



The Case for a World Environment Organization

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November 2002

In the ten years since the 1992 United Nations “Earth Summit” in Rio de Janeiro, Brazil, the environmental health of our planet has not only not improved, but, in fact, has, worsened. Climate instability, drastically depleted fisheries, catastrophic droughts, devastated forests, disappearing freshwater resources, polluted waterways, and poisonous mega-cities threaten delicate ecosystems and, indeed, the inhabitants of the earth.

A proliferation of weak international environmental treaties and national laws has failed to address the problem of global environmental decline.

The lack of adequate international environmental governance (IEG) is a result of a fundamental injustice in the current state of global governance: tremendous power and resources have been concentrated in international finance and trade without a corresponding legal and institutional authority for the environment, social concerns and human rights. The increasing power and influence of major international finance and trade institutions such as the World Bank and World Trade Organization (WTO) that took place over the course of the 1990s contrasts sharply with a weakening of the, already-lesser, UN environment and development programs (UNEP, UNDP).

The existence of powerful international trade and financial regimes without comparable legal and institutional structures for social and environmental standards allows the World Trade Organization (WTO) to act as the de facto arbiter on environmental issues. However, the WTO is an institution that not only lacks a core competency on environmental issues and policy, but views the environment as a commodity to be exploited rather than a resource requiring management and conservation. The result is that environmental, social and human rights issues, treaties and commitments are trumped by finance and trade interests. Rather, it should be the case that these considerations get prioritized ahead of finance and trade.

Many non-governmental organizations (NGOs) argue for the elimination of the World Bank and the World Trade Organization (WTO). Even some governments criticize these institutions. However, as world federalists, our perspective is that the solution is not the elimination of such organizations, but instead to strengthen international environment, sustainable development and human rights bodies while simultaneously making all international organizations more democratic and accountable. In order for the environment and social issues to be adequately addressed in the international legal order, they will have to be given equitable legal and institutional authority. We believe one response for international environmental governance is to create a World Environment Organization (WEO)¹ and to strengthen and upgrade the UN’s social and development organizations so that these institutions can act as a counterbalance to the powerful finance and trade institutions. A WEO would be a designated and empowered advocate for the environment that could serve to ensure effective policy and decision-making and provide an adequate response to environmental management. WFM does not favor simply adding bureaucratic and wasteful layers to a constitutionally weak “program” structure.

World federalists believe international democracy requires not one centralized world government, but the legal and institutional structures to underpin a responsive, accountable system of democratic global governance. The WEO

¹ Or a “Global Environment Organization” (GEO) or “Sustainable Development Organization.”

we advocate is, therefore, not a world government or an institution advocating a single policy approach, but a governance organization that would increase the effectiveness of environmental management at multiple levels – national, regional, global.

It is not that a system of IEG does not exist, indeed, there is a strong basis of international environmental law. However, this foundation is diffused through various existing institutions and a myriad of multilateral environmental agreements (MEAs). The fundamental weakness of these legal and institutional arrangements is a lack of a central coordinating authority to exert influence on other arenas of international political power. In some cases, the various bodies that address environmental issues have conflicting mandates and lack sufficient authority and funding to prioritize the environment. Additionally, in contrast to the WTO structure, the system of IEG has weak enforcement and compliance mechanisms.

Multilateral bodies dealing with environmental issues include the UN Environment Programme (UNEP), the Commission on Sustainable Development (CSD), the UN Development Programme (UNDP), and the Global Environment Facility (GEF) which is managed by the World Bank, UNEP and UNDP.

The UNEP, ostensibly the world's environment organization, is woefully under-financed and mandated for the task of international environmental governance. UNEP's mandate, adopted 30 years ago in 1972 as a result of the UN Conference on the Human Environment in Stockholm, needs to be updated to reflect current problems and realities. The UNEP relies on voluntary funding or financing through "partnerships" with the private sector. Its annual budget is about US\$100 million and the organization has only 530 employees. In contrast, the German Federal Environmental Agency has an annual budget of more than US\$90 million and 1000 employees, while the US Environmental Protection Agency has an budget of \$7.724 billion and 18,000 employees. Experts have estimated that for every thousand dollars spent by some countries for national environmental governance, only \$1 is spent on international environmental governance.

Existing IEG also consists of over 500 multilateral environmental agreements (MEAs) ranging from bilateral agreements on such issues as fishing rights to global agreements such as the Kyoto Framework Convention on Climate Change. A major problem with MEAs is that the treaties have been developed on an ad hoc basis resulting in duplication and inefficiency. Each MEA has its own secretariat, conference of parties (COPs), reporting, monitoring and other requirements without respect for repercussions and linkages across fields. Many governments lack the financial and technical capacity to enact implementing legislation and are overburdened by reporting requirements and monitoring responsibilities. Also, some MEAs have conflicting obligations, for example, substitutes for ozone-depleting substances can violate climate change agreements.

Many good in-depth analyses of options for rationalizing the administration of MEAs were inspired by a UNEP high-level process on IEG conducted over the course of 2001² and the World Summit on Sustainable Development (WSSD) in Johannesburg, South Africa in 2002. One proposal is for MEAs to be grouped according to thematic or issue-based clusters. For example, issue areas might include atmosphere, chemicals and hazardous wastes, biological diversity, fresh water resources, oceans and seas, or forests and lands. It has also been recommended that MEA secretariats be co-located to facilitate scientific assessment, common reporting, and, national and regional coordination. Integration of MEAs could contribute to the development of a joint system for capacity building, financial and technological transfers and other issues affecting developing countries' participation.

A number of experts have argued that the sheer numbers of MEAs present obstacles, rather than incentives, to effective compliance and enforcement. Integration and standardization of reporting and monitoring for MEAs could allow for the development of a common dispute resolution system. This would in turn require guidelines that might be followed, based on interagency agreement, by the World Bank and WTO dispute settlement system. Eventually,

² For more information, see the UNEP Open-ended Intergovernmental Group of Ministers or Their Representatives on International Environmental Governance website: <http://www.unep.org/ieg/>

there needs to be a court to resolve alleged violations of environmental treaties and law committed by governments or other entities - including private sector corporations. As part of a WEO framework, such a court could serve as a dispute settlement mechanism and could promote the harmonization of environmental and labor standards.

Effective IEG, including a comprehensive set of legal instruments and policy, should be coordinated and overseen by a World Environment Organization. A WEO could achieve the following:

- Creation of a standardized system for environmental reporting and monitoring.
- Enhanced cooperation and, where appropriate, integration and streamlining of MEA secretariats.
- Mechanisms for MEAs' enforcement, compliance and dispute settlement, including the authority to apply effective sanctions if governments or other entities, violate laws or agreements.
- Provide and foster capacity building, the transfer of technology and resources in order to enable full participation of developing countries.
- Identification of emerging relevant issues neglected in other multilateral forums and institutions.

In addition, a truly effective WEO would require:

- Stable and adequate funding. Options include "Green taxes" on environmentally destructive activities or products and, levies on the use of the global commons.
- Rights for public access to information including modalities for participation of NGOs, civil society and citizens. This could be established by a global convention based on the Rio Principle 10.
- Modalities and means for genuine, effective and equitable consultative participation of NGOs from all regions.

Developing countries are resistant to the creation of a new organization that would deal only with environmental issues. Among their valid concerns are that IEG or a WEO might set conditionalities that could impinge on their right to develop economically or undermine their sovereign rights over natural resources. Developing countries concerns are reinforced by industrialized countries' lack of action on the Rio Principle of Common but Differentiated Responsibilities that was identified at the UN's Earth Summit in 1992. Instead of IEG, developing countries highlight the need for international sustainable development governance. Our world federalist perspective fully acknowledges the South's concerns; however, the need for sustainable development governance does not negate the need to strengthen environmental governance through the creation of a WEO. Indeed, a WEO could potentially benefit developing countries as it would provide them with a forum for uniting and addressing their concerns as well as create a headquarters, thus reducing the number of meetings necessary for the current system of IEG.

In the lead up to the 2002 Johannesburg Summit, a few governments offered progressive proposals for IEG through a WEO. A German government commission produced a report outlining an institutional system that included proposals for an Earth Organization, an Earth Commission and an Earth Funding organization.³ France also emphasized the need for a WEO, announcing at the start of its European Union presidency in 2001 their support for a World Environment Organization. France's president Chirac reiterated this position in his statements to both the Financing for Development Conference in Monterrey, Mexico in March 2002 and again at the Johannesburg Summit.

In spite of the profile given to the issue of a WEO, the Johannesburg Summit failed to even consider launching a multi-year, high-level intergovernmental process to address main priorities and necessary commitments for adequate institutional arrangements for sustainable development and the environment. The negotiations for "institutional frameworks for sustainable development" on the agenda of the 2002 Johannesburg Summit witnessed another round in the global governance battle of finance and trade verses the environment, social and human rights

³ German Advisory Council on Global Change (WBGU), "World in Transition: New Structures for Global Environmental Policy," September 2000. Full text available at: <http://www.wbgu.de/wbgu_jg2000_engl.html>.

issues. The disappointing outcomes of the WSSD not only exhibited the imbalance in global governance; it also demonstrated an alarming lack of political will to address these broad and critical institutional issues.

Although governments lack the political will to begin serious discussions of a WEO, much can be done to address the practical needs for global governance for the environment. One of NGOs' roles is to continue to keep discussions of such politically unpopular topics alive. The World Federalist Movement International Secretariat (WFM) believes that addressing issues of international governance for sustainable development and the environment through the establishment of a WEO is fundamental to the development of international democracy and global governance. NGOs need to continue to draw attention to the fact that a system of global governance is evolving without due consideration of social, environmental and human rights issues. Some cynically say that the current system of international environmental governance - with its myriad of MEAs and lack of a central authority - has been designed with the intent that it be weak and ineffective. However, there is increasing awareness amongst NGOs and many governments that global governance must be addressed. In the spirit of the "new diplomacy" NGOs should work together with like-minded governments, such as Germany and France, to correct the democratic deficit in global governance and move towards the creation of a WEO. A politically viable first step could be upgrading UNEP to a UN specialized agency.

Although some may say that proposing a WEO denies political realities, WFM would point out that historic progress is occurring in other sectors. The recently established International Criminal Court (ICC) could have wide ranging implications for international sustainable development and environmental law. While the ICC will not be a court for environmental disputes, the establishment of the ICC, and its coming into force only four years after the adoption of the Rome Statute, demonstrates that international justice may soon be employed to address social, environmental and economic rights as it is now being done for human rights. It demonstrates the world is ready to move rapidly towards an effective system of international law once a goal has been articulated.

Of course, a World Environment Organization alone will not solve the problems of international environmental governance and global governance. There also needs to be fundamental reform of the WTO, consistent implementation of the Rio Principle of Common but Differentiated Responsibilities, advancement of the legal and institutional system for international sustainable development governance and more. Correcting the imbalance in global governance and the broader issue of the democratic deficit will require a multi-pronged approach. Although establishment of a WEO may be a long-term project, WFM believes that fundamental issues relating to the development of international democracy and global governance are inextricably linked to international governance for sustainable development and the environment and a future World Environment Organization. Establishing a WEO is one step towards a more balanced, effective and accountable system of global governance.

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