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# Global Environmental Governance: UN Fragmentation and Co-ordination

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## Introduction

While on average one multilateral environmental agreement (MEA) was adopted annually until the 1970s, there has been a tremendous growth in such agreements over the last two decades.<sup>1</sup> On the one hand it may be deemed positive that new institutions are created to deal with environmental problems as more political energy is added; on the other, this may create problems through duplication of work and problems of co-ordination. Overall, the latter perspective has tended to dominate discussion of this development. The most important arena for the making of MEAs has been within the framework of the United Nations (UN). What is the role of the UN in international environmental governance? According to key UN documents there is a need to strengthen and streamline the role of the organization; more and better co-ordination is called for. But what can realistically be expected from the role of the UN within MEAs, and what is the role of various UN bodies in this regard? If there is a need for more co-ordination, by which means can this most effectively be accomplished? Is a 'holistic systems approach' the way to deal with the problem? If so, is this feasible, or is the existing *ad hoc* system the best that can be attained. Or should alternatives outside of the UN system be considered? In order to answer these questions, a brief account is presented on how this is perceived within the UN system.

## UN Perceptions: Problem and Solution

The challenge of dealing with the expanding number of agreements first surfaced in the UN in the mid-1990s, in part as an integral discussion on the need for UN reform, and a more integrated and systemic approach was called for.<sup>2</sup> To deal more specifically with the environment, and related matters, a UN Task Force on Human Settlement and Environment was established under the chairmanship of the UN Environmental Program (UNEP).<sup>3</sup> The recommendations of the Task Force were later endorsed by the UN General Assembly. One of its main conclusions was that 'institutional fragmentation and loss of policy coherence as a result of the number of separate environment-related intergovernmental processes had resulted in a loss

of effectiveness in the work of the United Nations in the area of environment.<sup>4</sup> But the Task Force also takes note of some positive elements resulting from environmental institution building. In comparing what went on at the 1972 UN Stockholm Conference and the 1992 UN Conference on Environment and Development (UNCED), UNCED drew much more popular participation by both non-governmental organizations (NGOs) and heads of governments. Environmental issues have also increasingly appeared on the agenda of such institutions as the UN Development Program (UNDP), the World Bank, and regional multilateral development banks, as well as of specialized agencies. The 'greening' of these organizations is deemed positive, but insufficient.

The key message, however, seems paradoxical: on the one hand there has been a tremendous growth in the number of international institutions to deal with environmental issues; on the other hand, 'the environment continues to deteriorate in many parts of the world.'<sup>5</sup> According to the Task Force, instead of adding new political energy, the flourishing of new international institutions poses problems of co-ordination, eroding responsibilities and resulting in duplication of work as well as increased demand upon ministries and governments. These problems are heightened by the lack of financial support. Thus, it is concluded that much more vigorous and effective co-ordinated action will be required at all levels. 'Current UN activities are characterised by substantial overlaps, unrecognised linkages and gaps. These flaws are basic and pervasive.'<sup>6</sup> This not only leads to a waste of scarce resources but also reduces the legitimacy of the UN. This perception is reinforced in other key UN documents.<sup>7</sup>

Below, in a simplified form, are some of the suggested remedies to the problem of fragmentation. First, some institutional innovations are called for, such as:

- establishing an environmental management group under UNEP;<sup>8</sup>
- setting up a two-day, broadly based environmental forum prior to a UNEP Governing Council meeting;
- establishing an annual ministerial-level global environmental forum linked to UNEP's Governing Council;

- making the membership of the UNEP Governing Council universal; and
- establishing a specialized unit to provide NGOs with necessary information and to utilize their contributions effectively.

Other remedies include strengthening co-operation between conventions and improving their *financial basis*, such as:

- continuing to support joint meetings of heads of secretariats and inviting governments to consider the negative implications of geographical dispersion of convention secretariats;
- strengthening the Nairobi location as well as the general financial basis of UNEP;
- strengthening the integration of regional perspectives in the global agenda;
- exploring ways to increase the engagement of business and industry;
- establishing periodic meetings of presidents of conferences of the parties of selected conventions to address cross-cutting issues; and
- enhancing co-ordination between the Governing Council and the Commission on Sustainable Development.

The problem diagnosis as well as the cure to the problem presented is simple. The emerging dense institutional framework has had some positive effects but has not been able to improve the state of the world's environment. On the contrary, it is agreed that the rapid growth of international institutions has of itself created problems. Consequently, stronger institutions and improved co-ordination is called for, with UNEP as the key actor. On this basis, the following questions will be discussed:

- What can be expected from the role of the UN in environmental governance?
- What are some possible reasons for the strong increase in international environmental institutions?
- How are the MEAs linked up with the UN system, and has this caused problems of any kind?
- Is the cure presented above the best way to move forward, or are other strategies preferable?

### Avoid Unrealistic Expectations

What can realistically be expected in terms of environmental improvement resulting from a better co-ordinated UN system? In the same manner as an increasing number of international environmental institutions have not been able to halt environmental deterioration, improved co-ordina-

tion is no simple cure. This is so because the UN, when one or more of its bodies are involved, is only one among a host of agents contributing to the problem at hand. Other, and often more important, factors include the distribution of power among key actors, the degree of asymmetry in actors' interests and preferences, how many actors are affected and in what way, and the willingness and ability of the parties to implement their commitments. This leads to an observation, not always prominent in UN discussions and documents: under real-world circumstances, in an essentially state-centred world with weak international institutions, not too much can be expected in terms of improved problem solving following from better performance by the UN in international environmental regimes. This is not to say that international institutions are not important.<sup>9</sup> They may make a difference in terms of the capacity, skill, and energy with which the problem at hand is being attacked. It is also important to note that, in all probability, many environmental problems would have been worse in the absence of international institutions. The main point is that expectations should not be too high in terms of what can actually be accomplished in terms of problem solving. Although the extent to which a problem is 'solved' may be the ultimate proof of the extent to which an institution is effective, this indicator is simply too demanding to be applicable in our setting.<sup>10</sup>

Various UN bodies have different functions in MEAs. Some have rather broad mandates but may be important indirectly through norm creation, in knowledge diffusion, and in providing legitimacy for subsequent action. Other UN organs may have a more operational nature in assisting with reporting procedures and facilitating domestic implementation. Together with the specific conventions and their secretariats, they ultimately shape the behaviour of the parties—provided they avoid turf battles and jointly concentrate their efforts on the real task at hand, to facilitate problem solving. Before describing and discussing how successful the UN been in this regard, some thoughts are first given as to possible reasons behind the rapid increase in the number of international environmental institutions—seemingly one reason for the present co-ordination problems.

### Roots Behind the Institutional Expansion

The roots of the present dense institutional network date back to the 1972 Stockholm Conference. As virtually no international environmental institutions existed at that time, few would challenge the positive agenda-setting function of this Conference. As this was a UN conference, and many environmental problems were perceived as either global or at least international, it seemed to make sense to give the main responsibility for this issue area to the UN.

This set the stage for the UN in the building of international environmental institutions with UNEP as the key actor. UNEP is a true child of the 1972 Conference, as the first major international organization to be dedicated to environmental protection. UNEP should not initiate large programmes of its own; rather it should act as an initiator and co-ordinator for other organizations.<sup>11</sup> This mandate for UNEP was repeated and reinforced both by the World Commission on Environment and Development (WCED) and by *Agenda 21* at the 1992 UNCED Conference. UNEP has been very successful in agenda setting, but it is not the only actor to be given the credit—or blame—for the rapid growth of MEAs. UNCED also spurred new international institutions, one of these being another organization with a broad mandate, the Commission on Sustainable Development (CSD).<sup>12</sup>

The international community has been more effective in creating new organizations than in repairing old ones. If, however, a consolidation strategy had been chosen over an expansive strategy, the international community would not have gained a new institution—the CSD—with the ‘correct’ label of the time, ‘sustainable development’. The growth of international institutions points towards a basic problem concerning international society. Just as the establishment of various *ad hoc* committees at the domestic level demonstrates a willingness to act on an issue, the international community wants to demonstrate its ability to act when new issues reach the international agenda. While national *ad hoc* committees can be fairly easily dissolved, international institutions tend to remain, and often grow, irrespective of a real demand for their services or their degree of effectiveness.<sup>13</sup> The reason behind this growth is that no one controls the international agenda-setting process. This represents an opportunity for the smaller nations to become ‘visible’ on the international agenda.<sup>14</sup> The increased involvement of green NGOs, skilled and active as agenda setters, has strengthened this trend.

Some states, as well as large industries, may also be satisfied that this time-consuming process is instrumental in keeping environmental bureaucracies and green NGOs busy making new institutions—often without much regulatory bite.<sup>15</sup> Whether institutions are considered important can often be judged by who participates. While the green NGOs and the ministries of the environment are ‘always’ there, business, industry, and key ministries turn up only if they perceive that ‘their’ interests may be affected. Some forums have also had problems of attracting high-level political participation, often a prerequisite to action.<sup>16</sup>

Thus, for various reasons it has been easy to create new international institutions, especially if it is believed they will not have much effect on the behaviour of relevant target

groups. The effect of the present concern that consolidation is more important than continued institution building remains to be seen.

## The Role of the UN in Multilateral Environmental Agreements

Before discussing possible problems in relation to the role of the UN in MEAs, let us first look at the formalities regarding the various UN bodies in the institutional set-up of these regimes. The main section of the 1999/2000 *Yearbook of International Co-operation on Environment and Development*,<sup>17</sup> which gives a factual overview of some of the main international environmental agreements, is used as the point of departure.<sup>18</sup>

If we count the UNEP Regional Seas Programmes as the nine region-specific conventions of which it is composed, then 58 agreements are presented in total.<sup>19</sup> Of these agreements, 15 are independent of the UN system, including some of the regional marine-pollution regimes, such as the North Sea regimes and the co-operation in the Baltic, and the global whaling regime. Considering the time of their establishment, a reason some of them are independent of the UN system is that they were established, or the process had already been initiated, before the 1972 Stockholm Conference. Moreover, if they are of a regional nature, the chances are higher that they will be organized independently, especially if they involve only developed countries. However, some of the more recent conventions, for example the International Tropical Timber Agreement (ITTA), seem to be essentially independent of the UN. Why some agreements deviate from the standard (UN) pattern is not obvious.<sup>20</sup>

More than two-thirds of the agreements have some kind of relation to the UN system, and these links, such as those between the four nuclear safety conventions to the International Atomic Energy Agency (IAEA), providing secretarial facilities, generally seem straightforward. The same goes for the relation between the four conventions regulating ship-generated pollution and the International Maritime Organization (IMO). The global London Convention 1972 is also linked to IMO. A third main UN body, providing secretarial facilities to seven of the conventions listed, is the UN European Commission for Europe (ECE). Although these conventions are more heterogeneous than the ones described above, they have in common the ECE geographical scope—the Europe/North America region. This may suffice to justify an institutional link. The Food and Agricultural Organization (FAO) has a similar link with three associated global conventions. The 1982 United Nations Convention on the Law of the Sea has secretarial facilities based directly in the UN through the Division for Ocean Affairs and the Law of the Sea.

The fact that there are some clusters of regimes linked to specific UN bodies as a point of departure improves the potential for co-ordination. The main UN co-ordinator, however, is UNEP. One model is the Regional Seas Programme, with programme co-ordination in Nairobi and a number of regional secretariats. Another model is presented by UNEP's Regional Office in Europe (Geneva), which has a joint secretariat with some conventions and functions in a liaison role for other conventions. Co-location and the fact that a number of secretariats are situated in Geneva are also meant to facilitate the co-ordinating role of UNEP. The various links between UNEP and the many regimes in question are varied and quite complex, and space does not permit us to go into detail here.

Looking at the some 50 agreements presented in this *Yearbook*, it is quite clear that the resulting system has not resulted from a 'systemic' top-down approach. Before discussing the need for and feasibility of a more coherent approach, let us first examine whether the present system has caused problems for the effective running of these regimes. Only a few scattered pieces of evidence will be presented, primarily linked to the role of UNEP. Some thoughts will also be introduced on the possible merits of MEAs not being linked to the UN system.

### **What Are the Problems with the Existing System?**

Judged by its formal mandate and role, UNEP was to be exactly what is presently called for—an internal (within the UN) and external (among MEAs) co-ordinator. If UNEP had been able to perform this function satisfactorily, the call for improved co-ordination would have been unwarranted. That is, it is implicitly recognized that UNEP has problems performing this function. This perception has been reinforced by independent analysts, who have noted that 'the absence of a clear focus and mission . . . , problems of location and management difficulties have all contributed to the erosion of UNEP in the international policy making process.'<sup>21</sup> These problems have, somewhat paradoxically, been intensified by the fact that UNEP has been so successful in spawning new international treaties.

The perceived weakness of UNEP may also have been a reason why new institutions have been created. The CSD, with its broad focus and mandate, may have taken some of the attention and energy away from UNEP. While it might have been more efficient to try to revitalize UNEP, many parties would have seen this as unlikely to happen.<sup>22</sup>

It appears that the different roles and responsibilities of UNEP and some of the MEAs have caused problems of various kinds. The relationship between UNEP and the Convention on Biological Diversity (CBD) has been characterized by turf battles and eroding responsibility. The

CBD was negotiated under the auspices of UNEP. However, 'the early years of the CBD were marked by reports of power struggles between the high command of UNEP and the CBD Secretariat over the degree of authority to be exerted over the Convention.'<sup>23</sup> Part of this appears to have been caused by personal conflicts at the top level of the two organizations. As a result of a change in high-level staff in both organizations, antagonism has been reduced over time, but there still seem to be certain disagreements of a more structural nature between the two.<sup>24</sup> There has also been tension between UNEP and the CITES Secretariat over the proper role and responsibility of the two institutions.<sup>25</sup>

More fundamentally, the role of UNEP in relation to MEAs seems somewhat random. UNEP did play a key role in the creation phase of the climate regime, but it soon lost influence.<sup>26</sup> Although nested in the UN system, the United Nations Framework Convention on Climate Change (UNFCCC) is more independent than CBD. While the temporary secretariats for both UNFCCC and CBD were in Geneva, a UNEP base, the permanent secretariats moved to Bonn and Montreal respectively. This reduces both the potential for co-ordination between these two key conventions, where functional linkages abound, and the influence of UNEP, and indicates a striving for more independence from UNEP on part of the secretariats. It may seem that the role of UNEP is gradually being reduced in relation to the conventions. One reason may be that Nairobi has not proved to be the most efficient place for a UN secretariat to be based. It does not seem that the model of the Vienna Convention for the Protection of the Ozone Layer, for which the Nairobi UNEP office acts as Secretariat, has had widespread appeal.<sup>27</sup>

If these examples are representative, it is clearly negative that so much energy, which ideally should have the common goal of improving the state of the world's environment, seems to be used for delimiting roles and responsibility between institutions and actors. This begs the question whether so many MEAs should be linked to the UN system. Maybe the independent alternative is better.

In a study of the functioning of secretariats, it has been concluded that the independent, often more confined and simple model, where MEAs are outside the UN system, has some merits.<sup>28</sup> The core of the relationship is between the parties and the secretariats. The secretariats are usually very small, and a sense of closeness and mutual responsibility may be created by the fact that the functioning of regimes usually depends on the direct contribution of the members. Moreover, the regimes are less vulnerable to the uncertain financial situation of the UN. Finally, the mistrust shown by some key members towards parts of UN bureaucracy is avoided by choosing a more independent approach. As will be discussed further in the concluding

section, this approach may be feasible in some cases. However, the UN has some comparative advantages and will certainly continue to play a key role. We now turn to how some of the problems identified in relation to the UN can be cured.

### 'Top-Down' or 'Bottom-Up' Approaches?

Considering the simplified picture that has been presented—the real world is far more complex—the call for improved co-ordination seems to make good sense. The diagnosis as suggested by the UN is essentially a repair strategy. Ideally, looking at the existing system, a more aggressive strategy is needed. There has clearly been no 'master plan' or chief organizing principle behind the establishment of new institutions. Consider, for example, that the success of UNFCCC—disregarding linkages to trade issues—is directly conditioned by at least ten other international treaties, while CBD intersects with dozens of international conventions.<sup>29</sup> Few would argue that the climate convention is superfluous, but it may well be that CBD, with its many links and overlaps to other conventions, should have had another structure, or else existing institutions should have been merged. Thus, ideally a fundamental review and evaluation of the process of establishing international environmental institutions and the present organizational structure could be a helpful exercise. From an intellectual point of view, the following questions could be posed:

- What should be the role of the UN in environmental treaty-making?
- Should some of the conventions outside the UN be moved into the UN system, or should others be separated from the UN?
- What role should UNEP have based on existing experiences?

In this process, the abolition and merging of existing institutions should be considered equally or more favourably than the creation of new ones. Note that it is unlikely that the UN will have the will or the ability to undergo such an extensive scrutiny of its own role on this matter. Independent experts may well conclude that Nairobi is ill-suited as a place for the UNEP secretariat, but for political reasons it will be probably be very difficult to move it. Independent experts may also suggest that more conventions should be removed from the UN system, but an initiative like that will hardly come from the UN.

Even though we cannot expect a full and open scrutiny, and even less a master plan for making MEAs, the process in the UN shows that the problem is taken seriously.<sup>30</sup> The question is whether the approach presented offers the

right remedy. The 'systemic' and co-ordinated approach has an intuitive orderly and rational appeal to it, but it should probably not be pursued too far, as the reality is rather unruly and cannot be streamlined too much. A few more general comments about the merits and disadvantages of this approach will be made before observations concerning some of the more specific suggestions by the UN Task Force.

It has been argued that 'the need for more co-ordination is largely incorrect. It is a dream that cannot be realised because there is no co-ordinator in the international system.'<sup>31</sup> The premise is that power in the international system is dispersed into the hands of states, not international institutions. 'Thus the most significant co-ordination efforts will emerge from the bottom up rather than top down—decentralised rather than imposed from the centre.'<sup>32</sup> As most international environmental institutions are so new, it is argued that, rather than opting prematurely for co-ordination, learning by doing should be promoted. Duplication may stimulate learning, and so not be a waste of resources, and practical problems following from lack of co-ordination have so far been few.<sup>33</sup>

Based on some of the problems identified above, the present system surely needs improvements. Still, the more general point that strong top-down co-ordination is neither feasible nor something that should be sought is well taken. This message was in general endorsed at the Tokyo 1999 UN University (UNU) Conference on Synergies and Co-ordination between Multilateral Environmental Agreements.<sup>34</sup> The idea launched in various settings about an overarching global world environmental body, a Global Environmental Organization, was dismissed as neither practical nor a step in the right direction.<sup>35</sup> Moreover, although formal co-ordination was not dismissed as an organizing tool, it was generally agreed that a lot could be achieved through informal and *ad hoc*-oriented co-ordination between relevant secretariats.<sup>36</sup> This was often more effective than the more formal procedure of signing memoranda of understanding. Co-ordination should not be sought as a goal in itself but only when practical gains might be achieved. Pragmatic low-key approaches were suggested rather than an attempt to build ambitious new procedures and institutions. The prominence of the regional level was also pointed out.<sup>37</sup> In contrast to popular opinion, and maybe traditional UN opinions, few environmental problems are truly global. Even if they are, they can often be broken down and dealt with more effectively at the regional level. Another key message was that form should follow function; that is, agreements should be tailored in accordance with the type of problem addressed.

Against this backdrop, the overall thrust of argument forwarded by the Task Force may be put in doubt. It is a paradox that when concern about the problems caused by

the immense number of MEAs forms the point of departure for the Task Force, still the establishment of new institutions and forums is suggested. Based on previous experience, there is no guarantee that these will function any better than their predecessors. Moreover, one may well call for high-level participation, but experience indicates that this will only happen if a sufficient number of parties see it in their interest. The same goes for participation by key target groups. No central decision can be taken that they should participate. It may also be questioned whether the formal approach towards co-ordination between secretariats with UNEP as a centrepiece is a guarantee of success. Finally, it may seem logical to broaden participation in UNEP's Governing Council to include all states, but, although such a move may increase the legitimacy of this forum, its effectiveness may well be reduced.

### Concluding Remarks

Institutional UN amendments in relation to MEAs cannot be expected to make much of a difference in terms of effectiveness understood as actual problem solving. Other factors are usually more decisive. When efforts by the international community are discussed with a view to rendering international environmental co-operation more effective, this sobering perspective should be kept in mind. Nevertheless, as institutions and the relation between them can be modified and improved, they are important from an institutional design perspective. Politically it is also important for the credibility and legitimacy of the UN that resources are used as efficiently as possible.

Although the issue of overlapping regimes and the call for better institutional co-ordination is a challenge for policy makers and academics alike, it should not be allowed to distract attention from the main challenges in making environmental institutions effective; lacking domestic implementation. In the end, even smoothly running international efforts have limited value unless they result in behavioural consequences at the national level. International environmental institutions may contribute to improving the process of implementation, not least for developing countries, by means of data gathering and verification, as well as through financial and technical assistance. With its key position in the overall picture, the UN with its many institutions should be well positioned to play a key role here.

It may well be, however, that a concentration of resources is necessary in this regard. It should not be 'a rule of law' that all environmental regimes should have a link to the UN system, as it appears that the independent model outside the UN system has some merits. This also squares well with the call for increased weight on the regional

management model. The role of the UN could then be reserved for the (relatively few) truly global agreements and for the regimes with predominantly developing countries as participants. The UN has comparative advantages here, not least by giving the regimes access to large professional staff with considerable expertise and financial resources. As many actors tend to become involved, we have seen that turf battles and eroding responsibility may follow. There are varying perspectives—a more formalized 'top-down' strategy or a more informal 'bottom-up' approach—on how the resulting problems of co-ordination can be resolved. Although there may be some advantages to the former, particularly in relation to information gathering and dissemination between the various regimes, the more informal bottom-up approach seems most appropriate at present. Before a more precise 'cure' can be assigned, much more precise knowledge is needed about the practical difficulties following from the various linkages and co-ordination problems. A cure essentially demanding more resources and better co-ordination with UNEP in the driver's seat seems too simple—given past experience.

### Notes and References

This article builds on Steinar Andresen and Jon B. Skjærseth (1999), 'Can International Secretariats Promote Effective Co-operation?', a background paper written for the United Nations University Conference on Synergies and Co-ordination between Multilateral Environmental Agreements, Tokyo, 14–16 July, 1999. This paper was revised with the same title and presented by the author at a conference arranged by the Norwegian Research Council, 13–14 October, 1999. Although the title remained the same, its text was considerably revised, not least as a result of the many critical but constructive comments received from the external reviewer and from two of the editors, Olav Schram Stokke and Øystein B. Thommessen. Useful comments were also provided by G. Kristin Rosendal, Regine Andersen, and Jørgen Wettestad.

1. A number of figures are indicated as to the total number of MEAs adopted. On the advice of Øystein B. Thommessen, the editor responsible for the Agreements section of this *Yearbook*, I have refrained from using any specific number due to the various opinions as to what constitutes the proper units. For various approaches, see the ECOLEX gateway to environmental law, a joint UNEP/IUCN project, at <<http://djl04.djl.co.uk/TR/index.htm>>, or see the chronological listing by the Multilaterals Project at the Fletcher School of Law & Diplomacy, Tufts University at <<http://fletcher.tufts.edu/multi/chrono.html>>.
2. See United Nations, 'Reviewing the United Nations: A Program for Reform', A/51/950, 14 July 1997.
3. See United Nations General Assembly, 'Environment and Human Settlement', A/53/463, 6 October 1998. Human settlement is not dealt with in this article.
4. *Ibid.*, 3
5. *Ibid.*, 17
6. *Ibid.*, 17. This conclusion is based on in-depth examination of the energy and water sectors.
7. See United Nations, 'Overall Review and Appraisal of the Implementation of Agenda 21', A/S-19/29, 27 June 1997.
8. The new group should replace the Inter-Agency Environmental

- Co-ordination Group, and be placed under UNEP. Core members of relevant UN units should be permanent members, and other types of participants should be included as appropriate.
9. Opinions vary as to the significance of international institutions. Some hard-nosed realists claim that they are mere epiphenomena reflecting the underlying power structure. Most studies of international regimes, however, claim that they do have an independent effect. The challenge is to identify how, and under what circumstances.
  10. For some more recent discussions on how to measure and explain effectiveness, see David Victor *et al.* (eds.) (1998), *The Implementation and Effectiveness of International Environmental Commitments: Theory and Practice* (Cambridge, MA: MIT Press) and Edward Miles *et al.* (forthcoming, 2001), *Explaining Regime Effectiveness: The Interplay of Problem Type and Response Capacity* (Cambridge, MA: MIT Press).
  11. For an overview of the more precise mandate and function of UNEP, see the Intergovernmental Organizations section in this edition of the *Yearbook*.
  12. Important environmental regimes were established by UNCED as well, including the climate regime and the biodiversity regime. For the function and mandate of CSD, see the Intergovernmental Organizations section in this *Yearbook*.
  13. The International Whaling Commission (IWC) is by no means redundant. Still, it is a paradox that when tens of thousands of large whales were killed in the 1950s international management was virtually non-existent. By contrast, in the early 1990s the number of participants at the yearly meetings was much higher than the number of whales taken within the framework of the organization. Steinar Andresen (2000), 'The International Whaling Regime: "Good" Institutions, but "Bad" Politics?', in Robert Friedheim (ed.), *Towards a Sustainable Whaling Regime* (Seattle: University of Washington Press).
  14. Malta is a typical case in point. In 1967 it suggested that the deep seabed should be considered the 'common heritage of mankind'. This had a triggering effect on the upcoming law of the sea negotiations. In 1989 a conceptually similar proposal was launched in relation to the problem of global warming.
  15. It should be noted that the USA and the UK opposed the creation of the CSD, maintaining there were enough similar institutions.
  16. The difference between the CSD and the climate regime is illustrative. During the climate negotiations all key actors were represented, but in CSD problems have been noted in attracting participation from high-level political communities as well as from business and industry. For an elaboration, see Pamela Chasek (2000), 'The United Nations Commission on Sustainable Development: The First Five Years', in Pamela Chasek (ed.), *The Global Environment in the Twenty-First Century: Prospects for International Co-operation* (Tokyo: UN University Press), 378–98.
  17. Helge Ole Bergesen, Georg Parmann, and Øystein B. Thommessen (eds.) (1999), *Yearbook of International Co-operation on Environment and Development 1999/2000* (London: Earthscan Publications).
  18. It may be argued that, in a strict sense, it is not only environmental regimes that are covered. The borderline between environmental and other issues is often unclear. Some may argue that the International Whaling Commission is a resource regime; others would claim it is basically an environmental regime.
  19. Such counting is bound to be difficult as some regimes are linked. The main point here, however, is to portray trends and patterns.
  20. In the case of ITTA it may have something to do with the fact that this is considered a resource regime rather than an environmental regime. Also, the dominant interest of Japan may have an impact on the organizational set-up of the regime as the Secretariat is located in Japan—as the only one among the regimes presented in the *Yearbook*.
  21. David Downie and Marc A. Levy (2000), 'The United Nations Environmental Programme at a Turning Point: Options for Change', in Pamela Chasek (ed.), *The Global Environment in the Twenty-first Century: Prospects for International Co-operation* (Tokyo: UN University Press), 455.
  22. For a discussion on how UNEP should concentrate its resources and attention, see Downie and Levy 2000.
  23. See Joanna Depledge (1999), *Negotiating Breakdown: The Cartagena Biosafety Protocol Draft*. Draft paper, University College, London, 7.
  24. *Ibid.*
  25. One dramatic example of the controversy between CITES and UNEP was when in 1990 the UNEP Secretary-General fired the CITES General-Secretary, Eugene Lapointe. However, UNEP was exposed to strong lobbying from the USA as well as from key green NGOs to do so. The reason was conflicts over the proper role of the CITES Secretariat in a controversial issue over the ivory trade. See *The Observer*, 25 August 1990 and 4 November 1990.
  26. See Shardul Agrawala (1999), 'Early Science–Policy Interactions in Climate Change: Lessons from the Advisory Group on Greenhouse Gases', in *Global Environmental Change*, 9: 2, 157–69.
  27. The problems associated with the Nairobi location are also discussed in detail by the Task Force, but there are no proposals to move it.
  28. Steinar Andresen and Jon B. Skjærseth (1999), 'Can International Environmental Secretariats Promote Effective Co-operation?'
  29. See Lee Kimball (1997), 'Institutional Linkages Between the Convention on Biological Diversity and Other International Conventions', *RECIEL* 6: 3, 239–48, and Lee Kimball (1999), 'Linkages in International Environmental Governance: How to Advance a Systematic Analysis of the Institutional Implications of Climate Change', Paper prepared for the Foundation for International Law and Development (FIELD) Concluding Workshop for the Project to Enhance Policy-Making Capacity under the FCCC and the Kyoto Protocol, London, 17–18 March 1999 (London: FIELD), forthcoming.
  30. UNEP co-operated with the United Nations University (UNU) in arranging the Conference on the 'linkage-issue' mentioned above (unnumbered note). For an update of UNEP's initiatives to deal with co-ordination among MEAs, see UNEP Division of Environmental Conventions' newsletter *Synergies: Promoting Collaboration on Environmental Treaties* available at <<http://www.unep.ch/conventions/synergies/synergies.htm>>.
  31. See David Victor (1999), 'The Market of International Environmental Protection Services and the Perils of Co-ordination', Background paper at the UNU Tokyo 1999 Conference, 1; see unnumbered note above.
  32. *Ibid.*
  33. The practical experiences are discussed for some key MEAs in relation to the following functions: agenda setting, negotiation of commitments, resolution of conflicts, technical assessment, and implementation and compliance. See David Victor (1999), 'The Market of International Environmental Protection Services and the Perils of Co-ordination'.
  34. See United Nations University (1999), 'Inter-Linkages Synergies and Co-ordination between Multilateral Environmental Agreements' (Tokyo: UN University Press).
  35. The idea is not yet dead, however, as France just recently suggested the establishment of a World Environmental Organisation, see *Europe Environment* no. 570, 20 June 2000, 29. For a presentation of the various proposals in this regard and a discussion over a possible Global Environmental Organization, see Geir Ulfstein (1999), 'The Proposed GEO and its Relationship to Existing MEAs', Background paper written for the 1999

- Tokyo UNU Conference.
36. This was confirmed and supported by most of the secretariats present at the Conference.
  37. See Lee Kimball (1999), 'International Environmental Governance: A Regional Emphasis on Structured Linkages among Conventions and Intergovernmental Organisations', *Translex*, April, 6-10.