements. UN Doc. UNEP/EA.2/11.
<http://wedocs.unep.org/bitstream/handle/20.500.11822/17588/K1600401%20Doc%2011%20Eng.pdf?sequence=6&isAllowed=y>

UNEP (2017a). Proceedings of the United Nations Environment Assembly at its third session. UN Doc. UNEP/EA.3/2. <https://papersmart.unon.org/resolution/uploads/k1709367.english.pdf>

UNEP (2017b). Voluntary Indicative Scale of Contributions. Note by the Secretariat. UN Doc. UNEP/EA.3/INF/13.
<https://wedocs.unep.org/bitstream/handle/20.500.11822/22252/Resource%20Doc%20-%20VISC%20Information%20Document.pdf?sequence=3>

UNEP (2017c). Resource Mobilization Strategy for UN Environment.
<https://wedocs.unep.org/bitstream/handle/20.500.11822/22253/Resource%20Doc%20-%20Resource%20Mobilisation%20Strategy%20FINAL%20Nov%202017.pdf?sequence=1&isAllowed=y>

UNEP (2017d). Strengthening the Science-Policy Interface: A Gap Analysis. https://www.iau-hesd.net/sites/default/files/documents/gap_analysis_2017.pdf

UNEP (2017e). Briefing Note on the International Resource Panel (IRP).
<https://wedocs.unep.org/bitstream/handle/20.500.11822/21997/The%20International%20Resource%20Panel%20-%20Briefing%20note%20to%20the%20Committee%20of%20Permanent%20Representatives.pdf?sequence=1&isAllowed=y>

UNEP (2018a). Lessons Learned from the Third United Nations Environment Assembly and the Way Forward Towards the Fourth Session.
https://wedocs.unep.org/bitstream/handle/20.500.11822/22692/Lessons%20learnt%20from%20UNEA-3%20and%20Way%20forward%20to%20UNEA-4_30.1.2018.pdf?sequence=1&isAllowed=y

UNEP (2018b). Directory, Committee of Permanent Representatives to the UN Environment.
<https://wedocs.unep.org/bitstream/handle/20.500.11822/27141/CPR%20directorynew.pdf?sequence=1&isAllowed=y>

UNEP (2018c). Programme Performance Report 2016–2017.
https://www.unenvironment.org/annualreport/2017/web/UN_Environment_PPR_2016-17.pdf

UNEP (2018d). Global Environment Outlook. Accessed January 24, 2019.
<https://www.unenvironment.org/global-environment-outlook>

UNEP (2018e). List of Accredited Organizations. Accessed November 21, 2018.
<https://www.unenvironment.org/civil-society-engagement/accreditation/list-accredited-organizations>

UNEP (2018f). Secretariat Note on UN Environment Programme's Engagement with Stakeholders: The Way Forward. 1st Joint Preparatory Retreat of the Bureaux of the UN Environment Assembly.
<http://wedocs.unep.org/bitstream/handle/20.500.11822/23028/Stakeholder%20Engagement%20Policy7March%20finalrvLA.pdf?sequence=9&isAllowed=y>

UNEP (2018g). Update on the United Nations Environment Assembly Resolution 2/18 on the Relationship between United Nations Environment Programme and the Multilateral Environmental Agreements for which it Provides the Secretariat.
<https://wedocs.unep.org/bitstream/handle/20.500.11822/25519/Update%20on%20the%20UN%20Environment%20Assembly%20Resolution%202.18.pdf?sequence=2&isAllowed=y>

- UNEP (2018h). Report of the First Meeting of the Ad Hoc Open-Ended Expert Group on Marine Litter and Microplastics. UN Doc. UNEP/AHEG/2018/1/6. <https://papersmart.unon.org/resolution/uploads/k1801471.pdf>
- UNEP (2019a). Report of the Executive Director on implementation of resolution on the implementation of paragraph 88 (a)–(h) of the outcome document of the United Nations Conference on Sustainable Development (Rio+20) “The Future We Want”. UN Doc. UNEP/EA.4/16. http://papersmart.unon.org/resolution/uploads/k1900117_-_unep-ea-4-16_-_advance.pdf
- UNEP (2019b). Your Contribution, UN Environment. Accessed February 2, 2019. <https://www.unenvironment.org/about-un-environment/funding/why-invest-us/your-contributions>
- UNEP (2019c). Report of the Executive Director on implementation of resolution on the implementation of paragraph 88 (a)–(h) of the outcome document of the United Nations Conference on Sustainable Development (Rio+20) “The Future We Want”. Supplementary information submitted by the Secretariat.
- Urho, N. (2018). Options for Effective Governance of the Beyond-2020 Framework for Sound Management of Chemicals and Waste: Lessons Learned from Other Regimes. Center for Governance and Sustainability, University of Massachusetts Boston. <http://environmentalgovernance.org/wp-content/uploads/2018/07/DOWNLOAD-THE-REPORT.pdf>
- Urho, N., Niinistö, V. (2016). Future Prospects for Enhancing Sustainable Use of Natural Resources. In: Kuokkanen, T., Couzens, E., Honkonen, T., and Lewis, M. (Eds.), *International Environmental Law-making and Diplomacy—Insights and Overviews*, Routledge, New York, pp. 201–215.
- Van den Hove, S. (2007). A Rationale for Science-Policy Interfaces. *Futures* 39: 807–826.
- Velázquez, G. J. O. (2016). Environmental Policy Integration Among Multilateral Environmental Agreements: The Case of Biodiversity. *International Environmental Agreements* 16: 525–541.
- Victor, D. G. (2015). Embed the social sciences in climate policy. *Nature* 520: 27–29.
- Von Bieberstein, K. R., Sattout, E., Christensen, M., Pisupati, B., Burgess, N. D., Harrison, J., Geldmann, J. (2018). Improving Collaboration in the Implementation of Global Biodiversity Conventions. *Conservation Biology*. PMID: 30461056 http://macroecointern.dk/pdf-reprints/von%20Bieberstein_CB_2018.pdf
- World Commission on Environmental Law (2017). Global Pact for the Environment Introduced to the World. Accessed November 11, 2018. <https://www.iucn.org/commissions/world-commission-environmental-law/events-wcel/past-events-wcel/global-pact-environment-introduced-world>

Sammanfattning

Internationell miljöstyrning: Uppnådda mål och väg framåt

En systematisk ansträngning för att reformera den internationella miljöstyrningen (international environmental governance; IEG) inleddes 1997 vid Rio+5-konferensen och avslutades formellt 2012 då måldokumentet *The Future We Want* antogs vid FN:s konferens om hållbar utveckling (Rio+20). Dessa ansträngningar fokuserade på att göra det institutionella systemet för global miljöstyrning mer sammanhängande, bättre samordnat och mer effektivt genom att reformera styrningen, finansieringen och funktionen av FN:s miljöprogram (UNEP) och genom att förbättra synergier mellan de olika multilaterala miljökonventionerna. De huvudsakliga elementen i reformen av UNEP inkluderar: styrning, ekonomiska resurser, samordning inom FN, gränssnittet mellan vetenskap och politik, miljöinformation och ökande av medvetenhet, kapacitetsutveckling, konsolidering av högkvartersfunktioner och starkare regionalnärvaro samt intressenternas engagemang.

Omvandlingen av UNEP:s styrande råd med 58 medlemmar till en universell FN:s miljöförsamling (UNEA) var den mest omfattande styrningsreformen som har godkänts och genomförts. Ändringen ledde till ökat deltagande från nationella regeringar, multilaterala aktörer och intressenter och förbättrade UNEP:s synlighet och legitimiteten av beslut, även om detta även ledde till en ökad politisering. Resolutionernas roll, status och optimala antal måste förtydligas för att öka deras effekt, och vägledning krävs för att stödja deras genomförande på nationell nivå. Ständiga representanternas kommitté (CPR) har reformerats för att öka medverkan av representanter från huvudstäderna. Mer frekventa och öppna möten har förbättrat arbetet mellan sammanträden men deras roll måste förtydligas ytterligare.

UNEP:s ekonomiska resurser uppgick till 1 166 miljoner USD under 2016–2017, i huvudsak på grund av ökad öronmärkt finansiering, vilket nu utgör 68 % av all finansiering. Obegränsad finansiering har förblivit på samma nivå medan en trefaldig ökning av bidrag från FN:s ordinariebudget kompenserade för minskade bidrag till miljöfonden. Endast 88 bidragsgivare (45 % av FN:s medlemsstater) stöder miljöfonden. Endast 15 bidragsgivare (7 % av FN:s medlemsstater) står för över 90 % av fondens resurser. Därför har UNEP:s normgivande roll äventyrats och dess förmåga att utföra sina kärnfunktioner, vilket omfattar att granska miljön, katalysera åtgärder för att skydda miljön, utveckla internationell miljölagstiftning och säkra intressentdeltagande, verkar försvagas. Ökad insyn och kommunikation om UNEP:s aktiviteter skulle också förbättra trovärdigheten och locka investeringar. Rapportering av användningen av medel, definiering av strategiska prioriter, erkännande av viktiga partners och redovisning av finansieringens verkan är av avgörande betydelse.

Att säkra samarbete och samordning av miljöaktiviteter inom FN har utgjort kärnan i UNEP:s mandat sedan dess instiftelse. UNEP är det huvudsakliga

samordningsorganet för miljöfrågor i FN och samverkar med andra FN-organ genom miljöstyrningsgruppen (EMG), som har medlemmar från 51 multilaterala aktörer. EMG har utvecklat ett systemövergripande ramverk för miljöstrategier och strävar efter att spela en viktig roll i genomförandet av Agenda 2030. Reformen av samordningsfunktionen har ändå främst varit kosmetiska, och samordning och koherens förblir utmaningar. En oberoende granskning av EMG, inklusive i förhållande till andra samordningsorgan, kan ge insikter och rekommendationer för att stärka dess roll och inflytande.

En bedömning av miljöns tillstånd och att göra politiska rekommendationer för att förbättra den, det vill säga att skapa en gränsyta mellan vetenskap och politik, är en grundläggande del av UNEP:s mandat. Globala miljöutredningar har utgjort ett viktigt underlag för internationella förhandlingar men de har gjort otillräckliga länkar mellan teman och vetenskapsområden och saknar en holistisk platsbaserad översikt över trender och framtida utvecklingar. Framför allt finns det ingen uttrycklig koppling mellan miljöproblem och de åtgärder som krävs för att lösa dem på politisk och samhällsnivå. Aktivt deltagande från experter inom samhällsvetenskap och humaniora krävs för att öka de globala vetenskapliga bedömningarnas relevans, användbarhet och inverkan. De huvudsakliga slutsatserna från de vetenskapliga utredningarna kan integreras i UNEP:s arbetsprogram. Dessutom är UNEA institutionellt frikopplat från vetenskapen och skulle gynnas av en större tillämpning av vetenskap i beslutsprocessen samt av en systematisk koppling till bedömningsmekanismer.

Kommunikationsinvesteringar har ökat UNEP:s synlighet och kontakter samt förbättrat tillgängligheten hos information om miljö och ökande av medvetenhet. Med tanke på dess begränsade kapacitet bör UNEP inte arbeta direkt på gräsrotsnivå. Snarare bör fokus ligga på att stärka medlemsstaternas egna kommunikationsresurser. Det vore till exempel ett viktigt framsteg att förbättra den journalistiska kapaciteten genom att skapa en plattform för miljökommunikatörer och vetenskapsmän. Informationshanteringen har gynnats av utvecklingen av webbportaler, framför allt Environment Live och InforMEA som skulle kunna göras mer användarvänliga.

UNEP befinner sig inte i en gynnsam position för att bygga kapacitet och främja tekniköverföring på grund av dess framför allt normativa mandat och begränsade budget, men dessa aspekter har byggts in i alla dess underprogram. UNEP kan katalysera åtgärder på dessa områden genom att förstärka partnerskap med andra FN-organ som arbetar med implementering och genom att utveckla strategiska partnerskap med myndigheter och avdelningar på lokal nivå, särskilt vad beträffar genomförandet av multilaterala miljökonventioner.

De huvudsakliga funktionerna vid UNEP:s högkvarter inkluderar organisationsledning, relationer med förvaltningsorgan, strategiskt beslutfattande och arbetsplanering, organisationens styrning och kommunikation samt samordning av relationer med bidragsgivare. Dessa funktioner har konsoliderats genom att flytta chefspersonal från UNEP-kontor i Europa till högkvarteret i Nairobi och genom att skapa nya avdelningar: Corporate Services, Policy and Program och Governance Affairs. För tillfället bygger UNEP:s regionala närvaro på sex regionala kontor och fem sub-regionala kontor som fortfarande saknar tillräckliga resurser för att utföra

kärnuppgifter, till exempel att stödja FN-team på nationell nivå. UNEP har dessutom öppnat och förstärkt nationella kontor, vilket avviker från principen *Delivering as One*. Reformernas roll och effektivitet bör utvärderas för att förstå deras inverkan på UNEP:s funktion och ledarskap.

Sedan Rio+20 har intressenternas intresse i UNEP ökat, vilket framgår av att över 500 ackrediterade organisationer nu deltar i verksamheten. Många reformer kan tillskrivas UNEP:s sekretariat, bland annat dess handbok för åtkomst till information och intressentengagemang. Ackrediterade organisationer kan nu delta i CPR där de tar emot dokument samtidigt som myndigheter och kan delta elektroniskt. Medan en ökad medverkan från näringslivet är välkommen har det väckt ett ökat behov av regler för deltagande. Trots utvecklingen har ingen formell policy för intressentmedverkan tagits fram, och åtagandet enligt Rio+20 om att "använda bästa praxis och modeller från relevanta multilaterala institutioner" har inte genomförts, samtidigt som finansiering för intressentmedverkan har sjunkit drastiskt. UNEP behöver utan tvekan en officiell policy för intressenter men det finns en risk för att den aktuella praxisen försvagas under förhandlingen. Etableringen av små expertgrupper som arbetar mellan sammanträden med deltagare från myndigheter och intressenter kan främja en ömsesidig förståelse och öka förtroende och tillförlitlighet.

Ökade synergier mellan multilaterala miljökonventioner har varit en fundamental del av IEG-reformen. Basel-, Rotterdam- och Stockholmskonventionerna (BRS) har varit föremål för synergåtgärder vilket har lett till ett nytt sekretariat med gemensamma administrativa och programmatiska aktiviteter och en gemensam ledning, utan att påverkakonventionernas självständiga juridiska natur. Oförmågan hittills att förena sekretariaten för BRS och Minamata är problematiskt från ett styrningsperspektiv. I klustret för biologisk mångfald har två ömsesidigt stöttande nationsdrivna processer genomförts som fokuserar på programmatiska frågor. År 2020 är en kritisk vändpunkt för att överväga designsynergier för tidsbundna målsättningar för klustren för kemiska ämnen och avfall samt biologisk mångfald i samband med antagandet av "Ramverket för global biologisk mångfald efter 2020" och "Bortom-2020, ramverk för god hantering av kemiska ämnen och avfall". Multilaterala miljökonventioner har ännu inte anammat den fulla potentialen hos universellt medlemskap. Sammanhängande genomförande skulle kunna uppnås genom att anta resolutioner som hanterar frågor som överskrider konventioner, kluster och teman, till exempel gränsytan mellan kemiska ämnen och biologisk mångfald, samt genom att samordna bättre konventionsprioriteringar i arbetsprogrammet. På institutionsnivå kunde man formalisera miljökonventionernas förvaltningsorgans roll i UNEA-sammanträdena genom att bjuda in deras respektive ordföranden, byråer eller sekretariat.

IEG reform är ett uppriktigt försök att förnya UNEP:s funktioner och förbättra synergier mellan multilaterala miljökonventioner men det har inte löst problemen inom internationell miljö rätt, den normativa grunden för att kontrollera miljörelaterade utmaningar. Därför antog FN:s generalförsamling resolution 72/277 i maj 2018, vilket påbörjade en internationell process för att hantera luckor i internationell miljö rätt och miljörelaterade instrument. Bristande genomförande av befintliga åtaganden och

skyldigheter är ett problemområde inom internationell miljö rätt som ofta har ett samband med bristande resurser, information, kapacitet att genomföra och politisk vilja. Samtidigt har fördragens fragmentering orsakat "fördragströtthet" vilket kan observeras i svårigheten att expandera den internationella miljö rätten. UNEP:s roll, i synnerhet genom Montevideo-programmet för utveckling och regelbunden granskning av miljölagstiftning är relevant för att hantera de identifierade luckorna och bristerna. Det skulle därför kunna omvandlas till en dynamisk plattform för att proaktivt identifiera och åtgärda sådana luckor. Planetens biofysiska gränser skulle kunna utgöra en baslinje för att reformera den internationella miljö rätten och hjälpa regeringar att följa en vetenskapligt informerad väg för att återställa harmonin med naturen.

Annex I: Selected survey responses

Figure 10: Q1 How much progress has been made in reforming UN Environment's governance structure?

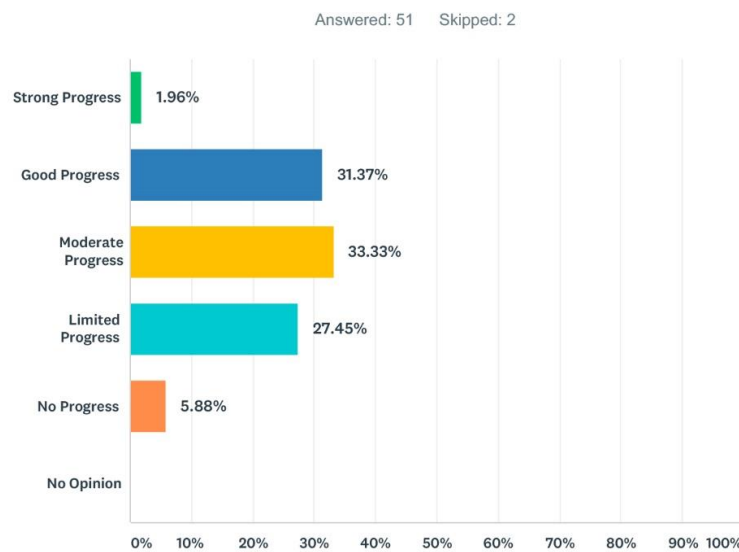


Figure 11: Q2 What have been the effects of the expansion of the UN Environment Programme's Governing Council to universal membership and the creation of the UN Environment Assembly?

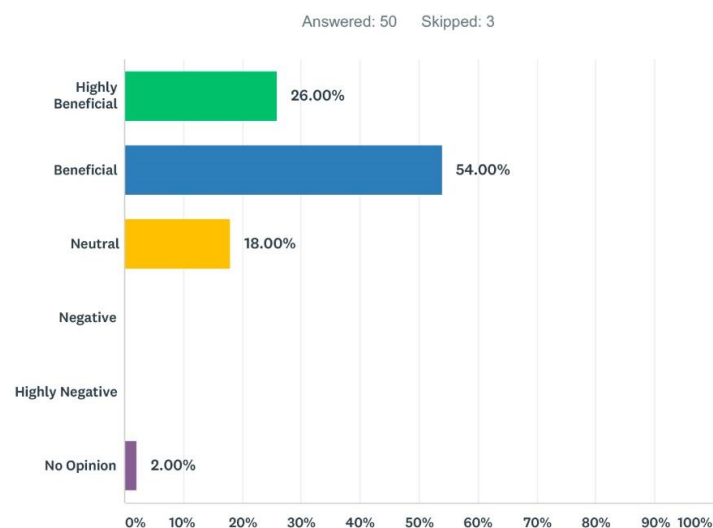


Figure 12: Q4 What should be the interval of UNEA sessions?

Answered: 50 Skipped: 3

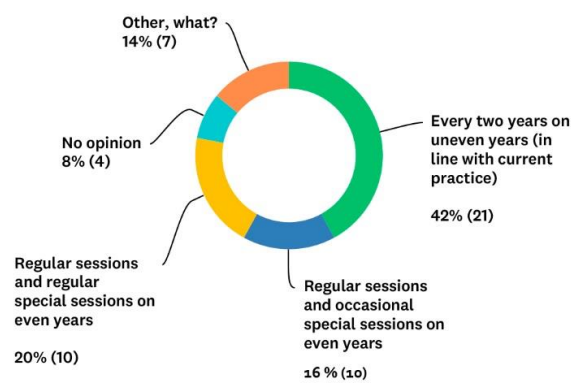


Figure 13: Q8 What have been the effects of the establishment of the biennial Open-ended Committee of Permanent Representatives (OECPR)?

Answered: 36 Skipped: 17

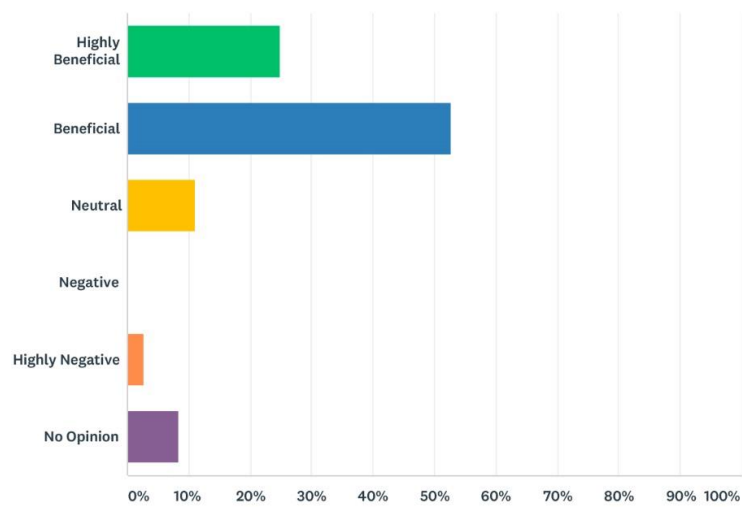


Figure 14: Q10 What have been the effects of the establishment of the annual sub-committee of the Committee of Permanent Representatives?

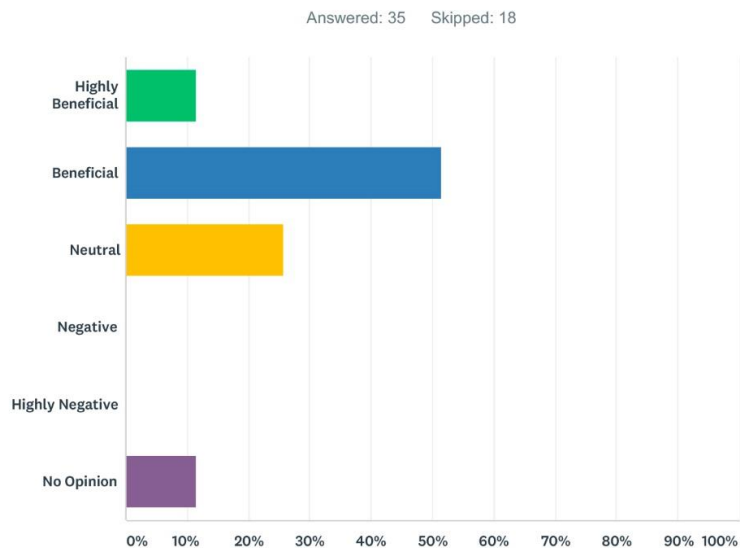


Figure 15: Q11 What would be the optimal timing of organizing the biennial Open-ended meeting of the Committee of Permanent Representatives (OECPR)?

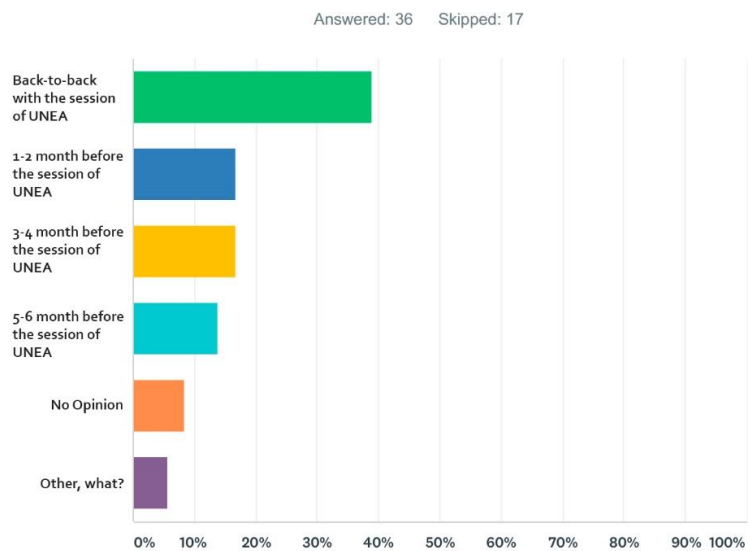
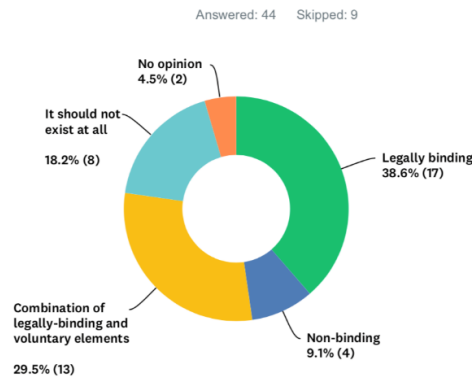


Figure 16: Q15 How much progress has been made in reforming the financing of UN Environment in accordance with the Rio+20 outcome document?



Figure 17: Q21 What should be the character for a possible new legal instrument (a Global Pact for the Environment)?



Annex II: Workshop agenda and list of participants

Agenda

Workshop on International Environmental Governance and Global Pact for the Environment.

29–30 November 2018, New York City.

Location: Permanent Mission of Finland to the UN, 605 Third Avenue, 35th Floor

Table 15: Agenda

Thursday, November 29	
Facilitator: David Cash Dean, McCormack Graduate School of Policy and Global Studies, University of Massachusetts Boston	
8.30–9.00	<i>Coffee / tea</i>
9.00–9.30	Welcome by Ambassador Kai Sauer and introductions
9.30–10.45	Session I: What has been done on paragraph 88 in relation to: <ul style="list-style-type: none"> • reforming UNEP's governance structure and in particular establishment of universal membership • securing stable funding for UNEP • enhancing the voice of UNEP and its coordination function • promoting the science-policy interface • increasing public awareness
10.45–11.15	<i>Coffee / tea</i>
11.15–12.30	Session II: What has been done on paragraph 88 in relation to: <ul style="list-style-type: none"> • providing capacity-building to countries • strengthening regional presence and consolidating headquarters functions • ensuring active stakeholder participation • What has been done on paragraph 89 in relation to: <ul style="list-style-type: none"> • enhancing synergies among the multilateral environmental agreements in both the biodiversity and the chemicals and waste cluster • improving the administration of MEAs hosted by UNEP
12.30–13.30	<i>Lunch at Mission premises</i>
13.30–15.00	Session III: Achievements, gaps and challenges
15.30–16.00	<i>Coffee / tea</i>
16.00–17.00	Session III: Achievements, gaps and challenges: way forward
18.00	<i>Dinner at Amali, 115 E 60th St</i>
Friday, November 30	
Facilitator: Maria Ivanova Associate Professor and Director, Center for Governance and Sustainability, University of Massachusetts Boston	
8.30–9.00	<i>Coffee / tea</i>
9.00–10.30	Session IV: Vision for the future of international environmental governance in the context of the 2030 Agenda: A Global Pact for the Environment? <ul style="list-style-type: none"> • What are key gaps in international environmental law, and how could they be addressed? • Is there a need for a new instrument, and if so what should be the legal nature?
10.30–11.00	<i>Coffee / tea</i>
11.00–12.30	Session V: Recommendations for member states, UN Environment and MEAs
12.30–13.30	<i>Lunch Mission premises</i>
13.30–15.30	Session VI: Elements of a possible resolution on international environmental governance for UNEA ₄
15.30–16.00	Conclusion

List of participants

Workshop on International Environmental Governance and Global Pact for the Environment.

29–30 November 2018, New York City.

Anna Dubrova	University of Massachusetts Boston
Bryce Rudyk	New York University
Daniel Magraw	Johns Hopkins University
David Cash	University of Massachusetts Boston
Emilia van Veen	Permanent Mission of Finland to the UN
Hanna Granberger	Ministry of the Environment, Sweden
Helge Elisabeth Zeitler	European Commission
Hyun Sung	UN Environment Programme
Jamil Ahmad	UN Environment Programme
Joe Ageyo	Kenya Television Network
Kerstin Stendahl	Intergovernmental Panel on Climate Change
Louis Kotze	North-West University, South Africa
Maria Alejandra Riano	Nature Conservancy, Colombia
Maria Ivanova	University of Massachusetts Boston
Marine Collignon	UN Environment Programme
	Yale School of Forestry & Environmental Studies and
Mary Evelyn Tucker	Yale Divinity School
Melinda Kimble	UN Foundation
Mona Westergaard	Ministry of the Environment and Food, Denmark
Natalia Escobar Pemberthy	Universidad EAFIT
Niko Urho	University of Massachusetts Boston
Solveig Crompton	Ministry of Climate and Environment, Norway
Sophie Goudiaby	Permanent Mission of France to the UN
Sérgio Carvalho	Permanent Mission of Portugal to the UN
Susan Biniaz	Yale Law School
Teresa Parejo-Navajas	Universidad Carlos III de Madrid, Spain
Tita Korvenoja	Ministry of the Environment, Finland
Tony Clark	Ministry of the Environment, Sweden
Victor Tafur	Pace University
Vincent Jechoux	Permanent Mission of France to the UN



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INTERNATIONAL ENVIRONMENTAL GOVERNANCE

A plethora of environmental problems are ravaging the planet and its inhabitants. How well do existing structures convene governments to address these challenges? What is the role of science and civil society in this context? And, does international cooperation properly support countries with limited capacities? This report seeks to respond to these questions, based on an analysis of actions taken to renew international environmental governance to fulfill commitments made at the UN Conference on Sustainable Development (Rio+20) in 2012. This report outlines possibilities to strengthen the UN Environment Programme and to enhance synergies among global environmental conventions to ensure that international environmental governance continues evolving and improving to secure human well-being and planetary health.



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