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## **Role of UNEP in Global Environmental Governance**

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### **Abstract**

International environmental organizations play a pivotal role in monitoring, agenda setting and capacity development of a global environmental regime. United Nations Environmental Programme (UNEP) since its inception in 1972 has established itself as an anchor institution for all activities relating to environmental protection. It performs the multifarious task in partnership with diverse groups, including specialized agencies of the United Nations (UN), governments, NGO, businesses, industry, the media and civil society. The mission of the programme is to inspire and support nations and communities to improve their quality of life, without compromising that of future generations. The article engages with the theoretical debate on the role of UNEP facilitating as a central platform for all global activities of environmental protection. It provides an overview about its structure, functions and the contribution of UNEP in the protection of the natural environment and discuss the ongoing debate regarding the upgradation of UNEP.

**Keywords:** UNEP, Environmental Programme, International Institution, Environmental Governance

### **1. Early Development:**

The environmental movement to protect the natural environment started at domestic level in the second half of the 20<sup>th</sup> century attracted the international community to focus on the environmental issues and the emergence of institutional framework for the global environmental governance. Such movement started against the unwise industrialization resulting in burning rivers, dying lakes, dead forest and toxic chemicals across the United States and Europe. Acid rain in Europe demonstrated the need for environmental protection. Japan had experienced first-hand that mercury, cadmium and PCBs poisoning could cause death, fetus deformations and neurological disorder.<sup>1</sup> The literature published during sixth and seventh decade of 20<sup>th</sup> century galvanized the movement to protect the environment and its related issues. Such literature played a great role in sensitizing the international community to develop a framework for global environmental governance.<sup>2</sup> Throughout the history of the UN the promotion of environmental issue has developed

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<sup>1</sup> Maria Ivanova, Designing the United Nations Environment Programme: A Story of Compromise and Confrontation, available at: [http://environmentalgovernance.org/cms/wp-content/uploads/2009/06/Ivanova\\_De\\_signing-UNEP\\_2007.pdf](http://environmentalgovernance.org/cms/wp-content/uploads/2009/06/Ivanova_De_signing-UNEP_2007.pdf) accessed on 19-06-2013. (Visited on June 5, 2015)

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<sup>2</sup> Stanley Johnson, The Birth of UNEP-The United Nations Conference on the Human Environment: A Narrative, United Nations Environment Programme, Nairobi, 2012, available at: <http://www.unep.org/pdf/40thbook.pdf>; See also Sustainable Development Timeline, <http://www.iisd.org/rio+5/timeline/sdtimeline.htm> (Visited on August 10, 2015)

slowly. The UN Charter does not contain any overt reference to environmental protection nor to sustainable development.<sup>3</sup> Birnie, Boyle and Redgwell indicate that the lack of explicit reference to protecting the environment mean that the subsequent evolution of UN power to adopt policies or take measures directed at environmental protection has to be derived from a broad interpretation of the charter and of the implied power of the organization.<sup>4</sup>

## 2. Establishment of UNEP:

Prior to 1972 Stockholm conference the important work on some problems of the human environment were being undertaken by organs and specialized agencies within the UN system, in particular the United Nations General Assembly (UNGA), Economic and Social Council, the International Labour Organization (ILO), the Food and Agriculture Organization of the United Nations (FAO), the United Nations Educational, Scientific and Cultural Organization (UNESCO), the World Health Organization (WHO), the World Meteorological Organization (WMO), the Inter-governmental Maritime Consultative Organization (IMCO) and the International Atomic Energy Agency (IAEA) etc.<sup>5</sup> These organizations are not exclusively concerned with the problem of environment rather relate to some specific aspect of environmental protection. However, the creation of a specialized environmental programme underscored the need for a focal point within the UN system.<sup>6</sup>

During the 1970's it was felt by the international community to focus on the issue of protection of flora and fauna against the devastating effect of environmental degradation. Having considered ECOSOC resolution 1346 (XLV)<sup>7</sup> regarding the question of convening an international conference on the problems of the human environment, UNGA in 1968-69, by resolutions 2398 (XXIII) and 2581 (XXIV), decided to convene a global conference in Stockholm in 1972. One of the essential conference objectives thus was a declaration on the human environment, a "document of basic principles," whose basic idea originated with a proposal by the UNESCO that the conference draft a "Universal Declaration on the Protection and Preservation of the Human Environment".<sup>8</sup>

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<sup>3</sup> Edmund Jan, Osmanczyk, *The Encyclopedia of the United Nations and International Agreement*, New York, Taylor & Francis, Second Edition, 1990, p. 390.

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<sup>4</sup> P. Birnie, et al. (eds.) *International Law and the Environment*, Oxford, Oxford University Press, 2009, p. 41.

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<sup>5</sup> United Nations Secretary-General, "Problem of the Human Environment: Report of the Secretary General" E/4667, 26 May 1969, Summarizes activities and programs of United Nations bodies relating to the human environment. available at: <http://untreaty.un.org/cod/avl/ha/dunche/dunche.html> (Visited on August 20, 2015)

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<sup>6</sup> Bharat H. Desai, *UNEP: A Global Environmental Authority*, *Environmental Policy and Law*, 36/3-4 (2006), available at: <http://www.rsis-ntsasia.org/resources/publications/research-papers/environment/Desai%20UNEP%20Article.EPL.pdf> (Visited on August 20, 2015)

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<sup>7</sup> UN ECOSOC resolution 1346 (XLV) of 30 July 1968.

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On 16 June 1972, the Conference adopted the declaration by acclamation and referred the text to the UNGA, which passed the declaration in its resolution on 15 December 1972.<sup>9</sup> The declaration passed at the Conference on human environment, 1972 is a milestone in the field of environmental protection in which governments recognized the ecological interdependence of the world and acknowledged "an urgent need for a permanent institutional arrangement within the UN system for the protection and improvement of the environment." As the result of the Stockholm Conference UNEP was established, which originally assigned to serve as a leading anchor institution for advancing standards, policies and guidelines and developing institutional capacity to address existing and emerging environmental problems.

### 3. UNEP Structure:

UNEP as an anchor institution is responsible to promote the development of policies and measures relating to the environment, coordinate environmental activities in the UN system, review the emerging environmental problems and also provide scientific assessment. The UNGA resolution 2997 (XXVII) establishes the Environment Fund, the UNEP Secretariat and Environmental Coordination Board to execute these functions. A brief description of the functions of these bodies are as follows:

#### 3.1 Secretariat:

The Office of the Secretariat of UNEP is the central point of all activities concerning environmental protection to ensure a high degree of effective management. The head of the secretariat is the Executive Director elected by the UNGA, following a nomination by the UN Secretary-General. He is responsible to ensure the cooperative relations between UNEP secretariat and Governments, as well as NGOs, intergovernmental organizations and relevant UN bodies, by promoting UNEP's global partnership with these external partners. The Secretariat of the governing bodies is accountable for assisting the Governing Council/Global Ministerial Environment Forum and its subsidiary organs, including the Committee of Permanent Representatives to UNEP, in its work and functions. Perhaps the most distinct type of international environmental institutions are those established by the individual Multilateral Environmental Agreement (MEA). Virtually every MEA now established a Conference of Parties (CoP), which meets on a

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<sup>9</sup> Gunther Handl, Conference on the Human Environment in Stockholm, June 5-16, 1972, available at: <http://untreaty.un.org/cod/avl/ha/dunche/dunche.html>. (Visited on August 08, 2015)

<sup>9</sup> During the debates in the UNGA's Second Committee, several countries voiced reservations about a number of provisions but did not fundamentally challenge the declaration itself. UNGA resolution adopted the Declaration, by 112 votes to none, with 10 abstentions. (A/RES/2994(XXVII) 15 Dec. 1972); UNGA also adopted resolution 2995 (XXVII) in which it affirmed implicitly a State's obligation to provide prior information to other States for the purpose of avoiding significant harm beyond national jurisdiction and control. In resolution 2996 (XXVII), finally, the UNGA clarified that none of its resolutions adopted at this session could affect Principles 21 and 22 of the Declaration bearing on the international responsibility of States in regard to the environment.

regular basis and is open to treaty parties and serve as the supreme decision making body for the agreement. UNEP provides the secretariat for such MEA.<sup>10</sup>

### 3.2 Governing Council of UNEP:

The Governing Council of UNEP is responsible for providing general policy guidance for the direction and coordination of environmental programmes within the UN system. It also entrusts to promote the contribution of the relevant international scientific and other professional communities to the acquisition, assessment and exchange of environmental knowledge and information and, as appropriate, to the technical aspects of the formulation and implementation of environmental programmes within the UN system. UNEP functions through fifty eight members of governing council which sets general policy and reports to UNGA through ECOSOC. The members of the Council are elected by the UNGA, for the term of four-years taking into account the principle of equitable regional representation. The Governing Council/Global Ministerial Environment Forum meets once a year either as a regular session or special session.<sup>11</sup> One of the most important units of governing council, the Scientific and Technical Advisory Panel, provides scientific advice to the GEF (Global Environmental Facility).<sup>12</sup>

### 3.3 Environment Fund:

The Environment Fund is the principle source of financing for the implementation of the programme of UNEP. The Environment Fund was established by the UN General Assembly in 1972 to provide financing for environmental programmes. The contributions

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□ Daniel Bodansky, *The Art and Craft of International Environmental Law*, Cambridge, Massachusetts, London, Harvard University Press, 2011, p. 119.

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□ Main functions and responsibilities of the Governing Council of UNEP are provided by the General Assembly resolution 2997 (XXVII) as follows:

- (a) To promote international cooperation in the field of the environment and to recommend, as appropriate, policies to this end;
- (b) To provide general policy guidance for the direction and coordination of environmental programmes within the United Nations system;
- (c) To receive and review the periodic reports of the Executive Director of UNEP on the implementation of environmental programmes within the United Nations system;
- (d) To keep under review the world environmental situation in order to ensure that emerging environmental problems of wide international significance receive appropriate and adequate consideration by Governments;
- (e) To promote the contribution of the relevant international scientific and other professional communities to the acquisition, assessment and exchange of environmental knowledge and information and, as appropriate, to the technical aspects of the formulation and implementation of environmental programmes within the United Nations system;
- (f) To maintain under continuing review the impact of national and international environmental policies and measures on developing countries, as well as the problem of additional costs that may be incurred by developing countries in the implementation of environmental programmes and projects, and to ensure that such programmes and projects shall be compatible with the development plans and priorities of those countries;
- (g) To review and approve the programme of utilization of resources of the Environment Fund.

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□ Margarit P. Karns , Karen A. Mingst, (ed.) *International Organizations : The Politics and Processes of Global Governance*, Lynne Rienner Publishers, Boulder, London, 2010, p. 515.

are voluntary and all Member States of the UN are expected to make adequate and timely payments. Twelve countries are the regular annual contributors since its inception, thus ensuring continuous support and implementation of UNEP programmes. Though 181 countries have made at least one voluntary contribution to the Environment Fund over the period from 1973-2011.<sup>13</sup> Despite the small budget, UNEP has a large agenda.<sup>14</sup>

### 3.4 Environment Coordinating Board:

UN General Assembly in its resolution 2997 (XXVII), also established the Environment Coordinating Board (ECB), initially under the auspices and within the framework of the Administrative Committee on Coordination (ACC).<sup>15</sup> ECB was made up of the Executive Heads of the UN agencies and was chaired by UNEP's Executive Director. Its principle mandate was to ensure cooperation and coordination among all bodies concerned in the implementation of environmental programmes and to report annually to UNEP's Governing Council. The ECB was supplemented by the mechanism of environmental focal points within each agency. In 1978, when the ACC assumed the functions and responsibilities of the ECB (UNGA resolution 32/197 VII), each agency appointed a Designated Official on Environmental Matters (DOEM), to work with and advise UNEP's Executive Director.<sup>16</sup>

### 3.5 Global Ministerial Environment Forum:

Pursuant to UNGA resolution 53/242 of 28 July 1999, the Global Ministerial Environment Forum is convened every year to review significant and emerging policy issues in the field of the environment, with the Governing Council constituting the forum either in its regular sessions or special sessions. The creation of an annual summit of environmental ministers has marked progress. It has helped to generate more attention to global environmental issues and to create a stronger ownership of the UNEP agenda among environmental ministers.<sup>17</sup>

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□ UNEP, Environmental Fund, available at:  
[http://www.unep.org/rms/en/Financing\\_of\\_UNEP/Environment\\_Fund/](http://www.unep.org/rms/en/Financing_of_UNEP/Environment_Fund/) (Visited on August 10, 2015)

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□ Margarit P. Karns, Karen A. Mingst, (ed.) *International Organizations : The Politics and Processes of Global Governance*, Lynne Rienner Publishers, Boulder, London, 2010, p. 515.

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□ The name of the Administrative Committee on Coordination (ACC) is now "United Nations System Chief Executives Board for Coordination".

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□ UNEP's Coordination Mandate, available at:  
[http://www.unep.org/newyork/UNEPsCoordinationMandat\\_e/tabid/56200/Default.aspx](http://www.unep.org/newyork/UNEPsCoordinationMandat_e/tabid/56200/Default.aspx) (Visited on July 24, 2015)

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□ Nils Meyer-Ohlendorf and Markus Knigge, *A United Nations Environment Organization*, available at [www.centerforunreform.org/GEG\\_Meyer-Ohlendorf\\_Knigge.pdf](http://www.centerforunreform.org/GEG_Meyer-Ohlendorf_Knigge.pdf) (Visited on April 15, 2015)

### 3.6 Committee of Permanent Representatives:

The Committee of Permanent Representatives<sup>18</sup> established as a subsidiary organ of the Governing Council of UNEP comprises of approximately 100 Permanent Representatives. The Committee has the following mandate:

- (i) Within the policy and budgetary framework provided by the Governing Council, to review, monitor and assess the implementation of decisions of the Council on administrative, budgetary and programme matters;
- (ii) To review the draft programme of work and budget during their preparation by the secretariat;
- (iii) To review reports requested of the secretariat by the Governing Council on the effectiveness, efficiency and transparency of the functions and work of the secretariat and to make recommendations thereon to the Governing Council;
- (iv) To prepare draft decisions for consideration by the Governing Council based on inputs from the secretariat and on the results of the functions specified above.<sup>19</sup>

### 4. Priority Areas of UNEP:

UNEP as a leading Global Environmental Authority has been working for more than four decades in the field of environmental protection. Some of the noticeable works of UNEP can be categorized under its six strategic areas as part of its movement to protect the environment. These six areas of concentration are climate change, disaster and conflict, ecosystem management, environmental governance, harmful substance and hazardous waste. The contribution of UNEP may be discussed under the following areas of concentration:

#### 4.1 Climate Change

The problem of climate change is one of the major challenges of our time. The impacts of climate change are global in scope and unprecedented in scale. The changing weather pattern has forced the international community to take strong measures to avoid the problem of food production and the rising of sea levels that increased the risk of catastrophic flooding. UNEP in its sub-programme of Climate Change works with states to strengthen their ability to adapt to climate change and move towards low-carbon societies. It also advances understanding of climate science, and disseminate public awareness about climate change. The sub-programme is closely aligned with the Green Economy Initiative, which promotes cleaner investments and technologies as opportunities to reduce emissions, protect our planet's biodiversity and ecosystems, and alleviate poverty through green job creation. UNEP provides assistance to states to reduce their vulnerability and use ecosystem services to build natural resilience against

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<sup>18</sup> The Committee of Permanent Representatives was formally established as a subsidiary organ of the Governing Council of UNEP in accordance with decision 19/32 (Governance of the United Nations Environment Programme) of 4 April 1997.

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<sup>19</sup> Committee of Permanent Representatives, available at <http://www.unep.org/governingbodies/committeepermanentreprs.asp?DocumentID=43&ArticleID=32> (Visited on October 12, 2015)

the impacts of climate change. It also assists nations to formulate sound policy and programmes that lead to GHG emission reductions, with a focus on scaling up clean and renewable energy sources, energy efficiency and energy conservation.<sup>20</sup>

#### 4.2 Disasters and Conflicts:

UNEP fact sheet on disasters and conflicts published in 2010 estimates since the start of the new millennium, over 35 major conflicts and some 2, 500 disasters have affected billions of people around the world. Such environmental crises destroy infrastructure, displace entire populations and threaten ecosystems and the people who rely on them to survive. UNEP played an active role in reducing the risk of disasters and conflicts and addressing post-conflict environmental challenges in more than 30 countries, both through its ongoing country based operations and environmental assessments, and following requests for technical assistance during disaster recovery efforts.<sup>21</sup> From Kosovo to Afghanistan, and from Sudan to Haiti, UNEP has responded to crisis situations in over 40 countries since 1999, delivering high-quality environmental expertise to national governments and specialized agencies and programme of the United Nations.<sup>22</sup> Poor ecosystem management can lead to conflict over dwindling water, food or fuel resources and other problems like landslides or flash floods. Therefore sustainable management of natural resources can be helpful to reduce disaster and conflict risk and provide a strong platform for recovery, development and lasting peace. This sub-programme of UNEP focuses on assisting nations to protect the population from environmental causes and consequences of disasters and conflicts.<sup>23</sup> The sub-programme has four key goals: i.e. disaster risk reduction through sustainable natural resource management, assessment of environmental risks to human health, livelihoods and security following conflicts, disasters and industrial accidents and environmental recovery programmes through field-based project.<sup>24</sup>

#### 4.3 Ecosystem Management

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□ UNEP Six Priority Areas Factsheets-Climate change, 2010, Published by UNEP, available at: [http://www.unep.org/pdf/UNEP\\_Profile/Climate\\_change.pdf](http://www.unep.org/pdf/UNEP_Profile/Climate_change.pdf) (Visited on April 12, 2015)

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□ UNEP Annual Report 2011, available at: [www.unep.org/annualreport](http://www.unep.org/annualreport) (Visited on August 14, 2015)

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□ UNEP Six Priority Areas Factsheets -Disasters and Conflicts, 2010, Published by UNEP, available at: <http://www.unep.org/pdf/brochures/DisastersAndConflicts.pdf> (Visited on April 14, 2015)

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□ UNEP Six Priority Areas Factsheets - Disasters and Conflicts, 2010, Published by UNEP, available at [http://www.unep.org/pdf/UNEP\\_Profile/Disasters\\_and\\_conflicts.pdf](http://www.unep.org/pdf/UNEP_Profile/Disasters_and_conflicts.pdf). (Visited on April 15, 2015)

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□ In 2007, UNEP's Post-Conflict & Disaster Management Branch established the Sudan Programme, dedicated to building peace and stability in the country and tackling issues like water, timber and energy resource management. In 2008, UNEP formally established a comprehensive environmental recovery programme in the Democratic Republic of Congo (DRC) with the aim of assessing the current state of the environment and natural resource management in the country. UNEP has undertaken post-conflict assessment in Liberia, Iraq, Rwanda, Lebanon and others.

An ecosystem may be defined as a natural system consisting of all plants, animals and microorganisms, which function with all the physical factors of the environment. The health of ecosystems is inevitable for the existence of human being. The benefits that we derive from nature and rely on every day, from timber and food to water and climate regulation, are all ecosystem services. According to UN Millennium Ecosystem Assessment Synthesis Report<sup>25</sup> approximately 60% of the ecosystem services examined during the Millennium Ecosystem Assessment are being degraded or used unsustainably, including fresh water, capture fisheries, air and water purification. There were some 7.06 billion people in the world in 2012 (US Census Bureau 2013). It is expected that there will be more than 10 billion by 2100 (UN 2011). By comparison, the world population was only 3.85 billion in 1972, the year of the UN Conference on the Human Environment and the establishment of the UN Environment Programme.<sup>26</sup> Over the last 50 years, humans have transformed ecosystems more rapidly and extensively largely to meet growing demands for food, fresh water, timber, fiber and fuel which has resulted in irreversible loss in the diversity of life on the globe.

Due to the changes being made in ecosystems it has largely resulted in disease emergence, abrupt alterations in water quality, the creation of "dead zones" in coastal waters, the downfall of fisheries, and shifts in regional climate. Other harmful effects of the degradation of ecosystem services are growing inequities and disparities across groups of people, and are sometimes the principle factor causing poverty and social conflict. The Ecosystem Management sub-programme of UNEP helps countries use the ecosystem approach to enhance human well-being. The sub-programme provides leadership role in promoting ecosystem management and disseminate information about its advantage for development. It also develops tools and methodologies to restore and manage ecosystems and biodiversity.

#### **4.4 Environmental Governance:**

The governance of rich and diverse natural resources of our planet is a not an easy task. Environment does not recognise the political borders thus managing environmental threats such as air pollution and biodiversity loss will require new global, regional, national and local responses involving a wide range of stakeholders. Environmental Governance includes the rules, practices, policies and institutions that regulate the relationship of human with the environment. Good environmental governance requires the involvement and cooperation of governments, NGO, the private sector and civil society. UNEP has been fulfilling this mandate to provide scientific assistance and a common platform for negotiation on environmental issues since 1972. Working with States and all major groups and stakeholders, UNEP helps to bridge the science and policy gaps by keeping the state of the global environment under review, identifying threats at an early stage, developing sound environmental policies, and helping States successfully implement these policies. The Environmental Governance sub-programme of

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<sup>25</sup> Millennium Ecosystem Assessment Synthesis Report, available at: <http://matagalatlante.org/nobre/down/MageneralSynthesisFinalDraft.pdf> (Visited on April 16, 2015)

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<sup>26</sup> UNEP Year Book 2013: Emerging Issues In Our Global Environment, 2013, available at: <http://www.unep.org/yearbook/2013> (Visited on August 28, 2015)

UNEP focuses on strengthening global, regional, national and local environmental governance to influence the international environmental agenda by reviewing global environmental trends and emerging issues. It also determines to develop, implement and enforce new international environmental laws and standards.<sup>27</sup>

#### **4.5 Harmful Substances and Hazardous Wastes:**

In almost all economic and industrial sectors, chemicals play an important role therefore an integral part of everyday life. The production and use of these chemicals have an enormous impact on employment, trade and economic growth worldwide. No one can negate the benefits of various chemical but it's unwise use have the potential to adversely impact human health such as cancers, birth defects, neurological disorders, and hormone-disrupting and also the environment. Chemical contamination is widespread both on land and in water. It contaminates water bodies and is responsible for ozone depletion. Chemical substances and waste that have potential to cause adverse impact on the environment and human health are persistent, bio accumulative and toxic substances, acutely toxic, explosives, corrosives, POPs, ODS, Healthcare wastes, E-wastes and chemicals that are carcinogens or mutagens or that adversely affect the reproductive, endocrine, immune, or nervous systems.<sup>28</sup> Harmful Substances and Hazardous Waste sub programme of UNEP carry out scientific assessment of the environmental fate and expose pathway of harmful substances. It also assists governments to develop appropriate policy and legal instruments to control harmful substances. The Sub programme provides the tools, methodologies and technical assistance to facilitate States to formulate national programmes for the management of harmful substances and hazardous waste.<sup>29</sup>

#### **4.6 Resource Efficiency:**

The current consumption and production pattern is not sustainable and adversely affects the economic growth and social development. It is so because we are extracting more resources to produce goods and services than our planet can replenish, while a large number of people is still struggling to meet basic needs. UNEP defines resource efficiency as reducing the total environmental impact of the production and consumption of goods and services, from raw material extraction to final use and disposal. Resource efficiency is helpful in building a green economy in which economic growth is decoupled from environmental harm. Green economy may be defined as an economy which uses opportunities for cleaner investments and green jobs to address poverty and enhance human well-being. Resource efficiency is supportive to meet the needs of human beings while considering the carrying capacity of the earth. UNEP ensures that natural resources

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<sup>□</sup>Environmental Governance, UNEP Six Priority Areas Factsheets, available at: <http://www.unep.org/pdf/brochures/EnvironmentalGovernance.pdf> (Visited on April 16, 2015)

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<sup>□</sup>Harmful substances and hazardous waste, UNEP Six Priority Areas Factsheets, available at: <http://www.unep.org/hazardoussubstances/Introduction/tabid/258/Default.aspx> (Visited on April 16, 2015)

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<sup>□</sup>Harmful Substances, UNEP Six Priority Areas Factsheets, available at: [http://www.unep.org/pdf/UNEP\\_Profile/Harmful\\_substances.pdf](http://www.unep.org/pdf/UNEP_Profile/Harmful_substances.pdf) (Visited on April 15, 2015)

are produced, processed and consumed in a more environmentally sustainable way which paves the way towards the green economy. The Resource Efficiency sub-programme of UNEP strengthens the knowledge based on resource efficiency working closely with partners from government, local authorities and the research community to develop policies and programme to build a more resource efficient society. UNEP also develops consumer and procurer information tools, market incentives and public-private initiatives to promote sustainable lifestyles.<sup>30</sup> During Rio+20 countries recognized that a green economy is an important way to achieve “the future we want” – a future which will see sustainable development and poverty eradication. A green economy aims at improved human well being and social equity, while significantly reducing environmental risks and ecological scarcities. It is low-carbon, resource-efficient and socially inclusive. Growth in income and employment should be driven by public and private investments that reduce carbon dioxide (CO<sub>2</sub>) and other non-CO<sub>2</sub> emissions and pollution, enhance energy and resource efficiency, and prevent the loss of biodiversity and ecosystem services.<sup>31</sup>

#### 5. Contribution of UNEP:

UNEP has played the role of an anchor institution in global environmental governance notwithstanding its limited mandate and small financial capacity. Major contributions made by UNEP are agenda setting and management of intergovernmental processes to gain agreement on standards, policies, and guidelines or serving as the central forum for deliberation and debate on global environmental issues. It conducts studies on global environmental assessment, and publishes the Global Environmental Outlook (GEO) which is highly appreciated. UNEP has had considerable success in the creation of treaties and multilateral environmental agreements.<sup>32</sup> It has played a pivotal role in putting several important environmental issues on the international agenda – specifically desertification, ozone depletion, hazardous wastes, and toxic chemicals – and also catalyzed agreements to address them. Beside it UNEP has conceded a broad range of initiatives to promote and facilitate regional and national levels to address environmental problems. Being based in Africa continent provides UNEP a clear advantage in understanding the environmental issues being faced by developing nations of the world.<sup>33</sup> In order to ensure its global effectiveness UNEP supports six regional offices. UNEP has its Division of Technology, Industry and Economics in Geneva and Paris. UNEP also hosts several convention secretariats concerning environmental protection. A brief note of the major contribution of UNEP in global environmental governance can be discussed under the following heads:

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<sup>□</sup>Resource Efficiency, UNEP Six Priority Areas Factsheets, available at, [http://www.unep.org/pdf/UNEP\\_Profile/Resource\\_efficiency.pdf](http://www.unep.org/pdf/UNEP_Profile/Resource_efficiency.pdf) (Visited on April 16, 2015)

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<sup>□</sup> UNEP Year Book 2013: Emerging issues in our global environment published in February 2013, available at: <http://www.unep.org/yearbook/2013> (Visited on August 28, 2015)

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<sup>□</sup> Such conventions include the Basel Convention on the Transboundary Movement of Hazardous Wastes, the Convention on Biological Diversity, the Montreal Protocol on the Protection of the Ozone Layer, etc.

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<sup>□</sup>The headquarter of UNEP is situated in Nairobi, the capital and largest city of Kenya.

### 5.1 Agenda Setting:

Law fills the gap between policy and action. Since the establishment of UNEP, one of the key areas of its activities is to develop the international environmental law. One of UNEP's most significant role has been to sponsor negotiations on major environmental treaties and, after they are adopted to provide the secretariat that coordinates for the implementation of such treaties.<sup>34</sup> Another major contribution of UNEP towards the development of international environmental law and policy is its regional sea programme.<sup>35</sup> The role of UNEP in shaping environmental law has been constantly emphasized in the Governing Council of UNEP and the UNGA. Agenda 21 states that the development of international environmental law is one of its priority areas which includes the development of soft and hard law of environmental protection and promote its implementation. UNEP plays a significant role in sponsoring negotiations on major environmental instruments and after the adoption, to provide secretariat that coordinates the implementation of such instruments.

In 1982 ten years after the inception of UNEP, the programme for the development and periodic review of environmental law (Montevideo Programme-I)<sup>36</sup> was adopted. The Montevideo Programme plotted further progress in international environmental law and policy and further identified treaties on issues such as ozone protection as representing markers of such progress. Implementation of the programme was to be performed by the UNEP in conjunction with other UN bodies, regional organization and NGOs.<sup>37</sup> Under the Montevideo Programme a long-term strategic guidance for UNEP in the field of environmental law was developed which was adopted by the Governing Council of UNEP in 1982 and became a UNEP long-term programme for the development of environmental law. Part of the mandate accorded, UNEP was to undertake programme activities in regard to the conclusion of international agreements and the development of international principles, guidelines and standards. Montevideo Programme-II was adopted by the Governing Council of UNEP in 1993 which provides the basis for

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□ Among these treaties are the Convention on Protecting the Ozone Layer (1985), followed by the landmark Montreal Protocol on Substances that Deplete the Ozone Layer, 1987. The Protocol amended several times and is considered the most significant accomplishment to date in the field of international environmental law. Other significant treaties sponsored by UNEP include Convention on International Trade in Endangered Species of Wild Fauna and Flora, 1973, Basel Convention on the Control of Transboundary Movement of Hazardous Wastes and their Disposal, 1989, Convention on Biological Diversity 1992 (CBD), UN Framework Convention on Climate Change, 1992 (UNFCCC), Convention to combat Desertification, 1994 (CCD), Stockholm Convention on Persistent Organic Pollutants 2001, Cartagena Protocol on Biosafety, 2002.

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□ Marvin S. Soroos, Global Institutions and the Environment: An Evolutionary Perspective, in Regina S. Axelrod, et al., The Global Environmental Institutions, Law and Policy, CQ Press, Washington, 2001, p. 34

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□ A group of senior government officials' expert in environmental law representing Governments from around the world met in Montevideo Montevideo, Uruguay on 6 November 1981.

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□ Montevideo Programme for the Development and Periodic Review of Environmental Law, Adhoc Meeting of Senior Government Officials Expert in Environmental Law, Montevideo, 6 Nov. 1981, Decision 10/21 of Governing Council of UNEP of 31 May, 1981.

UNEP's action aiming at progressive development of environmental law. The content was largely based upon the requirements outlined in Agenda 21 adopted at the United Nations in Rio Conference, 1992. The Governing Council adopted Montevideo Programme III, the Programme for the first decade of the twenty-first century in February 2001 with a view to further strengthening its activities in the field of environmental law.

Under the Programme, a number of global environmental conventions have been developed under the auspices of UNEP. The Vienna Convention for the Protection of the Ozone Layer, 1985 and the Montreal Protocol on Substances that Deplete the Ozone Layer, 1987 are major international instruments and most widely ratified treaties specifically relating to the protection of the earth's ozone layer. Under Vienna Convention the parties determined to protect human health and the environment against adverse effects resulting from modifications of the ozone layer due to human activities. Such protection requires international co-operation and action, and should be based on relevant scientific and technical considerations.<sup>38</sup> The Secretariat for the Vienna Convention and for the Montreal Protocol is known as Ozone Secretariat which functions in accordance with Article 7 of the Vienna Convention and Article 12 of the Montreal Protocol responsible to monitor, implementation policies and programme to the protection of the ozone layer.<sup>39</sup>

The management of hazardous waste was included as one of three priority areas UNEP first Montevideo Programme. The Basel Convention on the Control of Transboundary Movements of Hazardous Wastes and their Disposal, 1989 was adopted in response to a public outcry following the discovery of deposits of toxic wastes in developing countries imported from abroad in the 1980s.<sup>40</sup> The Basel Protocol on Liability and Compensation for Damage resulting from Transboundary Movements of Hazardous Wastes and their Disposal was adopted by Conference of parties of the convention in 1999. The Protocol regulates civil liability for damage resulting from the transboundary movement of

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<sup>□</sup>UNEP, Ozone Secretariate, available at: <http://ozone.unep.org/pdfs/viennaconvention2002.pdf> (Visited on April 20, 2015)

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<sup>□</sup>The Vienna Convention for the Protection of the Ozone Layer, available at: [http://ozone.unep.org/new\\_site/en/index.php](http://ozone.unep.org/new_site/en/index.php); The Montreal Protocol on Substances that Deplete the Ozone Layer, available at: [http://ozone.unep.org/new\\_site/en/montreal\\_protocol.php](http://ozone.unep.org/new_site/en/montreal_protocol.php) (Visited on April 20, 2015)

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<sup>□</sup>The principal objective of the Basel Convention is to protect human health and the environment against the adverse effects of hazardous wastes. Its scope of application covers a wide range of wastes defined as "hazardous wastes" based on their origin and/or composition and their characteristics. The provisions of the Convention centre around the following principal aims: *First*, the reduction of hazardous waste generation and the promotion of environmentally sound management of hazardous wastes, wherever the place of disposal; *Second*, the restriction of transboundary movements of hazardous wastes except where it is perceived to be in accordance with the principles of environmentally sound management; and *Third*, a regulatory system applying to cases where transboundary movements are permissible.

hazardous wastes and other wastes, including incidents occurring as a result of illegal traffic.<sup>41</sup>

At the regional level, UNEP has facilitated the development of regional seas conventions and protocols since the mid-1970s, including the conventions and protocols for the Mediterranean, the Gulf, the Red Sea, West and East African coastal zones, the Caribbean, the South Pacific, the South-east Pacific and the Black Sea. Such instruments are supplemented by related action plans. Action plans have been developed also for the regions where legally binding instruments are yet to be developed, including East and South Asian seas and the Northwest Pacific. The development of regional seas agreements and related action plans continues. In addition, UNEP assisted Governments in the development of regional environmental conventions, such as the 1987 Agreement on the Action Plan for the Environmentally Sound Management of the Common Zambezi River System and the 1994 Lusaka Agreement on Co-operative Enforcement Operations Directed at Illegal Trade in Wild Fauna and Flora. Furthermore, UNEP has facilitated the development of other global and regional conventions by providing decision-makers of countries with the environmental assessment and information on significant environmental issues and coordinated international actions that led to the development of such instruments.

### 5.2 Capacity Development:

UNEP mandate calls for the programme to play a primarily normative role in capacity development for Global Environmental Governance. In this regard the Nairobi Declaration recognised the role of UNEP as the leading authority in the field of the environment and defines its role to promote development of international environmental law. It aims at sustainable development, including the development of coherent interlinkages among existing international environmental instruments and implementation and compliance of such instruments with agreed norms and rules, provide policy advice, act as an effective science-policy interface, and strengthen its role in coordination of environmental activities. The Declaration is adopted by the UNEP Governing Council and endorsed by the UNGA to revive UNEP and re-establish its authority.<sup>42</sup> The 'UN Task Force on Environment and Human Settlements' (appointed by S-G Kofi Annan in 1997) recommendations has adopted by the UNGA, leading to the creation of two new coordinating bodies: the Environmental Management Group (EMG) and the Global Ministerial Environment Forum (GMEF).<sup>43</sup> The Malmö Ministerial

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<sup>41</sup> The Basel Protocol on Liability and Compensation for Damage resulting from Transboundary Movements of Hazardous Wastes and their Disposal was adopted by COP 5 in 1999, available at: <http://www.basel.int/Portals/4/Basel%20Convention/docs/text/BaselConventionText-e.pdf> (Visited on May 8, 2015)

<sup>42</sup> Nairobi Declaration on the Role and Mandate of UNEP, UNEP/GC.19/1.

<sup>43</sup> Report of the Secretary General on Environment and Human Settlements, GA Res. 53/242, 28 July 1999.

Declaration adopted by the GMEF at its first session and raises key areas of concern for the 2002 World Summit on Sustainable Development (WSSD) to address. It also agrees that WSSD should review the requirements for a greatly strengthened institutional structure for International Environmental Governance.<sup>44</sup>

The Cartagena Process initiated to assess options for reforming global environmental governance. The Twenty-first Session of the UNEP GC/GMEF convened the Open-Ended Intergovernmental Group of Ministers or their Representatives on International Environmental Governance (IGC/IEG) to assess the options for strengthening UNEP, improving the effectiveness of MEAs and improving international policymaking coherence. The outcome of the Cartagena Process builds on UNEP as the environment pillar of sustainable development and focuses on strengthening UNEP's role, authority and financial situation; addressing universal membership of the Governing Council; strengthening UNEP's science base; improving coordination and coherence between multilateral environmental treaties; supporting capacity building, technology transfer and country-level coordination; and enhancing coordination across the UN system, as well as the role of UNEP's Environment Management Group. The report from the process is transmitted to the CSD and to the WSSD and is incorporated into the Johannesburg Plan of Implementation. Since 2002 the GC/GMEF have taken several decisions to implement the priorities of the Cartagena package.<sup>45</sup> The "Bali Strategic Plan" adopted by the GC/GMEF,<sup>46</sup> outlines proposals for improving the capacity of developing countries and economies in transition to implement their international obligations at the country level.<sup>47</sup>

It is the mandated role of UNEP, as the voice for the environment within the UN system, to promote the incorporation of environmental protection into development planning at all levels. UNEP also has the responsibility of helping national, regional and global bodies to develop the capacity to do so. UNEP develops environmental capacity in developing countries and countries with economies in transition in three principal ways: *Firstly*, Facilitating and supporting environmental institution building by governments at regional, sub-regional, national and local levels; *Second*, developing and testing environmental management instruments in collaboration with governmental and non-governmental partners, United Nations entities and major groups. *Thirdly*, Promoting

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□ Adopted by the GMEF - Sixth Special Session of the Governing Council of the United Nations Environment Programme Fifth plenary meeting 31 May 2000.

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□ Report of the GC on the Work of Its Seventh Special Sessions/Global Ministerial Environment Forum, UNEP/GCSS.VII/6, 5 March 2002

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□ UNEP, GC decision 23/1 of 25 February 2005.

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□ International Environmental Governance: Moving Forward with developing a Set of Options, Paper presented in the First meeting of the Consultative Group of Ministers or High-level Representatives on International Environmental Governance Belgrade, 27 – 28 June 2009. Available at: <http://www.unep.org/environmentalgovernance/Portals/8/documents/IEGEDBackgroundPaper-1.pdf> (Visited on August 16, 2015)

public participation in environmental management and enhancing access to information on environmental matters.<sup>48</sup> UNEP has strengthened its commitment for capacity building by providing a strategic framework to various activities and programmes of environmental protection. In 2005, the Governing Council of UNEP adopted the Bali Strategic Plan for Technology Support and Capacity Building requesting to “enhance the delivery by UNEP of technology support and capacity building to developing countries and countries with economies in transition, including through main streaming technology support and capacity building throughout UNEP activities.”<sup>49</sup>

General Assembly in its resolution<sup>50</sup> established the Global Ministerial Environment Forum (GMEF) as an annual, ministerial-level forum assigned to providing political leadership within UNEP. Additionally, UNEP’s Cartagena process of strengthening International Environment Governance has helped produce various improvements, such as the indicative scale for funding UNEP and the Bali Strategic Plan for Technology Support and Capacity Building. The Cartagena process also underlined the importance of the UN Environmental Management Group (EMG), which the UN Secretary-General established in 1999 to bring the environment into the mainstream of UN system activities and to improve policy coordination across the environmental activities of the UN system as well as the Bretton Woods institutions and the World Trade Organization (WTO).<sup>51</sup> UNEP is also one of three implementing agencies of the Global Environmental Facility (GEF), along with the UNDP and the World Bank, that acts at the funding mechanism for the various MEA (Multilateral Environmental Agreement). Such MEAs are the Convention on Biological Diversity (CBD) and Convention on Climate Change (UNFCCC), Convention to combat Desertification (CCD), Stockholm Convention on Persistent Organic Pollutants.<sup>52</sup>

### 5.3 Monitoring, Assessment and Reporting:

UNEP has played a significant role in monitoring, assessment, and reporting various issues relating to environmental protection. UNEP also coordinates efforts by UN specialized agencies to assess the state of the planet’s environment and to provide timely

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<sup>48</sup> Capacity Building for Sustainable Development: An Overview of UNEP Environmental Capacitydevelopment Initiatives, UNEP Division of Communications and Public Information, 2002. available at: [http://www.unep.org/Pdf/Capacity\\_building.pdf](http://www.unep.org/Pdf/Capacity_building.pdf) (Visited on November 8, 2015)

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<sup>49</sup> Ways to Increase the Effectiveness of Capacity Building for Sustainable Development, available at: <http://www.unep.ch/etb/areas/pdf/Microsoft%20Word%20-%20UNEP-ETB%20CB-Paper%20Starvanger-final%20draft.pdf>. (Visited on September 13, 2015)

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<sup>50</sup> UNGA Res. 53/242 of 28 July 1999.

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<sup>51</sup> Nils Meyer-Ohlendorf and Markus Knigge, A United Nations Environment Organization, in Lydia (ed.) *Global Environmental Governance – Perspectives on the Current Debate*, Swart, Estelle Perry Center for UN Reform Education, New York, 2007, p.124.

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<sup>52</sup> Justice Wolst, *The Funding of International Environmental Law*, p. 159 in Shawkat Alam, et al., (eds.) *Handbook of International Environmental Law*, Routledge, New York, 2013.

warning of developments that requires urgent action. In this regard UNEP has coordinated the preparation of five comprehensive reports in its Global Environmental Outlook series (GEO). Global Environment Outlook is a consultative, participatory process that builds capacity for conducting integrated environmental assessments for reporting on the state, trends and outlooks of the environment. GEO is also a series of products that informs environmental decision-making and aims to facilitate the interaction between science and policy. It examines trends in the state of the atmosphere, land, water and biodiversity of the planet.

The rigorous assessment process aims to make GEO products scientifically credible and policy relevant - providing information to support environmental management and policy development. GEO also supports multi-stakeholder networking and intra and inter-regional cooperation to identify and assess key priority environmental issues at the regional levels. A world-wide network of Collaborating Centre partners; a nomination process that allows governments and other stakeholders to nominate experts to the process; advisory groups to provide guidance on scientific and policy issues; and a comprehensive peer review processes are some of the integral elements of GEO. Using the Integrated Environmental Assessment (IEA) methodology, UNEP has produced four GEO reports<sup>53</sup> thus far, which have analyzed environmental state and trends at the global

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□ UNEP has produced Five GEO reports (GEO-1 in 1997; GEO-2 in 1999; GEO-3 in 2002; GEO-4 in 2007; and GEO-5 in 2012):

- The first GEO (GEO-1) provided a snapshot of the state of the world environment and incorporated regional views.
- In GEO-2000 (GEO-2), Collaborating Centres formed the core of the GEO process, expanding regional input to the process and thus combining top-down integrated assessment with bottom-up environmental reporting.
- GEO-3 provided a 30-year overview of environmental change from 1972 to 2002, including descriptions of how social, economic and other factors have contributed to these changes. It found that despite much attention to environmental issues in the 30 years since 1972, the environment was still at the periphery of socio-economic development and that poverty and excess consumption continued to stress the environment.
- GEO-4 took on the challenge of integrating environment and development, with particular attention paid to the linkages between environmental state and human well-being. These linkages were assessed in the context of targets identified by the World Commission on Sustainable Development (Brundtland Commission), the Millennium Development Goals (MDGs), and other international environmental declarations and agreements. GEO-4 showed that while some progress had been made, real progress towards sustainable development has been slow. It calls for action in dealing with persistent environmental problems that undermine human well-being and development by moving the environment from the periphery to the core of decision making.
- GEO-5 is currently the most authoritative assessment of the state of the global environment, as well as its trends and outlook. GEO-5 points out that where international treaties and agreements have tackled goals with specific, measurable targets — such as the bans on ozone-depleting substances and lead in petrol — they have demonstrated considerable success. For this reason, GEO-5 calls for more specific targets, with quantifiable results, across a broader range of environmental challenges. The report also calls for a greater focus on policies that target the drivers of environmental change — such as population growth and urbanization, unsustainable consumption patterns, fossil fuel-based energy consumption and transport, and globalization.

and regional scales, described plausible outlooks for various time frames and formulated policy options. Each GEO report is based on the assessment findings of its predecessor and draws from lessons learnt.<sup>54</sup> The fourth report (GEO-4) prepared by 390 experts and reviewed by 1000 specialist was released in 2007.<sup>55</sup> UNEP's fifth GEO-5 (2012) shows that progress on meeting environmental goals and objectives to improve the state of the environment has been uneven.<sup>56</sup> Efforts to slow the rate or extent of adverse environmental change, including improvements in resource efficiency and implementation of mitigation measures, have had modest success but have not succeeded in reversing these changes. UNEP's Global Resource Information Database (GRID) integrates and dispenses environmental data for geographical units ranging from local to global levels in forms that are useful to planners and policy makers.

#### 6. Conclusion:

Since 1972 UNEP remains the only anchor institution under the UN to work in the field of environmental protection and responsible for global environmental governance. Although in general terms, UNEP has been a weak institution, which is somewhat underfunded and of relatively low visibility.<sup>57</sup> UNEP is a small programme with only a few hundred professional staff with limited budget and it also lacks significant decision making authority. Given that the UNGA oversees the UNEP all members have as an indirect voice in the governance of the body. It remains problematic in its contribution to the coordination and development of international environmental law and governance.<sup>58</sup> However achieving cooperation and coherence remains challenging as there are forty four agencies within the UN system that are engaged in environmental activities in some way. This particular fact can be viewed as positive in the sense that it indicates mainstreaming of environmental issues.<sup>59</sup> Yet coherence remains problematic in many instances as recognized in Nasa Dua Declaration. In such condition, the Effective environmental governance is critical in responding to urgent environmental issues and the current system exhibits fragmentation.<sup>60</sup>

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<sup>54</sup> About GEO, Keeping the Global Environment Under Review, available at: <http://www.unep.org/geo/about.asp>. (Visited on October 23, 2015)

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<sup>55</sup> United Nations Environment Programme, "Global Environment Outlook: GEO-4 Report", available at: [www.unep.org/geo/geo4/media/](http://www.unep.org/geo/geo4/media/). (Visited on November 18, 2015)

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<sup>56</sup> UNEP, Annual Programme Performance Report 2012, p. 31

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<sup>57</sup> Stuart Bell, Donald McGillivray, Environmental Law, New York, Oxford University Press, 2008, p. 149.

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<sup>58</sup> Shawkat Alam, , Supra n. 52, p. 108.

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<sup>59</sup> Paul Govind, International Environmental Institutions, p. 104 in Shawkat Alam, et al. (eds.), Supra n. 52.

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In comparison to other UN agencies and programmes the UNEP is politically and financially weak body and hardly matched with current global environmental issues.<sup>61</sup> The upgradation of UNEP into a United Nations Environmental Organization (UNEO), with stable, adequate and predictable resources and with the appropriate international standing, would enable the organization to fully fulfill its mandate and to live up to the expectations of developed and developing countries.” Strengthening and reforming the institutional framework of environmental Governance constitute a key theme of Rio+20 and the overall development. To improve effectiveness and targeted action of environmental activities, the system of international environmental Governance should be strengthened and more coherent featuring an upgraded UNEP with real authority as the UN environment policy pillar.<sup>62</sup> Proponents of a UNEO argue that it would play a vital role in increasing the political importance of environmental issues in the UN, and could therefore play a vital role in solving the many environmental challenges the earth currently faces.

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<sup>61</sup> UNEP : Emerging Issues in our Global Environment, UNEP Year Book, 2011, Nairobi, UNEP, 2011, P.70.

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<sup>62</sup> Frank Biermann, Global Environmental Governance. Conceptualization and Examples. Global Governance Working Paper No 12 (2004), available at: [www.glogov.org](http://www.glogov.org). (Visited on June 15, 2015)

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<sup>63</sup> Secretary General's High Level Panel on UN System wide coherence in the Area of Development, Humanitarian Assistance and the environment, *Delivering as one*, Report of the Secretary General's High Level Panel, New York, United Nations, 2006. <http://www.un.org/en/ga/deliveringasone/> (Visited on August 15, 2015)