

# Designing the United Nations Environment Programme: a story of compromise and confrontation

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**Abstract** The role of the United Nations in global environmental governance was determined in 1972 when a new international body for the global environment was created as a programme within the United Nations rather than as an autonomous specialized agency. A set of political dynamics between developed and developing countries led to the decisions on the functions, form, financing, and location of the new intergovernmental organization—the United Nations Environment Programme. This article traces the historical roots of these choices and exposes the motivations behind them.

**Keywords** Developing countries · Global environmental governance · History of environmental governance · Institutional design · United Nations Environment Programme · UNEP · United States

## Abbreviations

ECOSOC	UN Economic and Social Council
EPA	Environmental Protection Agency
FAO	Food and Agriculture Organization
G-77	Group of 77
IAEA	International Atomic Energy Agency
UNCTAD	UN Conference on Trade and Environment
UNDP	United Nations Development Programme
UNEO	United Nations Environment Organization
UNEP	United Nations Environment Programme
UNIDO	UN Industrial Development Organization
WFP	World Food Programme

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WHO	World Health Organization
WMO	World Meteorological Organization

## 1 Introduction

With their firm placement on the international political agenda in the late 1960s, environmental problems put into focus three core concerns: the ecological effects of industrialization, the ecological effects of poverty, and the political tension between developed and developing countries. The effects of industrialization had manifested across the United States and Europe in burning rivers, dead forests, and toxic chemicals causing permanent damage in animals and humans.<sup>1</sup> The public in the North responded through a social movement to protect the planet and put pressure on political leaders for domestic and international action. Developing countries, however, were suspicious of such actions. Since many countries had gained political independence only in the 1960s, governments across the developing world were mainly concerned with economic growth as a way of ensuring autonomy and political sovereignty. Their environmental problems manifested as the result of poverty: lack of access to clean water and sanitation, to food, energy, and shelter. Many in the global South therefore viewed the environmental initiatives in the North—higher standards and cleaner production—as preventing them from industrializing and insisted on a historical right to development.

In the context of post-colonialism and the Cold War, environmental concerns pitted the North and the South against each other. While the public in the North pushed for tighter environmental standards, the South presumed that such measures would negatively influence the patterns of world trade, the international distribution of industry, and the comparative costs of production and subsequently harm the competitive position of developing countries. Socialist countries, much like the rest of the industrialized world, had severely exploited the environment, but over the years awareness about the impact of these practices grew steadily and environmental issues became a neutral ground for potential collaboration with the West.

In 1972, 113 governments came together in Stockholm to collectively tackle environmental challenges and create the international architecture for addressing global environmental problems. Given the political tensions at the time, it is difficult to imagine that an international organization able to effectively address global environmental problems would emerge from this first UN Conference on the Human Environment. A functioning international environmental body would encroach upon national sovereignty and threaten economic policies. It would thus be opposed by both the North and the South. If, as much of International Relations theory claims, states are rational actors seeking to maximize their national economic interests, why would they ever agree to create an authoritative international environmental organization that might constrain domestic policy choices? Not surprisingly, the accounts in the literature paint a somewhat grim picture of this formative moment of the global environmental governance system.

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<sup>1</sup> In 1969, industrial debris and oil in the Cuyahoga River in Ohio caught fire. One of President Nixon's aides wrote that the political mood in Washington engendered by the public outcry could only be captured by the word *hysteria* (Buck 2006).

Since it was hardly in the narrow economic interest of the United States or other industrialized countries to create an effective international organization for the environment, scholars contend that “[s]ome of the strongest states in the system... strongly opposed the creation of a strong and independent agency” (DeSombre 2006, p. 10). Others argue that the new agency was deliberately created “without executive status” (Najam 2002, p. 36), i.e. as a UN Environment *Programme* (UNEP) rather than as a World Environment *Organization* like the World Health Organization or the World Meteorological Organization or the International Labor Organization. It was given an impossible, hopeless mandate (Conca 1995; von Moltke 1996) and a “dismal budget” (Najam 2002). Furthermore, some scholars argue, UNEP was located in Nairobi as a “strategic necessity without which developing countries might have never accepted an environment organ to be created” (Najam 2003). Others contend that the remote location was a way to marginalize the organization (von Moltke 1996).

Given that the United Nations Environment Programme has not been tremendously successful and, in fact, our first attempt at global environmental governance has been termed “an experiment that has largely failed” (Speth 2004, p. 2), a story of purposeful incapacitation by designing a weak organization is logically appealing. As von Moltke (1996, p. 56) contends, “Lacking enthusiastic supporters, UNEP’s mandate was cannibalized. The principal means of achieving this goal was to provide limited funds divided between a minimal institutional budget and a modest ‘Fund’, to assign it a ‘catalytic’ function, and to locate it away from the decision-making centres of the UN system.” The implications of such assumptions are a skepticism about the reversibility of these institutional choices made in 1972 and, therefore, about the likelihood of creating a functional international organization for the global environment.

A closer look at the historical events in the 1970s, however, reveals a different story and leads to different policy implications. Careful analysis of archival materials that few analysts of global environmental governance have consulted shows that UNEP’s design and location were not the product of malicious intent. UNEP was not purposefully established as a “weak, underfunded, overloaded, and remote organization” (Haas 2005). Rather, it was created as the “anchor institution” for the global environment<sup>2</sup> to serve as the world’s ecological conscience, to provide impartial monitoring and assessment, to be a global source of information on the environment, to “speed up international action on urgent environmental problems,” and to “stimulate further international agreements of a regulatory character” (US Congress 1973, p. 4). Most importantly, the mission of the new environment program was to ensure coherent collective environmental efforts by providing central leadership, assuring a comprehensive and integrated overview of environmental problems and developing stronger linkages among environmental institutions and the constituencies they serve (Environmental Studies Board 1972). While UNEP’s performance has been significantly affected by the early choices on its design and its location, this has been the result of predictable but unintended consequences. This historical understanding opens a new line of analysis in the context of current UN environmental reform. If the system was not deliberately designed as ineffective, change in course becomes possible and even practical.

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<sup>2</sup> For a more detailed discussion of the “anchor institution” terminology, see Ivanova (2005). *Can the Anchor Hold? Rethinking the United Nations Environment Programme for the 21st Century*. New Haven, CT, Yale School of Forestry & Environmental Studies.

The analysis in this article shows the origins of the institutional design of the United Nations Environment Programme providing a factual account of key historical decisions that the architects of the global environmental governance system made in 1972 and straightens the record of global environmental governance. The analysis proceeds in two analytical steps. First, the political context within which the Stockholm Conference of 1972 took place is examined. The core events and ideas that led to the Stockholm Conference on the Human Environment are outlined and the political dynamics between the North and the South in the 1970s analyzed. They reveal a story of compromise and confrontation on the core features of the new international body for the environment. Second, the article explains the decisions on the functions, form, governance, financing, and location of the new intergovernmental body for the environment. It traces the historical roots and motivations behind these choices and shows the lack of evidence for purposeful intent on the part of states to create a weak institution within the United Nations.

These historical dynamics carry implications for the contemporary international environmental governance reform process. In the context of current reform efforts, the North and the South are no longer at the two opposite ends of the spectrum. In February 2007, forty-six countries supported the upgrade of the United Nations Environment Programme (UNEP) to a United Nations Environment Organization (UNEO) and a “friends of UNEO” group was established comprised of developed and developing countries alike. The current ideological differences instead lie between the United States and the European Union and among the diverse members of the Group of 77 (G-77). Without solid understanding of past and present interests and positions of the actors in global environmental governance, critical choices are likely to be made based on faulty assumptions and might lead to unintended but serious consequences.

## 2 The beginnings of global environmental governance: leadership and politics

Environmental concerns were gaining domestic traction in the developed world in the 1960s through what contemporaries call “a crescendo of public concern” (Caldwell 1996, p. 35). Although environmental conditions were superior to what they had been a generation earlier, the new threats of toxic chemicals, atomic radiation, and massive destruction of natural ecosystems exemplified a more complex reality where human impact took on a new significance. It was the efforts of a handful of individuals that had placed these issues on the political agenda. In the United States, Rachel Carson’s best-selling book *Silent Spring* aroused public apprehension and prompted investigation at the highest political level (Caldwell 1996). As some analysts argue, the book “played in the history of environmentalism roughly the same role that *Uncle Tom’s Cabin* played in the abolitionist movement. In fact, EPA (Environmental Protection Agency) today may be said without exaggeration to be the extended shadow of Rachel Carson” (Lewis 1985). A number of other influential books—in the United States and Europe—found a public receptivity not previously known: Stewart Udall’s *The Quiet Crisis* (United States, 1963), Jean Dorst’s *Before Nature Dies* (France, 1965), Rolf Edberg’s *On the Shred of a Cloud* (Sweden, 1966), and Max Nicholson’s *The Environmental Revolution* (United Kingdom, 1970).<sup>3</sup> Thus, “whereas an earlier generation had worried about the health effects of coal smoke in the air over London and Pittsburgh, informed people in the 1960s became concerned about burning coal for energy and the resulting acidic fallout from stack emissions and changes

<sup>3</sup> This point is made by Lynton Caldwell (1996).

in the carbon dioxide balance in the earth's atmosphere" (Caldwell 1996, p. 36). This heightened public awareness resulted in articulate environmental movements that put pressure on national governments for domestic as well as for international action.<sup>4</sup>

Internationally, the first United Nations Conference on the Human Environment was the product of the efforts of another small group of individuals. In 1967, Inga Thorsson, Swedish diplomat at the United Nations, set out to derail UN plans to convene the fourth international conference on the peaceful use of atomic energy. An ardent supporter of disarmament, she called for the termination of expensive UN conferences on nuclear energy as these mostly benefited the North's nuclear industry. Under her influence, and under the leadership of Sverker Åström, then Sweden's Permanent Representative at the United Nations, the Swedish delegation decided, without instructions from Stockholm, to challenge the latest UN atomic energy conference proposal when it was presented at the General Assembly (Bäckstrand 1971; Åström 2003, p. 197). As an alternative, Sweden's Deputy Permanent Representative Börje Billner proposed to the General Assembly on 13 December 1967 that a conference be held to "facilitate co-ordination and to focus the interest of Member countries on the extremely complex problems related to the human environment" (Billner 1967). After multiple consultations with other delegations in the spring of 1968, the Swedish delegation in New York, led by Åström, convinced the Swedish government to launch a formal initiative.

The UN General Assembly supported the convening of the first *United Nations Conference on the Human Environment* in 1972 and accepted the proposal of the Swedish government to host the event in its capital city, Stockholm. The main purpose of the conference was:

to serve as a practical means to encourage, and to provide guidelines for, action by Governments and international organizations designed to protect and improve the human environment and to remedy and prevent its impairment, by means of international cooperation, bearing in mind the particular importance of enabling the developing countries to forestall the occurrence of such problems (UN General Assembly 1970).

For the first time, environmental issues commanded attention at such a high level of international politics. The UN Secretariat, however, possessed neither the scientific nor the administrative capacities to deal with what came to be known as "the Swedish matter." Philippe de Seynes, Under-Secretary-General for Economic and Social Affairs, frequently solicited expertise and advice from the Swedish delegation. Respect for Sweden as a neutral and progressive country that made substantive contributions to disarmament and development aid, allowed the members of the Swedish delegation to lead the preparatory process, especially in the first two years (Åström 2003). A number of individuals with the requisite knowledge of and passion for the environment—rather than government-appointed technocrats—played a significant role in shaping the agenda of the Stockholm Conference. The Secretary-General for the Conference, Maurice Strong, assembled not

<sup>4</sup> In the United States, the movement had been building since the 1950s when "a New York case, *Scenic Hudson Preservation Conference v. Federal Power Commission* (1955) for the first time admitted scenic and recreational criteria in legal actions. In 1963, the *Clean Air Act* authorized federal hearings on potential air pollution problems; in 1964 the *Wilderness Act* set aside tracts of land and barred them permanently from development. In 1966, an early version of the Endangered Species Act was passed" (Buck 2006). In 1969, a major oil spill off the California coast led to public outcry. The first Earth Day, held in 1970, was largely a political affair. On January 1, 1970, President Nixon had signed the National Environmental Policy Act (NEPA), a significant piece of legislation that established the environmental priorities in the United States.

only a stellar team to prepare the event, but also involved eminent individuals in drafting the substantive agenda. One hundred and fifty-two scientific and intellectual leaders from 58 countries served as consultants in preparing an “intellectual-conceptual background” for the Conference (Stone 1973, p. 8). Nonetheless, much of the success of the Stockholm Conference was to a large degree a product of the energy, commitment, and enthusiasm of Maurice Strong.

A Canadian industrialist and businessman with an avid interest for international affairs, development, and all UN-matters,<sup>5</sup> Maurice Strong was appointed Secretary-General of the Stockholm Conference in 1970 on the recommendation of the Swedish Ambassador Sverker Åström and of the Special Assistant for Environmental Affairs to the US Secretary of State Christian A. Herter, Jr. Strong’s skills as a coordinator, collaborator, and convener distinguished him as “the ideal organizer of the large and incredibly complicated undertaking of a world conference” (Åström 2003, p. 202).<sup>6</sup> While not deeply familiar with the scientific aspects of environmental concerns, Strong understood the political and economic dimensions and had the capacity to convince leaders around the world that collective action was necessary. His extensive personal contacts and the respect he commanded in business and governmental arenas played a significant role in his ability to push for a progressive environmental agenda and galvanize the support of developed and developing countries alike.

Developing countries’ participation was not easily achieved. Many governments viewed environmental initiatives as part of a Northern anti-pollution agenda preventing them from industrializing (Elliott 1998; Calvert and Calvert 1999). For them environmental concerns translated into the imposition of stringent standards and the institution of non-tariff barriers jeopardizing their export possibilities. “Environmental concerns,” it was argued, “were a neat excuse for the industrialized nations to pull the ladder up behind them” (Rowland 1973, p. 47). Rejecting the possibility of international environmental standards and especially “trust-areas,” Brazilian delegate Bernardo de Azevedo Brito declared: “I do not believe we are prepared to become new Robinson Crusoes... Each country must be free to evolve its own development plans, to exploit its own resources and to define its own environmental standards” (UN General Assembly 1972a).

This strong pro-development rhetoric, however, was often an expression of the economic agendas of military dictatorships rather than the legitimate concern of developing countries’ populations. A wave of military coups had swept across Africa and Latin

<sup>5</sup> Maurice Strong had developed an interest in the UN as a very young man, long before he became Secretary-General of the Stockholm Conference. He followed many UN-related issues and, at the age of 18, traveled to New York to take a job as assistant pass officer in the Identification Unit of the Security Section in the United Nations. He lived with Noah Monod, then Treasurer of the UN and made connections, for example with David Rockefeller and John McCloy, which would prove critical to many of his subsequent endeavors in life (not just in the UN). For example, McCloy helped set up the World Bank and became its first president. He was also an assistant to Roosevelt’s secretary of war, Henry Stimson. McCloy was appointed to a presidential commission to respond to a Soviet proposal that the United Nations control future development of atomic power. McCloy recommended that the United States turn over all information to the UN. He continued this supportive stance of the UN as head of the US Arms Control and Disarmament Agency under President Kennedy and some say that he went so far as to promote the idea of turning all defense over to the UN through his *Blueprint for the Peace Race: Outline of Basic Provision of a Treaty on General and Complete Disarmament in a Peaceful World* (Publication 4, General Series 3, May 3, 1962). Maurice Strong was thus influenced by people who genuinely believed in the United Nations’ mission and purpose.

<sup>6</sup> Direct quotes from Åström (2003) have been translated from Swedish by the author.

America in the 1960s and many newly independent states were dominated by military dictatorships. Using the slogans of ‘nation-building’ and ‘development’ to justify their actions, many of the new governments employed the full panoply of powers established under colonial rule to further their own economic interests and maintain a strong grip on political power. The armed forces were thus able to “cloak in nationalist rhetoric their programme for the internal colonization of their countries” (Calvert and Calvert 1999, p. 195). Economic policies were focused on rapid industrialization without taking into account the social and environmental costs incurred. Millions lost the land they owned or inhabited to “make way for dams, industrial plants, mines, military security zones, waste dumps, plantations, tourist resorts, motorways, urban redevelopment and other schemes designed to transform the South into an appendage of the North” (Calvert and Calvert 1999, p. 195).

Indeed, it took great energy and commitment from the Stockholm conference team to convince developing countries leaders that environmental issues could adversely impact economic development through lowering groundwater levels, soil erosion, increasing desertification, depleted fisheries, and other similar problems. Some of the developing countries’ concerns were mitigated when, in 1971, twenty-seven economists and scientists from developing countries met for nine days and drafted *The Founex Report*<sup>7</sup>—the first conceptual basis for the idea that environment and development are not incompatible (Bassow 1979). The report clarified the links between environment and development, discredited the idea that these concepts were diametrically opposed, and set out to convince developing countries that environmental problems were both more widespread and more relevant to their situation than they had appreciated (UN General Assembly 1971). The report affirmed that the environment should not be viewed as a barrier to development but as part of the process (Holdgate et al. 1982).

As a result of Strong’s leadership and personal commitment to meet with every government, the developing countries’ plan to boycott the “green imperialism conference” was scrapped. His resourcefulness and persuasiveness eased suspicions and encouraged active engagement. Professor Adebayo Adedeji, Nigeria’s Federal Commissioner for Economic Development and Reconstruction, summarized the stance of developing countries and the change of attitude as a result of Maurice Strong’s personal engagement:

Frankly, when preparations for this conference started in earnest barely two years ago, most people at the governmental level in Nigeria were inclined to be skeptical about the objectives and the motives of the force behind its organization. The concern of the industrialized nations with measures to curb pollution appeared to us as yet another obstacle in the already handicapped race for material progress. Mr. Strong, through the sincerity of his advocacy, soon made it clear that all of us, irrespective of the stage of our development, have a large stake in the matter. I am proud to say that my country thereafter played its part in the preparatory work of this conference and we remain fully committed to the search for a way out of the human predicament... (cited in Rowland 1973, p. 48).

Ultimately, developing countries’ participation in Stockholm was a function of *both* a fear that development aid might be sacrificed to ecological values and of a genuine concern for environmental protection (Caldwell 1996, p. 37). The speech by India’s Prime Minister,

<sup>7</sup> See <http://www.southcentre.org/publications/conundrum/conundrum-04.htm>.

Indira Gandhi, at the Stockholm Conference is perhaps most illustrative of these dynamics. While she is mostly quoted for singling out poverty as the cause for environmental degradation in the developing world, she also acknowledged that “the environmental crisis which is confronting the world will profoundly alter the future destiny of our planet. No one among us, whatever our status, strength or circumstance, can remain unaffected” (Gandhi 1972). And, as Lynton Caldwell, a member of the Committee for International Environmental Programs of the National Academy of Sciences that prepared most of the US positions on the institutional aspect of the Stockholm Conference observed, “the germ of environmental concern was carried home by some delegates to Stockholm (and to related international gatherings) and began to spread among the better-educated members of Third World societies” (Caldwell 1996, p. 37).

Developing countries’ participation was critical to the success of the Conference since all Eastern European countries except Romania did boycott the Conference in solidarity with East Germany. East Germany was not allowed to participate because it was not a member of the UN or one of its specialized agencies. A UN protocol called the “Vienna Formula” defines for the UN Secretariat those entities considered states for the purpose of issuing invitations to an international conference and East Germany, North Korea, North Vietnam and, for some time, the People’s Republic of China did not qualify. Since West Germany was a member of WHO and UNESCO, it was allowed to participate in the Stockholm Conference. All Eastern European countries did, however, take part in the two-year preparatory process for the Conference and the Soviet embassy in Stockholm was briefed daily on the discussions during the two weeks of the Conference.

While the tension between environment and development permeated the preparatory process for the Stockholm Conference, governments from the North were not deliberately attempting to stunt Southern development through environmental measures. Rather, they were responding to an unprecedented public awareness and pressure for environmental action from their domestic constituencies. In the United States, the late 1960s and early 1970s marked a new era in policymaking as a strong national lobby for the environment emerged and asserted its voice through mass protests and the first Earth Day (held on April 22, 1970). It was this strong environmental constituency that catalyzed action from both President Richard Nixon and the US Congress in passing groundbreaking legislation that would lay the foundation of US environmental policy.

In Europe, and especially Scandinavia, acid rain had not only brought environmental concerns to the fore of public attention but also demonstrated the need for international collective action. Lakes and forests in northern Europe were affected by fossil fuel burning in the United Kingdom. Sulfur and nitrogen oxides were carried for hundreds of miles by northerly winds before depositing as rain, fog, and snow. In Japan, the prodigy of economic growth, a stark picture of the costs of mindless industrialization emerged with mercury, cadmium, and PCBs poisonings that resulted in death, neurological disorders, and fetus deformations. “We who had firmly believed since the war that greater production and higher GNP were the ways to happiness,” Japan’s environment minister told the Stockholm Conference plenary, “have been sorely disillusioned. The despoiling of nature by industry has led to a degradation of the spirit” (cited in Rowland 1973, p. 78). It was becoming evident that pollution knows no borders and that only through common efforts significant solutions could be realized.

Eventually, the Stockholm Conference attained an unprecedented level of agreement on the problems at hand and the possible paths forward, establishing important underlying principles and necessary institutional arrangements. The level of cooperation that emerged between developed and developing countries was striking given the initial

mistrust and suspicion. As Peter Stone, advisor to Maurice Strong on public information issues in the run-up to the Conference observed in 1972, “Many governments began their participation in Stockholm with considerable reluctance founded on the suspicion that it was all a nine days’ wonder, or a transient concern of the rich. But in the end even the most reluctant took the Conference seriously” (Stone 1973, p. 16). The most tangible outcome of the Stockholm Conference was the creation of the United Nations Environment Programme, UNEP.

### 3 UNEP’s design: function, form and financing

UNEP’s creation, while taken for granted today, was less than certain in the 1970s. In his address to the General Assembly proposing a conference on the human environment, Sweden’s ambassador to the United Nations stated that “no new institutional arrangements would result from the conference.” As the preparatory process progressed, it was increasingly clear, however, that some type of institutional arrangement would be necessary to put the agreements into effect and to facilitate international cooperation. The debates focused primarily on the functions to be performed at the international level and on the institutional form most appropriate for their fulfillment. The new intergovernmental body was also envisioned as a mechanism to administer the new financing instrument for the global environment—an Environment Fund comprising voluntary contributions from the United States and other developed countries.

#### 3.1 Functions

While no international organization with an explicit and exclusively environmental mandate existed in the 1970s, the institutional landscape was not vacant. Many of the specialized agencies had “constitutional responsibilities in large areas of the human environment” (UN General Assembly 1972b) and were already undertaking a wide range of environmental activities. Long-standing international organizations were all charged with some aspect of environmental policy. The World Meteorological Organization (WMO), for example, was concerned with many aspects of air pollution and climatic change and operated a large number of monitoring stations and research programs; the Food and Agriculture Organization (FAO) was involved in a range of environmental concerns relating to land, water, forest resources, and fisheries; the World Health Organization (WHO) was engaged in a major program of combating air pollution of fresh water supplies and had broad responsibilities in the area of environmental impacts on human health; the International Atomic Energy Agency (IAEA) played a central role in the control of radioactive contamination of the environment. As recently as 1968, UNESCO had convened the Man and Biosphere Conference and developed a comprehensive environmental portfolio with a focus on water, land, and scientific research. In addition to the specialized agencies, a number of other bodies within the United Nations were also heavily engaged in environmental work, including the regional economic commissions, the United Nations Development Program (UNDP), the Department for Economic and Social Affairs, the UN Conference on Trade and Environment (UNCTAD), the United Nations Industrial Development Organization (UNIDO), and the financial agencies within the World Bank group. All of these organizations were reluctant to cede authority, and potentially financing, to a new agency.

Overlap, duplication, bureaucratic infighting, and jurisdictional turf battles among the agencies were a frequent occurrence but the potential for collaboration, synergy, and comprehensive actions reaching a large constituency was also within reach. If WHO and FAO, for example, both undertook operational programs aimed at water pollution, their activities did not by definition have to be duplicative or conflicting. One agency possesses access to doctors and public health officers, and the other to farmers and agricultural officials. Neither could reach the other's constituency as effectively and a new agency, it was believed, was not likely to "automatically command the loyalty and support of present agency constituencies and avoid the risks of duplication and inefficiency" (Environmental Studies Board 1972, p. 21). Yet, it was recognized that "even if all organizations in this bewildering array were effective and well managed, they would provide far too fragmented a structure for the conduct of international environmental affairs" (Environmental Studies Board 1972, p. 23) since environmental policy cuts across traditional functional areas as agriculture, health, labor, transport, and industrial development. Moreover, as Maurice Strong noted, environmental concerns were in fact "a cumulative result of a series of uncoordinated interventions in the environment and cannot be resolved by a series of *ad hoc* uncoordinated responses" (United Nations Press Release 1971).

While the institutional architecture for environmental governance in the early 1970s was obviously ill-suited for the scale and scope of the problems, a serious effort to reallocate environmental responsibilities among agencies or broader structural reform was deemed impossible given the legal autonomy of the agencies. It was also likely to "consolidate opposition among the agencies and their constituencies to any attempt to develop institutional machinery for international environmental affairs" (Environmental Studies Board 1972, p. 21). "Under the circumstances," the Committee for International Environmental Programs convened by the US National Academy of Sciences wrote, "we recommend a new approach that goes beyond mere correction or adaptation of existing structures. It involves the creation of new, interrelated institutions designed to assure support from those societal resources—political, scientific, financial—whose cooperation is essential for effective management of global environmental problems" (Environmental Studies Board 1972, p. 23). The new institutional arrangements for the global environment were to create a broad and comprehensive framework for environmental assessment, identification of alternatives, and determination of priorities (United Nations Press Release 1971).

To this end, the new intergovernmental body that came to be called the United Nations Environment Programme, was to serve as a center of leadership and initiative in international environmental matters and perform three core functions.

1. *Knowledge Acquisition and Assessment*—including monitoring of environmental quality, evaluation of the collected data, and forecasting of trends; scientific research; and information exchange with governments and other international organizations.
2. *Environmental Quality Management*—including setting goals and standards through a consultative, multilateral process; crafting of international agreements; and devising guidelines and policies for their implementation.
3. *International Supporting Actions*—or what we now term capacity building and development—including technical assistance, education and training, and public information.

The new body was thus envisioned as normative and catalytic. The Stockholm Conference was not meant to grant the United Nations the power to "assume the role of policemen to apprehend polluters around the globe" (Environmental Studies Board 1972) but to establish a framework for cooperative action among existing entities. The new body

would thus not have operational functions—i.e. perform any activities on the ground—in order to avoid unnecessary competition with organizations already active in the field. Rather, it would maintain an overview of the activities of national governments, international organizations, and nongovernmental bodies identifying needed environmental programs and catalyzing action toward their realization. It would also serve as the center of information on global environmental trends. And, most importantly, it would administer the newly created Environment Fund proposed by the United States (see below) with the purpose to stimulate and support environmental activities within existing intergovernmental bodies and steer them on the path of sustainability.

These functions were officially mandated through General Assembly Resolution 2997 (XXII) of December 1972 establishing UNEP as the new intergovernmental body for the global environment. Its primary goal was to provide a center of gravity for environmental affairs within the UN system and pool, coordinate, and deploy existing expertise to solve pending environmental crises. Flexible and evolutionary, the new organization was anticipated to grow into its mandate as new issues emerged and as it proved it could successfully tackle them.

With a significant body of international environmental law developed over the last thirty years and environmental ministries established in almost every country, some analysts contend that UNEP needs to move into a more operational, or implementing role (Amin 2005; Töpfer 2005). Others, however, argue that its comparative advantage lies in the normative field (El-Ashry 2004; Speth 2005; Speth and Haas 2006) and that operational activities should be performed by the sectorally focused specialized agencies. However, despite the international efforts since the 1970s, horizontal and trans-sectoral linkages among the specialized agencies are still lacking, environmental activities still amount to little more than rhetoric and competition for additional resources, and we are still “fighting fire with a thermometer” (Rowland 1973, p. 33). The new patterns of organization that the founders of the system envisioned, “based on a multitude of centers of information and of energy and power, linked together within a system in which they can interact with each other” (Strong 1973, p. 703) have yet to be created.

### 3.2 Institutional form

UNEP’s formal status within the UN system was the result of several dynamics and decisions. The most important one was the underlying principle of “form follows function.” The catalytic and coordination functions envisioned for the new intergovernmental body demanded that it be placed in the United Nations so that it could exercise direct influence over the other agencies. A widely circulated article by George Kennan, which appeared in *Foreign Affairs* in April, 1970 had argued that environmental concerns needed to be addressed by the countries that had caused them and a new organization, outside the United Nations, would be most suitable for this purpose. A considerable outcry on the part of developing countries followed since they did not want to be excluded from a new institutional arrangement (United States 1972; Bauer and Biermann 2005). In the words of Indira Gandhi, “While each country must deal with that aspect of the problem which is most relevant to it, it is obvious that all countries must unite in an overall endeavour. There is no alternative to a co-operative approach on global scale to the entire spectrum of our problems” (Gandhi 1972). At the time, the United States was going through a period of widespread dissatisfaction and erosion of confidence in the United Nations, yet it recognized that there was “in practice no effective alternative, whether governmental or

nongovernmental to working principally through that body to provide a global context for international cooperation on environmental matters” (Environmental Studies Board 1972, p. 17). During the preparatory process for Stockholm, it was therefore agreed that international environmental action and thus the agency responsible for it should be centered in the United Nations. This decision determined the range of institutional status options: (1) an autonomous specialized agency, (2) a unit within the UN Secretariat, or (3) a programme within the Economic and Social Council (ECOSOC).

While an early reaction to the new environmental awareness had been a call for a new UN specialized agency modeled after the existing ones, this option was dismissed during the preparatory process as unworkable for a number of reasons explained below. Specialized agencies are separate, autonomous intergovernmental organizations with governing bodies independent of the UN Secretariat and the General Assembly. They perform normative *and* operational functions in a specific issue area. Their governing bodies possess universal membership, i.e. assemblies of over 100 member states. In 2007 for example, the World Health Assembly of the World Health Organization comprises 193 states; the membership of the World Meteorological Organization is 188 states, and that of the International Labour Organization 181 states. In addition, specialized agency budgets consist of assessed, mandatory contributions levied on all members. Such an institutional arrangement was considered counterproductive for the new environmental body for three primary reasons.

First, as explained above, a large number of existing organizations were already performing environmental activities and creating a new specialized agency would only create unproductive competition among them. In this context, the new specialized agency, “would be one among many.” Moreover, “the others would be older, with longer traditions and well-established relations with constituencies within national and international bureaucracies.” A new specialized agency would therefore “not be well-placed to exercise a leadership or coordinating function” (Environmental Studies Board 1972, p. 25). Second, a widespread dissatisfaction with UN agencies had taken hold in the 1970s especially in the United States. They were viewed as unnecessarily hierarchical, bureaucratic, and cumbersome preventing the initiative, flexibility, and expertise deemed necessary in the emerging environmental field. The unwieldy administrative and governing arrangements could not be deployed quickly enough to emerging issues. In addition, the rigid customary staffing practices were counterproductive for “recruitment of a secretariat of sufficient technical capability” (Environmental Studies Board 1972, p. 24).

Finally, many saw the environment as an integrative issue, one that could not and should not be relegated to one agency responsible for one sector. In fact, the establishment of a specialized agency for the environment was deemed counterproductive because its focus on the environment as another “sector” would marginalize it. As Maurice Strong put it, the core functions could “only be performed at the international level by a body which is not tied to any individual sectoral or operational responsibilities and is able to take an objective overall view of the technical and policy implications arising from a variety of multidisciplinary factors” (United Nations 1972). Strong’s vision for the new organization shaped to a great extent the form and functions of what was to be the United Nations Environment Programme—a “brain” not a “bureaucracy” (See Box 1):

On these grounds, the United States proposed the creation of a smaller unit, a Secretariat within the UN system to build on existing efforts both national and international and infuse the specialized agencies with an environmental ethic through information, persuasion, and direct funding. In Christian A. Herter Jr’s words, only a nimble, flexible unit was considered capable of building on existing capabilities and filling in the gaps to make the

**Box 1** Maurice Strong's vision for the new UN environmental agency*Institutional Center of the Environmental Network*

...what is needed to deal with the task of improving man's global environment is not a new specialized agency or operating body but policy evaluation and review mechanism which can become the institutional "center" or "brain" of the environmental network. It might be charged with responsibility of maintaining a global review of environmental trends, policies and actions, determining important issues which should be brought to the attention of governments, identifying gaps in knowledge and in the performance of organizations carrying out agreed international measures for environmental control. It would have to be sufficiently competent, both politically and technically, to give it a high degree of credibility and influence with both the governments and other organizations in the international system. It would have to have access to the world's best scientific and professional resources in evaluating the information which would be available to it through the world monitoring networks operated by other agencies, both national and international.

Source: (Strong 1971)

"global system effective" (U.S. Congress 1973). To this end, the United States argued that "the intergovernmental body should be placed at the highest level in the United Nations [and] its functions should not be scattered through several administrative levels. It should enjoy the prestige and public visibility which its subject deserves" (United States 1972, p. 134). The United States also proposed that the unit be led by a high-ranking executive (High Commissioner, Under Secretary-General, or Administrator) established at the highest possible level in the United Nations administrative structure to serve as the center of environmental activity. Placement of the office was to be determined in a way that would provide it with maximum prestige, strength, and freedom as well as ability to link and coordinate the environmental activities of United Nations agencies, of governments, and of non-governmental organizations (United States 1972). The United States recognized that only an "active, resourceful, and creative leader" (United States 1972, p. 131) could ensure that environmental concerns receive the necessary priority. In fact, the US proposal advocated for an intergovernmental body to advise and support the executive rather than to receive his services. As negotiations proceeded throughout the preparatory process, an institutionally larger but somewhat weaker version of the unit the United States proposed began to take shape.

The Secretary-General's Report on the new intergovernmental organization suggested two alternatives for its placement: (1) within the United Nations as a subsidiary of the General Assembly pursuant to Article 22 of the Charter of the United Nations or (2) as a subsidiary of the Economic and Social Council (ECOSOC) pursuant to Article 68 of the Charter. The United States warned that "to place this body under ECOSOC would be to place it in serious jeopardy" and suggested that the new organization be a subsidiary of the General Assembly while reporting both to the General Assembly and to ECOSOC. The United Nations Environment Programme was ultimately established as a subsidiary body to both the General Assembly and to ECOSOC reporting to the General Assembly through ECOSOC. This entailed its status as a Programme rather than as a specialized agency.

In the UN hierarchy, Programmes have the least independence and authority since they are subsidiary organs of the General Assembly. (See Fig. 1 for a schematic representation of the UN system including Programmes/Funds and Specialized Agencies). Programmes are small and their membership, while geographically representative, is not universal. For example, thirty-six countries are members of the Executive Board of the UN Development Programme (UNDP), thirty-six countries are members of the Executive Board of the World Food Programme (WFP), and fifty-eight are members of the Governing Council of UNEP.

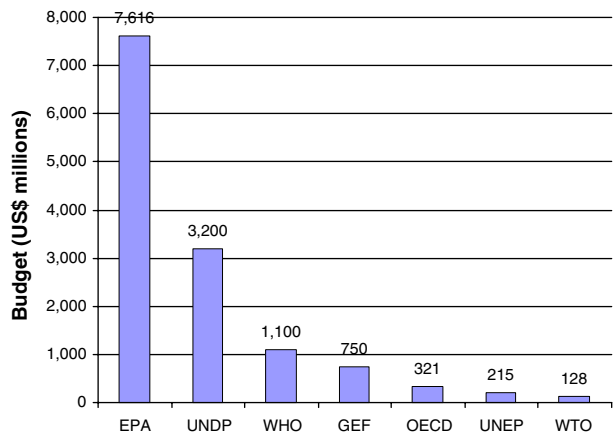


As an integral part of the United Nations, however, they are overseen through the General Assembly and therefore *all* UN members have a say in their governance. Programme budgets rely on voluntary financial contributions. Though the regular UN budget was originally expected to provide for the costs of staff and fundamental operations, these contributions have only been in the order of a few percent of a Programme's budget. While the budgets of Programmes consist of voluntary payments, they are not necessarily smaller than the mandatory budgets of Specialized Agencies. For example, UNDP's annual voluntary contributions budget of \$3.2 billion is almost three times greater than WHO's annual assessed budget of \$1.1 billion (See Fig. 2).

UNEP's institutional status as a programme cannot be easily assumed as a deliberate choice on the part of governments to incapacitate the new body. A product of a landmark event, the Stockholm Conference, the new organization was affected more by larger political dynamics than by narrowly calculated national self-interest. "Stockholm, like most conferences, showed less interest in an operationally manageable concept of the environment than in one broad enough to include the particular interests of every participant," wrote Gordon Harrison (1977, p. 2) an officer in charge of the Ford Foundation's Program in Resources and Environment who supported the preparatory process for the Stockholm Conference and the maintenance of the Secretariat led by Maurice Strong during the transition process until UNEP's establishment. Harrison noted Strong's significant role in elaborating an organizational vision for an effective new agency: "Maurice Strong, by temperament a man who tends to expansive concepts, had no reason to think small about an agency that was in a real sense his personal creation and would clearly be his to lead."

Noting that governments saw environmental problems as global and interrelated at their core and demanded "comprehensive" and "integrated" solutions, Harrison (*ibid.*, p. 2) explains the institutional choices about UNEP:

**Fig. 2** Comparative organizational annual budgets<sup>8</sup>



<sup>8</sup> All data are for 2003 except for the OECD and WTO, which are for 2004. The GEF annual budget was estimated from the \$3 billion in replenishment funds in 2003 used for its work programme over a four-year period. Sources: Organizations' websites, referenced in the bibliography.

It was decided therefore to establish UNEP as a special secretariat in United Nations headquarters where, with an overview of all problems and all UN activities, it might make the UN as a whole environmentally responsible and constructive. UNEP's primary mission was to develop a United Nations environmental program that would be carried out by all relevant agencies. UNEP was not to take any independent environmental initiatives itself. It was not to do things. It was to make a program but let others carry it out. To provide the necessary incentives it was to have small sums of money with which to make grants. But in no case was it to buy an environmental program; it could if necessary buy an environmental component but it would rather use its money to divert operating agencies into environmental ways, to color their programs environmental. In short, UNEP was to be essentially an idea – or perhaps more accurately an aspiration – institutionalized. The founders chose for UNEP the only role that was both practical and potentially effective. (underline in the original)

However, while not intended to diminish UNEP's authority, the decision to constitute it as a Programme rather than a Specialized Agency has negatively impacted its clout and ability to fulfill its functions over the years. UNEP has not been able to establish the autonomy necessary to become a strong anchor institution for the global environment. While it has performed its catalytic function fairly well, it has failed to coordinate environmental activities throughout the UN system, partly as a result of its institutional status. Many UN bodies have refused to accept UNEP's mandate in regards to overall coordination of environmental activities as they see themselves as having "institutional seniority." As one UNEP official exclaimed, UNEP "just does not have a voice in front of the larger UN agencies." And as new institutions have sprung up across various levels of governance and many existing ones were endowed with substantial environmental mandates, UNEP could claim little authority over them. For example, the creation of the Commission on Sustainable Development and the Global Environment Facility in the early 1990s marginalized UNEP politically and eclipsed it financially. In addition, the increased emphasis on environmental work at the World Bank, while in itself commendable, also led to overlap with UNEP activities. In sum, UNEP has not succeeded in becoming the central forum for debate and deliberation in the environmental field, like WTO for trade, ILO for labor, or WHO for health.

### 3.3 Financing

At its inception in 1972, UNEP was provided with two sources of funding: an allocation from the UN regular budget and the Environment Fund consisting of unrestricted voluntary contributions. The UN Regular Budget was envisioned to cover the costs of "servicing the Governing Council" and a small secretariat required to provide "general policy guidance for the direction and management of environmental programmes, [and] UNEP's role as a focal point for environmental action and coordination within the United Nations System" (UN General Assembly 1972c). Originally championed by the United States, the Environment Fund was established with \$100 million to be budgeted over 5 years to "ensure that the Stockholm Conference proposals [would] have the necessary financial footing" (United States 1972, p. 132). The sum of \$100 million was intended only as a starting figure since it was recognized that the US Environmental Protection Agency spent five times this amount annually on administrative costs alone. The Environment Fund was envisioned for projects, studies, and "seeding," and was anticipated to increase with the

growth of the environmental agenda. The United Nations was to report annually on the financial needs for its environmental agenda and the United States, the world's largest economy and biggest polluter, was prepared to play a leadership role and contribute the resources necessary to "ensure that vital international environmental efforts do not fall by the wayside from fiscal starvation" (United States 1972, p. 132).

Both of these financial sources have proved inadequate—an oft cited reason for lack of results in global environmental governance. The financing mechanisms for the environmental institutions, however, were not intentionally designed to be ineffective and inadequate. While meager by today's standards,<sup>9</sup> the voluntary Environment Fund was an innovation rather than an impediment at the time of its creation for three reasons. First, the Environment Fund was not designed as the specific financial mechanism for a new environmental body. Rather, the new intergovernmental body was designed as the institutional mechanism to administer the Environment Fund. The United States had suggested the establishment of the Fund before the form and functions of UNEP were determined. The initial vision in fact was for an Under-Secretary General in New York to operate this Fund and coordinate the environmental activities of the UN system.

Second, the United States was in arrears in its assessed contributions and payments to the UN had just been cut by Congress by over twenty percent. The voluntary fund was to be administered by the President and thus not subject to the same Congressional oversight as assessed contributions. It was expected that such an arrangement would allow for an increase in funding over the years as new environmental needs appeared even if overall mandatory contributions to the United Nations were decreasing.

Third, had UNEP been given a budget dependent on assessed contributions, all member states, including developing countries, would have been mandated to contribute, an unacceptable proposition in 1972 when environmental problems were mainly considered industrial pollution problems. Moreover, when a country fails to contribute its assessed contributions, it could be banished from participating in the organization. As the World Health Organization's Constitution mandates, "If a Member fails to meet its financial obligations to the Organization... the Health Assembly may... suspend the voting privileges... to which a Member is entitled." The US proposal recognized that industrialized countries held a responsibility to improve environmental conditions and should provide the bulk of the finances required. In his testimony to the Committee on Foreign Affairs at the US Congress, Christian A. Herter, Jr. the Special Advisor to the Secretary of State on Environmental Affairs and head of the US delegation at Stockholm explained:

As the world's most industrialized nation, we are the greatest polluter. Thus, we cannot reasonably expect others to bear a disproportionate share of the costs in cleaning up the wastes that we generate. While it is difficult to express our pollution contribution in quantitative terms, nonetheless, with less than 6 percent of the world's population, we account for the use of more than one-third of the world's energy production. Roughly 93 percent of our currently installed electrical capacity is fossil fueled. We have almost half of the automobiles in use in the world, and we consume about one-fourth of the world's phosphate, potash, and nitrogenous fertilizers, almost half of its newsprint and synthetic rubber, and more than a fourth of its steel. The Council of Environmental Quality has estimated that we also dumped 48 million tons of wastes at sea in 1968. These few statistics are indicative of the relative global-pollution burden that we in the United States are creating. In

<sup>9</sup> The Environment Fund for 2008–2009 amounts to \$152 million.

conclusion, Mr. Chairman, I believe it has become manifestly clear that many environmental problems are global in character and only can be effectively dealt with internationally. Very little is known at present about their dimensions (Committee on Foreign Affairs 1973, p. 6).

Without the leadership of the United States, the Stockholm Conference commitments may indeed have gone unfunded. The Environment Fund proposal hinged in fact on a concept akin to assessed contributions. The largest consumers of energy, and thus the largest polluters, were to contribute on an escalating curve as suggested by the US Secretary of State's Advisory Committee on the Stockholm Conference. "A formula derived from each nation's consumption of energy," the committee contended, "could provide the basis for the suggested participation in the United Nations Voluntary Fund for the Environment. Or, it might provide the basis for a long-range system of funding, which could be a matter of assessment rather than voluntary participation" (United States 1972, p. 132). This idea, however, was never implemented partly because of opposition by developing countries to the very creation of the Environment Fund.

Although developing countries recognized that the funds available to the international community for environmental research and action would be scarce in relation to the needs, they did not openly welcome the establishment of the Environment Fund. Three key concerns contributed to their lack of enthusiasm and outright suspicion about the new Fund. First, developing countries feared the diversion of development aid into environmental activities and created the "principle of additionality" to ensure that any financial resources for environmental activities would be in addition to existing financial flows marked for development purposes. The principle was affirmed in Resolution A/C.2/L.1236 which stated that "resources for environmental programmes, both within and outside the United Nations system, be additional to the present level and projected growth of resources contemplated in the International Development Strategy." Second, developing countries opposed the proliferation and voluntary nature of financing mechanisms. The existence of numerous and, at times, competing funds impeded understanding of the overall financial situation, distorted priorities, and undermined the elaboration of a coherent development strategy. Third, developing countries also voiced the concern that "in recent years the developed countries had placed increasing emphasis on assistance channeled through voluntary contributions" (UN General Assembly 1972a, p. 228). These funds were more readily available for purposes of interest to the donors themselves, such as the United Nations Fund for Population, while the availability and flow of resources for activities of primary interest to developing countries such as the United Nations Capital Development Fund had diminished.

Given these concerns, it is not surprising that developing countries were suspicious rather than welcoming of the Environment Fund. Developed countries sought to alleviate these fears. Australia, for example, emphasized that it was contributing \$265 million in grants to development assistance while it had pledged \$2.5 million to the Environment Fund over five years. In the same year, Australia's contribution to UNDP had increased by 20 percent. The British net official aid was also increasing and contributions to the Environment Fund were less than 1/500th of the overall aid flow.

For many analysts, UNEP's limited financial resources are key in explaining UNEP's difficulties (von Moltke 1996; Najam 2003). UNEP's annual budget of \$215 million (including all contributions—Environment Fund, earmarked contributions, and all trust funds) is indeed minuscule compared to UNDP's \$3.2 billion and the US Environmental Protection Agency's \$7.6 billion. However, it is larger than the budget of the World Trade

Organization as illustrated in Fig. 2 comparing the annual budgets of several major international organizations and the US Environmental Protection Agency (EPA).

While the disparity in resources is striking, the nominal sum of the budget is just a symptom of the problem. The root cause of UNEP's problems may be the organization's financial structure relying heavily on earmarked contributions. In the past ten years, contributions to the Environment Fund have dropped 36% and have decreased in real terms since the 1970s and 1980s. Contributions to trust and earmarked funds directing UNEP into specific activities, on the other hand, have increased dramatically. The proportion of restricted financing now comprises more than two-thirds of UNEP's revenue. This unreliable and highly discretionary financial arrangement allows for individual donors to dictate UNEP's priorities, which has resulted in a fragmentation of UNEP's activities and a lack of clear prioritization. Furthermore, UNEP's financial stability, ability to plan beyond the current budget cycle, and autonomy are compromised, thus instilling a risk-averse attitude within the organization's leadership.

#### 4 UNEP's location: politics versus functionality

"The major question to be decided after the Stockholm Conference," wrote Peter Stone on Christmas 1972 "was where the new unit for environmental affairs was to be" (Stone 1973, p. 140). The possibilities included Geneva, New York, London, Malta, Vienna, Monaco, New Delhi, Mexico City, Cairo, and Nairobi. It was widely believed that Geneva would be chosen due to the proximity to many of the international agencies, availability of good communications, and low set-up and operational costs. In fact, so strong was the sense that the environment secretariat would remain in Geneva, where the Conference secretariat had been set up, that the UN Secretary-General had prepared estimates of the cost of the new institutional arrangements for Geneva only. However, as Peter Stone exclaims "a vast surprise was in store for everybody" (Stone 1973, p. 140).

Developing countries had long wanted an international agency to be located in the Third World and saw the creation of UNEP as their golden opportunity (Stone 1973, p. 140). Kenya knew how to run a lobbying campaign for the headquarters of an international organization. Nairobi had been in the running as the future home for UNIDO in 1966 but lost to Vienna in a secret ballot vote that, the Kenyans believed, allowed horse-trading between developing and developed countries. Kenyan diplomats had now gained enough expertise and experience to ensure victory (Kaniaru 2004a).

On November 3, 1972, having moved the African Group to sponsor a resolution on the location of the new secretariat (Kaniaru 2004a), Kenya introduced draft resolution A/C.2/L.1246 to the Second Committee of the UN General Assembly (See Box 2 for the text of the resolution). The resolution raised two points: more equitable geographical distribution of United Nations bodies and the location of the new environment secretariat in Nairobi. The first issue was based on a matter of principle. Developing countries claimed a greater role in the United Nations system and considered their inclusion contingent upon direct participation in the work of these agencies. The United Nations was a "global body and it was unfair that its agencies should be confined to North America or Western Europe" (UN General Assembly 1972a, p. 240). The second point was a specific proposal for the new environment secretariat to be located in Nairobi. Manifestly excluding all other candidate cities, the proposal violated the agreement worked out in Stockholm and came as a surprise. Nairobi was one of four developing country capitals competing to be the host. New Delhi, Mexico City, and Cairo were also in the running but agreed to pull out and

**Box 2** Draft Resolution A/C.2/L.1246 on the Location of the Environment Secretariat

Draft Resolution A/C.2/L.1246 on the Location of the Environment Secretariat

The General Assembly,

Recalling its resolutions 2398 (XXIII) of 3 December 1968, 2581 (XXIV) of 15 December 1969, 2657 (XXV) of 7 December 1970 and 2850 (XXVI) of 20 December 1971 on the preparations for the United Nations Conference on the Human Environment,

Noting with appreciation the report of the United Nations Conference on the Human Environment (A/CONF.48/14 and Corr.1) and in particular the recommendation on the establishment of the environment secretariat,

Noting also the report of the Secretary-General on the location of the proposed environment secretariat (A/8783/Add.1),

Considering that in order “to employ international machinery for the promotion of the economic and social advancement of all peoples”, in accordance with the provisions of the United Nations Charter, the activities and headquarters or secretariats of the United Nations bodies or agencies should be located having regard to equitable geographical distribution of such activities, headquarters or secretariats,

1. Decides to locate the environment secretariat in a developing country;
2. Further decides that the question of the location of the environment secretariat be settled by the current session of the General Assembly.

**Revised paragraph 2**

2. Further decides to locate the environment secretariat in Nairobi, Kenya.

“reluctantly supported the Third World solidarity” (Kaniaru 2004b, p. 263). In the discussions that followed in the Second Committee, the specific location issues were conflated with the principle of equitable geographic distribution, disregarding the tenet that form should follow function.

Effectiveness and equity were juxtaposed starkly in the location debates. As Peter Stone noted, “industrialized countries were aghast” (Stone 1973, Epilogue). For them, the issue of equity was a front for narrow domestic political agendas. Their key concerns were the effectiveness and efficiency of the new secretariat. Denmark openly opposed:

...locating of UN bodies or agencies in accordance with the principle of equitable geographical distribution because [Denmark] felt that, apart from financial considerations, the only other valid criterion to be taken into account was the efficient performance of functions for the benefit of all Members of the United Nations, developing as well as developed countries...[Denmark’s] objections, however, were not based on the fact that Kenya was a developing country; it preferred Geneva because it was of overriding importance for the environment secretariat to be located in a place where it would be most likely to fulfill its task of co-coordinating programmes and advising intergovernmental bodies within the United Nations systems (UN General Assembly 1972a, p. 302).

Taken in isolation, the equity and effectiveness arguments are both convincing. There was nothing inherent or sacrosanct about the fact that the UN headquarters and many other international agencies were set up in Western Europe and North America. As the UN system grew, it was only logical for it to adapt to the new realities, decentralize its operations, and include a much broader constituency in its daily operations. However, even developing countries conceded that judging the proposal on the grounds of effectiveness and efficiency, Geneva or New York would be the most logical locations for the environment body. Developing countries recognized explicitly that “undoubtedly, if only economic criteria were taken into consideration, the location of the environment secretariat

would certainly be in New York or Geneva, for the operating costs would be lower in those cities. The sponsors of the draft resolution were well aware of that elementary truth and therefore Kenya had felt it necessary to mention political considerations” (UN General Assembly 1972a, p. 261–2). The delegation of Zaire openly expressed that they were “perfectly well aware of the economic aspects of the problem and felt that they were just as important as the political criteria” (UN General Assembly 1972a, p. 262).

Yet, the principle of equity and the specific location in Nairobi were conflated in the negotiations preventing developing countries from arguing for the location of key international organizations in the global South instead of only for the new small environmental secretariat, which did not even have operational responsibilities. Malta, for example, affirmed that it was “counterproductive to enunciate the principle of equitable geographical distribution as applying to the sites of secretariats of United Nations bodies merely in order to prepare the way for a decision on the site of the environment secretariat” (UN General Assembly 1972a, p. 241). The functional mandate of the organization was the key factor that should determine location and the only “valid criterion to be taken into account the efficient performance of functions for the benefit of all members of the United Nations, developing as well as developed countries” (UN General Assembly 1972a, p. 302).

Solidarity among developing countries, which outnumbered developed countries by far, led to a decisive vote in favor of Nairobi. The decision to locate UNEP in Nairobi was thus not a “strategic necessity without which developing countries might have never accepted an environmental organ to be created” (Najam 2003, p. 374). Nor was it a way to marginalize the organization and “cannibalize its mandate” (von Moltke 1996, p. 54). It was not ill-intended, premeditated, or the result of a secret bargain. Quite the opposite; it was the outcome of an open ballot vote at the General Assembly in November 1972. The decision was openly political, seeking to affirm the role of developing countries as equal partners in multilateral affairs.

Location debates were heated and polarized as evidenced by the extraordinary number of amendments suggested. No other draft resolution discussed in the Second Committee had five proposals for amendments coming from both developed and developing countries. An open conflict was emerging. The sponsors of draft resolution A/C.2/L.1246 rejected any move to postpone a decision on the location of UNEP’s secretariat. They pushed for a vote despite the violation of Rule 155, which stipulated that decisions could not be made before the financial implications were clear.<sup>10</sup>

The location question thus entailed a “clash between blocs, which took no account of the intrinsic merits of the proposals put forward” (UN General Assembly 1972a, p. 261). The result of the vote on draft resolution A/C.2/L.1246/Rev.1 clearly indicated a deep North-South division. Ninety-three countries voted in favor, 1 against, and 30 abstained. The United States cast the opposing vote. Among the countries abstaining were all developed states except Greece, all socialist states except Romania and Yugoslavia, and Fiji, Malawi, Malaysia, Mongolia, and South Africa. Greece and Turkey both joined with the supporters of the resolution because of the Cyprus question. Kenya was to be President of the Security Council the following year<sup>11</sup> and since the issue of the status of Cyprus

<sup>10</sup> As noted earlier, the office of the Secretary-General had not prepared analyses of the financial implications of all location bids assuming that the secretariat would remain in Geneva. The Second Committee requested that such a review be undertaken and it was quickly compiled based on questionnaires to the candidate countries. It revealed a cost of \$2.3 million for Nairobi and \$1.3 million for Geneva.

<sup>11</sup> Joseph Odero-Jowi, Permanent Representative of Kenya to the United Nations, became the President of the Security Council in February 1973.

came up every year before the Security Council; both countries were hedging their bets (Kaniaru 2004a).

Reflecting upon the results, the Kenyan delegation argued that “confrontation was inevitable when a minority tried to go against the will of the majority” (UN General Assembly 1972a, p. 266) while Spain and others “deeply regretted the procedure, which was not in keeping with the spirit that should prevail in the United Nations” (UN General Assembly 1972a, p. 307). The procedure had not taken all candidatures into account and had not allowed delegations to indicate by their vote which location they preferred. It was “a group decision against which no appeal seemed possible and which apparently had excluded any compromise solution” (UN General Assembly 1972a, p. 308). In fact, so dissatisfied were countries with this procedure, that they urged the Second Committee to “propose that the General Assembly take the necessary steps to insert in the rules of procedure to be followed in the future in selecting locations for secretariats of United Nations bodies” (UN General Assembly 1972a, p. 307). Decisions on the location of a UN unit for which there is more than one candidate should fully consider each bid, including the financial and operational implications, and should be taken by secret ballot to ensure free expression. In the case of the Nairobi location, countries noted that their abstentions (rather than opposing votes) were given on the grounds of avoiding overt conflict and promoting harmony and cooperation on all environmental problems. However, as Mr. McCarthy, the representative of the United Kingdom declared “in light of the debate, it would be fiction to pretend that there was a consensus” (UN General Assembly 1972a, p. 303).

While not purposeful, UNEP’s location far outside the dense political activity “hot-spots” has influenced the organization significantly. Its ability to effectively coordinate and catalyze environmental action has been inhibited by its geographical isolation from other relevant UN operations, inadequate long-distance communications and transportation infrastructure, and lack of sufficient face-to-face interaction with counterparts in other agencies and treaty secretariats. On the other hand, UNEP’s presence in Nairobi has increased developing countries exposure to international environmental debates, elevated certain developing countries concerns such as desertification to the international level, brought representation of other UN agencies to Africa and, consequently, increased job opportunities and economic growth.

## 5 Critical junctures

In 1972, Peter Stone noted that “international organisations which are inefficient can be actually worse than nothing. Governments can use them to stifle projects. They can function like the ‘Stack’ near airports where incoming planes fly round and round until permission to land is given. If something is ‘Stacked’ in an inefficient organisation for long enough it risks running out of fuel and has to fly off somewhere else or fall out of the sky” (Stone 1973, Epilogue). Traditional wisdom claims that the system for global environmental governance was deliberately designed as weak. Through a historically grounded analysis, this article has shown that UNEP’s functions, institutional form, financing, and location were determined by political decisions in 1972 which were not purposefully taken to incapacitate the organization. The motives behind these decisions do not represent an interest in making the organization dysfunctional. Instead, a historical contingency holds much more complete explanation for why we have the system we have.

UNEP was envisioned as a “virile, flexible instrument, which was not only going to try to save the world but to revitalize the UN as well” (Stone 1973, Epilogue). UNEP was not endowed with limited financial resources of voluntary character to debilitate it but to allow a sufficient level of financing, which would not have come from the cash-poor United Nations at the time. UNEP was not located in Nairobi as part of a deal reached in Stockholm nor as a move on the part of industrialized countries to marginalize the new secretariat in a remote location. It was an explicitly political decision, disregarding the principle of form following function.

These critical choices carry significant explanatory power for the subsequent performance of UNEP as an anchor institution for the global environment (Ivanova 2005). The decisions to create a central organization for the environment with the status of Programme rather than Specialized Agency, without universal membership in its governance structure reliant solely on voluntary funding, and geographically remote from the agencies it was supposed to infuse with an environmental ethic, significantly constrained its ability to perform the full range of its functions. As a result, many other organizations have tried to step in and fill the vacuum. The consequence, some scholars argue, is “a nightmare scenario... [a] crazy quilt pattern of environmental governance [that] is too complicated, and is getting worse each year” (Charnovitz 2002).

Today’s reformers face the issues of UNEP’s form, function, and financing again, just like the founding members of the global environmental governance system in 1972. While many analysts have contributed detailed accounts of *what* nations states have done in the course of global environmental governance history, few have explained *why*. Focusing on a set of fundamental decisions made in the 1970s, this article presents a first attempt at telling the complex story of the leadership, confrontation, and compromises that led to the design and creation of the United Nations Environment Programme—the “anchor institution” for the global environment.

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