

Issues Brief # 3

The Environmental Dimension of IFSD



UNEP Division of Environmental Law and Conventions (DELIC)

Note on Issues Briefs: The issues revolving around the theme of the Institutional Framework for Sustainable Development (IFSD) are complex and numerous and the information that exists on it is often dispersed and sometimes not easily accessible. The Issues Brief series has been prepared in order to address some of these information and knowledge gaps as well as to assist stakeholders to understand some of the main concerns that have been raised over the course of recent formal and informal meetings concerning the environmental pillar of IFSD. The Issues Briefs in no way represent a position of any stakeholder or the views of the UNEP Secretariat or its member states but are rather intended to be informative and non-prescriptive. The Issues Briefs will be released on a regular basis over the course of the next 12 months leading up to the Rio+20 Conference.

Country Responsiveness: Implementation and Capacity Support for the Environmental Pillar of IFSD

A. Importance of implementing internationally agreed commitments

The negotiation of multilateral environmental agreements (MEAs) over the last three decades has been the most tangible and concrete measure of success and advancement of international environmental law. The hundreds of MEAs dealing with various environmental issues has been a response to the gravity of transboundary environmental problems, such as biodiversity loss, climate change, drought and land degradation, and waste management, and a growing understanding that these problems can only be addressed effectively through international cooperation. In general, the MEAs have been integral to establishing standards, policies, and guidelines for the stewardship of the global environment and still represent one of the best mechanisms for countries to fulfil their global environmental commitments.

While most of the major MEAs have gained wide acceptance and have been willingly ratified, their implementation has been less successful. Progress on protecting the global environment since the Rio Earth Summit in 1992 has been

patchy and despite the large number of MEAs negotiated to date, there is growing concern that the state of the environment continues to deteriorate at an unprecedented scale. With the increasing number of treaties and institutions responsible for their administration, coherence and coordination of overlapping efforts has emerged as a central challenge for international environmental governance. Well documented inefficiencies in the current international environmental governance system result in: inconsistency in the international legal system, and a failure to capture functional synergies and address critical issues that cut across the more narrow jurisdictions of these treaties; insufficient and unpredictable funding to support programmes of implementation; and fragmented global institutional support system for implementation of the MEAs.

Though these institutional inefficiencies are important, over the past several years it has become clear that capacity building is central to the effective implementation of MEAs. Chapter 37 of Agenda 21 makes clear the nature and importance of capacity building. It is the key to the Agenda's successful implementation. Without the necessary capacity, developing countries and countries with economies in transition will be

unable to identify and solve their challenges related to sustainable development. Ultimately, the responsibility for implementing internationally agreed commitments rests with countries but many countries need assistance to acquire the necessary skills and institutional infrastructure. There is a clear need for reforms to improve the efficiency, effectiveness and responsiveness of developing countries to further the implementation of the MEAs.

B. What are countries' implementation and capacity support needs?

Challenges for developing countries in implementing internationally agreed commitments

The limitations faced by developing countries, such as the lack of manpower, limited technical capacities and access to financial resources often make the effective implementation of MEAs challenging. Capacity building for MEA implementation extends beyond technical assistance and includes strengthening of institutional structures, mechanisms, procedures, as well as the creation of an enabling environment with adequate policies and laws.

Developing countries face a variety of challenges in their efforts to implement environmental policies. In general terms, many developing countries lack capacity to:

- build and maintain strong environmental institutions;
- create a strong scientific knowledge base for environmental policy-making;
- effectively integrate environmental concerns into national economic and developmental planning processes;

- set up effective environmental monitoring and implementation schemes.

The sheer number of MEAs poses additional challenges for developing countries, including: the ability to undertake and follow the implementation of all internationally agreed commitments at the national level; ensuring coherence among strategies stemming from different agreements; participating actively in the decision-making process; and responding to the growing demand of monitoring and reporting.

At the treaty-making level, capacity building has become central to international environmental

consensus and the implementation of many MEAs conditioned upon the provision of financial resources and technical/technology transfer. Within the Conference of Parties (COPs) of the conventions many developing countries are increasingly calling for their capacities to be enhanced and/or developed to enable them to meet their obligations (see Table 1). For example, the COP of the Convention on Biological Diversity (CBD) has made more than 65 decisions pertaining to capacity building.¹ However, many of the decisions on capacity building are fairly general in nature and not often based on a clear understanding of the specific capacity needs of individual countries or regions.

Table 1: Selected articles dealing with capacity building and technology transfer in the Rio Conventions

Convention provision	CBD	CCD	FCCC
National and regional action plans	Article 6 (a) (b)	Article 5 (b), 10	Article 4 (1b)
Identification and monitoring	Article 7	Article 16	Article 5
Legislation	Article 8 (k)	Article 5 (e)	Introduction
Scientific studies	Article 12 (b)	Article 17, 19 (b)	Article 5
Education	Article 13	Article 19	Article 6
Public participation	Article 13	Article 19, 5 (d)	Article 6
Information exchange	Article 17	Article 16	Article 4 (1h)
Personnel training and retraining	Article 12 (a)	Article 19	Article 6
Financial mechanisms	Article 21	Article 21	Article 4 (1) (7)
Technology transfer and introduction	Article 16	Annex V, Article 7	Article 4 (1g), (1h)
Reports	Article 26	Article 26	Article 12

To address this issue, National Capacity Self Assessments (NCSA) were created in 2002 (with funding from the Global Environment Facility (GEF) and implementation support from UNEP and UNDP) to determine the challenges of countries' capacities to meet their global environmental commitments, focussing on the commitments that are framed by the CBD, the Convention to Combat Desertification (UNCCD), and the Framework Convention on Climate Change (UNFCCC). An analysis of 119 NCSA Final Reports and

Action Plans revealed that the top five capacity development needs expressed by countries to achieve global environmental commitments are:

1. Capacity to incorporate convention obligations into national legislation, policy, and institutions.
2. Economic instruments and sustainable financing mechanisms.

- a. Institutional/organisational mandates, structures, and frameworks.
- b. Development and enforcement of policy, legal, and regulatory frameworks.
3. Information collection, management, and exchange.
4. Public awareness and environmental education.

¹ http://207.190.239.148/Documents/Enabling_Activity_Projects/CDI/documents/African_Report__revised_.pdf

The NCSA analysis showed that capacities to negotiate at conventions' COPs were of a relatively low priority, with only 17 out of 119 NCSAs identifying this as a need. The low priority placed on capacities to negotiate at COPs was assessed to be due to the fact that countries are receiving funding from a variety of donors and programmes, such as the GEF Country Support Programme and National Dialogue Initiative, and UNEP's core programme activity to train GEF Operational Focal Points' effective participation in COPs. In contrast, more than 95 countries (over 80%) identified the five cross-cutting needs listed above as a priority.²

Existing instruments and institutional gaps

No single institution has responsibility for building capacity for implementation of MEAs and other internationally agreed commitments like the Millennium Development Goals (MDGs) or the Johannesburg Plan of Implementation (JPOI). UNEP has become just one among many fora for implementing environmental agreements. Several other UN and international organisations have taken on greater environmental mandates in recent years including UNDP, the World Bank, FAO, etc.

Furthermore, financing mechanisms are similarly dispersed and the GEF, established in 1991 as the primary conduit for financing of environmental projects related to MEAs operates independently from financing operations of its three implementing agencies: the World Bank, UNEP and UNDP. Individual treaty bodies also have their own financing mechanisms and many treaty secretariats have their own institutional structures.

In the past decades, the international community has created a number of bodies and instruments to tackle environmental degradation at a global scale, including:

It is the mandated role of UNEP, as the voice for the environment within the United Nations system, to promote the incorporation of environmental protection into development planning at all levels. UNEP also has the responsibility of helping national, regional and global bodies to develop the capacity to do so. UNEP also supports international negotiations on environmental issues and provides credible scientific information. The Bali Strategic Plan for Technical Support and Capacity-building (BSP) was adopted by the UNEP Governing Council/ Global Ministerial Environment Forum (GC/ GMEF) in 2005, outlining proposals for improving the capacity of developing countries and economies in transition to implement MEAs.

The BSP was also recommended by the General Assembly in 2009 to the entire UN system, outlining proposals for improving the capacity of developing countries and economies in transition to implement MEAs. However, due to lack of resources, the BSP is yet to be fully implemented.

UNDP uses its network of country offices and country-specific experience, to assist developing countries in developing policies and institutions, such as integrating environmental objectives into national development agendas or elaborating national environment strategies.

The World Bank focuses on investment financing and contributes, among others, to the development of national environmental policies. The system of international environmental

governance in place contributed to developing countries' progress in establishing national institutions, legal frameworks and technical capacity to address environmental issues. However, there appears to be wide concurrence that the current system has serious shortcomings. In respect to the challenges faced in particular by developing countries, the most important shortcomings are:

As the main beneficiaries of GEF funding and further sources for financing environmental activities, UNDP and the World Bank, in the year 2000, had active portfolios of environmental projects of over \$1.2 billion and \$5 billion respectively. Despite these investments into the environmental sector, the implementation gap for global environmental policies remains.

D. What are some proposals and reforms that could improve implementation?

To respond to increasing demand from developing countries for assistance in implementing their internationally agreed commitments, as well as their national priorities, UNEP could establish an implementation arm to provide more direct support to countries at the national level. The mandate for this type of activity already exists but has been inadequately fulfilled, primarily due to lack of resources.³

UNEP would increase its presence in the regions and in countries through placing desk officers in existing UN Offices and UN country teams and by deploying more of its staff to the regional offices. Based on initial needs assessments of countries, either independently

² <http://www.thegef.org/gef/sites/thegef.org/files/publication/NCSA-SR-web-100913.pdf>

³ See GA Resolution 2997, which states for example that UNEP should '[help], upon request, environment ministries and other environmental authorities, in particular in developing countries and countries with economies in transition, to formulate and implement environmental policies'. These requests are more frequent and UNEP currently does not have the resources to meet the demand from countries.

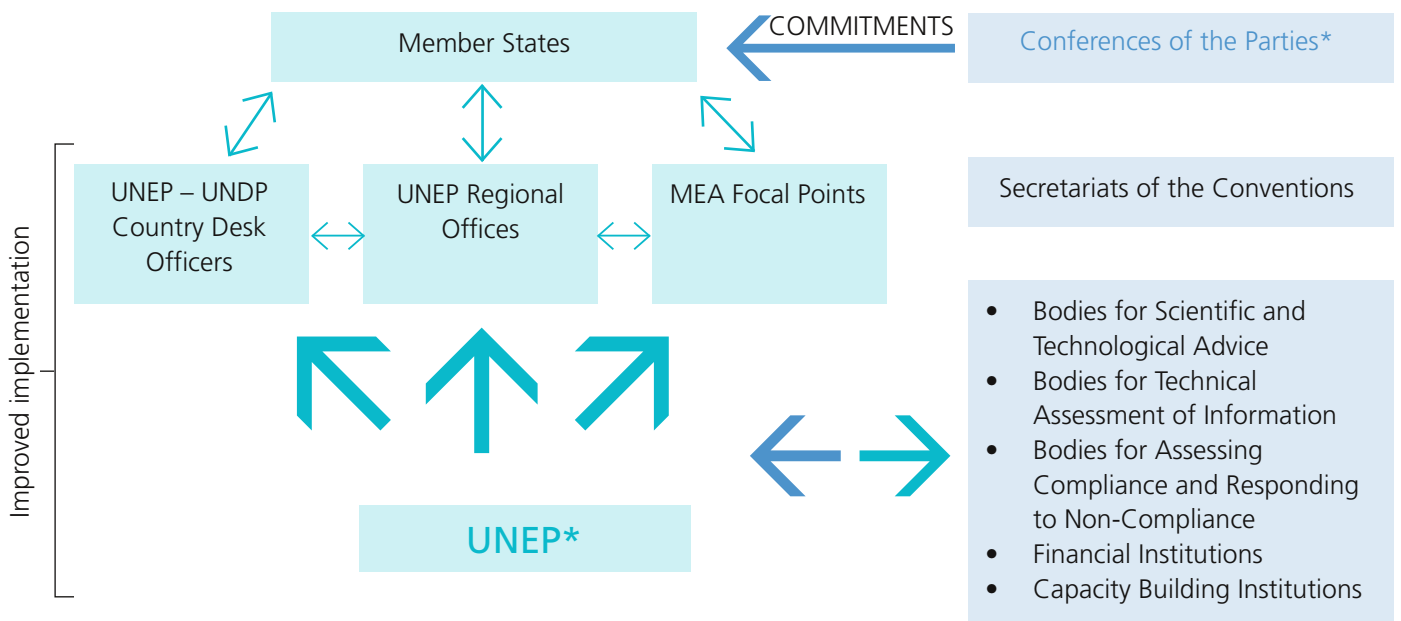
or as part of the United Nations Development Assistance Framework (UNDAF), UNEP’s work would be focused on three strategic priorities: The implementation of agreed commitments and goals; support in integrating environmental sustainability priorities into economic policies and development and poverty reduction strategies; and plans and capacity building in a broader sense.

A key part of support to countries would focus on effective implementation of MEAs and strengthening national capacities to:

- Develop effective cross-sectoral mechanisms and structures to implement the MEAs;
- Develop the long-term human and institutional capacity to comply with the obligations of the MEAs;
- Review on-going projects and programmes with partners to identify potential synergies;
- Formulate, implement and monitor coherent projects making effective use of the existing human and financial resources;
- Mobilise additional, sustainable sources of funding;
- Harmonise the reporting of contributions towards implementation of the MEAs.
- Raise awareness of the stakes and objectives of the MEAs;
- Mainstream the MEAs within national strategies;

In this regard, ongoing programmes, such as the UNEP MEA focal point system and the Poverty and Environment Initiative (PEI) would form an integral part of the regional and country programmes. Taking a clustering approach, the MEA focal point system could be enhanced to encompass the marine and freshwater, as well as atmospheric MEA clusters in addition to the already existing biodiversity and chemical and waste clusters. UNEP would work in close cooperation with MEA secretariats to avoid overlaps and maximise efficient resource use. A clustering approach would also help rationalising MEA costs by combining relevant responses to commitments arising under different MEAs.

The PEI provides a formula for integrating environmental priorities into national poverty reduction and



*Improved capacity to assist countries in meeting their commitments through for example: Mainstreaming the MEAs within national strategies; Developing effective cross-sectoral mechanisms and structures to implement the MEAs; Developing the long-term human and institutional capacity to meet the obligations of the MEAs; Reviewing on-going projects and programmes with partners to identify potential synergies; Formulating, implementing and monitoring coherent projects making effective use of the existing human and financial resources; Mobilising additional, sustainable sources of funding; Harmonising the reporting of contributions towards implementation of the MEAs; Raising awareness.

*Conventions remain autonomous and continue administrative clustering as appropriate (similar to chemicals and waste conventions)

development strategies and plans. It could be extended to form an essential part of One UN programmes and UNDAFs. Furthermore, policy tools, facilitation of technology, knowledge transfer and other measures for the transition to a green economy should be combined with existing tools to enable developing countries leap-frogging into developed green economies.

Cost of enhancing UNEP's ability to respond to countries' needs

In making a rough calculation of what it would cost to provide UNEP with an implementation arm for assisting countries on environmental and MEA implementation there are a few basic assumptions which are made estimating the financial implications of this reform. These are:

- The agency would work through existing UNDP and UN country teams at the national level.
- An environment desk would be placed in the UNDP or UN country teams at the national level in developing and least developed countries.
- These desks would be occupied by an environmental officer that would work with national authorities to promote implementation and provide capacity support.
- The desk would be backed up by enhanced regional offices that could provide national environmental desks and UN country teams the necessary support when required.
- The regional offices would expand their MEA focal point programme to all MEA clusters and would have MEA support officers in the regions for implementing clusters of MEAs (i.e biodiversity cluster, atmosphere, chemical/waste, marine).

