

Legal challenges in the creation of a World Environment Organisation (WEO)

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Outline of presentation:

1. Rio+20 outcome on IFSD
2. Background on paper
3. Definition of a WEO
4. What is needed?
5. What will change?
6. Conclusions

Rio+20: outcome (1/2)



Institutional Framework for Sustainable Development (IFSD)

51. We agree to strengthen the capacity of UNEP to fulfil its mandate by establishing universal membership in its Governing Council and call for significantly increasing its financial base to deepen policy coordination and enhance means of implementation.

OR

51 alt. We resolve to establish a UN specialized agency for the environment with universal membership of its Governing Council, based on UNEP, with a revised and strengthened mandate, supported by stable, adequate and predictable financial contributions and operating on an equal footing with other UN specialized agencies. This agency, based in Nairobi, would cooperate closely with other specialized agencies.

Rio+20: outcome (2/2)

Paras 87-90 of The Future We Want: Outcome Document

Strengthen UNEP by:

- Establishing Universal Membership of the GC
- Increase financial resources and Modes of Implementation

Remarkable: no further negotiation process on reforming UNEP

2. Legal challenges in creation of a WEO: background

Huge number of proposals exist, yet none give detailed legal challenges and consequences of their implementation

Cross section of ten distinct proposals, in four categories

- a. Based on WTO format
- b. Based on ILO format
- c. UNEO proposal (France / EU)
- d. Umbrella Organisation (Brazil)





3. Issue-based definition of the WEO

The WEO is a UN Specialised Agency with the competence to:

- (1) provide an umbrella for the existing MEAs
- (2) provide a high-level policy forum for new and ongoing negotiations, in light of newly emerging environmental threats
- (3) help strengthen the capacity of those countries meeting with implementation and compliance issues

4. What is needed? (1/2)

Specialized Agency: based on art. 57 and 63 of the UN Charter

Need for:

- (1) Multilateral treaty establishing the organisation (the ‘constitution’) – organs, membership, decision-making
- (2) Relationship agreement with the UN – link with EcoSoc / UNGA

What is needed? (2/2)

(1) provide an umbrella for the existing MEAs

- Means what?
- Bottom-up clustering processes between MEAs: political rather than legal
- No top-down steering is possible (UNEP or WEO)

(2) provide a high-level policy forum

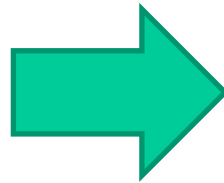
- Legally speaking: no issue; can easily be organized by UNEP and WEO

(3) enhance capacity-building efforts

- Huge number of initiatives (UNDP, GEF, MEAs, ...)
- WEO must coordinate these initiatives

5. What will change?

Added value of WEO?

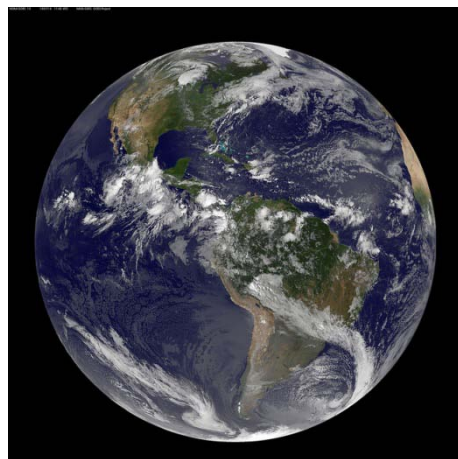


6. Conclusions

UN Specialized Agency vs. UN Programme:

- Based on functions of WEO: no legal added value for specialised agency
- Based on format of WEO: no legal added value in terms of decision-making, clustering, funding
- In terms of legitimacy: universal participation + EcoSoc/UNGA vs. Specialised Agency decision-making

Questions / Remarks?



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