

Institutional design and UNEP reform: historical insights on form, function and financing

MARIA IVANOVA*

Large-scale environmental problems captured the world's attention in the early 1970s, as countries recognized the close links between environmental integrity and economic prosperity. In response to these problems, states created a system of international environmental governance, with the United Nations Environment Programme (UNEP), established at the 1972 Stockholm Conference, at its core. Since then, the institutional framework has grown in size and complexity, with a steady increase in the number of institutions,¹ agreements, meetings, reports, and actors; yet global environmental concerns remain largely unresolved. In the absence of clear goals, a shared vision, and effective communication and coordination among international institutions, a gap between a growing body of policies and decreasing implementation has become ever more evident.²

Governments and academics have been discussing reform options for the global environmental governance architecture for over a decade, but with limited success. In 2000, at the first Global Ministerial Environment Forum—the universal assembly for environment ministers—over 100 ministers emphasized that ‘the environment and the natural resource base that supports life on earth continue to deteriorate at an alarming rate ... [and require] an institutional architecture that has the capacity to effectively address wide-ranging environmental threats in a globalizing world.’³ Through the Malmö Declaration, ministers initiated a process of reform in international environmental governance. Until recently, the process has proceeded in fits and starts, with intermittent negotiations and limited progress.

The 2012 UN Conference on Sustainable Development (Rio+20), marking the 40th anniversary of the Stockholm Conference and the 20th anniversary of the

* The author would like to thank Tse Yang Lim, Robert Falkner, Bernice Lee and two anonymous reviewers for their helpful comments, and Caroline Amollo, Natalia Escobar-Pemberthy and Cecilia Nardelli for their research assistance.

¹ The terms ‘institution’ and ‘organization’ are used differently in the academic and international policy arenas. Academics use ‘institution’ to refer to a set of rules, principles, norms and decision-making procedures and ‘organization’ to refer to administrative structures created to apply those rules. In international policy-makers’ terms, ‘institution’ refers to any UN or international administrative entity, while ‘organization’ specifically indicates specialized agency status, as in e.g. UNESCO or the WHO. Institutions such as UNEP and UNDP are not ‘organizations’ but programmes. To avoid misunderstanding, this article consistently uses ‘institution’ and ‘organization’ in the latter, policy arena sense.

² UNEP, *Global Environmental Outlook (GEO-5)* (Nairobi, forthcoming 2012).

³ UNEP, Malmö ministerial declaration, GMEF/UNEP GCSS-6 UNEP/GCSS-VI/L.3, 31 May 2000, http://www.unep.org/malmo/malmo_ministerial.htm. accessed 29 Feb. 2012.

Rio 'Earth Summit', is providing both impetus and opportunity for substantial reform. The institutional architecture for the environment and sustainable development is one of the two main agenda items for Rio+20 (along with the green economy), and governments expect to make decisions on the design of key institutions, which could bring about the most significant changes in the environmental governance architecture since its inception.

In the lead-up to Rio+20 discussions have focused primarily on the question of reforming institutional form. Two main reform options are currently on the table: transforming UNEP into a specialized agency; and enhancing UNEP without changing its status as a subsidiary body of the UN General Assembly. The European Union has spearheaded a growing movement in favour of the specialized agency option.⁴ Others, including the United States and China, warn that merely changing UNEP's institutional form would not necessarily lead to better international environmental governance, and suggest improving UNEP's ability to deliver on its mandate.⁵

The issue of reform of the institutional architecture is complex, encompassing questions about the optimal institutional form of an environmental governance system, its functions and its financing. All these questions were addressed when UNEP and the current system were being created, and should be satisfactorily addressed in any decisions about reform. Surprisingly, contemporary reform proposals bear close resemblance to the initial ideas that the first architects of global environmental governance had on the institutional drawing board 40 years ago. Governments at the time carefully considered the pros and cons of creating a specialized agency for the environment and a subsidiary body of the UN General Assembly, and made informed choices.⁶ The reasoning behind the design of the original anchor institution for the global environment provides a critical analytical basis for the current political endeavour.⁷

This article argues that granting UNEP specialized agency status is not a panacea for the difficulties besetting global environmental governance. Instead, any attempt at reform must consider the main functions required of a governance architecture, as well as the constraints inhibiting the execution of those functions, and seek to fulfil the functions and remove the constraints. By comparing the needs of environmental governance at the time of UNEP's creation and at present, the article demonstrates that the reasoning and exceptional foresight of UNEP's designers in creating a small, agile subsidiary body, to catalyse and coordinate

⁴ EU, 'Statement on behalf of the European Union and its member states', New York, United Nations, 2011: first intersessional meeting of the UN Conference on Sustainable Development (UNCSD), 11 Jan. 2011, <http://www.uncsd2012.org/rio20/content/documents/EU-Commission-1st-Intersessional-11Jan.pdf>, accessed 26 Feb. 2012.

⁵ United States, 'Statement to the first meeting of the Consultative Group of Ministers or High-level Representatives on International Environmental Governance', Belgrade process, June 2009; United States, 'Comments to the second meeting of the Consultative Group of Ministers or High-level Representatives on International Environmental Governance', 22 Oct. 2010 (copy on file with author).

⁶ Maria Ivanova, 'Designing the United Nations Environment Programme: a story of compromise and confrontation', *International Environmental Agreements: Politics, Law, and Economics* 7: 3, Sept. 2007, pp. 337–61.

⁷ Maria Ivanova, *Can the anchor hold? Rethinking the United Nations Environment Programme for the 21st century* (New Haven, CT: Yale School of Forestry and Environmental Studies, 2005).

environmental action, remains valid today. Rather than make needless and possibly counterproductive changes to UNEP's institutional form or mandate, reform efforts at Rio+20 and beyond should focus on reviving and empowering UNEP to fulfil its originally mandated function as 'the leading global environmental authority that sets the global environmental agenda, that promotes the coherent implementation of the environmental dimension of sustainable development within the United Nations system, and that serves as an authoritative advocate for the global environment.'⁸

Rethinking form, function and financing: current reform proposals

The question of institutional form is the most contested and volatile aspect of the reform debate, and is receiving by far the most attention.⁹ The two alternatives under consideration are reflected in the current 'zero' draft of the outcome document for Rio+20:

51. We agree to strengthen the capacity of UNEP to fulfil its mandate by establishing universal membership in its Governing Council and call for significantly increasing its financial base to deepen policy coordination and enhance means of implementation.

or

51 alt. We resolve to establish a UN specialized agency for the environment with universal membership of its Governing Council, based on UNEP, with a revised and strengthened mandate, supported by stable, adequate and predictable financial contributions and operating on an equal footing with other UN specialized agencies. This agency, based in Nairobi, would cooperate closely with other specialized agencies.¹⁰

The first option assumes the continuation of UNEP as a subsidiary body of the UN General Assembly, with improvements to its ability to deliver on its mandate. The second assumes that UNEP will be transformed into and superseded by a specialized agency.

The main difference between these options is technical. Subsidiary bodies of the UN General Assembly or the Economic and Social Council are entities created under Article 22 of the UN Charter to address emerging problems and issues in the international economic, social and humanitarian fields. They can be programmes or funds, boards, committees or commissions. Their governance structure often includes an executive board with geographically representative membership and their activities are financed through voluntary contributions. They also receive financial support from the UN regular budget and administrative support from

⁸ UNEP, 'Nairobi Declaration on the role and mandate of UNEP', 7 Feb. 1997, <http://www.unep.org/Documents.multilingual/Default.asp?DocumentID=96&ArticleID=1458&l=en>, accessed 26 Feb. 2012.

⁹ See e.g. Richard Ingham, 'Environment agency becomes crunch issue in Rio talks', AFP, 5 Feb. 2012, http://www.google.com/hostednews/afp/article/ALeqM5h3TaXs_xlQj7LHL_x1sj_b8wB1Lg?docId=CNG.bb569e986878b59ce21f6cda8b6f1234.151, accessed 26 Feb. 2012.

¹⁰ UNCSO, 'The future we want: zero draft of the outcome document', 10 Jan. 2012, http://www.uncsd2012.org/rio20/content/documents/370The%20Future%20We%20Want%202010Jan%20clean%20_no%20brackets.pdf, accessed 26 Feb. 2012. The 'alt' paragraph draws on EU, 'Statement of behalf of the European Union and its member states'.

the UN Secretariat or the UN offices in Geneva, Vienna, or Nairobi. Subsidiary bodies work directly through the UN, which gives them the authority to play a leadership and coordinating role within the UN system. UN specialized agencies, on the other hand, are autonomous organizations linked to the UN through special agreements in accordance with Articles 57 and 63 of the UN Charter. Governments establish specialized agencies through the adoption and ratification of intergovernmental treaties. Specialized agencies have potentially universal membership: that is, any state can join as a member if it ratifies the treaty constituting the agency. They also possess international legal personality, that is, the status of an autonomous subject of international law. The budget of specialized agencies comprises primarily assessed, that is, mandatory, contributions from member states, and does not include any contributions from the UN regular budget.

Scholars have proposed the creation of a specialized agency as a way to 'bring about environmental policy integration' and give the environment a voice in the UN system.¹¹ The EU has been the most longstanding and consistent proponent of creating a UN specialized agency for the environment. According to the EU, a specialized agency would 'be recognized as the leader on matters relevant to the environment and would perform a coordination function with regard to other UN bodies. It would represent "the UN voice for the Environment", and be a designated body with a strong mandate so that the UN response to the outstanding issues in the area of environment reflects the size of the challenges.'¹² Other proposed functions for such a World Environment Organization include public education, unified monitoring, and the coordination of financing and technology transfer efforts.¹³ The African Union (AU) has also recently adopted, in 2011, a common position for all member states in favour of the creation of a World Environmental Organization,¹⁴ urging Africa to 'consider the creation of an international environmental organization from UNEP, with a transparent and functioning structure, with means and adequate powers with universal membership. This institution should have a technical capacity to help countries meet the Multilateral Environmental Agreements. It will be the first specialized UN agency to be located in Nairobi, Africa.'¹⁵

On the other hand, several scholars and governments warn that changing UNEP's institutional design would not necessarily lead to improved international

¹¹ Frank Biermann and Steffen Bauer, eds, *A World Environment Organization: solution or threat for effective international environmental governance?* (Burlington, VT: Ashgate, 2005); Frank Biermann, Olwen Davis and Nicollen van der Grijp, 'Environmental policy integration and the architecture of global environmental governance', *International Environmental Agreements* 9: 4, Nov. 2009, pp. 351–69.

¹² EU, 'Contribution of the European Union and its member states to the UN Department of Economic and Social Affairs', input for the 2012 UNCS D Rio+20 compilation document, 1 Nov. 2011, <http://www.uncsd2012.org/rio20/content/documents/240contribution%20of%20the%20EU%20and%20its%20MS%20to%20the%20UNCS D.pdf>, accessed 26 Feb. 2012.

¹³ Frank Biermann, 'Reforming global environmental governance: from UNEP towards a World Environment Organization', in Lydia Swart and Estelle Perry, eds, *Global environmental governance: perspectives on the current debate* (New York: Center for UN Reform Education, 2007).

¹⁴ African Union, 'Mobilizing African leadership for an effective regional preparatory process for the United Nations Conference on Sustainable Development Rio+20', 29 June 2011, http://www.unep.org/roa/Portals/137/Docs/pdf/Rio+20_Report.pdf, accessed 26 Feb. 2012.

¹⁵ AU, 'Mobilizing African leadership'.

environmental governance because it would not directly address the root causes of ineffectiveness.¹⁶ Instead, they advocate the alternative option of ‘enhancing UNEP’. This option could be fulfilled through multiple avenues, involving various levels of institutional change. One possibility entails retaining UNEP’s current institutional form as a subsidiary body of the UN General Assembly and significantly improving its ability to deliver on its mandate by tackling the key constraints it faces, for example by enhancing its operations and management systems and increasing its financial and staffing resources. Another option would be a change in UNEP’s mandate to include a greater focus on capacity-building and implementation, and possibly a change to universal membership in UNEP’s Governing Council. Such institutional changes could be made through the addition of language to the documents constituting UNEP—UNGA Resolution 2997 of 1972 and the Nairobi Declaration of 1997. UNEP could even become a UN Environment Organization in name while remaining a subsidiary organ of the General Assembly, since as long as a UN entity is created through a resolution in the UN General Assembly it is a subsidiary body.¹⁷

Analysis of official statements from intergovernmental consultations on international environmental governance from 2006 to 2011 reveals a significant shift in state preferences regarding the two institutional forms over the course of several consultations on reform.¹⁸ At the beginning of the process, most countries opposed the creation of a specialized agency; but in 2011, 35 per cent of UN member states that had contributed statements to the Rio+20 preparatory process supported the creation of a specialized agency for the environment. Another 30 per cent supported enhancing UNEP, and the remaining 35 per cent had not expressed any preference (see table 1). Importantly, the status quo was no longer an openly supported option.

Even Australia and the United States, which had previously argued that the global environmental architecture was sufficient and required only minor tweaking to increase efficiency and effectiveness, expressed support for strengthening UNEP in 2011.¹⁹ For example, in 2007, during the first consultations on international

¹⁶ United States, ‘Statement to the first meeting of the Consultative Group’ and ‘Comments to the second meeting of the Consultative Group’; Adil Najam, ‘The case against a new international environmental organization’, *Global Governance* 9: 3, July–Sept. 2003, pp. 367–84; Maria Ivanova, ‘A new global architecture for sustainability governance’, in *State of the World 2012: jumpstarting sustainable economies* (Washington DC: Worldwatch Institute, forthcoming 2012).

¹⁷ Center for Governance and Sustainability, University of Massachusetts, Boston; Federal Office for the Environment of Switzerland; and World Trade Institute at the University of Bern, ‘Summary report of workshop on international environmental governance: grounding policy reform in rigorous analysis’, 28 June 2011, Bern, Switzerland. http://www.environmentalgovernance.org/wp-content/uploads/2011/06/12.058_CGS_report_single_v10.pdf, accessed 29 Feb. 2012

¹⁸ Documents from the following consultations were analysed: (1) the international environmental governance consultations that took place in the UN General Assembly from 2006 to 2008 and in UNEP’s Governing Council in 2009 and 2010; and (2) the Rio+20 preparatory discussions that took place in 2010 and 2011. In the first group, 51 countries submitted statements for the consultations. In some cases, multiple statements from one country were present. In the second group, 100 countries submitted statements. In the first sample, 41% are developed countries and 59% are developing. In the second sample, 42% of countries are developed and 58% are developing.

¹⁹ United States, ‘U.S. input to the Belgrade process’, 8 Aug. 2009 (copy on file with author). United States, ‘Sustainable development for the next twenty years’, input for the 2012 UNCSD Rio+20 compilation document, 1 Nov. 2011, <http://www.uncsd2012.org/rio20/content/documents/37011-11-01%20US%20Submission%20Rio>

environmental governance under the aegis of the UN General Assembly, Australia noted that it had ‘not heard a convincing argument that there is something fundamentally wrong with the structure of our current system’ and emphasized the need to make better use of existing institutions.²⁰ During the following consultative process that year, led by UNEP, Australia expressed the view that it would consider reforms if they did ‘not undermine the legal autonomy of the separate governing bodies of the various multilateral environment agreements and [did] not simply create another layer of bureaucracy, further delaying decisions and wasting resources’.²¹ In its contribution to the Rio+20 process in 2011, Australia argued for the following conference outcomes: ‘strengthening UNEP, including consideration of expanding it to universal membership; strengthening its governance structures; and strengthening its role in relation to the science–policy interface.’²²

The country positions presented in table 1 reflect an analysis based on individual UN member states’ submissions of statements to the preparatory process for Rio+20. Only three member states of the AU (Nigeria, Togo and Uganda) have explicitly expressed support for a World Environment Organization in their national statements, and are included in the analysis as having done so; all other AU member states either have not submitted national inputs for the Rio+20 compilation document or do not express explicit support for the AU proposal in their national statements. In contrast, EU member states indicate that they endorse the input provided by the EU: therefore, all 27 member states feature in table 1 as individually supporting the specialized agency reform option. Such a conclusion cannot yet be drawn for all member states of the AU. Thus, in the last few months before the landmark environmental summit in June 2012, while there is general agreement on the need for institutional reform and some convergence on reform options, a consensus on the optimal institutional form has yet to emerge.

An important corollary to the debate on institutional form is the question of financing. There is widespread agreement that UNEP’s annual budget of \$217 million is too small, especially in the light of its ambitious mandate to ‘provide leadership and encourage partnership in caring for the environment’.²³ Some scholars and policy-makers contend that the root cause of the small size of UNEP’s budget is the purely voluntary nature of its financing, and that specialized agencies, whose budgets are based on mandatory contributions, ‘can avail themselves of more resources and hence influence’.²⁴ Contemporary institutional reform proposals from the academic world, therefore, tend to link an increase in

[%2020%20Nov%201\(1\).pdf](#), accessed 26 Feb. 2012.

²⁰ Australia, ‘Statement to the informal consultative process on the institutional framework for the United Nations’ environmental activities’, 10 Sept. 2007 (copy on file with author).

²¹ Australia, ‘Comments to the second meeting of the Consultative Group of Ministers or High-level Representatives on International Environmental Governance’, 14 Aug. 2009 (copy on file with author).

²² Australia, ‘Submission to the Rio+20 compilation document’, p. 15, <http://www.uncsd2012.org/rio20/content/documents/692Australian%20National%20Submission%20to%20Rio20%20Compilation%20Draft.pdf>, accessed 26 Feb. 2012.

²³ UN General Assembly, ‘Resolution 2997 (XXVII): Institutional and Financial Arrangements for International Environmental Cooperation’, A/RES/27/2997 15 Dec. 1972.

²⁴ Frank Biermann, ‘Reforming global environmental governance: the case for a United Nations Environment Organisation (UNEO)’, Stakeholder Forum, Feb. 2011.

Table 1: Political support for institutional reform options, based on country submissions to Rio+20 compilation document (total countries: 100)

<i>Option</i>	<i>Rio+20 process country statements</i>
Specialized agency	35 of the countries with statements (35%) support this option. These include the 27 EU members plus Chile, Croatia, Nepal, Nigeria, Togo, Turkey, Uganda and Ukraine.
Enhancing UNEP	30 of the countries (30%) support this option,* of which 77% are developing countries.
Other	34 of the analysed countries (34%) make no explicit or specific reference to any of the reform options in their statements. Kenya, in its Rio+20 submission, does mention the issue of institutional reform but argues that either option (enhancing UNEP or the creation of a new organization) is viable, leaving the decision to other member states. At the Feb. 2012 UNEP Governing Council meeting, however, Kenya expressed support for the specialized agency option.†

* Argentina, Australia, Benin, Botswana, Burkina Faso, Canada, China, Colombia, Cuba, Dominican Republic, Ecuador, Egypt, Guatemala, India, Indonesia, Israel, Japan, Montenegro, Norway, Peru, Philippines, Russia, Serbia, South Africa, South Korea, Switzerland, Thailand, United States, Uruguay and Venezuela.

† See Government of Kenya, 'Kenya's position for submission for preparation of Rio+20 conference', input for the 2012 UNCSD Rio+20 compilation document, <http://www.uncsd2012.org/rio20/content/documents/560Kenya.pdf>, accessed 26 Feb. 2012; see also UNEP, 'Draft Proceedings of the Governing Council/Global Ministerial Environment Forum at its twelfth special session', para. 13, UNEP/GC SS.XII/L.2, 20 Feb. 2012, http://www.unep.org/gc/gcss-xii/docs/in_L-docs.asp, accessed 29 Feb. 2012.

UNEP's budget to a change to specialized agency status, with its requisite assessed contributions. In fact, the validity of the claimed causal link between specialized agency status and increased budget size is tenuous at best, as will be demonstrated later in this article. To date, policy-makers have largely avoided making explicit financial recommendations and commitments, restricting themselves to agreement in principle on the need for greater financing.

While divisions remain on the question of institutional form and uncertainties on the necessary and possible level of financing persist, there is largely consensus on the necessary functions of international environmental governance. In 2006, at the first plenary informal consultations on the institutional framework for the UN's environmental activities, the government of Kenya summarized the main areas in which the system needed to be strengthened or reformed. These included enhanced coordination, improved policy advice and guidance, strengthened scientific knowledge, assessment and cooperation, better treaty compliance, and better integration of sustainable development in operational activities.²⁵ In 2010, the ministerial consultations concluded with an agreement on five core functions/objectives:

²⁵ Kenya, 'Statement of the Government of Kenya during the first plenary informal consultations on the institutional framework for the United Nations' environmental activities', 25 Apr. 2006 (copy on file with author).

- creating a strong, credible and accessible science base and policy interface;
- developing a global authoritative and responsive voice for environmental sustainability;
- achieving effectiveness, efficiency and coherence within the United Nations system;
- securing sufficient, predictable and coherent funding;
- ensuring a responsive and cohesive approach to meeting country needs.²⁶

The articulation of such a clear, concise set of agreed functions after the last few years of negotiations seems like a promising sign of progress in the environmental governance reform debate. However, an examination of the history of reform efforts reveals that this ground has been covered before, as far back as 1970 when deliberations on the creation of UNEP began.

History of reform efforts: *plus ça change, moins ça change*

Institutional design and redesign for international environmental governance is far from new. Its history can be traced back through 40 years of major UN environmental summits, which have provided strong impetus and opportunity for reform. In 1972, at the Stockholm Conference on the Human Environment, governments agreed to create the UN Environment Programme.²⁷ The new UN entity was expected to serve as an anchor institution and focal point for environmental action, coordinating environmental programmes within the UN system, keeping their implementation under review and assessing their effectiveness. Alongside UNEP, governments also created an Environment Fund and the Environment Coordination Board, to facilitate the coordination of environmental activities in the UN system through financial support and information exchange respectively.²⁸ Twenty years later, at the 1992 Rio Earth Summit, governments launched the Commission on Sustainable Development to ensure follow-up after the summit and to serve as the high-level forum for sustainable development in the UN system. They also adopted conventions on climate change, desertification and biodiversity. The 2002 World Summit on Sustainable Development in Johannesburg stimulated a political debate on reform, eliciting spirited calls for a World Environment Organization from French President Jacques Chirac;²⁹ but despite the adoption of the so-called Cartagena Package, a set of recommendations and commitments to enhancing UNEP's performance,³⁰ it resulted in no concrete outcomes for the international environmental architecture. An informal political

²⁶ UNEP, Meeting of the Consultative Group of Ministers or High-level Representatives on International Environmental Governance, Belgrade–Rome outcome, 'Set of options for improving international environmental governance', 29 Oct. 2009, <http://www.unep.org/environmentalgovernance/Portals/8/documents/IEG-Draft-Report-Rome-final-edited.pdf>, accessed 26 Feb. 2012.

²⁷ Richard N. Gardner, 'UN as policeman', *Saturday Review*, 7 Aug. 1971, p. 47; Richard N. Gardner, 'The role of the UN in environmental problems', *International Organization* 26: 2, Spring 1972, pp. 237–54.

²⁸ UN General Assembly, 'Resolution 2997 (XXVII)'.

²⁹ Jacques Chirac, 'Statement of the French Republic to the World Summit on Sustainable Development', Johannesburg, 2 Sept. 2002. <http://www.un.org/events/wssd/statements/franceE.htm>, accessed 29 Feb. 2012.

³⁰ UNEP, 'International environmental governance', UNEP/GC SS.VII/1 and appendix, 15 Feb. 2002, <http://www.nyo.unep.org/pdfs/gcss71.pdf>, accessed 26 Feb. 2012.

consultation process on international environmental governance reform began only in 2006. The most recent negotiations began in February 2009, with the launch of the Consultative Group on International Environmental Governance at the UNEP Governing Council, and concluded with the Nairobi–Helsinki outcome document in 2010.³¹ The consultations brought environment ministers and high-level representatives together to outline alternatives for environmental governance reform, with the aim of informing deliberations at the 2012 Rio+20 conference.³²

At first glance, the reform process gives the impression of an evolving and progressing debate. Closer examination of the evidence, however, shows little advancement. Indeed, the more things change, the more they stay the same. While the world has changed geopolitically, economically and culturally, the fundamental challenges remain the same. The core environmental concerns demanding collective action and the related governance questions have persisted. Even the institutional context within which reform is to take place, characterized by multiplicity and incoherence, is broadly similar to what it was decades ago.

In preparation for Rio+20, governments have compiled a ‘zero draft’ of an outcome document highlighting 15 priority issues. During the preparatory process for the Stockholm Conference scientists identified a set of global environmental problems which are remarkably similar to the set of environmental and sustainable development challenges in front of governments today (see table 2).

Priorities and issues are presented in table 2 in the order in which they appear in the source documents. Closer examination reveals a striking overlap between the environmental concerns on the agenda in 1972 and in 2012. Of the 15 issues for Rio+20, three are associated primarily with the non-environmental dimensions of sustainable development (green jobs/social inclusion, education and gender equality); of the remaining twelve issues, only one (natural disasters) does not have an equivalent issue on the list of priorities for Stockholm. Mineral extraction in 1972 has been folded under the mountain rubric in 2012, along with other issues specific to such ecosystems. Importantly, population growth is completely absent from the 2012 discussions, despite its sharpened relevance to the environment and sustainable development more broadly, with the world’s population reaching 7 billion in 2011 (compared to 3.7 billion in 1970). Overall, the scale and severity of many of the 1972 challenges have grown, but the reasons they require an effective international governance architecture remain largely unchanged.

Governments also continue to grapple with the same governance issues: the appropriate division of functions among existing international institutions, the

³¹ UNEP, ‘Nairobi–Helsinki outcome’, Consultative Group of Ministers or High-level Representatives, 23 Nov. 2010. <http://www.unep.org/environmentalgovernance/Portals/8/documents/Events/NairobiHelsinkiinaloutcomeedited.pdf>, accessed 29 Feb. 2012.

³² UNEP Meeting of the Consultative Group of Ministers or High-level Representatives on International Environmental Governance, Belgrade–Rome outcome, ‘Set of options for improving international environmental governance’, 29 Oct. 2009; UNEP, co-chairs of the Consultative Group, ‘Elaboration of ideas for broader reform of international environmental governance’, 27 Oct. 2010, second meeting of the Consultative Group of Ministers or High-level Representatives on International Environmental Governance, Helsinki, 21–23 Nov. 2010, UNEP/CGIEG.2/2/2.

Table 2: Comparison of priority issues for 1972 Stockholm Conference and 2012 Rio+20 Conference

<i>Stockholm Conference priorities for action</i>	<i>Rio+20 priority/key/thematic/cross-sectoral issues</i>
1 Marine pollution	1 Food security
2 Atmospheric pollution and climate change	2 Water
3 Chemicals and noise pollution	3 Energy
4 Protection of endangered species	4 Cities
5 Protection of areas of natural, cultural and historical significance	5 Green jobs / social inclusion
6 Resource management	6 Oceans and seas / small island developing states
7 Agriculture, soils and forestry	7 Natural disasters
8 Lakes, rivers and water resources	8 Climate change
9 Energy production and mineral extraction	9 Forests and biodiversity
10 Population growth and distribution	10 Land degradation and desertification
11 Housing, slums and squatter settlements	11 Mountains
12 Physical and mental health aspects of urbanization	12 Chemicals and waste
13 Water supply, sewage and waste disposal	13 Sustainable consumption and production
	14 Education
	15 Gender equality

Sources: Richard N. Gardner, 'International Organization and the Human Environment: a discussion outline', UN Secretariat Archival Item S-0885-0003-42-00001, 1971; UNCSD, 'The future we want: zero draft of the outcome document', 10 Jan. 2012, http://www.uncsd2012.org/rio20/content/documents/370The%20Future%20We%20Want%2010Jan%20clean%20_no%20brackets.pdf, paras 63–104, accessed 26 Feb. 2012.

adequacy of any responses, and the need to create new agencies with broad responsibilities across several (or even all) environmental concerns. Indeed, the core questions shaping the debates in 1972 are almost identical to those of recent years. George H. W. Bush, the US ambassador to the United Nations at the time (and later US president), articulated some of the main issues at one of the many substantive discussions in the lead-up to the Stockholm Conference: How can the work of existing institutions be made more effective? How can cooperation between existing agencies be enhanced? How should environmental functions relate to other priority functions, particularly in the field of economic and social development? Is there a need for a single agency incorporating other agencies and other functions?³³

Indeed, even though no international agency had an explicit environmental mandate when governments began preparing for the 1972 Stockholm Conference, the institutional landscape was not empty. Many UN bodies had programmes in environmental research, protection and standard-setting, but worked in a piecemeal fashion, lacking coordination with one another's work or that of national

³³ George H. W. Bush, 'Remarks to the opening session', International Organization and the Human Environment, 21–23 May 1971, Rensselaerville, New York.

partners.³⁴ A number of UN member states viewed the proliferation of environmental institutions as unnecessary and even wasteful, and some argued that the resources devoted to environmental research and protection in the UN system were already adequate. With this situation in mind, UNEP was created not to compete with existing institutions, but to coordinate and catalyse synergies among them, reduce fragmentation and increase coherence.

Forty years on, states as diverse as Canada, Kenya, Norway, Croatia and Indonesia are expressing concern that environmental activities are spread across many institutions leading to fragmentation, duplication and overlap,³⁵ and that the global environmental governance architecture is 'inadequate compared to the mounting challenges, [and] lacks effective mechanisms for monitoring or ensuring the implementation of agreed commitments'.³⁶ The academic³⁷ and political³⁸ debates have converged on the need for an improved or strengthened international environmental governance system.

In 2009, at the start of the reform process (also known as the Belgrade process), Marthinus van Schalkwyk, at the time South Africa's Minister of Environmental Affairs and Tourism, expressed frustration with the lack of even incremental progress, stating 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. The impasse has been characterised by limited agreement on how to implement what has already been agreed not least in Cartagena, a widening trust gap, and the lack of a higher level shared vision for the next decade.³⁹

The reform process sought to provide the debate with a new 'compass', by producing a set of agreed functions or objectives for a reformed governance architecture. Based on the principle that 'form follows function', this agreement on function could potentially provide a common direction in which to move towards a consensus on the question of institutional form. But in reality, the 'compass' is not new—the consensus on functions (in the Nairobi–Helsinki outcome) closely

³⁴ Maria Ivanova and Jennifer Roy, 'The architecture of global environmental governance: pros and cons of multiplicity', in Swart and Perry, eds, *Global environmental governance*, pp. 48–66.

³⁵ Canada, 'Informal consultations on the institutional framework for the UN's environmental activities', 4 May 2006; Kenya, 'Statement of the Government of Kenya during the first plenary informal consultations on the institutional framework for the United Nations' environmental activities', 25 April 2006; Norway, 'Statement to the Belgrade process' (n.d.); Croatia, 'First round of informal consultations on the institutional framework of UN's environmental activities', Jan. 2007 (copies on file with author).

³⁶ Indonesia, 'Submission by the Government of the Republic of Indonesia to the zero draft of UNCSD 2012 outcome document', 1 Nov. 2011, <http://www.uncsd2012.org/rio20/content/documents/358Submission%20Indonesia%20for%20Rio20.pdf>, accessed 26 Feb. 2012.

³⁷ James Gustave Speth and Peter M. Haas, *Global environmental governance* (Washington DC: Island Press, 2006); Biermann et al., 'Environmental policy integration'; Adil Najam and Henrik Selin, 'Institutions for a green economy', *Review of Policy Research* 28: 5, Sept. 2011, pp. 451–7.

³⁸ The Rio+20 zero draft outcome document states: 'We reaffirm the need to strengthen international environmental governance within the context of the institutional framework for sustainable development, in order to promote a balanced integration of the economic, social and environmental pillars of sustainable development': UNCSD, 'The future we want', para. 50.

³⁹ Keynote address by Marthinus van Schalkwyk, South African Minister of Environmental Affairs and Tourism, at the plenary ministerial consultations on 'International environmental governance: help or hindrance?', UNEP Global Ministerial Environment Forum, 19 Feb. 2009, Nairobi, <http://www.info.gov.za/speeches/2009/09022015151004.htm>, accessed 26 Feb. 2012.

mirrors the conclusions reached in the 1970s before UNEP was created. The close similarity should not be surprising, considering the congruence between the challenges then and now.

In fact, every one of the functions and objectives proposed in the contemporary reform process (as noted above) had been discussed and articulated in the preparatory process for Stockholm or in UNEP's constitutive instrument, Resolution 2997, which even specifically assigns these functions to UNEP's Governing Council, Secretariat or Executive Director. Resolution 2997 in fact contains an additional function—outreach and engagement—and states that it is the responsibility and duty of UNEP's Executive Director to 'secure the effective co-operation of, and contribution from, the relevant scientific and other professional communities in all parts of the world'. It also stipulates that the UNEP Governing Council should 'promote [the] contribution of relevant scientific and professional communities to the formulation and implementation of environmental programs in the UN system'.⁴⁰ Such a function is missing in today's political documents.

As we stand on the cusp of what could be the greatest changes in the environmental governance architecture since UNEP's creation, it is critical to examine the lessons from the past as we redraft the architecture for the future. The creation of UNEP took place in a different intellectual and political climate, but the problems and the options for solving them are strikingly similar. Governments carefully considered the institutional form, function and financing of a new environmental entity in the UN system and, after two years of thorough deliberations, made informed decisions. The fundamental challenge they faced, of designing an optimal governance architecture to tackle global environmental problems qualitatively similar to those we face in 2012, has changed little. As such, the reasoning behind the decisions of 1972 holds a lasting relevance for the problems of contemporary reform. Before reversing those decisions it is of critical importance that both scholars and policy-makers consider their rationale, and its applicability in the current governance deliberations.

The rationale of UNEP's form, function and financing

The deliberations in the run-up to the Stockholm Conference lasted for two years and engaged a wide circle of politicians, UN officials and academics. A major guiding principle throughout the discussions was the idea that 'form follows function'. Governments considered the institutional form options of creating a specialized agency for the environment, a subsidiary body, and a unit in the office of the UN Secretary General. Ultimately, they decided that creating a specialized agency for the environment was inappropriate, for several reasons.

First, a new specialized agency would need to assume a wide range of functions already performed by existing agencies, such as the United Nations Educational, Scientific and Cultural Organization (UNESCO) with its Man and Biosphere programme, the World Health Organization (WHO) with its work on health and

⁴⁰ UN General Assembly, 'Resolution 2997 (XXVII)'.

environment, and the Food and Agriculture Organization of the United Nations (FAO) with its Codex Alimentarius. Such a transfer of functions would be difficult to define and execute, and the scope of work for a new specialized agency would be hard to delineate short of an all-inclusive mandate. Second, a new specialized agency for the environment would join the ranks as only one of these existing and more established organizations with activities in the same sphere. It could therefore not have explicit authority over the rest of the system and would not be able to play a catalytic and coordinating role without getting embroiled in jurisdictional disputes. Finally, UN specialized agencies were not seen as highly effective international bodies. Governments considered them unnecessarily hierarchical and bureaucratic, slow to respond and difficult to charter, requiring a treaty process lasting several years.

Realizing that environmental problems do not fit within the traditional boundaries of nation-states or the expertise of any single existing organization, instead requiring the collaboration of all, the founders of UNEP emphasized that the key functions of the new entity should be to catalyse cooperation, encourage synergies among the existing agencies, and bring together the system into a whole greater than the sum of its parts. Maurice Strong, the Secretary General of the Stockholm Conference and the Rio Earth Summit, and UNEP's first Executive Director, advocated specifically that the new entity perform the following functions:

- maintain a global review of environmental trends, policies and actions;
- determine important issues to be brought to the attention of governments and outline policy options;
- identify and fill gaps in knowledge and in the performance of institutions carrying out international environmental activities.

'What is needed to deal with the task of improving the global environment', Strong wrote in 1971, 'is not a specialized agency but a policy evaluation and review mechanism, which can become the institutional centre or brain of the environmental network.'⁴¹ Since coordination was a critical function for the new environmental entity, speed and flexibility were vital characteristics. Specialized agencies were considered too cumbersome and rigid to be able to exercise this function, or to respond as needed to new scientific developments.

Instead, the most nimble institutional structure was deemed to be a unit placed in the Office of the UN Secretary General, directed by a strong, high-profile executive for environmental affairs. The executive would oversee disbursements from a special fund to support activities conducted by other institutions and promote collaboration in the UN system. Ultimately, governments decided to create the new environmental entity as a subsidiary body of the UN General Assembly with an autonomous status, following several recent precedents (the United Nations Conference on Trade and Development, UNCTAD, had been established in 1964, the United Nations Development Programme, UNDP, in 1965, the United

⁴¹ Maurice F. Strong, 'Development, environment and the new global imperatives: the future of international co-operation', Plaunt Lectures delivered at Carleton University, Ottawa, 1971 (copy on file with author).

Nations Industrial Development Organization, UNIDO, in 1966). In the same mould, the new environmental entity would be directly responsible to the General Assembly but would possess its own governing body, take independent initiatives and actions, and derive part of its funding from the regular budget of the UN. With subsidiary body status, the new body could work within the UN system with direct access to the highest and nearly universal political organ, the UN General Assembly. This was considered a significant operational benefit, given its intended role as a centre of gravity for environmental decisions and activities. It also gave the new institution strong political legitimacy and credibility among governments and other organizations in the UN.

A similarly high degree of scientific legitimacy would be achieved through acquiring significant scientific competence. The new institution would have to have access to the world's best scientific and professional resources to help it carry out its functions. To this end, governments created the Environment Fund, which would finance the costs of new environmental initiatives within the UN system and assist developing countries with their environmental actions. US President Nixon adopted this scenario in a proposal delivered to Congress before the Stockholm Conference, suggesting that the fund would 'provide start-up assistance' and would 'help to stimulate international cooperation on environmental problems by supporting a centralized coordination point for United Nations activities in this field'.⁴² The US Secretary of State's Advisory Committee wrote:

We believe that \$100 million is a beginning. However, this amount should be viewed as a minimum, a starting figure. It is not yet clear how much money will be required for adequate environmental action. The Voluntary Fund should be of such size as to guarantee that financing will not be a limiting factor to all necessary action. United States participation in this Fund should be exemplary and a reflection of the fact that we are the world's major polluter.⁴³

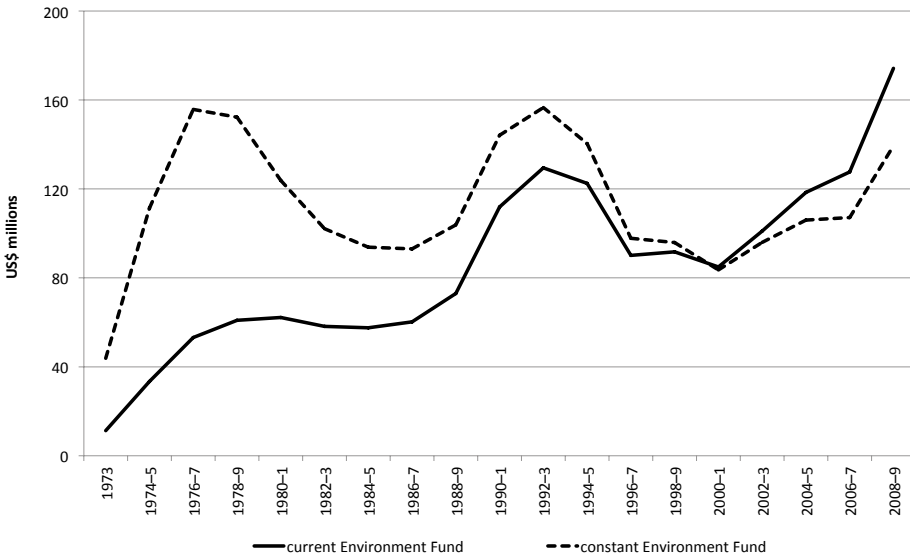
Following the US lead, 32 governments contributed to the Environment Fund in its first year, and almost double the number—60 governments—contributed in UNEP's second biennium, 1974–5. Over time, however, the Environment Fund has been volatile. In real terms (i.e. adjusted for inflation), it is only now reaching the levels of funding it had in 1977 and 1992. The four-decade trend thus shows that the original intention to grow the Fund in proportion with intensifying environmental problems was never truly realized (see figure 1).

UNEP's architects designed the new environmental body as a nimble, fast and flexible entity at the core of the UN system with the ultimate mission to catalyse cooperation and encourage synergy among UN agencies. They expected UNEP to acquire increasing authority and financing as it grew into its mandate as the centre of gravity 'for environmental action and co-ordination within the

⁴² Richard Nixon, presidential statement, 'President proposes voluntary UN Environment Fund' (Washington DC: US Information Service, 1972), p. 1.

⁴³ United States, Secretary of State's Advisory Committee on the 1972 UN Conference on the Human Environment, 'Stockholm and beyond' report (Washington DC: US Government Printing Office, 1972), p. 132.

Figure 1: Historical overview of Environment Fund (current and constant US\$)



Source: Maria Ivanova, 'Financing environmental governance: lessons from the United Nations Environment Programme', Governance and Sustainability Issue Brief series, 1 (Boston: University of Massachusetts Center for Governance and Sustainability, 2011).

United Nations system in such a way as to ensure a high degree of effective management'.⁴⁴

Despite its explicit mandate to serve as the 'brain' in the environmental network, UNEP has not been able to command authority among the other UN agencies. The accepted explanation puts the blame for this on UNEP's institutional form and meagre financing. Yet UNEP's form of a subsidiary body was chosen as the most appropriate for institutionalizing the integrative concept of environment across existing UN agencies. UNEP's designers acknowledged the activities of other, pre-existing agencies and subsidiary bodies, and took pains to coordinate among them rather than set off competitions over jurisdiction, authority and funding. Moreover, UNEP's initial financing at \$100 million for five years was clearly seen as seed money. The equivalent amount in 2010 dollars is \$500 million for five years. However, in 2010 UNEP's Environment Fund budget was a little over \$80 million. If UNEP's institutional status and financial mechanism were not compromised and rendered ineffective by its design, then what explains the organization's inability to gain the authority envisioned in its mandate? And, even more importantly, what explains the many successes that UNEP has nonetheless achieved in addressing environmental issues?⁴⁵

⁴⁴ UN General Assembly, Resolution 2997 (XXVII).

⁴⁵ Maria Ivanova, 'UNEP in global environmental governance: design, leadership, location', *Global Environmental Politics* 10: 1, Feb. 2010, pp. 30-59.

The explanation for both UNEP's deficiencies and its successes lies in its location in Nairobi, Kenya. This removed it geographically from the UN bodies it was supposed to influence and coordinate, but linked it to developing countries where environmental degradation was visible and urgent. This reality had several important effects on UNEP and thus on global environmental governance more broadly.

In the 1970s and 1980s, limitations in information and communication technologies made UNEP's interactions with other UN agencies laborious. Without constant and close contact with UNEP, and under increasing pressure to integrate environmental concerns into their own work, UN agencies began developing independent environmental agendas. On the other hand, UNEP's presence in a developing country gave it unparalleled proximity to environmental pressures and impacts. It is therefore no surprise that UNEP staff pushed for greater engagement on the ground, with concrete operational projects, despite the mostly normative mandate. Moreover, as UNEP worked to facilitate the creation of environmental ministries in developing countries, environmental concerns gained visibility, creating increasing demand for environmental services. These two dynamics—imperfect communications between UNEP and UN agencies, and increasing demand for and engagement in environmental activities in developing countries—led to a proliferation of other institutions with environmental responsibilities, a questioning of UNEP's normative authority, and a pressure to move increasingly into operational activities for which UNEP's design was ill-suited.

As governments contemplate reform of the global environmental governance system, simply changing UNEP's institutional form seems grossly insufficient, since the need for change stems not from flaws in the overall institutional design of UNEP, but from specific circumstances and constraints. Merely changing UNEP into a specialized agency, without addressing issues of connectivity and implementation responsibilities, will not improve its effectiveness. What is needed is a set of concrete, specific measures designed to enable UNEP to better fulfil its original mandate and adapt to its current conditions. Such measures could, admittedly, be adopted as part of a change to specialized agency status; but they could more easily be implemented as part of 'enhancing' or strengthening UNEP instead, without the difficulties that a change in form would entail.

Enhancing UNEP: moving forward by looking back

UNEP's founders set down clearly how they understood global environmental problems and how they thought the UN system could best address them. While the scale and scope of environmental problems have grown, and with them the urgency of action, the basic functions required of the international environmental governance system remain the same. UNEP was specifically designed to fulfil these functions, as a small, highly visible body integrated closely with the rest of the UN system. The reasons for these design choices were valid in 1972; and, since the current stated objectives of the governance system correspond to those of the original system, they remain largely valid today.

A number of concrete actions could be taken, either by UNEP internally or by the UN and governments collectively, to increase UNEP's connectivity, financing and authority and thus its effectiveness.⁴⁶ These recommendations, the chief of which are summarized below, reflect and address the dynamics, in particular the communication issues and the shift towards a more prominent role in supporting implementation activities, which have developed since UNEP's inception and affected its functioning. Enabling UNEP to fulfil its mandate and serve as the anchor institution for the global environment would be a critical step in limiting the proliferation of environmental mandates and curtailing the competition among international institutions for limited financial, human and political resources.

Make connectivity a priority

While communications infrastructure and technology have been greatly improved, UNEP's visibility is limited. By engaging more effectively with constituencies at all levels of governance, reaching out to universities, and developing a sustained media (including social media) presence, UNEP is likely to gain credibility. Enhanced UNEP presence in New York would also facilitate visibility and foster engagement with the rest of the UN system. Creating a post at the Assistant Secretary General level to direct the office and employing a larger staff would enable UNEP to participate more meaningfully in more discussions on environmental issues at the UN.

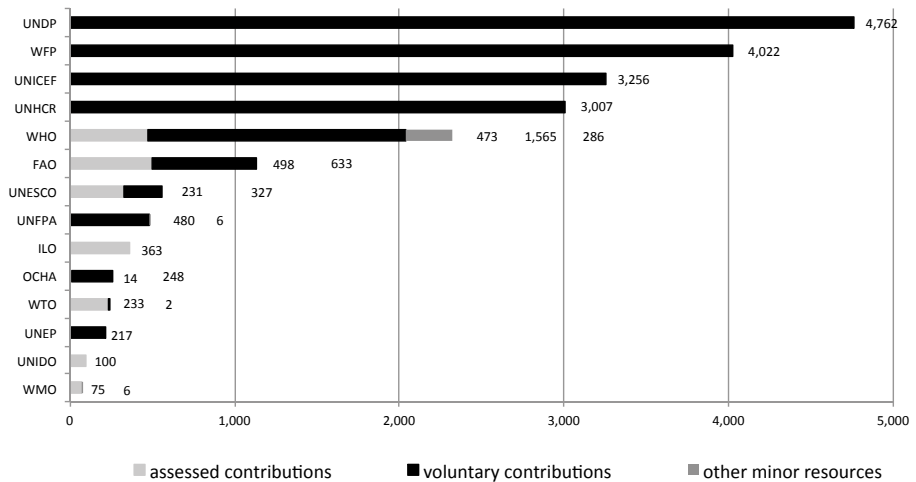
Build and maintain donor trust, and institute assessed financial contributions to the Environment Fund

Relying on 15 states for over 90 per cent of Environment Fund contributions, UNEP is particularly vulnerable to fluctuations in government priorities and attention.⁴⁷ It is necessary to widen and deepen UNEP's donor base. Over one-third (35 per cent) of UNEP's donor countries have contributed less than what in 1972 was considered a symbolic amount—\$1,000 per year, or about \$5,000 per year in 2010 terms. Thus, even an expansion of UNEP's donor base, while necessary, is not sufficient. A system of minimum contributions, as envisioned at the time of the Environment Fund's creation, might be a useful complementary mechanism, and some form of assessed contributions to a core fund could bring greater stability and predictability of financial resources. However, specialized agency status, including the automatic assessed financial contributions it entails, does not by itself translate into increased budgetary resources. Indeed, the four largest annual budgets in the UN system for 2010, in excess of \$3 billion, are those of subsidiary bodies that rely solely on voluntary funding—UNDP, the World Food Programme (WFP), UNICEF and the UN refugee agency (UNHCR) (see figure

⁴⁶ For more detailed discussion of these options, see Ivanova, 'A new global architecture for sustainability governance'.

⁴⁷ Maria Ivanova, 'Financing environmental governance: lessons from the United Nations Environment Programme', Governance and Sustainability Issue Brief series, 1 (Boston: University of Massachusetts Center for Governance and Sustainability, 2011), http://www.umb.edu/cgs/publications/issue_brief_series/, accessed 26 Feb. 2012.

Figure 2: Annual budgets of select UN bodies for 2010 (current US\$ million)



Source: M. Ivanova, 'Financing environmental governance: lessons from the United Nations Environment Programme', Governance and Sustainability Issue Brief series, 1 (Boston: University of Massachusetts Boston Center for Governance and Sustainability, 2011).

FAO: Food and Agriculture Organization; ILO: International Labor Organization; OCHA: Office for the Coordination of Humanitarian Affairs; UNDP: UN Development Programme; UNEP: UN Environment Programme; UNESCO: United Nations Educational, Scientific and Cultural Organisation; UNFPA: UN Population Fund; UNHCR: UN High Commissioner for Refugees; UNICEF: UN Children's Fund; UNIDO: UN Industrial Organization; WFP: World Food Programme; WHO: World Health Organisation; WMO: World Meteorological Organization; WTO: World Trade Organization.

2). Even specialized agencies depend heavily on voluntary financing—WHO, the FAO and UNESCO all rely on voluntary funding for more than 50 per cent of their budgets. The important determinants of financial resources are not specialized agency or subsidiary body status, but other features such as mandate, size and location. Institutions with clear operational mandates (UNDP, WFP, UNICEF and UNHCR) hold significantly larger budgets than those with normative mandates (OCHA, the WTO and UNEP). Larger staff size and multiple locations also require larger resources. More importantly, institutional authority and influence do not derive from resources alone. The WTO, often cited as an example of a significant global influence, operates with a budget at the lower end of the spectrum. The ability to generate interest and commitment to an area of work and thus secure the requisite financial resources is a critical attribute for any UN entity, independent of its technical status. Assessed contributions to the Environment Fund would therefore have to be supplemented with voluntary funds for a range of programmes and activities.

Expand UNEP's Governing Council with universal membership

This would enhance both UNEP's legitimacy and its authority with regard to multilateral environmental agreements. Currently, UNEP's Governing Council/Global Ministerial Environmental Forum (GC/GMEF) performs both of the

organization's governance functions: providing leadership on international environmental governance and overseeing UNEP's programme and budget. Its performance of both roles leads to circumscribed leadership and circular decision-making, in which programmes and budget, rather than global needs, drive priorities and strategies. A global leadership role requires a large and inclusive structure like the GC/GMEF to review global issues, assess needs and identify gaps, identify priorities, and develop strategies to address them. The internal oversight role is best performed by a smaller body with greater discipline and a tighter focus on the programme of work, budget, management oversight and programme evaluation. An executive board of about 20 members, with representatives of both member states and civil society, could perform this role.

Review the need for an implementation mandate

An implementation mandate would increase responsibility and accountability for implementation of multilateral environmental agreements or other internationally agreed goals. Alongside this, the existing roles and responsibilities of other UN agencies and programmes and those they could and should perform should be reviewed to increase the efficient division of labour and reduce competition. Analysts and policy-makers have identified an implementation gap in international environmental governance. While many international institutions dictate policy and even provide incentives for implementation, there is no clear line of responsibility and accountability for implementation of multilateral environmental agreements or other internationally agreed goals. An independent external review of existing and necessary roles and responsibilities for implementing the myriad international environmental agreements would help clarify the mandates of other UN agencies and programmes, reveal their comparative advantage, and provide a vision for reduced competition and a productive division of labour.

Conclusion

While the complexity of the global environmental and geopolitical situation has changed significantly over the past 40 years, the fundamental challenge for institutional reform remains the same: to design an optimal institutional architecture for environmental governance and sustainable development. Insofar as the basic functions and objectives of international environmental governance have remained essentially unchanged, the fundamental vision, functions and form identified by the original architects of the system remain largely valid today.

UNEP's designers demonstrated exceptional insight into how to direct the myriad institutions within the UN system towards coherent environmental action. This is not to say that we should not alter the system where necessary. Where design choices were contingent on the prevailing political climate at the time, as with UNEP's purely voluntary financing, for example, they could justifiably be altered. Rather, reform should not be enacted purely for its own sake, and

any deviations from the basic design must be carefully examined and analysed to enable informed choices to be made.

On the principle that form should follow function, the most important questions governments need to answer before deciding on institutional form is what function(s) UNEP should perform. Should it serve as the 'brain' or anchor institution in the UN system, motivating and enabling existing agencies to perform environmental duties in their issue domains, and coordinating their various activities into a coherent, greater whole? Or should it shift towards a more operational role, perhaps at regional level, supporting institutional development with concrete skills and expertise, targeted funding and enhanced capacity? This question requires far more attention in the international discourse now under way, but has yet to be widely considered. Instead, the major focus of the current debate thus far has been on institutional form, with increasing support for transforming UNEP into a specialized agency for the environment.

The need for a strong, legitimate and credible authority for the environment is undeniable, but the causal link between specialized agency status and the possession of such authority is unclear at best. Similarly, specialized agency status does not necessarily translate into increased funding. Without specific action to improve its culture, credibility, working methods and capacity, altering UNEP's status will not automatically enable it to fulfil its agreed core objectives and functions; merely giving it a new name, be it 'World Environment Organization' or 'United Nations Environment Organization', would be a grossly insufficient measure.

In addition, the reasons why UNEP was not created as a specialized agency at its inception still hold true, to a large extent, not least the relative difficulty of drawing up its charter, especially one aiming for widespread or universal adoption and ratification. Furthermore, a change in institutional form would entail large-scale adjustments in organizational structures, financing and so on—complications which could detract or distract from the need to address actual constraints and challenges, resulting in the illusion of reform but the reality of a new environmental governance entity that is just as tightly hobbled as its predecessor, if not more so. It would be bolder and more effective, and also more feasible, to focus instead on empowering UNEP to properly fulfil its original, visionary mandate.

The history of UNEP's fundamental vision and design holds valuable lessons and insights for the debate at Rio+20 on the international environmental governance architecture. The impact of the decisions made at Rio in 2012 will be felt for a decade or more. It is therefore imperative that we seek to make the most informed decisions possible using the best available analysis, and apply lessons from history to shape the future we want.