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The Catalytic Conscience

UNEP's Secretariat and the Quest for Effective International Environmental Governance

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The Global Governance Project is a joint research programme of eleven European research institutions. It seeks to advance understanding of the new actors, institutions and mechanisms of global governance, especially in the field of sustainable development.

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Abstract

The paper reviews thirty years of debate about the international organization of global environmental politics and links them to current reform debates about international environmental governance in a United Nations context. It is focused on the role of the United Nations Environment Programme (UNEP) and, in particular, its secretariat. UNEP has evolved as a key player in the field since it was established in the wake of the 1972 United Nations Conference on the Human Environment. The paper is part of the research project MANUS that analyses the influence of international bureaucracies in global environmental governance. In line with the MANUS analytical framework three dimensions of influence are distinguished: cognitive, normative and executive. This paper argues that the UNEP secretariat generates considerable cognitive, normative as well as executive influences in international environmental politics. These are found, however, to vary across time and specific issue areas. The empirical evidence indicates that the people and procedures of the secretariat are key to explaining its influences in spite of its weak position in the UN hierarchy and scarce material resources.

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Foreword

This working paper was written as part of the Global Governance Project, a joint research programme of eleven European research institutions that seeks to advance understanding of the new actors, institutions and mechanisms of global governance. While we address the phenomenon of global governance in general, most of our research projects focus on global environmental change and governance for sustainable development. The Project is co-ordinated by the Department of Environmental Policy Analysis of the Institute for Environmental Studies at the Vrije Universiteit Amsterdam and includes associate faculty members and research fellows from eleven European institutions: Science Po Bordeaux, Bremen University, Freie Universität Berlin (Environmental Policy Research Centre), The Fridtjof Nansen Institute Oslo, London School of Economics and Political Science, Lund University, Oldenburg University, Potsdam Institute for Climate Impact Research, Vrije Universiteit Amsterdam, Vrije Universiteit Brussel (Institute for European Studies) and Wageningen University (Environmental Policy Group).

Analytically, we define global governance by three criteria, which also shape the research groups within the Project. First, we see global governance as characterised by the increasing participation of actors other than states, ranging from private actors such as multinational corporations and (networks of) scientists and environmentalists to public non-state actors such as intergovernmental organisations ('multiactor governance'). These new actors of global governance are the focus of our research group MANUS–Managers of Global Change.

Second, we see global governance as marked by new mechanisms of organisation such as public-private and private-private rule-making and implementation partnerships, alongside the traditional system of legal treaties negotiated by states. This is the focus of our research group MECGLO–New Mechanisms of Global Governance.

Third, we see global governance as characterised by different layers and clusters of rule-making and rule-implementation, both vertically between supranational, international, national and subnational layers of authority ('multilevel governance') and horizontally between different parallel rule-making systems. This stands at the centre of our research group MOSAIC–'Multiple Options, Solutions and Approaches: Institutional Interplay and Conflict'.

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

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Contents

Introduction

When governments first responded to the increasingly felt need for an international environmental agency, they created the United Nations Environment Programme (UNEP). It was the major institutional outcome of the 1972 United Nations Conference on the Human Environment in Stockholm and since operates as the United Nations' principal body for environmental affairs. Ever since, the international community has been debating, albeit with varying intensity, the need to reform the organizational architecture of international environmental governance. Looking back on pertinent policy debates, the idea of a strong environmental agency under the auspices of the United Nations has basically seen three peaks: An initial one in the context of the 1972 UN Conference on the Human Environment, a second one in the mid-1990s, and an ongoing third one in the wake of the 2002 World Summit on Sustainable Development (see Bauer and Biermann 2005 with further particulars and references). The latter has culminated in an initiative of the French government that calls for a United Nations Environment Organization and that is currently considered in the context of wider reaching discussions about United Nations reform and system-wide coherence.

At the outset, US foreign policy strategist George F. Kennan initially called for 'an organizational personality' in international environmental politics prior to the Stockholm conference (Kennan 1970). In the event, however, governments were reluctant to create another full fledged intergovernmental organization and established instead the UNEP as a subsidiary body of the General Assembly reporting through the Economic and Social Council. Much of the debates about the international organization of environmental politics since converge around the mandate, role and functions of the UNEP.

A second round of debate about the need for a larger, more powerful agency for global environmental policy took shape in the context of the 1992 United Nations Conference on Environment and Development. It was largely shaped by the prevalence of sustainable development discourse, increasing doubts regarding the effectiveness of UNEP and the dynamic development of the world trade regime, which some perceived as a kind of role model. Some issues were responded to when Klaus Töpfer, formerly a chair of the UN Commission on Sustainable Development, succeeded Elisabeth Dowdeswell as UNEP Executive Director in 1998 (see Elliott 2005). Whether the UNEP should be altogether replaced by a new world environment organization continued to be a matter of debate, however. It involved academics as well as eminent international professionals, such as the former head of the UN Development Programme, Gus Speth, and WTO directors Renato Ruggiero and Supachai Panitchpakdi. Moreover, then UN Secretary-General Kofi Annan identified the environmental responsibilities of the UN as an important issue on his far-reaching reform agenda by establishing a task force that was also led by Klaus Töpfer (UNGA 1999; Desai 2000). While the direction of ensuing reforms was widely welcomed, their incrementalism still left UNEP wanting in the eyes of many observers.

The World Summit on Sustainable Development, which convened in Johannesburg in 2002 also failed to provide satisfactory solutions. Yet, it helped to reinvigorate inter-

governmental debates on international environmental governance (see UNEP 2001a; Brack and Hyvarinen 2002; Kanie and Haas 2004; Chambers and Green 2005). The French government has since taken the lead at the international level, making the case for a United Nations Environment Organization that is to evolve out of the original UNEP (see Rechkemmer 2005). While a growing coalition of governments appears willing to subscribe to a respective upgrading of the UNEP, a strong skepticism to any such move prevails among several key governments, such as China, Russia, and not least the USA.[1]

Against the background of perennial debates about the inadequacy of the United Nations environmental capacities it is striking, however, that the international bureaucracy at the core of the current structure has met with little scholarly attention. As "the leading global environmental authority that sets the global environmental agenda, that promotes the coherent implementation of the environmental dimension of sustainable development within the United Nations system and that serves as an authoritative advocate for the global environment" (Nairobi Declaration, see UNEP GC 1997, para. 2), the UNEP and its secretariat however warrant the scrutiny of any research project on international environmental bureaucracies.

Since the UNEP was established in Nairobi, Kenya, in 1973 its secretariat has indeed played a lead role in the facilitation of a number of groundbreaking multilateral environmental agreements, the development and promotion of international environmental law and in raising general awareness for and knowledge about the environmental challenges facing the international community.

This said, it operates in an area of world politics that has traditionally been considered as low politics. Accordingly, its constitution is very different from the host of specialized agencies that were established by the United Nations to handle the problems perceptible in the immediate aftermath of World War II. Yet, the UNEP has evolved as an eminent player in international environmental governance as we find it today. This case study traces and explains the particular influence of the UNEP Secretariat in international environmental governance and relates its findings to the UNEP's original mandate to catalyze and coordinate international environmental politics.

In spite of an abundant literature on international environmental institutions, the literature that explicitly and systematically focuses on the performance of the UNEP as an actor in international environmental politics is intriguingly scarce (for a recent exception see Ivanova 2005). Being an organization rather than a regime, the UNEP may simply not have been of particular interest to scholars of mainstream International Relations: while institutionalists were occupied with international regimes, realists were typically not inclined to bother with environmental policy (see D'Anieri 1995; Mitchell 2002). Scholars of international environmental governance, on the other hand, have shown a tendency to take the inadequacy of the UNEP as a starting point for discussion rather than as an analytical result and (see also Tarasofsky 2002; Najam 2005).

[1] For an account of intergovernmental debates on UN reform as pertaining to the environmental realm see (UNEP 2007a; IISD 2007).

Consequently, however, many studies on the organization of international environmental politics discuss the role of the UNEP to a greater or lesser extent (e.g. McCormick 1989; Thacher 1992; Imber 1993, 1996; French 1995; Timoshenko and Berman 1996; Desai 2000; Andresen 2001; Biermann 2002; Kimball 2002; Bauer and Biermann 2004; Elliott 2004, 2005). In particular, the prospects of the UNEP are hotly debated among proponents and skeptics of a specialized agency for the environment, such as a United Nations Environment Organization or even a World Environment Organization (see the edited volumes by Biermann and Bauer 2005b; Chambers and Green 2005; Rechkemmer 2005). In addition, a number of in-depth studies of specific multilateral environmental agreements have also contributed to a better understanding of the UNEP's contribution to international environmental governance (e.g. Andresen and Rosendal 2005; Downie 1995; Mee 2005; Nicholson 1998; Rosendal and Andresen 2004). Hence, although a comprehensive reference piece of work on the UNEP is still in want, the literature does offer a lot of dispersed material on much of its history and activities. This paper focuses on the influence of the UNEP Secretariat in international environmental governance.

It builds on a five-week research visit to the secretariat's Nairobi headquarters in the fall of 2003, a brief visit to its New York liaison office in spring 2004, and continual personal communication with a number of secretariat officers, governmental stakeholders and academic observers. Complementary information on the secretariat's Paris-based Division on Technology, Industry and Economics was obtained through a study of project colleague Steffen Behrle (2004); further data on outside perceptions of the performance of the UNEP was generated from a specifically designed expert survey on international environmental bureaucracies.[2]

After a concise introduction of the analytical framework on which this paper is based (section 2), I will describe the institutional structure of the UNEP and its secretariat (section 3). Section 4 and 5 respectively illustrate and explain a number of tangible cognitive, normative and executive influences that can be attributed to activities of the UNEP Secretariat. Finally, the concluding section will discuss the findings and relate them to the UNEP's overall performance in international environmental governance as well as the implications for pending reform debates and further research.

Analytical Framework

This research is part of the comparative research project MANUS—*Managers of Global Change*, which studies the influence of international bureaucracies in global environmental governance. This paper thus follows the overall analytical framework that has been developed by the MANUS project team (Biermann and Bauer 2005, Biermann

[2] I am grateful to Mireia Tarradell, Anna Pia Schreyögg and David Wabnitz for preparing, conducting and processing this expert survey on behalf of the MANUS project. Of 35 respondents that referred to the UNEP, 63% hailed from developed countries. 43% represented nongovernmental organizations, 17% science or research institutions and 14% public agencies (roughly one fifth of respondents did neither specify a country nor a stakeholder category).

and Siebenhüner, 2007). The MANUS project distinguishes the influence of international bureaucracies in three dimensions: cognitive, normative, and executive. Bureaucracies may act as "knowledge-brokers" that gather, synthesize, process, and disseminate scientific or other forms of knowledge and change the knowledge or belief systems of other actors (cognitive dimension). They may perform as "negotiation-facilitators" that create, support, and shape norm-building processes for issue-specific international cooperation and can thus influence the outcomes of international cooperation (normative dimension). And they may operate as "capacity-builders" that assist countries in their efforts to implement international agreements and thereby help countries to comply with international rules or even shape domestic policies (executive dimension).

To explain any observed cognitive, normative, or executive influences, this paper explores the explanatory potential of three groups of variables that have been identified in the MANUS project as affecting the capability of international bureaucracies to change the behavior of other actors: *polity*, *problem structure*, and *people and procedures*. These factors have been derived from different bodies of literature, namely international relations theory, organizational theories and management studies (see in detail Biermann and Bauer 2005a and Biermann and Siebenhüner, forthcoming). *Polity* refers to the formal structures, the legal and institutional setting within which international bureaucracies operate, as well as the competencies and resources at the secretariat's command. *Problem structure* refers to the stakes and costs involved in addressing or not addressing a given problem, its saliency and urgency, and its complexity in terms of the availability and feasibility of solutions. *People and procedures* comprises variables such as *organizational expertise*, that is the ability of international bureaucracies to generate and process knowledge; *organizational leadership,* that is the specific behavior of staff members, in particular of the executive level, vis-à-vis external actors; and *internal organization and management*, that is the formal organizational structures of bureaucracies and the formalized internal rules and procedures that assign tasks and positions in the hierarchy.

Structure and Activities of the UNEP Secretariat

From an international legal point of view, the United Nations Environment Programme is not an international organization, but a subordinate entity of the United Nations Organization. Its existence is based, not on an international treaty but on resolution 2997 (XVII) of the United Nations General Assembly. Thereby the United Nations decided on 15 December 1972 to expand their administrative set-up by distinct institutional and financial arrangements to deal specifically with international environmental cooperation (UNGA 1999). It was thus also decided to endow the new entity with "a small secretariat" that was to be located in Nairobi, Kenya, and that would be governed by a Governing Council with 58 members representing the five United Na-

tions regions.[3] Geographical detachment from UN headquarters notwithstanding, the UNEP operates under the auspices of the UN Secretary General who also appoints its executive director. The latter is required to report back on the work of the UNEP to the General Assembly via the United Nations Economic and Social Council (ECOSOC). On a political note, the UNEP was the first major UN body to be headquartered in a developing country.

The UNEP's formal background is indicative of two things in the context of this study. First, as a distinct United Nations entity with its own governing body, secretariat and budget the UNEP qualifies as an international bureaucracy; second, the political and bureaucratic constraints resulting from its subordinate position within a considerably larger organization, namely the United Nations, imply a low degree of organizational autonomy from the outset.

Moreover, the UNEP Secretariat has to deal with a broad range of international environmental policies rather than just one specific issue. While this connotes its central role as the United Nations principal environmental authority it also entails the prioritization of certain environmental issues over others. Consequently, it is to be expected that it will perform relatively better on some issues than on others, which should be kept in mind when judging the UNEP's overall performance.

Originally set up with an organizational structure that converged around environmental issues, the UNEP Secretariat, was fundamentally reorganized by Executive Director Töpfer in 1998-99. Issue-specific departments were thus replaced by functional divisions and since concentrate the secretariat's expertise on environmental law, policy development, policy implementation, environmental conventions, regional cooperation and early warning and assessment.[4] The executive director had thus swiftly acted on the assessment of a Task Force on Environment and Human Settlements, which he had been seconded to chair by UN Secretary General Annan in pursuit of the latter's overall reform agenda "Renewing the United Nations" (see Annan 1997).[5]

In terms of resources, the UNEP Secretariat employs some 400 professional officers, mostly at its Nairobi headquarters, but also at regional and other outposted offices and in its Paris-based Division on Technology, Industry and Economics.[6] Its main budget, the UNEP Environment Fund, has varied between some thirty and just over sixty million US dollars per annum, averaging USD 48.3 million over the past decade (1996-

[3] Accordingly, 16 council members hail from Africa, 13 from Asia, 10 from Latin America and the Caribbean, 6 from Eastern Europe and 13 from the group of "Western Europe and Others".

[4] Recent adjustments to the 1999 restructuring, following from the change of executive directors in mid-2006 do not affect the principle set-up of the secretariat (see UNEP 2007b for details).

[5] The 1998 report of the Task Force was eventually adopted by the UN General Assembly as *Report of the Secretary General on Environment and Human Settlements* on 28 July 1999 (UN Doc. A/RES/53/242 of 10 August 1999).

[6] 27 professional and 16 general service posts for the UNEP's Nairobi headquarters are financed through the United Nations core budget; including these, the UNEP's total payroll accounted for 456 professional and 405 general posts in 2003 (UNEP 2004) compared to 337 professional and 339 general posts in 1999 (UNEP 2000). The increase in staff is largely explained by the UNEP's increasing role as an implementing agency of the Global Environment Facility (see below).

2005) and accounts for roughly 300 of the secretariat's professional staff.[7] Fed by member states' voluntary contributions, the fund's volatility has long been identified as a major caveat in international environmental governance.

This said, a comprehensive assessment of the UNEP's resource base would also need to take into account a host of trust funds, earmarked contributions and, notably, projects financed through the Global Environment Facility (GEF) that are also administered by the UNEP Secretariat (see Ivanova 2005, 34-36, in greater detail). For instance, the funds the secretariat acquires as an implementing agency of the Global Environment Facility account for an increasing share of the UNEP's total workforce.[8]

The Influence of the UNEP Secretariat

Ultimately, the policies enacted through the UNEP are supposed to generate positive ecological impacts. Indeed, as former executive director Klaus Töpfer (2002) acknowledged, "the state of the environment tells us whether our policies and programs are effective". It is beyond this study, however, to establish a straightforward connection between these policies and actual qualitative changes in the world environment. Yet, it will attribute some developments in international environmental governance to specific activities of the UNEP Secretariat.

Cognitive Influence

In particular, the work of the UNEP Secretariat has contributed to shaping the cognitive sphere of international environmental governance. While a distinction between the international organization and its bureaucracy is rarely made in the literature, many studies that hail the UNEP's role as a major agenda setter of international environmental politics implicitly refer to the secretariat. Indeed, many such references are spread throughout the literature that deals with the evolution of an international environmental agenda since the early 1970s and the emergence of a number of issue-specific treaty regimes.[9]

To name but a few prominent examples, the UNEP Secretariat has provided the international arena for early deliberations pertaining to ozone layer depletion and the loss of biological diversity, it has framed international discourses on chemical pollutants and hazardous wastes, it has catalyzed international action on desertification, incited governments to address marine pollution and has, in conjunction with the World Meteoro-

7 The Environment Fund reached an average of USD 55 million during the second term of Executive Director Töpfer (2002-2005), after USD 43.2 million in his first term (1998-2001); figures aggregated from the secretariat's annual reports.

8 In 2003 alone they provided for 59 professional and 32 general service posts, i.e. 91 out of a total staff of 861 (see UNEP 2004, 64).

9 See, among others, McCormick (1989), Thacher (1992), Downie (1995), Imber (1996), Tolba and Rummel-Bulska (1998), Chasek (2001), Najam (2003), Elliott (2004; 2005), Ivanova (2005), Mee (2005).

logical Organization, successfully initiated the set-up of the Intergovernmental Panel on Climate Change.

Mostly, these initiatives emanated from the UNEP Secretariat's environmental assessments, which draw from a broad network of collaborative research centres, such as the UNEP Global Resources Information Database and the UNEP World Conservation Monitoring Centre. "Highly recognized in the field", these assessments have thus become a primary tool for environmental information (Ivanova 2005, 16). As such, they often convey a persuasive sense of urgency that eventually leads concerned governments to tangible action. Accordingly, the role and effective functioning of the UNEP Secretariat as an agenda-setting authority is commonly highlighted even as its general performance is considered inefficient, ineffective and generally inadequate to the challenges of international environmental governance (see, for instance, von Moltke 1996; Downie and Levy 2000; Tarasofsky 2002).

The image of the successful agenda-setter was also reflected by interviewees within the secretariat, who were generally inclined to emphasize the UNEP's achievements in staging groundbreaking international conferences and negotiations, but comparatively reluctant to discuss the effectiveness of ensuing policy outcomes.[10] Moreover, 40% of respondents to the MANUS expert survey considered the UNEP to be "highly influential" in shaping domestic debates on environmental issues, given that these issues are perceived as relevant in the country of the respondent. While the underlying data set does not allow for robust conclusions, it is nonetheless indicative of the UNEP's capacity to influence global discourses on environmental policy.

Considering the wide-spread recognition of the UNEP's influence on the agendas and discourses of international environmental politics, I will not go into further detail here, but turn to its normative and executive influences instead.

Normative Influence

Normative influences of the UNEP Secretariat relate to different processes in international environmental governance that can not be comprehensively accounted for in this paper. I will merely illustrate some influences that can be attributed to activities of the UNEP Secretariat in two distinct areas: influences on issue-specific intergovernmental cooperation, notably multilateral environmental agreements, and influences on the general institutional architecture of international environmental governance.

Facilitating intergovernmental environmental negotiations

Substantive normative influences of the UNEP Secretariat can be observed especially in the context of intergovernmental negotiations, where it is enjoying "locus classicus" (Desai 2004, 167). Indeed, the UNEP Secretariat is the host bureaucracy to numerous environmental treaties for which it provides key secretariat services pertaining to both

[10] Author's interviews at UNEP headquarters, Nairobi, September and October 2003.

their original negotiation and subsequent implementation. As such it has guided the facilitation of a number of groundbreaking multilateral environmental agreements since the mid-1970s (e.g. the 1979 Convention on Migratory Species of Wild Animals, the 1987 Montreal Protocol, the 1992 Convention on Biological Diversity and the 2001 Stockholm Convention on Persistent Organic Pollutants) and it emblematizes the institutional memory for a whole range of ongoing intergovernmental negotiations.[11]

The influential role of international civil servants in such processes has been particularly well documented in the case of the Regional Seas Program, which is considered one of the UNEP's first major successes (see Haas 1990; Nicholson 1998; Tolba and Rummel-Bulska 1998).[12] In the negotiation of the initial Mediterranean Action Plan and subsequent 1976 Barcelona Convention, governments were brought to the negotiation table which did not even maintain official diplomatic relations at the time, namely Israel and Egypt. Hence, the collaborative success of the initiative is singled out, even as its substantial behavioral impact is questioned (Skjaerseth 2002, 311). The Regional Seas Program thus illustrate the catalytic role and general convening power of international civil servants even under highly politicized actor constellations (McCormick 1989, 115; see also Tolba and Rummel-Bulska 1998, 38-45).[13]

Indeed, the secretariat's activities to stimulate and sustain constructive intergovernmental negotiations and inter-agency cooperation through a strategic combination of legal, scientific and management approaches have become exemplary for substantive institutionalization of policy processes at the international level (see also Boxer 1983). Within a few years, a program initially set-up to address marine pollution in the Mediterranean Sea was thus emulated in a series of international agreements. These now provide for a comprehensive contractual framework that comprises of seventeen regional treaties and numerous protocols which cater for 130 coastal states and some fifty international agencies with one common objective to protect regional seas (see UNEP 2002d; Desai 2004, 172, note 102).[14] Besides, the success of the Regional Seas Program propelled the UNEP Secretariat to the pole position for international pollution control.

This is undergirded by the UNEP's focus on international legal action relating to chemical pollutants and hazardous wastes. For instance, it contributed significantly to the negotiation of the 1989 Basel Convention on Transboundary Movement of Hazardous Waste, the 1998 Rotterdam Convention on Prior Informed Consent (see below), the 2001 Stockholm Convention on Persistent Organic Pollutants (see also Desai 2004, 176-177 + notes 119-121; and Andresen and Rosendal 2005, para. 4.3 with further references) and a host of regional chemical conventions such as the 1991 Bamako Convention pertaining to the transboundary movement of hazardous wastes within Africa. Consequently, most multilateral environmental agreements that relate to hazardous substances are now overseen by the UNEP Secretariat. Compared to other environ-

[11] See, for instance, the case of its Ozone Secretariat (Bauer 2006a).
[12] See Mee (2005, 241-243) for a survey of problems typically encountered under the Regional Seas Programme.
[13] Also author's interview, UNEP headquarters, Nairobi, 24 September 2003.
[14] Also author's interviews at UNEP headquarters, Nairobi, 17 and 24 September 2003.

mental issue clusters this lead to a relatively high measure of coherence in international law and policy, which is manifested through two "essential building blocks", namely the Rotterdam and Stockholm conventions (see von Moltke 2005).

The Rotterdam Convention serves as a particularly good example to illustrate the normative influence of the UNEP Secretariat in intergovernmental environmental negotiations. Guiding a coalition of developing countries and non-governmental organizations, the UNEP Secretariat emerged as a key driver to alter the contractual environment of international trade in pesticides when it forged the consensus for the establishment of a prior informed consent procedure in spite of strong opposition from pesticide-producing countries such as Germany, Great Britain and the United States (see Paarlberg 1993; Victor 1998). Notably, it had developed the Cairo and London guidelines for the exchange of information on chemicals in international trade, which proved groundbreaking for the institutionalization of regulation regarding the production, trade and consumption of pesticides.[15] In parallel it garnered the eventual support of the UN Food and Agricultural Organization (FAO), with which it now jointly administers the convention. Moreover, the UNEP Secretariat's success in the facilitation of the Rotterdam Convention has been multiplied in as much as negotiators of the Stockhom Convention have been deliberately drawing from the proceedings of the Rotterdam Convention (IISD 2005b, 12). Since, the UNEP Secretariat's position at the hub of the hazardous substances cluster has been strengthened by the explicit invitation of parties to propose administrative changes to enhance synergies between the Basel, Stockholm and Rotterdam conventions (IISD 2005c, 7).

Shaping international environmental governance

In a view of a protracted reform debate in international environmental governance, the UNEP Secretariat is a stakeholder in its own right and it understands to feed its views into the discussion. In the wake of the Malmö Declaration (GMEF 2000) of the Global Ministerial Environment Forum, the debate has intensified and, crucially, has been structured by what is now known as the "Cartagena Process". This refers to the open-ended deliberations of governments on international environmental governance, which are basically organized by the UNEP Secretariat. A subsequent report by the executive director has been endorsed by a formal decision of the UNEP Governing Council in Cartagena, Colombia, at its seventh special session (see IISD 2002 for details; UNEP 2001a). The process basically warrants that the reform debate continues within the confines of UNEP and, as such, is organized first and foremost through the UNEP Secretariat.

The perennial issues thus considered by governments as part and parcel of the Cartagena package include inter alia a strengthening of the UNEP's role, authority and financial basis; coordination and coherence between multilateral environmental agree-

[15] For instance, the Cairo and London guidelines for exchange of information on chemicals in international trade were originally developed within the UNEP Secretariat. Author's interview, UNEP headquarters, Nairobi, 29 September 2003.

ments; capacity building, technology transfer and country-level coordination; strengthening UNEP's scientific basis; and cooperation and coherence within the United Nations system.

Under the general heading of strengthening the UNEP's role, the question of universal membership (as opposed to the exclusive 58-members Governing Council) is a point in case to illustrate how the UNEP Secretariat deals with, and thereby influences, the actual shape of international environmental governance. The issue has been on the agenda of many intergovernmental sessions and was formally tabled for the UNEP Governing Council after governments failed to address the issue at the World Summit on Sustainable Development (UNEP 2002b). Universal membership was subsequently debated both at the council's 22nd session and at its eighth Special Session at Jeju only to be adjourned again for further consideration by the UN Secretary-General and the 23rd Governing Council in 2005 and it remains controversial still. While opponents of universal membership are anxious to create a precedent for turning the UNEP into a specialized agency, proponents of universal membership consider it a success to at least keep the issue on the agenda (see, for instance, IISD 2004a, 2005a).

Against this background, however, the UNEP Secretariat has arguably arranged for de facto universal membership already through establishing the Global Ministerial Environment Forum. Initiated upon the initiative of Executive Director Töpfer in 1999, it is by now common practice to convene the Global Ministerial Environment Forum and recurrent "special sessions" of the Governing Council in the intervals between the biennial regular sessions of the Governing Council. Moreover, the Global Ministerial Environment Forum is now always invited to convene back-to-back with regular council sessions, thereby considerably enhancing the political clout of these meetings. While the Governing Council with its restricted membership continues to be the exclusive de jure decision-making body of the UNEP, the secretariat has successfully institutionalized a complementary forum that can not be ignored by the Governing Council.[16]

In a similar fashion, the secretariat has recently addressed the issue of strengthening the financial basis by the informal introduction of a "voluntary indicative scale of contributions" to appreciate the relative commitment of individual governments. While this is hardly a panacea for the UNEP's financial woes, it has since helped to frame budgetary discussions and, at the least, broadened the donor base and thus the legitimacy of the Environment Fund (see also Ivanova 2005, 36).[17]

Executive Influence

Void of an operative mandate, the UNEP was never meant to be an implementing agency "on the ground", but at global and regional levels alone. Prior to the recent addons to the UNEP's mandate implied by the Bali Strategic Plan on technology support

[16] Guised in cautious diplomatic parlance this interpretation has been confirmed in a number of senior level interviews at UNEP headquarters, Nairobi, September and October 2003.

[17] Author's interviews at UNON and UNEP headquarters, Nairobi, 25 September and 7 October 2003, and interview with the Executive Director, Nairobi, 6 October 2003.

and capacity building (see IISD 2004b, 2005a), its mandate to build national capacities in environmental law was the unambiguous exception to that rule. Even then, however, the UNEP Secretariat has been found to involve in activities at national and local levels, many of which entail explicit capacity building components (see UNEP 2002a for an overview). Indeed, the secretariat has deliberately increased its respective efforts over the years and even anticipated positive responses from governments.[18] Institutionally this is reflected by a strengthened Division for Environmental Policy Implementation, which claims a responsibility "for the implementation of environmental policy … at global, regional *and national* levels".[19]

Traditionally, however, the UNEP neither had the mandate nor the resources to engage in full-fledged on the ground activities. Given the secretariat's expanding GEF portfolio and the priority the Governing Council assigns to the aforementioned Bali Strategic Plan, this judgment needs to be qualified, but, in essence, remains valid. The UNEP is not a funding or implementing agency in the sense that the World Bank or the United Nations Development Programme are. Yet, governmental requests compel the UNEP Secretariat to pursue capacity building projects that severely stretch its capability (Ivanova 2005, 27-28). The secretariat does not oppose this overload, however. Fuelled by an intrinsic desire to matter "in the field", it even encourages the incremental shift towards an operational mandate. Indeed, one senior officer insisted that it would be "completely stupid" to strictly adhere to the UNEP's regional and global mandate.[20]

In the following, I will first illustrate how the UNEP Secretariat engages at national and local level activities that are directly linked to either the Global Environment Facility or the Bali Strategic Plan. Secondly, I will highlight its capacity building role in environmental law.

Inter-Agency Cooperation and Partnership Initiatives

In absence of own capacities to engage in policy implementation at domestic levels, the UNEP Secretariat is generally bound to cooperate with UN agencies that avail of both the mandate and the facilities to do so. Hence, in spite of typical frustrations with partner agencies that are eager to distinguish their brand and anxious to protect their turf, the UNEP Secretariat has often sought to maximize its output by means of inter-agency cooperation within the United Nations (see Bauer and Biermann 2004). Indeed, so-called joint programs have proven a viable option to circumvent the formal restrictions of the UNEP's non-operational mandate.[21]

The joint Sustainable Cities Programme with UN-HABITAT, the United Nations programme for human settlements, is but one example for this practice.[22] First established

[18] Author's interview, UNEP headquarters, Nairobi, 9 October 2003.
[19] Author's emphasis; see www.unep.org/DEPI/—last visited 8 March 2007.
[20] Author's interview at UNEP headquarters, Nairobi, 9 October 2003.
[21] Author's interview at UNEP headquarters, Nairobi, 9 October 2003.
[22] At the beginning of the program, UN-HABITAT was still known as United Nations Centre for Human Settlements (UNCHS/Habitat).

in 1990 the Sustainable Cities Program is now running in its second decade, albeit with discontinuous support from either secretariat and pertinent donor agencies. The program builds local capacities for environmental governance, mainly through the provision and periodic refinement of a set of Environmental Planning and Management (EPM) tools that are replicated through a network of developing cities in some thirty countries around the world (see Bauer 2001). While the effective application of the program's EPM approach varies considerably across participating countries (e.g. UNCHS and DANIDA 2000), it provides the UNEP Secretariat with valuable results to show vis-à-vis national delegates and local stakeholders as well as proving its general ability to involve at local levels.

In a similar vein, the UNEP Secretariat supports capacity building efforts as a lead partner and organizational platform for a number of public private partnerships that have been launched in the wake of the 2002 World Summit on Sustainable Development (Type-II-partnerships). The outcome of these partnerships is not yet clear and will be diverse in any case.[23] Early assessments of energy-related partnerships indicate, however, that an active role of the UNEP Secretariat is commonly greeted by the private partners and, in particular, a high demand for the services it provides (Behrle 2004). Again, the secretariat's aspiration to engage Type-II partnerships such as the Partnership for Clean Fuel and Vehicles indicates the push towards on the ground policy implementation.

Moreover, the UNEP Secretariat contributes to national capacity building in environmental monitoring and assessment, at least indirectly. Notably, the Division of Early Warning and Assessment's collaborative approaches to aggregate environmental data from around the world have led to the diffusion of the environmental reporting methods that feed into the UNEP's periodical Global Environmental Outlook (GEO).[24] Since the publication of the first such outlook report in 1997, many regional environmental forums and national governments have applied the GEO methodology to produce or improve their own environmental assessments; even in countries where no such reporting was carried out, it still catalyzed national state of environment reports (Ivanova 2005, 16).

BUILDING LEGAL CAPACITIES

The UNEP's acclaimed effectiveness in the promotion and advancement of international environmental law goes hand in hand with efforts to build the corresponding legal capacities in developing countries. This is largely achieved through consecutive Programmes for the Development and Periodic Review of Environmental Law (commonly referred to as Montevideo Programme) and the UNEP-led Partnership for the Development of Environmental Law and Institutions in Africa (PADELIA). Both programs have been developed and are implemented through the secretariat's Law Branch,

[23] See Andonova and Levy (2003) for an overview and Ivanova (2003) for a general discussion of the function of intergovernmental organizations in Type-II-partnerships.

[24] Author's interview at UNEP headquarters, Nairobi, 29 September 2003.

which thus administers numerous cooperative capacity building projects through which lawyers and legal consultants provide trainings for university lecturers and civil servants or even directly advise parliaments and policy makers. The latter was prominently the case with the comprehensive Environmental Management and Coordination Act that passed legislature in the UNEP's host country Kenya in 1999.[25]

The Montevideo Programme, which is now running in its third ten-year cycle since 1982, generates the major thrust for the UNEP's domestic-level activities and has evolved into the secretariat's main tool to catalyze the creation of international environmental law (Loibl 2001, 63; see also Review of Montevideo Programme 1997).[26] Moreover, it was crucial in the evolution of the secretariat's own legal capacity from initial ad hoc activities to systematic world-wide promotion of "co-ordinated and coherent development of environmental law" (Loibl 2001, 61).

In recent years, the UNEP Secretariat has incrementally expanded its promotion of international environmental law by activities that specifically address national judiciaries. The reasoning of the secretariat's senior legal experts is that judges represent the single most powerful stakeholders pertaining to the actual application of environmental laws and regulations. Often, progressive legislation is formally in place, but not applied with the rigor required to make it effective. While parliaments have limited reach in bringing legislation to bear on the ground, the UNEP Secretariat's legal experts observed that people commonly adhere to the authority of judges even where governmental agencies are reluctant to enforce environmental law.[27]

Yet, the initiative to actively involve national judiciaries was not greeted with enthusiasm by governments when the UNEP Secretariat convened a Global Judges Symposium in the immediate run-up to the World Summit on Sustainable Development in 2002, which eventually adopted the Johannesburg Principles (UNEP 2002c). Governments could hardly ignored these, but criticized the secretariat for overstretching its competencies. The secretariat, however, referred to its Montevideo mandate even though one senior legal officer admitted that "no government, not even judges themselves would dare think of involving judges in international environmental governance".[28] While governments arguably have a point to note that they, not judges, are the UNEP's stakeholders, Executive Director Töpfer reiterated that the secretariat would continue to support judges in their capacity to transform the paper tigers of international environmental law into effective legal tools.[29]

[25] Likewise, the secretariat's legal experts have contributed to the development of substantive environmental laws in Mozambique (15), Uganda (13), Burkina Faso (12), Malawi (9), Kenya (8), Tanzania (7) and Sao Tome & Principe (5) under the PADELIA program in between 1994 and 2000 (see UNEP 2003, 12-26).

[26] Following decision GC.21/L.6 at the twenty-first session of the UNEP Governing Council (IISD 2001, 7; for further details see UNEP 2001b).

[27] Author's interview, UNEP headquarters, Nairobi, 29 September 2003.

[28] Author's interview, UNEP headquarters, Nairobi, 29 September 2003.

[29] Author's interview with the Executive Director, UNEP headquarters, 6 October 2003.

Explaining the Influence

Problem Structure

As the major outcome of the 1972 United Nations Conference on the Human Environment, where Indira Ghandi famously coined the phrase whereby poverty is the biggest polluter, the UNEP Secretariat was facing a difficult international problem structure from the outset. A core characteristic of the post-colonial international system, the North-South divide has been a weighty burden for the work of many United Nations agencies.[30] Considering this, the UNEP as well as its secretariat are doing remarkably well.

The divergent priorities of North and South are well-known and are reiterated at each and every meeting of the UNEP Governing Council. On the one hand, developing countries, typically represented by the G-77 and China, emphasize their right to development and the North's responsibility for global pollution. In spite of an increasing heterogeneity they are generally wary of environmental protection, which they perceive as a threat to the former and a necessity that results predominantly from the latter. Developed countries, on the other hand, basically argue that the legitimate right to development does not entail a right to pollute and that developing countries must not repeat rich countries' mistakes in a view of a deteriorating global environment and the many ecological interdependencies that were not understood till long after the industrial revolution. Moreover, they emphasize that environmental protection is not at odds with economic development and that it will in fact benefit developing countries by improving the livelihoods of the poor.

The latter notion is aptly captured in the slogan "environment for development", which the secretariat adopted to reflect the balance it is forced to maintain. While the protection of the world environment is its very raison d'être, the cooperation of developing countries is pivotal both for international environmental governance to be effective and for the survival of the UNEP as a meaningful international bureaucracy. Developed countries, too, seek the cooperation of developing countries to address environmental problems that cannot be tackled within their jurisdiction, but they would hardly go out of their way to preserve the UNEP, if it was merely pursuing a Southern agenda. In other words, the problem structure requires the UNEP Secretariat to make international environmental governance palatable to developing countries in a manner that caters to the expectations of the industrialized world.

This daunting task is somewhat facilitated by the broad spectrum of environmental issues that fall under the purview of the UNEP and from which the secretariat can pick and chose – at least to the extent that resulting policies can be convincingly linked to its

[30] For instance, the UNCTAD has evolved into a talking shop were developing countries air their frustrations; the UNIDO is all but starved by donor countries since developing countries insisted to upgrade it into a specialized agency; and the implementation of the UNCCD is severely mired by outright North-South antagonism (see Bauer 2006b).

mandate vis-à-vis the Governing Council. Hence, issues tabled by the secretariat can be withdrawn, at least temporarily, if they prove to be "non-flyers", as was the case with the "Asian Brown Cloud".[31] Accordingly, they can be prioritized and exploited to full public relations potential, if they trigger the right buttons with both developed and developing countries, such as the Partnership for Clean Fuels and Vehicles or the Great Apes Survival Project.

On balance, the problem structure of international environmental governance thus restrains the secretariat's room for maneuver and forces it to act cautiously. At the same time, it creates opportunities to set agendas and priorities in accordance with its own preferences and, ideally, comparative advantages which may then be exploited to generate success stories.

Polity

Although not the only "programme" under the auspices of the United Nations secretariat, the UNEP's position within the UN system is rather unique. On the one hand, it is designed as the United Nations' preeminent agency for all of its environmental policy, whereas, for comparison, the United Nations Development Programme is surrounded by a host of agencies with closely related development mandates. On the other hand, it is but a small entity with limited formal authority and scant resources. In particular, it is notoriously inapt to fulfill its coordinative mandate vis-à-vis a highly fragmented policy arena wherein a whole range of UN and other international agencies affect the general course of international environmental governance in one way or another (see Elliott 2005 for a comprehensive assessment of attempts to coordinate environmental policies within the UN).

The constraints thus facing the UNEP have been further exacerbated by a profound discursive change in the polity wherein it is embedded. The international paradigm shift towards the concept of sustainable development, as successively manifested by the 1987 World Commission on Environment and Development (Brundtland Commission), the 1992 "Earth Summit" (United Nations Conference on Environment and Development), and the 2002 World Summit on Sustainable Development, has blurred the delineation of competencies between agencies dealing with environmental and development affairs respectively (see Bruyninckx 2005; also Elliott 2005; Henry 1996; Imber 1993). Although a mutual mainstreaming of environmental and development objectives is not contested in principle, it hardly facilitates the coordination of international environmental governance. In particular, since development concerns have gradually taken precedence in the sustainable development discourse.

While the UNEP Governing Council has embraced Agenda 21, the secretariat is still grappling with its institutional repercussions. With hindsight, it was ill-prepared for the challenges imposed on its lead role in international environmental governance, notably through the creation of the Commission on Sustainable Development and the Global Environment Facility, and the expansion of activities into the UNEP's traditional turf

[31] Author's interviews at UNEP headquarters, Nairobi, 29 September and 6 October 2003.

by eminent developing agencies like the United Nations Development Programme and the World Bank, which pursue their own reading of sustainable development (for empirical illustrations see the contributions in Werksman 1996; also Brack and Hyvarinen 2002 in a WSSD context). Moreover, the adoption of the UN Framework Convention on Climate Change and the ensuing negotiations for a UN Convention to Combat Desertification, both of which were to be administered by an independent United Nations secretariat, effectively curtailed two major policy areas from the UNEP's traditional domain. Hence, the emergence of new players on an already overcrowded field further undermined the UNEP's already weak position within the United Nations and, for that matter, its ability to coordinate international environmental governance.

In turn, of course, the work of the UNEP also relates to the implementation of the Millennium Development Goals and the Johannesburg Plan of Implementation and has the secretariat interfering into policy domains of the pertinent agencies concerned with socio-economic development, education and health. Not least, the Millennium Development Goals and the Johannesburg Plan are wind in the sails of those who wish to see the UNEP Secretariat moving into on-the-ground implementation and who are encouraged especially by the Bali Strategic Plan. In sum, however, sailing under the flag of sustainable development has arguably proven more useful for developing agencies like the UNDP to acquire environmental projects than the other way round.

In any case, the pursuit of on-the-ground activities is severely constrained in a view of budgetary realities. This is unsurprising insofar as the UNEP is not a funding agency. Still, the secretariat could achieve much more with a budget that was more adequate to the ever expanding scope of its biennial program of work (see, among others, Imber 1996; Andresen 2001; Wapner 2003; Andresen and Rosendal 2005).[32] While the UNEP's financial clout has arguably benefited from tapping complementary resources beyond the Environment Fund, this does hardly translate into greater operational leeway. Quite to the opposite, the transaction costs imposed by the administration of a multitude of small funds, many of which need to be accounted for bilaterally vis-à-vis individual donor countries, are stretching thin administrative capacities and curtail the secretariat's ability to plan strategically ahead.

Subsequently, the increasing proportion of extra-budgetary activities has given rise to criticism both in- and outside the secretariat. For one thing, the deployment of bilaterally acquired earmarked contributions is, by definition, restricted to specific policies and thus leaves the secretariat with little latitude in terms of implementation.[33] Moreover, there is concern that the handling of extra-budgetary resources promoted mission

[32] Indeed, the resources of the major international environmental agency do not match the budgets of many environmental ministries or even some of the major environmental nongovernmental organizations (see also Biermann 2005).

[33] This is not necessarily the case, however. One programme officer has singled out the Netherlands and the Scandinavian countries who would want "the UN and UNEP to be in a better position to act on their own". These countries would sometimes provide extra-budgetary contributions that are "linked to an overall policy area … but not strictly earmarked". UNEP would thus be flexible in how to use these extra funds "as long as proposals [are] sensible". Author's interview, UNEP headquarters, Nairobi, 22 September 2003.

creep and deviates secretariat attention from its regular program of work as determined by the Governing Council.

People and Procedures

Organizational Expertise

Authoritative in-house expertise on the state of the world environment and international environmental law are arguably the strongest source of the UNEP Secretariat's political influence. Based on comprehensive environmental assessments it has, in many cases, identified environmental risks and projected ecological trends with a persuasive sense of urgency upon which governments then reacted.

Typically, this is achieved either through its own capacity for assessment and early warning or by convening and facilitating exchange between pertinent expert networks. In some cases, the secretariat can also be credited for the generation of strategic knowledge and expertise in a manner that created the impetus institutionalize specific epistemic communities, as has most prominently worked in the case of the Intergovernmental Panel on Climate Change, but also relates to less spectacular examples. The systematic back-up of policy making by independent expertise, which has been championed by the UNEP Secretariat since its inception, has now become a standard in international environmental politics as elaborate procedural components for environmental assessment and monitoring are routinely included in virtually all multilateral environmental agreements. Indeed, the UNEP Secretariat's capacity to aggregate, process and distribute data on the state of the world environment may well reflect the biggest area of congruence between its original 1972 mandate and its actual performance.

While the UNEP is by no means the only global player in terms of environmental expertise, it has established itself as the authoritative environmental voice at the intergovernmental level. As such it is well interlinked with the respective nongovernmental organizations and research institutions and maintains a network with the relevant public experts at domestic levels. While specific up-to-date expertise on complex ecological processes will naturally be stronger in academic science departments and major research institutions, the UNEP Secretariat thus arguably represents the hub of global environmental information.[34]

Its Global Environment Outlook series has become not only the program's public information flagship but also a standard reference for domestic policy makers and journalists working on the environment and quickly evolved into the environmentalists' match to the World Bank's World Development Report and the Human Development Report of the United Nations Development Programme.[35] Next to the latter two agen-

[34] For an overview of international organizations' capacity to assess the global environment see Doyle and Massey (2000).

[35] For instance, 34 out of 35 respondents to the MANUS Expert survey stated to regularly draw on UNEP publications in their own work, one third of them at least once a month.

cies the UNEP is the major contributor to the reports of the World Resources Institute and was assigned as the lead agency for the coordination and compilation of the United Nations' Millennium Ecosystem Assessment.

The respective expertise is concentrated in the secretariat's Division of Early Warning and Assessment. The scientific capacity of the division does not extend to genuine research, but it occasionally commissions external experts to provide data on its behalf (Behrle 2004).[36] Moreover, the UNEP Secretariat invites input from eminent experts, not only to entertain the Governing Council but to engage in substantive consultations. For instance, Executive Director Töpfer himself highlighted the contributions of Nobel laureates Wole Soyinka and Rigoberta Menchú to identify interlinkages between biological diversity and cultural diversity—an issue that has subsequently provided for controversial debates between the secretariat and parties.[37] Inside the secretariat, however, such initiatives were appreciated, because "sometimes you need new ideas, you need new thinking, you need someone to come in and thinking out of the box".[38]

In addition to environmental expertise as such, the UNEP Secretariat has also acquired status as the leading intergovernmental authority on international environmental law. This is another key source for influence, because the demand for legal expertise and capacity building in environmental law continues to be high and has traditionally been one of the major priorities in the secretariat's program of work (see Sand 1985; Birnie and Boyle 2002; Desai 2004). While the international system lacks robust means to enforce international law, formal legal arrangements as well as informal norms and regulations are suitable means to affect state behavior, not least in the environmental field (see, for instance, Chayes et al. 1998; for a general discussion Abbott and Snidal 2000). Consequently, multilateral treaties and soft law agreements have been a key area of the work of the UNEP Secretariat and continues to be seen as "one of the central mechanisms by which international cooperation can be fostered" (Töpfer 1998, 11; see also Tolba and Rummel-Bulska 1998, 11-24).

The secretariat's respective legal expertise is concentrated in a distinct Law Branch that is responsible, among other things, for the implementation of the aforementioned Montevideo Programme for the Development and Periodic Review of Environmental Law. In a unique and exceptional manner, the particular mandate on which the Montevideo Programme is based has been given to the secretariat not from the UNEP Governing Council but by the United Nations General Assembly during its 30th session. With regard to the success of the Montevideo Programme, two factors have been highlights as crucial. First, the legal experts in the UNEP Secretariat have been credited for steering a very thorough preparation process that led to the establishment of the program in the first place. Secondly, the untypical ten-year cycles of the program allow for long-term

[36] For a recent example see the role of the Denmark-based Risoe National Laboratory in the UNEP-lead *Global Network on Energy for Sustainable Development* (Behrle 2004, 64); also Author's interview at UNEP headquarters, Nairobi, 29 September 2003.
[37] Author's interview with the Executive Director, Nairobi, 6 October 2003.
[38] Author's interview at UNEP headquarters, Nairobi, 1 October 2003.

strategies that are simply not warranted for other policies and projects which are typically designed to match the biennium program of work.[39]

In sum, the combination of substantive expertise in environmental assessment and international law with the technocratic expertise of the UNEP Secretariat as the institutional memory of international environmental cooperation is a major source for the bureaucracy's capacity to influence international cooperation in spite of its limited financial means and formal autonomy. It is furthered, in addition, by a professional staff, which is generally committed to the environmental cause, well trained, and, taking the bureaucracy as a whole, decidedly heterogeneous.

Organizational Leadership

Political leadership of the UNEP Secretariat is another major factor to explain its considerable influence on international environmental cooperation. It has made a difference in a number of intricate negotiations and often in a fashion that has made the "personality culture" surrounding its leadership a notorious feature of the organization as such (Mee 2005, 235).

As a point in case, Oran Young (1991) employed the example of former Executive Director Mostafa Tolba's crucial role in international ozone negotiations to develop a concept of entrepreneurial leadership for his tripartite typology of political leadership in institutional bargaining. While this example has been particularly prominent, similar importance has been attributed to the leadership of senior UNEP officers in a number of international environmental negotiations, including among others the Mediterranean Action Plan, the Convention on Biological Diversity, the development of the prior informed consent procedure in the trade with pesticides, which paved the way for the Rotterdam Convention, and the Stockholm Convention on persistent organic pollutants. Hence, the UNEP's impressive record in advancing the contractual environment of international environmental politics is closely linked to the skillful and authoritative political leadership of the UNEP Secretariat.

To this end, it was pivotal that executive directors like Tolba and Töpfer knew how to play their cards in a problem structure of principled North-South opposition. Tolba, who hailed from Egypt, may have had a natural credit with developing countries, but he also appealed to the developed world by emphasizing his background in science while at the same time avoiding cooptation by industrial interests. Instead, he managed "to frame issues in ways that foster integrative bargaining and to put together deals that would otherwise elude participants" (Young 1991, 293) thereby showing long-term "strategic thinking" as well as a "bullying style in negotiation" (Mee 2005, 235).

Töpfer, on the other hand, drew personal authority from his political career in the North. As former German minister of the environment, he had emerged as a protagonist of the 1992 Rio Summit and as a chair of the Commission on Sustainable Develop-

[39] Author's interview at UNEP headquarters, 29 September 2003.

ment thereafter. Once at the helm of the UNEP Secretariat, he thus knew to credibly emphasize the link between environment for development "better than anyone during his two terms in office" (Steiner 2007, 3). During his tenure he thus acquired staunch support among developing countries, particularly in Africa, while at the same time maintaining his links with developed countries. By way of his energetic and distinctly political leadership style he was pivotal in regaining government's confidence in the UNEP as such and subsequently in strengthening the position of the UNEP Secretariat in international environmental governance. Notably in comparison to the mid-1990s Töpfer has been successfully "marking out his territory among the competitive hounds in the UN system" (Sandbrook 1999, 174; see also Mee 2005).

Conversely to the tenure of Tolba and Töpfer respectively, a major crisis of the UNEP coincided with the comparatively weak leadership of Canadian Elisabeth Dowdeswell.[40] In spite of the generally positive momentum for international environmental policy in the aftermath of the Rio Summit, developed countries voiced an increasing discontent with the performance of the UNEP Secretariat during the tenure of Dowdeswell. The crisis culminated when major donors USA and Japan froze their contributions to the Environment Fund. While Richard Sandbrook's observation, whereby Dowdeswell "was not ready for the rough and tough UN game [...] From all accounts her political and management skills could not match the entrenched UN ways of doing business and associated numerous vested interests" (Sandbrook 1999, 172), appears harsh, it reverberated well with the more or less diplomatic comments of long-serving UNEP officers.[41]

The history of the UNEP Secretariat thus shows that strong organizational leadership enables a maximization of the influence that can be generated from even modest resources endowed to an international bureaucracy.

INTERNAL ORGANIZATION AND MANAGEMENT

Contrasting the background of strong leadership vis-à-vis its organizational environment, a look at the inside of the UNEP Secretariat yields mixed results. While professional staff unanimously praised Töpfer's achievement to have revitalized the UNEP as a global agency they also point to the expenses in terms of internal leadership and management. In spite of the secretariat's reasonably flat hierarchy, concerns have been voiced regarding a lack of accessibility at executive levels, the prevalence of a top-down management approach and internal politicking.

A functional organizational chart of the UNEP Secretariat shows eight parallel substantive divisions, subordinate only to the offices of the executive director and deputy executive director.[42] A senior management group—comprised of the executive director, the deputy executive director and the division directors—is meeting regularly to coor-

[40] Dowdeswell succeeded Mostafa Tolba to serve as executive director from 1993-1997.
[41] Personal communications at UNEP headquarters, Nairobi, September and October 2003.
[42] Relating to the tenure of Executive Director Töpfer (1998-2006).

dinate and harmonize the work within the secretariat. In the words of one division director this exclusive group serves as "a management tool for the [executive director] to manage the corporate interest of the organization [and] to improve the corporate understanding of activities we are having".[43] A rather exclusive body, the group represents top-down decision-making within the secretariat, which is also found to be prevalent "in all divisions and at most levels" in a recent study by Andresen and Rosendal (2005, para. 5.4.1).[44] Moreover, in spite of the formally flat hierarchy the divisions do not necessarily operate at a par, which caters for internal power games and "empire building".

Notably, the Division of Technology, Industry and Economics—physically detached from headquarters at the UNEP's Paris premises—de facto enjoys a special status and has thus developed an organizational culture that is markedly different from the one at headquarters (see Behrle 2004). At headquarters, the Division of Policy Development and Law has ostensibly acquired the status of a *primus inter pares* as interviewees both in- and outside this particular division have highlighted its particular proximity to the Office of the Executive Director.[45] Environmental law has traditionally been a flagship of the UNEP and policy development is characterized as "the backyard of the [Executive Director]".[46] Different again, the division coordinating the UNEP's activities as a counterpart to the Global Environment Facility, is operating largely independent from the other divisions and derives internal clout from the considerable resources under its portfolio.

The resulting manifestation of internal hierarchies is indeed prone to nourish jealousy and conflicts of interest in between divisions as well as in between the senior management and the rank and file (see also Sandbrook 1999; Downie and Levy 2000; Andresen and Rosendal 2005). Still, most interviewees have emphasized that their working environment would generally be cooperative and rarely affected by serious turf battling.

The heart of the problem thus rather seems to be, that internal tensions are not coherently addressed by the executive level. At least partially, this can be explained by the notorious traveling schedule of the executive director, who is often absent and, when around, also burdened with overseeing the United Nations Offices at Nairobi to which he serves as the Director General. One program officer thus argued, that many of the internal problems could be easily "alleviated if the [executive director] would be here more often and if he would act firmer on turf-battles between divisions, but he's hardly ever in Nairobi and if he's around he's to busy to care for such issues. I am convinced [...] he knows how to keep a large administration in order, but this potential is not used when you're hardly around."[47]

43 Author's interview at UNEP headquarters, Nairobi, 9 October 2003.
44 Also author's interviews at medium management levels, UNEP headquarters, Nairobi, September 2003.
45 In fact, this has been further enhanced by new Executive Director Steiner, who has rearranged the division by attaching its policy development capacity directly to his office (personal communication at UNEP headquarters, Nairobi, February 2007).
46 Author's interview at UNEP headquarters, Nairobi, 9 October 2003.
47 Author's interview at the UNEP headquarters, Nairobi, 22 September 2003.

The adverse impacts of poor internal management were felt by some to be exacerbated by "staggering red tape" in internal communication.[48] This negative perception was not shared by all program officers, however, and some even consider the UNEP bureaucracy "a well-oiled machinery" that would not be less efficient than most governmental bureaucracies at domestic levels.[49] In any case, core bureaucratic functions such as staff and budget matters have even been delegated to the United Nations Offices at Nairobi to lighten the administrative burden of the UNEP Secretariat.[50] Although this is not always perceived as an improvement to the status quo ante (see, for instance, Andresen and Rosendal 2005, para. 5.4), it does release professional staff from non-substantive duties.[51]

On balance, the internal management of the UNEP Secretariat certainly provides its new executive director with room for improvement and he has duly proclaimed "not least, more effective and efficient management" to be one of four priority themes for his first term in office (Steiner 2007, 3). Yet, even as he takes office, the secretariat does not appear to be inefficient to the extent that bureaucratic procedures would severely inhibit its capacity to exert the influences that generate from the factors discussed above.

Conclusion

In many ways, the secretariat of the United Nations Environment Programme is the hub of international environmental governance. At the very least, it has the unmistakable mandate to represent the "environmental pillar" of the United Nations system. Nonetheless, it is merely a small, underfunded and formally low-ranking player within that very system and it has always struggled to coordinate the increasingly fragmented policy arena in which a plethora of agencies and institutions with less comprehensive, but nonetheless environmental mandates have mushroomed over the past decades and in particular since the environmental agenda has altered into one of sustainable development. Still, the influences of the UNEP Secretariat as a key actor of international environmental governance can be seen and felt in many ways: most notably in the cognitive and normative spheres of intergovernmental politics, but also, to some extent, in the executive realm of on-the-ground policy implementation.

In terms of cognitive influence, the brokering of pertinent environmental knowledge for policymakers has been and continues to be a staunch asset of the UNEP Secretariat. It bears the potential to become even more useful in the future, if the respective capacities of the secretariat and its network of collaborative partners are systematically enhanced.

[48] Author's interviews and personal communications at UNEP headquarters, Nairobi, throughout September and October 2003; see also Andresen and Rosendal (2005).
[49] Author's interview at UNEP headquarters, Nairobi, 24 September 2003.
[50] The agencies present at the UNON include the UN-HABITAT headquarters as well as regional and country chapters of UNICEF, UNDP, WFP, UNAIDS, UNHCR, the FAO and others.
[51] Author's interviews and personal communications at UNEP headquarters throughout September and October 2003.

While governments have repeatedly expressed the imperative need to do so, they are yet to walk their talk.

In terms of normative influence, the UNEP's recent and future achievements may be less spectacular than the groundbreaking results that could be obtained at the outset of international environmental politics in the 1970s and 1980s. Yet, as multilateral environmental negotiations are continuing and become ever more specific and complex, the UNEP Secretariat continues not only to provide the vital services to keep these processes going, but also to further them through dynamic organizational leadership.

In terms of executive influences, the UNEP Secretariat has been formally restricted and still exerted remarkable influences as it occasionally circumvented its non-operative mandate and capitalized on its specific mandate to build domestic capacities in international law. Still, it has little to show so far in comparison to established implementing agencies with operational mandates and much larger funds. However, capacity building activities and subsequent executive influences may prove a dynamic realm for organizational change in the years to come as a respective programmatic shift seems well under way. While this has long been a more or less secret ambition inside the secretariat, governments are seen to incrementally expand its biennial agenda accordingly.

This said, the general state of international environmental governance is the crux for the general perspective of the UNEP and its bureaucracy. Notably, the lack of coordination, coherence and consistency in the overarching institutional architecture continues to be a major restraint for a more effective performance. Due to the structural flaws engrained in its polity the UNEP Secretariat has never been able to fully live up to its mandate in this respect, although it has arguably furthered some progress in terms of policy coherence in some specific issue areas. The bigger picture, however, is one of consistent unwillingness amongst governments to provide adequate means and substantive political decisions rather than symbolic actions that, at the end of the day, only signify for the UNEP Secretariat to be off limits.

It remains to be seen whether the recent change at the helm of the secretariats of both the United Nations and the UNEP, a revived Environmental Management Group or renewed calls for a United Nations Environment *Organization* will yield greater penetration in the context of the United Nations' general efforts to enhance system-wide coherence in the areas of development, humanitarian assistance and the environment (UN 2006, see also UN Doc. A/61/583). The history of international environmental governance does not bode well, however, even as the ostensible momentum for "a climate of change" (UNEP 2007b) suggests a basis for cautious optimism.

At the same time scholarly debate is likely to continue about whether improvements in the United Nations' environmental performance require organizational reform in the first place. It is unlikely to come to a conclusive end unless some underlying academic issues are being solved. For one thing, scholars should strive for more clarity on the concepts on which they base their debate. At this point it seems probable that much disagreement stems from unclear use of such central terminology as regimes, institutions and organizations, which pertains, not the least to agency and actorness in international bureaucracies. Such conceptual divergence can be found throughout the

reform debate, reflecting one of the sensitive issues in the international relations literature. Second, more clarity is required regarding the delineation of the issue area that is actually in the focus of the debate. In particular, this relates to the relationship between environmental concerns and development goals. International environmental governance ultimately needs to further sustainable development and must not view environmental policy as an isolated issue area. In order to be effective, any reform will need to take pertinent interlinkages between environment and development into account by making both policy goals mutually supportive across the United Nations system. It is hence necessary to arrive at a better understanding of how smaller organizational and institutional reforms intertwine with the larger picture of system-wide coherence. Indeed, "organizational tinkering" (Najam 2005) at the international level, must not distract from solving two root problems that are still standing in the way of effective environmental governance: the lack of environmental capacity in the developing world as well as double standards and sluggish implementation of existing obligations in the developed world.

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