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Does Effective International Environmental Governance Require a World Environment Organization?

The State of the Debate Prior to the Report of the High-Level Panel on Reforming the United Nations

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Acknowledgement

Foreword

This working paper was written as part of the Global Governance Project, a joint research programme of the Vrije Universiteit Amsterdam, the Potsdam Institute for Climate Impact Research, the Freie Universität Berlin (Environmental Policy Research Centre), and Oldenburg University. Within the larger context of earth system analysis, the Project investigates international institutions, political processes, organisations and other actors that influence the emerging system of global environmental governance. The current focus is on questions of institutional and organisational effectiveness, learning processes in environmental policy, institutional inter-linkages, the role of private actors in governance systems, and questions of legitimacy beyond the nation state. Major analytical tools are qualitative social science methods, including structured case studies, as well as legal analysis and integrated modelling. Project members represent political science, economics, international law and integrated modelling.

Within the Global Governance Project, this working paper contributes to the efforts of the research group MANUS—'Managers of Global Change: Effectiveness and Learning of International Organisations'. More information is available at the Project's web site at www.glogov.org.

Comments on this working paper, as well as on the other activities of the Global Governance Project, are highly welcome. We believe that understanding global governance is only feasible as joint effort of colleagues from various backgrounds and from all regions of the world. We look forward to your response.

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Abstract

This paper presents an excerpt from a larger edited volume that discusses the pros and cons of the creation of a world environment organization, *A World Environment Organization. Solution or Threat for Effective International Environmental Governance?,* edited by Frank Biermann and Steffen Bauer (Aldershot, UK: Ashgate Publishing, 2005). This paper provides a condensed summary of the edited volume, including an appraisal of thirty years of debate of the question whether or not effective international environmental governance requires a strong intergovernmental agency. The paper offers three voices in favour of a world environment organization and three voices against a world environment organization, drawing on the arguments elaborated in the book chapters by Steve Charnovitz, Frank Biermann and John Kirton—all in favour of a new agency—and Konrad von Moltke, Sebastian Oberthür/Thomas Gehring and Adil Najam as opponents. We employ the arguments from both sides to find some common ground and to identify gaps that are in need of further research. The paper—as well as the book it draws upon—thus contributes to a debate that is likely to gain further momentum from the forthcoming report of the High-Level Panel on reforming the United Nations.

Contents

Introduction

Proposals to create a world environment organization have been around for thirty years now and have received fresh attention over the last years. Recently, the French government has launched a new initiative to establish a United Nations Environment Organization as a full-fledged UN special agency that would replace the United Nations Environment Programme. The French proposal is certain to receive further attention once governments will evaluate the upcoming report of the High-Level Panel on Reforming the United Nations, which is due in December 2004.

This is hence a timely moment to review the state of the debate on a world environment organization. What are the 'pros' and what are the likely 'cons' of such an agency? Would a world environment organization contribute to the solution of the global environmental crisis—or would it rather hinder any progress because it would create new problems instead of solving existing ones, or because setting up a new agency would simply require too many resources with no clear benefit? What can realistically be expected from redesigning the current system of global environmental governance?

The Evolution of the Debate

In the policy debate about how to improve global environmental governance, the idea of a strong specialized environmental agency under the auspices of the United Nations has seen three peaks in attention from policy circles and scholars: An initial one in the early 1970s, around the 1972 UN Conference on the Human Environment; a second one in the mid-1990s, this time coinciding with the 1992 UN Conference on Environment and Development; and a third one in the context of the 2002 World Summit on Sustainable Development, which has now intensified due to the French initiative for a United Nations Environment Organization and the anticipation of further reforms within the UN system in the wake of the report of the High-Level Panel.[1]

While proposals to create global institutions and organizations for environmental politics can be traced back to the late nineteenth century, it was the US foreign policy strategist George F. Kennan who started the debate on organizational aspects of what later evolved into today's global environmental governance discourse. To our knowledge, Kennan's call for 'an organizational personality' in international environmental politics (Kennan 1970, 408) was the first of its kind. Other authors contributing

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[1] See also Kanie and Haas (2004, 5) who suppose 'a time lag between renewed interest in the [WEO] proposal at the academic level and the more recent interest in the idea from a policy perspective'.

to broaden and specify the early debate included Abram Chayes (1972) and Lawrence David Levien (1972).

The response of the international community to this early debate was to set-up the United Nations Environment Programme (UNEP) following a decision adopted at the 1972 Stockholm Conference on the Human Environment. It is not a specialized UN organization, such as the World Health Organization, but a subsidiary body of the General Assembly reporting through the Economic and Social Council. The administrative costs of UNEP's headquarters, the Environment Secretariat, which is located in Nairobi, are covered by the general UN budget; with an additional small 'Environment Fund' supported by voluntary government contributions serving to finance specific projects. Originally, governments wanted UNEP to evolve into an 'environmental conscience' within the United Nations system that would act as a catalyst triggering environmental projects in other bodies and helping to coordinate UN environmental policies. UNEP's founding resolution of 1972 explicitly speaks of a 'small secretariat'. UNEP was—and continues to be—a long way from an international organization commensurable with other sectoral bodies, such as the International Labour Organization (e.g. Charnovitz 1993). Nonetheless, the establishment of the UNEP secretariat in 1973 fundamentally altered the context of the organizational debate in international environmental politics and effectively halted it at the time.

The debate about a larger, more powerful agency for global environmental policy was revived in 1989. The Declaration of The Hague, initiated by the governments of The Netherlands, France and Norway, called for an authoritative international body on the atmosphere that was envisioned to include a provision for effective majority rule. Although not representative of the international community at the time, the declaration effectively helped to trigger a second round of proposals for organized intergovernmental environmental regulation. It included contributions by Geoffrey Palmer (1992), who argued for strong organizational anchoring of international environmental law under UN auspices; Steve Charnovitz (1993), who proposed an international environmental organization to be modelled on the International Labour Organization; and C. Ford Runge (1994) and Daniel C. Esty (1994) who, concerned about the emergence of an ever stronger world trade regime, argued for a world, or 'global', environmental organization. This debate was fuelled by continuing doubts regarding the effectiveness of UNEP. In 1998, Klaus Töpfer, a former chair of the Commission on Sustainable Development, was appointed as UNEP's Executive Director, and a number of organizational reforms were undertaken (see Elliott 2005).

This did not, however, end the debate on a world environment organization that could replace UNEP. In the late 1990s, representatives of the UN system themselves became active participants, and some high-profile international civil servants openly supported the creation of a new environmental agency, including the former head of the UN Development Programme, Gustave Speth, as well as the WTO directors Renato Ruggiero and his current successor, Supachai Panitchpakdi. The UN Secretary-General

Kofi Annan (1997), in his comprehensive programme for renewing the United Nations, also addressed the environmental responsibilities of the UN. In particular he proposed to reform the UN Trusteeship Council in order to safeguard the global commons, taking up an idea that had first been launched by Maurice Strong in 1988.[2] Furthermore, Annan called on the UN General Assembly to set-up a task force, led by Klaus Töpfer, to assess the environmental activities of the United Nations. Following the report of this task force, an Environmental Management Group was created within the UN system, and it was decided that the UNEP Governing Council shall meet regularly at ministerial level. While the direction of this reform was widely welcomed, it remains to be seen whether this incrementalism in strengthening UNEP will deliver the necessary results in the future, or whether more fundamental reforms are needed.[3]

In the meantime, a number of governments have also come forward with various initiatives for establishing a new global agency. At the 1997 'Rio+5' Special Session of the UN General Assembly, Brazil, Germany, Singapore and South Africa submitted a joint proposal for a world environment organization. These countries argues that 'Global environmental protection and sustainable development need a clearly-audible voice at the United Nations. Therefore, in the short-term … it is important that cooperation among the various environmental organizations be significantly improved. In the medium-term this should lead to the creation of a global umbrella organization for environmental issues, with the United Nations Environment Programme as a major pillar' (Kohl 1997). A similar position evolved in France, exemplified by a speech of Dominique Voynet, then French environment minister, before a subcommittee of the European Parliament in July 2000. Both the World Health Organization and the International Labour Organization seemed to function as role models for the French initiative, and the World Trade Organization is mentioned as a body to which an environmental agency should serve as a counterweight (Voynet 2000).

This renewed interest among some governments spurred further academic input to the discourse, and the World Summit on Sustainable Development helped to reinvigorate the debate.[4] Most scholars active in the discussions so far published refined versions of their earlier arguments (Charnovitz 2002, 2005; Esty and Ivanova 2001, 2002; Runge 2001). In many countries, increased attention to the question of a world environment organization emerged at the national level, including in Germany where supporters and opponents of a new organization lead intensive debates in academic and public policy journals.[5]

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[2] For a detailed discussion of trusteeship in international environmental law see Sand (2004).
[3] Up to this point the United Nations' efforts to come to terms with a lack of co-ordination in its environmental activities have been comprehensively accounted for by Lorraine Elliott (2005).
[4] For expectations in the immediate run-up to the Johannesburg summit see the collection of essays by Brack and Hyvarinen (2002).
[5] See, for instance, Biermann and Simonis (1998), Biermann (2000; 2001; 2002); Gehring and Oberthür (2000); German Advisory Council on Global Change (WBGU 2001); Oberthür (2001).

The broadening of the debate in the late 1990s also spurred a wide variety of new views about how a world environment organization should look like and crucially, what it should or should not do. Magnus Lodefalk and John Whalley (2002) alone have reviewed no less than 17 recent proposals for a new intergovernmental environmental organization.[6] In view of this plethora of suggestions, some overlap and confusion are hardly surprising. However, most proposals for a world environment organization that have been circulated can be categorized in three ideal type models, which differ regarding the degree of change that is required.

First, the least radical proposals advise merely upgrading UNEP to a UN specialized agency. Advocates of this approach have referred to the World Health Organization or the International Labour Organization as suitable role models. In this model, other agencies operating in the environmental field would neither be integrated into the new agency nor otherwise disbanded. The additional legal and political powers, it is argued, that come with the status of a UN specialized agency would enable the organization to approve by qualified majority vote certain regulations which are then binding on all members. Its governing body would be a general assembly with universal membership. Its powers would significantly exceed those entrusted to the UNEP Governing Council, which, for instance, has initiated intergovernmental negotiations on a number of issues, but is unable to adopt legal instruments by itself.

A second group of proposals wishes to go further. They challenge the functional overlap between the many international institutions in world environmental politics. The harmonization of multilateral environmental agreements is a priority concern of these authors and thus reflects discussions within the UNEP-led Open-Ended Intergovernmental Group of Ministers or Their Representatives on International Environmental Governance. Consequently, these authors suggest a streamlining approach that would integrate existing agencies and programmes into one all-encompassing world environment organization, in a manner that could loosely follow the integration of diverse multlilateral trade agreements under the World Trade Organization.

A third and most far-reaching model is that of a hierarchical intergovernmental organization that would be equipped with majority decision-making as well as enforcement powers vis-à-vis states that fail to comply with international environmental agreements. It is argued that this would be the only option to overcome the free-rider problem that has plagued international environmental politics ever since. The Hague Declaration of 1989 seemed to have veered in the direction of an environmental agency with sanctioning powers, but general support for hierarchical models remains scarce. Apart from the European Union, the only example for a quasi-supranational body is the UN Security Council. The prospective benefits of an 'environmental security council'

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6   For further details see also Bauer and Biermann (2005).

thus remain a part of the overall discourse, but such an organization does not appear to be a realistic option. It is doubtful whether it would be desirable at all.

Current WEO Proposals and Their Critics

The current discussion among reform proponents more or less oscillates between advocates of a streamlined umbrella organization and an upgraded version of UNEP with the full status of a UN specialized agency. In the following we summarize some of the most recent contributions that have been made within the more moderate reform proposals, as well as their critics. All contributions are published in full in *A World Environment Organization: Solution or Threat for International Environmental Governance?* (Biermann and Bauer, 2005).

Part I of the book provides two analyses of the general state of global environmental governance as an informative backdrop to the entire reform debate. Lorraine Elliott (2005) offers a comprehensive account of the United Nations' activities in intergovernmental environmental politics. She focuses in particular on the decade after the 1992 UN Conference on Environment and Development in Rio de Janeiro. In a complementary chapter, Joyeeta Gupta (2005) analyzes the implications of a changing global environmental governance structure for the South. She highlights the position of developing countries in international negotiations as key to determining eventual political outcomes, no matter which reform proposal is at stake. Gupta then describes a complex set of challenges that face an increasingly heterogeneous 'South'. She outlines nine scenarios for institutional reform, two of which reflect the idea of a strong world organization at the centre of global environmental governance—either as an integrated world organization for sustainable development or a sectorally focused world environment organization. Gupta then considers the pros and cons of each scenario and concludes that virtually all reform proposals, including the less ambitious ones, will ultimately work against the development interests of the global South.

Part II then presents three chapters that support the case for a world environment organization.

Steve Charnovitz (2005) develops his argument by highlighting lessons that may be drawn from the case of the World Trade Organization as a real-life point of reference. He then discusses the difficulties of global approaches with respect to subsidiarity in environmental decision-making, trade-offs between genuine environmental concerns and economically biased notions of sustainable development, as well as the need for a unified organizational approach despite the complexity of the global environment. While many reform proponents emphasize the need for greater coherence or enhanced transnational cooperation in world environmental politics, Charnovitz emphasizes the need for political competitiveness. Thus, a world environment organization as envisioned by Charnovitz would also be a competitor vis-à-vis other institutions of global governance.

Frank Biermann (2005) develops another proposal on what a world environment organization would look like. He suggests upgrading the United Nations Environment Programme (UNEP) to a specialized agency of the United Nations and outlines three core objectives that such an agency could help to achieve: a better coordination of international environmental governance, improved assistance for environmental policies in developing countries, and a strengthened institutional environment for the negotiation of new conventions and action programmes as well as for the implementation of existing ones. He then discusses some major issues and concerns in the current debate on a world environment organization, including whether this body should focus only on global issues or also on local issues, how a world environment organization could relate to the concept of sustainable development and to the interests of developing countries, and to what extent civil society could play a role within such a new agency.

John Kirton (2005) then discusses why the creation of a world environment organization *outside the UN system* would best meet the interests of major industrialized powers, namely the 'Group of 8'. He confirms the urgency to improve environmental governance yet questions the centrality of the United Nations in doing so. Kirton draws on regional regimes in North America and shows that economic and trade concerns can and should effectively be integrated with environmental protection. He argues that rich countries should lead the way in adjusting lessons learned at the regional level to global needs. In fusing his rationalist advocacy of 'Group of 8' leadership with normative considerations, Kirton highlights not only the capacities but also indeed the responsibility of industrialized countries to move ahead in protecting the global environment.

Part III then includes three chapters that argue against the creation of a world environment organization. First, Konrad von Moltke (2005) rejects the idea of a world environment organization and calls upon critics to develop alternative proposals for the reform of global environmental governance. He then presents his own alternative proposal: to cluster the numerous international environmental agreements in order to tackle institutional overlap and fragmentation in international environmental policymaking. He argues that effective global environmental governance does not ask for centralizing environmental agreements in one high-level organization, but requires individual governments to champion well-designed clusters that address environmental macro-issues. In order to balance the diversity and complexity of the ecological crisis with the need for coherence and efficiency, von Moltke proposes separate clusters of multilateral environmental agreements, including the atmosphere, hazardous substances, the marine environment, and extractive resources.

Sebastian Oberthür and Thomas Gehring (2005), two outspoken critics of proposals to create a world environment organization, base their arguments on their interpretation of institutionalist theory. They point to a number of organizational pathologies and reject key arguments of reform advocates, in particular those related to gains in efficiency and effectiveness. They argue that the political effort and resources re-

quired to create a world environment organization would spur a multitude of unintended side effects, even as the desired long-term benefits remain uncertain and questionable. Ultimately, Oberthür and Gehring maintain that political attention and scarce resources should not be distracted for experiments with organizational reform as they could much better benefit the state of the global environment if deployed through the current institutional structure.

As a third critical contribution, Adil Najam (2005) argues that scholars who propose the creation of a world environment organization start on the wrong foot. His position is based on the premise that 'organizational tinkering' is little more than a superfluous distraction from the ultimate causes of the governance crisis plaguing international environmental politics. Among the more pressing issues, Najam highlights the demise of the Rio compact on sustainable development and a need for a society-centric view of environmental policy. One should not consider a new 'super-organization for the environment', he argues, but rather acknowledge the significant achievements of the UN Environment Programme and seek to further strengthen the latter's capacity through a number of feasible reform steps.

Outlook

As evidenced from this discussion, no end is in sight to the debate on a world environment organization as substantive disagreements over the issue prevail. Given the French initiative to launch a United Nations Environment Organization and the forthcoming report of the High-Level Panel on reforming the United Nations, the discussion is likely not only to continue but to intensify—both in diplomatic negotiations between countries that support a new organization and those that oppose it, and in academic circles that seek to provide input into and comment on these deliberations.

At the same time, points of agreement appear to be emerging, perhaps even a convergence of views in the direction of some middle ground. Many now appear to support strengthening the United Nations Environment Programme in one way or another, with options for an enlarged mandate and a more predictable financial basis at the heart of the debate. Also, most observers agree that major revolutionary change is neither feasible nor desirable: the abolishment or merger of major international agencies, the creation of new big bureaucracies, or the setting-up of international bodies with strong enforcement powers are reform visions that can still be found in the literature, but are not likely to muster much support. Three decades of debate on a world environment organization have contributed to both these points of convergence: it has pushed the insufficient mandate of and lack of governmental support for UNEP on the agenda of international deliberations while shaping the debate in a way that has filtered the more feasible reform options from the more radical grand designs.

The most recent contributions to this debate summarized above stand witness to this evolution. Drawing on these contributions as well as other proposals, it seems that the debate could benefit from a stronger focus on three core questions:

First, scholars must strive for improved clarity on the conceptual basis for the debate, beginning with its theoretical underpinnings. This holds in particular for the notions of international organizations, regimes and institutions. It is reasonable to assume that lack of uniform use of such central concepts and terminology is one source of disagreement in the discussion of organizational reform. Perhaps unsurprisingly, different conceptual approaches result in different policy recommendations. This divergence can be found throughout the WEO debate and it clearly reflects one of the sensitive issues in the international relations literature. We thus believe that there is a need for more theoretical research and conceptual debate on these issues within the global governance discourse.

Second, more clarity is required regarding the delineation of the issue area that is actually in the focus of the debate. In particular, this relates to the relationship between environmental concerns and development goals, especially in the South. Global environmental governance ultimately needs to further sustainable development and must not view environmental policy as an isolated issue area. Whenever political agreements on protection of tropical forests or regulation of fossil fuel consumption are negotiated, important questions of economic development are undoubtedly at stake. A world environment organization would need to take this into account. Although its objective would not be to bring about economic development per se, a new organization would have to aspire not to impede economic development and to make both policy goals mutually supportive.[7] Consequently, the institutional and organizational relationship between environmental protection and sustainable development requires scrupulous attention—notably in the overall debate on UN reform.

Finally, it is necessary to arrive at a better understanding of how smaller organizational and institutional reform proposals intertwine with the much larger picture of global environmental governance. Much energy is currently wasted in debates on global environmental governance through arguing about the focus of prospective reforms rather than about actual problems and feasible solutions. In the case of a world environment organization, this relates in particular to the question of whether such an agency would be 'organizational tinkering' (Najam 2005) instead of addressing the salient issues, namely the lack of capacity for environmental policy in the developing world and sluggish implementation of existing obligations by industrialized countries. Speculations whether organizational reform may be at all helpful suffer from our limited understanding of the roles international organizations actually play in international envi-

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[7] On the practical relevance of environment and development in international environmental governance see, for instance, Bauer and Biermann (2004), Biermann (2002; 2005), Gupta (2005), Najam (2005), Timoshenko and Berman (1996).

ronmental governance. The social sciences have so far largely neglected the study of intergovernmental organizations and the effects they have in world politics.[8]

This holds in particular for international environmental cooperation where international regimes have received the bulk of scholarly attention. Both proponents and opponents of a world environment organization thus had to build their arguments in most cases on the basis of personal experiences, theoretical deliberation and normative visions, rather than on the findings of empirically-based research. The scholarly neglect of intergovernmental organizations is problematic in so far as ignoring the effects that these organizations may or may not have is likely to result in misleading conclusions about the state of global environmental governance. Hence, we conclude that the very debate about the pros and cons of creating a world environment organization could benefit greatly from a more solid grounding in academia regarding the role of intergovernmental organizations.[9] It is in this respect that this paper aims to provide a flashlight on the various perspectives in the debate over a world environment organization. Ultimately, it is meant to illustrate the need for further research on the organizational aspects of global environmental governance.

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[8] For notable exceptions, see E.B. Haas (Haas 1990), Malik (1995), Reinalda and Verbeek (1998), and Barnett and Finnemore (1999; 2004).

[9] An ongoing multidisciplinary effort in this respect is currently being undertaken by the Global Governance Project's MANUS research group on the effectiveness and learning of intergovernmental organizations. See, for instance, Bauer (2004), Biermann and Bauer (2004), Siebenhüner (2003).

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