

## *Road to Stockholm+50 (2022) and Beyond*

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# Future of UNEP: Stockholm+50 and Beyond<sup>+</sup>

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**Abstract.** Environmental issue on to the global radar screen with the first UN Conference on Human Environment (UNCHE) hosted by the Swedish Government in Stockholm during 5–16 June 1972. The momentum generated by this historic meeting was attended by only two heads of Government of Sweden and India. It took place amid skepticism about the approach, the North-South divide and the idea that global problems need global solutions. It gave birth to a new UN environment entity – UNEP – that became the first major UN entity to be located in the African continent. The UN General Assembly driven global conferencing approach has stood the test of time as witnessed in subsequent summits at Rio de Janeiro (1992), Johannesburg (2002) and Rio+20 event (2012). Now the stage is set for the 50 years of the UNCHE. The first part took place in Nairobi during 3-4 March 2022. The second part will be held in Stockholm during 2-3 June 2022. The author has been privy as well as a participant in the making of UNEP from its inception and his life became intertwined with the life of UNEP. This article seeks to provide that firsthand account along with what went wrong and what lies ahead beyond Stockholm+50 event.

**Keywords:** UNEP, Global Conferencing, Global Ministerial Environment Forum, Environment Management Group, UN Environment Assembly, UN Specialized Agency, future generations

## 1. Introduction

The International community dialogue on environment began with the government of Sweden raising concerns about the state of pollution of the environment in 1968 (in ECOSOC, 45<sup>th</sup> session, referred to the UN General Assembly which adopted.<sup>1</sup> The preparatory process, under a Secretary General of the conference led by Maurice F. Strong (Canada), along with a team of staff based in both New York and Geneva, and a committee of member states. The preparations culminated in the United Nations Conference on the Human Environment (UNCHE) later held in Stockholm<sup>2</sup> in a conference attended by 103-member states, with an outcome of the report<sup>3</sup> containing the Stockholm Declaration of 26 Principles; the action plan for the human environment with 109 recommendations and draft resolution on institutional arrangements. The report was presented to the 27<sup>th</sup> Session of the United

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1 UN (1968), *Problems of the human environment*, General Assembly resolution 2398 (XXIII) of 3 December 1968; available at: NR024358.pdf (un.org).

2 UN (1972), *United Nations Conference on the Human Environment*, 5-16 June, 1972, A/RES/27/2997, 15 December 1972; available at: <https://www.refworld.org/docid/3b00f1c840.html> accessed 25 March 2022).

3 A.CONF.148/14 Rev 1.

Nations General Assembly that decided on the matter<sup>4</sup> on 15 December 1972. It decided on the birth of the United Nations Environment Program (UNEP) with effect from 1 January 1973. The basis of substance was decided unanimously; only the question of the location of the new Secretariat was hotly contested in the second committee, but also decided<sup>5</sup> by recorded vote on the 15<sup>th</sup> December 1972. Hence the title: UNEP at 50 in this article; that is, 1972 to 2022.

## 2. Leadership of UNEP

It is noted, at the outset that the UN Secretary General appointed the former Secretary General of UNCHE, Maurice F. Strong, the new Executive Director of the new Secretariat, UNEP. As the head of the Secretariat preparing the conference, he needed no briefing on the enormity of the challenge; issues and the urgency to get the job up and running. He had the goodwill of UN Secretary General; governments; as well as the United Nations system whose coordination he had responsibility for as decided by the governments. He quickly put up a team, drawing from his colleagues and staff of the preparatory process and others from governments to join him. Meantime Kenyans became ready companions to ensure the new Secretariat was established speedily in its new home in the South, the capital of Kenya, Nairobi.

In less than a week after the decision on location was reached, the Executive Director (ED) led a team to Nairobi in a series of meetings with senior Government officials including the Ambassador, New York and the writer and temporary premises were availed as suitable options in Nairobi for the UNEP headquarters for his decision on one hundred acres offered and by 26 March 1975, the headquarters agreement was signed and in operation.<sup>6</sup> And in December 1975, the Secretariat relocated from the Kenyatta International Convention Centre (KICC) to the current UN Complex, in Gigiri, with KICC as the meeting venue for the UNEP Governing Council (GC), then held annually until the UN completed the permanent headquarters at Gigiri, and the Conferences Complex.

The headquarters is also automatically the home of other global organizations located in Kenya.<sup>7</sup> That is, UN Habitat,<sup>8</sup> and UNON as well. At this writing UNEP is headed by the seventh Executive Director, Ms. Inger Andersen (Denmark) from June 2019<sup>9</sup> while her first deputy executive director is the thirteenth since the first one and the only deputy of Maurice Strong, Dr. Mostafa Tolba was appointed in 1973.

The first two firmly established the new Secretariat in its first two decades and complemented each other outstandingly. One was a terrific fundraiser – much needed at inception of the Secretariat, and the other, a top and highly respected scientist. Substantively, therefore, the Secretariat moved to joint and thematic programming with regional economic commissions, scientific bodies, intergovernmental bodies and to work with the United Nations system, governments and non-governmental bodies of professional character, such as the IUCN and its affiliate, ICCEL, among others. By the time the third Executive Director took over, UNEP, was a respected player and had notable financial resources that carried the Organisation forward during the term of the new ED.

4 UN (1972), *Institutional and financial arrangements for international environmental cooperation*; UNGA Res. 2997(XXVII); UN Doc. A/RES/27/2997, 15 December 1972; available at: A/RES/27/2997 - Institutional and financial arrangements for international environmental cooperation - UN Documents: Gathering a body of global agreements (un-documents.net)

5 UN (1972), *Location of the environment secretariat*, General Assembly resolution 3004 (XXVII), 15 December 1972; available at: NR027034.pdf (un.org). The contention has been severally outlined in several writings by the author. See Donald Kaniaru, "UNEP in Kenya and How it Happened" in *Environmental Diplomacy*, Peter Lang (forthcoming, 2022).

6 Agreement between the United Nations and the Republic of Kenya regarding the Headquarters of the United Nations Environment Program; available in Desai, Bharat H. (2010), *Multilateral Environmental Agreements: Legal Status of the Secretariats*. New York: Cambridge University Press, pp.

7 Article XVI, section 45. On 21<sup>st</sup> March 1979, Dr. Ramandran, ED, notified the Minister for Foreign Affairs, Hon. Munyua Waiyaki.

8 Upon upgrade of UN common services: A/C5/64L18, paragraph 53 with head decided as Under Secretary General, 28 December 2009.

9 Others were in order: M.F. Strong (Canada); M.K Tolba (Egypt); Ms. Elizabeth Dowdeswell (Canada); Klaus Töpfer (Germany); Achim Steiner (Germany) and Eric Solheim (Norway). I was a staff member during the first four, and thereafter was appointed ICCEL representative to UNEP to date. See footnote 11 below.

The fourth and the fifth EDs were at the helm for the next eighteen years, 1998–2016, and in charge of major international environment governance reforms initiating Global Ministerial Environment Forum (GMEF)<sup>10</sup> and universal session in 2013, and the United Nations Environment Assembly (UNEA)<sup>11</sup> comprising all member states of the United Nations.

These governance instruments direct policies of the Secretariat and define the Environment Programme.<sup>12</sup> This latter instrument, UNEA, meets every two years, and one issue would, in my opinion, have to be addressed. This is, with over 190-member states, a one-week UNEA can hardly exhaust the thirst of high-level government leaders, even considering that UNEA's subsidiary body, Open-Ended Committee of Permanent Representatives (OECPR) of ambassadors does meet for a week prior to the UNEA session. I, of course, was there in early Governing Councils of 58-member states, meeting for two weeks, annually, for some years before alternating regular sessions in odd years, and special sessions in even years (which in fact then meant annually).

In the first decade, the Stockholm Action Plan was translated into the programme of UNEP; duly coordinated into system-wide medium-term environment programme (SWMTEP); plans and projects. The key players were designated officials on environmental matters (DOEM), drawn from specialized agencies and UN bodies (including Regional Economic and Social Commissions). DOEMs reported to respective heads of organizations<sup>13</sup> and together to the Environment Coordinating Board (ECB) chaired by the Executive Director (ED) of UNEP. The ECB<sup>14</sup> (UNGA Res 2997 (XXVII)) later was replaced by the Environment Management Group (EMG),<sup>15</sup> similarly chaired by the ED.

Between 1973 and 1980, *ad hoc* action was taken, for example, in some conventions (1973 CITES; 1979 CMS) and some declarations (Stockholm, of 26 principles); Guidelines and other soft law instruments. Then systematic programs were introduced in 1981; the first Montevideo I ten-year periodic programs, currently into Montevideo V adopted by UNEA Decision 4/20. These ten-year programs, reviewed every five years, ushered in a series of global and regional conventions, now in large numbers from the 1980s to 2013, the latest of which were on wastes and chemicals (Basel, Convention 1989; Bamako, Africa, 1991; Rotterdam, PIC, 1998; Stockholm, PoPs, 2001 and Minamata, Mercury, 2013.)

Regional conventions were similarly concluded in Africa (Lusaka Agreement, 1994 and African Convention of Nature and Natural Resources, adopted by the African Union in 2003 in Maputo. Africa was assisted by UNEP, IUCN and ECA); Asia (ASEAN); UNECE (Espoo); Aarhus June (1998; Long Range Transport OF Air Pollutants; and in Grulac region, several, among others. These instruments are visibly many but the weak point is on non-enforcement, mainly in the South, basically for lack of financial resources, and skilled manpower. Multilateralism is a big winner thus far, and is still on the increase, both globally and at regional level.<sup>16</sup>

Then at national level, in every region, national environmental law, and corresponding Ministries and institutions are prevalent in practically all countries that mushroomed with and in the momentum since the Stockholm Conference, and with UNEP assisting, in particular, the developing countries, upon request<sup>17</sup> and since the United Nations Conference on the Environment and Development (UNCED).<sup>18</sup> Agenda 21, Chapter 38 focus on capacity building in developing countries and former Soviet Republics nicknamed countries in transition, currently the hallmark of uplifting those groups of countries in technology transfer and technical assistance in large areas needing attention especially in national legislation and policies. In some cases,

10 Desai, Bharat H. (2000), "Revitalizing International Environmental Institutions: The UN Task Force Report and Beyond", *Indian Journal of International Law*, vol.40, no.3, pp.455-504 at 489-490.

11 Desai, Bharat H. (2015), "The Advent of the United Nations Environment Assembly", *ASIL Insights*, vol.19, no.2; available at: <http://www.asil.org/insights/volume/19/issue/2/advent-united-nations-environment-assembly> (accessed on 12 April 2022).

12 1973- the first regular session and only one held away from Nairobi; was held in Geneva in June. All others: 27 GCs and GMEF to 2012 and UNEA (2014 to 2022) and 12 Special sessions of the Council. Attended all except four special sessions held away from Nairobi after retirement in 2003.

13 Starting from GC Decision I (1) of 22 June 1973. Human Settlements had priority among developing countries, and after the 1976 Vancouver UN Conference, Canada, became the next organ to be co-located with UNEP in Nairobi as UN-Habitat.

14 UN (1972), n. 4.

15 Desai, Bharat H. (2000), n. 10, pp. 481-482. Also see, UN (1999), General Assembly resolution 53/242 on *Report of the Secretary-General on Environment and Human Settlement*; UN Doc. A/RES/53/242 of 10 August 1999.

16 The Nairobi Political Declaration adopted by UNEA/5 Part two, and several Decisions demonstrate this.

17 UNGA Res 3436 (XXX) of 1975.

18 A/CONF.151/4.

constitutional provisions, like in the case of Kenya, the 2010 Constitution. Also, UNEP regularly compiled Registers of environmental treaties and agreements and shared them extensively with all regions and governments in global and regional conventions. It also disseminated soft law: principles and guidelines which find expression in national legislation almost as a matter of course.

At national level, attention has been seriously given to Judiciaries – previously neglected till after the 1990s, starting with Africa in 1996 followed by a series of colloquia/symposia in South Asia (Colombo 1998); South East Asia (Manila, 1999); South America (Mexico), 2000; Caribbean (Jamaica), 2001; Global Symposium (Johannesburg), 2002; Western Europe (London), 2002; Arab Region (Kuwait), 2003; and Eastern Europe (Kiev), 2003. Thereafter others followed in practice at country level, sub regions and as far afield as the Pacific (Australia and New Zealand). Naturally capacity building activities are not a one-time affair; they are repeated as desired as circumstances change.

International Environmental Law and National Environmental Law, almost from nowhere in 1970s are now normal laws like other legislation or law. At university level, these laws, previously unknown in my university days and after, are consequently as obvious as any other area of study, and students lavish in present endeavours in increasingly defining their future careers in environmental law. They continue to draw their inspiration in the blooming work, programs and activities of UNEP.

In fact, no other branch of law has emerged with such momentum and as consistently as in this practically five-decade emergent law. If we attribute this success to any institution, UNEP and the field of the environment would get the crown, no doubt.

### **3. Evaluation of UNEP and Environment**

The mechanism for evaluation is remarkably self-ingrained in UNEP institutional arrangements, informally and formally and beyond UNEP itself through the UN, and governments in every region and globally. The mandate of UNEP has been consistently affirmed and reaffirmed in the process, below. Informally the management could put together a group of experts, or taskforce or request a company to review an issue, or to review a set of activities and report formally through the governing bodies.

### **4. Internal**

The UNEP was established without following a particular precedent. In fact, there was no model to follow for the new Secretariat. The body ahead of the UNEP in 1960s was UNIDO in 1965. But it followed its own pattern, and suffered setbacks in endeavours to reconstruct as a specialized agency and, to the best of my knowledge, it is still challenged. At the beginning of UNEP, with basically voluntarily funded basis of resources, some saw it as a temporary program. The first review, therefore, was in 1978, and the Governing Council quickly recommended it to be permanent. By 1983, the organization decided to establish core staff as career staff as well. Therefore, the best performing staff, medium aged, and initially, one per continent, were appointed career staff which is now a feature in the organization. Then there was a ten-year review by the Governing Council in a session of special character in 1982. Further reassuring and became a key feature every few years as outlined hereunder.

### **5. External**

The GC in 1983 recommended an external review by independent experts (twenty-one) which the UNGA, adopted and in 1987, the Commission, chaired by former Prime Minister of Norway, Gro Harlem Brundtland reporting, not to UNEP ED, but to the UN Secretary General. The Commission recommended that the 1992 UN Conference on Environment and Development (UNCED)<sup>19</sup> be established and to make recommendations to the General Assembly. The recommendations were accepted and, once again, Maurice F. Strong was appointed the

19 4-14 June 1992, Rio 1, A/CONF.151/26/Rev/ (Vol.I). UN publication sales No.E.93.1.8.

Secretary General of the conference, apparently to the dismay of the UNEP, then headed by M.K. Tolba, till end 1992. While UNEP did provide information or support as desired, the conferences were independent of UNEP, and reported to the UN Secretary General and the United Nations General Assembly. They, however, impacted the functioning, mandate and financing of UNEP as pointed out and apparent in UNGA resolutions.

Indeed Mostafa K. Tolba did also establish a parallel mechanism, to prepare the perspective document for the 2000s and beyond (1988) presented to the Governing Council and endorsed by the UNGA but also had a team of twenty-one senior experts put together a monumental *The World Environment, 1972–1992*,<sup>20</sup> two decades of challenge, the only one such report, hitherto. Brundtland came up with the definition of Sustainable Development,<sup>21</sup> which the strong group set to establish the Commission for Sustainable Development (CSD) high level, which twenty years later in 2012, in paragraph 84 of the outcome document established high-level political forum, “subsequently replacing the Commission”.<sup>22</sup>

The Outcome of the UNCED conference included: (i) the Rio Declaration on Environment and Development of 27 Principles was agreed, Annex 1; (ii) Agenda 21- of some 40 chapters; (iii) Non-legally binding authoritative statement principles for a global consensus on the management, conservation and sustainable development of all types of forests, Annex II, and alongside Agenda 21; (iv) two conventions were open for signature, viz the convention in Biodiversity (CBD) spearheaded by UNEP (MK. Tolba) and the UN Framework Convention on the Climate Change (under the auspices of the UN General Assembly). Clearly the pace that would have been ushered in by the two heads of UNEP and WMO, would not have been that of governments.

The UNEP and WMO had hoped to spearhead this as earlier, following the world climate conferences in 1974 and 1978, a decade later, in 1988 they had birthed the Intergovernmental Panel on Climate Change (IPCC) which would monitor, from time to time, and issue/reports on climate assessments, the last one issued on 28<sup>th</sup> February 2022.<sup>23</sup> The UNGA took IPCC as the mechanism of climate assessments and it so remains to-date. It is jointly supported by a Secretariat of the two organizations with some staff based in Geneva. The two hardworking leaders Tolba and Obasi heading UNEP and WMO -were truly far ahead of their time- given the topical and overarching nature of climate issues decades later, if CoP 26 in Glasgow (UK), in November 2021, is anything to go by.

Incidentally several other conventions were mooted under Agenda 21, and were completed under different auspices; i) Desertification (UN General Assembly; Agenda 21 Chapters 12). MK Tolba, in 1977, while head of UNEP had prepared, as Secretary General of the UN Conference on Desertification held in Nairobi in 1977, which had been later associated with FAO and UNEP in subsequent follow-up. However, as follow-up to Agenda 21, chapter 12, the Convention on Desertification Control, 1994, was concluded. ii) Oceans (Chapter 17, A21) the 1995 Agreement for the implementation of the provisions of UNCLOS of 10 December 1982 relating to the conservation and management of straddling fish stocks and highly migratory stocks was concluded under the UN as well. iii) Chemicals and wastes (A21 Chapters 19 and 20: Rotterdam Prior Informed Consent Convention (PIC), 1998; Stockholm, Persistent Organic Pollutants Convention (PoPs), 2001; Minamata, Mercury Convention, 2013 and work is still on-going on other aspects of chemicals.

Five years after UNCED, a further review and reporting was before the UNGA, 1997 in the 19<sup>th</sup> Special Session of the General Assembly (GA) as the fourth Executive Director, Prof. Klaus Töpfer (Germany), took charge of UNEP, for two terms to 2006 when the fifth ED, Achim Steiner (also Germany) took over to 2016.

In 2002, another senior review was undertaken, culminating in the World Summit on Sustainable Development (WSSD) held in Johannesburg, South Africa on 26 August - 4 September. It adopted the Johannesburg Declaration on sustainable development (some 37 paragraphs in 6 sections) and the plan of implementation of the world summit<sup>24</sup> with eleven parts, in all 170 paragraphs, covering major grounds on different issues and all regions, as well as revisiting: poverty eradication (part II) sustainable development of small island developing states (Part VII); sustainable development for Africa (Part VIII); other regional initiatives (Part IX); means of implementation

20 Chapman & Hall, Edited by Mostafa K. Tolba and five other Experts. Published by Chapman & Hall, London, on behalf of UNEP.

21 As development that meets the needs of the present generation without compromising the ability of future generations to meet their needs. See *Our Common Future*, The World Commission on Environment and Development, Oxford University Press, 1987.

22 UNGA Res 66/288, Annex, paragraphs 85-86.

23 See *The Economist*, March 5<sup>th</sup> 2022, pp 71-72.

24 A/CONF.199/20. UN Publication, Sales No. E.03.II.A.I.

(Part X); and institutional framework for sustainable development (Part XI), in nine subunits. This summit was ten years after Rio I in 1992, and strongly reinforced Agenda 21 (of 1992), reaffirmed the Stockholm and Rio Declarations of 26 and 27 principles respectively and the UN system and other institutions and players, and in particular, strengthening the institutions and capacity building at all levels.

However, endeavors at winding up the reform on international environmental guidance (IEG) was not ready and had to go to the next major conference a decade later. Thus in 2012, the United Nations embarked on yet another review, the UN Conference on Sustainable Development (UNCSD), named Rio Plus 20 (Rio II), whose outcome document, the “Future we want” was born<sup>25</sup> and the international environment governance, a universal Governing Council, renamed the United Nations Environment Assembly (UNEA) from 2014.<sup>26</sup> Currently UNEA is in its 5<sup>th</sup> session and on 3-4 March 2022, in its first Special Session in Nairobi, it commemorated 50 years of the founding of UNEP. A Political Declaration of 26 paragraphs was also adopted without vote on 2<sup>nd</sup> March and by acclamation by the UNEA Special Session on 3 March 2022. It will be recalled that the Political Declaration was the culmination of a process that was redirected to Nairobi by the UNGA following its UNGA resolutions 72/277 and 73/333 in an initiative by France.

The foregoing reviews the tasks to be done in future are not in doubt. New global and regional interventions and instruments are on the horizon as we embark on the next 50 years and beyond in search of a better world. The present and future generations have their work cut out for them. Indeed, an Intergovernmental Negotiating Committee (INC) on plastics was set in motion, in UNEA, with the result expected by 2024.

Should the auditing of these series of conferences and summits under the section, external, have been done with recommendations on the way forward? Could the billions spent on the endeavours have been put to different use? With the different chiefs of the UN out of office or having passed on, and the decisions having been duly passed by lawful authority, considered partly implemented, and still available for those interested, should the matter be better closed or revisited by each of the identified players, presented to its governance mechanism and decision made on next steps? A lot of investment has gone into the work done and illustrious negotiations, if I may say so, carried out, expressly reaffirming the mandate of UNEP, environment in the context of sustainable development, related organs and parties, with due emphasis on its authority as well strengthening it and adequately funding it.

25 UNGA Res. 66/288 of 27 July 2012. The entire annex, 283 paragraphs captured. See Annex, Section IV, titled International Framework for Sustainable Development, (C) Environmental Pillar in the Context of Sustainable Development, Paragraphs 87-90, and more so paragraph 88 which states: 88. We are committed to strengthening the role of the United Nations Environment Programme as the leading global environmental authority that sets the global environmental agenda, promotes the coherent implementation of the environmental dimension of sustainable development within the United Nations system and serves as an authoritative advocate for the global environment. We reaffirm General Assembly resolution 2997 (XXVII) of 15 December 1972 establishing the United Nations Environment Programme and other relevant resolutions that reinforce its mandate, as well as the Nairobi Declaration on the Role and Mandate of the United Nations Environment Programme of 7 February 1997 and the Malmö Ministerial Declaration of 31 May 2000. In this regard, we invite the Assembly, at its sixty seventh session, to adopt a resolution strengthening and upgrading the United Nations Environment Programme in the following manner:

- (a) Establish universal membership in the Governing Council of the United Nations Environment Programme, as well as other measures to strengthen its governance as well as its responsiveness and accountability to Member States;
- (b) Have secure, stable, adequate and increased financial resources from the regular budget of the United Nations and voluntary contributions to fulfill its mandate;
- (c) Enhance the voice of the United Nations Environment Programme and its ability to fulfill its coordination mandate within the United Nations system by strengthening its engagement in key United Nations coordination bodies and empowering it to lead efforts to formulate United Nations system-wide strategies on the environment;
- (d) Promote a strong science-policy interface, building on existing international instruments, assessments, panels and information networks, including the Global Environment Outlook, as one of the processes aimed at bringing together information and assessment to support informed decision-making;
- (e) Disseminate and share evidence-based environmental information, and raise public awareness on critical, as well as emerging, environmental issues;
- (f) Provide capacity-building to countries, as well as support, and facilitate access to technology;
- (g) Progressively consolidate headquarters functions in Nairobi, as well as strengthen its regional presence, in order to assist countries, upon request, in the implementation of their national environmental policies, collaborating closely with other relevant entities of the United Nations system;
- (h) Ensure the active participation of all relevant stakeholders, drawing on best practices and models from relevant multilateral institutions and exploring new mechanisms to promote transparency and the effective engagement of civil society.

26 UN (2013), General Assembly resolution 67/251 of 13 March 2013 on “Change of the designation of the Governing Council of the United Nations Environment Programme”; UN Doc. A/RES/67/251, 25 July 2013.

Thus, its past, present and future are inseparably interconnected. No great value, therefore, would have emerged as a result of such an audit. Hence it rests there.

## 6. Has UNEP and Environment Been Successful?

No doubt UNEP has been unimpeachably successful over the past 50 years.<sup>27</sup> The UNEA meetings and commemoration in Nairobi affirmed this unequivocally. In fact, no other UN organ is an equal, or surpasses UNEP from global and regional ambits while at national level, all nations, in varying degrees have, in one way or other, been impacted. Having been there before, during and after UNEP, I am able to affirm this.<sup>28</sup> Its role in the United Nations and system is relied on and respected. At civil society and individual levels, invaluable partnership is integral to the success achieved this far. New standards, laws and regulations are in place practically in all nations and places; applicable in the atmosphere, oceans and ecosystems. Indeed, new institutions and machineries drive their processes, and all look to UNEP and extended UN system to explain the phenomenon or endeavours and proclaim unhesitatingly, a better environment, with outstanding determination to outdo the past and shine without limits in the future and beyond.

My statement above does not mean that there have been no difficulties; errors or shortcomings. On the contrary. There have been difficulties and challenges as well. These, however, do not diminish the clear-cut success and the determination to do better which all governments, UN, people and civil society look up to UNEP for. Measures are in place, for example, at national level: national Constitutions and laws; international laws and principles and effected at all levels. Equally at global and regional levels: binding conventions and agreements in hundreds; numerous soft law instruments much has been done, not all is or has been enforced, again at every level; some remain ill-or not-applied. Hence far more still awaits to be done. Both finances and human resources, skilled to fulfill obvious obligations, are far from abundant. These resources must not be frittered away and must be prudently applied. Focus on concrete action is simply a must. Priority must be given to critical implementation and cooperation extended to pool resources together to purposeful ends, rather than to subject them to competition, or even worse, to corrupt ends. Governments should deliberately avail huge resources; cooperation between the different states must be underscored, on a long-term basis, at every level in exploration, research and management. Such are the challenges that imminent future, already beckoning, way beyond the mirage is focused upon.

## 7. What Does the Future Hold?

Let one and all sum up the benefits and challenges so obvious in the last 50 years. Where did things go wrong and what should be done to correct, or reverse that? That is the opportunity that the present and future generations are to contend with henceforth. Measures are upfront in the hands of governments and over several decades of review, this is no longer contested. The past strategies, noted above, the millennium goals for sustainable development, the unfulfilled agreed principles and treaties; the current decade of Montevideo V, (effective 2020) and the Political Declaration are uppermost in the next slice of the future. While details in a variety of different instruments may be contested, hints of a better future ahead, are not contested. These will provide directions and declare the way forward for UNEP, nature and environment in the next 50 years and beyond. The Political Declaration,<sup>29</sup> strongly encourages strengthening UNEP as science and policy-based organization and connects with its UN system partners and together act as guardian angels for humanity. It also remains to be seen if and when the upgradation of UNEP into a full UN ‘specialized agency’ for the environment, proposed by scholars

27 Desai, Bharat H. (2014), *International Environmental Governance: Towards UNEPO?* (Boston, USA: Brill Nijhoff, 2014); available at: International Environmental Governance – Towards UNEPO | Brill (accessed on 12 April 2022).

28 Kaniaru, Donald W. (2022), *Environmental Law and Diplomacy: Selected writings of Donald W. Kaniaru 1970-2021*, Strathmore University Press; forthcoming.

29 Adopted in March 2022, is cognizant of its roots as other UNEA 5 Part 2 Decisions press on as well.

such as Bharat Desai<sup>30</sup> and Said Mahmoudi,<sup>31</sup> materializes. The present owes the future as much, the most it can offer, as the future begins.

Science and technology: finances are crucial in our journey of success. They are our companions in not only capacity building but in applying accumulated knowledge out there. Let us tap resources and apply them to benefit present and future generations. Let us define realities in actions, not in empty high-sounding rhetoric. Let<sup>32</sup> these be reflected in magnitude of resources (vast) in terms of 5–10-year durations repeated 6-10 times, and making sure that benefits to humanity flow like ends of justice and water endlessly reaching all corners of thirsty environments. Our focus is in totality: humans; diverse animals and plants that underline Nature. Let us nurture it. From a challenging past, let us dig in for a fulfilling future as our donation to generations to come. Otherwise, our rich past would have been in vain. The future of generations begins now, not tomorrow. We can only hope that wiser counsels will prevail at Stockholm+50 event in June 2022.

30 Desai, Bharat H. (2000), n. 10 at 495-498; Desai, Bharat H. (2014), n. 27, chapters 4 to 7; Desai, Bharat H. (2012), “The Quest for a United Nations Specialized Agency for the Environment”, *The Roundtable* (Routledge, London), vol. 101, no. 2, 2012, pp.167-179.

31 Mahmoudi, Said (2021), “A Specialized Agency for the Environment”, *Environmental Policy and Law*, vol. 51, no. 1-2, pp. 111-120. Also see, Desai, Bharat H. (2021), Ed., *Our Earth Matters: Pathways to a Better Common Environmental Future*, Chapter 20, pp.203-212 (Amsterdam, Berlin, Washington DC: IOS Press, 2021); available at: Our Earth Matters | IOS Press (accessed on 12 April 2022).

32 UNGA resolutions 72/277 of 14<sup>th</sup> May 2018 and 73/333 of 5<sup>th</sup> September 2019.