

MSc-Thesis

A World/United Nations Environment Organisation?

An explanation of the non-decisions on the reform of the
international environmental governance system

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Abstract

In the past forty years numerous policy proposals to strengthen the system for international environmental governance (IEG) have been developed, many of which call for the establishment of a new World or United Nations Environment Organisation (WEO/UNEO). Which of these proposals -if any- should be implemented is subject to many debates, that particularly take place within the UN system. Although there is consensus among governments and scholars that some improvements to the IEG system should be made, no decisions on any reform option have been taken to date. Based on a literature study and more than twenty interviews with practitioners in the field, this thesis identifies the reasons for these non-decisions, making use of the theories New Institutionalism -Historical, Rational Choice and Discursive Institutionalism- and three political models -the model of joining the streams, the barrier model and the rounds model.

The thesis argues that the main reasons for the non-decisions on IEG reform are: (1) a fundamental difference in interests and views between countries on how best to improve the IEG system, as well as distrust among them, especially between North and South; (2) a lack of political will among governments and organisations that are part of the IEG system to change the system or set up a new body to improve it; and (3) a lack of strong leadership. The lack of political will can be explained by: the fear to give up sovereignty to a new body for environmental issues; the low priority that countries give to the institutional structure of the IEG system; lack of public awareness and pressure from civil society; and the incentive to maintain the status quo. A comparison between the situation shortly before the establishment of UNEP in 1972 and the current situation in which debates take place to set up a UNEO show that the factors that were crucial for the creation of UNEP are not so favourable at this moment. Finally, an evaluation of the theories and their utility in explaining the political processes and the (lack of) institutional change in the IEG system are given, as well as some recommendations to trigger the debates on IEG reform.

Key words: international environmental governance, World/United Nations Environment Organisation, political processes, non-decisions, political models, institutional change

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List of abbreviations

CoP	Conference of the Parties
CSD	Commission on Sustainable Development
DI	Discursive Institutionalism
ECOSOC	Economic and Social Council
EMG	Environment Management Group
EU	European Union
G77	Group of 77
GA	General Assembly
GC	Governing Council
GEF	Global Environment Facility
GMEF	Global Ministerial Environment Forum
HI	Historical Institutionalism
ICC	International Chamber of Commerce
IEG	International Environmental Governance
IGM/IEG	Open-Ended Intergovernmental Group of Ministers or Their Representatives/International Environmental Governance
JUSCANZ	Japan, the United States, Canada, Australia and New Zealand
MEAs	Multilateral Environmental Agreements
NGOs	Non-governmental organisations
RI	Rational Choice Institutionalism
UN	United Nations
UNCED	United Nations Conference on Environment and Development (1992)
UNCHE	United Nations Conference on Human Environment (1972)
UNDP	United Nations Development Programme
UNEO	United Nations Environment Organisation
UNEP	United Nations Environment Programme
US	United States of America
WSSD	World Summit on Sustainable Development (2002)
WTO	World Trade Organisation

Chapter 1: Introduction

1.1 Problem description

The international environmental governance (IEG) system that aims to reduce the degradation of the global environment is a highly complex one, with many international environmental and non-environmental institutions and agreements dealing with all sorts of often overlapping environmental issues. The United Nations Environment Programme (UNEP), which mandate is to coordinate the United Nations (UN) environmental activities, is closest to being the 'leading global environmental authority' (Nairobi Declaration, 1997; par. 2). However, other organisations such as the United Nations Commission on Sustainable Development (CSD), UNEP's Global Ministerial Environment Forum (GMEF) and UNEP's Environment Management Group (EMG) also have the somewhat overlapping mandate of improving cooperation and coordination between the existing agreements and institutions (Kanie, 2007; Ivanova and Roy, 2007). Besides these primarily environment-focused organisations, there are many non-environmental International Organisations that also have environment-related functions, such as the Food and Agriculture Organisation (FAO), the World Health Organisation (WHO), the World Bank, and many others. The environmental agreements that exist are among others the hundreds of Multilateral Environmental Agreements (MEAs) on various international, national and regional environmental issues. These agreements all have their own secretariat and often operate unlinked to one another. Some of these MEAs are administered by UNEP, while others are not (Desai, 2006). Within this complex system for international environmental governance, no single organisation -not even UNEP- has the authority or political strength to serve as the centre of gravity for international environmental efforts or to establish norms for behaviour in international environmental relations (Strengthening..., 1998; Inomata, 2008).

Many scientists and practitioners in the field of environmental governance are of the opinion that the current system is not adequate enough. They argue that it is too slow, badly coordinated, highly fragmented, inconsistent, and that it has many conflicts and imbalances

with other (e.g. trade) agreements (Rechkemmer, 2005; Raffield and Kayira, 2005; Elliott, 2005; Biermann, 2005; Lodefalk and Whalley, 2002; Sampson, 2001). Global environmental policy-making involves a huge number of actors and agents that are operating fairly unlinked to one another. Each time when environmental problems arise, a new entity is added, while the dismantling of these entities has hardly ever happened (Charnovitz, 2005; Ivanova, 2005a,b).

While many argue that this has led to an ineffective system, some think on the contrary that a fragmented environmental governance system is not so bad at all. They argue that the best design for managing global environmental problems is a loose, decentralised (fragmented) and dense network of institutions and actors. One argument for this is that the complex nature of environmental problems requires specific responses from multiple institutions. Other important arguments are that a loose network ensures that there are multiple opportunities for multiple actors (including civil society) to hold discussions and take action; that institutions are able to specialise on one particular environmental problem; and that inactivity of one institution does not jeopardise the entire system (Kanie, 2007; Ivanova and Roy, 2007).

In short, there are people who stress the advantages of fragmentation in the IEG system, while others highlight the disadvantages. Nevertheless, there is now general consensus -especially among nation-states- that at least *some* improvements should be made to the system. Many scholars, UN commissions and representatives of governments have called for a reform of the system, but their opinions differ on how and to what extent this reform should take place (Sampson, 2001; Raffield and Kayira, 2005; Bauer and Biermann, 2005). Already since the 1970s a growing number of proposals have been made for reform of the international environmental governance structure. Many of these proposals plead for setting up an overarching and coordinating body, called by different names: International Environmental Agency; Global/International/Multilateral/World Environment(al) Organisation (GEO, IEO, MEO); Earth Organisation (EO); World Environment and Development Organisation (WEDO); United Nations Environment Organisation (UNEO), etc. (Lodefalk and Whalley, 2002; Bauer and Biermann, 2005). The many proposals differ hugely in terms of the scale of the Environment Organisation, the functions it could fulfil, the implications it has for the system, etc.

Despite the many and increasing proposals for reform, no action has yet been undertaken to adequately tackle some of the shortcomings of the system. No real progress towards any form of an Environment Organisation has occurred yet (Charnovitz, 2005; Hyvarinen, 2008; Haas, 2001). According to a newsletter from UNEP, recent consultations with UN Member States suggested that “for the moment, the time was not ripe to decide on a fundamental overhaul of the system” (UNEP, 2008; p. 12). The question that will be addressed in this thesis is why the time is not yet ripe and why no decisions have been taken to change the system or create an International Environment Organisation.

1.2 Research objective

The research objective of this thesis is two-fold.

First, it aims to provide insight into the factors that prevent institutional change. By using theories that explain the origin of institutions and the difficulties in changing them, this thesis explains why institutional reform is so hard to bring about.

Second, by using three political models –the barrier model, the rounds model and the model of joining the streams- the thesis sheds light on the causes for political non-decisions and explains why a certain issue is prevented from reaching the decision agenda.

These objectives will be achieved by looking at the case of the calls for and the discussions concerning changing the IEG system or creating an International Environment Organisation. The thesis provides insight in the developments, actors and factors that push and prevent the creation of an Environment Organisation to reform the international environmental governance system.

1.3 Research questions

The main and sub research questions of this thesis are as follows:

I. Despite the numerous proposals for a (World/United Nations) Environment Organisation from between the late 1960s and 2009, why have no decisions been taken to establish such an organisation?

I.1. How is international environmental governance (IEG) currently organised and how is it and its reform viewed by relevant actors? (chapter 3)

- a) Which organisations, programmes and regimes exist in the field of international environmental governance and what are their history, functions and relation to one another?
- b) What have been the official assessments, statements and agreements in the various international conferences and other political forums with regard to reform of IEG?
- c) How do practitioners in the field of IEG view the current situation of international environmental governance and its reform?

I.2. Which proposals for an Environment Organisation have been developed so far and how are these viewed by relevant actors? (chapter 4)

- a) Which proposals for an Environment Organisation have been produced so far (within and outside the United Nations) and how do they differ from one another?
- b) How do practitioners in the field of IEG view the proposals for an Environment Organisation?

I.3. Given the current situation and actor perspectives (question I.1 and I.2), how can we explain the absence of an Environment Organisation?

- a) How do the theories of New Institutionalism -Historical, Rational Choice and Discursive institutionalism- applied to this case, help to explain the current absence of an Environment Organisation? (chapter 5)
- b) How do three political models -barrier model, model of joining the streams and rounds model- applied to this case, help to explain the current absence of an Environment Organisation? (chapter 6)

I.4. How can a comparison between the current situation and the factors that were important for UNEP's origin help to understand the absence of an Environment Organisation? (chapter 7)

II. What does this case of explaining the absence of an Environment Organisation reveal about the theories that were used to explain institutional change (or lack thereof) and political processes in international environmental governance? (chapter 8)

1.4 The scope and utility of the thesis

This thesis addresses the discussions concerning one of the options to reform the system for international environmental governance, namely to establish an International Environment Organisation or upgrade UNEP to a UN specialised agency. Proposals for such kind of reform have been many, and this thesis covers those that have been developed shortly before the creation of UNEP in 1972 until the date on which the thesis has been written, namely the first half of 2009. This study provides a historical overview of the proposals and the discussions concerning the proposals. Most attention will be paid to the proposals and discussions that have been produced in the past several years, and especially on the discussions in the past months. The focus of this thesis is mainly on options to reform IEG within the UN system, although other options for reform are mentioned as well. The reasons for this is that most discussions on IEG reform are taking place within the UN system, and most governments have expressed their opinion only in their capacity as Member State to the UN. The most important part of the thesis seeks to explain what has happened and is happening to the discussions on IEG reform, and why no decisions have been taken yet.

This thesis does not address the reform options other than creating an Environment Organisation, such as the greening or strengthening of existing international organisations other than UNEP, or the clustering of the Multilateral Environmental Agreements (to name but a few options). A full discussion of the constitution or assessment of the effectiveness of the IEG system is outside the scope of this report, although it is shortly addressed in chapter 3 in order to get an idea of the problems that the many proposals for IEG reform seek to solve. Also outside the scope of this thesis is a full discussion of whether or not it would be desirable to establish an International Environment Organisation. The thesis focuses mainly on the interactive (political) processes in which this is discussed, instead of on the exact normative arguments in favour or against an Environment Organisation.

1.5 Methods used

The information for this thesis was retrieved by means of literature study, making use of primary as well as secondary sources such as scientific articles, books, newsletters, reliable Internet sites for latest news and proposals, conference papers, etc. In addition to this, qualitative data has been retrieved by means of twenty-two semi-structured to open oral interviews. The interviews were used for all research questions. They were mostly carried out

via phone or by using Skype, as the interviewees were working in many locations around the world. The interviewees were all scholars or practitioners in the field of international environmental governance, and included representatives from environmental UN organisations like UNEP, various secretariats and sub-divisions of UNEP (like the EMG and the Division of Policy Development and Law), and the UN Division of Sustainable Development (of which the Commission on Sustainable Development is part), but also scientists, representatives from non-governmental organisations, from business organisations and from international non-environmental organisations like the World Trade Organisation (WTO) and the World Bank. A list of the people that have been interviewed for this thesis can be found in Annex I.

The contacts for the interviews were obtained using the snowball method. The first contacts were laid with people I already had contact with as well as people who seemed much involved in the debates on IEG reform, whose contact details could be found on the Internet. Other ways of getting into contact with people was calling (secretariats of) relevant organisations and asking for persons involved in the debates concerning the reform of international environmental governance.

As there is a huge amount of actors involved in the international environmental governance system and the discussions on its reform, it was not possible to cover representatives of all of these in the interviews. The limited time frame of this thesis made it impossible to get a sufficient representation of actors on which to base quantitative data analysis. That is why only methods of qualitative data analysis were used for this thesis. The actors involved in international environmental governance are working in many places around the world. Due to limited funds and time, it was difficult to come into contact with possible interviewees. Most of the people for the interviews had initially to be contacted via e-mail, which resulted in a rather low response rate. Follow-up by phone significantly increased this rate. In addition to carrying out interviews by phone or Skype, there was the initial plan to visit Geneva or another city in Europe to carry out face-to-face interviews and attend some discussions on IEG reform (participatory observation method). However, it turned out that there were not many discussions on IEG reform taking place at one moment in time, either in Geneva or any one location, nor were people that were involved in these discussions assembled in one

location. While it would take up much time, the added value of paying a visit to any one city was considered rather low.

1.6 Outline of the rest of the thesis

The outline of the rest of the thesis is as follows.

Chapter 2 describes the two sets of theories that are used in this thesis to explain why no real progress towards a decision regarding IEG reform has been made yet. These sets of theories are used in chapter 5 and 6.

Chapter 3 addresses question I.1. It gives a description of the current situation of the system for international environmental governance, and describes some of the main organisations that are involved in it. It also provides a historical overview of the conferences, agreements and assessments that have been carried out, thereby giving an idea of the progress that has been made to date in the debates concerning the reform of the IEG system. The last section of chapter 3 focuses on the views of nation-states on the IEG system and its possible reform. It addresses the definition of the problem, issues regarding IEG reform on which consensus has been reached, and issues that are still rather controversial.

Chapter 4 addresses question I.2 and concerns the various proposals that have been made to establish an International Environment Organisation. It gives a historical overview of the many proposals that have been put forward by various actors. It also describes a number of models in which these proposals can be classified. The last section addresses the views of nation-states and other important actors on the most prominent proposal for IEG reform, namely the one to upgrade UNEP to a United Nations Environment Organisation.

Chapter 5 and 6 seek to answer the main research question of this thesis (question I.3) with the use of New Institutionalism (chapter 5) and three political models (chapter 6).

Chapter 7 addresses question I.4, namely how a comparison between the current situation and the factors that were important for UNEP's origin in 1972 can help to understand the current absence of an Environment Organisation. This chapter again focuses on the most prominent proposal of upgrading UNEP to a UNEO. It explains the difference between a UN programme and a specialised agency, gives a detailed description of the history of UNEP's establishment, and explains why UNEP was set up as a programme instead of a UN specialised agency. The chapter then compares the situation before the creation of UNEP with the situation in which the current discussions over the possible establishment of an

Environment Organisation take place and uses this comparison to explain why it is more difficult now than it was back in 1972 to set up such an organisation. The final section of the chapter makes use of the two sets of theories to further explain this difference.

Chapter 8 contains the conclusion of this thesis. It brings together the most important findings of chapter 5 and 6. A critical evaluation of the theories is given, as well as an explanation of how they have been able to complement one another. This provides an answer to question II, namely what this case of explaining the absence of an Environment Organisation reveals about the theories that were used to explain institutional change (or lack thereof) and political processes in international environmental governance. The section will give the reader a better idea of why these theories were chosen for this thesis. Finally, the conclusion contains several recommendations that might trigger progress in the debates concerning IEG reform.

Chapter 2: Conceptual framework

2.1 Introduction

The aims of this thesis are to provide insight into the factors that prevent institutional change as well as explaining the causes for political non-decisions and why a certain issue like a reform of the IEG system does not reach the decision agenda. Two sets of theories will be used to reach these aims. One set of theories is about the origins of and changes in institutions, namely New Institutionalism (section 2.2). The other set is about agenda-setting and political decision-making, namely three political models: the model of joining the streams, the barrier model and the rounds model (section 2.3). This chapter explains these two sets of theories. The theories will be used in chapter 5 and 6 in order to answer the research questions of this thesis.

2.2 New Institutionalism

The first set of theories that is used in this thesis is New Institutionalism. New Institutionalism does not constitute a unified body of thought. Instead, there are different schools of thought that call themselves New Institutionalism. What these schools have in common is that they all focus on describing the relationship between institutions and behaviour as well as on explaining the process of institutional origins and changes (Hall and Taylor, 1996). This thesis makes use of the schools called Historical, Rational Choice and Discursive Institutionalism. One school of thought in New Institutionalism that is not used in this thesis is Sociological Institutionalism. It was felt that many elements of this school are already covered in the other schools that are used, especially in Discursive Institutionalism (Schmidt, 2008). Besides this, Sociological Institutionalism focuses much on cultural aspects, and although a very broad definition of the concept culture is used in this school, the concept was not considered to add very much to the other schools of thought in their explanation of institutional changes within the IEG system or the lack thereof.

2.2.1 Historical Institutionalism

Historical Institutionalism (HI) emphasises the structuralism that is implicit in institutions. HI sees conflicts for scarce resources at the heart of politics, and focuses on the ways in which institutions *structure* these conflicts so that some interests are privileged above others. Institutions can structure the interactions between actors so that distinct ‘trajectories’ are generated (Hall and Taylor, 1996).

Likewise, HI stresses the way in which historical developments *structure* the current and future developments. Historical Institutionalists are proponents of ‘path dependency’. This means that the context of a given situation, often in the form of institutions, is inherited from the past and mediates (or influences) the 'operative forces' (Hall and Taylor, 1996; p. 941) that are taking place. The same forces can have very different outcomes in one situation than in another because the (institutional) context is different and exerts its influence. Institutions are seen as relatively persistent and as one of the central factors in defining the context and pushing developments along a certain path (Hall and Taylor, 1996). Examples of the influences institutions can exert are the influences of existing policy legacies or the adoption of particular identities within institutions. In this way unintended consequences and inefficiencies can occur, since not all developments are purposive.

Historical Institutionalists argue that developments are sometimes heavily influenced by what they call ‘critical junctures’. These are moments in time in which ‘substantial institutional change’ takes place, so that developments switch to a new path (Hall and Taylor, 1996; p. 942).

Another feature of Historical Institutionalism is the important role that power and the asymmetrical power relations, the power inequalities, between actors play. This draws attention to the unequal power relations between for example nation-states (Hall and Taylor, 1996).

Historical Institutionalism explains the relationship between behaviour and institutions in two different ways, by using both the calculus and the cultural approach. The *calculus approach* focuses on aspects of human behaviour that are instrumental and based on strategic calculation. Actors behave in order to maximise the attainment of goals based on their own interests. Institutions influence behaviour because they provide the information needed to make strategic choices. The other way in which institutions exert their influence is by making

deviation less attractive than adherence to the institution. The *cultural approach* holds that behaviour is not fully strategic, but bound by an actor's world view. Here the emphasis of HI on structures comes in again, as it stresses the ways in which routines and patterns of behaviour are structured. This can prevent or encourage actors to use or change institutions in a certain way, because some patterns of behaviour are conventional or taken for granted while others are not. In other words, actors are socialised by the institutions in which or with which they work. Socialisation not only influences actors' preferences and goals, but also the very options they consider, their identity and self-image. According to the cultural approach this explains why institutions are so resistant to change (Hall and Taylor, 1996). Socialisation is discussed more elaborately in the next section 2.2.2 on Discursive Institutionalism. The exact way in which actors seek to maximise the attainment of their goals will be considered in section 2.2.3 on Rational Choice Institutionalism.

2.2.2 Discursive Institutionalism

Discursive Institutionalism (DI) puts emphasis on the role of discourses in politics. Discourses can mean 1) the ideas which are represented (i.e. what is said) and 2) the interactive processes by which these ideas are expressed (i.e. where, when, how and why it is said) (Schmidt, 2008; Hajer, 1995). The use of the concept of discourse makes that DI has a much more dynamic approach to institutional change than the other schools of thought within New Institutionalism. Discourses enable actors to think, speak and act about or with institutions, and hence to decide to change or maintain them or to create new ones, even while these actors are interacting *within* the existing institutions. DI treats institutions not only as given (i.e. as the context in which actors speak, think and act), but in contrast to the three other schools of thought, also as the result of these very practices of speaking, thinking and acting. The concept of discourse enables DI to explain institutional changes (such as 'critical junctures') but also a lack of such changes (Schmidt, 2008; Lieberman, 2002).

The first meaning of discourse, the ideas, can take the form of symbols, narratives, stories, images, etc. According to Schmidt (2008) there are three main levels at which ideas exist in politics. The first level covers the specific policies or policy solutions proposed by policy makers. The political models (section 2.3) seek to explain why ideas at this level succeed, fail

or change. The second level encompasses the more general programmes that are the basis for the policies in the first level. This second level defines the problems to be solved; the issues to be considered; the goals to be achieved; the ideals that are used; and the norms, methods and instruments to be applied. In short, it defines the frames of reference that policy-makers have of the world around them. Finally, the third level covers the public philosophies or sentiments: the world views that form the basis for the previous two levels. Whereas the policy ideas and programmatic ideas (first and second level) are discussed and debated, the third level sits at the background as an underlying assumption and is hardly ever contested.

Investigating the second meaning of discourse (the interactions), the actors involved and the power these actors have can help explain why some ideas fail while others succeed. The ways in which ideas are presented, to whom and where, help explain why they are dominant or not (Schmidt, 2008; Stone, 2002; Kingdon, 2003).

Discursive Institutionalism takes the view of the cultural approach. As already explained, this approach means that institutions influence the institutional context within which a range of more or less acceptable and expectable ideas and interactions (discourses) develop (Schmidt, 2008; Hajer, 1995). Institutions frame the discourse, in this way acting as structures that constrain actors, but are at the same time created and changed by actors. One can also speak of a 'mobilisation of bias' (term developed by Schattschneider, 1960) that is present in all political organisation: the dominant values, myths, established political procedures and rules of the game. This mobilisation of bias makes that some ideas are dominant and organised in politics, while others are organised out. The mobilisation of bias not only affects the chance that a certain issue reaches the agenda, but also the power actors have, because some gain while others are handicapped by this bias (Bachrach and Baratz, 1962; Bachrach and Baratz, 1963; Cobb and Elder, 1972).

One of the implications of the cultural approach and the mobilisation of bias is that political actors often are or feel obliged to follow certain policies, policy implications or discourses that have been accepted in the past or in other policy sectors (Schmidt, 2008). In this way politicians can be restricted or stimulated in their ideas (discourses) and actions, which can prevent or enhance certain ideas from becoming a policy or even reaching the

agenda. In short, the way in which the political process develops is dependent on the mobilisation of bias (Van der Eijk and Kok, 1975).

2.2.3 Rational Choice Institutionalism

Rational Choice Institutionalism (RI) explains the origin and survival of institutions by looking at the functions they fulfil. In contrast to DI, this school takes the view of the calculus approach. Actors behave entirely instrumentally and in a strategic way in order to maximise the attainment of their preferences, which involves extensive calculation. RI argues that actors will only set up a new institution if it fulfils certain functions that serve their interests and help them maximise the attainment of their goals. This means that according to RI institutions will be created by means of voluntary agreements by relevant actors. Rational Choice Institutionalism thus not only focuses on the strategic calculations of actors individually, but also on the role of the (strategic) interaction between these actors in the determination of political outcomes. The actors' calculus is heavily influenced by the expectation of how other actors are likely to behave. Institutions structure these interactions by influencing the range of alternatives on the agenda and by providing information or enforcement mechanisms that reduce uncertainty about the other actors' behaviour. This leads actors to a particular calculation and potentially better outcomes.

Rational Choice Institutionalists see politics as a series of collective action dilemmas. These are situations in which actors (such as nation-states) act to maximise the attainment of their preferences, but end up producing an outcome that is collectively sub-optimal. This can be explained by the absence of institutional arrangements which, if in place, would guarantee actors cooperating in order to collectively find an optimal outcome (Hall and Taylor, 1996).

2.3 The political models

The political models used in this thesis seek to explain the occurrence of political non-decisions and why certain issues and ideas do or do not reach the decision agenda. The three models that are used in this thesis all shed light on different aspects of political processes. The *model of joining the streams* explains why some issues are given attention and are translated into policies while others are not, by looking at three streams in political processes:

politics, problems and policies. The *barrier model* explains why some demands for change are and some are not translated into agenda items and policies. Finally, the *rounds model* focuses on the interactions between actors and how these influence the issues that are considered and the decisions that are taken or not taken.

An important aspect of all three political models is the assumption that a problem is socially constructed. Conditions only become problems when people believe that they can and should do something about them (Cobb and Elder, 1971; Kingdon, 2003; Teisman, 2000; Hajer, 1995; Van De Graaf and Hoppe, 1992).

2.3.1 The model of joining the streams

A useful model to explain political decision-making and agenda-setting processes is the model of joining the streams, developed in 1972 by Cohen, March and Olsen and further elaborated by Kingdon in 1984 (Teisman, 2000). The model of joining the streams holds that there are three streams in decision-making processes that move in an ‘organised anarchy’ (Kingdon, 2003; p. ix), namely the politics, the problems and the policies. The stream of the problem concerns the nature, acknowledgement and categorisation of a problem; crises or events that take place which can be brought in relation with the problem; and the presence of other (related) agenda items. The stream of the policies concerns the policies that are already in place as well as proposals for new policies. The political stream is composed of things such as public opinion, pressure from interest groups, election results, and changes in internal politics (e.g. politicians changing their positions).

The stream of the problem

Within the stream of the problem, the nature and the definition of the problem are very important. Aspects of the nature of the problem that influence the attention the problem gets are the complexity of the problem; whether or not the indicators of the problem are countable; whether politicians have personal experience with or interests in the problem; whether the problem is visible; whether the problem goes with a lot of uncertainty; and whether there are powerful symbols that can represent the problem. Another important aspect is the specificity of a problem. A prominent agenda item can carry many specific, routine items, but few

general, non-routine items at any given time. The less specific an item and the less experience political actors have with the item, the more place it occupies on the agenda (Kingdon, 1984).

As for the problem definition, this not only influences the place the problem gets on the agenda and the solutions that are proposed, but also which actors are seen as the ones responsible to solve the problem. The way a problem is defined, i.e. the category in which the problem is placed, has major implications for the way people see the problem. The category says something about the interests that are being considered when referring to the problem (Van de Graaf and Hoppe, 1992; Kingdon, 2003).

The stream of the policies

Within the stream of the policies, various ideas and solutions for a particular problem circulate. These alternatives confront each other and can get combined in a certain way. This means that complete new ideas do not just come into existence, but are built on existing ones as well as new elements and thus get formulated and reformulated. This process of circulation, confrontation and reformulation of alternatives contains a selection process, as some alternatives survive or are discarded while others are combined, adapted and reformulated. Criteria for valuing the alternatives in this selection process are technical feasibility, value acceptability and anticipation of future constraints. These criteria are not the only important aspects in creating policies. Also important is what Kingdon calls 'softening up': preparing changes by presenting proposals that emphasise the need for change, the so-called 'trial balloons'.

Whether or not policies are accepted depends on the building of coalitions, negotiations, the acceptance of concessions as well as the kind of policy arena in which proposals are discussed. The balance of power between actors is very important therein (Van Gestel, 1999; Kingdon, 2003).

The political stream

Factors that constitute the stream of politics are among others the public opinion, the presence and actions of interest groups, changes in internal politics (e.g. politicians changing their positions), competition between organisations and the influence of the media. Changes in the political stream can have a considerable influence on the attention a certain issue gets. For example, Kingdon argues that the competition for authority between different agencies or

organisations can either stimulate popular proposals or cause unpopular ones to perish altogether (Kingdon, 1984; Van Gestel, 1999).

The joining of the streams

Kingdon distinguishes between two different agendas: one that only ensures that an issue is talked about, the discussion agenda; another, the decision agenda, that identifies issues on which actual decisions need to be taken. Kingdon argues that one of the streams alone could structure the first agenda. So-called windows of opportunity come along or are being created in the individual streams that ensure that an issue is talked about. However, the probability of an item rising on the *decision* agenda increases dramatically when the three streams join together. This happens when the problem is acknowledged (stream of problem), the solution is evident (stream of policies) and the time is ripe (stream of politics). This is the moment when windows of opportunity occur in all three streams simultaneously and when the so-called ‘policy window’ opens (Van de Graaf and Hoppe, 1992; Kingdon, 2003; Mannheim, 2007). A policy window can be compared with the occurrence of ‘critical junctures’ that were discussed in Historical Institutionalism. Entrepreneurs can ‘jump through’ a policy window to bring about substantial changes or shifts in the ideas. A policy window is not a given situation, but exists rather in the perception of the participants. Thus, whether a policy window is open is a subjective, rather than an objective discussion (Kingdon, 2003).

The joining of the streams does not just happen; the streams are being pushed and pulled by the so-called ‘entrepreneurs’: lobbyists, ministers, diplomats and other politicians, etc. (see figure 1) (Van de Graaf and Hoppe, 1992; Kingdon, 2003). These entrepreneurs can join together the stream of the problem and the stream of the policies by trying to find an acceptable combination of the ‘right’ definition for the problem and the ‘right’

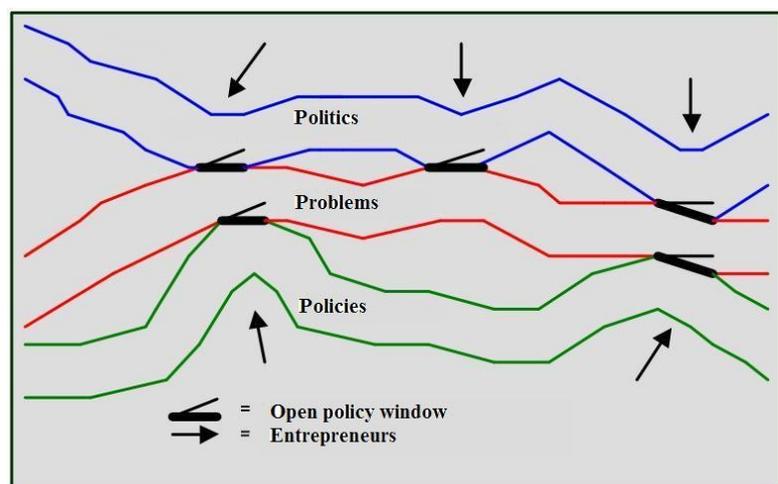


Figure 1: The model of joining the streams, based on Van de Graaf and Hoppe, 1992, p. 198

solution that fits with it. Since the categorisation of the problem has influence on the conceptualisation of the solutions (as argued above), one strategy that the entrepreneurs can use in order to try to reach such a combination is to influence the definition of an issue or a problem. Actors can decide to frame the problem in such a way that it relates to an item or (political) event that gets much attention at that moment. This so-called ‘coupling of an issue’ to a hot item can help to get the issue on the agenda. It can lead to what Kingdon calls a ‘spillover’: “The appearance of a window for one subject often increases the probability that a window will open for another subject” (Kingdon, 1984; p. 200). Coupling is a very powerful tool for agenda-management. However, the way in which issues get on the agenda is very unpredictable. One never knows which issues will rise in connection with the issue that is raised (i.e. which other spillovers will occur). As there is only limited place for issues on the agenda, a chance exists that the issues that caused the spill-over will rise on the agenda and consequently push the other issue off the agenda. The danger as well as the opportunity of spillovers is that once an issue is defined or coupled in a certain way, people build policies according to this definition. Just like the mobilisation of bias described, actors get used to the problem definition and the way to handle with it (Kingdon, 1984).

Not only the way a problem is defined or how it is coupled influences the position it gets on the agenda. Also real-life events that relate to the problem can have major implications for the prominence of an issue on the agenda. Events can be disasters, crises, or symbols and can happen in or outside the three streams. Events can only reinforce pre-existing perceptions of a certain problem; they trigger the attention of problems that already exist in people’s minds. This means that only problems that have a direct link with the causes or consequences of an event can get a more prominent place on the agenda because of the event. An event needs to be combined with more solid indication that the problem is widespread. Events can also push certain issues off the agenda when it causes all the focus of attention to be on the issue that is related to the particular event (Van de Graaf et al. 1992; Kingdon, 1984).

According to both Discursive Institutionalism and the theory of Kingdon, other factors that heavily influence agenda-setting are: enthusiasm for the topic; timing; consistency and coherence of the policy proposals; the amount of expertise linked to the validation of ideas; the discourses that lie at a more basic level, such as the problems to be solved, the issues to be

considered, the ideals, goals and norms; and budgets (Kingdon, 2003; Stone, 2002; Schmidt, 2008).

2.3.2 The barrier model

Another useful model to study the process of agenda-building is the barrier model, developed by Bachrach and Baratz (1970) and later elaborated by Van der Eijk and Kok (1975).

Important in this model is the concept of ‘non-decisions’ by Bachrach and Baratz (1963).

Non-decision-making means that some (controversial) desires never reach the decision-making stage because of “dominant values, the accepted rules of the game, the existing power relations among groups, and the instruments of force” (Bachrach and Baratz, 1963; p. 641). In other words, a non-decision is a decision that results in the suppression of certain wants by means of the earlier mentioned ‘mobilisation of bias’. This might serve the interests of the decision-maker, but does not necessarily have to be the result of conscious strategy (Bachrach and Baratz, 1970). As Schattsneider (1960; p. 71) explains it: “All forms of political organisation have a bias in favour of the exploitation of some kinds of conflict and the suppression of others, because organisation is the mobilisation of bias”.

The barrier model is a model to study non-decision-making. It identifies four barriers that a want has to pass through in order for it to become a policy and get implemented: translation from want to demand; translation from demand to issue; the decision-making process; and the implementation (Van der Eijk and Kok, 1975). Figure 2 displays the different stages of the barrier model.

Before the *first stage* takes place, an idea has the form of a want. Wants can be opinions, interests, ideologies and similar ideas and attitudes which are not seen as totally

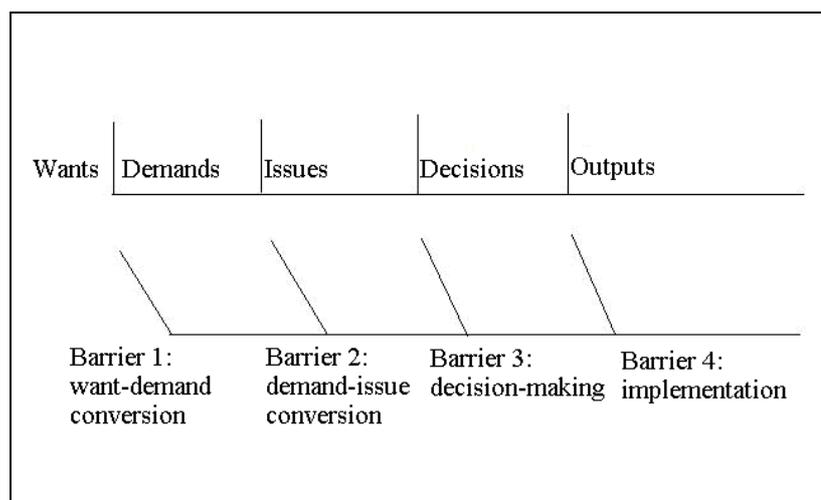


Figure 2: The barrier model by Bachrach and Baratz, 1970, based on Van der Eijk and Kok, 1970, p. 284

dependent for their fulfilment on the political process. In the first stage wants can be converted into demands. Demands are politicised wants in the sense that people give voice to it politically. Not all wants are converted into demands, as not all wants are legitimate enough to be converted. Other causes for a want not passing the first stage is lack of knowledge, expected reaction of others, and purposive action by others to prevent a conversion (Easton, 1965 in Van der Eijk and Kok, 1970).

The *second stage* involves the conversion from demands to issues. Issues are demands which decision-makers recognise as problems for which decisions need to be made. The barriers in the second stage consist of procedures, customs, and organisational devices. If a demand does not become an issue it will wither away, unless proponents take it up and try to convert it again at a later point in time (Bachrach and Baratz, 1970). In the translation from demand to issue the demand can happen to be modified into a different (sometimes unintended) issue, or in a way that it is only partly converted. If demands pass the second stage it becomes part of the agenda for decision-making (Van der Eijk and Kok, 1970).

In the *third stage*, the decision-making stage, decisions are made about issues on the basis of this decision agenda. The barriers in this stage concern the shift of an issue from the discussion to the decision agenda.

The *fourth stage* is the one of implementation. Also in this stage barriers can still exist. A decision is not always a political output, and if it is, it often concerns merely a symbolic output (Edelman, 1964 in Van der Eijk and Kok, 1970). Other examples of barriers are the prevention of an output to be realised and channelling the output away from the intended beneficiaries (Van der Eijk and Kok, 1970).

The ability actors have to mobilise resources and the access they have to political decision-making influence their ability to convert demands into important political issues (Cobb and Elder, 1971). Also Kingdon (2003) highlights the importance of the political actor's qualities, like expertise, authority to speak on behalf of others, political connections, negotiating skills and persistency.

2.3.3 The rounds model

The rounds model is a useful addition to the two previous models, as its focus does not lie with the political processes, but particularly with the actors involved and the interactions between them. In order to understand decision-making, one has to focus on the variety of actors, their objectives, solutions, and the interaction between these.

The rounds model is based on the premise that different phases as described in the barrier model cannot be clearly marked out. The rounds model does not see decision-making as one or more phases, but as an intertwined series of decisions taken by various parties, the so-called 'rounds'. Many actors are involved in these decision-making rounds, and each of them introduces their own perceptions of relevant problems and possible solutions. In all rounds the interactions between different actors result in one or more definitions of problems and solutions. In this way a round of decision-making begins and ends with the adoption of a certain combination of a problem definition and a solution by one or more actors (Teisman, 2000).

Van De Graaf and Hoppe (1992) make a distinction between actors that 'have' the problem and actors that 'have' the solution. The actors assess to what extent other actors share their definition of reality and proceed to interact on this basis, pushing and pulling agenda issues and proposals in certain directions. In this way the actors try to influence the current round as well as the beginning of the next round. The actors identified in the rounds model can be politicians interacting with each other, but can also be nation-states, international or non-governmental organisations, and other (groups of) actors (Teisman, 2000). When actors share a certain combination of a problem definition and a solution (all for their own reasons and interests), they can form advocacy coalitions (Hajer, 1995).

2.4 The use of the theories in this thesis

The theories described above are used in the rest of this thesis to explain why no decisions regarding the reform of the IEG system have been taken yet. The present IEG system, the debates that are taking place over reforming this system and the options for reform will be discussed in the light of New Institutionalism. Historical Institutionalism can help explain the current structure of IEG and how this structure influences the developments that have taken

place or are likely to take place. Discursive Institutionalism (DI) sheds light on the different ideas (discourses) to reform the IEG system as well as on the interactive processes that take place, namely the discussions about such reform. DI allows us to analyse the way in which these discourses (i.e. ideas and interactive processes) influence the likely outcomes. Finally, Rational Choice Institutionalism makes us aware of the role different actors play in the debates, and how their self-interests influence the discussions and decisions that are (not) being made.

The second set of theories, the political models, are useful in that they elucidate the political processes that take place within the IEG system. Whereas most of these political models have been used in national politics, this thesis shows that they can also be very useful in international politics. The model of joining the streams allows us to distinguish between three streams, so that the problems, the politics and the policies can be analysed separately. The barrier model makes us aware of the different barriers that exist in political processes that can prevent decisions being taken or policies being implemented. By identifying the four different stages one can analyse where in the political process the bottlenecks for taking decisions on IEG reform lie. Finally, the rounds model is useful in that it focuses particularly on the actors in the political processes and the way in which their perceptions and actions influence the identification of the problems and solutions that are being considered and decided upon (or not).

The conclusions in chapter 5 and 6 discuss in more detail in what way both sets of theories have been of use in answering the research questions of this thesis. The concluding chapter 8 will give a critical evaluation of the theories mentioned above and of how they can complement one another.

Chapter 3: The current situation, debates and views on international environmental governance

3.1 Introduction

This chapter concerns the current situation of and the debates on the (reform of the) international environmental governance system. It will give an answer to question I.1.: *How is international environmental governance currently organised and how is it and its reform viewed by relevant actors?* An overview of the most important international organisations that currently exist in the IEG system will be given in section 2. Section 3 provides a historical overview of the outcomes of important environmental conferences, assessments and agreements. It gives an idea of the progress that has been made to date in the debates concerning the reform of the IEG system. Section 4 focuses on the views of important actors on the IEG system and its options for reform. It addresses the definition of the problem in the IEG system (3.4.1), some general objectives that actors agree (the reform of) the IEG system should achieve (3.4.2), as well as the issues that are more controversial (3.4.3).

3.2 Organisations, programmes and regimes in IEG

This section gives an overview of the most important environmental and non-environmental international organisations that are active in international environmental governance. It also gives the points of critique of the organisations that are most relevant in the debates concerning IEG reform. The following institutions are discussed: the United Nations Environment Programme (UNEP), the UNEP Environment Management Group, the UNEP Governing Council/Global Ministerial Environment Forum, the Commission on Sustainable Development, Multilateral Environmental Agreements, the Global Environment Facility, and other international and regional (non-)environmental bodies. Temporary institutions such as intergovernmental (working) groups, task forces and high-level panels will not be discussed in this section, but are covered instead in section 3.3.

3.2.1 The United Nations Environment Programme

The United Nations Environment Programme (UNEP) is currently the organisation that is closest to being the “leading global environmental authority” (Nairobi Declaration, 1997; par. 2). It is the “overall coordinating environmental organization of the United Nations system” (UNEP, 2007b; p. 7). Its headquarters are in Nairobi, Kenya, which makes it the only UN body which is located in a developing country.

UNEP was established by the UN General Assembly in 1972 as a follow-up to the first UN Conference on Human Environment (UNCHE). In the preparatory stage of the UNCHE it was not at all certain that a new body for the environment would be created. Despite the dominant view that no unnecessary new body for the environment should be the outcome of the UNCHE, UNEP was established but was left to be a mere programme instead of a UN specialised agency with real authority (Desai, 2006; Gardner, 1972; Ivanova, 2005a,b, 2007a,b). The how and why of this will be explained in chapter 7, which will also go into more detail on the history of UNEP's establishment.

The aim of establishing UNEP was to meet the “urgent need for a permanent institutional arrangement within the United Nations system for the protection and improvement of the environment” (UNGA, 1972; p. 43). UNEP's main mandate is “to promote international cooperation in the field of the environment and to recommend (...) policies to this end, and to provide general policy guidance for the direction and coordination of environmental programmes within the United Nations system” (UNEP Website, 2009). Other tasks UNEP is expected to fulfil are amongst others: to review the implementation of UN environmental programmes; to keep under review the world environmental situation; to enhance the quality and quantity of environmental knowledge and (scientific) information; to promote the technical aspects of formulation and implementation of UN environmental programmes; and to assess the impact and additional costs of environmental policies on/for developing countries (UNEP, 2001a).

The resolution that established UNEP also founded the UNEP Governing Council (GC) in order to provide a forum for the international community to address major and emerging environmental policy issues (IISD, 2009). UNEP's Governing Council reports to the UN General Assembly through the Economic and Social Council (ECOSOC), which is the principal organ that coordinates economic and social work of the UN specialised agencies,

commissions, funds and programmes, and which serves as the central forum for discussing and formulating policy recommendations on international economic and social issues (ECOSOC, 2009). UNEP's Governing Council has fifty-eight members, which are elected by the General Assembly for a period of four years (UNEP Website, 2009).

Besides the Governing Council, UNEP exists of two other separate bodies with governance functions: the Secretariat, which is headed by the Executive Director; and the Committee of Permanent Representatives (CPR), which comprises ambassadors serving as permanent representatives to UNEP (UNEP, 2001c). Along with UNEP, the Environment Fund was created to ensure effective coordination in implementing international environmental programmes, not only within the UN system but also by other international organisations (Inomata, 2008). While the costs for UNEP's secretariat are covered by the general UN budget, the Environment Fund is meant to finance specific activities carried out by UNEP and relies on voluntary contributions from UN Member States (Biermann, 2000).

Although some are of the opinion that UNEP is functioning well given its limited mandate, there has been heavy criticism on UNEP's management and overall performance. Most of the reasons given for UNEP's inadequacies are external factors such as lack of political confidence in and political support for the programme, and lack of willingness from nation-states to give it the budget and authority it needs to adequately fulfil its mandate (Desai, 2006; Elliott, 2005; Dolzer, 1997). Because many of the proposals for a World or United Nations Environment Organisation stem from a discontent with UNEP's performance, this section discusses the most important points of critique of UNEP more extensively than those of the other organisations that are part of the IEG system. It also shows -as argued in chapter 1- why UNEP currently does not have the authority or political strength to serve as the centre of gravity for international environmental efforts within the IEG system.

First, many argue that UNEP's budget -which is based on voluntary contributions of individual states instead of mandatory and predictable assessed ones- is insufficient, unreliable and unpredictable (Tarasofsky, 2002; Desai, 2006; Haas, 2004; Ivanova, 2005b; Esty, 1994b). Tarasofsky (2002) argues that this is perhaps the most significant handicap UNEP has had since its establishment. It reduces UNEP's ability to effectively carry out its mandate and to identify a clear vision with long-term objectives and a strategic plan for the

longer term on how to achieve these objectives (Tarasofsky, 2002; Bauer, 2007; Ivanova, 2005b). This means that UNEP's agenda is set by the priorities of individual donor countries, which leads to fragmentation of UNEP's activities, as well as to challenges in the allocation of resources, the execution of programmes and the prioritisation of issues (Ivanova, 2005b; Najam, 2009).

Second, UNEP lacks status and authority to play a strong coordinating role in the fragmented policy arena of the IEG system, which consists of a huge and still increasing number of organisations with environmental mandates, particularly -as Bauer (2007) argues- since the environmental agenda has altered to one of sustainable development (Tarasofsky, 2002; Desai, 2006; Bauer, 2007; Ivanova, 2005b; Biermann, 2004; Meyer-Ohlendorf and Knigge, 2007; Drammeh, 2009). UNEP's lack of 'political clout' can be explained by a number of factors. The first factor is the fact that many of the organisations within the IEG system encroach upon UNEP's areas of work (Desai, 2006; Haas, 2004). A second and related factor is that a number of these organisations feel UNEP's mandate to coordinate all environmental activities in the UN system (including *their* activities) as controlling and threatening. These organisations do not feel obliged to defer to UNEP as they often had environmental responsibilities even before UNEP was established. These so-called 'turf wars' seriously undermine UNEP's ability to carry out its mandate (Ivanova, 2005a; Desai, 2006; Andresen, 2009). Finally, UNEP's legal status does not allow it to adopt environmental treaties or regulations upon its own initiative (Meyer-Ohlendorf and Knigge, 2007; Biermann, 2004).

UNEP's lack of authority within the IEG system can also partly be explained by its inadequate internal organisation. Ivanova (2005b) argues that competition and unclarity in responsibilities between various departments of the Programme as well as fragmentation and duplication among UNEP's monitoring and assessment activities reduce its authority and effectiveness. Also Bauer (2007) argues that the UNEP Secretariat has never entirely been able to live up to its mandate, "due to the structural flaws engrained in its polity" (p. 23).

A fourth criticism to UNEP is that its role, mission and focus are unclear, especially since the creation of the Commission on Sustainable Development in 1992 (see section 3.2.4) (Tarasofsky, 2002; Andresen, 2001). The United Nations Office of Internal Oversight

Services (UN OIOS) published a report in 1997 that argued that the consequence of UNEP's lack of a clear role was a reduction in the efficiency and effectiveness of its secretariat (Bauer and Biermann, 2005). The report stated that: “The lack of clarity has had consequences for how programmes have been conceived and managed, for the ongoing downsizing of programmes and for staff morale and esprit de corps” (cited in Ivanova, 2005b; p. 11).

Finally, many are of the opinion that although UNEP's headquarters being located in Nairobi has its advantages (such as an increased legitimacy in developing countries), it has undermined the Programme's ability to efficiently fulfil its mandate, as it is far removed from the other centres of international organisations and secretariats of environmental conventions (Esty, 1994b; Desai, 2006; Andresen, 2001, 2009; Ivanova, 2005b; Martimort-Asso, 2009).

3.2.2 The UNEP Environment Management Group

In 1995 UNEP established the Inter-Agency Environment Management Group, which was replaced by the Environment Management Group (EMG) in 1998, and started functioning in 2001, with a small secretariat in Geneva. The EMG was set up to make UNEP's coordinative role in the UN system stronger and more effective. It was established to improve inter-agency policy coherence and collaboration among the growing and often overlapping UN bodies in the field of the environment. The EMG's aim is to make the UN a more coherent system with regard to the integration and mainstreaming of environmental issues. The EMG's tasks are to achieve effective coordination and joint action among UN bodies; to prepare coordinated inputs to intergovernmental forums, particularly the Commission on Sustainable Development (see section 3.2.4); and to assist intergovernmental bodies in the areas of environment and human settlements. With regard to this latter task, the Group aims to enable UN bodies and their partners to consult on new initiatives, share information, promote inter-linkages, contribute to a planning framework, develop agreed priorities and help to determine the roles of the bodies in those priorities. The premise is that this would lead to a more effective use of the existing bodies' resources. Another task of the EMG is to provide a forum for discussing new and emerging environmental issues and deciding together with other UN bodies on the most effective approach to deal with these. To this end, the Group has the ability to establish temporary ad-hoc task forces or working groups that cover clusters of issues in which

representatives of the UN bodies can discuss the issues and come to a joint solution. Some of the working groups that the EMG has established to date concern issues such as environmental aspects of water and sanitation, capacity-building in the areas of biodiversity and chemicals and biodiversity conventions.

The EMG's membership consists of all UN specialised agencies, programmes and organs as well as all the secretariats of Multilateral Environmental Agreements and a number of international organisations outside the UN system. Also representatives of civil society and international non-governmental organisations are allowed to participate by invitation. UNEP acts as the EMG's secretariat, so that UNEP's Executive Director also heads the EMG (High level Forum of UNEMG, 2006).

Although some argue that the EMG functions well (Biermann, 2009), the effectiveness of the EMG has often been criticised. Consultations with various UN agencies and MEAs in 2005 revealed that there has been only 'modest progress' (High level Forum of UNEMG, 2006; p.2) in certain programme areas, and that the EMG has not lived up to expectations (High level Forum of UNEMG, 2006). Ivanova (2005a), who has produced a very extensive assessment of UNEP and its constituting bodies, argues that there is a lack of strong engagement in the work of the EMG. Ivanova gives a number of reasons for this. First, the large number of forums within the UN system puts high demands on UN staff. Second, the fact that the EMG is part of UNEP means it is still seen as an instrument for UNEP's control rather than an independent mechanism for cross-cutting collaboration between various UN bodies. As not all UN bodies are particularly positive towards the coordination functions of UNEP (see chapter 4, section 4.4.2 under 'other UN bodies'), this also makes it more difficult for the EMG to effectively carry out its mandate. Third, the limited staff and budget of the EMG prevents the Group to effectively carry out its activities and embark upon new initiatives. Ivanova concludes by stating that: the "EMG is rendered virtually ineffective, although it has the institutional and structural capacity to serve as the foundation for a clearing-house mechanism" (Ivanova, 2005a; p. 30)

3.2.3 The UNEP Governing Council/Global Ministerial Environment Forum

In 1999 the UN General Assembly approved to set up the annual UNEP Governing Council/Global Ministerial Environment Forum (GMEF) to discuss and review important environmental policy issues (Charnovitz, 2002). It was created at the same time as the Environment Management Group. As was the case with the EMG, the creation of the GMEF was an attempt to regain policy coherence in the field of the environment (Desai, 2002). GMEF meetings can be seen as special sessions of the Governing Council of UNEP, despite the fact that the GMEF also addresses issues that are beyond UNEP's programme, and operates in a different manner than the Governing Council (Dodds et al. 2002).

The GMEF's mandate is to promote international cooperation in the field of the environment; to provide broad policy advice and guidance; to keep under review the world environment situation and identify global environmental priorities; to keep the implementation of UN environmental programmes under review and assess their effectiveness; and to make recommendations for environmental policies (Cartagena Decision, 2002; GMEF, 2002).

3.2.4 The Commission on Sustainable Development

In 1992 the Economic and Social Council (ECOSOC) was requested to set up a commission to ensure the implementation of Agenda 21, which was produced during the United Nations Conference on Environment and Development (UNCED) (see also section 3.3 below). Agenda 21 is a plan for global, national and local action by UN bodies to promote sustainable development (Dodds et al. 2002). Besides monitoring and recommending on the progress in the implementation of Agenda 21, the CSD's tasks are to analyse and evaluate the reports from all organs, organisations, programmes and institutions of the United Nations system dealing with environmental and developmental issues; to consider information provided by governments; to review funding and mechanisms; to enhance international cooperation; to enhance the integration of environmental and developmental issues; and to receive and analyse input from non-governmental organisations and enhance dialogue with these NGOs (UNEP, 2001a; Dodds et al. 2002). The CSD is composed of fifty-three members, which are elected for three years. Like UNEP, it reports to the ECOSOC and through it to the General Assembly (Dodds et al. 2002).

There is much criticism to the CSD, which is by many considered largely ineffective. It is often seen as a 'talk-shop' (Charnovitz, 2005; Chasek, 2007; Vogler and Stephan, 2007; Elliott, 2005; Andresen, 2009; ICC representative, 2009; Biermann, 2009; Haas, 2009). Although some say that it provides a useful forum in which to discuss environmental and sustainable development issues, others think that the CSD merely 'recycles' decisions that have already been taken in other forums (see also chapter 6, section 6.4) (Dodds et al. 2002; Biermann, 2009). Some scientists argue that the creation of the CSD has undermined UNEP's authority and resulted in confusion about UNEP's role in the IEG system (Desai, 2006; Charnovitz, 2002; Tarasofsky, 2002; Dolzer, 1999; Dodds et al. 2002). The reasons scientists give for this are that the bodies have overlapping mandates; that the CSD's task is to analyse and evaluate the reports from UNEP; and that both bodies report to the Economic and Social Council on sometimes very similar issues (Desai, 2006; Tarasofsky, 2002). Other points of critique to the CSD is that its broad mandate results in a lack of focus and unspecific recommendations.

3.2.5 Multilateral Environmental Agreements

There are currently over five-hundred Multilateral Environmental Agreements (MEAs), international treaties and other agreements related to the environment. Most MEAs focus on specific subject areas, such as the protection of biodiversity, climate change, pollution by chemicals, etc. MEAs all have a different focus, history, location and administrative links to the UN system. While some MEAs are administered by UNEP, others are not. Most Multilateral Environmental Agreements are legally binding instruments. These MEAs generally have their own secretariat, a bureau, advisory bodies, a clearing-house mechanism and a financial mechanism. The Conferences and Meetings of the Parties (CoP/MoP) are the decision-making bodies for the development and implementation of the agreements. These function as rather autonomous and independent international institutions (UNEP, 2001a; Desai, 2006, 2002).

The system of MEAs has often been criticised for its incoherency (Ulfstein, 1999; Ivanova, 2005a; Desai, 2006). This has much to do with the fact that MEAs are independent bodies with a tendency to be rather inward-looking and reluctant to give up part of their authority to

other environmental institutions or agreements (Ivanova, 2005b). An often-mentioned problem is lack of coordination between the different MEAs, which results in duplication of work and fragmented policy-making, both within the environmental sector and in relation to other international (e.g. trade) regimes (Ulfstein, 1999; Ivanova, 2005a). It also leads to increased demands on ministries and governments, not in the least because the MEA secretariats are scattered in different locations around the world (French, 2002; Ivanova, 2005a; Desai, 2006).

3.2.6 The Global Environment Facility

The Global Environment Facility (GEF) is the largest facility that provides funding for the implementation of Multilateral Environmental Agreements. It emerged from the United Nations Conference on Environment (UNCED) and was officially launched in 1994. The GEF is jointly managed by the World Bank, the UN Development Programme (UNDP) and UNEP, and implements its projects through these and a number of other international organisations. The GEF focuses mainly on biodiversity loss, climate change, degradation of international waters, ozone depletion, and to a lesser extent also land degradation (UNEP, 2001a; Inomata, 2008; Oberthur and Gehring, 2004; GEF, 2009).

Though the GEF can be seen as part of the system for international environmental governance, it has little to do with the discussions on IEG reform. It will therefore not be discussed in further detail.

3.2.7 Other international and regional (non-)environmental bodies

In addition to the international environmental bodies described above, there are a great number of other not primarily environmental bodies that are dealing with environmental issues. Some are functioning within the UN system, while others are operating outside the UN. To mention some of them: United Nations Development Programme (UNDP); United Nations Development Group (UNDG); Food and Agriculture Organisation (FAO); World Meteorological Organisation (WMO); Intergovernmental Panel on Climate Change (IPCC); the World Bank (WB); the World Trade Organisation (WTO); International Tropical Timber

Organisation (ITTO); International Atomic Energy Agency (IAEA); International Maritime Organisation; etc.

In addition to these international bodies, regional bodies also play a major role in the environmental governance system. They promote environmental norms and conventions and provide technical assistance through regional advisory services, capacity-building workshops and projects. In some cases regional approaches to the development and implementation of conventions are considered more effective than international ones, for example with regard to trans-boundary issues (Inomata, 2008).

To give an idea of the structure of the system for international environmental governance, the first figure in appendix V provides an overview of the different environmental programmes, regimes and organisations that exist and how they relate to each other. The second figure in appendix V, the UN chart, gives an overview of the principal organs of the UN including their relation to the UN General Assembly, Secretariat and Councils.

3.3 History of conferences, assessments and agreements concerning reform of the IEG system

Already before the establishment of UNEP in 1972 there have been concerns about the quality of the overall system for international environmental governance (IEG) (see also chapter 1, section 1.1). The creation of UNEP eased these concerns somewhat. However, in 1987 the World Commission on Environment and Development -which was convened by the United Nations in 1983- recommended a “major reorientation and refocusing of programmes and budgets on sustainable development among all UN organizations” (Palmer, 1992; p. 261; Sampson, 2001). The Commission saw UNEP as the principal UN environmental body to promote sustainable development, and recommended that the Programme's catalytic role be extended (Palmer, 1992). During the second World Summit, the UNCED in Rio de Janeiro in 1992, the structure of the IEG system was again debated. Instead of strengthening the existing system, the conference resulted in the establishment of yet another new body: the Commission on Sustainable Development. As argued above, many were of the opinion that the creation of the CSD undermined UNEP's authority and resulted in confusion about its role. Despite (or perhaps because of) concerns about UNEP's authority, the Nairobi

Declaration of 1997 again underscored the role of UNEP, in stating that “UNEP has been and should continue to be the principal United Nations body in the field of the environment. (...) UNEP's role is to be the leading global environmental authority that sets the global environmental agenda, promotes the coherent implementation of the environmental dimension of sustainable development within the UN system and serves as an authoritative advocate for the global environment” (UNEP, 1997; paragraph 1 and 2).

In 1998 the UN General Assembly set up the Task Force on Environment and Human Settlements as part of the reform programme 'Renewing the United Nations'. The task force reviewed the structures and arrangements through which environmental activities were carried out within the United Nations system. It concluded that there were substantial overlaps, unrecognised linkages and gaps and it stressed the need for more environmental coordination. One of the recommendations of the Task Force was to establish the United Nations Environment Management Group (EMG). The idea behind the creation of the EMG was that this body would help the UN to function as a more coherent system with regard to environmental issues. The EMG's objective was to address the growing and often overlapping environmental functions and objectives of the many environmental institutions that existed. Being part of UNEP, the EMG could also be seen as a mechanism to strengthen the UN Environment Programme by giving it a more effective and strong coordinating role (High level Forum of UNEMG, 2006).

Another outcome of the Task Force was the establishment of the Global Ministerial Environment Forum (GMEF). The GMEF aims to be one of the cornerstones of an effective system of international environmental governance (Cartagena Decision, 2002; GMEF, 2002). The first meeting of the GMEF took place in 2000 and led to the Malmö Declaration. This Declaration stated that the role and the financial base of UNEP should be strengthened (GMEF, 2000). It also recommended that the next World Summit on Sustainable Development (WSSD), which was to take place in Johannesburg in 2002, review the needs for “a greatly strengthened institutional structure for international environmental governance based on an assessment of future needs for an institutional architecture that has the capacity to effectively address wide-ranging environmental threats in a globalizing world” (GMEF, 2000; paragraph 24).

Not only within the UN system there was a growing sense of the need for a strengthened IEG system. One example of forums outside the UN where this need was also felt was a G8 meeting of environment ministers in Trieste in March 2001. During this meeting the ministers stated that the strengthening of international environmental governance is important to meet the challenges of the twenty-first century. However, the outcomes of this meeting contained no specific agreements on how to strengthen the IEG system (Sampson, 2001).

Against the backdrop of the World Summit (the WSSD), that would take place from August to September 2002, the twenty-first session of the UNEP Governing Council adopted Decision 21/21 entitled 'International Environmental Governance', which established the Open-Ended Intergovernmental Group of Ministers or Their Representatives/International Environmental Governance (IGM/IEG). This intergovernmental group aimed to undertake a “comprehensive policy-oriented assessment of existing institutional weaknesses as well as future needs and options for strengthened international environmental governance” (UNEP, 2001a; paragraph 8, p. 5). The IGM/IEG held several meetings and carried out consultations with civil society as well as with experts. It particularly focused on the structural aspects of international environmental governance and the role of UNEP and the MEAs, and was meant to come with concrete recommendations for the IEG system, the GMEF and UNEP. The IGM/IEG discussions confirmed that the growth in the IEG structures had raised concerns about overlaps and conflicts within the system. The findings of the IGM/IEG fed into various sessions of the GMEF, which in turn set the agenda for the WSSD and led to the so-called 'Cartagena Package' (see below) (Desai, 2002, 2006).

The World Summit itself called for a stronger collaboration within the UN system, and stressed that the strengthening of the international institutional framework was an evolutionary process. It underlined that it was “necessary to keep under review relevant arrangements; identify gaps; eliminate duplication of functions; and continue to strive for greater integration, efficiency and coordination of the economic, social and environmental dimensions of sustainable development” (High level Forum of UNEMG, 2006; paragraph 22). During the Summit it was also stressed that the CSD should be strengthened as the forum for consideration of issues related to the integration of various dimensions of sustainable development (Elliott, 2005). Some scientists and many non-governmental organisations argued that the WSSD did not achieve much, that it was unable to deliver a solid, actionable

proposal and only rephrased what had been agreed upon in other forums (Ivanova, 2007c; Elliott, 2005).

During the third session of the GMEF in February 2002 the IGM/IEG presented its proposals on international environmental governance. These proposals were bundled in the so-called 'Cartagena package', which included five key recommendations: 1) improve coherence in international environmental policy-making; 2) strengthen the role and financial situation of UNEP; 3) improve coordination among and effectiveness of MEAs; 4) enhance capacity-building, technology transfer, and country-level coordination for the environmental pillar of sustainable development; and 5) enhance coordination across the UN system (Cartagena Decision, 2002; UNCPR, 2008; Rechkemmer, 2006). The Cartagena package also underlined the importance of the EMG and stated that successful environmental governance was to be achieved through the GMEF (Inomata, 2008). Besides this, the IGM/IEG proposed the implementation of the principle of universal membership of UNEP's Governing Council. However, no consensus was reached on this principle: the step towards universal membership is highly contested, since opponents fear that this would be the first move towards a new World Environment Organisation (Rechkemmer, 2006).

In March 2004 a High-Level Open-Ended Intergovernmental Working Group was established in order to improve UNEP's capacity-building efforts. This resulted in the approval of the Bali Strategic Plan for Technology Support and Capacity-building during the twenty-third session of UNEP Governing Council in February 2005 (UNEP, 2005; Ivanova, 2005b). With regard to the structure of the IEG system, the Bali plan stated that the work of the United Nations "must be coordinated, linked with efforts already in progress and integrated with other sustainable development initiatives using existing coordinating mechanisms" (UNEP, 2005; p. 8). The plan also stressed that "UNEP should work to achieve improved and enhanced communication, cooperation, coordination and synergies with United Nations organizations" and other relevant partners in order to "provide a platform for multilateral approaches and consistency" (UNEP, 2005; p. 11).

During the sixtieth session of the General Assembly in October 2005 the resolution called the 'World Summit Outcome' was adopted. This resolution recognised the need for more efficient

environmental activities in the UN system with enhanced coordination, a more integrated structure, and improved policy advice and guidance. In Paragraph 169 of the Outcome governments agreed to explore the possibility of a more coherent institutional framework to address this need, building on existing institutions and internationally agreed instruments, including the treaty bodies and the specialised agencies (UN General Assembly, 2005; GMEF, 2009b; UNCPR, 2008).

The World Summit Outcome laid the ground for the UN Secretary-General's initiative to establish the High-Level Panel on United Nations System-Wide Coherence in 2006. The initiative for the High-Level Panel can be seen as part of the ongoing UN reform process for a stronger, more effective and more coherent UN system. The environment was one of the areas that the Panel covered (UN, 2006; Desai, 2007). The High-Level Panel produced the report 'Delivering as One', which on the area of the environment made firm statements and some rather specific recommendations. It began by stating that: "The international system is complex, fraught with duplication, and lacks coordination" (UN, 2006; p. 20). "Fragmented institutional structures do not offer an operational framework to address global issues" (p. 11). "The inadequacy of the current system is the result of having outgrown its original design" (p. 20). UNEP was considered to be the right organisation to set global standards and to coordinate system-wide environmental activities, but was considered "weak, under-funded, and ineffective in its core functions" (UN, 2006; p.20). The High-Level Panel made the following recommendations:

- International environmental governance should be strengthened and made more coherent;
- UN organisations that address environmental issues should cooperate more effectively on a thematic basis in order to eliminate duplication;
- UNEP should be upgraded with a renewed mandate and improved funding. UNEP should have real authority as the UN environment policy pillar and have a broad responsibility to review the progress towards improving the global environment by providing substantive leadership and guidance on environmental issues;
- UNEP's coordination of system-wide environmental policies should be strengthened in order to improve cohesion and consistency. In this regard, the Environment Management Group should be given a clearer mandate and be better used;

- An independent assessment of the current UN system of international environmental governance is needed. This would provide the basis for further reforms towards improving the IEG system. The assessment should include an analysis of proposals to upgrade UNEP from among a range of organisational models (UN, 2006).

Another recommendation that the High-Level Panel made in the report was to set up a UN Sustainable Development Board. This new body would involve the mergers of the UN Development Programme (UNDP), UN Population Fund (UNFPA), UN Children's Fund (UNICEF) and the World Food Programme (WFP). However, the recommendation to create such a board was not pursued, as there was not enough support for the idea from the part of the governments. The idea not to include UNEP in the Sustainable Development Board (which had a different organisational structure than the other organisations and was therefore difficult to include in the Board) was not considered a very viable option (UN, 2006; Dodds, 2009; Obermeyer, 2009).

In April 2007 the General Assembly convened several meetings to consider the recommendations made by the High-Level Panel on System-Wide Coherence. There was some controversy among countries on the question in which of the forums the future of the international environmental governance system should be discussed, as there were already many forums in which this issue was discussed (among which GMEF and CSD). Another point of controversy was what to do with the specific recommendation to strengthen UNEP. Some countries backed the idea of upgrading UNEP to a stronger United Nations Environment Organisation, while others felt that reform of the IEG system should take place within the existing UN architecture (Freiesleben, 2008). Chapter 4, section 4.4 will go into further detail on the views of different actors on this specific proposal of upgrading UNEP.

One of the recommendations of the High-Level Panel on System-Wide Coherence was that the UN Secretary-General convene an independent assessment of the current UN system of international environmental governance. This assessment was carried out by the so-called Joint Inspection Unit (JIU). In December 2008 the Inspection Unit released a report entitled 'Management Review of Environmental Governance within the United Nations System'. It contained twelve recommendations requesting some form of action from the United Nations (GMEF, 2009a). The report of the Inspection Unit went so far as to state that "given the

erosion of the Rio principles and the absence of a legal mandate for environmental governance, UNEP will not be able to position itself as the leading authority that sets the global environmental agenda and promotes within the UN system a coherent implementation of the environmental dimension of sustainable development” (Inomata, 2008; p. 30). The Inspection Unit also stated that any future reform of the international environmental governance system needs to build on the reform of UNEP (Inomata, 2008).

As a follow-up to the World Summit Outcome of 2005 and the report of the High-Level Panel on United Nations System-Wide Coherence of 2006, the UN General Assembly began informal consultations on the UN system for international environmental governance in March 2006. The so-called informal consultative process on the institutional framework for the UN’s environmental activities were led by an ambassador from Mexico and one from Switzerland. The consultative process showed that, although there was consensus that the IEG system needs strengthening to improve coordination and coherence, there was no consensus on how this should be achieved.

The informal consultations led to the General Assembly Co-Chairs’ Option Paper, presented in June 2007 (GMEF, 2009a; Inomata, 2008). This Option Paper highlighted a number of options and seven building blocks for strengthening the current UN system for international environmental governance. The building blocks were: 1) scientific assessment, monitoring and early warning capacity; 2) coordination and cooperation at the level of agencies; 3) Multilateral Environmental Agreements; 4) regional presence and activities at the regional level; 5) the Bali Strategic Plan, capacity-building and technology support; 6) information technology, partnerships and advocacy; and 7) financing. Like the 'Delivering as One' report, it presented the option to strengthen the UN framework for environmental activities by transforming UNEP into a central pillar of the environmental activities of the UN system. Specifically, the Option Paper suggested that this might be done by:

- Enhancing UNEP’s legal status;
- Expanding UNEP’s mandate, deciding on the issue of universal membership and the composition of relevant organs;
- Building an institutional structure for UNEP similar to those of other UN specialised agencies;

- Securing funding for an upgraded UNEP as well as more stable and sufficient funding for environmental activities; and
- Transforming the GMEF with universal membership into the supreme intergovernmental body to an upgraded version of UNEP, a United Nations Environment Organisation (UNEO).

Again, some governments were opposed to the idea of upgrading UNEP to a UNEO, while others expressed an interest to explore the concept further. Many delegations did not have a final position, however, and were convinced of the importance to remain open-minded on the issue of a broader transformation of the IEG system (UN, 2007).

The informal consultative process on the institutional framework for the UN's environmental activities did not stop with the release of the Options Paper. The co-chairs had ensured that countries were willing to further discuss the various issues that were raised in the Options Paper. On the basis of these discussions the co-chairs submitted a first draft resolution to the UN General Assembly in New York in May 2008, called 'Strengthening the environmental activities in the United Nations system' (GMEF, 2009b). After a round of open feedback sessions, the co-chairs reviewed the countries' comments and submitted a second draft resolution in July 2008 to the General Assembly in New York. In January 2009 yet another version of the resolution was made public on the Internet. The governments had made many changes to the resolution, which was a good illustration of the diversity of opinions on some of the issues covered (see also section 3.4.3) (UN General Assembly, 2009). The draft resolution as well as the earlier mentioned Options Paper were believed to be a mix between making the best use of the existing structures in the IEG system and making incremental changes to these structures. The Co-Chairs called such a mix 'ambitious incrementalism' (UNCPR, 2008). The draft resolution did not enter into very specific recommendations on the way to improve the IEG system within the UN. The most specific items in the resolution (which had still to be discussed among the countries) were:

- To strengthen the capacities of UNEP (including through the EMG) to cooperate and coordinate with all relevant parts of the UN system on environmental issues, while enhancing the capacities within the UN system to integrate environmental objectives into related areas.

- To decide to establish an open-ended working group on further strengthening of the environmental governance and on the possibilities on a broader transformation on the system, including the roles and mandates of and interactions among the different intergovernmental bodies.
- To request the Secretary-General to submit to the General Assembly at its sixty-sixth session a comprehensive report on the implementation of the present resolution, including an analysis of challenges faced by the UN IEG architecture and recommendations on further measures to strengthen it (UN General Assembly, 2009).

The resolution was adjusted at its latest in January 2009 and was then still a draft version. The informal consultations led to the suggestion to launch formal negotiations by September 2009 (Desai, 2007). However, the ambassadors that led the consultations and negotiations on the draft resolution concluded in mid February 2009 that the progress had been so slow that they had decided to stop the process in New York altogether. They did not feel a resolution with real content could still be the outcome of the negotiations, as some countries wanted to discuss it line-by-line and were only willing to agree with the resolution after much of its content was removed. As the ambassadors did not want to have a significantly weakened resolution as an end-result, they requested the Global Ministerial Environment Forum (GC/GMEF) to take over the discussions again, in the same way as the forum had done in 2002 (Dadema, 2009; representative MinBuZa, 2009a; Obermeyer, 2009; Efforts to reform..., 2009). The ambassadors left the GMEF with a report on the informal consultations with their observations, conclusions, and recommendations. They implied that the discussions in the GC/GMEF could feed into a resumed process in the sixty-fourth session of the General Assembly, which will take place in September 2009 (Efforts to reform..., 2009).

During the last (twenty-fifth) session of the GMEF that took place in February 2009 the issue of IEG reform was discussed extensively in the topic ‘International environmental governance: help or hindrance?’ Some representatives pointed to the need to convene a World Summit in 2012, which they see as an opportunity to push for substantial change in the IEG system (Van Schalkwyk, 2009; GMEF, 2009c,d). The GMEF session led to several reports and background papers (GMEF, 2009a,b,c,d). The most important outcome was the decision to set up a Consultative Group of Ministers or High-Level Representatives on International Environmental Governance, which was requested to present a set of options for improving the

system for international environmental governance (GMEF, 2009e; Scanlon, 2009). The group will take into account the recommendations of the Co-chairs based on the informal consultative process of 2006-2009, as well as the Cartagena Decision (2002), the 2005 World Summit Outcome, and the Joint Inspection Unit's report from 2008 (GEG project, 2009; representative MinBuZa, 2009b; Scanlon, 2009). The participating countries in the ministerial group are divided according to five geopolitical regional groups. This unofficial division is often used within the UN system in negotiations and voting. The five groups are: the Western European and others group (of which the United States is not a member but an observer); the Eastern European Group; The Latin American and Caribbean group; the Asian Group; and the African Group (representative MinBuZa, 2009b; Wikipedia, 2009b; Eye on the UN, 2009). See also figure 3.

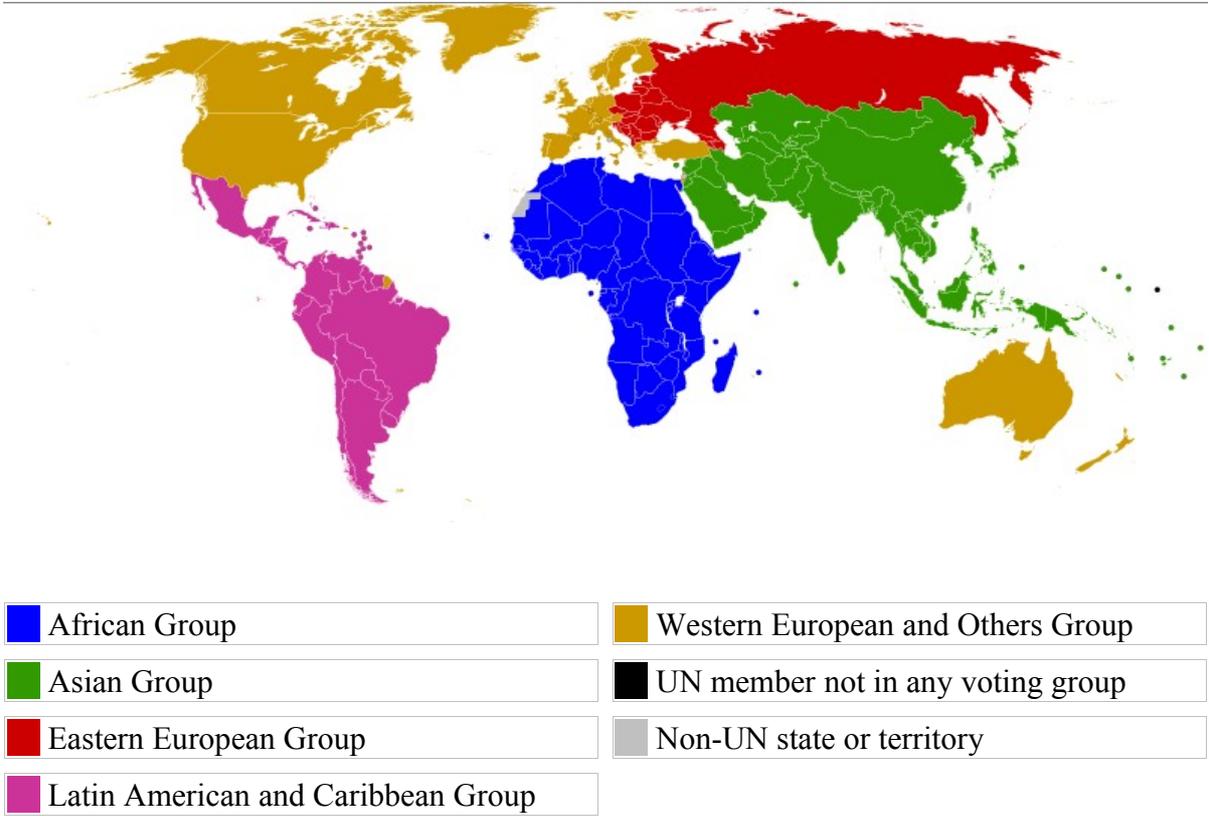


Figure 3: The five unofficial geopolitical regions within the UN system (Wikipedia, 2009b)

The first meeting of this consultative group took place at the end of June 2009 in Belgrade, Serbia (Dadema, 2009; representative MinBuZa, 2009a; Obermeyer, 2009; GMEF, 2009e; Scanlon, 2009). Serbia hosted the meeting, since the country currently is chair of the Governing Council of UNEP (and thus also the GC/GMEF) (Johnson, 2009). This first

meeting determined the structure of the group's work and the way forward. It was mostly concerned with the six functions that the international environmental governance system should fulfil, which had already been identified in the Cartagena Package. The first phase of the ministerial group should find consensus on these six functions, which can then be taken to the second phase in which the exact form that the IEG system should take is discussed (representative MinBuZa, 2009b; Scanlon, 2009). In late October or early November 2009 the second meeting of the group is expected to take place, which -it is hoped- will result in a clear report with a set of options for IEG reform. As an end-result, the ministerial group will present these options to the GC/GMEF at its eleventh special session in February 2010, with a view of providing inputs into the UN General Assembly (GMEF, 2009; representative MinBuZa, 2009b; Scanlon, 2009; UNEP, 2009c).

Also outside the UN, various informal processes have taken place over the past twenty-four months in which options have been explored for a more transformational reform of international environmental governance. In September 2007 the Brazilian ministers for external relations and environment invited about twenty-five countries to Rio de Janeiro to exchange ideas and discuss issues relating to IEG. During this meeting Brazil did a proposal for the creation of an umbrella organisation for environmental and sustainable development issues, building on the existing institutional structure.

As a follow-up to this meeting, the Government of Costa Rica invited thirty-five countries to a discussion in New York in May 2008. This discussion included informal feedback on the different components of the draft resolution, as well as a discussion on the next steps for broader IEG reform (UNCPR, 2008; GMEF, 2009a). In June 2008, the Commonwealth heads of state¹ met to “identify underlying principles and the actions that should be taken, as a global priority, to achieve reform of international institutions and lead to new institutions where necessary” (UNCPR, 2008; p. 9). They expressed the view that it was necessary to create an umbrella organisation based on UNEP with clear legal authority over Multilateral Environmental Agreements. They stated that any new system for international environmental governance must be “fully integrated with development priorities and concerns, and be responsive to the needs of these countries” (UNCPR, 2008; p. 10). They also agreed that the financing mechanism for such a system need to reflect this linkage between

¹Guyana, Mauritius, Maldives, Sri Lanka, Tonga, Trinidad and Tobago, Uganda, United Kingdom, United Republic of Tanzania, Ghana and Malaysia

development and environment. The heads of state proposed that a ‘founding conference’ should be organised in the second quarter of 2009 to re-examine the strengths and weaknesses of the IEG system and to come up with recommendations that are to be considered during the sixty-fourth session of the UN General Assembly, which is to take place in September 2009 (GMEF, 2009a; UNCPR, 2008).

Another informal process outside the UN system was the Global Environmental Governance Forum that took place at the end of June 2009. It was convened by the Global Environmental Governance Project, a joint initiative of the Yale Centre for Environmental Law and Policy and the College of William and Mary, together with the Horn of Africa Regional Environment Centre, various UN bodies and some governments from Europe. It brought together past, present and future environmental leaders from within and outside the UN to discuss about the present situation and future of the IEG system. Although it was an inspiring forum in which much knowledge and many opinions were exchanged, it did not lead to a consensus on the way forward with the IEG system or on whether or not a new International Environment Organisation should be established (GEG project, 2009; Kakabadse, 2009).

Appendix II provides an overview of the most important conferences, declarations, assessments and decisions that have been (under)taken since the first conference on the environment in 1972. The table includes the outcomes or results of these conferences, declarations, assessments and decisions.

3.4 The views on the IEG system and its possible reform

3.4.1 The definition of the problem

From the above historical overview we can conclude that through the years it has become clear to many that there is a problem with the IEG system (Drammeh, 2009; Kanie, 2007). Commonly cited areas of concern regarding international environmental governance include:

- The proliferation of Multilateral Environmental Agreements and fragmentation of IEG;
- Lack of cooperation and coordination among international environmental organisations with their overlapping and sometimes conflicting functions;
- Lack of enforcement, implementation and effectiveness of IEG;

- Lack of an overall vision;
- Inefficient use of resources;
- The challenge of broadening the scope of IEG beyond the environmental arena; and
- Involvement of non-state actors in policy-making and implementation (Najam et al. 2007; Iwama, 2002; Hoare and Tarasofsky, 2007).

The 'Delivering as One' report from the UN High-Level Panel on UN System-wide Coherence summarised the definition of the problem as follows: "The UN has outgrown its original structure. We have seen how weak and disjointed governance and inadequate and unpredictable funding have contributed to policy incoherence, duplicating functions and operational ineffectiveness across the system" (UN, 2006; p. 20). In all assessments, reports, conferences and agreements mentioned above roughly this same definition of the problem was formulated.

Although most agree that the IEG system has its shortcomings, some scientists argue that the characteristics of the current system are not only disadvantageous. They argue that the best design for managing global environmental problems is a loose, decentralised (fragmented) and dense network of institutions and actors. One argument for this is that the complex nature of environmental problems requires specific responses from multiple institutions. Other important arguments are that a loose network ensures that there are multiple opportunities for multiple actors (including civil society) to hold discussions and take action; that institutions are able to specialise on one particular environmental problem; and that inactivity of one institution does not jeopardise the entire system (Kanie, 2007; Ivanova and Roy, 2007).

From the discussion of the General Assembly Co-Chairs' Option Paper (2007), it was indeed apparent that some delegations saw merit in a fragmented system, arguing that such a system would allow a division of labour and a certain degree of specialisation in dealing with environmental issues. However, most delegations emphasised the disadvantages of institutional fragmentation. According to them, fragmentation seriously undermines the system's ability to address environmental issues in an efficient and holistic way (UN, 2007).

3.4.2 Agreed conditions for reform

From the many assessments, reports, conferences and agreements of the past 30 years one can conclude that there is not only a consensus on a general definition of the problem, but also a growing agreement among all parties that at least some aspects of the international environmental governance system should be improved. All the UN assessments mentioned above led to the same conclusion: that there is a need to strengthen the IEG system and enhance its coherency. More coordination and cooperation are the key words. Not only within the UN was this conclusion drawn, also in other forums and by other parties, like in the G8 Summits and by many independent scholars.

Among governments it is widely agreed that any strengthening of the system should be realised with and within the existing institutions rather than attempting a whole new design. The Cartagena decision (2002) stated that the process of institutional reform should be an evolutionary, step-by-step approach rather than an institutional revolution (Cartagena Decision, 2002; Kanie, 2007; UNEP, 2002; Berruga and Maurer, 2007; Desai, 2006; Sampson, 2001). According to Sampson (2001) this means that in the short to medium term some governments' chief priority is to strengthen UNEP politically and financially by building on recent reforms. Indeed, most governments are of the opinion that any new Environment Organisation should build on the current strengths of UNEP, retaining UNEP as the centre of the governance system. This is preferred above the option of creating a brand new organisation with a new bureaucracy, which may lead to the elimination of UNEP (UNEP, 2001b; Sampson, 2001; Towards a Stronger System..., 2005; Desai, 2006; Kanie, 2007; GMEF, 2009c; Najam, 2009; Obermeyer, 2009). Also the most recent assessment of the IEG system that has been carried out, the one by the Joint Inspection Unit in 2008, led to the conclusion that any reform of the international environmental governance system needs to build on the reform of UNEP (Inomata, 2008).

As for the Multilateral Environmental Agreements, the WSSD reaffirmed their importance and the need to keep them intact from WTO challenges (Kanie, 2007). Among national delegations it is generally agreed that MEAs will and should continue to play a central role in any future international environmental governance system (Sampson, 2001). Delegations also agree that any improved IEG structure should be based on a better coordination and

cooperation of MEAs, but at the same time should respect the authority and autonomy of the Conference of the Parties (CoPs) of these agreements (UN general Assembly, 2008; GMEF, 2002; Swart, 2008; Berruga and Maurer, 2007).

During the first meeting of the Open-Ended Intergovernmental Group of Ministers or Their Representatives on International Environmental Governance (IGM/IEG) it was agreed that a new model of international environmental governance should not only consider environmental issues, but also the broader sustainable development agenda. The reason given was that social, economic and environmental requirements are inextricably linked and that environmental issues cannot be treated in isolation from these requirements (Berruga and Maurer, 2007; UNEP, 2001a). This was also stated in the Cartagena Decision as well as in the draft resolution 'Strengthening the environmental activities in the United Nations system' of 2008 (UN General Assembly, 2008; Cartagena Decision, 2002). Although countries agree on the need to consider both developmental and environmental issues simultaneously, the precise extent to which sustainable development (instead of the environment alone) should be the focus of the IEG system remains a controversial point, as section 3.4.3 and in more detail chapter 5, section 5.3.2 show.

Another and related point of agreement is that any new system of international environmental governance should take into greater consideration the constraints and development needs of developing countries on the basis of common but differentiated responsibilities (UNEP, 2001a; 2001b; 2002; Cartagena Decision, 2002). An efficient, effective and equitable international environmental governance should also address the negative impacts of environmental degradation on the poor (UN General Assembly, 2008). Technology transfer as well as the strengthening of developing countries' capacity to participate actively in policy formulation and implementation are considered important. Governments often emphasise the role UNEP should play in this regard (UNEP, 2002). Other principles that are indispensable for nation-states in any reform of the IEG system are the right to development and the sovereign right over natural resources within a country's jurisdiction (Biermann, 2002b).

The Cartagena Decision stated that the UNEP headquarters in Nairobi must be maintained and strengthened. The removal of the main environment body from Nairobi is not considered an

option, as developing countries insist on keeping the headquarters of the Programme in a developing country (Ivanova, 2005a; GMEF, 2007; Sampson, 2001; Haas, 2004).

The meetings of the IGM/IEG and especially the Cartagena Decision that was the outcome of these meetings stressed the need to ensure greater involvement of non-governmental organisations, civil society, and the private sector. It is generally agreed that these actors should be allowed to play a more meaningful role in intergovernmental policy-making (Cartagena Decision, 2002; UNEP, 2002; GMEF, 2009c). Already in 1992 the Rio Declaration stated that “environmental issues are best handled with the participation of all concerned citizens” (Rio Declaration, 1992; Principle 10).

There is broad recognition that the forums in which discussions about the IEG system take place (General Assembly, ECOSOC, CSD, GMEF, EMG, CoPs of MEAs, World Bank, etc.) should be better linked to one another and that their roles should be clarified (UN 2007).

Besides the above-mentioned conditions for IEG reform, governments agree on some general objectives that the process of reform should lead to. In the report of the twenty-fifth session of the GC/GMEF it was stated that the themes that keep recurring in the debates on strengthening the IEG system are the need for:

- “An authoritative and responsive advocate for the environment;
- A strong, credible and coherent science base;
- A strengthened and predictable financial base for United Nations environmental activities and programmes – whether through UNEP or a successor;
- Coherence within the UN system between the many conventions and agencies dealing with the environment, especially the MEAs;
- Influence on the economic pillar of sustainable development – such as trade and investment rules and new and emerging markets;
- A more responsive and cohesive approach to country needs to building capacity and providing technology support to enhance implementation” (GMEF, 2009a; p. 8; UNCPR, 2008; p. 10).

According to Ministerial Consultations during the twenty-fifth session of GMEF in February 2009, other key guiding principles for reform should be: legitimacy, fair representation,

responsiveness, flexibility, transparency and accountability, effectiveness, and measurement of performance (GMEF, 2009d).

3.4.3 Controversial issues

Although there seems to be much agreement on certain requirements that should be met in the process and outcomes of strengthening the IEG system, the views on the exact nature of the reform and the path that should be taken still diverge much (Ivanova and Roy, 2007). Many nation-states do not have a final position on how exactly to strengthen the system and stress to remain open-minded on the issue, while among those that *do* have a position there is much disagreement. Most of the disagreement in the debates concerning IEG reform stems from a discussion on the exact nature of the policies that should be implemented to improve the IEG system (Hoare and Tarasofsky, 2007; Dadema, 2009; Drammeh, 2009). This is shown in the next chapter, which discusses the numerous policy proposals that have been produced to describe ways to strengthen the system, many of which call for the establishment of an International Environment Organisation.

Besides the exact policy proposal that should be implemented, a very controversial issue is that of how to finance the IEG system. It is generally agreed that adequate and predictable financial resources are a very important part of strengthening international environmental governance (Informal consultations..., 2009; UNEP, 2009c). But whether new and additional resources are needed, where these resources should come from and where they should go to is still a point of debate (Esty, 1994b; Informal consultations..., 2009; representative MinBuZa, 2009b; Steiner, 2009). For example, the Group of 77 - the largest intergovernmental organisation of developing states in the United Nations- wants the focus to be on development and capacity-building in the South, with additional financing provided, whereas the United States of America is in favour of reform that makes the UN more cost effective and efficient without increasing its budgets (Swart, 2008; UNEP, 2009). This diversity of views was also apparent from the discussions on the draft resolution 'Strengthening the environmental activities in the United Nations system' in 2008 and early 2009. The section on finances was the most controversial: while the G77 favoured additional resources, most countries from the North expressed reservations in this regard (Swart, 2008; Francis, 2008).

Another controversial issue is what UNEP's fundamental role and the scope of its mandate should be. Most countries in the North want UNEP to be a science-based organisation, which mandate is primarily the production of scientific knowledge. However, many countries in the South rather see UNEP as an organisation that can support countries by providing services and funds in terms of capacity-building (Halle, 2009).

Other issues that have not been agreed upon yet include among others:

- Whether to focus primarily on sustainable development, or mainly on environmental protection and adaptation, in other words: “the weight given to sustainable development” (Steiner, 2009);
- The extent of cooperation between Multilateral Environmental Agreements and the relationship between UNEP and these MEAs ;
- Whether the IEG system should take a ‘top-down’ or ‘bottom-up’ approach (Andresen, 2001, 2009).

Chapter 5, section 5.3.2 will go into more detail on some of these controversial issues when discussing the different level of ideas that influence the debates concerning IEG reform.

3.5 Summary

This chapter provided a description and short evaluation of the most important organisations that are operating within the system for international environmental governance. It also showed that the many assessments and agreements that have been made are prove of the fact that most countries now agree that the IEG system is too fragmented and ineffective, and that it needs to be strengthened. Some general criteria for strengthening the system have been agreed upon. These include building with and within the existing institutions, especially UNEP; keeping Nairobi as the headquarters of the main environmental UN body; retaining the central role of MEAs, improving their coordination, but respecting their autonomy; taking into consideration not only environmental issues, but also developmental ones; taking into consideration the constraints and development needs of developing countries; and creating a system that is effective, responsive, legitimate, transparent and fairly represented.

In the decades after the establishment of UNEP a number of new UN bodies have been created in an attempt to improve the system for IEG, among which the CSD (1992), the EMG

(1998) and the GMEF (1998). Still, dissatisfaction with the IEG system remained. Various task forces, high-level panels and assessments have recommended strengthening the existing organisations -especially UNEP- as well as the system as a whole. Despite these recommendations, no decisions have been taken to substantially reform or strengthen the IEG system. Closest to reaching a decision were several versions of the draft resolution 'Strengthening the environmental activities in the United Nations system', which were submitted to and discussed in the UN General Assembly in 2008 and early 2009. However, the negotiations concerning this draft resolution were stopped even before formal negotiations had started in which decisions might have been taken. Reason for this was that the participating countries could not agree on the exact content of the resolution. It was decided to continue the discussions concerning the future of the IEG system in the GC/GMEF in Nairobi. The GMEF launched a consultative group of ministers or high-level representatives of international environmental governance. This group has met for the first time in June 2009, and is expected to provide inputs into the General Assembly during the special session of the GC/GMEF in February 2010.

Although countries have agreed on some criteria that the IEG system should adhere to, there are still many controversial points with regard to the future of the system, as the failed draft resolution showed. These include the fundamental role of UNEP, the financial structure of the IEG system, the best approach for IEG -bottom-up or top-down- and whether IEG should focus on sustainable development or mainly on environmental issues. Most controversy between countries stems from the exact way in which the IEG system should be reformed. The numerous proposals to reform the IEG system which have been developed in the past forty years are discussed in the next chapter. This chapter also discusses the views of the actors on these proposals and the coalitions that have been formed between them.

Chapter 4: The proposals for IEG reform and the views of important actors

4.1 Introduction

Since well before the establishment of UNEP in 1972 a growing number of models have been put forward to set up a kind of International Environment Organisation. Although the proposals assign different functions which such an organisation can fulfil, the core function of most of the proposals are to build an improved, coherent and integrated system for international environmental policy-making and management that is able to effectively address the challenges of environmental degradation (Esty and Ivanova, 2001; Oberthür and Gehring, 2004). Another important issue that most proposals seek to address is the growing global imbalance between trade and the environment, both institutionally and in policy-making. The idea behind this is that an Environment Organisation with real authority could be a counterweight against the powerful World Trade Organisation (Lodefalk and Whalley, 2002; Dodds et al. 2002; Charnovitz, 2002 and 2005; Sampson, 2001; Runge, 2001; Oberthür and Gehring, 2005). Other suggested functions include: scientific research, data gathering and assessment including an early warning system for the environment; information dissemination and facilitation of communication by means of a political platform; standards and policy setting; capacity-building and implementation in developing countries; market facilitation; crisis response; facilitation of bargaining over natural resources; compliance review; dispute settlement and evaluation (Speth and Haas 2006; Charnovitz 2005 In: Gitay et al. 2007; Tarasofsky and Hoare, 2004; Esty and Ivanova, 2002).

This chapter discusses the many proposals to establish an International Environment Organisation that have been produced from shortly before the establishment of UNEP in 1972 until 2009. It will answer question I.2.: *Which proposals for an Environment Organisation have been developed so far and how are these viewed by relevant actors?* Section 2 gives a historical overview of the most important proposals that have been developed. It identifies three waves in which these proposals have been put forward. Section 3 describes the different

models in which the proposals can be categorised. This makes a general description of the different proposals possible. Currently, the most prominent proposal for IEG reform is the idea to upgrade UNEP to a United Nations Environment Organisation (Rechkemmer, 2006). The views of the most relevant actors on this specific proposal are described in section 4.

4.2 Historical overview of the proposals

According to Bauer and Biermann (2005), the debate that concerns the idea to establish a new International Environment Organisation has seen three peaks in the attention from policy-makers and scholars.

4.2.1 First wave

The first wave of proposals took place shortly before the first World Summit on the environment (the UNCHE), which led to the establishment of the United Nations Environment Programme (UNEP). The first ever call to establish an international organisation for the environment was in 1969 by United Nations Secretary-General U. Thant. During the preparatory process for the first World Summit Thant suggested the establishment of a ‘super agency’ for the environment. Some more elaborated proposals coming from both the academic and policy arena shortly followed, among which the one by George F. Kennan in 1970 with his ‘International Environmental Agency’ was the most famous and widely circulated. The establishment of UNEP could be seen as a reaction to the first wave of proposals and meant the end of this wave (Ivanova, 2007b,c).

4.2.2 Second wave

It was not until the run-up to the second environmental World Summit, the UNCED in 1992, that a second wave of proposals for an International Environment Organisation began to take place (Bauer and Biermann, 2005; Ivanova, 2007c; Charnovitz, 2002). This new round was spurred by doubts about UNEP’s effectiveness and the seeming opportunity of achieving institutional change during the UNCED. The round of proposals was also stimulated by the establishment of the World Trade Organisation in 1994, and with it a sharp increase in the

liberalisation of world trade (Charnovitz, 2002; Ivanova, 2007c; Martimort-Asso, 2009; Sampson, 2001).

The Declaration of The Hague in 1989 was the first proposal that triggered the second wave of proposals. The Declaration, signed by twenty-four UN Member States, called for an authoritative international body on the atmosphere. The document that followed in 1991 anticipated a truly supranational institution capable of overriding sovereignty on matters of global environmental concern (Bauer and Biermann, 2005; Porter and Brown, 1991).

More and more states and UN representatives as well as representatives from other international organisations became active participants in the debate about an International Environment Organisation, and some openly supported the creation of such an organisation. Even the directors of the World Trade Organisation (WTO), Renato Ruggerio (1999) and his successor Supachai Panitchpakdi (2001), called for the creation of a World Environment Organisation, as a parallel to the WTO (Bauer and Biermann, 2005; Gurstein, 1999). In 1992 the Prime Minister of New Zealand, Geoffrey Palmer, was the first state representative to describe in what way he would envision an International Environment Organisation to lead to new ways of making international environmental law and cutting away existing overlap in international agencies (Charnovitz, 2002; Bauer and Biermann, 2005). The first semi-official proposal for an International Environment Organisation was submitted in 1997, during a Special Session of the UN General Assembly. Brazil, Germany, Singapore and South Africa submitted the proposal, which was identical to the proposal issued on the same date by Germany's Chancellor Helmut Kohl. They proposed setting up a global umbrella organisation for environmental issues, with UNEP as a major pillar (Biermann, 2000; Bauer and Biermann, 2005). The discussion did not reach far, however, as there had been little preparation and the financial situation in the world did not allow for the creation of a new Environment Organisation (Dodds and Meddleton, 2002). In 1998 Jacques Chirac briefly mentioned the idea to create a World Authority for the evaluation of the environment (Biermann, 2000). Chirac would later, in the third wave, become a very active supporter of the proposal to upgrade UNEP to a United Nations Environment Organisation.

Not only the political arena, but also the academic arena produced many proposals for an Environment Organisation. These include ones by scholars like Steve Charnovitz (1993);

Daniel Esty (1994a,b); C. Ford Runge (1994); Frank Biermann and Udo E. Simonis (1998); and Bharat Desai (1999). Daniel Esty was among the most active scholars with his intellectual campaign for a Global Environment Organisation, which formed the start of the still existing Global Environmental Governance Project at Yale University (Bauer and Biermann, 2005; Charnovitz, 2002).

4.2.3 Third wave

The renewed interest among some governments for an International Environment Organisation stimulated more scholars to participate in the debate and present their proposals. The third wave, which runs from the run-up to the third environmental World Summit -the WSSD in 2002- till the present, has by far the largest number of proposals. Many scholars presented refined versions of their earlier proposals, such as Steve Charnovitz (2002); Daniel Esty together with Maria Ivanova (2001); C. Ford Runge (2001); Frank Biermann (2000) and Bharat Desai (2000). New scholars in the debate included among others Whalley and Zissimos (2001); Peter M. Haas (2002); Lee A. Kimball (2002); and Richard G. Tarasofsky (2002).

As for proposals from within the United Nations system, the UN High-Level Panel on Financing for Development (2001) was the first Panel in the third wave that called for the need to consolidate the various organisations that shared environmental policy responsibility into a single Global Environment Organisation with a position equivalent to that of the WTO, the International Monetary Fund, and the World Bank (Ivanova, 2007c; Charnovitz, 2002; UN, 2000). Although the proponents for such an Environment Organisation received a boost from this call coming from the UN, the report of the Panel was thin on the exact design and rationale for the proposed organisation (Charnovitz, 2002).

The second Panel that called for change in the IEG system was the High-level Panel on UN System-wide Coherence of 2006 (see chapter 3, section 3.3) which stressed the need to upgrade UNEP. Although the recommendations in the report of the Panel seemed very specific (as argued above), it remained vague on how exactly this upgrading process should be realised and what it would entail.

The last UN report which presented the option to create an Environment Organisation was the General Assembly Co-Chairs' Option Paper, which was presented in June 2007. One of the options of the report was to transform UNEP into a central pillar of the environmental activities in the UN system. On the basis of the discussions that followed the presentation of this Option Paper, several versions of a draft resolution were produced and discussed in the General Assembly in 2008 and 2009.

Apart from scholars and UN commissions, there have been a large number of calls coming from the UN Member States. Calls came from among others Germany: the Environment Minister Jürgen Trittin (2001), Stephan Contius from the Ministry for the Environment (2001) and the German Advisory Council for Climate Change (WBGU) (2001); France: the Environment Minister Dominique Voynet (2000), President Jacques Chirac (2001) and the Prime Minister Lionel Jospin (2002); Russia: the former President of the Soviet Union Mikhail Gorbachev (2001); Mexico: the former President Ernesto Zedillo (Zedillo Commission 2001); The Netherlands: the State Secretary for Housing, Spatial Planning and the Environment Pieter van Geel (2005); and Italy: the Environment Minister Alfonso Pecoraro Scanio (2007).

By far the most prominent and active proponent for the establishment of an Environment Organisation was the French President Jacques Chirac, who proposed to upgrade UNEP to a United Nations Environment Organisation (UNEO). This call was especially heard during the French Presidency of the European Union in 2000 and in 2003, during the fifty-eight session of the General Assembly. In 2004 France launched an informal intergovernmental working group to analyse weaknesses and opportunities of the IEG system and discuss the various reform options, especially the transformation of UNEP to a UNEO. Participating in this group were both developed and developing countries. Many of the meetings of the working group took place within the framework of the Commission on Sustainable Development (CSD), involving both foreign affairs and environmental ministers. A progress report of the working group was submitted during the sixtieth session of the General Assembly in 2006. The participation of the group members showed their willingness to discuss the future of the IEG system, although there was no consensus on the way forward (French proposal..., 2006; Rechkemmer, 2006; Lepeltier, 2005). In February 2007 France convened the Paris conference for global ecological governance to mobilise international

action in support for a UNEO. The Conference concluded with the Paris Call for Action, led by Jacques Chirac. This was a call for ‘massive international action’ that –according to the call- would have to manifest itself in the transformation of UNEP into a fully-fledged international organisation. In the same year the Group of Friends of the UNEO was established and held several meetings (Paris Call for Action, 2007; GMEF, 2007). This Group is further discussed in section 4.4.1. The Paris Call for action, the intergovernmental working group and the Group of Friends of the UNEO together were the last real proposal for an Environment Organisation coming from nation-states. The last call for a World Environment Organisation came in June 2009 from Chirac's successor, Nicolas Sarkozy, who briefly mentioned the need for such an organisation during a conference of the International Labour Organisation (Sarkozy, 2009).

The table in appendix III provides a chronological overview of the most important proposals and calls for an international environmental body that have been made in the past 40 years.

4.3 The different proposals

Although the debate over a World or United Nations Environment Organisation has been going on for several decades, Biermann (2000) argues that the discourse still suffers from misunderstandings about which model of an Environment Organisation supporters and opponents are talking about. It is because of these misunderstandings that the scholars Biermann (2000), also together with Bauer (2005) as well as Lodefalk and Whalley (2002) have come up with models to categorise the many different proposals for an International Environment Organisation. In this section a combination of these models is used to classify the proposals into four different (groups of) models. This enables us to cover and discuss the various designs and implications of the proposals. The table in appendix III with the overview of proposals also gives the models in which these proposals can be categorised.

4.3.1 The cooperation model

The first group of proposals discussed here can be categorised as what Biermann (2000) calls the cooperation model. The proposals in this model entail upgrading UNEP from a mere UN programme to a fully-fledged UN specialised agency. They stem from criticism on UNEP's

performance and lack of political clout to serve as the centre of gravity for international environmental efforts within the IEG system, as was explained in chapter 3, section 3.2.1.

An upgraded version of UNEP would have its own budget and legal personality, increased financial and staff resources, a broadened mandate (including capacity-building functions), and enhanced legal powers, such as the power to adopt draft treaties negotiated by subcommittees of the organisation. The cooperation model involves a least radical reform process, as it would leave unchanged the chief part of the current IEG system, with the many Multilateral Environmental Agreements and international organisations active in the environmental field (see chapter 3). Nevertheless, some power and a number of environment-related competencies might be transferred from these existing international organisations to the new Environment Organisation, since the idea of the proposals within this model is that the Environment Organisation would function at the same level as the other international organisations (Biermann, 2000, 2004; Bauer and Biermann, 2005; Sampson, 2001).

As can be seen from the table in appendix III, most proposals for an Environment Organisation can be categorised in the cooperation model. The most prominent proposal for the establishment of an Environment Organisation that would function according to the cooperation model is the one to upgrade UNEP to a United Nations Environment Organisation (UNEO). The views on this proposal will be discussed in section 4.4.

4.3.2 The hierarchisation or centralisation model

The second model discussed here is a combination of what Biermann (2000) calls the hierarchisation and centralisation model, and what Oberthür and Gehring (2005) call the European Union (EU) model (as it would be shaped after the EU). The proposals categorised in this model call for a quasi-supranational agency that would have decision-making and enforcement powers over those nation-states that fail to implement certain environmental standards. This new environment agency would be situated very high in the UN hierarchy, comparable to the UN Security Council, and would have concentrated environmental responsibilities and the influence to steer UN agencies in relation to environmental issues. The idea is that this would lead to efficiency gains and improved environmental policy coordination (Biermann, 2000; Bauer and Biermann, 2005; Sampson, 2001; Oberthür and Gehring, 2005). The proposals in this model would require substantial institutional change, as

they would involve the mergers and take-overs of different existing UN bodies (Gupta, 2005). An Environment Organisation according to this model might also integrate the different MEA Conferences of the Parties (COPs) under its umbrella, which are currently autonomous bodies that have often been criticised for their lack of cooperation (Dodds et al. 2002).

One proposal that can be categorised in the hierarchisation or centralisation model is the Declaration of the Hague (1989). Others are proposals to set up an environmental protection council, a Sustainable Development Board (mentioned in chapter 3, section 3.3) or an international environmental court with binding jurisdiction. Scholars who have favoured the centralisation or hierarchisation model are Esty and Ivanova (2001) as well as Runge (2001) with their Global Environment(al) Organisation and Biermann and Simonis (1998) with their World Environment and Development Organisation.

4.3.3 The decentralised model

Apart from proposals that call for a more centralised approach by establishing an International Environment Organisation, there are many proposals that call for a less unified, decentralised network of organisations. The premise is that this network of organisations would stimulate international environmental cooperation by lowering the threshold of regime building and reducing environmental costs (Oberthür and Gehring, 2005). The organisation or network would build a coherent and integrated framework for international environmental policy-making and management. The model would substantively leave untouched the current institutional structure of international environmental governance or the governance capacity of existing institutions, as it would build on these existing institutions and create new structures only where gaps in the structure exist (Oberthür and Gehring, 2005; Esty and Ivanova, 2002b).

Proposals that can be classified under the decentralised model are the Global Environmental Mechanism developed by Esty and Ivanova (2002b,c), the approach of clustering the existing MEAs by Oberthür (2002) and Von Moltke (2001), and the proposal to create a dense network of organisations by Peter M. Haas (2004).

Not only academics, but also some state representatives have suggested that a network of environmental institutions, serviced by one integrated secretariat, might offer better solutions than the creation of an environment agency. Chapter 3 explained that some

delegations see merit in a fragmented system, arguing that such a system would allow a division of labour and a certain degree of specialisation in dealing with environmental issues (UN, 2007).

4.3.4 The WTO model

The WTO model is a rather unusual one, as the functions which the proposed Environment Organisation would fulfil differ much from the other models. The proposals that are categorised here as the WTO model intend to set up a kind of global bargain strategy that would allow countries to strike deals by facilitating arrangements and cooperation that would link instead of separate global environmental issues and economic relations. The model is called the WTO model, because the principal focus of the World Environment Organisation would be to remove barriers to bargaining and trades on the global environment, just like the WTO tries to liberalise trades by removing trade impediments through negotiated exchanges of concessions over trade policy (Whalley and Zissimos, 2002). The idea is that this would result in improved environmental quality by facilitating the internalisation of global (as well as local or (inter)national) environmental externalities. It would also lead to more transfers of resources for developmental purposes to lower-income countries, as these often are the main keepers of natural resources. These countries may also use the political support of the World Environment Organisation to help them implement their environmental policies by for example building institutional capacities, lending support to domestic groups (including NGOs) and building information sources (Porter and Brown, 1991; Whalley and Zissimos, 2002; Raffield and Kayira, 2005; Oberthür and Gehring, 2005).

Whalley and Zissimos (2000; 2001; 2002a and 2002b, see also Tussie and Whalley, 2002) as well as Raffield and Kayira (2005) have developed proposals of how a World Environment Organisation according to the WTO model would look like. However, the idea was not new when either of them developed it, as it was already described by Porter and Brown in 1991 under the name 'global bargain strategy' or rather 'global partnership approach'.

4.4 Views on the proposals and the roles of involved actors

4.4.1 The views and roles of nation-states

Most proposals to establish an International Environment Organisation fall in the category of the cooperation model. Of all the proposals that have been developed in the past forty years, the one for upgrading UNEP to a United Nations Environment Organisation or a specialised agency has been proposed most often and discussed most extensively in the UN General Assembly. One could therefore argue that this proposal is the most prominent one. The proposal received consideration not only from the intergovernmental working groups led by France in 2004 and the Group of Friends of the UNEO that was active in 2007, but also during the informal consultative process on the institutional framework for the United Nations' environmental activities (2006-2008) (see chapter 3, section 3.3).

Forums outside the UN that discussed proposals for an Environment Organisation are the G8 and various informal meetings of countries in favour of establishing an Environment Organisation. However, no other forum than those within the UN has discussed the issue so extensively and with so many participants. As meetings of the UN are so well-documented, information on the views of the proposals can best be obtained by looking into UN documents and statements of UN Member States. Opinions of states on other proposals and in other forums are not so well-expressed, if at all. There are hardly any meetings -if at all- that discuss proposals for a World Environment Organisation that would be placed outside the UN system (Levy, 2009). That is why this section that describes the views of the most relevant stakeholders mainly focuses on the proposal to upgrade UNEP to a UNEO.

The opponents

The United States of America

The United States of America (US) is probably the most important actor in international environmental governance, and also has a big influence in the United Nations environmental arena. Vellinga et al. (2002) argue that the US needs to be part of any solution in the area of environmental governance. Chasek (2007) argues that the US' position is crucial for the progress in the discussions about a World or United Nations Environment Organisation, and that the nation's opposition can “derail the entire process” (p.384). Esty (1994b) even doubts whether the first steps towards a World Environment Organisation could ever be taken without strong leadership from the US.

However, environmental policy has never been central to the US' efforts to create international order (Chasek, 2007). International environmental policy is often determined by domestic or ideological considerations. Depending on their own national interests, the US has been an active pusher but also a powerful laggard in various forms of international environmental governance, (Andresen, 2007; Chasek, 2007).

The US is the largest contributor to the UN and the UNEP budget. It has good, close working relations with UNEP (Chasek, 2007). Although the US favours improved coordination in the IEG system, the country has “serious reservations regarding the need for an overarching institution” (Kotis, 2005). The US is a supporter of UNEP in its present status and wants to focus on improving the programme instead of upgrading it to a UNEO (Kotis, 2005; Snowden, 2007a; Andresen, 2007, 2009; Chasek, 2007). The main argument which the United States use is that it does not see the need for more coordination and greater centralisation. The nation rather believes that “the existing system of Multilateral Environmental Agreements (MEAs) reflects a good balance of coordination and decentralisation” (Snowden, 2006), and that the current fragmentation and competition in the IEG system is better seen as a “healthy tension” (ENB 2001d, p. 2 in Vogler and Stephan, 2007). The US are convinced that “the principal responsibility for environmental governance should lie with national governments, not with a supranational authority” (Snowden, 2006), and fears that any new institution for the environment could “deter some governments from focusing on their own responsibility for environmental stewardship” (Kotis, 2006). The nation favours “practical, bottom-up approaches rather than rigid top-down legal instruments that often do not get implemented” (Snowden, 2007a; USG Response to..., 200?). Market mechanisms and consumer preferences are normally preferred over international interventions (Andresen, 2007). Besides this, the US argues that we must not be “adding additional bureaucratic layers” and that “[m]ajor structural changes will lead to a divisive and time-consuming debate and distract the UN from making valuable progress in areas where a clear consensus exists” (Snowden, 2006; Kotis, 2006). The US points to some recent positive developments in UNEP, such as the Bali Strategic Plan for Capacity-Building. It argues that these new policies should be given priority as well as time, opportunity and efforts to succeed and become implemented (Swart, 2007).

Political will behind the creation of a new International Environment Organisation is clearly lacking in the US (Haas, 2004). According to Haas (2004) the US is simply not interested in potentially expensive institutional reform. Besides this, the US is rather sceptical about the United Nations system, and is not very willing to give up part of its sovereignty to yet another international organisation like a World or United Nations Environment Organisation that could potentially lead to strong regulatory requirements or restrictions on nation-states. Under the Bush Administration, the United States tended to slow down efforts to strengthen or deepen multilateral governance in almost all realms, including in the one of environmental governance. Whereas domestic groups of academics and NGOs might have supported sustainable development reforms, the Bush administration had a deep disinterest in multilateral environmental governance and sustainable development (Kanie, 2007; Najam, 2009; Chasek, 2007). It remains to be seen whether and in what way the change in US presidency in 2008 influences the position of the United States towards proposals for IEG reform. Up to now, President Barack Obama has not yet declared any change in the US' position regarding the reform of the IEG system (Haas, 2009; Andresen, 2009; Simonis, 2009).

The Group of 77

The Group of 77 (G77) is the largest intergovernmental organisation of developing states in the United Nations, currently consisting of 130 developing nations (G77, 2009). Despite the fact that the G77 remain committed to a more coherent institutional framework to deal with environmental problems, developing countries are rather distrustful of the IEG system in general and are concerned about the rapid growth of environmental instruments and its possible impacts on their economic growth (Najam et al. 2006; Hoare and Tarasofsky, 2007; Desai, 2006). Some members of the G77 have kept silent on the proposals for a World Environment Organisation or the conversion of UNEP into a specialised agency, while many have expressed reservations on the proposals (Desai, 2006). In any case, developing countries are unalterably opposed to any reforms that would entail the removal of the headquarters of UNEP, now in Nairobi, away from a developing country (Kanie, 2007).

There are a number of reasons for why many developing countries are at best hesitant towards the proposal to establish an Environment Organisation.

First, many fear that environmental concerns in an Environment Organisation will undermine developmental issues on the political agenda (Ivanova, 2005a; Desai, 2006; Hoare and Tarasofsky, 2007; Swart, 2007; Bauer, 2007; representative MinBuZa, 2009a). Although the concept of sustainable development has made developing countries more positive towards environmental issues (see chapter 5, section 5.3.2), they still remain concerned that environmental issues can take attention away from issues of socio-economic development (GMEF, 2002). Swart (2007) argues that the stress the G77 place on sustainable development means that if the negotiation process on IEG reform does not lead to specific commitments for development or capacity-building, the G77 may delay negotiations.

Second, developing countries are often rich in natural resources. They do not want the North to view these resources as global commons, and prefer instead to keep sovereign rights on what they see as their properties (Biermann, 2002a; representative MinBuZa, 2009b). Developing countries generally think they have the right to develop and exploit their resources, just as the North has done in the past. They do not consider an Environment Organisation to be in their interest for development (representative MinBuZa, 2009b). According to Vogler and Stephan (2007) however, the distrust of an environmental and potentially anti-development agenda is for developing countries more important than the fear they might have for the need to give up part of their sovereignty to a supranational body such as an International Environment Organisation.

A third and related reason for developing nations' hesitance towards an Environment Organisation is that they are concerned that the establishment of a new environmental body may to a larger extent force Northern priorities on Southern interests, and that such an organisation would only become another source of conditions and sanctions (Runge, 2001; representative MinBuZa, 2009a; Biermann, 2002a; Amin, 2009). One example of this concern is the widespread idea that the environmental demands would trigger similar demands by labour interests in the North to justify shutting off developing nations' market access (Runge, 2001; Obermeyer, 2009). Several developing countries are concerned that a new environment body might have enforcement powers comparable to the WTO (Towards a Stronger System..., 2005; Charnovitz, 2005; Biermann, 2002a). Besides this, many Southern nations fear that any reform of the IEG system is in fact a Northern idea of a cost-cutting exercise, which is mainly concerned with efficiency (representative MinBuZa, 2009a). Many

developing nations are therefore suspicious of policy proposals developed by the industrialised world (Kanie, 2007; Biermann, 2009).

China

China is amongst the most influential members of the G77. The country used to identify with developing countries through their similarities in history and challenges, but it has over time increasingly emphasised its role as an important country within the developing world (Heggelund and Backer, 2007). Although China has always been rather hesitant towards international cooperation, guarding its national sovereignty and rejecting international infringement, the country has become an increasingly important actor in international engagements since the 1980s. This is reflected in China joining a large number of organisations and signing several international treaties. Partly because China has become more keen to make itself known as a responsible actor, the UN has come to play a more important role for the country. This is related to China's rising economic and political status in the world. China has very good relations with UNEP, which has assisted the nation with policy formulation, technical assistance, personnel training and awareness raising. Part of this good relationship stems from the fact that UNEP is located in Nairobi, which increases the programmes' legitimacy in China and other developing countries (Heggelund and Backer, 2007; Andresen, 2007).

The environment has for a long time been a rather neglected issue in China. Although more recently China has accorded greater priority to domestic environmental problems and invested a great deal to become more green, international environmental problems still do not rank high on the decision-making agenda, and therefore UNEP is not seen as a priority for the nation (Heggelund and Backer, 2007; Andresen, 2007; Obermeyer, 2009). Although China has good relations with UNEP, the country is less positive about the role played by UNEP internationally. However, it does not feel that a UNEO will necessarily resolve UNEP's problems. Being part of the G77, China feels much solidarity towards this group of developing nations. Like the G77, the country is more concerned with developmental issues and poverty alleviation than with environmental issues and fears that a UNEO or other environmental body would put too much focus on the environment and away from developmental issues. Nevertheless, China is in principle not against the idea of upgrading

UNEP to a specialised agency, and argues that more time is needed to make a final decision on the issue (Andresen, 2007; Heggelund and Backer, 2007; Statement of the Chinese delegation, 2007; Bauer, 2007; Desai, 2006). In an official statement of the Chinese delegation it was stated that: “The focus of the reform [of the IEG system] should be to further strengthen and reform UNEP in accordance with the requirements of the WSSD and in connection with the new developments in the field of sustainable development, with a view to improving its functions and enhancing its efficiency” (Statement of the Chinese delegation, 2007; p. 2).

The proponents

The European Union

Although the European Union (EU) is not a member of the UN system, it often stands forth as a unified actor in international politics, because it has the ability to make policy, set the global agenda, interact with other actors in the international system and exert influence in various ways. The EU is also recognised as a significant and often powerful actor because of its policy competencies and legal personality; its power to bind its members and exert leverage; and its ability to spend large amounts of money (Andresen, 2007; Vogler and Stephan, 2007; Zito, 2005).

Some members of the European Union have expressed their support for the establishment of a World Environment Organisation as early as 1997 (Germany) and 1998 (France). More recently also the European Commission itself joined the proponents for the creation of an International Environment Organisation. The EU is a large contributor to the UNEP budget, and has always been interested in strengthening the status of the programme. Initially the EU did not think that UNEP would be able to become the strengthened and unified environmental pillar that it felt was so much needed, but this opinion has changed over time. The EU has now proposed that UNEP be upgraded to a UNEO, and sees this as a good compromise between a fully-fledged World Environment Organisation, which might encounter problems of legitimacy and acceptability, and a somewhat strengthened UNEP without much coordinative power (Andresen, 2007; Vogler and Stephan, 2007).

A number of reasons for the European Union’s support of a UNEO can be identified.

First, the EU believes that upgrading UNEP will lead to better coordination and a simplification of the IEG system (EU statement, 2007). It hopes that a UNEO, supported by predictable and adequate funding, would enhance mainstreaming of the environmental dimension within the UN system; facilitate the implementation of MEAs; and mobilise scientific knowledge, technical support and capacity-building (EU statement, 2007). Besides this, the EU believes that a much strengthened UNEP would enhance environmental sustainability and reduce the differences in perception of sustainable development, a concept for which of all actors, the EU has done most to make it into an organising principle in the IEG system (Vogler and Stephan, 2007).

Second, the EU's support of a UNEO fits well with the Union's vision and emerging identity, of which sustainability, multilateralism and good governance are part. The EU generally sees its own projects as being in tune with the ethos of the UN system. During international environmental forums, the EU is one of the few actors that consistently argue in favour of institutional reforms as well as the implementation of existing agreements. The EU has even sometimes suggested giving international institutions legal powers of compliance monitoring, thereby seeking to transfer some of the authority of nation-states to such international institutions (Andresen, 2007; Vogler and Stephan, 2007; Najam, 2009; Zito, 2005; Opoku and Jordan, 2005). It was the EU together with China and Hungary that convinced the other actors that the Global Ministerial Environment Forum (GMEF) was needed alongside the GC meetings of UNEP. The EU also proposed an intersessional working group for reviewing the options of strengthening the IEG system before the WSSD took place (Vogler and Stephan, 2007).

A last possible reason for its support of a UNEO is that the European Union often seeks to establish a contrasting identity to that of the United States, which reluctant position causes a leadership vacuum in the debates on the reform of the IEG system (Andresen, 2007; Vogler and Stephan, 2007). A Kenyan ambassador to UNEP, Dr Andrew Kiptoon, even suspects that the European Union's attempt to create UNEO is part of its ongoing competition with US for global leadership (Mbaria, 2007).

France

Under the presidency of Jacques Chirac, who started his term in 1995, France used to be the most active pusher for a United Nations Environment Organisation. As described in section

4.2.3 of this chapter, president Chirac called for the establishment of a World Environment Organisation as early as 1998. Also the French Environment Minister Dominique Voynet (2000) and the French Prime Minister Lionel Jospin (2002) made a call for a World or United Nations Environment Organisation (Martimort-Asso, 2009).

In 2004 France launched an informal intergovernmental working group in which both developing and developed countries took part. Chirac led the Paris Call for action in 2007, after which he set up the Group of Friends of the UNEO (see below). When Chirac left office in 2007, his successor Nicolas Sarkozy did not continue Chirac's push for a UNEO, which caused France to drop the position of an active pusher for the UNEO proposal (see also chapter 6, section 6.2.3) (Haas, 2009; Najam, 2009; Dodds, 2009; Dadema, 2009; representative MinBuZa, 2009a; Obermeyer, 2009; Halle, 2009; Martimort-Asso, 2009). However, to the astonishment of many (including French officials), Sarkozy spoke of the need to create a World Environment Organisation in a speech during a conference of the International Labour Organisation in June 2009 (Sarkozy, 2009; Martimort-Asso, 2009; representative MinBuZa, 2009b). It is yet to be seen whether this means that President Sarkozy will take up the role of active pusher of a World or United Nations Environment Organisation again.

The fact that the president of France more or less determines the position of the country can be explained by the rather top-down policy structure of the French government (representative MinBuZa, 2009b).

Germany

Within the European Union, Germany is often one of the most proactive states on environmental matters and seeks to be a leader in the international environmental governance arena (Schreurs, 2002; Simonis, 2009). Even earlier than France, Germany has called for the idea of an Environmental Security Council in the mid-1990s, and in 1997 the country led the first proposal for a World Environment Organisation that was submitted to the General Assembly together with Brazil, Singapore and South Africa (Andresen, 2007; Simonis, 2002). The latest proposal for a United Nations Environment Organisation (UNEO) was not only pushed forward by the French, but also got the support from the German government.

Nevertheless, a number of interviewees were of the opinion that Germany has not put its full weight behind the proposal as much as France has done, especially not since the green

political party (Die Grünen) left office in 2005 (Martimort-Asso, 2009; representative MinBuZa, 2009a; Halle, 2009; Simonis, 2009). Udo E. Simonis, Professor in Environmental Policy at the Social Science Research Centre in Berlin, said in an interview that for nearly twenty years, Germany's priority agenda item within the UN system has been to become member of the UN Security Council. This might explain why Germany has not been very active in the IEG arena within the UN and as a result did not give France the necessary support for the idea to create a UNEO (Simonis, 2009).

Norway

Norway, not being part of the European Union, can be seen as a pusher for international environmental governance. It has made several efforts to strengthen UNEP and is strongly in favour of upgrading it to a UNEO. However, Norway is only a minor player in international governance issues, and thus has only limited influence on the international scene. Its efforts to strengthen UNEP have not been very successful, mainly because of strong opposition from key states (Rosendal, 2007; Andresen, 2009).

The Group of Friends of the UNEO

In February 2007, forty-six countries that supported the upgrade of UNEP to a United Nations Environment Organisation (UNEO) formed the Group of Friends of the UNEO. The French government under the Presidency of Jacques Chirac was the main driver behind the formation of the Group (representative MinBuZa, 2009a). The Group of Friends was an effort to push for the establishment of a UNEO by breaking the impasse that existed due to differences in opinion on the future of the IEG system. It intended to cut across the divisions between the regions in the world -especially between the North and the South- and to build a big and growing coalition in the hope that the idea for a UNEO would get more dominant. The formation of the Group can be seen as a strategic move to get support for the idea not only within the United Nations, but also outside the system (representative MinBuZa, 2009a; Dadema, 2009).

Although the Group of Friends has delivered some input in the negotiations in the General Assembly concerning the UNEO proposal, the group did not lead to serious discussions on the possibility to set up a UNEO, as the idea did not have wide-spread support. Though the number of members of the Group of Friends of the UNEO later rose to fifty-three,

including European Union nations, the European Commission itself, and various developing countries (Ivanova, 2007a), there were only twenty to twenty-five very active members, and the group was never very cohesive (Obermeyer, 2009). The European Union provided political support rather than active commitment. The developing countries were mainly francophone countries, like France and old French colonies that are still dependent on France (such as Algeria, Burkina Faso, Burundi, Cambodia, Congo, Gabon, Ghana, Madagascar, Mali, Morocco, Mauritius, Monaco, Senegal, Seychelles, Tunisia and Vanuatu) (representative MinBuZa, 2009b; Obermeyer, 2009; Dadema, 2009; representative MinBuZa, 2009a; Scanlon, 2009). According to Benoît Martimort-Asso, who is in charge of the International Environmental Governance Programme at Sustainable Development and International Relations Institute in Paris (IDDRI), there was pressure from the French government on these Francophone developing countries to participate in the Group of Friends (Martimort-Asso, 2009).

As the main driver behind the Group was Jacques Chirac, when he left office in May 2007 the group became inactive and ever since remained so (Obermeyer, 2009; Dadema, 2009; representative MinBuZa, 2009a; Halle, 2009; Drammeh, 2009), having existed only for a few months and having convened only a few meetings.

Appendix VI provides a list of fifty of the members of the Group of Friends of the UNEO as of April 2007.

Brazil

Brazil is an important player in international environmental politics, as the country plays a critical role in the G77 and has major environmental resources, especially in the form of tropical rainforests (the Amazon). Northern countries tend to see Brazil's resources as a public good, but Brazil itself sees it as its sovereign right to manage its own resources (representative of UN Division of Sustainable Development, 2009).

Brazil has expressed its interest in the establishment of a World or United Nations Environment Organisation. Nevertheless, the country remains slightly hesitant towards some aspects of such an organisation because it fears infringement of the North on its natural resources. Besides this, Brazil prefers an organisation for sustainable development rather than one that only deals with environmental issues. It has therefore supported the idea of creating a

Sustainable Development Board in 2006 (Martimort-Asso, 2009; Biermann, 2000; representative MinBuZa, 2009a; Obermeyer, 2009; Dodds, 2009). Brazil was, however, also willing to support the Hague Declaration that called for an international environmental agency as early as 1989. It was also part of the joint declaration together with Germany, Singapore and South Africa to create an umbrella organisation for environmental issues in 1997 (Biermann, 2000). Although Brazil was not a member of the Group of Friends of the UNEO, it has been part of the informal intergovernmental working group to discuss the strengthening of the IEG system, which was launched by the French government in 2004 (French proposal on..., 2009; French non-papers..., 2009). Besides this, Brazil has offered to host the next environmental World Summit Rio+20, which will probably take place in 2012 and is expected to cover IEG reform as one of its major topics (see chapter 6, section 6.2.6).

Also outside the UN Brazil is active in its support for IEG reform, which was shown by the Brazilian ministers for external relations and environment, who invited a number of countries to Rio de Janeiro in September 2007 to exchange ideas and discuss issues relating to IEG (see chapter 3, section 3.3) (GMEF, 2009a).

South Africa

Like Brazil, South Africa plays a critical role in the G77 (Dodds, 2009). Together with Kenya the country is sometimes called the environmental leader of Africa (Mbaria, 2007). South Africa has expressed its interest in the idea of establishing a World or United Nations Environment Organisation (Scanlon, 2009). Together with Germany, Brazil and Singapore, South Africa has participated in the call for a global umbrella organisation for environmental issues in 1997 (Biermann, 2000). Like Brazil, it has also been part of the informal intergovernmental working group to discuss the strengthening of the IEG system. It did not, however, join the Group of Friends of the UNEO (French proposal on..., 2009; French non-papers..., 2009).

The former South African Minister of Environmental Affairs and Tourism, Marthinus Van Schalkwyk, has been pushing hard for making improvements to the system for international environmental governance. Some even called him a leader in his duty as minister, before he had been given another post (Dadema, 2009; Dodds, 2009; Halle, 2009). In a speech during the GC/GMEF in February 2009, the minister clearly spoke in favour of a stronger system for international environmental governance. He said that “the absence of a

strong international political base for IEG has contributed to our inability to fully and effectively integrate the environmental pillar of sustainable development into the wider macro-economic environment” (Van Schalkwyk, 2009; p. 2).

South Africa, like many other developing countries, prefer to regard environmental issues within the framework of sustainable development rather than separating environmental from developmental issues. That is why the country (again like Brazil) has supported the idea of a Sustainable Development Board in 2006 (Dodds, 2009; Scanlon, 2009).

4.4.2 The views and roles of other actors

The United Nations Environment Programme

Some of UNEP’s Executive Directors have spoken in favour of the creation of a World or United Nations Environment Organisation, but did this personally instead of officially and were not very successful in their call for change externally (ICC representative, 2009). UNEP is in a rather difficult position to speak out in favour of its own upgrading, as a too strong opinion or a lobby in favour of this would not be appreciated by the UN Member States. It is not up to UNEP to push for a particular kind of IEG reform or upgrading process, but a matter for governments to decide upon (Biermann, 2009; ICC representative, 2009; Dadema, 2009; Halle, 2009; Martimort-Asso, 2009; Scanlon, 2009). What UNEP can and certainly did and does do, is triggering the discussions and influencing the agenda by providing papers, information and expertise (representative MinBuZa, 2009a; Dadema, 2009). However, environmental governance is but one of the six thematic priorities that UNEP has identified. The other five priorities are climate change; disasters and conflicts; ecosystem management; harmful substances and hazardous waste; and resource efficiency/sustainable consumption and production (UNEP, 2007b). Rather than focusing only on institutional reform of environmental governance, UNEP puts priority with these ‘real’ environmental issues, thus trying to improve its functioning within the existing IEG system instead of only trying to reform it (Levy, 2009; Martimort-Asso, 2009).

Besides this, UNEP is also continuously putting its efforts in strengthening its mandate, funds and effectiveness. One of the earliest of these efforts was the Montevideo Programme -adopted in 1982- which was a “long-term strategic guidance plan for UNEP in the field of

environmental law” (UNEP Montevideo Programme, 2009; Sampson, 2001; Palmer, 1992). Bauer (2007) argues that the Montevideo Programme was crucial to the evolution of the legal capacity of UNEP's secretariat, as it shifted the focus from ad-hoc activities to a “systematic world-wide promotion of coordinated and coherent development of environmental law” (p. 13). The establishment of the Environment Management Group and the Global Ministerial Environment Forum in 1999 can also be seen as ways to strengthen UNEP. Other efforts included Agenda 21 (1992); the Nairobi Declaration (1997), the Malmö Ministerial Declaration (2000), the Cartagena Package (2002), the Bali Strategic Plan for Technology Support and Capacity-building (2005), and an intense process of self-reflection and organisational learning in 2006 and 2007 to arrive at a so-called 'One UNEP' (UNEP, 2007b; Scanlon, 2009; Tarasofsky, 2002). In 2008 the Executive Director of UNEP reported on the progress made in implementing the Cartagena Package of 2002. This implementation process is meant to enhance and strengthen UNEP, and is referred to as UNEP+. The package of reform includes amongst others: enhancing the role of GC/GMEF; making full use of the EMG; enhancing UNEP's science base; enhancing coherence between UNEP and MEAs administered by UNEP; strengthening UNEP's financial situation; enhancing the effectiveness and efficiency of UNEP's secretariat; actively engaging in IEG discussions; and developing a Medium-term Strategy for 2010-2013 (UNEP, 2001a; UNCPR, 2008). Most recently, UNEP has developed this Medium-term Strategy against the backdrop of the “renewed emphasis on the future evolution of international environmental governance” (UNEP, 2007b; p. 3). This strategy “sets out the next phase in the evolution of UNEP as it becomes a more effective, efficient and results-focused entity, meeting the expectations of Governments and its stakeholders in responding to global environmental challenges and opportunities” (UNEP, 2007b; p. 3; Dadema, 2009).

In chapter 3 (section 3.2.1) some points of critique on UNEP's performance were mentioned. The above-mentioned efforts to strengthen UNEP can be seen as a reaction to these points of critique. The opinion of actors on the effectiveness and efficiency of UNEP has an important influence on their opinion for the need to establish a World Environment Organisation or to upgrade UNEP to a UNEO (Haas, 2009; Biermann, 2009; Andresen, 2009; Simonis, 2009; Martimort-Asso, 2009; Scanlon, 2009). It is not always in the same way, however, that actors' opinion on UNEP's performance influences their point of view regarding an Environment

Organisation. One can argue that all debates regarding an Environment Organisation stem from the idea that UNEP is not effective enough (Martimort-Asso, 2009). However, an opinion of UNEP not being effective enough might also lead to hesitation to upgrade the Programme to a full-fledged organisation. Some actors on the other hand think that the ongoing process of strengthening UNEP should be given time to yield results, and that UNEP should only be transformed into a UNEO if a strengthened UNEP fails to improve the system of international environmental governance over the long term (Meyer-Ohlendorf and Knigge 2007; Haas, 2009; Biermann, 2009; Andresen, 2009).

Upgrading UNEP to a UN specialised agency (UNEO) would mean that the budget is not allocated by the General Assembly in New York and dependent on voluntary contributions (as it currently is), but funded on a system of assessed mandatory contributions from the members of the specialised agency (Ivanova, 2005b and 2007b). The premise is that this would lead to an increase in the amount and predictability of funds, which would be very much in UNEP's interest (Najam, 2009). However, it is not certain that the upgrading of UNEP would indeed lead to an increase in funds and predictability of funds. Besides this, if the budget increases this might as well lead to more control for the individual donor countries instead of less, as they would demand a bigger say in UNEP's activities in exchange for their contributions (Najam, 2009; Halle, 2009).

The World Trade Organisation

The World Trade Organisation (WTO) does not have an official position on the way the international environmental governance system should look like or be reformed. As the WTO is not part of this system, it considers it is not up to the organisation to make a judgement on the issue of IEG reform (WTO representative, 2009; Teehankee, 2009). Nevertheless, two Director-Generals of the World Trade Organisation, Renato Ruggiero (1999) and Supachai Panitchpakdi (2001) have called for the need to establish a World Environment Organisation (Bauer and Biermann, 2005; Esty and Ivanova, 2004).

When Supachai Panitchpakdi called for a World Environment Organisation, he referred in his speech to the numerous environmental agreements and meetings around the world. He stated that many of these agreements take up some of the trade prohibitions which are not in line and sometimes even in conflict with the GATT/WTO rules, and argued that it

costs a lot of effort to settle all those issues. Therefore he stated that: “There is no way that we could align the agreements on environmental protection and trade agreement without having another organization that would be able to police, to referee, to make it rational and to make doing so acceptable for a rule-based organization like the WTO. We need a World Environmental Organization” (Young, 2001; p. 18). It is important to note that Supachai Panitchpakdi did not hold his speech in his capacity as Director-General of the WTO, as at the time of his speech he was not in function yet.

Renato Ruggiero on the other hand did make his statement in favour of an organisation for the environment in his capacity as Director-General. He said in a speech that there is a “need to strengthen existing bridges between trade and environmental policies -a task that would be made immeasurably easier if we could also create a house for the environment to help focus and coordinate our efforts” (Ruggiero, 1998).

Both Panitchpakdi and Ruggiero referred to the need to align trade and environmental regimes, and argued that this would be easier if an International Environment Organisation existed. Charnovitz (2002) argues that WTO officials and national delegates to the WTO have claimed for years that coordinating with the environment regime is hard because it is so incoherent. It is true that at the moment the WTO has to cooperate with many different MEAs as well as with UNEP when it comes to the wide range of environmental issues that are related to trade. If an International Environment Organisation that incorporates all the different MEAs be established, the WTO could negotiate with this Environment Organisation as a ‘single interlocutor’ that can make a common front for all environmental issues. However, the WTO does not make any judgement on whether this would be a desirable outcome. A WTO representative argued that there have been no comments by any members of the WTO on whether it is burdensome to relate to all MEAs as opposed to being able to refer to a single Environment Organisation (WTO representative, 2009).

Some argue that the establishment of a World or United Nations Environment Organisation might lift some pressure off the WTO to integrate environmental issues in trade agreements. Runge (2001) argues that the WTO has been unwilling and largely unable to shoulder major environmental responsibilities in conflicts between trade and environment. This leaves a substantial institutional gap in terms of trade-related environmental issues and poses global

challenges of policy coordination (Runge, 2001). It makes many believe that an Environment Organisation could be a useful counterweight against the WTO (Lodefalk and Whalley, 2002; Dodds et al. 2002; Charnovitz, 2002 and 2005; Sampson, 2001; Runge, 2001; Oberthür and Gehring, 2005). However, two WTO representatives said in an interview that the idea of having a World or United Nations Environment Organisation as a counterweight to the WTO is not what WTO members have ever alluded to (WTO representative, 2009; Teehankee, 2009). One WTO representative argued that the establishment of an Environment Organisation might not even make a lot of difference to the WTO. The interviewee argued that it is important to keep in mind that the members of the WTO and those of any future Environment Organisation would be largely the same nations. Ultimately, it is the nation-states and not the WTO or an Environment Organisation that have to implement the obligations made in international law, and ensure that their national policies are coordinated, mutually supportive and coherent (WTO representative, 2009).

Other UN bodies

UN bodies within the IEG system are often very unwilling to give up part of their authority or competence to other institutions, even where overlap and duplication exists. These institutions are very much committed to their own reputation, survival and expansion (Najam et al. 2006; Peichert, 2007; Swart, 2008). This heavily influences the relation between UNEP and other organisations within the UN system that have environmental responsibilities (among which ILO, FAO, UNESCO, WHO, WMO, IMO, UNDP, etc.). The latter UN organisations have refused to accept UNEP's mandate to coordinate all environmental activities in the UN system, as they perceive UNEP's approach to achieve its mandate as controlling and threatening. As they already had environmental responsibilities even before UNEP was established, they do not feel obliged to defer to the programme. This has led to strained relations and so-called 'turf wars' among the UN agencies working on environmental issues (Ivanova, 2005a; Desai, 2006; representative MinBuZa, 2009b). The agencies seem to have lost the view of the broader public good in their attempt to guard their sovereignty. They fear to lose their work programme, budget or staff if duplication were eliminated among the UN institutions that are active in the field of the environment and therefore have an incentive to maintain the status quo (Ivanova, 2005a; Peichert, 2007).

The above shows that many international organisations and regimes simply do not want UNEP to be a powerful actor in the IEG system (Andresen, 2009). This is true not only for UN bodies, but also for bodies with environmental responsibilities that are functioning outside the UN system (such as the World Bank). Many other international organisations do not have an official position regarding the proposals to establish a World or United Nations Environment Organisation, as they do not feel they are fully part of the IEG system. This is for example the case with the United Nations Development Programme (UNDP). Although one of UNDP's Executive Directors, James Gustave Speth, has spoken in favour of the establishment of a World Environment Organisation in 2005, UNDP does not have an official standpoint for the reform options of the IEG system (Ivanova, 2007c).

Civil society

Civil society groups, such as non-governmental organisations (NGOs) and indigenous groups, often play a major role in international decision-making, especially under the environmental and other regimes. They are most active and prominent in agenda-setting, but also in providing commentary and analysis, and are active through awareness raising, civil action, protests and advocacy (Gitay et al. 2007; Haas, 2001; 2004; Dadema, 2009; Biermann, 2002a). Some argue that also in the debates concerning IEG reform and the possible establishment of a World or United Nations Environment Organisation civil society groups have a considerable amount of influence. NGOs can exert pressure on their national governments to push for such an organisation. The most important contribution of NGOs, however, is that they feed into the debates on IEG reform with their ideas and expertise (Halle, 2009; Dadema, 2009; Dodds, 2009; Martimort-Asso, 2009; WTO representative, 2009).

Not all agree with the point of view that NGOs play an important role in the debates. Some argue instead that on the issue of IEG reform and the possible establishment of an International Environment Organisation civil society groups do not seem very active (Haas, 2009; Biermann, 2009; representative MinBuZa, 2009a; ICC representative; Andresen, 2009; Martimort-Asso, 2009; Kakabadse, 2009). Many of the NGOs that used to be active some years ago have given up on the issue of IEG reform, as the debates did not show much progress (Halle, 2009; ICC representative, 2009).

A number of possible reasons can be found for the argument that NGOs are not extremely active on the topic of IEG reform.

First, many NGOs find it difficult to make a judgement on the proposals to establish a World or United Nations Environment Organisation. They find the proposals underdeveloped and thus feel it is premature to announce views until many issues have been clarified (Lehmann, 2006; UNNGLS, 2007; Sherman, 2007).

Second, civil society groups have not adequately developed the issue of inter-linkages among drivers, environmental changes and impacts as a subject area for their attention. This means most civil society groups remain focused on single-issue areas, such as climate change, wildlife conservation, poverty reduction, human rights, etc., instead of on organisational matters like IEG reform (Gitay et al. 2007; Haas, 2001; Andresen, 2009; Kakabadse, 2009).

A third and much related reason is that many NGOs think the issue of establishing a World or United Nations Environment Organisation is not appealing enough for a large campaign. This will probably remain this way, as it is rather difficult to explain the need for an Environment Organisation to the members and donors of the NGOs (Biermann, 2009; Andresen, 2009). Peter M. Haas, professor at the Department of Political Science Faculty at the University of Massachusetts, argued in an interview that most NGOs think the debate on the reform of international environmental governance is a side-show. It is too technical and too removed from them, and their constituencies are not much concerned about it (Haas, 2009).

The fourth reason for the lack of pressure from civil society groups on the subject of IEG reform has to do with the fear they have that a new International Environment Organisation might make it harder for civil society to influence environmental policy. There are concerns about the legitimacy and accountability of such a new Environment Organisation (Charnovitz, 2005).

While many NGOs refrain from giving any judgement, those that have given judgement do not agree with one another (Sherman, 2007). While many Northern-based organisations are supportive of proposals to establish a UNEO, some developing country organisations remain uncertain that a UNEO would remedy the problems in the IEG system.

As is the case among nation-states, there is also a strong agreement among civil society organisations on the need to reform the IEG system and keep it on the agenda, despite

the diverse views on the need for an Environment Organisation. Some NGOs have been complaining for years that international environmental governance system is inadequate (Simonis, 2002). According to a compilation paper of civil society views on international environmental governance, civil society groups now all agree that the lack of political will to coherently resolve environmental problems has led to fragmentation, limited financial resources, poor enforcement of MEAs and imbalance between IEG and other international trade and financial regimes (Sherman, 2007). There is a growing convergence on the views that the environmental pillar within the UN is under-represented in terms of political status and that it needs to be strengthened (Workshop on..., 2007). There is also consensus among NGOs for the need to strengthen UNEP in Nairobi as the lead UN body responsible for all environmental programmes and activities within the UN system (Sherman, 2007; Workshop on..., 2007).

Scientists and epistemic communities

International networks of policy professionals who share common values and causal understandings are called epistemic communities. They are the principle developers and disseminators of new scientific understandings for public (environmental) policy. They also try to push forward their preferred visions of how this policy should look like. As can be read in the previous sections of this chapter, there have been many scholars who have presented their preferred version of a World/United Nations Environment Organisation to improve the IEG system. However, there are also many scholars strongly opposed to the establishment of such an Environment Organisation (among which Juma, 2000; Oberthür, 2002; Oberthür and Gehring, 2000 and 2005; Von Moltke, 2001 and 2005; Newell, 2001 and 2002; Najam, 2002, 2003 and 2005).

The extent to which scholars and policy professionals exert influence on policy-makers varies much per issue and per country (Haas, 2001). At the very least, policy-makers and policy professionals or scholars trigger one another in their work on the issue of IEG reform. However, as can be read in chapter 5, section 5.3.1, a clear mechanism that connects epistemic communities to UN diplomats and other politicians is lacking, both in the UN General Assembly and in the environmental World Summits. This makes it difficult for epistemic communities to make themselves heard.

The business sector

The only representative body that speaks with authority on behalf of businesses from all sectors in every part of the world is the world business organisation, the International Chamber of Commerce (ICC). The ICC has been granted consultative status at the highest level with the United Nations and its specialised agencies, and has good relations through constructive cooperation with UNEP (ICC, 2004). The ICC favours a strong, efficient and effective UN system in the areas of sustainable development and environmental management. The organisation argues that this is central to the interests of businesses (ICC, 2007). In an official comment on the report of the High-Level Panel on UN System-Wide Coherence, ‘Delivering as one’, the ICC states that it “strongly supports the need for better coordination and efficiency within the UN in the areas of sustainable economic and social development, and environmental management” (ICC, 2007; p. 1). However, the ICC also wants to avoid as far as possible new institutional mechanisms and governance structures, since the organisation believes that a restructure within the current mechanism would yield good results (ICC, 2007).

Despite the ICC’s interest in a good governance structure for the environment and sustainable development, it does not have an official position on how such a structure should look like, nor is it very active in pushing for or against any particular kind of IEG reform. The ICC has decided that it is not up to the business sector to have a profound view on the best structure for international environmental governance, but rather a matter for the United Nations and its Member States to decide on. The organisation thinks that on this issue the opinion of the business sector is not so important, as it probably does not carry a big weight in the minds of the governments. The ICC is mainly concerned with the goals the IEG system should achieve and how the system can be beneficial to the business sector, rather than with the institutional structure of the system (ICC representative, 2009).

4.5 Summary

This chapter discussed the three waves of proposals that have been developed to set up a new International Environment Organisation. The *first wave* started shortly before the first environmental World Summit in 1972 during which UNEP was established. The run-up to the second World Summit, the UNCED in 1992, meant the start of a *second wave*. The *third and current wave*, which started shortly before the WSSD in 2002, contains by far the largest

amount of proposals. This shows that there are still many advocates for a new international body for the environment, among government representatives as well as among scholars.

This chapter identified four different models in which most of the proposals for a new environmental body can be classified. These are the *cooperation model* -which aims to upgrade UNEP to a full-fledged organisation and contains most of the proposals; the *hierarchisation or centralisation model* -which entails a quasi-supranational agency that would have decision-making and enforcement powers over nation-states; the *decentralised model* -which advocates not so much one single organisation but rather a network of different organisations; and the *WTO model* -which aims to facilitate global bargains that concern environmental and non-environmental resources.

The views of the actors that were described in this chapter mainly focused on the proposal to upgrade UNEP to a UNEO (the cooperation model), which is by far the most prominent one. The chapter looked at the views of the most relevant countries as well as the views of international organisations, civil society, scientists and epistemic communities, and the business sector.

The most important *countries* opposing the UNEO proposal are the United States, which favours a bottom-up and decentralised approach; and China and many members of the G77, which are distrustful towards what they perceive as a Northern initiative that might undermine developmental issues and might have enforcement powers over them. The most important proponents are the European Union and its members -especially France-; Norway and (although with some reservations) Brazil and South Africa. The latter two countries have expressed their interest in the proposals but rather favour an organisation for sustainable development than one for merely environmental issues. In 2007 many of the proponents were for a short time assembled in the so-called Group of Friends of the UNEO, a French initiative with mainly European Union members and Francophone countries. While the former only provided political support rather than active commitment, the latter experienced pressure from France to participate in the group. The group did not lead to serious discussions on the possibility to set up a UNEO, and became and remained inactive when Jacques Chirac -the initiator of the Group- left office.

The influence of *UNEP* in the debates concerning IEG reform does not seem very large, as it is not up to *UNEP* as an organisation to push for a particular kind of IEG reform or upgrading of its own programme, but a matter for governments to decide on. *Other international organisations* within the IEG system often feel reluctant to give up part of their sovereignty, mandate or budget to a new environmental body, as they are committed to their own reputation, survival and expansion. *International organisations outside the IEG system*, such as the WTO and UNDP, do not feel it is up to them to have a strong opinion on how the structure of the IEG system should look like.

Many are of the opinion that *civil society* has not played a major role in the debates concerning IEG reform. This can be attributed to the facts that the proposals for reform are too vague; that the topic is too technical and removed from their constituencies; that most NGOs focus on single-issue areas; and that some NGOs fear a new international environmental body might reduce their access and influence in the policy-making process. Although there is a strong agreement among civil society organisations on the need to reform the IEG system, the views differ per organisation on whether or not an Environment Organisation would be a good option.

Many *scholars* are strongly in favour of the establishment of a new international environmental body (as the amount of policy proposals developed by scholars show), whereas others are opposed to such a body. Although policy-makers and scholars trigger one another in their work on the issue of IEG reform, scholars most probably do not have a big amount of influence in the political debates concerning the issue.

Finally, the *business sector* is not very active in pushing in favour or against certain forms of IEG reform. The sector feels it is not up to them to have a strong opinion on the structure of the system, as they see it as an internal affair of the United Nations.

The next chapters 5 and 6 seek to explain why no decisions have been made to substantially reform the system for international environmental governance, despite the huge number of proposals for such reform that have been discussed in this chapter. Both chapters make use of the information given in chapter 3 -the current situation, debates and views on international environmental governance- and chapter 4 -the proposals for IEG reform and the views of the involved actors.

Chapter 5: The absence of an Environment Organisation explained with New Institutionalism

5.1 Introduction

Chapter 3 showed that since the establishment of UNEP in 1972 many discussions have taken place, assessments been carried out, task forces and high-level panels been convened, and agreements been made that concerned the reform of the IEG system. It also argued that most governments now agree on the need to strengthen the current system for international environmental governance. Although no fundamental reform of the IEG system has taken place since 1972, there have been some incremental reforms such as the creation of new bodies (among which the CSD, EMG and GMEF) (Scanlon, 2009; Haas, 2001). Chapter 4 showed that numerous proposals for more substantial reform have been developed, and that most of these are part of the third wave of proposals, which started shortly before the World Summit on Sustainable Development (WSSD) in 2002. During and before this World Summit, IEG reform seemed to many a hot topic (ICC representative, 2009; Andresen, 2009; Vellinga et al. 2002; Kimball, 2002; French, 2002; Drammeh, 2009). There were high hopes that the WSSD would lead to decisions on reforming the IEG system. Also after the WSSD, some remained of the opinion that IEG reform was an important topic in many debates. Rechkemmer (2006) even called it “one of the liveliest debates in international environmental governance” (p.37).

Despite the fact that many proposals for reform have been developed (see chapter 4) and that much deliberation has happened in the past decades (see chapter 3), not everyone agrees with the perception that IEG reform is a hot topic, especially not in the last couple of years. Many people that were interviewed for this thesis (mainly scientists, representatives from the UN, NGOs and the business sector) said that they were not anymore involved in or following the discussions, even when they used to be some years ago. Most interviewees were of the opinion that the discussions concerning IEG reform are characterised by very little progress (Biermann, 2009; Haas, 2009; ICC representative, 2009; Andresen, 2009; Halle, 2009; Amin, 2009; representative of MinBuZa, 2009a). Some even spoke of a 'deadlock' in the debates (Amin, 2009; Andresen, 2009; Levy, 2009), or called the debates 'dead' (Halle,

2009; Haas, 2009). The debates most of these interviewees referred to were the informal consultations that started in 2006 and the discussions in the General Assembly in New York concerning the draft resolution on IEG reform in 2008 and 2009. This draft resolution that was based on the informal consultations failed to move into formal negotiations in which actual decisions could be made about improvements of the IEG system (Hyvarinen, 2008). The ambassadors that led the process of the consultations noted that the time was not right for decisions about major changes, even if the discussions would have led to formal negotiations (Hyvarinen, 2008; UNEP, 2008; Obermeyer, 2009). Therefore it was decided to move the discussions about IEG reform back to the GC/GMEF in Nairobi again.

In procedural terms, things are happening regarding the issue of IEG reform: many discussions and assessments have taken and are taking place, and there have been numerous proposals to change the IEG system, as was apparent from chapter 3 and 4. However, the discussions about IEG reform do not make much progress in terms of content (Dadema, 2009). When asked about valuable outcomes that the discussions have produced to date, most interviewees could not think of any. Also a report of the ministerial consultations of GMEF concluded that concrete results or conclusions in the IEG debate have been scarce (GMEF, 2009d). In any case, no real advancement towards any form of an Environment Organisation has been made yet (Hyvarinen, 2008; Charnovitz, 2005).

This chapter seeks to explain why there has been so much discussion on the reform of the IEG system but not much progress towards any decision-making, by looking at the current institutional structure as well as the (possible) process of institutional reform. One of the objectives of this thesis is to explain why institutional reform is so hard to bring about by using theories that explain the origin of institutions and the factors that might prevent institutional change. This chapter attempts to meet this objective. It provides an answer to question I.3a: *How do the theories of New Institutionalism -Historical, Rational Choice and Discursive institutionalism- help to explain the current absence of an Environment Organisation?* The chapter is structured according to these three schools of New Institutionalism, which were explained in chapter 2. Section 2 covers Historical Institutionalism, section 3 Rational Choice Institutionalism and section 4 covers Discursive Institutionalism.

5.2 Historical Institutionalism

Historical Institutionalism focuses on the way in which institutions can structure the interactions between actors so that certain ‘trajectories’ are generated. The context of a given situation, mostly in the form of institutions, is inherited from the past, is relatively persistent and pushes developments along certain paths (the trajectories).

Historical Institutionalism would explain the non-decisions in the debates on the reform of the IEG system by looking at the structure of the system. In the past thirty years there has been a rapid increase of international and non-governmental organisations in the environmental arena (Ivanova, 2005a), some of which were efforts by the United Nations to improve the system (Haas, 2009). The latter consist of a number of organisations and forums that have been set up to coordinate environmental activities or to discuss options to improve this coordination, UNEP being the first one, after which among others the EMG, GMEF and the CSD followed. Some are of the opinion that the creation of these new bodies has been an improvement of the situation, while others argue that it only makes the system more complicated and increases the overlap and duplication between existing organisations with environmental responsibilities. According to a report from the United Nations University, the manner in which new bodies within the IEG system have been established has to a large extent been ad-hoc, diffused, and rather chaotic (Dodds et al. 2002). Also a report of the first meeting of the Open-Ended Intergovernmental Group of Ministers or Their Representatives on International Environmental Governance (IGM/IEG) stated that the institutional mechanisms within the IEG system have often been created without due consideration of how they might interact with the overall system (UNEP, 2001a). Historical Institutionalism would explain this with path dependency: the institutional structure of the IEG system ensures that the creation of new bodies is often much easier than changing or dismantling old ones (Ivanova, 2005a,b; Andresen, 2001; Charnovitz, 2005; representative of MinBuZa, 2009b). Thus, the structure of the system generates certain ‘trajectories’, in this case the creation of more and more new bodies that aim to improve and coordinate the complex system as a whole. However, because of the creation of such bodies, and because the manner in which they are created is rather diffused, the IEG system becomes increasingly complex. This makes the system increasingly difficult to change in a substantial way. As a report from the United Nations University stated: “the present system is (...) difficult to change due to its nature and historical development” (Velasquez, 2001; p. 5). Also Halifa Drammeh, former Director of

the Environment Management Group, argues that the hesitation to create a United Nations or World Environment Organisation must be viewed in the context of this complexity of the system (Drammeh, 2007). The task of coordination of the IEG system, one of the main functions that most proposals envision an Environment Organisation would have to fulfil, has been made extremely difficult (Desai, 2006). Some scientists argue that there is no space anymore for the creation of a World or United Nations Environment Organisation: they say that the institutional space is already filled. Ivanova (2005a) argues that even in its current form, UNEP can no longer aspire to the lead role for all environmental issues because of the proliferation of institutions working in the field of the environment. If it is true that there is not enough space for UNEP, there would unlikely be enough room to establish a full-fledged World or United Nations Environment Organisation.

Another instance of path dependency has to do with the reasons why new bodies are created. Some argue that the perceived ineffectiveness of the existing institutions -especially of UNEP- has been the reason why so many new ones have been created (Ivanova, 2007a; Andresen, 2001). Ivanova (2007a) argues that the choices that have been made with regard to UNEP's mandate, budget, institutional structure and location have been 'critical junctures' (p. 358) that now not only influence UNEP's performance, but also the development of the institutional structure of the IEG system.

Not only the structure of the IEG system, but also the debates concerning this structure are path dependent. As IEG reform is such a complex agenda item, complex negotiation processes are needed. Because there are so many interconnected issues and interdependent actors involved in the debates on IEG reform, it is increasingly difficult for actors to assess concessions and proposed deals (Oberthür and Gehring, 2004). One way to cope with these complex negotiation processes is to postpone some of the issues to be dealt with to later negotiating rounds in order to reduce complexity. In this way the tendency exists to create enduring negotiating processes. The numerous agreements, assessments and statements that were mentioned in chapter 3 are all part of such processes. Due to the postponing of issues, later negotiating rounds on IEG reform take place within an institutionalised context, which influences the preferences of the participants and makes the outcome of the rounds path dependent. As was apparent from chapter 3, general criteria evolve in the debates concerning IEG reform which guide the decisions. These criteria can enhance progress in the

negotiations, but can also limit the room for manoeuvre (Oberthür and Gehring, 2004). As the fourth Global Environmental Outlook put it: “[O]pportunities to shift underperforming existing governance processes and structures to more responsive interlinked ones are rare. Policy-makers and implementers hardly ever have the luxury of starting from a clean slate; rather they have to work with and within existing interests and structures” (Gitay, 2007; p. 391).

Another occurrence of path dependency is the influence power inequalities have on any (future) institutional change. The fact that some actors have more power than others in the creation of new institutions shape the trajectory of the IEG system. The most important example of power inequalities concerns the relation between what is often called the ‘North’ and the ‘South’. From the section on controversial issues in chapter 3 (section 3.4.3) it was already apparent that much of the controversy exists alongside this division between North and South. Agarwal et al. (1999; in Najam, 2002) state that no effective governance is possible under the prevailing conditions of deep distrust between nation-states. Also Felix Dodds, Executive Director of Stakeholder Forum for a Sustainable Future, argued in an interview that in order to reach any agreement on IEG reform, building trust between the North and South will be needed (Dodds, 2009). In a speech during the last session of the GC/GMEF of UNEP in February 2009, the South-African Minister of Environmental Affairs and Tourism spoke of a ‘widening trust gap’ between North and South (Van Schalkwyk, 2009; p. 1). He said that it was needed to “transform the politics of distrust, break the impasse and build a common vision for IEG reform” (Van Schalkwyk, 2009; p. 3).

Another example of power inequalities is the lack of access of civil society and academics to the decision-making process. This will be explained in further detail when discussing the interactive processes in the next section 5.3.1.

The problem with the above-mentioned distrust between countries is that if the IEG system is substantially changed, it will have to reflect a global consensus among governments to do so. Ultimately, it is the nation-states that are responsible for the IEG system (Amin, 2009; Drammeh, 2009). Individual countries still continue to have a veto power over a decision to reform the system. According to hegemonic theory of international regime formation, a global authority such as a United Nations or World Environment Organisation can only come into

existence if the strongest actors assert the necessary power to create it (Porter and Brown, 1991). However, many of the proposals to create an Environment Organisation come from less powerful states, and some of the most powerful states (e.g. the US and China) are opposed or at best sceptical about these proposals (Najam, 2005a; Oberthür, 2002b). According to the Global Policy Forum, an independent policy evaluation programme that monitors the work of the United Nations, even the conclusions of the high-level panels that seek to assess the current institutional structure of IEG (such as for example the High-Level Panel on System-Wide Coherence) are generally tailored to please powerful players at the UN (Global Policy Forum, 2009). This shows the influence power inequalities can have on the 'trajectories' of the IEG system.

5.3 Discursive Institutionalism

5.3.1 Discourses as interactive processes

In contrast to Historical Institutionalism, Discursive Institutionalism treats institutions not only as given -i.e. as the context in which actors speak, think and act- but also as the result of the very practices of speaking, thinking and acting. It puts emphasis on the role of discourses in politics. One meaning of discourses is the interactive processes by which ideas are expressed. This sub section discusses the ways in which the nature of interactive processes influence the (outcomes of the) debates on IEG reform.

Interactive processes enable actors to discuss about reforming the institutional structure of the IEG system or creating new institutions like an Environment Organisation by using existing ones (Schmidt, 2008; Hajer, 1995). One very important type of interactive processes is the UN international environmental conferences, the so-called World Summits. These can place new issues on the global agenda as well as arouse national awareness. Besides this, World Summits often have the effect of re-framing issues for decision-makers and locating the issue within a new political matrix. This can trigger the development of new policies (Haas, 2002). Most major decisions, such as the establishment of UNEP, the CSD, and in future perhaps an International Environment Organisation, are generally reached by consensus during these UN environmental conferences.

However, World Summits also have some negative aspects. Najam et al. (2006) argue that while the international conferences on the environment used to be 'successful high-profile global events', these have now become 'routine photo-ops' (p. 50) and no longer inspire global action the way they last did at the Rio Summit in 1992. The downside of World Summits is that they are one-time events, which means there is limited access to top-level officials. This makes it difficult to maintain long-term pressure on governments through information circulation or lobbying. International policy networks, epistemic communities and civil society groups have difficulties in getting their voices heard in these conferences, thereby making it likely that UN diplomats or representatives of nation-states (willingly or unwillingly) take no notice of them (Haas, 2002).

Not only major UN conferences, but also the sessions of the UN General Assembly lack a mechanism that connects epistemic communities and civil society to UN diplomats. Haas (2009) argues that diplomats in the General Assembly are hardly connected to scholars who have knowledge on environmental issues. Many argue that also for the topic of the future of the IEG system, the link between the political debate and the academic debate is lacking (Haas, 2009; Najam et al. 2006; Martimort-Asso, 2009; Simonis, 2009; Dodds, 2009). This is particularly a problem since many diplomats have only little knowledge or expertise on environmental issues in general or IEG issues in particular (Ivanova, 2005b; Haas, 2009; Kakabadse, 2009). Yolanda Kakabadse, General Counsel and former Executive President of Fundación Futuro Latinoamericano, argued in an interview that this seriously undermines the fertility of the debates on IEG reform (Kakabadse, 2009).

Another problem with the UN environmental conferences and meetings on the subject of IEG reform is that they tend to be fragmented and scattered in many different locations (UNEP, 2001b; GMEF, 2009d; Ivanova, 2005a). As the South-African Minister, Marthinus van Schalkwyk, put it in a speech during the twenty-fifth session of GMEF in February 2009: "I believe that it is not only the system that is fragmented, but also the debate on fixing the system. This debate has been afloat without a compass on a sea of uncertainty marked by competing agendas for far too long" (Van Schalkwyk, 2009; p. 1). The problem is that fragmentation of the debates is a cause of great inefficiency (UNEP, 2001b). It also puts high demands on UN staff (Ivanova, 2005a). Many environmental ministers are frustrated at having to attend so many different meetings, which makes it difficult for them to retain a good

view of the bigger picture (Choudhury and Mehta, 2008). Especially developing countries have difficulties attending all the meetings and working groups in the different locations, as they often have limited resources and representatives available (Gupta, 2005; Biermann, 2002a, 2004, 2007). Besides this, the development of flexible agreements in order to respond to changing circumstances may be made more difficult in these rather ad-hoc negotiations (Oberthur and Gehring, 2004).

The location in which discussions concerning IEG reform take place influence the discussions as well as the possible outcomes. The ambassadors that led the informal consultations and negotiations over the draft resolution in New York asked the GMEF to take over the discussions partly because they expected that discussions taking place in Nairobi would have better political dynamics than those in New York. New York is the location where issues such as human rights, development in broad terms and issues in the Security Council are being discussed. On many of these issues there is a certain division between North and South. When the discussions on IEG reform took place in New York, this division came to be reflected also on the question of how to improve the IEG system (Dadema, 2009; representative MinBuZa, 2009b). The political dynamics in Nairobi on the other hand are mostly concerned with only the environment, so that developmental issues might cause less controversy in the debates that are taking place in this city (Dadema, 2009; representative MinBuZa, 2009a; Drammeh, 2009; representative MinBuZa, 2009b). Obermeyer (2009) argues, however, that locating the discussions in New York might also have advantages. In New York the discussions are not only between environmental ministers (as is the case in Nairobi), but also involve other ministers -mainly of developmental and economic affairs- with generally more power and financial resources (Obermeyer, 2009; representative MinBuZa, 2009b). Being located in New York gives the debates more weight and more of a 'final' sense than when they are located in Nairobi (Obermeyer, 2009).

Any decision concerning the establishment of an Environment Organisation or to change UNEP into a UNEO would have to consist of adopting a resolution in the General Assembly in New York (Halle, 2009). Before any resolution can be adopted, it needs to be discussed and approved by all nation-states. As is apparent from the failed discussions concerning the draft resolution 'Strengthening the environmental activities in the United Nations system' of 2008,

this takes a considerable amount of time, as many states want to make their adjustments to the resolution. According to the Centre for UN Reform Education, some believe that the US and the G77 were deliberately delaying the efforts to arrive at consensus with numerous suggestions for changes and deletions (Efforts to reform..., 2009; Dadema, 2009). Thus, the adoption of a resolution on IEG faces considerable obstacles, partly caused by the nature of the interactive processes in the General Assembly (Swart, 2008; Najam, 2009).

5.3.2 Discourses as different levels of ideas

Besides interactive processes, discourses can also take the form of ideas. Discursive Institutionalism distinguishes between three different levels of ideas that exist in politics. This section discusses these different levels and analyses how they influence the interactive processes concerning IEG reform. The distinction between the different levels of ideas can help to understand why some issues are more contested than others.

The third level concerns public philosophies or sentiments and is hardly ever debated. This level is therefore not discussed further.

The second level of ideas are the more general programmes that are the basis for the policies in the first level. This second level consists of the problems to be solved; the issues to be considered; the goals to be achieved; the ideals that are used; and the norms, methods and instruments to be applied (Schmidt, 2008). As was apparent from chapter 3, most countries agree on the definition of the problem, the goals that need to be achieved and the ideals and norms that are to be used. However, there is not only agreement among countries on ideas that are part of the second level. The concept of sustainable development is one such idea that has brought some controversy, especially between Northern and Southern states. This will be explained below, after a brief description of how the concept evolved and how it influences the debates on IEG reform.

Before the first World Summit in 1972, developing countries viewed environmental protection as a luxury of the rich and did not consider it to be an important issue for them. They placed their demands for development firmly against environmental concerns: environment and development were treated as separate issues (Porter and Brown, 1991). The

introduction of the concept of sustainable development (the second level of ideas) brought with it the recognition that developmental and environmental issues need to be simultaneously addressed and that policies (the first level of ideas) should focus on the interactions between these issues (Kanie, 2007). The concept of sustainable development significantly broadened the agenda, so that whereas previously development or environment lacked sufficient influence to be able to shape agendas or policies, sustainable development now provides opportunities to place a combination of both higher on the agenda (Kanie, 2007; Martimort-Asso, 2009).

However, some argue that the concept is 'elbowing out' environmental protection at the international level (Charnovitz, 2005; p.100). Charnovitz (2005) argues that the environmental agenda has suffered from the merger with and dominance of the poverty reduction agenda. As an example he mentions the environmental World Summits, which according to him have been focusing more and more on development instead of the environment. Charnovitz argues that most of the target outcomes of the last World Summit, the WSSD in 2002, had more to do with developmental than with environmental issues. Gardner already argued in 1972 that "huge conferences trying to deal with a broad range of subjects may not always be the most effective approach" (Gardner, 1972; p. 249).

Sustainable development has now become an important framework in which more and more environmental issues and policies are being placed. Sustainable development as an idea on the second level has brought some controversy especially because it is a rather vague concept that cannot be easily operationalised. The North and the South generally give very different definitions to the concept (Najam, 2005a; Obermeyer, 2009; Andresen, 2009). Najam (2005) argues that the North soon became wary with the 'fuzziness' of the concept, and often wants to treat environmental issues separately from developmental issues. This makes the South fear that the definitional problem is used as an excuse not to do anything with the concept at all and maintain the status quo. Still, the South insists on treating the environment within the framework of sustainable development, and use the fuzzy concept as an excuse to continue with development as usual without taking into account the environmental consequences (representative MinBuZa, 2009a; representative of UN Division of Sustainable Development, 2009; Najam, 2005a; Dadema, 2009; Dodds, 2009).

Another controversial idea from the second level concerns the question as to which approach should be used to reform the IEG system. The US and the other JUSCANZ countries (Japan, the United States, Canada, Australia and New Zealand) favour a bottom-up approach and business as usual. The EU and its allies on the other hand favour a more top-down approach with their proposal for a more powerful upgraded organisation for the environment (Andresen, 2001, 2009).

The ideas in the second level influence the policies that are being considered at the first level, which consist of specific policies or policy proposals: the exact nature of the reform that should take place; the funding of the IEG system; the implementation of the policies; etc. For example, the discussions between North and South over the concept of sustainable development influence their preferred policy proposals with regard to IEG reform. Whereas many countries in the North (especially the members of the European Union) would like to establish an organisation for the environment, many countries in the South prefer an organisation for sustainable development (representative MinBuZa, 2009a).

As was apparent from the huge number of calls and proposals for IEG reform described in chapter 4, the ideas in the first level -the policies or policy proposals- are the most controversial (see also chapter 3, section 3.4.3). Some argue that this controversy is one of the main factors that cause the non-decisions on IEG reform (Hoare and Tarasofsky, 2007; Najam et al. 2006; IISD, 2007).

5.3.3 The mobilisation of bias

Discursive Institutionalists think that institutions and institutional practices influence the institutional context within which a range of more or less acceptable and expectable ideas and interactions (discourses) develop (Schmidt, 2008; Hajer, 1995). This is the so-called ‘mobilisation of bias’, which is present in all political organisations: the dominant values, myths, established political procedures and rules of the game. This section uses the mobilisation of bias to explain why substantial institutional change is so hard to bring about and why some proposals for reform are more dominant than others.

The mobilisation of bias is shaped by the fact that -although there are other institutions in which discussions on the reform of the IEG system take place- most of it is discussed within the UN system. The political procedures, dominant values and rules of the game in the discussions within the UN have a large influence on the possible outcomes as well as what actors consider to be possible outcomes. For example, the idea of creating a United Nations Environment Organisation is a much more dominant idea than the proposals to establish a World Environment Organisation outside the UN system.

The mobilisation of bias can make actors more resistant to change. As argued in chapter 4, section 4.4.2, actors in the UN system have an incentive to maintain the status quo. There is a general aversion to the creation of new international institutions. Neither country representatives nor international environmental (UN) bureaucrats seem motivated to allow substantial change in the IEG system (Najam et al. 2006; Desai, 2006; Halle, 2009). The incentive to maintain the status quo also exists within Multilateral Environmental Agreements, whose epistemic networks have an interest in keeping the highly fragmented system in order to keep their autonomy (Charnovitz, 2005). Part of this can be explained by that fact that actors feel comfortable with the current system and have learned to use it to their individual and institutional advantage. This makes the proposals that favour incremental changes much more dominant than the ones that advocate a total overhaul of the entire system (Najam et al. 2006; Desai, 2006).

Another aspect of the mobilisation of bias is the fact that many actors in the UN system have an aversion to be coordinated. As often pointed out by UN officials: “everyone wants to coordinate, but no-one wants to be coordinated” (Ivanova, 2005a; p. 12). Von Moltke even argues that the UN system is 'famously resistant to coordination' (Von Moltke, 2001; p. 24). This makes the creation of a new institution that (according to many proposals) should have the mandate to coordinate other UN organisations extremely difficult.

Another example of the mobilisation of bias within the UN system is the culture of the UN General Assembly (GA). It was explained earlier (section 5.3.1) that the political dynamics in New York (where the General Assembly is located) might be less favourable to discuss the issue of IEG reform. Haas (2009) said in an interview that he considered the culture of the GA

to be the main factor that explains why the negotiations on the draft resolution ‘Strengthening the environmental activities in the United Nations system’ have not moved forward. He argued that the GA is overloaded with agenda items and said that “most diplomats in the General Assembly are socialised towards UN North-South debates”. Haas argued that the environment is not considered an important issue within the GA (Haas, 2009). Discursive Institutionalism would say: the environment is 'organised out' of UN New York politics. This dominance of developmental issues over environmental ones will also be discussed in chapter 6, section 6.2.5 in the light of one of the political models.

Within the UN, many discussions on IEG reform take place in forums, sessions or working-groups that are organised by UNEP. As Bauer (2007; p. 9) formulated it: “The process basically warrants that the reform debate continues within the confines of UNEP and, as such, is organized first and foremost through the UNEP Secretariat”. Just like the UN system exerts its influence (as described above), the discussions taking place within UNEP also has its influence. First, as UNEP is so heavily involved in the discussions itself, the idea of bypassing UNEP is not considered a very viable option in these discussions. Second, because of the fact that UNEP only has fifty-eight members, it is not possible to decide on reforming the IEG system during the meetings of the Governing Council of UNEP. A decision to change the IEG system within the UN can only be taken in the General Assembly (Drammeh, 2009). It was argued earlier (section 5.3.1) that the interactive process in the GA make it difficult to move to negotiations in which actual decisions can be taken.

5.4 Rational Choice Institutionalism

5.4.1 Collective action dilemmas and the creation of institutions

The international environmental degradation that the IEG system seeks to address can be called a collective action dilemma: a situation in which, because of the absence or insufficiency of institutional arrangements, actors act to maximise the attainment of their preferences, but end up producing an outcome that is collectively sub-optimal (Hall and Taylor, 1996). Most environmental problems require cooperation because they are created by a large number of actors, and because many of their consequences go beyond the control of any single actor (Haas, 2001). This is because the environment is a public good. A public

good provides benefits that cannot be confined to a single individual or group, so that everyone can enjoy them. As all actors want to maximise the attainment of their goals, they have an incentive to 'free ride' on the efforts of others rather than contribute resources to the provision of the public good (Hardin, 1968 In: Esty and Ivanova, 2002b). For example, it is attractive for a country not to participate in the development and implementation of environmental restrictions, but only to enjoy the improved environmental protection that it provides when other countries choose to participate. In this case actors do not cooperate in order to collectively find an optimal outcome because all assume that their actions (e.g. in the form of environmental policies) will not yield significant benefits unless most other actors agree to cooperate (Haas, 2001).

The perceived problems with the system for international environmental governance can be seen as collective action dilemmas. The system is incoherent and complex, with –as many argue- inadequate institutional arrangements. This leads to high transaction costs which in some cases could discourage actors, especially developing countries, to participate in the system. Countries agree that the situation must be converted from one in which decisions are made independently based on self-interest alone to one in which actors overcome the collective action problem and adopt cooperative solutions (Esty and Ivanova, 2002b). One such solution might be the establishment of a new institution such as an Environment Organisation. According to Rational Choice Institutionalism, institutions are set up by voluntary agreements between involved actors. RI argues that these actors will only set up a new institution if it fulfils certain functions that serve their interests and help them maximise the attainment of their goals. This means that we would have to look at the functions an International Environment Organisation could fulfil, and whether these functions are of interest to nation-states and other involved actors and help them maximise the attainment of their goals (Hall and Taylor, 1996). This was done in chapter 4, section 4.4 and will be further discussed in the next section.

5.4.2 Actors' self-interests

Chapter 4 (section 4.4) described the diverse interests of the actors in the IEG system. This section shows that the diversity in interests of the actors makes an agreement on a preferred policy option for IEG reform difficult to achieve.

The strengthening and/or reform of international environmental governance requires strong political will from nation-states, which are the ones that decide on the future of the IEG system. Not all nation-states are interested in a strong system for international environmental governance. According to many, political will to establish an Environment Organisation that might strengthen the IEG system is lacking at the moment (Hyvarinen, 2008; Civil Society Consultations..., 2001; Efforts to reform..., 2009; Newell, 2001; Hoare and Tarasofsky, 2001; IEG Dossier, 2009; Kanie, 2007; Haas, 2004, 2009; Najam et al. 2006; French Proposal on..., 2006; Charnovitz, 2005; Andresen, 2009; ICC representative, 2009; Dodds, 2009; Martimort-Asso, 2009; Simonis, 2009; Scanlon, 2009; Bauer, 2007). Many argue that most actors in the IEG system (including nation-states) are more concerned with safeguarding their narrower national and institutional interests than with collectively solving problems for international environmental issues (Peichert, 2007; Ivanova and Roy, 2007; Najam et al. 2006; Halle, 2009). The report of the co-chairs of the sixty-second session of the General Assembly's consultations on System-wide Coherence stated that "As co-chairs on System-wide Coherence consultations, we have not entered into detail on the environmental aspects of the Panel's report (...). It is simply the case that no appetite is detectable among Member States to pursue the Environment in the inter-governmental consultations on System-wide Coherences which we currently chair" (Kavanagh and Mahiga, 2008a; p. 28). As Bauer (2007; p. 23) argued: "The bigger picture [in international environmental governance] (...) is one of consistent unwillingness amongst governments to provide adequate means and substantive political decisions rather than symbolic actions". The problem is, as Kanie (2007) argues, that there exists a will in the international community to discuss sustainable development institutions, but little political will to actually move forward.

Not all agree that political will to reform the IEG system is lacking. Some say that there is political will (Halle, 2009; Obermeyer, 2009; Dadema, 2009), but that the case for IEG reform needs to be explained more properly and in such a way that countries see it in their interest to support this reform. Some argue that strong leaders are needed to explain this

and to align the interests of the different countries (see for more on this chapter 6, section 6.4) (Obermeyer, 2009).

The believed lack of political will among nation-states can be explained by a number of factors.

First, a major factor that plays a role is governments' fear for the implications of the establishment of an Environment Organisation or specialised agency. There are concerns about the complexities surrounding the reform of the IEG system or the development of an Environment Organisation. Other concerns relate to the costs that would be involved in the establishment of such an organisation (IEG Dossier, 2009). For example, a UNEP non-paper stated in 2001 that UNEP being funded by a system of assessed mandatory contributions -which is normally the system used for a specialised agency- would not be politically feasible, as it would be opposed by both donor and developing countries (Tarasofsky, 2002).

Second, there is a lack of popular concern in the mass publics on the issue of IEG reform (as discussed in chapter 4, section 4.4.2). This results in a lack in domestic constituency. The issue of IEG reform is not an important topic in any elections that are taking place. As Trittin (2004) argues, one of the main problems (if not the main problem) is the fact that public awareness is strongly defined at the national instead of the international level. Therefore, elections are fought on national rather than international issues. Trittin argues that “the discussion on global governance is too often distanced from the citizens of this world” (Trittin, 2004; p. 27).

An overall criticism towards the UN system from the part of some governments might be another cause for lack of political will (Desai, 2006; Najam, 2009). Chapter 7 shows that widespread dissatisfaction with the UN and its agencies was one of the factors that made governments decide to create a mere programme instead of a specialised agency for the environment in 1972.

The final and most important factor that can explain the lack of political will is the fear countries have for the need to give up part of their sovereignty or control to a more or less powerful international body, possibly with enforcement powers (Porter and Brown, 1991; Esty, 1994b; Strengthening..., 1998; Biermann, 2000; Haas, 2001; UNEP, 2001a; Newell, 2001; Knight, 2002; Simonis, 2002; Oberthür, 2002b; Elliott, 2005; Gupta, 2005; Meyer-Ohlendorf and Knigge, 2007; Levy, 2009; Martimort-Asso, 2009; Najam, 2009). Although

countries already delegate some of their authority to specific and specialised MEAs, which act in carefully prescribed areas under agreed upon norms and policies, it appears unlikely that either developing or developed countries are prepared to give up some of their sovereignty to a supranational agency that concerns matters such as environmental protection. Any kind of hierarchic Environment Organisation will meet with heavy resistance (Biermann, 2000; Simonis, 2002; Gardner, 1972; Dodds et al. 2002). As a report of the United Nations University stated: “A centralised World Environment Organisation [WEO] would cut a huge swath through domestic policy and it is uncertain how much responsibility any government would be comfortable giving a WEO executive” (Dodds et al. 2002; p. 9).

The problem with the described lack of political will among governments is that international organisations such as UNEP are governed first and foremost by nation-states, which practically decide on everything the organisation does (Biermann, 2007; Amin, 2009). Within UNEP this influence of countries is exercised through the Committee of Permanent Representatives (CPR), which is comprised of national delegates; UNEP's staff, whose loyalties often lie with their national governments; and the Governing Council, which is governed by national representatives who meet once a year in Nairobi. Besides this, UNEP's financial structure -with its unreliable and unpredictable budget- enables nation-states to prioritise the issues UNEP focuses on, so that UNEP's agenda is more determined by donor's self-interests rather than the common good (Ivanova, 2005b).

This power of nation-states to govern UNEP means that if it is true that UNEP is too weak to properly fulfil its mandate within the IEG system, it is because countries have decided to keep it weak (Gardner, 1972; Dodds et al. 2002; Halle, 2009). Some scholars also argue that out of fear for infringement upon their national sovereignty, governments have deliberately filled the IEG system with weak and underfunded international organisations that have overlapping and conflicting mandates (Ivanova and Roy, 2007; Dadema, 2009; Levy, 2009). Opponents of a World or United Nations Environment Organisation argue that the establishment of such an organisation or upgrading of UNEP might therefore not make a big difference (Vellinga, 2002; Najam, 2005a; Halle, 2009). Indeed, up to now no model for an Environment Organisation has been developed which combines political feasibility, acceptability and efficiency. Many argue that a real efficient organisation is not politically feasible, as there is no political will among countries to create a powerful organisation,

whereas a politically feasible organisation would be too weak and inefficient (Martimort-Asso, 2009; Halle, 2009; Najam, 2005a; Scanlon, 2009).

Not only lack of political will, also the diversity in interests between countries ensure that taking decisions regarding IEG reform is difficult. Because actors have different interests and different experiences with environmental problems, they accord different importance to environmental protection efforts (Haas, 2001). Naturally, their opinions on the way in which the IEG system should be strengthened differ as well. The ambassadors leading the informal consultations concerning the draft resolution 'Strengthening the environmental activities in the United Nations system' announced in February 2009 that the reason for why further consultations in the immediate future would be unproductive was that the competing interests of the UN Member States were too great to overcome (Efforts to reform..., 2009). In a report on the informal consultations of the General Assembly on the institutional framework for the United Nations' environment work, it was stated that: "The co-chairs found themselves in a situation, in which the attempt to move to a decision increased the difficulties in finding consensus" (Informal consultations..., 2009; p. 7). The opposing views of governments might stall the future process on IEG reform, as all actors concentrate on pushing for their own approaches and agendas (Freiesleben, 2008; Andresen, 2007). This was also the opinion of most of the interviewees, and mentioned as (one of) the main factor(s) that ensured that no decisions regarding IEG reform have been taken to date. Mark Halle, European Representative and Director of Trade and Investment at the International Institute for Sustainable Development (IISD), argued in an interview that one of the reasons for why the discussions about the draft resolution in New York have failed was because the political games that are being played make it impossible to move forward. He argued that most countries are more concerned with striking deals and getting political advantage out of these deals than with the IEG system as a whole (Halle, 2009).

Basically, there are two divisions in views between nation-states, thereby creating three main negotiating groups in the debates, namely the US and its allies, the EU and its allies, and the South (the G77 including China). First, there is a divide between North and South. The North considers environmental issues to be much more important than the South, which is mainly preoccupied with (sustainable) development and hardly has an environmental agenda

(Andresen, 2007). Second, there is a division within the North. This mainly concerns differences in opinion on what the best approach for IEG reform, namely bottom-up or top-down, should be. The opposing views within the North as well as between the North and the South concern very basic differences in views on how to best approach environmental issues. The basic nature of these differences makes reaching any consensus on the way forward with the IEG system very difficult (Andresen, 2009 and 2007; Dadema, 2009).

Another complication in the debates is the fact that actors' interests not only depend on the extent to which a reformed IEG system or new environmental body might serve their interests, but also on their expectations on what implications their actions and the creation of such a body have on the (power) relations between the actors. Most nation-states are very much concerned with their power status on the international political scene. This has to do with the issue of having to give up part of their sovereignty to an international body (as explained above), as well as with the relations between North and South (see section 5.2 and 5.3.2) and between Northern states (see above).

Apart from nation-states, there are many and a growing number of other actors demanding a role in the international decision-making process (Dodds et al. 2002). This makes the process of decision-making very complicated, as all these actors have different interests. Important are the roles of the international organisations that are operating in the IEG system. These organisations can be seen as individual actors with their own self-interests. As was explained earlier, their negative attitude towards coordination, the so-called 'turf wars' over their authority, and the desire to maintain the status quo are some factors that explain the difficulties in establishing a new Environment Organisation.

5.4 Summary

This chapter used New Institutionalism to explain why no decisions for substantial reform of the IEG system -such as the establishment of a new environmental body- have been taken, despite the believe that the system should be strengthened and despite the large number of policy proposals that have been developed. The three schools of thought within New Institutionalism that were used were Historical, Discursive and Rational Choice Institutionalism.

Historical Institutionalism provides a useful tool to study the structural aspects of the IEG system and the way in which these influence the developments that have been taken and are taking place. It argues that the system has become increasingly complex due to path dependency: the nature of the IEG system warrants that the (rather ad-hoc and diffused) creation of new bodies to improve the system is easier than changing or dismantling old ones. The growth in the number of bodies makes the system more and more complicated, which together with a growing number and type of actors make it increasingly difficult to establish a new environmental body with the mandate to coordinate all the activities within this system.

Not only the system itself, but also the debates concerning options for its reform are path dependent. General criteria, objectives and other agreements that have been made or developed in previous debates guide later discussions and enhance their progress. However, they can also limit the room for manoeuvre in the discussions, as actors are restricted by what was agreed upon earlier.

Historical Institutionalism also focuses on the influence of power inequalities on the structure and developments of the IEG system. Inequalities and a sense of distrust between the countries that participate in the debates -especially between Northern and Southern states- make a global consensus on IEG reform difficult to achieve.

Discursive Institutionalism focuses on discourses, i.e. the interactive processes in which IEG reform are discussed as well as the ideas that are being considered. Discursive Institutionalism draws attention to the nature of the interactive processes and the way in which this nature influences the outcomes of the discussions. The complex nature of the IEG system seems to be reflected in the discussions concerning the reform of the system. These discussions are numerous and highly fragmented -being scattered in many locations around the world- which is a cause for inefficiency and puts high demands on UN officials and (environment) ministers, especially from developing countries. The locations in which the discussions take place have an influence on the content and outcomes of the discussions, as the political dynamics differ from one city to the other.

Most important decisions in international environmental governance are made during so-called World Summits (instances of interactive processes), which provide only limited access for international policy networks, epistemic communities and civil society groups to influence the policy-making process. Limited access for these actors is also a problem in the

sessions of the UN General Assembly. Any decision regarding the reform of the IEG system or the establishment of a new environmental body would have to pass through this General Assembly. The failed draft resolution 'Strengthening the environmental activities in the United Nations system' showed that this can be a lengthy and perhaps painful process.

The other meaning of discourse that Discursive Institutionalism focuses on is the ideas that are being considered in the interactive processes. There is much disagreement among countries on what the best ideas for IEG reform are, especially on the first level of ideas for policy proposals. Also on the more basic level of general programmes there is disagreement. Examples are whether to take a bottom-up or top-down approach, and the extent to which environmental issues should be treated within the framework of sustainable development.

According to Discursive Institutionalism, discourses (the ideas as well as the interactive processes) are heavily influenced by the mobilisation of bias. This means that the political procedures, dominant values and rules of the game in the discussions -that mostly take place within the UN- have a large influence on the possible outcomes as well as what actors consider to be possible outcomes. One example of this is that a World Environment Organisation outside the UN or one that bypasses UNEP is not considered in most debates. The mobilisation of bias ensures that the environment is not a very dominant issue within the General Assembly, which is often tailored to financial and developmental issues. It can also explain why there is more tendency to maintain the status quo or make incremental changes rather than embark upon an entire overhaul of the IEG system. The reason is that actors feel comfortable with the current system and have learned to use it to their individual and institutional advantage: they are socialised in it.

Rational Choice Institutionalism is useful in that it focuses on the different actors and their self-interests. It makes us aware of the fact that actors within the IEG system are still more concerned with safeguarding their national and institutional needs than with collectively solving the problems in the IEG system. The fact that it is not in most actor's interest to do the latter explains why there is a lack of political will to solve these problems. Specifically, the lack of political will can be explained by the fear from governments and international organisations in the IEG system to give up part of their sovereignty to an Environment

Organisation; concerns about the complexity and costs to establish such an organisation; lack of popular concern for the issue of IEG reform; and overall criticism towards the UN system.

The facts that the countries that need to decide on the future of the IEG system give their own needs priority, and that these are so diverse and often opposing is one of the main factors that can explain the non-decisions in the debates concerning IEG reform.

The next chapter addresses the same question as this chapter did, but makes use of a different set of theories. It seeks to explain the non-decisions on IEG reform with the help of three political models: the model of joining the streams, the barrier model and the rounds model.

Chapter 6: The absence of an Environment Organisation explained with political models

6.1 Introduction

This chapter addresses the second part of question I.3, namely: *How do three political models -barrier model, model of joining the streams and rounds model- applied to this case, help to explain the current absence of an Environment Organisation?* While chapter 5 focused on the institutional structure and possible institutional changes, this chapter focuses on different aspects of the political process in moving towards a decision concerning the reform of the IEG system. The three political models that are used in this thesis help to meet the objective of elucidating the causes for political non-decisions and explaining why a certain issue like the establishment of an Environment Organisation is prevented from reaching the decision agenda. Like chapter 5, this chapter is structured according to the theories, covering respectively the model of joining the streams (section 2), the barrier model (section 3) and the rounds model (section 4).

6.2 The model of joining the streams

6.2.1 The stream of the problem

A large part of the non-decisions in the discussions concerning the reform of the international environmental governance system can be explained with the nature of the problem. First of all, there is the complexity of environmental issues themselves. Most environmental challenges are extremely diverse and complex, arise on various geographical scales, involve a wide range of actors, are heavily linked with other sectors and issues, and are characterised by time difference (in the sense that the consequence of actions that take place now will only be felt after some time). Because of the complex nature of environmental challenges, there has been a growing awareness in the past decades that the environment cannot be treated as a complete separate sector. Here lies the second and much related complication in the nature of the problem. In order to address environmental challenges effectively, a complex governance structure is required, involving a wide range of disciplines, instruments and mechanisms as

well as a huge variety of actors such as governments, international organisations, the private sector, NGOs, scientists and global public policy networks (Hoare and Tarasofsky, 2007; Biermann, 2009). In chapter 2 it was explained that the less specific an item and the less experience political actors have with it, the more place the item occupies on the agenda. Because of its complexity and the many actors involved, the issue of the future of the IEG system occupies a lot of space on the agenda, which makes it difficult to give it a place.

Although there is consensus on a general definition of the problem, many actors feel that there is still a lack of clarity over where exactly the shortfalls in the IEG system lie. This has to do with a third important aspect of the nature of the problem, namely that it is not as visible as real (i.e. not institutional) environmental problems such as for example dying forests due to acid rain. Besides this, the multiplicity of actors makes systematic analyses across problems and regions very difficult. The many UN task forces that have evaluated the IEG system (see chapter 3) are attempts to make the problem more visible. Despite the large number of assessments that have been carried out, some are of the opinion that a more holistic assessment of the strengths and weaknesses of the current system is needed. This is one of the recommendations given in chapter 8 (section 8.4) (Hoare and Tarasofsky, 2007; Strengthening..., 1998; Dadema, 2009).

6.2.2 The stream of the policies

As argued in the previous section, the problem with the IEG system is complex, hardly visible and involves a lot of uncertainty. This ensures that it is not at all clear what the implications of the various options for reform of the system, the proposed policies, would be. In chapter 5, section 5.4.2 it was argued that concerns over the complexities surrounding the reform of the IEG system or the establishment of an International Environment Organisation are an important obstacle for making decisions on IEG reform. Most proposals are left rather vague and are underdeveloped, making it difficult for involved parties to form an opinion on the proposals for reform (Lehmann, 2006; UNNGLS, 2007; Sherman, 2007; IEG Dossier, 2009; Dadema, 2009). Also, because there are so many different proposals for IEG reform and models for the creation of a new Environment Organisation, most actors in the debates mean different things when talking about a new organisation (Biermann, 2001). Schmidt (2008)

argues that discourses (for example in the form of policy proposal) are likely to be more powerful if they are consistent and coherent across different policy sectors. Clearly, this is not the case with the ideas and proposals for IEG reform. As Whalley and Zissimos (2002) point out: “(...) calls [for a WEO] have not really focused on central or substantive environmental policy problems. The issue is not seeking out mutually agreed statements of principle of what constitutes sound environmental management” (p. 620).

As the absence of an International Environment Organisation shows, not all proposed policies get accepted and implemented. The stream of the policies contains a process of circulation, confrontation and reformulation of alternative policies. In this process, alternatives can survive, become discarded, combined, adapted or reformulated. Part of this process is what Kingdon calls ‘softening up’: preparing changes by presenting proposals that emphasise the need for change. In this way, the various proposals and calls for the establishment of an Environment Organisation can be seen as ‘trial balloons’. They all emphasise the need that changes have to be made to the IEG system. They can be seen as ways to soften up the process by filling it with various proposals for policies. Although there has already been much circulation, confrontation and reformulation of different proposals, there is still much softening up to do before any one proposal can get accepted and implemented.

6.2.3 The political stream

According to Kingdon (2003), public opinion, the presence and actions of interest groups, the influence of the media and changes in internal politics (e.g. politicians changing their positions) are very important in the political stream. The first three factors probably do not have a big influence. This is mainly due to the fact that the issue of IEG reform is too technical, too removed from actors that are not directly involved in the IEG system, and considered to be an internal affair of the United Nations (Haas, 2009; Andresen, 2009). As argued in chapter 4, most civil society or interest groups and the business sector do not take up the reform of the IEG system as an important issue in their activities. Also, the largest part of the public is not much concerned about the reform of the system, and the issue is therefore not part of a campaign for elections in any one country. Thus, the public opinion does not exert much influence on the decision-making process. The same holds true for the media,

which do not pay much attention to the issue. To date, the issue of IEG reform or the proposals to set up a World or United Nations Environment Organisation have not reached the headlines of any newspaper (Haas, 2009; Andresen, 2009; ICC representative, 2009; Biermann, 2009).

By contrast, changes in politics or politicians' positions have a rather big influence on the debates concerning the issue of IEG reform. One example of this is that the (little) support given by Germany withered away when the Green party left office (representative MinBuZa, 2009a; Martimort-Asso, 2009). Also changes in the staff of UNEP –both in Executive Director and in other staff- caused some fluctuations in the organisation's activeness in the debates on IEG reform (Obermeyer, 2009).

The most prominent example of the influence changes in politician's positions have is the way France's position has changed in the last couple of years. France used to be a very active pusher for the idea of upgrading UNEP to a United Nations Environment Organisation. The French President Jacques Chirac was a prominent and very active proponent of this UNEO idea. He even made the reform of the IEG system a major cornerstone of the French environmental diplomacy (Lepeltier, 2005). Why exactly Chirac was so enthusiastic for a UNEO is not very clear, not even to French diplomats (Dadema, 2009; Martimort-Asso, 2009). Some say the reason was that he thought a UNEO could be hosted in Paris (Najam, 2009). However, this idea was soon abandoned by the European Union, as it became clear that developing countries would not agree with shifting UNEP or placing a new Environment Organisation out of Nairobi (representative MinBuZa, 2009a). Besides this, Chirac could have realised that the establishment of a UNEO would take a considerable amount of time, and that this was not to happen during the time that he was still in office (Dadema, 2009). The most likely explanation for Chirac's efforts to push for a UNEO is that he wanted to close his career -which had been overshadowed with some scandals- in a nice way by leaving a UNEO as a legacy (Obermeyer, 2009; Dadema, 2009; Martimort-Asso, 2009; representative MinBuZa, 2009b). Marc Levy, Deputy director of the Centre for International Earth Science Information Network (CIESIN) at the Columbia University, said in an interview that he has suspicions that Chirac saw it as a cost-free way to be viewed as environmentally friendly, as the opposition to a UNEO was so strong that there was no real chance that a UNEO would be established within a few years (Levy, 2009). Chirac's push for a UNEO can therefore be seen

as a political opportunistic move of himself as a person rather than a well considered policy choice of the French ministry of the environment or foreign affairs (Dadema, 2009).

Obermeyer argued that the decision to support a UNEO was not even well coordinated within the French government, and that the ministry of foreign affairs was not much behind it (Obermeyer, 2009).

Since a couple of years France is not anymore the active pusher that it used to be. According to six interviewees this can mainly be explained by the change in presidency (Haas, 2009; Najam, 2009; Dodds, 2009; Dadema, 2009; representative MinBuZa, 2009a; Obermeyer, 2009). When Chirac left office, his successor Nicolas Sarkozy did not share his great enthusiasm for the idea of a UNEO. Sarkozy did not continue the push for a UNEO and dropped the (rather influential) UNEO unit that existed within the French Government. This shows the large influence the political stream can have on the political process concerning IEG reform.

Another aspect in the stream of politics is the competition for authority between different agencies or organisations. In chapter 4 and 5 it was argued that many international organisations with environmental responsibilities are unwilling to give up part of their authority or competence. Kingdon argues that such competition between organisations can cause unpopular proposals to perish altogether (Van Gestel, 1999). This is what seems to be happening at the moment with the proposals to set up an Environment Organisation.

6.2.4 The joining of the streams?

Only when the three streams identified above are joined together will a 'policy window' open and will the issue of IEG reform be placed on the decision agenda. This happens when the problem is acknowledged (stream of problem), the solution is evident (stream of policies) and the time is ripe (stream of politics). As for the first stream, there is a general acknowledgement of the problem: it is clear to the involved actors that the IEG system is not ideal and that it should be improved. In the second stream of the policies, however, there is less consensus. Many different policy proposals have been developed, but no agreement has been reached to date on which policy should be implemented. The stream of the politics is not very ideal to reach such an agreement either. The public, civil society and the media are not

much involved in the debates on the reform of the IEG system, and competition between international organisations working on environmental issues make an agreement on the reform of the IEG system cumbersome. While active pushers for any one policy proposal are not much present in the debates (at least not anymore), there are many countries that are hesitant or opposed to the proposed policies.

Clearly, the three streams in the IEG system have not been joined together, so that a policy window that would allow actors in the system to push for substantial change has not been opened to date.

6.2.5 Coupling, spill-overs and competing items on the agenda

As there is only limited space on the agenda, the occurrence of other items on the agenda can reduce the attention that is given to the issue of IEG reform. The majority of the people that were interviewed for this thesis were of the opinion that the issue of IEG reform is being pushed away by other issues. The item is not given the highest priority, because governments have so many other issues to deal with at the moment (Halle, 2009; Obermeyer, 2009; Dodds, 2009; Najam, 2009; ICC representative, 2009; Andresen, 2009; Haas, 2009; Biermann, 2009; Dadema, 2009; Simonis, 2009; Martimort-Asso, 2009; Amin, 2009), and because the issue is not seen as a very urgent matter (Kakabadse, 2009). An urgent issue that governments have to deal with at the moment is climate change. Some argue that due to the concerns about major climatic changes that are taking place around the world, there is a heightened attention for environmental issues. However, nine interviewees were of the opinion that at this moment the issue of climate change totally dominates the agenda, and that this goes at the cost of the attention that governments spend on organisational reform of the IEG system and the possible establishment of an Environment Organisation (Biermann, 2009; Haas, 2009; ICC representative, 2009; Andresen, 2009; Dodds, 2009; Najam, 2009; Obermeyer, 2009; Dadema, 2009; Martimort-Asso, 2009). One interviewee argued that not only governments, but also the business sector and civil society groups have decided to spend all their efforts and limited resources on the climate change negotiations, and not so much on the broader issue of reforming the IEG system (ICC representative, 2009).

Apart from the issue of climate change, many scholars argue that also the fight against terrorism and for international security took and still takes up a major part of the agenda, to the detriment of 'soft' issues like the environment (Andresen, 2007; Haas, 2004; Najam et al. 2006; Kanie, 2007). Also economic and financial issues seem to dominate the agenda at the cost of environmental issues (Haas, 2009; Simonis, 2009). One interviewee said that financial aspects are so intricately linked to environmental issues that the real decisions for financial aspects of the environment are not made in the environmental forums, but rather in the meetings of the financial ministers (ICC representative, 2009).

The focus on financial issues has become even stronger due to the current financial crisis, which reduces the attention governments give to the topic of IEG reform. The crisis increases the pressure on governments to spend their money efficiently (Biermann, 2009; Haas, 2009; Andresen, 2009; representative MinBuZa, 2009a; Obermeyer, 2009). As Frank Biermann, professor of Political Science and Environmental Policy Sciences at the Vrije Universiteit in Amsterdam, said in an interview (2009): "At the moment there is not much room to send millions of dollars to New York for the establishment of a new World or United Nations Environment Organisation". Also the South African Minister Marthinus Van Schalkwyk said in a speech during the GC/GMEF in February 2009 that some waver in the face of the global financial crisis, "instead of rising to the challenge and the new opportunities for green growth and development" (Van Schalkwyk, 2009; p. 2). Others, however, rather stress these latter opportunities for green growth and development that the financial crisis offers, in order to restructure countries' economy to make it greener and invest more in the environment (Obermeyer, 2009). An interesting example of an initiative that seeks to make the economy greener is the so-called 'Global Green New Deal'. This Green New Deal is an initiative of UNEP to resolve the 'multiple crises that are plaguing humankind', by which are meant the financial and economic crisis as well as the crisis of climate change (Global Green New Deal, 2009). The initiative aims to inspire and enable governments to shift towards a global economy based on green jobs, sustainable infrastructure, low emission industries and improved energy and water efficiency (UNEP, 2008; Global Green New Deal, 2009). However, although the Green New Deal was mentioned in the speech of UNEP's Executive Director during, and a report of, the first meeting of the Consultative Group of Ministers or High-level Representatives on International Environmental Governance (IGM/IEG) in June

2009, the exact link or any coupling between environmental governance at the international level and this Green New Deal has not been made yet (Martimort-Asso, 2009; UNEP, 2009c).

Not only can dominant issues prevent IEG reform from getting on the agenda, some issues can also get coupled with IEG reform. Many proposals to reform the IEG system stem from concerns about the effectiveness, efficiency and capability of the UN system in addressing global environmental problems. Not only IEG reform, but also the overall UN reform process seeks to strengthen the United Nations with enhanced authority and capacity in this regard (UN reform, 2009). Dealing with environmental activities within the UN system is one of the areas that the discussions about UN reform focus on. The question of strengthening international environmental governance is therefore coupled with the overall UN reform process (Elliott, 2005). This linkage between the UN reform process and the issue of IEG reform influences the way in which the latter issue is viewed as well as the interests that are being considered when referring to it. Some argue that as a result of this linkage, a spill-over effect has occurred which ensures that IEG reform has gained a new and higher level of political momentum (Rechkemmer, 2005; Dadema, 2009). Others however, are of the opinion that the linkage between IEG and UN reform has a negative effect on the attention IEG reform receives. They argue that many UN reform efforts are stalling or ending, often due to resource issues, differences in priorities, and intense mistrust between developed and developing countries. This makes it also harder to come to an agreement on the reform of international environmental governance. Besides this, the reform of the IEG system is but one of the many areas that are covered in the UN reform process. For example, the environment was one of the eight clusters that the discussions following the recommendations of the High-Level Panel on UN System-Wide Coherence (which was part of the UN reform) concentrated on. Few people expect progress being made simultaneously within these eight clusters, so that attention for the environmental cluster might be reduced if it is only discussed within this wider UN reform process (Freiesleben, 2008; Swart, 2008; Halle, 2009). The Co-Chairs of the informal consultations following the recommendations of the High-Level Panel on System-Wide Coherence indicated that a number of delegations are uncomfortable with strengthening governance on environment if they feel there is not enough progress on development (Swart, 2008). Rechkemmer (2006) argues that most of the agendas for UN reform appear somewhat

biased towards societal concerns while the environmental factor, although mentioned, is not fully recognised.

Another linkage that influences the attention for IEG reform is the one between environment and human security, which is being developed in the context of the UN reform. Rechkemmer (2006) argues that the idea to reform the IEG system and more specifically the proposal to upgrade UNEP to a UNEO could gain higher profile and awareness when these issues are considered as the environmental dimension of human security in the context of the proposals for UN reform. Rechkemmer argues that the proposal to upgrade UNEP to a UNEO could even gain further support and advocacy -also from developing countries- if its goals would be derived more strongly from the nexus between environment and human security (Rechkemmer, 2006). On the other hand, societal concerns like human security can also draw the attention away from environmental issues. Especially at the moment developmental and financial issues play a far more prominent role than environmental issues (Haas, 2009; Newell, 2001; ICC representative, 2009).

6.2.6 Windows of opportunity

Windows of opportunity have a very important influence in defining the discussion and decision agenda. In chapter 5, section 5.3.1 it was argued that most major decisions were made during environmental World Summits. During these World Summits, scientists, NGOs, and international institutions typically present their ideas for changes (Haas, 2001). Both shows that these conferences are the main windows of opportunity to push for changes in the IEG system (Esty and Ivanova, 2002). Some argue that opportunities for substantial changes in international environmental governance have been bypassed during the past several Summits.

During the second World Summit, the UNCED in 1992, IEG reform was heavily debated. However, some argue that the creation of the Commission on Sustainable Development -by many considered as a body which has a relatively low added-value to any one debate- was a way to bypass this Summit (Desai, 2006; Charnovitz, 2002; Tarasofsky, 2002; Dolzer, 1999; Andresen, 2009; ICC representative, 2009; Haas, 2009; Biermann, 2009).

Before the last World Summit (the WSSD) took place in 2002, there was again a heightened political attention for environmental governance reform. Many saw the WSSD as a window of opportunity to push for IEG reform (Oberthür, 2002b; Contius, 2002). After the conference, however, many concluded that this Summit too was bypassed, as it produced little outcome and was unable to deliver a concrete proposal on IEG reform (Ivanova, 2007c; Charnovitz, 2005; Kirton, 2005). The concept of a World Environment Organisation was only briefly mentioned in the preparatory sessions to the WSSD, and was not discussed at all during the Summit (Charnovitz, 2005).

At the moment there are new hopes that the next World Summit, the 'Rio+20' (as it would take place 20 years after the Rio Earth Summit), which is being considered for 2010 (IISD, 2009), could provide a new opportunity for IEG reform. During a UNEP Ministerial Roundtable 'IEG from a country perspective' in February 2009, it was argued that this Rio+20 summit "provides an opportunity to put a full package on international environmental governance reform on the table for finalization by 2012" (UNEP, 2009a). The Ministerial Consultations of the twenty-fifth session of the GMEF noted that the next three years before the Rio+20 World Summit should be used "to produce an ambitious and fundamental reform of IEG" (GMEF, 2009d; p. 22).

In the absence of World Summits as a window of opportunity, actors use lower-profile meetings to launch a call for action (Haas, 2001). One example of such a call was the Paris Call for Action in 2007, which was done during a mere two-day conference in Paris, with only slightly more than seventy participating countries.

Although section 6.2.5 of this chapter stated that the issue of climate change draws the attention away from organisational aspects of the IEG system, some argue that the upcoming negotiations on climate change that are to take place in Copenhagen in December 2009 might provide another window of opportunity to push for IEG reform (Swart, 2008). For example, the French president Nicolas Sarkozy said in a speech in June 2009 that "once we have concluded an ambitious agreement on the climate in Copenhagen, we shall have to create a genuine world environment organization in order to apply the commitments that will have been taken, I hope very much, by all" (Sarkozy, 2009). The President's summary of the twenty-fifth session of the GMEF also saw the negotiations on climate change as a window of

opportunity: “For the first time in many years there is a chance to make headway on international environmental governance through climate change negotiations. There is an opportunity to build trust in Copenhagen that can be taken forward to a proposed Rio+20 conference” (GMEF, 2009c).

As is apparent from the quotes above, some think that positive results of the climate change negotiations might lead to more attention for IEG reform. Also several of the people that were interviewed for this thesis considered it likely that in the next 5 to 10 years, once an agreement is reached on how to tackle climate change, the momentum to create a World or United Nations Environment Organisation would rise. They thought that a spill-over effect of climate change on the proposals to set up such an Organisation might occur at that time (Biermann, 2009; Haas, 2009; ICC representative, 2009; Obermeyer, 2009; Dadema, 2009; representative MinBuZa, 2009b). However, positive results in the negotiations of Copenhagen might also make progress in the discussions on IEG reform more difficult to achieve. If strong agreements to tackle climate change will be the result of the negotiations, this might lead to yet another layer of agreements on top of the already complex IEG system. Besides this, an agreement on climate change might involve huge amounts of money, which would bring the attention for the issue to an even higher level, at the cost of the attention for IEG reform options (Dadema, 2009). On the other hand, a failure of the Copenhagen discussions might lead to a heightened political momentum for a World or United Nations Environment Organisation, as people would then argue that a failure might not have happened if there had been such an organisation (Simonis, 2009).

The different perceptions and expectations of the Copenhagen negotiations show that the occurrence of a window of opportunity is very much a subjective matter instead of an objective fact. This was also apparent from the way in which the negotiations concerning the draft resolution in the General Assembly in 2008 and 2009 were seen. Werner Obermeyer, Chief of Inter-Agency Affairs of UNEP in New York, argued in an interview that these negotiations were a window of opportunity to push for substantial changes, but that there was a lack of realisation that such a window existed. As a result, the chance to push for reform was again bypassed (Obermeyer, 2009).

6.3 The barrier model

The fact that no decisions for substantial reforms in the IEG system have been taken to date shows that we have to do with so-called ‘non-decisions’: a “process by which demands for change (...) can be (...) killed before they gain access to the relevant decision-making arena” (Bachrach and Baratz cited in Cobb and Elder, 1971; p. 904). Although there is not much public awareness for the issue of IEG reform (as argued in chapter 4), the many policy proposals that have been developed show that there are many actors that *do* demand change. Clearly, the want (converted or not) of reforming the IEG system is suppressed in a certain way. The causes for the non-decisions on IEG reform in the form of various barriers (or stages) that the want for reform has to pass through in order to become an implemented policy are discussed below.

6.3.1 First stage

The first stage concerns the conversion from a want to a demand. Demands are politicised wants in the sense that people give voice to it politically (Easton, 1965 in Van der Eijk and Kok, 1970). The want that this thesis focuses on is the idea that the current system for international environmental governance is not sufficient to tackle the many environmental problems in the world, and that something should be done to improve this system. From section 6.2.1 of this chapter (which concerned the stream of the problem) it was clear that most countries agree on this idea. This want has been converted numerous times into demands through the many proposals that politicians, academics and UN task forces have developed (see chapter 4). Thus, the problem of an insufficient IEG system is acknowledged, an agreement on the want has been reached, and this want has been converted into demands. One can therefore argue that the first stage has been passed: there are demands to change the system.

However, the problem is that there are so many different demands. The many proposals to establish a World or United Nations Environment Organisation have been developed quite independently from one another. They contain huge variations in the functions, design and implications of an Environment Organisation and are therefore rather disjointed (Ivanova, 2007c).

Another problem with the proposals is that they have been too vague and rather under-developed. None of the proposals delivers a fully-fledged, analytically grounded and practical reform blueprint (Hyvarinen, 2008; UNNGLS, 2007; Ivanova, 2005 Anchor; Oberthür and Gehring, 2004 and 2005; Charnovitz, 2002; Juma, 2000b; Ivanova, 2007c; Tussie and Whalley, 2002; Martimort-Asso, 2009; Sampson, 2001). Even strong proponents for a UNEO such as France have not presented very detailed proposals (Hyvarinen, 2008). Staying vague on the proposals is a normal procedure in politics, and is not only a negative thing. It is a strategic move of proponents to get the negotiations going, assemble more supporters and build coalitions for the proposal. If proposals were more specific, proponents would soon lose support for their idea or would have to enter into difficult discussions on the details (Levy, 2009; Dadema, 2009).

Oberthür and Gehring (2004) argue that discussions about the possible establishment of a UN or World Environment Organisation lack conceptual foundation. Advocates of such an organisation frequently fail to demonstrate why this organisation would fulfil the important goals they think the IEG system should accomplish more effectively than the existing institutional arrangements or than alternatives for reform. They use normative arguments rather than analytical or empirical justifications to explain the need for an Environment Organisation (Oberthür and Gehring, 2004; Ivanova, 2005b; Ivanova, 2007c). Thus, not only are the demands for an Environment Organisation underdeveloped, they are also based on a thin reasoning for why we should want to convert them into implemented policies.

6.3.2 Second stage

The second stage involves the conversion from demands to issues. Issues are demands which decision-makers recognise as problems for which decisions need to be made. The barriers in the second stage consist of procedures, customs, and organisational devices. The various aspects of the mobilisation of bias in the discussions that take place within UNEP and the General Assembly (see chapter 5, section 5.3.3) can be seen as barriers in the second stage. Barriers that were mentioned in chapter 5 are: the nature of the UN environmental conferences; the lack of a mechanism to link UN diplomats to epistemic communities and civil society; the long and slow process of adopting a resolution in the UN General Assembly; the diffusion of meetings concerning IEG reform in various locations around the world; the

incentive of UN diplomats to keep the status quo; and the bias of the UN General Assembly towards developmental issues rather than environmental issues.

If a demand does not become an issue it will wither away. This does not happen however, if proponents take up the demand and try to convert it again at a later point in time (Bachrach and Baratz, 1970). This is what happens with the demands for IEG reform. Transnational policy networks try to keep the demand politically interesting by organising workshops, publishing, and speaking out (Haas, 2001), as the numerous working groups, conferences and forums with IEG reform as their main topic show (see chapter 3 and 4).

6.3.3 Third stage

If demands pass the second stage it becomes part of the agenda for decision-making (Van der Eijk and Kok, 1970). In the third stage -the decision-making stage- decisions are made about issues on the basis of this agenda. Because of the great variety in proposals and views on these, and the fact that most proposals are not so well-developed, actors find it difficult to move from the discussion to the decision-making stage. Government representatives and civil society groups argue that they cannot form an opinion on which of the proposals -if any- they favour, as it is not clear what exactly these proposals entail (UNNGLS, 2007). This is one of the reasons why the issue of IEG reform has not reached the decision-making stage (yet).

6.3.4 Fourth stage

If proposals for the establishment of an Environment Organisation have not reached the third stage, they have obviously not reached the fourth stage of implementation either. However, some other implemented outputs are the result of the discussions on IEG reform. The creation of the Commission on Sustainable Development (CSD) is one such output. Although some see merits in the CSD, it was argued earlier that many are of the opinion that the Commission adds little to (the effectiveness of) international environmental governance (Andresen, 2009; ICC representative, 2009; Haas, 2009; Biermann, 2009; Desai, 2006; Charnovitz, 2002; Tarasofsky, 2002; Dolzer, 1999). Bypassing opportunities for substantial changes and producing new bodies with relatively low added-value is what Van der Eijk and Kok (1970) would call 'symbolic policy-making': decision-making whereby the political output is not

realised or implemented but is instead a mere symbolic output. Although symbolic outputs do not necessarily have to be irrelevant, they cannot be expected to systematically enhance governance capacity, as the outputs are not created with any substantive objectives in mind (Oberthür and Gehring, 2004; Dimitrov, 2005). Outputs of such kind can be realised because they encounter much less barriers than the creation of institutions with real objectives. As Historical Institutionalism would put it: the institutional structure and trajectories in history in the IEG system make the creation of symbolic outputs easier and more likely to happen. According to Dimitrov (2005) symbolic outputs or 'decoy' institutions (p. 20) are merely an alternative to a 'zero-policy option' (p. 17), created because states cannot afford to give the impression that they are not doing something about pressing issues. According to Haas (2009) and Andresen (2009) the creation of several small UN bodies in an effort to improve the IEG system -such as the CSD- is the best way for the UN to show that it is taking action on the issue of IEG reform without having to change the UN environmental governance system substantially. Dimitrov (2005) argues that the norm to do at least *something* -or as Discursive Institutionalism would call it the mobilisation of bias- make states create symbolic institutions. However, symbolic outputs might also be what Historical Institutionalism would call unintended consequences and unintended inefficiencies. One interviewee argued that the CSD was set up with a real aim, but unintendedly ended up being a mere talk-shop (ICC representative, 2009).

Peter Stone (1972 in Ivanova, 2007a) argues that symbolic outputs such as inefficient international organisations can be worse than nothing. Governments can use these institutions to suppress projects. Stone argues that these organisations can function like the 'stack' near airports where incoming planes -in the form of issues- fly round and round until permission to land is given -i.e. for an issue to be placed on the decision agenda. If something is 'stacked' in an inefficient organisation for long enough it risks running out of fuel and has to fly off somewhere else or fall out of the sky (Stone, 1973 in Ivanova, 2007a; p. 358). The CSD is such an organisation in which decision seem to be 'stacked'. As a report on international environmental governance from the United Nations University stated: "Critics have (...) argued that the CSD can create a 'decoy effect' by considering sectoral issues that have been dealt with in more specialist fora for many years, thereby drawing attention from, or potentially conflicting with, other international decisions" (Dodds et al. 2002; p. 33). The

report also stated that the CSD may have “the opposite effect of mainstreaming sustainable development concerns; in fact, it may further isolate these issues from financial and economic discussions and greatly lessen their credibility” (p. 33). Thus, some implemented outputs such as the CSD can be barriers themselves that prevent issues from moving from the discussion to the decision agenda (Andresen, 2009).

6.4 The rounds model

In the rounds model decision-making is assumed to consist of various rounds. The many actors that are involved in decision-making all introduce their own perceptions of relevant problems and possible solutions. A round of decision-making begins and ends with the adoption of a certain combination of a problem definition and a solution by one or more actors (Teisman, 2000).

In chapter 5, section 5.3.1 it was argued that actors that are engaged in negotiations with a complex negotiating agenda tend to postpone some of the issues to later negotiating rounds in order to reduce complexity. In this way actors create enduring negotiating processes. This is what Hyvarinen and Brack (2000 in Charnovitz, 2002) call the tendency to ‘recycle’ decisions by having each new forum call for implementation of what the previous forum (or round) proposed. All regimes do this to some extent, but it is especially common in the environment regime (Dodds et al. 2002; Scanlon, 2009; Amin, 2009; Dadema, 2009). A report from the United Nations University stated that the CSD tends to ‘recycle’ decisions already taken in other forums (Dodds et al. 2002). This 'recycling' can be compared with what was earlier (in the previous section 6.3.4) called 'stacking' issues in a certain forum or organisation. One of the causes for this symptom of governance failure is the disorganisation of environmental governance. Another lies in the tendency of governments to recycle when they cannot find anything substantive to agree upon (Charnovitz, 2002; Choudhury and Mehta, 2008). The tendency to recycle is apparent from the historical overview of the outcomes of important environmental conferences, statements and agreements, given in chapter 3, section 3.3. Here one could see that over the years, many conclusions regarding the IEG system, its perceived weaknesses and the goals of reforming it were repeated a number of times in different agreements and assessments.

Involved actors assess to what extent other actors share their definition of reality and interact on this basis while pushing and pulling agenda issues and proposals in certain directions. In this way the actors try to influence the current round as well as the beginning of the next round (Teisman, 2000). At certain points in time actors can take on a leadership role and actively push for a certain solution, which might trigger the decision-making process. Many argue that there is a lack of such leadership roles in the discussions on IEG reform (Najam et al. 2006; Andresen, 2007, 2009; Biermann, 2009; Drammeh, 2009; Dodds, 2009; Najam, 2009; Vogler and Stephan, 2007; Levy, 2009; Obermeyer, 2009; Martimort-Asso, 2009). Eight interviewees mentioned the lack of leadership as one of the reasons why there is so little progress in the debates about the reform of the IEG system. Although there have been many calls and proposals for action (see chapter 4), these have mostly not gone beyond the declaratory phase. There is no leader willing to speak or work on behalf of the system as a whole.

Andresen and Agrawala (2002) argue that there is a difference between ‘pushers’ and ‘leaders’. ‘Pushers’ negotiate and put forward public declarations in a persistent but largely ineffective way. These ‘cheap and symbolic actions’ (p.42) do not make an actor a leader. In order to be a credible leader, some sacrifices need to be made (Andresen and Agrawala, 2002; Vogler and Stephan, 2007). Benoît Martimort-Asso from IDDRI argued in an interview that countries are not willing to make these sacrifices, as they do not invest much staff and money in the idea of a World or United Nations Environment Organisation (Martimort-Asso, 2009).

France, who has brought together the UNEO intergovernmental working group, has led the Paris Call for Action, and has assembled supporters for a UNEO in the Group of Friends of the UNEO, comes closest to being a leader in the debates concerning IEG reform. However, there are a number of reasons for why even France cannot really be called a 'leader'. First, the French never invested much staff or money in their push for the idea of a UNEO. As soon as France had been able to convince the European Union to be in favour of a UNEO, the country tried to transfer the need for finance and staff to the European level. Second, the call for a UNEO did not gain wide-spread support, and the French did not consult widely with other governments. There was the coalition of the Group of Friends of the UNEO, but as explained earlier this group was never very cohesive and its members were not extremely active. Third, the idea of a UNEO was never well-coordinated -not even within the French government- and France failed to make clear guidelines or deadlines for discussions. The

fourth reason for why France cannot be called a leader is that the country remained very vague on the details of the UNEO proposal, such as the legal implications or the way UNEP should be incorporated in such a UN body (Dadema, 2009; Martimort-Asso, 2009; Obermeyer, 2009).

According to some, the EU aspires for a leadership role in the debates concerning the reform of the international environmental governance system. However, Vogler and Stephan (2007) argue that in the global environmental stage, “the EU’s efforts have often amounted merely to the status of a ‘pusher’” (p. 409). The EU may seem to act as a directional leader in showing the way to deal with the IEG system, but does not have many followers. The Group of Friends of the UNEO seemed to some a reason to believe that the EU did have some followers. However, the developing countries that were member of the Group were involved mainly because they experienced pressure from France, while the EU's involvement was more mentioned to provide political support rather than being an active member or pusher. Besides this, most key G77 states as well as the JUSCANZ countries -Japan, the United States, Canada, Australia and New Zealand- do not share the EU’s view on how to deal with the issue of IEG reform (Andresen, 2007). Also, according to Andresen (2007) and Opoku and Jordan (2005), the EU is often better in formulating ambitions and visions (tasks of a pusher) than in action and practical implementation (tasks of a leader). Andresen (2007) argues that “[a]s the UN [environmental] institutions (...) are ‘soft’ ones with no direct domestic implementation demands, they may serve as excellent arenas for the EU to push for environmental multilateralism through more forceful UN institutions” (p. 3). If this is true, it might be one of the reasons why the EU push for a UNEO but do not take the lead, which might also explain why the EU has not yet presented detailed proposals of how a UNEO should look like and what it would entail (Hyvarinen, 2008).

6.5 Summary

This chapter aimed to answer the same question as was addressed in chapter 5, namely why no decisions have been taken (yet) to set up a new International Environment Organisation. The chapter made use of three political models: the model of joining the streams, the barrier model and the rounds model.

The *model of joining the streams* identifies three different streams in the political process. This enables us to analyse these streams separately to see which of the streams cause the non-decisions in the debates concerning the future of the IEG system.

Although a general definition of the problem is agreed upon, the stream of the problem contains many uncertainties, is hard to make visible, highly and increasingly complex, and involves a huge and growing number and variety of actors. The nature of the problem helps to explain why it is so difficult to place the problem on the agenda and come to an agreement regarding solutions to it.

In the stream of policies there is a vast amount of policy proposals. These are generally left rather vague and underdeveloped; are very different in terms of scope, functions and implications; and are not very consistent or coherent. This complicates the debates, also because most actors mean different things when talking about 'the' proposal to set up a new International Environment Organisation.

The political stream is not very favourable for making decisions about IEG reform either. The public, civil society and the media are not much concerned about the debates on the reform of the IEG system, and the competition between international organisations working on environmental issues make an agreement on the reform of the IEG system difficult. Besides this, some changes in politicians' positions (especially the one of the French president) have resulted in a decrease in individuals actively pushing for change.

Several windows of opportunity to push for IEG reform have occurred in the past and will probably occur in the near future, such as past and future World Summits and other environmental conferences like the climate change negotiations that will take place in December 2009. Whether or not something is a window of opportunity is very subjective, and not all windows are used to push forward policy proposals that are very effective.

When we look at the three streams in the debates concerning IEG reform it becomes clear that these streams have not been joined together, so that the policy window for IEG reform or the creation of a new environmental body has not been opened (yet). Thus, whereas the windows of opportunity for IEG reform have placed the issue on the discussion agenda, the issue has not been placed on the decision agenda (yet).

Apart from focusing on the three streams, the model of joining the streams explains the place items have on the agenda by looking at the interaction between these items. As there is only limited place on the agenda, dominant items like climate change, international security, the financial/economic crisis, and economic and developmental issues in general reduce the attention given to IEG reform. Other items on the agenda can get coupled with the issue of IEG reform, such as the overall UN reform process and human security. Opinions differ as to whether this coupling has increased or decreased the prominence of IEG reform on the political agenda.

The *barrier model* identifies four different barriers that a want like the improvement of the IEG system needs to go through in order to arrive at a policy proposal that gets implemented. This enables us to analyse the different barriers separately and see where the bottlenecks lie for making decisions on the reform of the international environmental governance system.

The many different proposals for IEG reform show that the first stage -the conversion from a want to a demand- has been passed and that there are demands to change the IEG system. Nevertheless, these demands or proposals are numerous, incoherent, lack conceptual foundation and are often vague and under-developed.

Although the many task forces, working groups and conferences show that actors are actively trying to make the conversion from demands to issues for which decisions need to be made, they have not succeeded (yet). Up to now, the debates concerning IEG reform have failed to move into formal negotiations in which decisions can be made. This also means that the third stage of decision-making has not been reached (yet).

With regard to the fourth stage, one can argue that although none of the proposals to set up a World or United Nations Environment Organisation have been implemented, there has been some implementation of other policies like the creation of new bodies in an attempt to improve the IEG system. Some argue that this implementation is merely symbolic policy-making, and that it blocks the issue of IEG reform from getting a more dominant place on the political agenda, as the issue gets 'stacked' within the newly implemented policies.

The *rounds model* argues that there are different rounds in decision-making. Analysing these different rounds enables us to see the tendency to 'recycle' decisions or agreements in international environmental governance that have already been taken in previous rounds.

Focusing on the actors in the IEG system enables us to see that though there are actors that have been pushing for changes to improve the IEG system, these generally involve 'cheap and symbolic actions'. No real leaders exist in the discussions concerning IEG reform, as no-one is willing to put his or her full weight behind it and make sacrifices to this end.

The next chapter takes a different approach than this and the previous chapter did in explaining the absence of an International Environment Organisation. It addresses the question as to how a comparison between the current situation and the situation shortly before the establishment of UNEP in 1972 can help to understand this absence.

Chapter 7: The United Nations Environment Programme compared with a United Nations Environment Organisation

7.1 Introduction

This chapter addresses question I.4.: *How can a comparison between the current situation and the factors that were important for UNEP's origin help to understand the absence of an Environment Organisation?* Section 2 explains the difference between a UN programme and a specialised agency. This allows us to better understand the difference between the environmental programme that was established in 1972 and the specialised agency that is being considered right now. Section 3 gives a detailed description of the history of the establishment of UNEP, and explains why UNEP became a programme instead of a specialised agency. Section 4 compares the situation before the creation of UNEP with the situation in which the current discussions over the possible establishment of an Environment Organisation take place, and uses this comparison to explain why it is more difficult now than back in 1972 to set up an environmental body. The last section compares these two situations in further detail by making use of the two sets of theories -New Institutionalism and the three political models.

7.2 The difference between a UN programme and a UN specialised agency

In the UN hierarchy, a programme -like the United Nations Environment Programme- has the least independence and authority, as it is a subsidiary body of the UN General Assembly with no legal personality. This means that although the membership to the programme is not necessarily universal, all UN Member States have a say in its governance through the General Assembly. Programmes are generally small. The costs of the programme's secretariat are covered by the general UN budget, while the budgets for specific activities rely on voluntary financial contributions from the UN Member States, which are allocated by the General Assembly (Najam, 2009; Ivanova, 2005a,b, 2007b; Biermann, 2000, 2007).

Specialised agencies on the other hand are separate and autonomous intergovernmental organisations, which have governing bodies that are independent from the UN secretariat or General Assembly. They have their own legal identity, which means they have a general assembly, executive structure and secretariat. The governing bodies have universal membership, so that any country can become a member of the agency. A specialised agency is funded on a system of assessed mandatory contributions that are charged on all members (Ivanova, 2007b; Tarasofsky and Hoare, 2004; Biermann, 2007; Najam, 2009).

7.3 The origin of UNEP

7.3.1 The establishment of UNEP

UNEP was established during the UN Conference on Human Environment (UNCHE) in 1972, which was attended by representatives of 113 countries. As was already argued in chapter 3, during the preparatory stage of the UNCHE it was not at all certain that a new body for the environment would be created. There was considerable caution regarding the creation of such a body. The UN Secretary-General's Report to the Preparatory Committee even stated that all functions that can best be performed by any existing organisation should be assigned to that organisation, and that "no unnecessary new machinery should be created" (UN Secretary-General, 1971; p. 222; UNEP, 2001a; Gardner, 1972). Despite this view, an agreement was reached to establish UNEP. The most crucial factors that led to this decision are described below.

In the 1960s and 1970s there was a clear and growing conviction from the Northern countries that something needed to be done to stop the worldwide environmental degradation. This was strongly spurred by the 'unprecedented public awareness' (Ivanova, 2007a; p. 344) for environmental issues that emerged in this period, which put pressure on national governments for domestic as well as international action. In the United States this pressure culminated in mass protests and the first Earth Day in 1970, whereas in Europe it was in great part acid rain that raised awareness of the public and the need for international action (Haas, 2001; Ivanova, 2007a). Also the emerging scientific knowledge on environmental problems stimulated the environmental awareness (Ivanova, 2005b). As a result of this public awareness there was a

significant involvement of non-governmental organisations in the UNCHE, which according to Maurice Strong (1973) was an important factor for the success of the conference.

Under the strong leadership of Sverker Åström, a Permanent Representative at the United Nations, the Swedish delegation convinced the other delegations in New York to convene a conference on the 'human environment' (Ivanova, 2007a; Strong, 1973). The respect that delegations had for the neutral and progressive country allowed Sweden to effectively lead the preparatory process of and shape the agenda for the UNCHE. The strong leadership of the Swiss Secretary-General for the conference Maurice Strong played a significant role in forming a progressive environmental agenda and gaining support from both developed and developing countries to reach an arrangement to facilitate international cooperation and implement the environmental agreements that had been agreed upon. During the conference it became clear that an institutional arrangement was needed, as the then existing bodies that dealt with environmental issues were seen as too fragmented and ad-hoc to support the agreements on environmental issues that had been made (Ivanova, 2007a). Although many international organisations already had mandates which related to environmental issues, none of these considered the environment important enough to have it as its sole responsibility and make sacrifices for it (Von Moltke, 1996).

The work of the Preparatory Committee of the conference -which was established by the UN General Assembly- was of critical importance for the engagement and sense of participation of many governments in the UNCHE, including those from many developing countries (see below). This Committee brought together a vast array of knowledge and opinions from governments and international organisations, as well as from the scientific and intellectual community on what was known and not known about environmental problems in the world (Strong, 1973).

The leadership role of the United States was probably indispensable for the establishment of UNEP in 1972. At that time the US was by far the world's largest economy and biggest polluter, but nevertheless the "undisputed international environmental leader" (Andresen, 2007; p. 4). The Soviet bloc was absent during the conference. The Eastern European countries boycotted the event in solidarity with East Germany, which was not allowed to

participate since it was not member of the UN or its specialised agencies (Strong, 1973; Ivanova, 2007a). The European Union was not an actor on the international political scene yet, and China was then only a weak newcomer in the UN. This meant that the US was the only superpower present at the conference (Andresen, 2007; Ivanova, 2007a).

Despite the fact that the US was “going through a period of widespread dissatisfaction and erosion of confidence in the United Nations” (Ivanova, 2007a; p. 347), the US was strongly in favour of establishing an environmental agency within the UN system, seeing that there was no better alternative. An internal position paper of the US State Department in 1972 identified it as a priority to have an “improved UN coordination of environmental programs and the establishment of a ‘small Secretariat’ as part of the UN and an intergovernmental committee to coordinate environmental programs” (Chasek, 2007; p. 369). The US was also a strong pusher for creating the Environment Fund, which finances the implementation of UNEP's activities. Without US' key role and largest contributions, the new environmental body might have gone unfunded (Andresen, 2007; Ivanova, 2007a,b; Chasek, 2007). The conference can be seen as a great success for the United States, as the country gained most of its objectives and was pleased with the establishment of UNEP.

Not only US' push for an environmental body, but also the insight the country gained that it was not possible to discuss environmental protection with developing countries without consideration of developmental aspects were important to the success of the UNCHE (Chasek, 2007).

This leads us to another crucial factor for the establishment of UNEP: the participation of developing countries in the UNCHE. These were initially reluctant to participate in the environmental conference, fearing that the attention for environmental issues might be a strategy of the North to prevent their development and industrialisation, and that Northern attention to the environment might divert the attention and resources away from their development needs (Gardner, 1972; Andresen, 2007; Strong, 1972; Ivanova, 2007a; Andresen and Hey, 2005; Najam, 2005b). Developing countries initially saw environmental problems as issues that are too remote from the interests and concerns of the poor people (Strong, 1973). In the end however, the Preparatory Committee was able to convince the leaders of developing countries that agreements on environmental issues were also in their interest, as environmental degradation had a negative impact on their economic development. This

conviction was enforced by the so-called 'Founex Report' that was produced in 1971 by economists and scientists from developed and developing countries. The report laid the first conceptual basis for the idea that environment and development are not completely incompatible, and that environmental problems were both more widespread in and more important to developing countries than they initially anticipated. The report was also important in its affirmation of the idea that the environment should be viewed as part of the development process, rather than a barrier to it (Gardner, 1972; Ivanova, 2007a,b; Andresen and Hey, 2005). The idea of combining environmental and developmental needs, which was later to be called 'sustainable development', ensured the participation and not altogether negative attitude of developing countries in the conference (Najam, 2005b). Besides this, once developing countries were convinced that successful development must take account of the environment, they wanted international assistance to help them cope with environmental problems (Gardner, 1972). These and other realisations of global interests in environmental issues ensured that a number of countries that originally did not intend to participate in the conference decided to do so, of which many played an important and constructive role. The widespread participation of as large a number as 113 countries in the conference was a critical factor to its success (Strong, 1973).

7.3.2 Why UNEP became a programme rather than a specialised agency

Once the decision was made to create a UN body for the environment, there were a number of institutional status options to choose from. According to Gardner (1972) there were three options that were considered at that time: 1) a programme within the ECOSOC; 2) a regular department of the UN secretariat headed by an undersecretary-general; and 3) a semi-autonomous body within the UN, similar to the secretariats of UNCTAD and UNIDO at that time. Gardner (1972; p. 246) stated that “[g]iven the emphasis that has been given to status, visibility and autonomy in pre-Stockholm discussions, a solution of the third type seems a likely outcome”. The option of creating a UN specialised agency that some had called for (see chapter 4, section 4.2.1) was discussed extensively during the conference (Ivanova, 2007a; Gardner, 1972). However, in the end the participating countries decided to opt for the first option and create the UN Environment Programme under the Economic and Social Council

(Dodds et al. 2002; Ivanova, 2007a; UN, 2009). The rest of this section explains the reasons and factors that led to this decision.

First, it was believed that establishing a new specialised agency would create unproductive and undesirable competition between the new environment agency and the many other organisations that were already active on environmental issues. A new agency was not thought to be well-placed to have a leadership or coordination role among these older and well-institutionalised organisations (Gardner, 1972; Ivanova, 2007a,b; Desai, 2006; Von Moltke, 1996). The Preparatory committee to the UNCHE argued that “[a]ny policy centre that is expected to influence and coordinate the activities of other agencies should not itself have operational functions which in any way compete with the organizations over which it expects to exercise such influence” (Gardner, 1972; p. 244). Moreover, the existing organisations could not be convinced to give up part of their authority and possibly also their budgets and programmes to a newer specialised agency (Dodds et al. 2002; Charnovitz, 2002; Najam et al. 2006; Desai, 2006; Von Moltke, 1996; Elliott, 2005).

Second, in the 1970s there was a widespread dissatisfaction with UN agencies, which were believed to be hierarchical, bureaucratic, inflexible and burdensome. Many countries had doubts about the first global effort to address international environmental problems, and proposals to bypass the UN system in this effort were circulating (among which the one from G.F. Kennan in 1970) (Desai, 2006; Gardner, 1972; Strong, 1973; Ivanova, 2007a,b).

A third factor that influenced the decision to create a programme instead of a specialised agency were concerns about the implications of establishing a new specialised agency. Developed countries were rather reluctant to fund a new institution and feared that establishing an agency would be more expensive than creating a mere programme (Elliott, 2005; Kakabadse, 2009). They also feared that establishing a specialised agency would mean the creation of a 'powerful environmental watchdog' (Desai, 2006; p. 140). Developing countries from their side feared that a new UN agency would lead to more constraints on what they perceived as their legitimate development goals (Elliott, 2005; Desai, 2006). Also important were concerns about the implications for countries' sovereignty, which made some countries oppose the creation of a strong and independent agency (Gardner, 1972; Najam et

al. 2006; Ivanova, 2007a,b). Some say that the environment ended up with a mere programme, a small budget, inadequate staff, and a location away from the decision-making centres of the UN system because countries did and still do not find the issue of the environment important enough to have a powerful agency deal with it (Dadema, 2009; Ivanova and Roy, 2007; Levy, 2009; Desai, 2006; Von Moltke, 1996). Meyer-Ohlendorf (2006) argues that UNEP was never intended to be a powerful institution because environmental issues -which are not even incorporated in the UN charter- do not carry a big weight within the UN system. Ivanova (2007a) however, argues that UNEP was not purposefully established as a weak institution. According to her, the environment was seen as an integrative issue that should not be separated into one single agency. Treating the environment as a separate sector and having one agency deal with it was deemed to be counterproductive because a marginalisation of environmental issues. The idea behind the creation of UNEP was that it would make the UN as a whole more environmentally responsible and constructive. A small effective coordinating mechanism closely incorporated in the UN system rather than a big bureaucratic agency working on the periphery of the UN was therefore considered to be the best option (Ivanova, 2007a,b; 2005a,b; Ivanova and Roy, 2007). Indeed, the UN Secretary-General's Report to the Preparatory Committee stated that "[i]t is more logical to consider a network of national, international, functional and sectoral organizations with appropriate linkages and 'switchboard' mechanisms, whereby international organizations supplement and complement national organizations, than to think in terms of a global 'super agency'" (Gardner, 1972; p. 244). Besides this, some argued that the environment should be put under the ECOSOC instead of under the General Assembly, since the latter option would only increase the pressure on the GA and undercut new reforms (Gardner, 1972).

7.4 UNEP's establishment compared with the possible creation of a UNEO

The idea that circulated in 1972 to create a new environment body and the idea of creating a World or United Nations Environment Organisation (W/UNEO) that circulates in the political and academic arena at this moment are similar in that they bring with them the same questions regarding the formal status, financing, governance and location the Environment Organisation should have (Charnovitz, 2002; Ivanova, 2005b). This section argues however, that there are many differences in the situation in 1972 compared to the current situation. These differences

might explain why it was possible to create UNEP in 1972, and why it is so difficult right now to create a World or United Nations Organisation.

First, as argued above, the fact that the US was a big pusher (or even leader) for an environmental body was a crucial factor for the establishment of such a body in 1972. By contrast, the US currently is one of the powerful laggards in the UNEO debate, being opposed to its creation.

A second important and related difference is that the US is not anymore the single most powerful actor: the EU has become an increasingly important player in international politics, while China and other members of the G77 have gained economic as well as political power (Andresen, 2007). The fundamental differences in opinion of these powerful actors mean that it is more difficult to reach an agreement on the question of how the institutional structure for environmental activities in the UN should look like.

Third, besides country leaders such as the US, there also used to be strong *individual* leaders during the conference in 1972. Among those were Sverker Åström, who strongly pushed for convening the UNCHE, as well as Maurice Strong, Secretary-General for the conference. These leaders were necessary to bring developing and developed countries together and convince the delegations to reach an arrangement for the environment (Ivanova, 2007a). As explained in chapter 6, section 6.4, many argue that the current debates on IEG reform clearly lack such strong visionary leaders (Najam et al. 2006; Andresen, 2007 and 2009; Biermann, 2009; Drammeh, 2009; Dodds, 2009; Najam, 2009; Vogler and Stephan, 2007; Levy, 2009; Obermeyer, 2009; Martimort-Asso, 2009).

Fourth, in the 1970s there was a new but large and growing public awareness for environmental issues. As a consequence, domestic constituencies put pressure on national governments for domestic as well as international action to tackle environmental degradation. By contrast, nowadays (as explained in chapter 4, section 4.4.2) civil society and non-governmental organisations do not seem to be very active on the question as to how to improve the international system for environmental governance, since domestic constituencies

are not so much concerned with it. It was also stated earlier that public awareness for the issue is currently not very big.

The fifth and one of the most important differences between the situation in 1972 and the current situation concerns the nature of the organisation that was and is being considered. The idea of establishing a specialised agency for the environment is far more ambitious than the creation of an environmental programme. First, there is the difference in funding, which in the case of a full-fledged organisation might meet with more reluctance from the part of governments, as it is based on mandatory contributions from all of the agency's members instead of voluntary contributions allocated by the General Assembly. The second difference relates to the mandate of the environment programme or organisation. UNEP's mandate is rather small. The programme was designed for coordinative and promotive purposes rather than initiating concrete actions itself (Desai, 2006). As Gordon Harrison, an officer who supported the preparatory process for the UNCHE, noted: "UNEP's primary mission was to develop a United Nations environmental program that would be carried out by all relevant agencies. UNEP was not to take any independent environmental initiatives itself. It was not to do things. It was to make a program but let others carry it out. In short, UNEP was to be essentially an idea – or perhaps more accurately an aspiration – institutionalized" (Ivanova, 2007b; p. 37-38). One can easily imagine country delegations and international organisations not having any problem with the existence of a programme with such a small mandate, as it would not infringe much on their sovereignty and/or authority. By contrast, the mandate of UNEP would be considerably expanded if it were to be upgraded to a UN specialised agency. Many of the functions that are part of the expanded mandate in the proposals for a UNEO are currently dealt with by a range of UN agencies and programmes. This means that the number of environmental functions that would need to be transferred from the existing agencies to the new environmental body have increased considerably. Because of the expanded mandate and power of a UNEO, the proposal meets not only with reluctance from the part of international organisations, but also from many governments that are not very willing to give up part of their sovereignty to yet another international organisation. This makes it much more difficult now than it was in 1972 to create a new Environment Organisation.

The sixth and final difference that is mentioned here has to do with the complexity of the IEG system. As argued in chapter 5, section 5.2 and in chapter 6, section 6.2.1, part of the difficulty in establishing a World or United Nations Environment Organisation can be attributed to this complexity. Since the 1970s the system has grown considerably more complex, as the number and type of actors as well as the amount of organisations that are working within the IEG system have increased (Desai, 2006). This enormous increase in and fragmentation of environmental regimes and organisations with environmental functions can explain why it is now more difficult to fit an Environment Organisation in the IEG system than it was back in 1972 (Charnovitz, 2002; Biermann, 2000; Tarasofsky and Hoare, 2004).

7.5 Summary

This chapter gave an account of the origin of UNEP during the UN Conference on Human Environment in 1972. It described the factors that were crucial for the creation of the new environmental body, namely: a growing awareness for the need to bring a halt to world-wide environmental degradation; strong leadership from the Swedish delegation and the Secretary-general of the conference; thorough preparations by the Preparatory Committee; the leadership of the United States as the only superpower present at the conference; and the participation of developing countries.

The chapter explained why UNEP became a programme instead of a specialised agency. The main reasons were:

- The desire to avoid undesirable and unproductive competition between the already existing organisations and the new environmental body;
- Existing international organisations in the IEG system could not be convinced to give up part of their authority, budgets and programmes to a new body;
- Widespread dissatisfaction with UN agencies;
- Concerns over the implications of creating a new agency: its costs, the constraints on development; and the implications for countries' sovereignty; and
- A small effective programme closely incorporated in the UN system was considered the best option to make the UN as a whole more environmentally responsible and constructive.

This chapter also showed that the conditions that were favourable for the establishment of UNEP in 1972 are not so favourable for making decisions to establish a United Nations Environment Organisation at this moment. The most important differences are:

- The US used to be an important leader in pushing for an environmental body, but is now one of the most powerful laggards in the debates over a UNEO;
- The growth in number of powerful countries (and thus interests) involved in the discussions;
- The presence of strong individual leaders in 1972 versus a lack of these leaders at this moment;
- A large public awareness and pressure for environmental issues in the 1970s versus civil society being largely inactive in the IEG reform debates at this moment;
- The nature of the organisation that is being considered in terms of funding and mandate; and
- A larger complexity of the current IEG system as compared with the one in 1972.

7.6 The differences explained with the theories

This final section gives a short analysis of the differences between the situation in 1972 and the situation as it is at this moment by making use of the two sets of theories: New Institutionalism and the three political models.

The difference in complexity of the IEG system can be seen in the light of *Historical Institutionalism*. The developments or ‘trajectories’ in the IEG system -the growing number of organisations and forums, as well as the increasing number and type of actors- have increased the complexity of the system. This makes it more difficult now to fit a new international environment organisation into the system than it was in 1972. As some would say: the institutional space in the IEG system is increasingly being filled up (Ivanova, 2005a). Even back in 1972 this institutional space was already rather full, as there were many organisations working on environmental issues. However, *Rational Choice Institutionalism* shows that at that time it was still possible to create a new institution chiefly because this was in the actor’s interest. The United States was the most powerful actor pushing for a new institution. As there were not so many powerful actors participating in the UNCHE -the

Sovjet bloc being absent, and the G77, China and the EU not being as powerful as they are now- there were much less different and opposing interests than there are at the moment in the discussions concerning the establishment of a new specialised agency for the environment.

Discursive Institutionalism would explain the differences between the situation in 1972 and the situation as it is now with discourses: ideas as well as interactive processes. The idea of combining environment with development was very new in 1972, and was crucial in ensuring the active involvement of developing countries. Nowadays the concept of sustainable development is not new anymore, and (as explained in chapter 5, section 5.3.2) causes much controversy, especially between Northern and Southern states. As for the interactive processes, Najam et al. (2006) argue that thirty to forty years ago environmental World Summits used to be successful events that inspired global action. Nowadays however, Najam et al. see World Summits as ‘routine photo-ops’ (p. 50) that do not inspire global action anymore. This change in the nature of the interactive processes might also partly explain the differences between situation back in 1972 and now.

The *model of joining the streams* would argue that the participants of the UNCHE perceived the conference as a window of opportunity to push for the creation of a new environmental body. During the conference a policy window had been opened: the problem was acknowledged (stream of problem), the solution evident (stream of policies) and the time ripe (stream of politics). Nowadays, windows of opportunity seem to exist, but (as argued in chapter 6, section 6.2.6) are not always perceived as such. Besides this, the three streams are not all as favourable as they were back in 1972. First, the problem has become increasingly complex, uncertain and hard to make visible, and involves a growing amount of actors. Second, in the stream of the policies a huge and growing number of policy proposals exist which are not all very well-developed or coherent. By contrast, during the conference in 1972 there were only three options that were considered for the establishment of a new environmental body (see section 7.3.2). There is also a big difference in the nature of the policies that were and are considered. The implications of many of the current policy proposals for the establishment of a specialised agency for the environment are far bigger than those of the proposal to establish a mere UN Environment Programme under the ECOSOC. Third, the political stream shows that the public and civil society were much more concerned

with and pushing for institutional changes in 1972 than they are at the moment. Besides this, a number of politicians that were most actively pushing for institutional changes in the IEG system have recently left office.

The *barrier model* identifies four stages that a want has to go through before it can get implemented. The first and second stage, the conversion from a want to a demand into an issue for which decisions need to be made, were passed even before the UNCHE had begun. The Preparatory Committee held several meetings and set a broad agenda for the conference, which contained issues that needed to be decided upon. These included among others 'planning and management of the environmental quality' and 'international organisational implications of proposals for action' (Gardner, 1972; p. 241). The latter was deemed the most important agenda item. Although the UN Secretary-General's Report to the Preparatory Committee stated that no 'unnecessary new machinery' should be created, Gardner (1972) argues that already during the preparatory phase of the conference governments agreed on the need to have a central intergovernmental body for coordination and policy review on environmental activities in the UN.

In the current discussions concerning the possible establishment of an International Environment Organisation the first stage has been passed, but the many policy proposals that have been developed are numerous, diverse, incoherent, under-developed and lack conceptual foundation. This in contrast to the situation in the 1970s, when only three institutional options for an environmental body had been identified.

Chapter 6, section 6.3 argued that the second, third and fourth stage of the barrier model have not been passed in the discussions concerning the establishment of a World or United Nations Environment Organisation. Back in 1972 by contrast, once the decision agenda was set for the conference, the UNCHE led to the third stage: the decision to establish the UN Environment Programme. After the conference the fourth stage was passed: the decision was implemented and UNEP first became active in 1973. UNEP itself was seen as an institution that could identify important issues which required the attention of governments and international agencies and prioritise further international environmental action. Another task for UNEP was to implement the environmental agreements that had been agreed upon during the conference (Gardner, 1972). Thus, UNEP was seen as a mechanism to ensure that environmental demands could more easily be converted into issues for which decisions

needed to be made (conversion from the first to the second stage), as well as to implement certain policies (the fourth stage).

The *rounds model* views the decision-making process as a set of rounds. Chapter 6 discussed the tendency to 'recycle' decisions that have already been taken in other forums or rounds. As there are now many more actors involved and forums, institutions and discussions in existence, this tendency is probably much bigger than it used to be in 1972. The UNCHE being the first international environmental conference, there was not much to recycle at that time.

The rounds model focuses our attention on the actors that are and were involved in the different rounds. In this light we can see the presence of strong country and individual leadership during the UNCHE, as opposed to the absence of such leadership roles in the discussions concerning the establishment of a World or United Nations Environment Organisation. Many argue that in the current discussions we need strong individual leaders who can make alliances between countries and build trust between them. In other words, we need leaders such as were present during the UNCHE (e.g. Sverker Åström and Maurice Strong). This is one of the recommendations that will be discussed in the next chapter 8.

Chapter 8: Conclusion

8.1 Introduction

This thesis aimed to explain the non-decisions in the debates concerning the reform of the IEG system, with special focus on the proposals to establish a World or United Nations Environment Organisation. The objectives of this thesis were to provide insight into the factors that prevent institutional change, as well as shedding light on the causes for political non-decisions and thus explaining why a certain issue like IEG reform is prevented from reaching the decision agenda. Two sets of theories were used: New Institutionalism and three political models, namely the barrier model, the rounds model and the model of joining the streams.

This chapter summarises the main findings of this thesis. It also provides a critical evaluation of the two sets of theories that have been used to come to these findings and explains how the theories have been complementary to one another. The final research question of the thesis will be answered, namely: *What does the case of explaining the absence of an Environment Organisation reveal about the theories that were used to explain institutional change (or lack thereof) and political processes in international environmental governance?* The final section provides several recommendations that might trigger progress in the debates concerning IEG reform.

8.2 Main findings

The complex nature of environmental issues as well as the huge number and variety of actors and their interests make the system for international environmental governance highly complex. At the moment there is no single organisation within this system that has the authority or political strength to serve as the centre of gravity to coordinate all international environmental efforts. The IEG system is often criticised for its fragmentation, inconsistency, lack of coordination and cooperation, and the many conflicts and imbalances between environmental and other (e.g. trade) agreements. Countries now all agree that the IEG system

is insufficient and no longer acceptable. Efforts to enhance cooperation and coordination within the system involved the creation of a number of bodies, among which UNEP, the CSD, the GMEF and the EMG. Many argue that some of these have only complicated the system further, as they resulted in duplication and fragmentation. Some even argue that some of these organisations can be barriers to an improvement of the IEG system, as they tend to 'stack' issues.

Although some incremental changes such as the creation of new bodies have been made, and although many discussions have taken place concerning the ways in which the IEG system should be improved, no decisions to *substantially* change the system or create a new International Environment Organisation to improve it have been taken. What *has* been achieved are agreements on general objectives for an improved system. These include building with and within the existing institutions, especially UNEP; retaining Nairobi as the headquarters of the main environmental UN body; retaining the central role of MEAs, improving their coordination, but respecting their autonomy; taking into consideration not only environmental issues, but also developmental ones; taking into consideration the constraints and development needs of developing countries; and creating a system for international environmental governance that is effective, responsive, legitimate, transparent and fairly represented.

The system's complexity and the many actors involved ensure that there are many ways in which these agreed upon objectives could be achieved, as well as different views on how they *should* be achieved. The numerous proposals to reform the system are vague and underdeveloped, making it difficult for involved parties to form an opinion on which proposal -if any- to favour. The opinions that *have* been formed tend to be based on national or institutional self-interests rather than on the need to collectively solve the problems in the IEG system. As a result, the exact way of improving the IEG system is highly controversial. Differences in opinion among countries also include very basic ones, such as top-down versus bottom-up approaches and whether a reformed IEG system should primarily focus on sustainable development or on environmental issues.

The three main negotiating groups are the United States and its allies, the European Union and its allies, and the G77 including China, which all have a different opinion on how the system should be changed. The US is strongly opposed to the establishment of a single International Environment Organisation, as the nation prefers a dense network of institutions, emphasising a bottom-up approach with more efforts to organise activities on the ground. The G77 and China are hesitant towards an Environment Organisation, because they are concerned that its establishment will undermine developmental issues and might be another source of (Northern imposed) sanctions and conditions. The European Union favours the upgrading of UNEP to a United Nations Environment Organisation (UNEO), but has not taken on a strong leadership role, nor succeeded to gather many allies in its support for the proposal. The Group of Friends of the UNEO was an attempt of the French to gather support for the UNEO proposal, but while the EU only provided political support rather than active commitment, many other (mainly Francophone) countries only participated because they experienced pressure from France to participate in the group. The group did not lead to very serious discussions, and became and remained inactive when Jacques Chirac -the initiator of the Group- left office.

The problem with the opposing views is that a decision within the UN to reform the IEG system will have to pass through the UN General Assembly, which has to reflect a consensus among UN Member States.

Not all actors are very concerned with having a well-functioning system for international environmental governance. There is a general lack of political will to establish a new International Environment Organisation to improve the system, not only among nation-states but also among international organisations that are part of the IEG system. This lack of will can be explained by a number of factors. First, the institutional structure of the IEG system does not receive high priority from representatives of nation-states and other actors within the UN system, who generally seem more concerned with developmental and financial issues. The attention that actors *do* pay to the environment seems to be monopolised by the presently hot issue climate change. Second, many actors -nation-states and international organisations alike- fear that the creation of a new environmental body means that they have to give up part of their sovereignty or authority, which they are very reluctant to do. Third (and related to this), many actors in the IEG system -representatives of nation-states as well as international

organisations- have an incentive to maintain the status quo: they feel comfortable with the current system and have learned to use it to their individual and institutional advantage. The fourth reason for the lack of political will is a lack of public awareness and pressure from civil society. No campaign for elections has IEG reform as an important topic, as it is too far removed from the public. Besides this, there are only few non-governmental organisations that push for improvements to the system, and those that are active lack -according to some- the opportunity to exert influence on the political process regarding IEG reform. Other reasons for lack of political will are concerns about the complexity and costs to establish an Environment Organisation, and an overall criticism towards the UN system.

The lack of political will among actors in the IEG system has resulted in a lack of leadership. The European Union and some of its members (especially France) come closest to being leaders in the debates concerning the reform of the international environmental governance system with their idea to create a UNEO. However, the position of the EU and its members can at best be called 'pushers' instead of 'leaders', as they do not seem prepared to invest a substantial amount of staff and money in their proposal and do not have many followers for their UNEO idea. Besides this, some argue that the EU is often better in formulating ambitions and visions (tasks of a pusher) than in action and practical implementation (tasks of a leader). Up to now, the EU or any of its members have failed to develop a clear and well-developed proposal for change.

Apart from a lack of country leaders, there is also a lack of individual leaders that can lead the debates and make efforts to mobilise support for IEG reform.

Not only the nature of the IEG system and the actors involved, but also the nature of the discussions concerning the future of the system can help to explain the current absence of an International Environment Organisation. Civil society groups and scholars often experience limited access and thus limited possibility to influence the decision-making process in these discussions. The discussions and forums that concern IEG reform are numerous and highly fragmented, being scattered in many locations around the world. This is a cause of great inefficiency and puts high demands on the engaged actors. Scholars argue that these discussions and forums have a strong tendency to 'recycle' issues or decisions, so that some of

these discussions and agreements are merely a repetition of what was agreed upon in earlier debates.

A comparison of the situation shortly before UNEP was established with the situation in which the current debates concerning the establishment of a UNEO (the most prominent and most frequently discussed proposal) take place seems to confirm some of the most important findings of this thesis. Many of the factors that were important for the establishment of UNEP are now much less favourable for the establishment of a UNEO. First, whereas the United States actively pushed for UNEP's establishment during the UNCHE in 1972, the nation is now a powerful laggard in the debates concerning the possible establishment of a UNEO. Second, there are now many powerful actors involved in the debates concerning the establishment of an Environment Organisation, as opposed to the US being the single most powerful actor during the conference in 1972. This growth in the number of powerful actors means it is more difficult to reach an agreement on how the institutional structure for environmental activities should look like. Third, whereas before and during the UNCHE in 1972 there were strong individual leaders that led and heavily influenced the debates concerning the establishment of a new environmental body, the current debates lack such strong leaders. Fourth, the 1970s were characterised by a large and growing public awareness for environmental issues, while the public and civil society (NGOs) are currently not very active on the question as to how to improve the IEG system. The fifth difference concerns the nature of the organisation that was and is being considered. The mandate of a UNEO would be considerably broader than that of UNEP, and the budget would be based not on voluntary contributions, but on assessed mandatory ones. This difference makes it more difficult to establish a UNEO than it was to establish UNEP. The sixth and final difference concerns the increased complexity of the IEG system in which the new environmental body would be placed. The increased number of actors, interests and issues involved have made it more difficult to agree on the exact nature of a body for the environment, as well as to incorporate such a body in the existing IEG system.

8.3 Critical evaluation of the theories

This section addresses the final question of this thesis, namely: *What does the case of explaining the absence of an Environment Organisation reveal about the theories used to*

describe institutional change (or lack thereof) and political processes in international environmental governance? The section exists of a critical evaluation of the theories New Institutionalism and the political models, and how they complemented each other in this thesis.

New Institutionalism

Historical Institutionalism (HI) helps to get a good understanding of the institutional structure of the IEG system in which any new environmental body has to be placed. HI emphasises the structural/institutional context with which actors have to work and by which they are constrained. This helps in understanding why institutional changes such as the reform of the IEG system are so hard to achieve. HI does not, however, enter into much detail on how exactly institutions influence or constrain the actors' behaviour. On this point Rational Choice Institutionalism as well as Discursive Institutionalism (DI) complement HI.

Instead of only focusing on the structures (or institutions) and the way in which actors are constrained by them, *Rational Choice Institutionalism* (RI) rather emphasises the power actors have to work with and change institutions, or to set up new ones. RI sees actors as strategic calculators that try to maximise the attainment of their own interests and use or set up institutions to this end. This can explain why countries are not actively pushing for the establishment of a new environmental body: a new institution would not fulfil functions that are in their interests. A critique to RI is that it tends to view the creation of new institutions as a process marked by a voluntary agreement between relatively equal and independent actors. It tends to downplay the influence of power inequalities in the process of institutional creation. This is where Historical Institutionalism on its turn can complement Rational Choice Institutionalism. HI tends to emphasise the important role that power and the asymmetrical power relations between actors play, which ensures that some actors have more influence than others in the process of establishing new institutions such as an Environment Organisation. This is reflected among others in the unequal power relation between the 'North' and the 'South', which increases the reservations of the South towards what they perceive as a Northern initiative to create an Environment Organisation.

Another critique to RI is that its explanation of actor's behaviour is rather thin and simplistic. It uses the calculus approach, which holds that behaviour -such as the alteration or creation of institutions- is merely based on a strategic calculation of rational self-interests

(Hall and Taylor, 1996). Besides this, the functionalist approach that RI takes might be useful for explaining why institutions persist, but perhaps less so for explaining why they emerge (Pierson, 2000; Hall and Taylor, 1996). On these points *Discursive Institutionalism* (DI) can complement Rational Choice Institutionalism. First, instead of the calculus approach, DI uses the cultural approach, which holds that behaviour is not fully strategic, but is bound by an actor's world view. Second, HI and RI see institutions as something that is given, static and that exists outside actors (due to respectively self-reinforcing historical paths or fixed rationalist preferences) (Schmidt, 2008; Lieberman, 2002). Discursive Institutionalism complements these approaches because it has a more dynamic view on institutions. According to DI, institutions exist not only outside actors, but also within them and through their actions in the form of discourses. Actors are constrained by the mobilisation of bias: the norms, values, procedures, past policies/agreements, etc. that structure their behaviour. The insight that actors are socialised in the institutional context of the IEG system helps to explain the difficulties in changing this system. It also explains why some ideas, such as the idea of creating an organisation based on the existing structures and inside the UN system, are more dominant than others. At the same time, however, it is the actors themselves that produce this mobilisation of bias. Actors can discuss about and try to change the IEG system by entering into interactive processes, despite the fact that these actors and their processes are part of the system. The debates on how to change the IEG system are examples of such interactive processes. The nature of these processes helps explain their outcomes as well as what the involved actors consider to be likely outcomes (Schmidt, 2008).

The three schools of thought within New Institutionalism take different approaches that emphasise either the structures that constrain actors' behaviour, or the power of actors to work with and change these structures (or both). This thesis made use of all three schools, so that both structures and actors (and their actions) could be analysed.

This thesis has shown that the three schools of thought that were used can be combined and are complementary to, instead of conflicting with one another. As Hall and Taylor (1996) already stated: the schools of thought within New Institutionalism “share a great deal of common analytical ground on which the insights of one approach might be used to supplement or strengthen those of another” (p. 955). Also Schmidt (2008), who explained Discursive Institutionalism (which was not covered in the article of Hall and Taylor), argued:

“DI can be seen as complementary to the other three institutionalisms” (p. 314). This thesis has given evidence of the fact that “we can learn from all of these schools of thought and that each has something to learn from the others” (Hall and Taylor, 1996; p. 957).

The political models

The three political models that were used in this thesis were the model of joining the streams, the barrier model and the rounds model.

The *barrier model* views political processes as different stages that follow a certain sequence. It argues that a want like IEG reform has to pass through these different stages of the political process in order to become a policy that can get implemented. This allows us to analyse the different stages of the political process and to see where the bottlenecks for making decisions regarding IEG reform lie.

Instead of focusing on consecutive stages of the political process, the *model of joining the streams* does not analyse processes in any sequence. It examines the three streams that exist in all different stages, which are thought to occur simultaneously. The model is based on the premise that a horizontal division of activities is more useful in analysing political processes than the vertical division that is used in the barrier model (Teisman, 2000). It focuses on the ways in which actors push and pull their preferred definition of the problem with the IEG system and their solutions to improve it, thereby trying to influence the political outcome. This makes it possible to do a completely different analysis of what is happening in the discussions on IEG reform than the barrier model would allow us to do. Even more than the rounds model does, it emphasises the 'fuzzy' nature of politics.

The *rounds model* can be seen as a combination of the barrier model and the model of joining the streams in that both a vertical classification is made by analysing a series of decisions that have been taken -the rounds; and a horizontal classification by focusing on the interactions between the actors that are involved in these rounds of decision-making. The model is based on the premise that the different stages as identified by the barrier model cannot be clearly marked out, nor are political processes seen as consisting of separate streams of problems, solutions and participants. Rather, decision-making is seen as “dynamic combinations of sets of problems and solutions presented by different actors” (Teisman, 2000; p. 946). Whereas the barrier model and the model of joining the streams assume that policies

can be set at a certain moment in time (either in the implementation phase or at the occurrence of a policy window), the rounds model assumes that such a moment does not exist: policies such as (future) IEG reform are the result of a set of decisions taken by different actors. The focus of analysis in the rounds model is on the actors involved in the political process and the interactions between them, rather than on the political processes or the problems, solutions and political factors that play a role (Teisman, 2000). This allows us to analyse the actors' roles in defining the problem with the IEG system and developing policy proposals to solve this problem.

Although the three political models can be seen as a critique to one another, this thesis has shown that it is possible to make use of all three models to analyse the same political processes without being contradictory. The models have been complementary rather than conflicting, as they take very different levels of analysis and thus allow us to focus on different aspects of the political process in the debates concerning the reform of international environmental governance.

The two sets of theories

This thesis showed that although the two sets of theories -New Institutionalism and the three political models- have been developed and used mainly for national institutions and politics, they can also very well be applied to explain institutional changes and political processes in international governance. Though the theories have very different uses, and though some are developed as a critique to another, their use in this thesis showed that they are also very much complementary. The theories illuminated different aspects of the debates and showed different perspectives with which to analyse these debates. Several issues were covered by more than one theory, so that some duplication was inevitable. However, rather than being a mere repetition, the duplication showed the importance of the phenomena that were covered by multiple theories, as well as the different perspectives one can have on these phenomena.

8.4 Recommendations

This final section provides some recommendations related to the discussions concerning IEG reform.

Many argue that the current debate about the form of the IEG system focuses too much on the institutional question. It seems to circle around the same proposals for a new Environment Organisation for years (Dadema, 2009). Benoît Martimort-Asso (2009) said in an interview: “The debate is not organised around the problem, but around the solution”. Therefore it runs the risk of resulting in “yet another inward looking dialogue and potentially a weaker mandate for the environment and sustainable development across the UN system” (Van Schalkwyk, 2009; p. 3; Dadema, 2009). A much heard phrase is that ‘form should follow function’ (Desai, 2006; Ivanova, 2005b; Dodds et al. 2002; Whitten, 2009; Amin, 2009; UNEP, 2009b; Steiner, 2009). This means that there should be a very clear idea of what the problem is and what should be improved, before discussing possible options for reform. As Van Schalkwyk, Minister of Environmental Affairs and Tourism of South-Africa put it: “Only once we are clear where we want to go, should we ask the institutional questions relating to format and structure” (Van Schalkwyk, 2009; p. 3). The proposals relating to format and structure should reflect and be framed according to the improvements that need to be made rather than only arguing for institutional change for the sake of merely having a reformed IEG system and/or a new environmental body.

Although many assessments on the international system for environmental governance have already been carried out, and although there is a general consensus on what the problem is, some argue that a more holistic assessment is needed in order to get a clearer view on where exactly the gaps and weaknesses as well as the strengths of the current IEG system lie. Such an assessment could generate a comprehensive overview of the division of labour, mandates, resources and achievements of the organisations that are part of the IEG system, as well as the ways in which these can be complementary to instead of competing with one another. It could also identify the gaps in funding and the priority areas, and could provide a better understanding of the consequences of different pathways to improve the IEG system. The assessment would enable actors to form an opinion on what should be changed and how this should be done (Strengthening..., 1998; Ivanova, 2005b; Hoare and Tarasofsky, 2007; Dadema, 2009).

Besides having a clear view of the strengths and weaknesses of the IEG system, it is also important to have a clear overview of the policy proposals for IEG reform that have been

developed. This will reduce the confusion on which of the proposals are being discussed. During civil society consultations facilitated by the UN Non-Governmental Liaison Service (UN-NGLS) it was suggested that a matrix of models could be developed to evaluate strengths and weaknesses of the various policy proposals for IEG reform (UNNGLS, 2007). Such a matrix would enable the involved actors to form a better informed opinion on the different proposals, which in turn can clarify and facilitate the debates.

Reforming the system for international environmental governance is a difficult and long-term process. Any such reform might be made easier by taking a step-by-step approach of consensus building. In this way important and immediate steps that can be taken now do not need to wait for longer-term systemic reform (Najam et al. 2006; Oberthür, 2002b). Also, it is probably much easier for nation-states to agree on such small steps rather than on large steps with long-term and big consequences for many actors. By embarking upon small steps towards reform, political momentum will rise and it will show that reform is indeed possible (Halle, 2009). At the same time, the smaller steps may be instrumental and even necessary in building consensus for reform and creating the framework conditions for longer-term systemic change (Najam et al. 2006; Oberthür, 2002b). As described in chapter 3, governments have already reached consensus on a number of principles, objectives and priorities for the IEG system. These points of consensus should be expanded and build upon in order to ultimately be able to develop a concrete reform option.

Several scholars have argued that one of the factors that can explain the non-decisions on IEG reform is a deficit in leaders that are pushing for their preferred policy proposal to improve the IEG system. What the system needs is not so much a larger number of strong leaders representing one international institution (of which there are many), but an overall leader willing to speak for and work on behalf of the system as a whole. As Najam formulated it: “The need is for leaders whose personal ambitions align with the interests of the system as a whole, who know how to use the power of ideas, who are prepared to take risks, and those with a sense of mission and a ‘fire in their belly’” (Najam et al. 2006; p. 50). It is important that these leaders are able to convince nation-states and international institutions by creating incentives so that these see it in their own interest to improve the IEG system. The leaders should be able to make strong alliances between governments and build trust between them

-especially between North and South-, thus acting as a kind of broker (Najam et al. 2006; Andresen, 2009; Dodds, 2009; Halle, 2009).

Some interviewees talked about a much needed 'deal' between North and South, which would have to break the division and politics of distrust that currently exists (representative MinBuZa, 2009; Dodds, 2009; Obermeyer, 2009). In a report from the United Nations University it was stated that: "The inability of the international community to agree upon a common approach to sustainable development governance is rooted, to a large extent, in disparities between the perspectives and priorities of developed and developing countries. Reducing and overcoming these disparities remains, therefore, a critical prerequisite for the creation of an effective, efficient, and equitable system of sustainable development governance." (Dodds et al. 2002; p. 28).

Some interviewees argued that the discussions concerning the IEG system need to be broadened to include not only environmental issues, but also developmental ones. Because they are so intricately linked, developmental and environmental issues cannot be treated separately, but need to be considered in a holistic approach. The link between environment and development provides the South with more incentives to actively participate in the debates over IEG reform, which would ensure that the above-mentioned 'deal' between South and North is more likely to be made (Dadema, 2009; Obermeyer, 2009; Simonis, 2009). In order to broaden the debates, it is necessary that these involve not only environmental ministers but also ministers from among others developmental, economic and/or financial affairs (Dadema, 2009; Kakabadse, 2009).

At this very moment it is expected that the next World Summit, which is probably to take place in Brazil in 2012, will provide a new window of opportunity to push for IEG reform. The challenge for the run-up to this summit in the next three years is to 'soften up', transform the politics of distrust, break the impasse and build further on a common vision for IEG reform (Van Schalkwyk, 2009). As Achim Steiner, Executive Director of UNEP, said in a speech during the first meeting of the Consultative Group of Ministers or High-level Representatives on International Environmental Governance in June 2009: "We should not shy away from thinking big and we should use the window of opportunity to come to a

conclusion within the next two year period in the run up to the Twentieth anniversary of the Rio Summit” (Steiner, 2009). It remains to be seen whether the time will be ripe during this next Summit to open a policy window for IEG reform so that real decisions regarding the future institutional structure of the IEG system can be made.

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Appendix I: List of interviewees

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2. Andresen, Steinar (2009), professor at the Fridtjof Nansen Institute, Norway, interview 08-06-2009, telephone
3. Biermann, Frank (2009), professor of Political Science and Environmental Policy Sciences at the Vrije Universiteit in Amsterdam, The Netherlands, interview 18-05, Amsterdam
4. Dadema, Martijn (2009) representative of MinBuZa, Dutch ministry of Foreign Affairs, permanent mission of the Netherlands to the UN in Nairobi, interview 23-06-2009, telephone
5. Dodds, Felix (2009), Executive Director of Stakeholder Forum for a Sustainable Future, interview 16-06-2009, telephone
6. Drammeh, Halifa Omar (2009), former Director of the Environment Management Group; former Deputy Director of the Division of Policy Development and Law, interview 15-05-2009, telephone
7. Haas, Peter M. (2009), professor at the Department of Political Science Faculty at University of Massachusetts, interview 26-05-2009, telephone
8. Halle, Mark (2009) European Representative and Director, Trade and Investment, at the International Institute for Sustainable Development (IISD), Geneva, interview 26-06-2009, telephone
9. Kakabadse, Yolanda (2009) General Counsel and former Executive President of Fundación Futuro Latinoamericano in Ecuador, and former President of IUCN, Ecuador, interview 21-07-2009, telephone
10. Levy, Marc (2009) Deputy Director of the Centre for International Earth Science Information Network (CIESIN), Columbia University, New York, interview 23-06-2009, telephone
11. Martimort-Asso, Benoît (2009) in charge of the International Environmental Governance Programme at Sustainable Development and International Relations Institute (IDDRI), Paris, interview 29-06-2009, telephone
12. Najam, Adil (2009), Frederick S. Pardee Professor of Global Public Policy at Boston University, interview 18-06-2009, Wageningen
13. Obermeyer, Werner (2009) Chief Inter-Agency Affairs, UNEP, New York, interview 23-23-06-2009, telephone
14. Representative of MinBuZa (2009a), Dutch ministry of Foreign Affairs, permanent mission of the Netherlands to the UN in New York, interview 22-06-2009, telephone
15. Representative of MinBuZa (2009b) Vlugt, Jurjen van der, Dutch ministry of Foreign Affairs, Permanent mission of the Netherlands to UNEP, The Hague, interview 10-07-2009, telephone
16. Representative of the International Chamber of Commerce (ICC) (2009), former representative of the World Business Council for Sustainable Development (WBCSD), member of the Environment and Energy Commission, permanent representative in Geneva, interview 04-06-2009, telephone

17. Representative of United Nations Division of Sustainable Development (2009) in New York, interview 19-06-2009, telephone
18. Scanlon, John (2009) Principal Advisor to the Executive Director on Policy and Programme at UNEP, Nairobi, interview 16-07-2009, telephone
19. Simonis, Udo E. (2009) professor Environmental Policy at the Social Science Research Centre Berlin (WZB, Wissenschaftszentrum Berlin für Sozialforschung) Berlin, interview 29-06-2009, telephone
20. Teehankee, Manuel A.J. (2009) chair of the WTO Committee on Trade and Environment, Philippine permanent representative to the World Trade Organisation in Geneva, Geneva, interview 07-07-2009, telephone
21. Whitten, Tony (2009) Senior Biodiversity Specialist for the East Asia and Pacific Region at the World Bank, Washington, D.C., interview 24-07-2009, telephone
22. WTO representative, (2009) Counsellor of the Trade and Environment Division, Geneva, interview 10-06-2009, telephone

Appendix II: Historical overview of the most important conferences, agreements and assessments related to the structure of the IEG system

Date	Type	Name	Outcome/Result
1972	World Summit	Conference on Human Environment (UNCHE), Stockholm	Establishment of UNEP
1992	World Summit	United Nations Conference on Environment and Development (UNCED), Rio de Janeiro	Establishment of CSD Agenda 21
1997	Declaration	Nairobi Declaration	Underscored role of UNEP as the 'leading global environmental authority'
1998	Assessment	Task Force on Environment and Human Settlements	Concluded that there were substantial overlaps, unrecognised linkages and gaps in the structures and arrangements for environmental activities within the UN system Stressed the need for more environmental coordination Establishment of EMG Establishment of GMEF
2000	Declaration	Malmö Declaration	Stressed the need to strengthen the role and financial base of UNEP Stated that the upcoming World Summit (WSSD) should review the needs for a strengthened IEG system
2001	Decision	Decision 21/21: International Environmental Governance	Establishment of the Open-Ended Intergovernmental Group of Ministers or Their Representatives on International Environmental Governance (IGM/IEG), meant to undertake a comprehensive assessment of the weaknesses and future options of the IEG system
2002	World Summit	World Summit on Sustainable Development (WSSD), Johannesburg	Called for a stronger collaboration within the UN system Stressed the need to keep under review gaps, duplication of functions, integration, efficiency and coordination of sustainable development Stressed the need to strengthen CSD

2002	Decision	Cartagena Decision on International Environmental Governance	Adoption of the Cartagena Package with the following recommendations: 1) improve coherence in IEG; 2) strengthen the role and financial situation of UNEP; 3) improve coordination among and effectiveness of MEAs; 4) enhance capacity-building, technology transfer, and country-level coordination; and 5) enhance coordination across the UN system <u>Underlined importance of EMG and GMEF</u>
2005	Strategic Plan	Bali Strategic Plan for Technology Support and Capacity-building	Stressed that the work of the UN must be coordinated and linked and integrated with efforts already in progress, using existing coordinating mechanisms Stressed that UNEP should seek to improve and enhance communication, cooperation, coordination and synergies with UN organisations and others to 'provide a platform for multilateral approaches and consistency'
2005	Resolution	World Summit Outcome	Recognised the need: <ul style="list-style-type: none"> • For more efficient environmental activities in the UN system; • For enhanced coordination and improved policy advice and guidance; • To explore the possibility of a more coherent institutional framework
2006	Assessment	High-Level Panel on United Nations System-Wide Coherence	The report 'Delivering as One' included the recommendations: <ul style="list-style-type: none"> • IEG should be strengthened and made more coherent; • UN organisations that address environmental issues should cooperate more effectively; • UNEP should be upgraded with a renewed mandate, broad responsibility, improved funding and real authority as the UN environment policy pillar; • UNEP's coordination function should be strengthened. The EMG should be given a clearer mandate and be better used; • An independent assessment of the current IEG system within the UN is needed. This should include an analysis of proposals to upgrade UNEP from a range of organisational models
2006-2007	Assessment/ Options Paper	Informal consultative process on the institutional framework for the UN's environmental activities	The General Assembly Co-Chairs' Option Paper included the following options: <ul style="list-style-type: none"> • Enhancing UNEP's legal status; • Expanding UNEP's mandate, deciding on the issue of universal membership and the composition of relevant organs; • Upgrading UNEP to a UN specialised agency; • Securing funding for an upgraded UNEP; • Transforming GMEF into the supreme intergovernmental body

2008	Assessment	Joint Inspection Unit	The report 'Management Review of Environmental Governance within the United Nations System' stated that UNEP cannot be the leading environmental authority that promotes a coherent implementation of sustainable development in the UN system. Thus, any future reform of the IEG system needs to build on the reform of UNEP.
2008-2009	Draft Resolution	Draft resolution 'strengthening the environmental activities in the UN system' submitted to and discussed in the General Assembly	Several draft versions included the following recommendations: <ul style="list-style-type: none"> • Strengthen UNEP's capacities to cooperate and coordinate environmental activities in the UN system, including through the EMG; • Enhance the capacities of the UN to integrate environmental objectives in related areas; • Establish an open-ended working group on strengthening and transforming the IEG system The draft resolution failed to become final and move to formal negotiations. It was decided to stop the process in the General Assembly
2009	Session of GMEF	Twenty-fifth session of GMEF discussed topic 'International environmental governance: help or hindrance?'	Establishment of the Consultative Group of Ministers or Their High-Level Representatives of International Environmental Governance, requested to present a set of options for improving the IEG system
2009	Meeting	First meeting of the Consultative Group of Ministers or Their High-Level Representatives of International Environmental Governance	Determined the structure of and the way forward with the consultative group's work

Appendix III: Historical overview of the proposals and calls to establish an International Environment Organisation

First wave: run-up to UNCHE (till 1972)

Year	Author	Proposal	Type of author	Integrate UNEP?	Within UN?	Model
1969	U. Thant, United Nations Secretary-General	'Super agency' for the environment	UN	Before creation UNEP	Yes	Hierarchisation model
1970	G.F. Kennan	International Environmental Agency	Scholar	Before creation UNEP	No	Hierarchisation model

Second wave: run-up to UNCED (1992) and after (1980s-1990s)

Year	Author	Proposal	Type of author	Integrate UNEP?	Within UN?	Model
1989	Initiated by the Netherlands, France and Norway, 24 countries signed	Declaration of The Hague	Governments	Either way	Yes	Hierarchisation model
1992	G. Palmer, Prime Minister of New Zealand	International Environment Organisation	Government	Yes	Yes	Cooperation model
1993/ 2002	S. Charnovitz	Global/World Environment Organisation	Scholar	Yes	Yes	Cooperation model
1994/ 2001	D. Esty (and later M. Ivanova)	Global Environmental Organisation, start of the Global Environmental Governance Project at Yale University	Scholar	No		Hierarchisation/ Centralisation model
1994/ 2001	C.F. Runge	Global Environment Organisation	Scholar	No	No	Centralisation model

1997	United Nations Task Force on Environment and Human Settlements	Upgrade UNEP to a specialised agency	UN	Yes	Yes	Cooperation model
1997	R. Dolzer	Global Environmental Authority	Scholar	No		
1997	H. Kohl, German chancellor; and Brazil, Germany, Singapore, South Africa	World Environment Organisation	Governments	UNEP as one pillar of a WEO	Yes	Centralisation model
1998	F. Biermann and U.E. Simonis	World Environment and Development Organisation (WEDO)	Scholar	Yes	Yes	Centralisation model
1999	R. Ruggerio, WTO director	World Environment Organisation, as counterweight to WTO	International Organisation			
1999/2000	B. Desai	Upgrade UNEP to UN Environment Protection Organisation (UNEPO)	Scholar	Yes	Yes	Hierarchisation model

Third wave: run-up to WSSD (2002) and after (2000s-now)

Year	Author	Proposal	Type of author	Integrate UNEP?	Within UN?	Model
2000	F. Biermann	World Environment Organisation	Scholar	Yes	Yes	Cooperation model
2000	D. Voynet, French Environment Minister	World Environment Organisation	Government	Yes	Yes	Cooperation model
2001	S. Panitchpakdi, WTO director-designate	World Environment Organisation	International Organisation		Yes	
2001	M. Gorbachev, Former Russian President	Global Environmental Organisation	Government			
2001	UN High-Level Panel on Financing for Development	Global Environment Organisation	UN	Yes	Yes	Centralisation model
2001	German Advisory Council for Climate Change (WBGU)	Upgrade UNEP to International Environmental Organisation	(advisory body to) Government	Yes	Yes	Cooperation model

2001	S. Contius, German Ministry for the Environment, Nature Conservation and Nuclear Safety	Upgrade UNEP to UNEO and strengthen CSD	Government	Yes	Yes	Cooperation model
2001	E. Zedillo of Mexico (Zedillo Commission), UN High-Level Panel on Financing for Development	Global Environmental Organisation	UN	Yes	Yes	
2001	J. Whalley and B. Zissimos	World Environment Organisation	Scholar	No	No	WTO model
2001/ 2004	J. Trittin, German Minister of the Environment, Nature Conservation and Nuclear Safety	Upgrade UNEP to a Global Environment Organisation	Government	Yes	Yes	Cooperation model
2002	D. Esty and M. Ivanova	Global Environmental Mechanism	Scholar	No	Yes and no: dense network of UN and non-UN organisations, including NGOs and MNCs	Decentralised model
2002	L. Jospin, French Prime Minister	Upgrade UNEP to a Global Environment Organisation	Government	Yes	Yes	Cooperation model
2002	L.A. Kimball	World or Global Environmental Organisation	Scholar	Yes	Yes	Cooperation model
2002	A. Najam	Upgrade UNEP to a specialised agency	Scholar	Yes	Yes	Cooperation model
2002	S. Oberthür	Clustering MEAs	Scholar			Decentralised model

2004	P.M. Haas	Dense network of organisations, with creation of High Commission for the Environment, MEA cluster, creation of centralised information and coordination body	Scholar	UNEP as one amongst many in dense network	Yes and no: dense network of UN and non-UN organisations, including NGOs and MNCs	Decentralised model
2005	J.G. Speth, former head of UNDP and Dean of Yale's Environment School	World Environment Organisation	Scholar	Yes	Yes	Cooperation model
2005	B.T. Raffield and Z. Kayira	World Environment Organisation	Scholars			WTO model
2005	P. van Geel, Dutch State Secretary for Housing, Spatial Planning and the Environment	Upgrade UNEP to UNEO	Government	Yes	Yes	Cooperation model
Since 1998, in 2007 Paris Call for Action	J. Chirac, French President; signed by over 50 Member States and other actors	Upgrade UNEP to UNEO	Governments	Yes	Yes	Cooperation model
2006	Secretary-General's High-level Panel on UN System-wide Coherence	UN Sustainable Development Board: integrate UNDP, UNFPA, UNICEF and WFP	UN	No	Yes	Centralisation model
2007	A.P. Scanio Italy's Environment Minister	Upgrade UNEP to UNEO	Government	Yes	Yes	Cooperation model
2007	Informal Consultative Process on The Institutional Framework for the United Nations' Environmental Activities, General Assembly Co-Chairs' Option Paper	Upgrade UNEP to UNEO	UN	Yes	Yes	Cooperation model
2009	N. Sarkozy, French President	World Environment Organisation	Government			

Appendix IV: Members of the Group of Friends of the United Nations Environment Organisation (UNEO)

27 countries of the European Union:

Belgium
France
Germany
Italy
Luxembourg
Netherlands
Denmark
Ireland
UK
Greece
Portugal
Spain
Austria
Finland
Sweden
Cyprus
Czech
Estonia
Hungary
Latvia
Lithuania
Malta
Poland
Slovakia
Slovenia
Bulgaria
Romania

23 other countries:

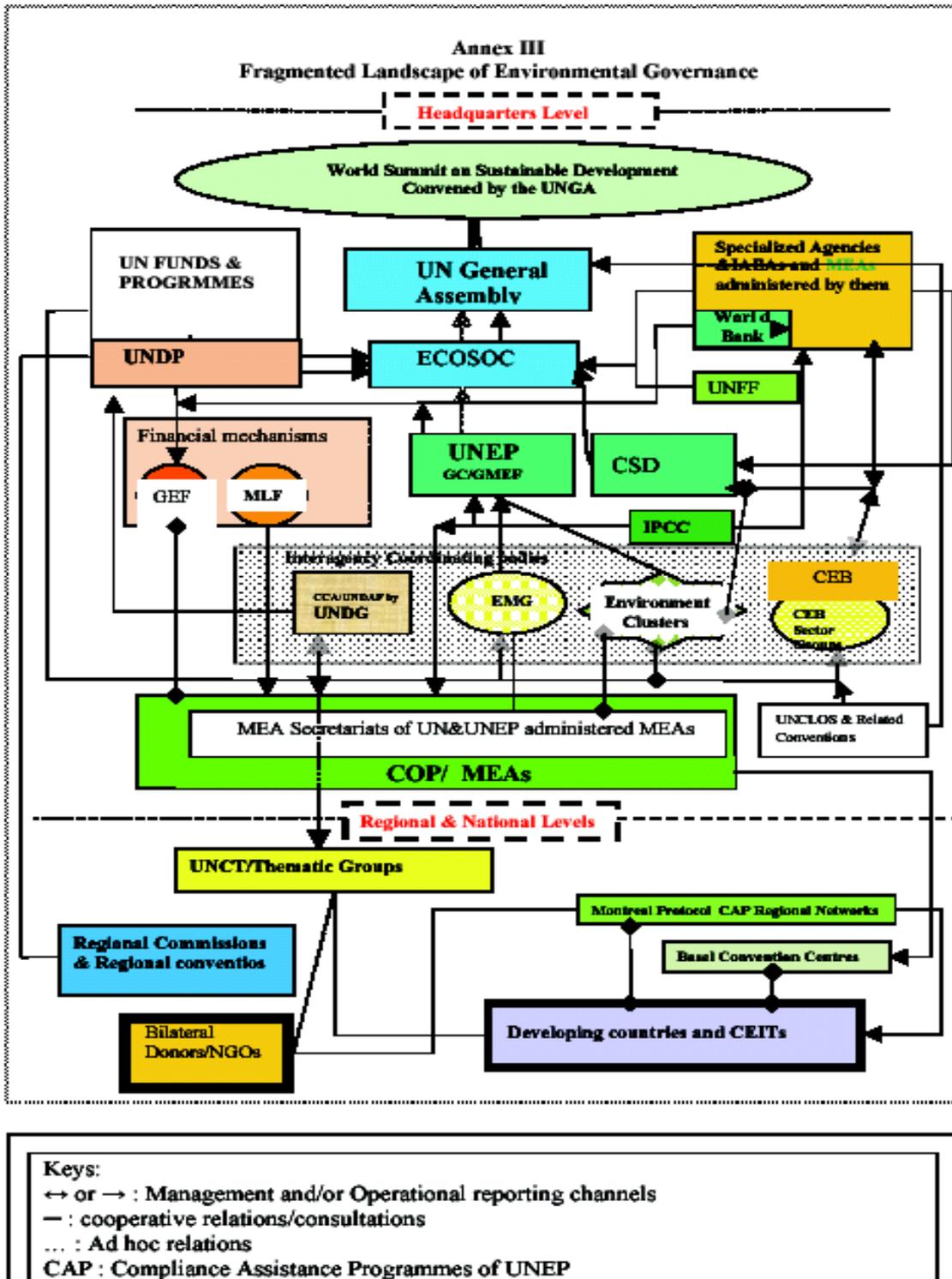
Algeria
Burkina Faso
Burundi
Cambodia
Chile
Congo-Brazzaville
Costa Rica
Ecuador
Gabon
Ghana
Guatemala
Madagascar
Mali
Morocco
Mauritius
Monaco
Norway
El Salvador
Sénégal
Seychelles
Switzerland
Tunisia
Vanuatu

European Commission

List as of mid-April 2007. Three additional states have joined since then.

Source: Centre for UN Reform Education, 2007, obtained from Reform the UN website: http://www.reformtheun.org/index.php/overview_factsheets/3237, last viewed on 25-06-2009

Appendix V: The structure of the IEG system

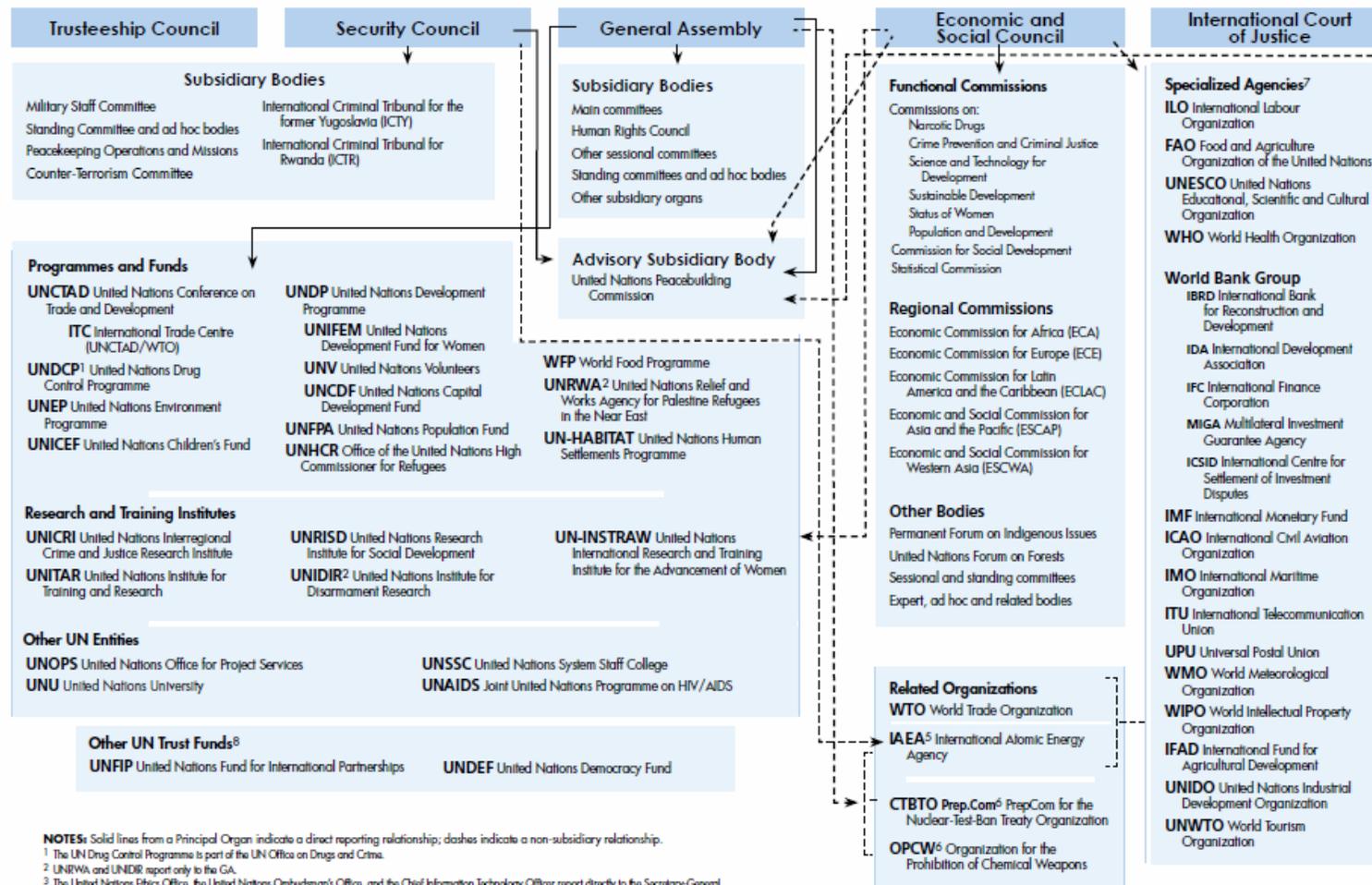


Source: Inomata, 2008



The United Nations System

Principal Organs



NOTES: Solid lines from a Principal Organ indicate a direct reporting relationship; dashes indicate a non-subsidiary relationship.

¹ The UN Drug Control Programme is part of the UN Office on Drugs and Crime.

² UNRWA and UNIDIR report only to the GA.

³ The United Nations Ethics Office, the United Nations Ombudsman's Office, and the Chief Information Technology Officer report directly to the Secretary-General.

⁴ In an exceptional arrangement, the Under-Secretary-General for Field Support reports directly to the Under-Secretary-General for Peacekeeping Operations.

⁵ IAEA reports to the Security Council and the General Assembly (GA).

⁶ The CTBTO Prep. Com and OPCW report to the GA.

⁷ Specialized agencies are autonomous organizations working with the UN and each other through the coordinating machinery of the ECOSOC at the intergovernmental level, and through the Chief Executive Board for coordination (CEB) at the inter-secretarial level.

⁸ UNFIP is an autonomous trust fund operating under the leadership of the United Nations Deputy Secretary-General. UNDEF's advisory board recommends funding proposals for approval by the Secretary-General.