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UNEP's Role in Enhancing Problem-Solving Capacity in Multilateral Environmental Agreements:

Co-ordination and Assistance in the Biodiversity Conservation Cluster

By Kristin Rosendal and Steinar Andresen

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Abstract

This report examines co-ordination and turf struggles in the relationship between regimes and UN organisations within the field of biological diversity. The UN Environmental Programme (UNEP) represents the most central organisation with a view to these co-ordination efforts, not least with a view to its role in initiating and shaping international negotiations within environmental issue areas.

In order to approach this question and shed light on the broader range of issues pertaining to implementation and co-ordination efforts, the authors look into both arena- and actor-related functions of UNEP. Analytically, they address the scope for UNEP in enhancing concern and a contractual environment among negotiating parties. They add to the analytical framework some of the main preconditions or dimensions affecting the problem solving capacity of an organisation: Role and position in the UN system, financial state, geographical location, and bureaucratic culture. First, they look into the role of UNEP in the formation of the CBD. Second, they examine how these dimensions have been played out in the relationship between UNEP and various MEAs within the biodiversity conservation cluster. This will shed some light on the widely different judgements of UNEP's role by contrasting its actual accomplishments with its poor preconditions.

Key Words

UNEP, biodiversity, international environmental agreements

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Contents

Acknowledgements	iii
1 Introduction	1
2 Elements for an Analytical Framework	2
3 Introducing and Identifying the Biodiversity Conservation Cluster	5
4 Distribution of Roles and Positions Relating to Biodiversity Conservation in the UN System	6
4.1 The Supply Side of Co-ordination: What Does UNEP Have to Offer?	9
4.2 The Demand Side of Co-ordination: Roles and Positions of MEAs	12
4.3 Co-ordination and Assistance: Bureaucratic Compatibility	15
4.4 Summing up	18
5 The Effect of Geographical Location on Co-ordinating and Assisting the Biodiversity Conservation Cluster	19
6 Financial State in the Biodiversity Conservation Cluster	21
6.1 Capacity Building: The Role of the Private Sector in the Biodiversity Conservation Cluster	23
7 Concluding Remarks: UNEP's Role in Enhancing Problem-Solving	26
Bibliography	29

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Lysaker, 10 May 2004

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1 Introduction

Since its origin UN agencies have been met with calls for co-ordinating their activities as a means of ameliorating the implementation of international agreements.¹ The idea of co-ordinating multilateral environmental agreements (MEA) dates back to the first UN Conference on Environment in Stockholm in 1972, when the United Nations Environment Programme (UNEP) was conceived. In light of the proliferation of environmental treaties during the last couple of decades, there has been an increased risk of fragmentation, overlapping activities and development of disruptive policies that could undermine efforts to resolve environmental problems. Calls for co-ordination of international environmental regimes are generally triggered by the belief that this may contribute to enhancing the overall effectiveness of MEA in reaching their objectives.² From a bottom-up perspective, however, assistance and capacity building may be regarded as equally or more important than co-ordination as means to enhance problem-solving.³ These perceptions are likely to be contingent on role; while there may be external and central calls for co-ordination, those engaged in projects and programmes in the field may have a different view of what contributes to enhancing overall problem-solving capacity.

UNEP was established as the leading United Nations body for the environment with a mandate to promote effective environmental action. The overall objective of UNEP is “to provide leadership and encourage partnership in caring for the environment by inspiring, informing, and enabling nations and peoples to improve their quality of life without compromising that of future generations.” In addition to scientific assessments of the global environment, UNEP represents the most central organisation for co-ordination as well as for initiating and shaping international negotiations within environmental issue areas. All along, UNEP has been instrumental in establishing international environmental regimes and setting the international environmental agenda. UNEP’s mandate does not include a role in the administration of large environmental programmes. It is rather to be engaged in the co-ordination of activities between institutions. The call from some quarters regarding an International Environmental Governance (IEG) process also embodies

¹ The Administrative Committee on Coordination (ACC) was established by the Secretary-General in 1946 at the request of the Economic and Social Council (ECOSOC) in Resolution 13 (III). The main purpose of the Committee was to supervise the implementation of the agreements between the United Nations and the specialized agencies. In 2000, the ACC was renamed Chief Executives Board (CEB) for Coordination. From its original four members (UN, ILO, FAO and UNESCO), CEB today comprises twenty-seven member organizations, including UN funds and programmes as well as specialized agencies, WTO and the Bretton Woods institutions.

² Although from some points of view, it is precisely the reduced efficiency and effectiveness that may be the ulterior goals of insisting on co-ordination. Co-ordination may also be triggered by interest in short term economic efficiency.

³ Top-down models within implementation studies focus on central decision-makers (Edwards, 1980; Sabatier & Mazmanian, 1980), while the bottom-up school of thought point to the important role of local and *street-level bureaucrats* in forming policy outcomes (Elmore, 1978; 1979; Hjern & Porter, 1981).

co-ordination as a central element. The same can be said of the recurring calls for a World Environment Organisation, which would have gone very far in terms of overall co-ordination and streamlining. However, UNEP's success as a co-ordinator has frequently been questioned (Downie and Levy, 2000; Andresen, 2001; Biermann, 2002).

With this caveat, our main research question is: **How does UNEP contribute to increasing the problem-solving capacity among biodiversity related MEAs?** This question can be broken down into two sub-questions:

- How does UNEP meet demands for co-ordination and assistance?
- How do the MEA secretariats respond to UNEP's efforts to co-ordinate and assist them in their work?

The report starts by presenting an analytical framework for examining the scope, supply and demand for co-ordination and assistance in the relationship between regimes and organisations. The focus is put on *institutional* factors, and we have identified three dimensions that can be assumed to affect institutional problem-solving capacity. The next section of this report addresses the research questions by going through how these dimensions are played out in the major regimes and organisations engaged in the biodiversity conservation cluster.⁴ The study is conducted through a number of interviews with centrally placed actors in UNEP and the MEA secretariats. In the final section we draw conclusions and discuss the implications for UNEP's role.

2 Elements for an Analytical Framework

The analytical framework is drawn from what may be coined the *problem-solving capacity* perspective (Miles, Underdal et al, 2001). A central proposition is that the more and better the institutional and political energy which attacks a problem, the more effectively the problem is resolved. At this stage three dimensions that presumably affect the scope for co-ordination and assistance – and thereby enhance problem-solving capacity within the UN system – have been identified. They all belong to the institutional aspects of the explanatory model. Compared to structural power, and probably also leadership, institutional factors cannot be expected to be very important for the overall effectiveness of these regimes. However, empirical findings do tend to also give credit to the impact of institutional factors in the establishment and implementation of MEAs.⁵ Moreover, as these are factors that can be manipulated

⁴ Within the multitude of multilateral environmental agreements (MEAs) we have chosen three main issue areas from which to draw cases. *Air pollution* has been subject to international regulations for quite some time; the issue of *biological diversity* represents a middle ground in this respect; and *persistent organic pollutants (POPs)* is a newcomer in the international environmental arena. Common to all three issues, and transcending their differences in age, is an international commitment to co-ordinate and streamline the various efforts within the areas.

⁵ See for instance Andresen and Wettestad, 1995; Haas et al, 1993; Krasner, 1981 & 1983; Miles, Underdal et al. 2001; Rosendal, 1995, 2001b, 2003; Underdal, 1993, 1997b, 1998b; Young, 1991.

and changed, they may still be important as a model means of moving things forward.

The benefits associated with co-ordination include avoiding double work, increased cost efficiency and reaping the potential benefits from economies of scale – in short, increasing synergies. Co-ordination may also involve response to conflicting cases where the division of labour is not clear or where the norms or regulations have disruptive effects (Rosendal, 2001). On the downside, it is argued that co-ordination may lead to reduced flexibility in approaches to problem solving and a reduced flow of financial resources, as well as to reduced political attention. Some duplication may not be entirely negative, as it may contribute to learning – and it has been maintained that ‘real-life’ UN co-ordination problems are very modest (Victor, 1999). Co-ordination will also carry the risks and costs incurred by human and organisational resistance to change (turf struggles). Against such sharply diverging judgements, it must be understood that co-ordination may come in many guises and include several different strategies by which to increase synergy and avoid disruption. Co-ordination may be formal as well as informal. Formal co-ordination need not be more effective than informal co-ordination. This is an open empirical question.

While co-ordination has mostly emerged as a call from the top-down, we will also investigate the scope and demand for various forms of assistance in a bottom-up perspective, in this case from the MEAs. Assistance may come as financial or technology transfer as well as legal and technical expertise. Assistance may thus be associated with capacity building, which is also an explicit goal for UNEP in relation to enhancing effectiveness among MEAs. Both the capacity to perform co-ordination activities and the demand for assistance are presumably affected by scores on the following three dimensions:

- *Role and position in the UN system*
- *Geographical location*
- *Financial basis/economic vulnerability*

We assume that the relative distribution of scores on these dimensions will be important and that a high score is likely to contribute to increasing problem-solving capacity. On the *supply* side, the stronger the role and position, the more central the location, and the more substantive the budgets, the more an organisation is capable of contributing to enhance problem-solving. Our model also includes a *demand* side, and we will use the dimensions to examine the need for assistance among MEAs.

First, the *role and position* that is originally bestowed on an organisation will affect its scope for performing co-ordination and providing assistance. Likewise, this will affect the need for assistance as seen from the MEA point of view. Role and position ultimately relates to the ‘strength’ of the organisation in question. Compared to other relevant (UN) bodies, does UNEP have a strong role and position, both in terms of perceptions and formalities? With regard to regimes, the concept of role largely pertains to identification of geographical and functional mandates. Clarifying

roles is central to activities such as cutting down on double work and reaping the benefits from streamlining. On the downside, this may involve the more controversial task of clarifying the division of labour between regimes and organisations. The identification of position is necessary because it will tell us about the legal strength and degree of independence of the organisations and regimes in case. Position is defined by where an organisation is placed within the larger structure, e.g. within the UN system. The distribution of roles and positions will indicate the compatibility between bureaucratic cultures of the bodies involved – in terms of political and technical nature. The compatibility is likely to affect how receptive these organisations and secretariats are to co-ordination and assistance. This dimension encompasses the capabilities and expertise of regime secretariats, which again is linked to their degree of self-sufficiency or need for external assistance.⁶

A related second dimension pertains to the *geographical location* of secretariats and organisations. On one hand, location suggests the degree of closeness to central policy-making bodies. On the other hand, it also makes a difference how imminently the organisation is placed in relation to relevant day-to-day operational activities. Location represents a politically touchy question and it touches upon the question of effectiveness as well as legitimacy. There is widespread agreement that a higher degree of co-location will have a positive effect on problem-solving capacity and greatly enhance the scope for achieving synergies. At the same time, a great deal of political pride is linked to hosting international secretariats. Geographical location works as a symbolic sign of political representation and ‘democracy’ in an anarchic and differentiated international society. In addition, the obvious benefits arising from increased cost efficiency and avoided double work are soon challenged by the high organisational and human costs involved in making the move.

Third, the *financial basis* of interacting regimes represents a material dimension when considering cost efficiency, avoiding double work, and reaping the potential benefits from economies of scale. The degree to which an organisation is economically dependent, and hence vulnerable, or displays a more solid financial base will affect the effectiveness of the organisation; both with a view to providing assistance and performing co-ordination activities. Economically vulnerable regimes and organisations may profit from greater collaboration with more affluent ones. On the other hand, they may risk subordination to financially stronger regimes. That might in turn lead to loss of flexibility and independence in directing the flow of resources within their particular scope and mandate. Turf struggles are likely to follow debates on distribution of scarce resources.⁷ As a sub-set of the financial basis, there is *the degree of private sector involvement*. If the private sector provides added financial assistance to this cluster of MEAs, this could positively affect problem-solving capacity.

⁶ The bureaucratic traits are more elusive and hard to pin down compared to the material traits of an organisation, but in-depth interviews should make it possible to increase our understanding of the *corps d’esprit* of an organisation.

⁷ The financial basis is inherently linked to the underlying power and interest structures among the states that initiated and established these regimes at the outset.

These dimensions are focused on how environmental regimes may be strengthened among executive parties. In the following sections, we examine how the three dimensions have been played out in the relationship between UNEP and various organisations and MEAs within the biodiversity conservation cluster. This may shed some light on the widely different judgements of UNEP's role (Downie and Levy, 2000; Andresen, 2001; Biermann, 2002). But first, a few words on the identification of the biodiversity conservation cluster.

3 Introducing and Identifying the Biodiversity Conservation Cluster

The idea of identifying clusters within the larger issue areas is in itself problematic. This is no less true for the issues involving biodiversity. No matter which way the lines are drawn, it will inevitably involve fencing something in and something else out, with all the potential turf struggles this may imply. The drawing of borders between regimes is inherently a political activity (Hansenclever et al., 1996). This has also been apparent when co-operation with other conventions and international organisations have been discussed at the CBD COP meetings:

Several COPs to the CBD have addressed co-operation within different clusters relating to biodiversity. As for regimes dealing with *land use change and forestry*, the co-operation with the UNFCCC and UNCCD was stressed at COPs 5 and 6. This cluster could well include the International Tropical Timber Agreement (ITTA) as well as the UN Forum on Forests (UNFF).⁸ Second, calls for co-operation with TRIPs of the World Trade Organisation, the International Plant Protection Convention (IPPC), the World Intellectual Property Organisation (WIPO), and the FAO Treaty on plant genetic resources for food and agriculture pertain to the issue of *access to and benefit sharing relating to utilisation of genetic resources*.⁹ This cluster may be more broadly defined so as to include a wider range of regulations pertaining to technology transfer.¹⁰ Thirdly, within what may be coined the *conservation cluster*, co-operation concerns primarily the CBD, the Ramsar Convention on Wetlands, the Convention on the Conservation of Migratory Species of Wild Animals (CMS), the World Heritage Convention (WHC), and the Convention on Trade in Endangered Species of Wild Fauna and flora (CITES). A *Joint Web Site of Biodiversity Related Conventions* has been created on the Internet for these five regimes.¹¹ In this cluster we could also include the Regional Seas Programme under UNEP. Several other clusters might be perceived, such as interactions between regimes dealing with fisheries management and the marine environment. It is the *biodiversity conservation cluster* that constitutes our case in this report.

⁸ See e.g. Rosendal, 2001b.

⁹ See e.g. Rosendal, 2003.

¹⁰ This would mean including interaction between regulations in the CBD's Bio-safety Protocol on introductions of living modified organisms and the free trade objectives of the WTO, which implies opposition to import restrictions (e.g. based on production methods).

¹¹ www.biodiv.org/convention/partners-websites.asp

In the following sub-sections we examine the organisations and regimes involved in the biodiversity conservation cluster by way of the three dimensions. The first dimension provides an overview of the relationship between UNEP and international organisations involved in the biodiversity conservation cluster. This includes a broad range of international bodies – most relevant are the Global Environment Facility (GEF) and hence the UNDP and the World Bank, the IUCN, the Commission on Sustainable Development (CSD) and the World Business Council for Sustainable Development (WBCSD). Within the framework of this report, we do not conduct any systematic survey of all these bodies; only a few illustrative examples will be used. This section proceeds to discuss the relationship between UNEP and relevant MEA secretariats. The conservation cluster includes Ramsar, CITES, the CBD, the CMS, and the WHC. In this presentation, particular emphasis has been put on the CITES and the CBD – one very specific and the other very broad – again in order to reduce complexity. Some attention is also paid to Ramsar, as a more focused and hence, ‘smaller’ convention. Here, the report aims at examining the demand side as seen from the MEA secretariats’ point of view. Similar analyses are undertaken with the other two dimensions. The last section provides a summary discussion of how the three dimensions seem to affect the ability of UNEP to improve problem-solving capacity within the biodiversity conservation cluster.

4 Distribution of Roles and Positions Relating to Biodiversity Conservation in the UN System

UNEP’s position is that of an intergovernmental organisation (IGO) subsidiary to the UN General Assembly and the Economic and Social Council (ECOSOC). The UNEP Governing Council is composed of 58 members of the UN elected by the UN General Assembly for three-year terms. The Council assesses the state of the world environment, establishes UNEP’s programme priorities, and approves the budget. UNEP employs 782 professionals and support staff at headquarters and regional offices (March 2002). In terms of staff, this makes UNEP a ‘light-weight’ compared to other relevant agencies. In comparison, UNDP has 1782 professionals and general staff. UNEP, however, is more *decentralised* compared to most other relevant UN agencies in that some two-thirds of UNEP staff works at the regional level (April 2002). Of the large UNDP staff, 977 members were at headquarters, 103 were at other headquarters offices, and 702 were at country offices. UNEP employs 439 regional staff members (April 2002).¹²

Fact box 1:

Organisations and Activities in the Biodiversity Conservation Cluster

UNEP activities in biodiversity conservation include the formation of new regimes, the potential role in co-ordination and assistance through MEA secretariats, project management in liaison with other organisation, and information work. UNEP is centrally placed in the biodiversity conservation cluster through providing secretariat functions for CITES, the CMS and the CBD. UNESCO provides the secretariat for WHC. IUCN is linked administratively to the Ramsar Convention. UNEP repre-

¹² Data is compiled from YBICED, 2003.

sented the forum for negotiating the CBD and is working closely with the secretariats of the CBD, CITES, and the CMS.

On the project management side, UNEP is directly involved with the CMS Agreement on the Conservation of African-Eurasian Migratory Waterbirds (AEWA) and the Agreement on Conservation of the Bats in Europe (EUROBATS). In addition, UNEP collaborates with UNESCO in the Great Apes Survival Project (GRASP) with support from CITES, runs the Global Programme of Action for the Protection of the Marine Environment from Land Based Activities (GPA), manages the International Coral Reef Initiative (ICRI)¹³, and the International Centre for Integrated Mountain Development (GRID-ICIMOD, 1983). Another project is the UNEP-GEF Project on Development of National Biosafety Frameworks.¹⁴

On the information oriented line, UNEP offers the Technical Cooperation Unit in the Division of Environmental Policy Implementation.¹⁵ There is also the Global Environment Outlook, which provides an overview of the main environmental developments over the past three decades, and how social, economic and other factors have contributed to the changes that have occurred.¹⁶ Equally important is the World Conservation Monitoring Center, which provides information for policy and action to conserve biodiversity worldwide.¹⁷ Finally, there is Earthwatch, which provides integrated information gathered from across the UN system relevant for policymaking by building essential partnerships across the UN system with the scientific community, governments and NGOs.

Since 1998 the United Nations Office in Nairobi (UNON) has been performing all administrative functions for UNEP, including providing administrative services to convention secretariats. Personnel and accounting services were provided through the United Nations offices where convention secretariats were located – for example, the United Nations Office at Geneva. UNON is responsible for budgetary and staffing table controls and all fund management services to the four convention secretariats, provided by UNON Fund Management Officers outposted to those secretariats.

¹³ In collaboration with the International Coral Reef Action Network (ICRAN, 2000).

¹⁴ This is designed to assist up to 100 countries to develop their National Biosafety Frameworks so that they can comply with the Cartagena Protocol on Biosafety.

¹⁵ TCU focuses on Best Practices and Outreach, Biodiversity, Land and Water, Water & Waste Management, Small Island Developing States, and Integrated Coastal Area and River Basin Management.

¹⁶ GEO-3 addresses land, forests, biodiversity, freshwater, coastal and marine areas, atmosphere, urban areas, and disasters.

¹⁷ Programmes concentrate on species, forests, protected areas, marine and freshwaters; plus habitats affected by climate change such as polar regions. It also addresses the relationship between trade and the environment and the wider aspects of biodiversity assessment.

Fact box 2: UNEP Co-ordination Activities

In response to the calls for increased synergy among MEA, UNEP established a Division of Environmental Conventions (DEC) at UNEP headquarters in Nairobi in 1999. DEC has a five-fold mission and the tasks are all aimed at co-ordination:

- co-ordination of all work on linkages and synergy within DEC,
- provision of programmatic support to environmental conventions for strengthening interlinkages and promoting synergy
- development and implementation of a systematic approach for co-ordination among MEAs
- develop a strategic approach to track inconsistencies in the decisions of the COPs of the MEAs
- streamlining of national reporting on biodiversity-related conventions and Rio conventions

Since 1994, UNEP has been convening meetings on co-ordination of secretariats of environmental conventions to promote and support co-operation and co-ordination with and among environmental conventions and their secretariats.

Against this background (Fact box 1) it is apparent that the most relevant UN bodies in this context are UNDP, CSD and not least IUCN.¹⁸ The relationship between CSD and UNEP is very important in *general* regarding co-ordination, but less so related to the bio-cluster. However, a few remarks on the CSD are warranted. As commonly known, the main function of CSD is to review the implementation of Agenda 21 and subsequent UN Conference commitments related to the integration of environment and development goals within the UN system. Compared to the CSD, UNEP is clearly a more operative body, as the CSD has only a small staff of its own and holds sessions annually only for some two weeks. Moreover, recalling the relatively great number of UNEP staff employed at the regional level, UNEP's capacity to perform at operatively would not seem to be particularly low.

More important in our context is the World Conservation Union, IUCN. Employing more than 1000 staff, with one hundred in their headquarters in Gland, Switzerland, the IUCN draws its members from states, state agencies, NGOs and personal membership. It has for several decades been heavily involved in the biodiversity conservation cluster. Both Ramsar and WHC have formal links to IUCN in their convention texts. Ramsar is co-located with IUCN and has only eight staff members. The IUCN supports collaborative actions between Ramsar and other global environmental conventions, especially CBD (through the 3rd Joint Work Plan), UNFCCC (Climate change and wetlands: impacts, adaptation, and mitigation), CITES (through an MoU with IUCN and IUCN's support e.g. through the Species Survival Commission), World Heritage (through

¹⁸ The World Bank, and not least the GEF, are important actors in the biodiversity cluster, especially in terms of *implementation*. However, the function of the WB and the GEF is discussed in another part of this research program, Heggelund and Andresen (forthcoming 2004).

IUCN's work on behalf of the World Heritage Committee), and Biosphere Reserves (through IUCN's work in support of the UNESCO MAB Programme). Moreover, the IUCN secretariat and the Ramsar Bureau collaborate on stakeholder involvement in dialogues on the conservation of biological diversity, sustainable use of natural resources, and the fair and equitable sharing of benefits arising from this use, through organisation of sessions of the Global Biodiversity Forum (GBF).¹⁹ In sum, the IUCN is playing a significant role in co-ordination of the biodiversity conservation cluster.

Another important relationship that needs to be included is that of the UNDP (and the World Bank) through their collaboration with UNEP in administering the GEF. Under UNEP/GEF enabling activities, the UNEP GEF Coordination Office assists 28 countries in preparing biodiversity action plans and national reports and in accessing the CBD clearing-house mechanism; and 118 countries in preparing national biosafety frameworks. GEF has operational programmes in biodiversity (following the ecosystem approach in forest, mountain, arid, semi-arid and wetland ecosystems), climate change, international waters, persistent toxic substances and the ozone layer. The following section will focus on UNEP's relationship to the IUCN and UNDP.

4.1 The Supply Side of Co-ordination: What Does UNEP Have to Offer?

As seen in Fact box 2, UNEP is increasing their offers of co-ordination activities. This section discusses the relative strength of UNEP compared to other relevant organisations in relation to their roles and positions. Several sources point out that there was an initial mistake made when UNEP was not set up as a special agency under the UN – such as UNESCO, FAO and ILO. According to this view, UNEP was thereby considerably weakened.²⁰ An alternative interpretation is that it was *not* a mistake, but a result of horse trading at the 1972 Stockholm Conference. The so-called Brussels Group did not want any UN environmental body at all – so the compromise may have been a weak UNEP.²¹ There is a widespread belief that UNEP has a very weak position within the UN system. It is frequently claimed that UNEP's mandate is too broad in relation to its capacity in terms of funding, staff and authority – leaving UNEP in a weak position compared to most other comparable UN bodies (von Moltke, 1996).

IUCN also has an important co-ordination function alongside UNEP in this cluster; hence, there is a potential for synergy as well as competition and turf battles. In regime formation IUCN has played what may look like a competing role to UNEP. The IUCN was involved in initiating both the CBD and CITES. It was brought in early with a request to help in

¹⁹ Based on data from YBICED, 2003.

²⁰ Interview with NN1, Chief of Unit, CITES Secretariat, November 2002.

²¹ UNICEF was also initially against the establishment of a new special agency for the environment, seeing their turf on children and environment challenged. Personal communication with Professor Adil Najam, April 2004.

drawing up the treaty texts.²² The background for IUCN involvement is hence credibility in terms of legal and technical expertise. The IUCN has also entered into co-operation with UNEP on monitoring and assessment. The World Conservation Monitoring Centre was originally set up by IUCN and has later been placed under the auspices of UNEP.

Neither the IUCN nor UNEP consider the relationship as competitive, however. According to the IUCN, the relationship is unproblematic because they have similar mandates but different strengths. The IUCN has flexibility and UNEP has the intergovernmental mandate.²³ This view is reiterated in UNEP, and it is also pointed out how the two are complementary in that they reach out to different clients and thus reach a wider group of people.²⁴ In sum, although UNEP has a formally weak position in the UN system, it appears that its relationship and role in relation to the IUCN has been impeccable.

Currently, the IUCN sees an increasing need for this co-operation and collaboration as the environmental sustainability issue is increasingly competing with other issues – issues that 'belong' to other international bodies.²⁵ The link to development has lately introduced a strain in relationships to other relevant actors. This link became manifest in Rio (1992) and was further strengthened at the Johannesburg 2002 Summit where the concept of environmental sustainability took hold (see Box 1). One observer claims that UNEP was strongly opposed to this trend – and that this was one reason why UNEP to an increasing extent has been side-tracked by other UN bodies in the period after Rio.²⁶ This has ensued in frequent rivalry between the CSD, the GEF and the UNDP. In effect, a key IUCN source maintains that UNDP is increasing their influence through the mixed environment and development agenda – at the cost of UNEP. On the same note, IUCN would have liked to see UNEP taking the leading force in implementing the Millennium Goals and the Biodiversity 2010 target – but again UNDP has taken the lead.²⁷ According to sources in CITES, UNEP's role has been weakened by the strategic and political decisions to establish the CSD and the GEF.²⁸ In contrast, key UNEP sources take a somewhat different but also realistic view of

²² Interview with Martha Chouchena, Head of Policy, Biodiversity and International Agreements Unit, IUCN, 23 September 2003.

²³ Interview with Martha Chouchena, Head of Policy, Biodiversity and International Agreements Unit, IUCN, 23 September 2003.

²⁴ Interview with Michael Williams, UNEP Information Unit for Conventions (UNEP/IUC), Geneva, 25 September 2003.

²⁵ Issues related to the biodiversity conservation cluster are becoming increasingly important to the work of IUCN, such as the IPR issues, development issues, climate change, and trade. On all of these issues, IUCN is co-operating with UNEP. Interview with Martha Chouchena, Head of Policy, Biodiversity and International Agreements Unit, IUCN, 23 September 2003.

²⁶ Corroborated by interviews in the Climate Change Secretariat, 23 October 2003.

²⁷ Interview with Martha Chouchena, Head of Policy, Biodiversity and International Agreements Unit, IUCN, 23 September 2003.

²⁸ Interview with NN2, CITES Secretariat, Geneva, 24 September 2003.

this situation, admitting that they have to compete with UNDP and the World Bank, especially in capacity building.²⁹

The establishment of the CSD has also been widely interpreted as a blow to UNEP, although views are more diverse on this point. Partly, the establishment of CSD is interpreted as a reaction to Tolba. Some argue that he was getting too strong and powerful, while others argue that he was about to lose grip of the widening environment and development agenda.³⁰ In addition, both CCD and UNFCCC were taken away from UNEP, both through location and in terms of authority, and this constituted another blow. Others point out that the CSD is engulfed in their own problems, rather than constituting a problem for UNEP.³¹ While representing merely a potential rival to UNEP, the CSD is nevertheless a manifestation of the increasing focus on the *development* in sustainable development – potentially at the expense of traditional environmental considerations and long term environmental sustainability. Hence, UNEP is likely to be on the losing end, as it is weak in terms of resources and manpower compared to actors like UNDP and even more so, the World Bank. UNEP staff regards this problem as an inherent part of the environmental issue area and contends that there are diverging interests involved. Again, this is viewed as a fact of life, which only increases the need for UNEP to vocalise environmental concerns as opposed to economic interests.³²

Concept Box 1: From preservation to environmental sustainability

The traditional *preservation* ideology basically believes in protecting species and ecosystems from mankind by establishing nature reserves. The idea of *conservation* includes both preservation and sustainable use of natural resources. The conservation concept hence admits for the possibility that people may coexist with “nature” without detrimental effects. At the onset of the CBD negotiations, the term preservation was going out of use, as the more politically correct concept of conservation entered the mainstream terminology. In the process of wider adoption, however, the concept has tended to become watered-down – in the sense that it can also be used with the old preservation ideas in mind. The introduction of the concept of *environmental sustainability* may hence be regarded as an effort to revive focus on the long term links between environment and development, among others in conservation issues. It is closely connected to the UN Millennium Goals and the fight against poverty.

²⁹ The establishment of the GEF was more important, as it took away the role that was intended for UNEP. UNEP got a smaller part of the bigger pie. Interview with Michael Williams, UNEP Information Unit for Conventions (UNEP/IUC), Geneva, 25 September 2003.

³⁰ Interviews in the Climate Change Secretariat, 23 October 2003.

³¹ Interview with Martha Chouchena, Head of Policy, Biodiversity and International Agreements Unit, IUCN, 23 September 2003.

³² Interview with John Carstensen, Senior legal advisor, UNEP Regional Office to Europe (ROE), Geneva, 24 September 2003.

Against this background, a preliminary conclusion is that UNEP does not seem to be faced with sharp and direct competition from governmental and non-governmental organisations within the biodiversity conservation cluster itself. Only IUCN is strongly involved, and here synergy – not conflict – seems to be the name of the game. It should be noted, however, that this is a quite ‘benign’ game of collaboration, which does not really tell us much about how well UNEP functions as a co-ordinator in more ‘malign’ clusters. This is not least apparent when we looked at the relation with UNDP and other relevant actors in a broader setting. Here competition is increasing with organisations engaged in related and interacting clusters – in particular those involving development issues. In conclusion, a pertinent question would seem to be whether co-ordination between environment and development issues has gone too far at the expense of the environment.

In order to examine how this issue affects the biodiversity conservation cluster, we must include the MEA secretariats in our discussion and ask how they regard the balance between co-ordination and assistance in the UN system.

4.2 The Demand Side of Co-ordination: Roles and Positions of MEAs

This section discusses how the MEA secretariats view UNEP’s role in co-ordinating the biodiversity conservation cluster, keeping in mind the evolving environment and development division. It must be noted that each MEA maintains its own jurisdiction, each of the COPs constitute the highest authority for the convention, and the decisions on joint efforts with other MEAs rest with the COPs (Carstensen, 2004).

Fact box 3: MEAs – Roles and Positions

In terms of age, most of the conventions in this cluster have reached ‘adulthood’ as they date back to the 1970s. Ramsar and the WHC were both signed in 1972 and entered into force in 1975. CITES was signed in Washington in 1973 and was also in force as of 1975. The CMS entered the stage a little later, being signed in Bonn in 1979 and entering into force in 1982. The division of labour between these MEAs is quite clear cut with defined mandates. Ramsar is dedicated to stopping the loss and deterioration of a particularly vulnerable type of habitat – wetlands. The WHC concerns both natural and cultural habitats – those deemed to be of particular significance to humanity. The CMS aims to conserve terrestrial, marine, and avian migratory species throughout their range. The purpose of CITES is to ensure that listed species of wild fauna and flora do not become or remain subject to unsustainable exploitation because of international trade. Finally, the CBD is the youngest as well as the most encompassing convention. It was signed in Rio in 1992 and entered into force in 1993, and its mandate comprises all species and ecosystems worldwide. UNEP has formal responsibility for or affiliations with the CBD Secretariat, as well as CITES, the Regional Seas Conventions, and the CMS. In contrast, UNESCO administers the World Heritage Convention while Ramsar is fairly independent, with the IUCN providing its secretariat.

There is a Joint Web Site between CBD, CITES, CMS, WHC and Ramsar. A number of MoUs have been developed between the CBD and

the other conventions: Ramsar signed a Memorandum of Co-operation with the CBD in 1996 and they have since signed three Joint Work Plans together. There are also Memoranda of Understanding with the CMS (1997), with UNESCO's WHC (1999), and with UNESCO's Man and the Biosphere (MaB) Programme (2002). Through the period 2000 to 2003, Ramsar has signed MoUs and MoCs with UNCTAD and with several of UNEP's Regional Seas Conventions.

The Joint Web Site between CBD, CITES, CMS, WHC and Ramsar as well as the great number of MoU's indicate that at least *formally* the co-operation between them is relatively straightforward. The main challenge for these regimes seems to be how to achieve a more streamlined approach to national reporting, scientific data collection, and information exchange. There is still a scope for enhanced synergies, not least with a view to reducing the workload on reporting for poor countries, but also with a view to co-ordinate the national focal points that are often spread in different ministries and agencies (Carstensen, 2004). In the following we look into the more issue-specific challenges in light of the seemingly increased competition between environment and development.

Generally, it would seem that the more specialised and focussed MEAs such as Ramsar, the WHC and the CMS, which aim at specific species and sites, would be only marginally affected by the tug of war between the international bodies involved. It is the comprehensive MEAs in the conservation cluster – CITES and the CBD – which more broadly interact with large sectors such as trade, industry, and agriculture that are likely to be caught in the cross-fire of this conflict. Not only may UNEP be too weak to uphold its own position, this also begs the question of how this trend may affect the conservation cluster in general. We have already seen that IUCN represents an ally to UNEP; while UNDP, the GEF, and the CSD can easily become important competitors to UNEP in this game.

A central example of how the environment/development cleavage is dealt with can be drawn from the relationship between the CBD and other MEAs in the conservation cluster. With its comprehensive framework, the CBD could be a natural focal point for the other institutions within this cluster. On the same note, UNEP agrees that it may have been more logical if the MEAs had been conceived as protocols to a framework CBD, but realise that will never happen – given the variation among the MEA in terms of independence and size.³³ The CBD differs from most of the other institutions within the conservation cluster in its strong, additional foci on sustainable use and equitable sharing. These new foci bring with them the need to integrate biodiversity concerns and responsibility in 'all' sectors of society, such as agriculture, forestry, roads and transport, and development assistance. The CBD straddles conservation and development concerns; including issues on indigenous communities, traditional knowledge, and fair and equitable benefit sharing. Recently, the CBD COP called for the establishment of a joint liaison group for the five Conventions (Decision VII/26). However, the

³³ Interview with Michael Williams, UNEP Information Unit for Conventions (UNEP/IUC), Geneva, 25 September 2003.

MEA secretariats agree that the CBD is not destined to become a framework for the others. This is partly related to the independence and the technical nature of the MEAs and partly related to financial considerations:

First, the CBD is clear about not aspiring to become an overall framework convention for the biodiversity conservation conventions. On the other hand, the CBD does seem to have a natural leadership role in this cluster, simply based on its comprehensiveness, combined with the comparative strength in staff and financial resources.³⁴

Second, the CITES Secretariat views CBD as a major partner on several issues of mutual concern but has been disappointed by CBD's inability to participate in key CITES meetings to which they were invited.³⁵ CBD staff, on their part, reason that the limited collaboration with CITES to date stems mainly from the independent and rather focussed technical nature of CITES itself, and points to close collaboration on some issues such the Global Strategy for Plant Conservation.³⁶ A recent workshop on CITES-CBD synergies with the involvement of national focal points as well as the secretariats of the two conventions may be helpful in furthering collaboration on additional issues.

On a similar note, the IUCN stresses cultural differences between governing bodies within the conservation cluster as a problematic feature with a bearing on the environment/development divide.³⁷ The IUCN points to turf wars among MEAs as a remaining challenge as well as the problem of duplication, which is still unresolved.³⁸ The differences largely correspond to the MEAs established pre- and post-Rio: Pre-Rio conventions focus on preservation while the post-Rio agreements aim at balancing conservation, with sustainable use and hence development. According to IUCN, this picture is currently about to change, as seen in the example of how Ramsar is developing their "wise use" concept and is going through much the same discussion as the CBD had on trade and environment.³⁹ CBD and Ramsar have developed a series of joint work programmes and the respective COPS of the two Conventions have adopted the same sets of guidelines on some key topics.

Additional frustration may also stem from the unavailability of GEF funds for CITES projects. In this connection, it is felt that UNEP might have been more helpful.⁴⁰ Access to GEF funds is, however, legally

³⁴ Interview with David Cooper, Senior Programme Officer, Interagency and Programme Coordinator to the CBD Secretariat, Montreal, 16 March 2004.

³⁵ Interview with NN2, CITES Secretariat, Geneva, 24 September 2003.

³⁶ Interview with David Cooper, Senior Programme Officer, Interagency and Programme Coordinator to the CBD Secretariat, Montreal, 16 March 2004.

³⁷ Interview with Martha Chouchena, Head of Policy, Biodiversity and International Agreements Unit, IUCN, 23 September 2003.

³⁸ Interview with Martha Chouchena, Head of Policy, Biodiversity and International Agreements Unit, IUCN, 23 September 2003.

³⁹ Interview with Martha Chouchena, Head of Policy, Biodiversity and International Agreements Unit, IUCN, 23 September 2003.

⁴⁰ Interview with NN2, CITES Secretariat, Geneva, 24 September 2003.

defined and not for UNEP to decide unilaterally.⁴¹ This situation is obviously not unique for the biodiversity conservation cluster. Drawing from the experiences of another poorly funded MEA in the hazardous substances cluster, the Basel Convention on Transboundary Movements of Hazardous Wastes (1989) is likely to benefit economically from closer collaboration with the much larger Stockholm and Rotterdam Conventions.⁴² Still, the Basel Secretariat remains cautious, realising that a merger within the hazardous substances cluster could easily undermine their own focal point, which in the short term mainly represents a concern for poor countries.⁴³

4.3 Co-ordination and Assistance: Bureaucratic Compatibility

In the following we look into the bureaucratic compatibility between regimes and organisations in order to approach the issue of demand and supply for co-ordination and assistance. The point of departure is that the capacity and expertise of MEA secretariats may affect how they view UNEP's various roles. This section starts out with a presentation of MEA traditions for employing NGOs and scientific advice in order to discuss their dependency on external assistance. The presentation next provides insight in the differences in bureaucratic cultures between UNEP and the MEAs. This provides for a discussion of how UNEP deals with its many roles and functions and winds up with a discussion of priorities.

Fact box 4: MEA – Technical Assistance

WHC draws its scientific advice from IUCN for natural heritage and by ICOMOS and ICCROM for cultural heritage. Ramsar has an independent expert group the Scientific and Technical Review Panel, representing each of the seven Ramsar regions. In addition, Ramsar is aided by a number of ENGOs – the IUCN, Birdlife International, Wetlands International, and the WWF have been granted the formal status of partner organisations (Bowman, 2002, YBICED). The CMS has a Scientific Council consisting of about 50 experts appointed by individual parties and by the Conference, and may also include experts from ENGOs. CBD has an independent scientific body, the SBSTTA. CITES is aided by TRAFFIC/WWF, IUCN and UNEP/WCMC. In addition, for scientific advice, CITES has the Animals Committee, Plants Committee and Nomenclature Committee, chosen by the parties.

As seen in the fact box, most of the MEAs in the biodiversity conservation cluster have independent scientific bodies appointed and also make use of outside bodies, including ENGOs, as their advisors. The CBD

⁴¹ The recent incorporation of a CITES-related target in the framework for assessing implementation of the CBD strategic plan may help in this regard (Decision VII/30, Annex 2, target 4.3: “no species of wild flora or fauna endangered by international trade”).

⁴² The Stockholm Convention of 2001 on Persistent Organic Pollutants (POPs) and the Rotterdam Convention of 1998 on Prior Informed Consent (PIC) Procedure for Certain Hazardous Chemicals and Pesticides in International Trade.

⁴³ Interview with Nelson Sabogal, Officer-in-Charge, the Basel Convention, International Environmental House, Geneva, 24 September 2003.

gathers advice through SBSTTA from UN agencies, NGOs, and the Millennium Assessment Project, as well as its own expert groups. CITES and Ramsar would seem to have the broadest input, as they employ a combination of ENGOs and independent scientists. The fact that they all employ external, expert assistance implies a smaller dependency on UNEP in these matters, and it may also indicate more flexibility compared to UNEP. UNEP staff points to the assistance service that they can provide to MEAs. The secretariats all have very small groups of people, which will usually not include staff with specialised skills, such as their own media personnel. UNEP can provide that kind of specialised support.⁴⁴ To what extent do the MEA secretariats see a need for assistance from UNEP in light of this situation?

First, UNEP has a reputation, not uncommon among the UN bodies, for being very bureaucratic – a lot of time goes to red-tape and detail questions. Even UNEP staff agrees that the relationship between UNEP and MEA secretariats is often constrained by red-tape and that UNEP might benefit from reducing this type of activity.⁴⁵ Echoing these views, the CBD would like to see a more service-oriented UNEP.⁴⁶ Considering its very strained resources, the heavy bureaucracy contributes to weaken UNEP's ability to act as a co-ordinator and supporter in real terms. We are not in a position to judge whether the level of bureaucracy on the part of UNEP is unavoidable – considering it is a small UN body located in a developing country. However, based on the interviews we have carried out, it seems the bureaucratic culture of UNEP is perceived by many as a feature that weakens its ability to co-ordinate the MEAs.

Second, interviews with central actors indicate the significance ascribed to differences in bureaucratic culture: CITES staff sees themselves as more result-oriented and concerned with technical issues while UNEP is more process-oriented and concerned with policy issues. UNEP, being more concerned with the formalities, might benefit from concentrating their resources on providing policy guidance – a think-tank. Staff in CITES would like to improve their co-ordination with UNEP but find that co-location is not necessarily the solution and does not seem politically feasible.⁴⁷ UNEP nevertheless has a close institutional linkage with CITES in that the Executive Director of UNEP appoints the Secretary-General of CITES and otherwise provides the Secretariat for the convention.⁴⁸ This gives UNEP strong control over leadership and direction of CITES. A common view among the staff is that leadership recruited externally may be problematic due to differences in bureaucratic cultures,

⁴⁴ Interview with Michael Williams, UNEP Information Unit for Conventions (UNEP/IUC), Geneva, 25 September 2003.

⁴⁵ “They do have a point though – when any request for home leave needs to be approved in Nairobi, we do need to remove some of those irritants. We also need to recognise that UNEP's strengths are not on general administration”. Interview with Michael Williams, UNEP Information Unit for Conventions (UNEP/IUC), Geneva, 25 September 2003.

⁴⁶ Interview with David Cooper, Senior Programme Officer, Interagency and Programme Coordinator to the CBD Secretariat, Montreal, 16 March 2004.

⁴⁷ Interview with NN1, Chief of Unit, CITES Secretariat, November 2002.

⁴⁸ Interview with NN1, Chief of Unit, CITES Secretariat, and with Eugene Delapoint, formerly Secretary-General of CITES.

as it may be politically based rather than professionally based. The diverging bureaucratic cultures in UNEP and CITES stems partly from CITES being created by NGOs. It was drafted by IUCN and was initially administered by the IUCN. That background is seen to have led to a greater emphasis on an action driven agenda and less concern with policy and processes. This culture lingers on in CITES and is reinforced by the ability to take key decisions via majority vote as well as consensus.⁴⁹ In sum, CITES is seen as more technical, more dynamic and less formal than UNEP.

A related line of criticism says that UNEP is simply not very successful in their co-ordination efforts. The incompatible cultures tend to leave gaps in the co-ordination web. UNEP could ideally be very effective in co-ordinating activities on specific issue areas – but fails to play this role. This is partly due to lack of financial resources but may also result from insufficient technical expertise and excessive emphasis on administrative matters.⁵⁰ Commenting on UNEP's ability to deliver relevant co-ordination, CBD staff points to UNEP's work on environment and trade (WTO) as the most positive example.⁵¹ On the same note, it is explained that UNEP organises a variety of workshops and meetings, which allow the useful exchange of information and experience among participants but which do not always produce specific and concrete outcomes.⁵² For instance, UNEP failed to co-ordinate the biodiversity conservation cluster as all CBD member states have been developing National Biodiversity Strategies. CITES was not consulted about or brought into this process and did not participate in any of the related activities.⁵³ Moreover, the CITES Secretariat believes it is inappropriate and highly inefficient for GEF-funded consultants to engage in activities related to the Convention without first attempting to liaise and co-ordinate with the Secretariat.⁵⁴

On the other hand, however, MEA secretariats realise the benefits they achieve from, and their ties to, the UN system. There is added recognition stemming from the UN seal, and CITES staff see themselves as UN international civil servants. The general impression is that the demand is higher than the supply when it comes to assistance from UNEP. These sentiments can be found in Ramsar, stressing the need for UNEP to continuously track developments in each convention to be able to alert other conventions about duplications and synergies that should be

⁴⁹ Interview with NN2, CITES Secretariat, Geneva, 24 September 2003.

⁵⁰ For example, CITES was able to bring about the improved management of shared sturgeon species which is something UNEP had tried to do for a number of years. Interview with NN2, CITES Secretariat, Geneva, 24 September 2003.

⁵¹ Interview with David Cooper, Senior Programme Officer, Interagency and Programme Coordinator to the CBD Secretariat, Montreal, 16 March 2004.

⁵² Interview with NN2, CITES Secretariat, Geneva, 24 September 2003.

⁵³ Recall that part of the dissatisfaction may stem from the fact that CITES has not succeeded in getting access to GEF funding, in spite of sharing so many of the CBD objectives. It is felt that UNEP could have been more helpful in fostering co-ordination in this field.

⁵⁴ Interview with NN2, CITES Secretariat, Geneva, 24 September 2003.

captured.⁵⁵ Ramsar would also like to see UNEP stimulating synergy at the country level in terms of programmatic support.⁵⁶ On the same note, CITES would also like to see UNEP more effectively use its powers to convene interested stakeholders and to facilitate collaboration through the integration of fragmented programmes and activities on the same subject. It would also appreciate early, prior consultation from UNEP before such facilitative powers are used.⁵⁷

4.4 Summing up

This section on role and position has given us a structural view of what relationships in the conservation cluster look like. Looking into the roles and positions of the MEAs themselves revealed only a small scope for increased co-ordination from outside. Most important, UNEP is constrained in performing their role in co-ordinating and assisting the biodiversity conservation cluster by the trend for increased focus on development issues – and hence, the UNDP has increased its role at the expense of UNEP. On the other hand, we have seen how UNEP is supported in their work by the IUCN, as the two have found a balanced division of labour between themselves.

As we turn to the demand for assistance among the MEAs, the picture is varied, with smaller secretariats being more inclined to accept external support and the larger ones seeing themselves as more self-sufficient and less inclined to accept ‘meddling’ from UNEP. UNEP has still to find the right balance in this terrain, as there seems to be a gap between supply and demand for assistance. The broad picture is that UNEP seems to be keener on providing co-ordination, which hardly any of the MEA secretariats desire. At the same time UNEP seems less capable of fulfilling the need for assistance which at least some of the more focused and ‘smaller’ MEA secretariats – such as Ramsar – may have wanted. The following two sections will provide more information about how UNEP is formally equipped to perform the roles of co-ordinator and assistant.

⁵⁵ Statement by Secretary-General of the Ramsar Convention, at the ninth meeting on co-ordination of the secretariats of environmental conventions, Nairobi, 11 and 12 February 2001.

⁵⁶ Statement by Secretary-General of the Ramsar Convention, at the ninth meeting on co-ordination of the secretariats of environmental conventions, Nairobi, 11 and 12 February 2001.

⁵⁷ Interview with NN2, CITES Secretariat, Geneva, 24 September 2003.

5 The Effect of Geographical Location on Co-ordinating and Assisting the Biodiversity Conservation Cluster

Table 1: Geographical location of MEA Secretariats

	Location	Head appointed	Regional UNEP
UNEP	Nairobi, Kenya		
CBD	Montreal, Canada	UNEP	no
CITES	Geneva, Switzerland	UNEP	yes
CMS	Bonn, Germany	UNEP	yes
Ramsar	Gland, Switzerland		(yes, Geneva)
WHC	Paris, France	UNESCO	no

In sum, the geographical distribution of headquarters is almost complete: The CBD Secretariat is located in Montreal in Canada. The Secretariat of the World Heritage Convention is found in Paris, France. The CMS is co-located with a UNEP office in Bonn, Germany, Ramsar's Bureau can be found in Gland with the IUCN, and CITES is co-located with UNEP's regional Secretariat in Geneva, both Switzerland (YBICED, 2003). UNEP has its headquarters in Nairobi but also provides the Secretariats for the CBD, CITES, the Regional Seas Conventions and CMS. In view of the great geographical distribution it could be assumed that co-ordination would hardly be a smooth process. Still, as apparent in the table, UNEP may compensate for this lack of control both through the regional offices and through appointing the central staff of the secretariats. We will look into the major arguments concerning the political and symbolic implications of UNEP's Nairobi location.

Generally, sources close to UNEP or developing countries argue in favour of the Nairobi location. It has been maintained that the strong support for UNEP among developing countries is linked to its location.⁵⁸ Hence, there is important political symbolism in this location. Another source stressed the value and importance of living near the developing countries that UNEP is expected to serve.⁵⁹ The UNEP location embodies a symbolism for developing countries and a reminder of problems facing people in Africa. Interviewees point out how it is an advantage to be localised in a country that shares the problems that a large number of member states have to deal with.⁶⁰ Not only is UNEP of great political symbolism to Kenya, it also brings in significant funding to Kenya.⁶¹ On the same line, it is argued that telecommunication and infrastructure in

⁵⁸ Personal communication, Professor Adil Najam, February 2003.

⁵⁹ Interview with NN1, Chief of Unit, CITES Secretariat, November 2002.

⁶⁰ Interview with John Carstensen, Senior Legal Advisor, UNEP Regional Office to Europe (ROE), Geneva, 24 September 2003.

⁶¹ Also, in general, Kenya seems to be moving towards a stronger economic phase and this may improve on the situation further.

Nairobi do represent problematic issues but, at the same time, legitimising ones. These are the same problems that developing countries face when having to travel far off to take part in environmental negotiations in the Western Hemisphere. Moreover, the US also suffers from problems with telecommunication. A second line of positive argumentation emphasises that the localisation problem is abated by the regional offices (Table 1). For instance, the UNEP Regional Office for Europe (ROE-UNEP) enjoys very good working relations with the large number of MEA secretariats situated in Environment House in Geneva, and also views the relationship with the Nairobi HQ as well functioning.⁶² ROE-UNEP has been actively engaged in a number of regional environmental processes by providing technical and legal advice from initiation through to implementation of agreements. As an afterthought, this role is about to be redefined to lobbying in Brussels, as the expanding EU is increasingly dominating environmental legislation.⁶³ Thirdly, it can be argued that being located far from central UN bodies may provide more independence for UNEP.

Conversely, some independent analysts and some key observers point out that there are severe problems associated with the Nairobi location, in terms of personal security and supportive infrastructure as well as severe problems of recruiting – and keeping – good people⁶⁴ (Downie and Levy, 2000). Negative experiences with the Nairobi location – as well as political motivation may have been behind reasons to establish CSD directly under the UN in New York.⁶⁵ It is argued that when the CSD was set up in Rio and placed with the UN headquarters in New York, this was a strategic political move that weakened UNEP enormously (von Moltke, 1996).⁶⁶ Recall also that the GEF Headquarters was located in Washington DC, adding to the weakening of UNEP vis-à-vis UNDP and the World Bank. UNEP staff agrees that due to location there is reduced influence for UNEP in UN Headquarters in New York in addition to the technical problems, the problems of recruiting staff, and the added co-ordination problems.

As a corollary to this picture, the CBD secretariat in Montreal is also situated very far from UNEP headquarters, but is administered by UNEP. In 1998, UNEP strengthened their ties with the CBD Secretariat in Montreal by appointing Mr. Hamdallah Zedan as the Executive Secretary. He was moved directly from a top-level position in the UNEP Headquarters and provided a direct link from UNEP to the CBD. This would arguably have provided UNEP with stronger links than under the previous presidency of the independent senior researcher, Dr. Calestous Juma. UNEP also appoints the Secretary-General of CITES as well as the Executive Secretary of CMS (Table 1).

⁶² Interview with John Carstensen, Senior Legal Advisor, UNEP Regional Office to Europe (ROE), Geneva, 24 September 2003.

⁶³ Interview with John Carstensen, Senior Legal Advisor, UNEP Regional Office to Europe (ROE), Geneva, 24 September 2003.

⁶⁴ Interview with NN1, Chief of Unit, CITES Secretariat, November 2002.

⁶⁵ The CSD has not been noted for efficiency or effectiveness, reminding us that central location is no panacea for problem solving.

⁶⁶ Also based on personal communication with Adil Najam and Pamela Chasek, February 2003.

Summing up, a first tentative suggestion would be that dispersed location is no major problem if the related secretariats and conventions see it in their interest to co-operate, both formally and informally. This seems to be the case for the biodiversity cluster, rendering important insight regarding the significance – and sometimes lack of such – regarding geographic location. Second, as to the location of the UNEP Headquarters in Nairobi, this seems to have advantages as well as disadvantages – the coin obviously has two sides. To simplify somewhat, the location renders a high score in terms of political *legitimacy* for many UNEP members, but the score is correspondingly low in terms of *effectiveness*. The strong regional focus may to some extent, however, strengthen UNEP from an effectiveness perspective. Third, when studying the question of location in relation to UNEP and relevant UN bodies, we are reminded of the *strategic political* significance attributed to the location of such international bodies.

The location in itself can hardly account for all of UNEP's troubles. The Montreal Protocol is also based in Nairobi, it has a small staff, it has close relations to UNEP and it is very successful and effective – but then it also has substantial financial resources through the Multilateral Fund.⁶⁷ This point will be scrutinised in more detail in the following section on financial state.

6 Financial State in the Biodiversity Conservation Cluster

Table 2:

*Size and 'strength' of UN programmes and MEA Secretariats*⁶⁸

	Parties	Staff	Budget (2003-4)	Fund (2002-3)
UNDP	195	1782	\$ 2.83 bill	\$ 46.5
UNEP	Global/UN	836	\$ 130 mill	special funds
CBD	187	36 + 26	\$ 11.2 mill	\$ 2.4 + 2.4 mill GEF total: \$ 1.3 bill
CITES	162	25	\$ 4.7 mill	Trust funds
CMS	84	6 + 7	\$ 1.6 mill	Trust funds
Ramsar	136	7 + 8	Fr. 3.8 mill	Fr. 5.7
WHC	176	15 + 13	\$ 6.2 mill	\$ 4.3 + 0.9 mill

As we can see from Table 2, apart from the CMS, the conventions all have significant support from the international community. The number

⁶⁷ Interview with Sheng Shou Lang, Deputy Chief Officer, Secretariat of the Multilateral Fund for the Implementation of the Montreal Protocol, 18 March 2004. Interview with NN1, Chief of Unit, CITES Secretariat, November 2002.

⁶⁸ YBICED; Yearbook of International Co-operation on Environment and Development (2003/04).

of parties range from 84 (CMS) to 187 (CBD). In terms of ‘strength’ (size and budget) they are all fairly small compared to for example the Secretariat of the UNFCCC.⁶⁹ Among them, the CBD Secretariat is the ‘strongest’ one in terms of staff and budget, while those of Ramsar and the CMS are the smallest – with the others somewhere in between. The ‘superiority’ of CBD is strengthened by its ties to the GEF, as more than \$ 1.3 billion has so far been allocated to various biodiversity-related projects. As a point of departure, the dominant position of the CBD certainly gives added ammunition to those who want to streamline the biodiversity cluster under CBD leadership. As already noted, however, this may be logical as well as rational from a ‘holistic’ perspective, but difficult from a practical political perspective.

As a corollary to the funding effect, size and strength must be seen in relation to tasks and mandate. For example, it may be easier for regimes with an explicit mandate and small budget like Ramsar, the WHC and CMS to be successful in achieving their goals, compared to regimes with larger budgets and more elusive and comprehensive objectives, such as the CBD. More important from our perspective, we find that the smaller secretariats – such as Ramsar – are in more need of the various kinds of assistance provided by UNEP or others. As seen in the last section, while small secretariats may welcome such assistance, the larger Secretariats such as CITES and the CBD would welcome the service, but are not very dependent on UNEP.

UNEP’s ability to provide such assistance is, of course, greatly dependent on its funding situation. There seems to be a general consensus both within and outside UNEP about the negative effects stemming from UNEP’s poor funding. An outside view, provided by IUCN, is that UNEP and the MEA secretariats operate quite separately from time to time, which would seem to be a problem of lack of staff and money.⁷⁰ Implicit here is the assumption that more UNEP funds would improve its capacity both to assist and to co-ordinate. As it is today, UNEP seems to have the will, but not to a sufficient extent the ability to make the necessary priorities. The present funding hardly lends itself to covering both co-ordination and assistance, and UNEP may have to decide on whether to limit its efforts, for instance to provide expert advice as a think tank or to focus on facilitating collaboration.

The funding dimension takes on an even graver perspective as we compare UNEP to the other relevant bodies. Organisations in general seldom claim that they are sufficiently funded, and in UNEP’s case – not an organisation as such, but a programme – there is widespread agreement about its undersized financing. First, UNEP is underpaid to do its mandated tasks and second, UNEP does not have responsibility (or funding) for executing its own environmental programmes. While UNEP is mandated with a capacity role (“*enabling* developing countries in their environmental efforts”) its total budget for twenty years was of the same order of magnitude as the budget for UNDP in 1992 (von Moltke, 1996). This has not improved much over the last decade. UNEP’s total annual

⁶⁹ 71 professionals and 62 support staff as of June 2003 (YBICED: 2003/4:99).

⁷⁰ Interview with Martha Chouchena, Head of Policy, Biodiversity and International Agreements Unit, IUCN, 23 September 2003.

budget remained predominantly at about US\$ 50-65 million, with the exception of the 'UNCED' peak around 1992 at US\$ 100 million (YBICED, 2003). In the last three years, annual budgets have again reached the 'UNCED levels' at more than US\$ 100, but this is still dwarfed by UNDP's US\$ 2.8 billion. A major explanation for this gap is, of course, that UNDP – unlike UNEP – is running a large number of programmes and projects. The main problem for UNEP is that this situation did not change with the introduction of GEF.

The introduction of GEF brought about a huge increase in international environmental and development funding. There is hardly any doubt, however, that UNEP is the (very) little sibling among the implementing agencies, with the World Bank typically in charge of the larger programs, UNDP as a clear number two and UNEP trailing far behind (Heggelund and Andresen, forthcoming). Also, as the GEF was set up in tandem with these organisations, this took away the potential for UNEP to develop an independent role in financing environmental programmes. Clearly, key actors did not want to strengthen UNEP – they wanted an alternative, financially strong body with UNEP playing a limited role in that context.

So, how does the poor funding situation affect UNEP's potential for enhancing problem-solving capacity among MEAs? We have already heard how respondents have pointed out that the Joint Work Plans with CBD may be motivated by getting access to GEF money.⁷¹ Hence, lack of funds may be a motivator for increased co-operation, but then again, this may come about for the wrong reasons and with potential externalities.

The permanent and growing gap between demand and supply for environmental funding has led to a search for new sources. This is also true for the biodiversity conservation cluster, where recognition of the need for financial and technological transfer to poor but species rich, tropical countries is a central element. Developing countries utilised this issue-specific trait to achieve – at least at the normative level – a breakthrough for some of their interests in the CBD text, including the call for fair and equitable sharing of benefits from use of genetic resources. How can alternative financial sources contribute to enhance problem-solving capacity in the biodiversity conservation cluster? If achieved, will this represent a supplement or a competitor to UNEP?

6.1 Capacity Building: The Role of the Private Sector in the Biodiversity Conservation Cluster

A sub-set of the financial dimension pertains to the involvement of the private sector. It would seem like a valid assumption that the *degree of private sector engagement and interests* might affect problem-solving capacity within a cluster of interacting regimes; the trick is to determine how. In trying to unravel this complex question, a first step may be to stress the link between private sector interest and politization within an issue area. Political leaders are generally more reluctant to impose strict regulations within an area where major investors display an interest. The

⁷¹ Interview with Martha Chouchena, Head of Policy, Biodiversity and International Agreements Unit, IUCN, 23 September 2003.

crux of the matter concerning co-ordination is that politization may spill over from relatively controversial areas into more peaceful ones. As a consequence, the political attention and concern about an issue may increase, but not necessarily in a constructive manner.⁷² On the other hand, private sector engagement seems to become increasingly important in promoting environmental activities. In this light, the spread of private sector engagement within a cluster may increase the scope for capacity building; at least to the extent that it increases the overall financial flow.

More recently the need for partnerships between business, green NGOs and public authorities have been underlined, not the least by the UN Secretary General Koffi Annan. The ideological underpinning is the perceived need to include business and industry as a part of the *solution* to environmental problems. This is in contrast to the traditional 'green' view of seeing these actors as part of the *problem*. This issue was taken further during the WSSD in Johannesburg and more than 300 partnerships have now been adopted. The significance of this approach is contested (Andonova and Levy, 2003). The role of the private sector in environment and development issues was put squarely on the political agenda. Partnerships and corporate social responsibility became widely used slogans, demonstrating the need to attract additional funding as well as integrating environmental and social concerns into the day-to-day practice of private business activities (Andresen and Gulbrandsen, forthcoming). This development set us on the track of asking how industry and business view the role of the UN organisations and treaties that have been set up to deal with the biodiversity conservation cluster.

The World Business Council for Sustainable Development (WBCSD) is a coalition of 170 international companies "united by a shared commitment to sustainable development via the three pillars of economic growth, ecological balance and social progress".⁷³ It is a non-governmental organisation (NGO) established in 1995, the secretariat is based in Geneva and it has 50 professional staff. The Council is a member organisation and advocacy group for business and sustainable development. The Council was formed through a merger between the Business Council for Sustainable Development (BCSD) in Geneva and the World Industry Council for the Environment (WICE) in Paris and it maintains close links with the International Chamber of Commerce (ICC). The WBCSD is accredited to the main UN offices in Geneva and New York. The key activities are focused on energy and climate, capacity building, and sustainability and markets, including ecosystems.⁷⁴ In 1997, the Council partnered with the IUCN – The World Conservation Union to produce a report called 'Business and Biodiversity: A guide for the private sector'. In the course of our interviews with central actors in the World Business

⁷² Basically, this is what happened when the issue of access and intellectual property rights to genetic resources was transferred from the FAO to the UNEP-led negotiations of the CBD in the early 1990s. This move placed the interests of the biotechnology sector squarely on the agenda, thus greatly increasing the conflict level. Other notable cases can be found in co-ordination efforts between trade- and environmental regimes.

⁷³ www.wbcsd.org/templates/TemplateWBCSD1/layout.asp?type=p&MenuId=NjA&doOpen=1&ClickMenu=LeftMenu

⁷⁴ See Adil Najam, 1999.

Council for Sustainable Development (WBCSD), it appeared that the Council does not have an active biodiversity programme, but is addressing it through cross-cutting issues such as CSR, ecosystems, and technology transfer. Currently, the WBCSD is engaged in developing partnerships between NGOs and industry and in developing market-based incentives (modelled on Kyoto and the CDM). The aim is to bring together forest multistakeholders and promote sustainable management through conservation areas and plantations.⁷⁵

With regard to the efforts of UN organisations and treaties active in this area, the message from WBCSD was that the UN and CBD have failed to develop market-based mechanisms for biodiversity. The development of eco-labelling in the forest sector was emphasised as an important activity that had been neglected by the UN system. The system is in itself seen to be incapable of mustering the right type of incentives to promote action. In contrast, the benefit of the WBCSD is seen to be that it is member-driven, not secretariat-driven. In effect, the private sector was reportedly frustrated with the UN bodies and WBCSD preferred collaboration with NGOs. Most importantly, the IUCN was seen as better suited for this work, not least through their ability to bring in governments as well as providing NGO collaboration. In turn, it was stressed that the NGOs provide accountability even better than governments.⁷⁶ In short, UNEP was regarded as close to invisible as well as irrelevant by the WBCSD.

Currently, however, the private sector does not seem to be any closer than governments in developing market-based mechanisms aimed at providing incentives for biodiversity conservation.⁷⁷ The WBCSD is focusing on climate change and working with the World Bank rather than the more difficult field of biodiversity.⁷⁸ This may be linked to some of the inherent problems of the conservation issues. Compared to issues relating to pollution and emissions, policy goals within conservation issues are not easily translated into technical standards, nor do they easily lend themselves to being met with technological solutions. It seems to be easier to define and design projects for improving energy efficiency compared to conserving biodiversity. Thus, the exasperation with the UN as well as the public sector on the part of industry, *can* also be interpreted in terms of the need to find a scapegoat – at least as long as there seems to be very limited activities or funds emerging from this sector.

⁷⁵ Interview with James Griffiths, Director, Sustainable Forest Products Industry and Biodiversity, World Business Council for Sustainable Development, Geneva, 26 September 2003.

⁷⁶ Interview with James Griffiths, Director, Sustainable Forest Products Industry and Biodiversity, World Business Council for Sustainable Development, Geneva, 26 September 2003.

⁷⁷ This is in contrast to the related issue of access and benefit sharing concerning genetic resources, where the private sector has moved faster than the public in order to appear as legitimate partners in international transactions and bioprospecting for genetic resources (Rosendal, 2000).

⁷⁸ Interview with James Griffiths, Director, Sustainable Forest Products Industry and Biodiversity, World Business Council for Sustainable Development, Geneva, 26 September 2003.

Moreover, industry's scepticism to mandatory regulations may after all be the logical thing for them to say. Of course, industry prefers voluntary agreements through CSR rather than mandatory regulations. In addition, there is a growing number of studies questioning the representativity and transparency of private partnerships involved in greening the world of business (Najaam, 1999; Andonova & Levy, 2003). On the other hand, the explicit willingness to act in spite of the ecological barriers should hardly be refuted simply because of the resistance to work with the established system. If these views are representative of business and industry more generally, this reluctance observed in the private sector in co-operating with UNEP gives food for thought and needs to be examined in more depth.

This section has provided us with a rather bleak picture of UNEP's ability to act as a capacity builder in terms of financial resources. While the earlier sections were less pessimistic with a view to UNEP's role in enhancing problem-solving capacity, its financial state is hardly a good omen. The apparent unwillingness of the private sector to treat UNEP as a collaborating partner does not ameliorate these prospects. On the other hand, we must allow that this is but one, albeit central and weighty actor, representing industry. Moreover, we did not interview a representative group of ENGOs about their willingness to collaborate with UNEP. A more comprehensive investigation of opinions might have yielded different results – but then again, it might also have strengthened our conclusions.

7 Concluding Remarks: UNEP's Role in Enhancing Problem-Solving

At the outset, we assumed that structural position, geographic location, and financial state would affect how an organisation or similar body could perform a role in enhancing the problem-solving capacity of multi-lateral environmental agreements. Judging from our findings so far, the scope for UNEP in carrying out co-ordination and offering assistance in the conservation cluster would seem to be rather limited. Contrary to the high expectations set out in its mandate, the resources allocated to UNEP and its structural position reveal that it was never given a prominent place in the UN system. UNEP has a particularly small budget, and it is located far away from the central UN institutions.

The examination of roles and positions drew attention to two problems facing UNEP in the interaction between organisations and MEAs in the conservation cluster. First, there is an increasing focus on *development* in sustainable development – potentially at the expense of traditional environmental considerations as well as long term environmental sustainability. UNEP is weak in terms of resources and manpower compared to actors like UNDP and the World Bank and hence in a weak position to defend conservation and environmental sustainability issues.

A second challenge spelled out in the first section concerns finding the right balance between MEA independence and the need to enhance synergies. When the international environmental governance process started 2-3 years prior to the WSSD, this was a sensitive issue for all organisations and treaties involved, although there was a general acceptance of the need to increase co-ordination and avoid duplication. UNEP is differ-

ent from many other conservation institutions and may be less compatible with the MEA Secretariats, as it has a more political and less technical bureaucratic culture. In turn, MEA's views of UNEP and the UN system in general, are clearly ambivalent. The more specialised and smaller secretariats tend to rely on the expertise and relatively small support that UNEP can provide. Larger as well as more experienced MEA secretariats hardly share this dependency, although they would also like to see UNEP improving their services in facilitating collaboration. On the other hand, the MEA secretariats would like to see UNEP improving its co-ordination activities on specific issue areas on a case-by-case basis. UNEP and several MEA staff agree that UNEP can improve their co-ordination efforts by becoming more supportive and turning from being a top-down administrator. The bottom line seems to be that UNEP must avoid 'co-ordination for the sake of co-ordination', if this is but a dictate from the top down. UNEP would do better to concentrate on assistance and to facilitate collaboration on concrete activities and subjects.

The financial situation spells out the broad scope for the activities in the biodiversity conservation cluster. Admittedly, financial resources must be seen in relation to mandate. Treaties with specialised and focused mandates may be well functioning in spite of small budgets and small secretariats, but may need assistance in carrying out more specific tasks. UNEP may certainly have an important role here in providing assistance such as legal and technical expertise, with input from the scientific community, such as the IUCN. In view of UNEP's scarce resources, the question is whether they should concentrate on a few activities rather than spreading their activities too thinly. At the same time, UNEP staff takes pride in seeing how much UNEP achieves with their modest means. UNEP staff may have a point when they argue that nobody else will do this job if they stop doing it.⁷⁹ Ultimately more worrying, from UNEP's point of view, is the indication that the private sector does not seem to find it an interesting ally. This will have ramifications for UNEP's development of its various roles; most significantly with regard to capacity building and assistance, but eventually the ability to perform co-ordination.

In a wider perspective, it was among others the question of co-localisation that stopped the *International Environmental Governance process*.⁸⁰ On the same note, Germany (with their link to Töpfer) and France wanted a *World Environment Organisation*, but this idea never took off, as it has not gained sufficient political support. Frank Biermann (Biermann, 2002) argues that upgrading UNEP to a World Environment Organisation would have greatly benefited developing countries as well as NGOs by providing them with a stronger arena in which to unite their bargaining power. On the negative side, he reasons that local environmental issues might have suffered from this type of organisation.

⁷⁹ Interview with John Carstensen, Senior Legal Advisor, UNEP Regional Office to Europe (ROE), Geneva, 24 September 2003.

⁸⁰ Interview with Michael Williams, UNEP Information Unit for Conventions (UNEP/IUC), Geneva, 25 September 2003.

The establishment of a World Environment Organisation would have solved the location problem and brought more visibility, but it is generally not regarded as a good idea, even among UNEP staff. Closeness to the field through the regional secretariats and offices is generally regarded as more important than having a large staff in one 'mega'organisation.⁸¹ This current model also ensures greater transparency than would a WEO, and governments stay more in control in this decentralised system. In addition, decentralisation is not likely to become less important in the future.

In the end, the poor funding situation in UNEP would seem to be the main constraint on its ability to enhance problem-solving capacity. Against this backdrop, the crucial question remains whether UNEP's resources can be used more efficiently. For the MEA secretariats, access to funds is likely to be an overriding concern and hence the motivation for co-ordination may be based on pecuniary rather than professional considerations. UNEP would receive more credit and appreciation by aiming at assistance and strengthened international financial mechanisms rather than formal co-ordination in the biodiversity conservation cluster.

⁸¹ "The notion of 1000 people hidden away on the 11th floor somewhere ..."
Interview with Michael Williams, UNEP Information Unit for Conventions (UNEP/IUC), Geneva, 25 September 2003.

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