

The UN Environment Programme: Thinking Globally, Retreating Locally

by Matthew Heimer

¶1 The United Nations Environment Programme (UNEP) marked its 25th anniversary last December in a state of disarray. UNEP is arguably the world's most important international environmental agency. No other organization can match its track record of success in coordinating the negotiation and implementation of international environmental treaties. But since early 1997, UNEP has been on the brink of bankruptcy and institutional extinction; and now, facing pressure to reform, the organization is likely to pursue policies that would aggravate tensions over environmental policy between the industrialized North and the developing South.

¶2 According to its critics, UNEP has drastically overextended its mandate over the past decade by failing to set clear priorities and by undertaking missions and projects for which it lacks the resources and expertise to implement. In so doing, the organization has drained both its coffers and its credibility, while confidence in the agency has eroded among the richer nations that fund most of its operations. At a time when the United Nations (UN) in general is under tremendous pressure to downsize and reduce costs, UNEP has come to be seen by many donor governments as a wasteful and ineffective bureaucracy.

¶3 UNEP has a new executive director, Klaus Topfer of Germany. Topfer is respected by donor nations as a manager, and has been given the green light to overhaul the agency's agenda. At stake in any reform effort he may undertake are competing visions of the agency's role. Policy analysts in the industrialized world believe that UNEP would best serve the global environment by facilitating the creation of international norms through treaties, and by acting as a clearing-house for scientific and technological information. Diplomats in the developed world, meanwhile, argue that UNEP should address poorer nations' need for economic growth and their inability to afford sophisticated green technologies, by providing direct, localized economic and technical aid.

¶4 There is a strong likelihood that the reforms that Topfer will announce in the summer of 1998 will emphasize science and diplomacy while eliminating field projects that developing nations value highly. If such a shift in priorities alienates poorer countries that previously had believed that UNEP represented their interests, UNEP's badly needed operational house-cleaning may come at a high political cost and hurt the

cause of global ecological cooperation.

I. ACHIEVING, AND OVERREACHING

¶5 In a biennial report marking its 25th anniversary, UNEP listed among its 1997 "accomplishments" the establishment of an oversight committee of high-level environmental ministers to oversee UNEP's agenda and make policy recommendations.¹ This "achievement" is itself an indicator of how bitter the feud over UNEP's management has become. UNEP's leadership agreed to create the committee only under diplomatic and fiscal duress, after the United States, United Kingdom, and Spain threatened to withdraw all of their financial support from the already cash-strapped organization out of frustration with its poor management and disjointed agenda.² "I can't think of a time when there was a greater need for an international organization dealing with the environment," commented a U.S. State Department official involved in the oversight-panel showdown. "But I'm not sure we have one that fits the bill."³

¶6 The current disenchantment among donor nations stands in sharp contrast to the esteem that UNEP appeared to command as recently as 1992. That year's "Earth Summit" in Rio de Janeiro, sponsored and organized by UNEP, drew unprecedented political and public attention to the globalization of environmental issues and sparked hope among the world's greens that the UN could coordinate a worldwide campaign for environmentally sustainable economic development.⁴

¶7 The Earth Summit capped the career of Mostafa Tolba, an Egyptian diplomat who directed UNEP from 1975 until 1992. Under Tolba's administration, UNEP became an effective force behind the formulation of binding international environmental treaties—most notably the Montreal Protocol of 1987, which led to a largely successful global effort to phase out the use of ozone-layer-harming chlorofluorocarbons (CFCs).⁵ But even as it was establishing its value as a global diplomatic facilitator, UNEP sowed the seeds of its later decline.

¶8 Throughout the 1980s, UNEP increased its role in the funding and on-site management of conservation, research, and "green industry" projects at the national and local levels. Most of these projects were

1. United Nations Environment Programme Press Release, UNEP Reports on Two Years of Progress, Dec. 15, 1997 (on file with author).

2. See UN *Environment Body Adopts U.S.-Backed Reform*, REUTERS WORLD SERVICE, Apr. 5, 1997, available in LEXIS, World Library, Curnews File; Nicholas Kotch, *Meeting of U.N. Environment Body Ends in Disarray*, REUTERS WORLD SERVICE, Feb. 8, 1997, available in LEXIS, World Library, Curnews File.

3. Leyla Boulton, *Doubts Afflict U.N. Conscience on Environment*, FIN. TIMES, July 29, 1996, at 3.

4. The *Pace Environmental Law Review* held a colloquium providing an extensive discussion of the Earth Summit. See *The "Rio" Environmental Treaties Colloquium*, 13 PACE ENVTL. L. REV. 13 (1995).

5. As Tolba departed, he analyzed environmental concerns over those two decades in an 884 page report. See *UNEP Says Environment Has Worsened in Past 20 Years*, Japan Economic Newswire, Dec. 12, 1992.

worthwhile in their own right, and some were successes. But many observers believe that UNEP has neither the institutional expertise nor the resources to make such fieldwork a part of its agenda. "UNEP can't even start to compete on the ground with most of the other agencies doing environmental work, or doing development," observes Liz Barratt-Brown, an attorney for the Natural Resources Defense Council who has worked with UNEP on climate-change issues.⁶ UNEP's strengths lie in addressing environmental issues at the global level, says Barratt-Brown, not in "getting mired down in questions like, 'What should a clean-water law for Ghana look like?'"⁷

¶9 The growing expansion of UNEP's mandate in part reflected political rivalries within the UN. Environmental responsibilities are not consolidated in any single arm of the UN—UNEP's duties overlap with the work of the UN Development Programme, the Commission on Sustainable Development, and a grab bag of other UN secretariats and agencies. On many occasions Tolba "won" new responsibilities for UNEP in political turf battles with other UN bodies. These victories enhanced UNEP's prestige and clout among nations of the developing world, but they taxed the agency's already thin resources. With the growth of UNEP's responsibilities, meanwhile, came a corresponding expansion of its bureaucracy that made the agency's staff increasingly top-heavy.⁸ As they undertake reforms in the near future, Topfer and his aides thus will face potential battles with a "pork-barrel" culture in which many ill-advised or unsuccessful projects have strong constituencies, both among international governments and within UNEP's own administration.

¶10 UNEP's effectiveness also has been hampered throughout its history by the UN's decision to headquarter the agency in Nairobi, Kenya—a decision much heralded in the 1970s as a demonstration of the organization's affinity with the developing world. Kenya's poor telecommunications infrastructure has cramped UNEP's ability to act in concert with member nations and other environmental organizations.⁹ And Kenya's political and economic instability have made it difficult for UNEP to convince top-notch personnel to invest a substantial amount of time in careers at the organization.¹⁰

6. Telephone Interview with Liz Barratt-Brown, Senior Attorney, Natural Resources Defense Council (NRDC) (Feb. 12, 1998) (former NRDC liaison to UNEP panel on Global Climate Change).

7. *Id.*

8. For a discussion of the bureaucracy in place when Dowdeswell took over, see Greg Neale, *Captain of UN Green Team Kicks Off with Fighting Talk*, SUNDAY TELEGRAPH, Apr. 18, 1993, at 21.

9. UNEP in November 1997 inaugurated a new satellite communications network that is expected to improve its efficiency and its ability to share its environmental databases with researchers and governments. But the launch of the network itself demonstrated the difficulties inherent in working in Kenya. The Kenyan government, fearful of losing about \$5 million a year in phone-bill revenues from UNEP, held up approval of the measure for nearly a year, giving ammunition to critics of the agency's management. See Buchizya Mseteka, *Kenya Frustrates UNEP's Efforts to Cut Costs*, REUTERS NORTH AM. WIRE, Jan. 27, 1997, available in LEXIS, World Library, Curnews File.

10. Daniel C. Esty, a professor of law and environmental studies at Yale University,

II. ISOLATED AND ADRIFT

¶11 By 1992, UNEP's responsibilities had taken on a patchwork quality, unshaped by a coherent strategy or concerns for manageability. The success of the Earth Summit, meanwhile, ironically exposed the agency's workings to greater scrutiny from donor nations, whose leaders quickly came to suspect that the agency was not equipped to campaign for sustainable development, energy conservation, and biodiversity on a global level.

¶12 Elizabeth Dowdeswell, a Canadian environment official, took over from Tolba in 1992 with a mandate to reform and streamline UNEP. She was unable to overcome the institution's inertia, however, and when the agency failed to establish a major role for itself in preparations for the 1997 Kyoto conference on global warming and climate change, many observers reached a consensus that UNEP was adrift.¹¹ Donor nations began to show their disapproval by shutting their wallets. Member states disbursed only \$62.5 million to UNEP's operational Environment Fund in the 1996-1997 budget period, out of \$105 million pledged; and overall support for the fund has declined from a level of \$160 million in the 1991-92 biennial period.¹²

¶13 Donor nations' discontent culminated in a showdown at the biennial UNEP summit conference in Nairobi in the spring of 1997, a battle which ultimately led to the creation of the ministerial oversight council. The stand-off showed a clear split between North and South over the agency's mission and governance. Developing-world delegates warned that the council would concentrate power over global environmental action in the hands of "an exclusive club" of Western nations.¹³ China, Nigeria, and India were among the nations protesting that the real issue at hand was what a Nigerian diplomat called the "lack[of] will by the rich countries to help developing nations manage their environment."¹⁴

¶14 Nonetheless, UNEP's leadership caved in to fiscal necessity and created the council. Dowdeswell also made a significant concession by going on record in favor of withdrawing UNEP from the implementation

contrasts UNEP's plight with that of the World Trade Organization and other UN bodies based in more "stable"—and scenic—European cities. "They get some very good people to move to Geneva for 10, 20, 30 years, really becoming an institutionalized, professional staff," notes Esty. "The OECD in Paris, same thing. You get people to move to Paris . . . to make a lifetime of it, to really be committed to that institution. This does not happen at UNEP." Interview with Daniel C. Esty, Professor, Yale Law School and Yale School of Forestry and Environmental Studies, in New Haven, Conn. (Jan. 25, 1998).

11. See Telephone Interview with Liz Barratt-Brown, *supra* note 7

12. See Buchizya Mseteka, *Finance, Reforms to Dominate UN Environment Forum*, REUTER EUROPEAN COMMUNITY REP., Jan. 26, 1997, available in LEXIS, World Library, Curnews File.

13. See Thalif Deen, *UNEP Hopeful on Return of Three Western States*, INTER PRESS SERVICE, Mar. 20, 1997, available in LEXIS, World Library, Curnews File (quoting an Indian ambassador).

14. Buchizya Mseteka, *U.S. Attacks U.N. Environment Agency, China Differs*, REUTERS N. AM. WIRE, Jan. 28, 1997, available in LEXIS, World Library, Curnews File (quoting a Nigerian ambassador).

of fieldwork projects at the local and national level.¹⁵ UNEP spends between 25% to 40% of its annual budget on projects like these, according to various estimates, and about 85% of them—including projects in drinking water purification, soil conservation, and pest control—are based in the developing world.¹⁶ At Nairobi in 1997, China and the Group of 77 developing nations formally objected to any redirection of UNEP resources away from local projects, strongly signaling that a shift in budget priorities would confirm their suspicions that their needs—and their voices were being shut out of UN policy-making. These same accusations are almost certain to resurface in the face of any systematic effort by Topfer to cut off future funding of such projects.

III. WILL "NEW BROOM" SWEEP AWAY FIELDWORK?

¶15 On February 9, Dowdeswell was succeeded as UNEP's executive director by Topfer, arguably one of the world's most successful environmental politicians.¹⁷ Topfer served as Germany's environment minister from 1987 to 1994, and thereafter as minister for regional planning and urban development. Under his direction, Germany established some of the world's most stringent and effective environmental standards for its industries and workplaces.¹⁸

¶16 Known as both a committed "green" and a pragmatic manager, Topfer commands the kind of respect that can restore donor nations' confidence in UNEP.¹⁹ Perhaps more importantly, Secretary General Kofi Annan has given Topfer a mandate to restructure the allocation of environmental responsibilities within the UN.²⁰ Topfer may be able to eliminate the turf wars that have cramped the effectiveness of UNEP and its rivals. He may even seek to unite environmental duties under a single UN organization of the kind advocated by Yale University law professor

15. See Fred Pearce, *Environment Body Goes to Pieces*, NEW SCIENTIST, Feb. 15, 1997, at 11.

16. According to UNEP spokesman Jim Sniffen, the overlapping of environmental responsibilities among UN agencies makes it difficult to calculate which branches are funding which projects. The figures cited here represent the rough estimates of current and former UNEP officials, based on the agency's activities over the last four years. See Telephone Interview with James Sniffen, Information Officer, UNEP Regional Officer for North America (Feb. 10, 1998); see also Telephone Interview with Liz Barratt-Brown, *supra* note 7.

17. See UNEP Press Release, Secretary General Designates UNEP Executive Director to Serve Concurrently As Director-General of United Nations Nairobi Office, Feb. 9, 1998; see also Telephone Interview with James Sniffen, *supra* note 16 (confirming the date of the designation).

18. See UNEP Press Release, Assembly Elects Klaus Topfer of Germany New Executive Director, Dec. 3, 1997.

19. Topfer's reputation apparently has not been harmed by the recent disclosure that the German government had given him a \$270,000 "golden handshake" payment—in violation of UN rules—to make up for the pay cut Topfer would suffer by accepting the UNEP post. In the face of public controversy, Topfer has promised to repay the money. See *Topfer to Repay Grant*, FIN. TIMES, March 17, 1998, available in LEXIS, World Library, Curnews File.

20. See Statement by Klaus Topfer Executive Director of the United Nations Environment Programme to the Staff of the UNEP and of the UN Office in Nairobi (Feb. 9, 1998); see also Telephone Interview with James Sniffen, *supra* note 16 (confirming Topfer's statement).

Daniel Esty and other environmental policy specialists.²¹ Striving for that goal, however, would pit the new director against entrenched bureaucracies throughout the UN; he would not succeed, observers believe, without an unprecedented show of political will by Annan.

¶17 Topfer as of this writing has not released UNEP's agenda for the 1998-99 biennium. He has said, however, that he favors the agency's "catalytic roles," including facilitating multilateral environmental dialogue and making policy recommendations based on the best available ecological research.²² Topfer also has suggested that UNEP cannot—and should not—compete with the World Bank and other agencies that fund and manage field projects.²³

¶18 The agency's actions in its first weeks under Topfer have signaled that the new director recognizes a need to walk a tightrope between competing demands on the agency from the North and South. Notably, UNEP has reiterated its commitment to involvement in Africa. Topfer has stated that the agency has no plans to relocate from Nairobi²⁴ and the Global Environment Facility, a separate fund that UNEP helps administer, has publicized its continuing role in combating desertification and sustaining biodiversity in several sub-Saharan African nations.²⁵

¶19 At the broader planning level, meanwhile, UNEP recently has emphasized precisely the kinds of multinational, coordinating functions that Western observers think the agency performs best. UNEP's ministerial oversight board in early March endorsed a proposal by Topfer that would direct the agency to address the management of fresh-water resources;²⁶ and UNEP officials have been touting the benefits of the agency's computer database on environmentally sound technologies (ESTs) for non-governmental organizations (NGOs) and developing-world governments.²⁷

¶20 Most environmental analysts in donor nations agree that if the fiscal climate at the UN allows UNEP to play only one role, the global environment would be best served if the program focused on treaty management and the formulation of international norms. "If UNEP failed to perform those roles it would be a crisis," says Esty, "because there's no one else available to help support international environmental

21. See, e.g., Daniel C. Esty, *Stepping Up To The Global Environmental Challenge*, 8 FORDHAM ENVTL. L.J. 103, 111 (1996) (advocating the creation of a "Global Environmental Organization (GEO)" through the consolidation and elimination of other UN agencies with environmental duties).

22. Interview with James Sniffen, *supra* note 16.

23. See Jack Freeman, *An Interview with Klaus Topfer, New Head of UNEP*, EARTH TIMES, Jan. 13, 1998.

24. See *German Former Minister Takes Over as UN Environmental Chief*, AGENCE FR. PRESSE, Feb. 9, 1998, available in LEXIS, World Library, Curnews File.

25. See Wang Jinyu, *UNEP/GEF Assist Africa in Combating Land Degradation*, XINHUA NEWS AGENCY, Mar. 12, 1998, available in LEXIS, World Library, Curnews File.

26. See Wang Jinyu, *Ministers Back UNEP Revitalization Efforts*, XINHUA NEWS AGENCY, Mar. 4, 1998, available in LEXIS, World Library, Curnews File; *UN Urges Urgent Attention to Environment Disasters*, AGENCE FR. PRESSE, Mar. 3, 1998, available in LEXIS, World Library, Curnews File.

27. See *UNEP Showcases Computer Database*, FT ASIA INTELLIGENCE WIRE, Feb. 19, 1998, available in LEXIS, World Library, Curnews File.

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management."²⁸ But with a dramatic increase in its financial resources unlikely, UNEP will most likely have to withdraw tangible benefits from the developing world in order to fulfill its diplomatic roles. Topfer thus will face the delicate diplomatic balancing act of persuading the South that the UN's environmental policy still reflects its priorities.

28. Interview with Daniel Esty, *supra* note 10.

