Road to Stockholm+50 (2022) and Beyond

Stockholm + 50: A Look Ahead in International Environmental Politics[+]

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Abstract. The global environmental awareness and regulatory process has covered a trajectory of 50 years. From the innocent times of the first 1972 UN Conference on the Human Environment (UNCHE), the world has travelled very far. It has encompassed a veritable process comprising role of actors, polarizing issues such as balancing of environment-development, emergence of norms and governance forms. In the post-Westphalian governance order, the political landscape has been a determining factor for the contemporary environmental discourse. Even as the global governance architecture has become more complex and hierarchical, what can UNCHE + 50 ordain for our environmental future? What alternatives are possible for survival of the planet earth and betterment of the humankind? This article seeks to examine some of these issues of environmental politics that will determine the future course of action at UNCHE+50 event in June 2022 and beyond.

Keywords: Post-Westphalian global governance, UN conference on human environment, international environmental politics, global environmental conferences, science-policy interface, global norms, governance forms, Stockhom + 50

1. Introduction

It has been a long and winding road from Stockholm in 1972 to Rio in 1992 to Johannesburg in 2002 back to Rio in 2012 and back to Stockholm for 2022. In this article I review the initial accomplishments of Stockholm, discuss how the global political system has changed in the intervening years, and address the current challenges facing Stockholm + 50. The global political landscape has changed extensively during the last 50 years, so that current planning for global environmental governance should be nested within the new context.

2. UNCHE

The United Nations Conference on the Human Environment (UNCHE) was the first global conference on the environment.[1] It developed soft law for addressing the environment through The Declaration on the Human Environment, laid out a coordinated action plan for the UN System and states, established the United Nations Environment Program as a new international organization responsible for the environment, and welcomed NGOs for the first time to a global conference. It also contributed to broader systemic changes which were already underway by highlighting science, putting issue interconnectivity on the agenda, promoting environmental awareness, and involving a variety of non-state actors in global governance. It helped usher in a

1   United Nations (1972). Report of the United Nations conference on the human environment. New York, United Nations; Schmidt, E. (1973). The Results from Stockholm. Berlin; Engfeldt, L. (2009). From Stockholm to Johannesburg and beyond. Stockholm, Stockholms Universitesbibliotek.

multilateral era of what has been called complex governance,[2] polycentrism,[3] a kaleidoscopic order,[4] green pluralism,[5] and green jazz.[6]

The conference also occurred in the shadow of the Cold War and the New International Economic Order (NIEO), which led to profound political cleavages at Stockholm, including the withdrawal of the Soviet Union and the first appearance of China on the global environmental stage.

3. Systemic Transformations Since UNCHE

Profound systemic changes have transformed multilateral environmental politics since 1972.[7] These changes constitute the matrix within which multilateralism is currently conducted. They include the number and variety of actors, the issues on the global agenda, forms of international governance, the flourishing of international environmental law, the institutionalization of science into environmental governance, the spread of international and national institutions responsible for environmental protection, and the development of new global norms and overarching discourses. Global mega-conferences such as UNCHE and its successors have helped empower actors, disseminate norms, establish rules, and created new institutions.[8]

(i) Actors

It is now formally recognized that global governance is conducted by a broad array of political actors, including states, international institutions, NGOs, the scientific community, and the private sector.[9] Rio Plus 20 in 1992 recognized their right to participate as "major groups." The numbers of each of these groups of actors has grown exponentially since the early 20th century. Different configurations of actors are present in different international environmental regimes, creating a variety of constellations of actors and regime complexes with differing degrees of influence.

(ii) Issues

More issues are now on the global agenda than ever before, spanning security, nuclear non-proliferation, economic development, human rights, the environment, terrorism, democratization, trade, finance, macroeconomic coordination, and monetary management.[10] More importantly is a growing awareness of the interconnected nature of these issues, calling for coordination and better understanding about the nature of the complex global system. At UNCHE this array of issues was called the '*problematique*'[11] and is now understood as a complex global system.[12]

2   Kahler, M. (2016). "Complex Governance and the new interdependence approach." Review of International Political Economy **23**(5): 825-839.

3   Ostrom, E. (2010). "Polycentric Systems for coping with collective action and global environmental change." Global Environmental Change **20**: 550-557.

4   Weiss, E. B. (2020). "The Future of the Planetary Trust in a Kaleidoscopic World." Environmental Policy and Law **50**: 449-456.

5   Kanie, N., P. M. Haas, S. Andresen, G. D. Auld, B. Cashore, P. S. Chasek, J. A. Puppim de Oliveria, S. Renckens, O. S. Stokke, C. Stevens, S. D. VanDeveer and M. Iguchi (2013). "Green Pluralism: Lessons for Improved Environmental Governance in the 21st Century." Environment **55**(5): 14-30.

6   Speth, J. G. (2004). Red Sky at Morning. New Haven, Yale University Press.

7   Held, D., A. McGrew, D. Goldblatt and J. Perraton (1999). Global Transformations. Stanford, CA, Stanford University Press; Acharya, A. (2016). Why Govern? Cambridge, Cambridge University Press; Acharya, A. (2016). Why Govern? Cambridge, Cambridge University Press; Haas, P. M. and J. Western (2020). "Governing Complexity in World Politics." Complexity, Governance and Networks **6**(1): 55-67.

8   Haas, P. (2002). "UN Conferences and Constructivist Governance of the Environment." Global Governance **8**(1): 73-91.

9   Cerny, P. C. (2010). Rethinking World Politics. Oxford, Oxford University Press; Kanie, N., S. Andresen and P. M. Haas, Eds. (2014). Improving Global Environmental Governance. London, Routledge; Westerwinter, O., K. W. Abbott and T. Biersteker (2021). "Informal Governance in World Politics." Review of International Organizations **16**: 1-27; Carayannis, T. and T.G. Weiss (2021) The 'Third' United Nations. Oxford: Oxford University Press, pp.31-32; Roger, Charles R. (2020) The Origins of Informality. Oxford: Oxford University Press, p. 42.

10   Haas, P. M. and J. Western (2020). "Governing Complexity in World Politics." Complexity, Governance and Networks **6**(1): 55-67; Future Earth, Sustainability in the Digital Age and International Science Council (2021). Global Risks Perceptions Report 2021. Future Earth Canada Hub.

11   Ward, B. D., Rene (1972). Only One Earth: The Care and Maintenance of a Small Planet. New York, W. W. Norton and Company, Inc.; MacNeill, J., P. Winsemius; and T. Yakushiji (1991). Beyond Interdependence: The Meshing of the World's Economy and the Earth's Ecology. New York, Oxford University Press.

12   Jervis, R. (1997). System Effects. Princeton, Princeton University Press.

(iii) Governance Forms

Global Governance is beyond the sole purview of states. With the diffusion of transnational actors with interests in setting universal global standards, we now have private governance, public private governance arrangements, and non-market certification schemes.[13]

(iv) International Environmental Law

Modern international environmental law started at UNCHE. Previously hard treaty law covered fisheries and shipping. Since 1972 hundreds of treaties have been adopted and entered into force, mostly through the support of UNEP, for marine pollution, air pollution, atmospheric protection, and biodiversity.[14] This body of treaty law is highly fragmented by regime, with different rules and procedures in place to govern different environmental threats and media.[15]

(v) Institutionalized Science and the Science Policy Interface

One of the most significant changes in global governance has been the institutionalization of science and expertise into collective decision-making. UNCHE saw the introduction of arguments to justify the involvement of scientists and organized scientific panels into multilateral governance.[16] Since then it is now standard practice in treaty design to create a specialized science panel to advice governments on environmental science and policy.[17] Most regimes have associated expert panels, although there is wide variation in their effectiveness due to variation in design.[18]

(vi) More robust national and international environmental institutions

At UNCHE few international organizations (IOs) had environmental mandates or skills[19] UNEP was created to fill this void[20] in the UN system, with a mandate to heighten awareness, coordinate activities within the UN system, develop international environmental law and norms, to provide scientific input to the UN system and for governments, and to train developing country officials in environmental management.[21] Since 1972 other IOs have gotten involved in environmental governance, most notably the World Bank, UNDP, and UNECE, with UNESCO being involved in wetlands and migratory birds, and IUCN for endangered species. The major source of funding for UN environmental activities now comes from the World Bank and UNDP.

While UNEP was "upgraded" at Rio + 20 in 2012 as UN Environment Assembly (UNEA), when the UN General Assembly decided to rename and enlarge the UNEP Governing Council,[22] and had its financial flows regularized as well as having its responsibility confirmed for science, law, training, and some civil society mobilization. Yet it remains under-resourced relative to the other IOs involved in global environmental governance. While UNEP is supposed to be the UN system's moral and scientific compass, it lacks the

13   Andonova, L. B. (2017). *Governance Entrepreneurs*. Cambridge, Cambridge University Press; Auld, G. (2014). *Constructing Private Governance*. New Haven, Yale; Green, J. F. (2014). *Rethinking Private Authority*. Princeton, Princeton University Press; Pattberg, P. (2005). "The Institutionalization of Private Governance: How Business and Nonprofit Organizations Agree on Transnational Rules." *Governance* 18(4): 589-610; Renckens, S. (2020). *Private Governance and Public Authority*. Cambridge, Cambridge University Press.

14   Mitchell, R. B., L. B. Andonova, M. Axelrod, J. Balsiger, T. Bernauer, J. F. Green, J. Hollway, R. E. Kim and J.-F. Morin (2020). "What We Know (and Could Know) About International Environmental Agreements." Global Environmental Politics **20**(1): 103-121; Rajamani, L. and J. Peel, Eds. (2021). Oxford Handbook of International Environmental Law. Oxford, Oxford University Press.

15   Biermann, F., P. Pattberg, H. van Asselt and F. Zelli (2009). "The Fragmentation of Global Governance Architectures: A Framework for Analysis." Global Environmental Politics **9**(4): 14-40; Kim, R. E. and B. Mackey (2014). "International environmental law as a complex adaptive system." International Environmental Agreements **14**: 5–24.

16   Contini, P. and P. H. Sand (1972). "Methods to Expedite Environmental Protection: International Ecostandards." American Journal of International Law **66**(1): 37-59.

17   Haas, P. M. and C. Stevens (2011). Organized Science, Usable Knowledge and Multilateral Environmental Governance. Governing the Air. R. Lidskog and G. Sundqvist. Cambridge, MIT Press: 125-161.

18   Haas, P. M. (2017). Coupling Science to Governance. The Politics of Expertise in International Organizations. A. Littoz-Monnet. Oxford, Oxford University Press.

19   Gardner, R. N. (1972). "The Role of the UN in Environmental Problems." International Organization: 69-86.

20   Desai, Bharat H. (2006), "UNEP: A Global Environmental Authority?", *Environmental Policy & Law*, 36 (3-4), 137-157.

21   Strong, M. (1973). "One Year After Stockholm." Foreign Affairs **51**(4): 690-707; Ivanova, M. (2021). The Untold Story of The Worl'ds Leading Environmental Institution. Cambridge, MA, MIT Press.

22   Desai, Bharat H. (2015), "The Advent of the United Nations Environment Assembly", American Society of International Law, *Insights*, 19 (2), 15 January 2015; available at: http://www.asil.org/insights/volume/19/issue/2/advent-united-nations-environment-assembly. Also see General Assembly resolution 67/251; U.N. Doc. A/RES/67/251, 13 March 2013)

resources to fully deliver on these tasks. Its *Global Environmental Outlook*[23] reports, since 2012, do not directly address the many multilateral treaties which UNEP oversees. Its climate change work on financing and gaps between national commitments and UNFCCC aspirations provide valuable contributions to climate change governance.

In the run up to Stockholm and in its aftermath most countries created national environmental bodies.[24] These agencies vary widely though in terms of their staffing, budgets, and influence over their governments.

(vii) Global Norms

Since UNCHE a large body of soft law has been developed which establishes a loose set of expectations about state environmental behavior towards one another.[25] Yet it is widely seen as schizophrenic. The Stockholm Declaration and subsequent declarations assert that states enjoy national sovereignty over their own decisions and yet also have an obligation to protect international environmental commons. Rather than the contradiction which it is widely understood to be, this means that environmental norms are subordinate to a broader global norm of embedded liberalism[26] which asserts that states are willing to sacrifice some degree of national policy autonomy in order to enjoy the benefits from stable international order.[27] Thus states and the private sector should be willing to make or tolerate sacrifices in sovereignty for longer term environmental benefits.

More recently other putative norms have entered the mix. Sustainable Development has superseded environmental protection, as the Brundtland Commission demonstrated that international environmental protection could not be achieved without concurrent attention to economic development, economic equality, social justice, and peace.[28] The universal right to a "safe, clean, healthy and sustainable environment"[29] was endorsed by the UN Human Rights Council resolution 48/13 on 8 October 2021 by adopting the framework of principles on human rights and the environment.

Environmental protection remains one of the arrays of global norms, most of which are loosely compatible with one another, including free trade, democratization, human rights, non-first use of nuclear weapons, non-proliferation, and national sovereignty. Finance norms remain contested, or at least there remains a deep divide between public aspirations and actual resource flows. UNCHE introduced the concept of "additionality" suggesting that industrialized countries were responsible for paying the additional development costs of environmental protection. Yet the promised flows of multilateral assistance have remained disappointing. The climate change regime introduced a similar notion of "equal but differentiated responsibilities" although the concept has not been applied to other environmental regimes.

(viii) Overarching Narratives

The master narratives so common at Stockholm have abated and morphed. Arguments will be cast in a different frame than in 1972. The east west divide is now gone. With the end of the cold war, the debate about capitalism versus central planning has been shelved for more pragmatic discussions about how to harness markets, and the extent of state regulation. Russia now promotes its interests rather than an ideology. Similarly, the North/South

23   UNEP (2019), *Global Environmental Outlook 2019* (GEO-6); available at: Global Environment Outlook 6 | UNEP - UN Environment Programme

24   Haas, P. M. (1990). Saving the Mediterranean. New York, Columbia University Press; Cicin-Sain, B. and R. W. Knecht (1998). Integrated Coastal and Ocean Management: Concepts and Practices. Washington, D.C., Island Press.

25   Weiss, E. B., D. B. Magraw and P. C. Szasz (1992). International Environmental Law: Basic Instruments and References, Transnational Publishers; Sands, P. and J. Peel (2018). Principles of International Environmental Law. Cambridge, Cambridge University Press; Falkner, R. and B. Buzan (2019). "The Emergence of Environmental Stewardship as A Primary Institution of Global International Society." European Journal of International Relations **25**(1): 131-155; Falkner, R. (2020). Global Environmental Responsibility in International Society. The Rise of Responsibility in World Politics. H. Hansen-Magnusson and A. Vetterlein. Cambridge, Cambridge University Press: 101-124; Falkner, R. (2021). Environmentalism and Global International Society. Cambridge, Cambridge University Press.

26   Ruggie, J. G. (1983). International Regimes, Transactions and Change: Embedded Liberalism in the postwar economic order. International Regimes. S. D. Krasner. Ithaca, Cornell University: 195-232; Bernstein, S. (2002). "Liberal Environmentalism and Global Environmental Governance." Global Environmental Politics **2**(3): 1-16.

27   Schrijver, N. J. (2021). "State Sovereignty in the Planetary Management of Natural Resources." Environmental Policy and Law **51**: 13-20.

28   World Commission on Environment and Development (1987). Our Common Future. New York, Oxford University Press.

29   Human Rights Council (2021). *The human right to a clean, healthy and sustainable environment*; Resolution 48/13 of 08 October 2021; UN Doc. A//HRC/RES/48/13, 18 October 2021; available at: OHCHR | Session48 48th session of the Human Rights Council: Resolutions, decisions and President's statements.

divide which was so prevalent at Stockholm, given the intensity of the NIEO and the post-colonial aspirations for economic development[30] has now abated. A continuing narrative over time and across environmental regimes is still the question of fairness and additionality. The developing world is still waiting for significant increases in foreign assistance to help pay for their commitments to environmental protection.

Concerns about population growth were prominent at Stockholm, and are now largely absent, as the demographic transition rapidly lowered population growth rates across the developing world, and access to family planning improved. More generally Malthusian notions of resource scarcity have fallen into disrepute in large part with the rejection of peak oil,[31] and been replaced by various steering paradigms for promoting technological innovation.

Thus, rather than the extreme positions at Stockholm the current setting is much more pragmatic.

(ix) Distribution of state power and state leadership

Unlike 1972, no county enjoys the resources and political will to single handedly steer international environmental governance through preparing and enforcing treaties.[32] The USA and China enjoy rough parity in terms of material resources which can command compliance by other countries, in terms of their share of world trade, investment, and high-tech sectors which can generate a dynamic economy. Since the 1970 s the US has dramatically lost its political will, as the US has become domestically divided and has not been able to get meaningful climate change legislation passed. China remains focused on advancing its geopolitical vision and promoting domestic economic growth.

(x) Green markets

One major transformation since 1972 has been the emergence of green markets which were almost entirely absent before the era of global environmental governance. Patents on green technology increased by almost 900% between 1990 and 2013.[33] Exports of environmental goods and service grew from 3223 billion US%$ in 2001 to 783 billion US$ in 2007.[34]

4. Post Westphalian Global Governance

The movement from Stockholm 1972 to Stockholm 2022 is part of a broader move from a state-based Westphalian order to a post-Westphalian international political order featuring many different political actors with different configurations of actors, rules, norms, and frames between international regimes.[35] UNCHE designers were striving to advance a new project focusing on the environment but also anticipating the politics of networks.[36]

What Tom Weiss calls the Third UN[37] is a new political beast which works with a wide array of non-state actors[38] although ultimately decisions still rest on nation state choices.

30 Castro, J. A. d. A. (1972). Environment and development: the case of the developing countries. World eco-crisis: international organizations in response. D. A. Kay and E. B. Skolnikoff. Madison, University of Wisconsin Press.

31 Lynch, M. C. (2016). The "Peak Oil" Scare and the Coming Oil Flood. Santa Barbara, CA, Praeger. MacNeill, J., P. Winsemius; and T. Yakushiji (1991). Beyond Interdependence: The Meshing of the World's Economy and the Earth's Ecology. New York, Oxford University Press.

32 Acharya, A. (2014). The End of American World Order. Cambridge, Polity.

33 OECD. (2013, June 2013). "Emissions of air pollutants, Sulphur Oxides, Total man-made emissions, 1000 tonnnes (OECD.StatExtracts)." Retrieved 11 December, 2013, from http://stats.oecd.org/Index.aspx?DataSetCode = AIR_EMISSIONS#.

34 Khatun, F. (2010). Trade Negotiations on Environmental Goods and Services in the LDC Context. New York, United Nations Development Programme.

35 Bull, H. (1977). The anarchical society: a study of order in world politics. New York, Columbia University Press.

36 Strong, M. (1973). "One Year After Stockholm." Foreign Affairs **51**(4): 690-707; Gardner, R. N. (1974). "The Hard Road to World Order." Foreign Affairs; Ruggie, J. G. (1974). The state of the future: technology, collective governance and world order. Berkeley, CA, University of California Berkeley.

37 Weiss, T. G., T. Carayannis and R. Jolly (2009). "The "Third" United Nations." Global Governance **15**: 123-142; Carayannis, T. and T. Weiss (2021) The Third United Nations Oxford: Oxford University Press.

38 Kanie, N., P. M. Haas, S. Andresen, G. Auld, B. Cashore, P. S. Chasek, J. A. P. de Oliveira, S. Renckens, O. S. Stokke, C. Stevens, S. D. VanDeveer and M. Iguchi (2013). "Green Pluralism: Lessons for Improved Environmental Governance in the 21st Century." Environment **55**(5): 14-30; Bulkeley, H., L. B. Andronova and M. M. Betsill, Eds. (2014). Transnational Climate Change Governance. Cambridge, Cambridge University Press; Green, J. F. (2014). Rethinking Private Authority. Princeton, Princeton University Press.

Table 1
Westphalian and Post-Westphalian Orders

	Westphalian order	Post-Westphalian order
Ordering principle	Hierarchy	Polyarchy, networks, multi-scalar relations
Nature of design	Centralized	diffuse
Primary actors	States	States, IOs, civil society, private sector, scientific networks
Systemic features	Concern with security	Complexity/uncertainty/emergent properties
Primary political processes	Coercion, inducements	Persuasion, learning, shaming, inducements
Major states	USA, China, EU, Russia, France, UK	Multiple, including developing country blocs
Role of the UN	Coordination, administration, and programmatic responsibilities	Orchestrating involvement by multiple actor groups, amplifying isometric political pressures on major actors.

The fundamental political challenge for UNCHE+50[39] is how a Westphalian institution grounded on the principal of national sovereignty can involve the private sector and respond to multiple voices at different scales. How can a Westphalian institution, or even partially modified one, deal with a post-Westphalian order?

The following table distinguishes between these two models of global governance.

Stockholm 1972 was really the last vestiges of the old Westphalian order, with decisions being taken by states, albeit in the growing shadow of NGO surveillance. The post Westphalian order is much more complicated or even complex: defined by a wide array of actors, actor groupings and regime complexes, competing animating discourses, increasing reliance on expertise, and emergent norms of global responsibility.[40] Under such an order state retain the legal vestige of sovereignty but are increasingly accountable to an array of non-state actors, and are uncertain about their interests in a setting of complex interdependence where issues overlap and interconnect. They rely more on expertise and science than before.

Power remains a constant in world politics, but post-Westphalia power consists of additions to the conventional balance of power calculations between great powers.[41] They are now subject to concerted transnational pressures, and the normative finger shaking from NGO s and IOs. Power is deployed by states through the application of material capabilities on states on other states, largely through promises of foreign aid or the threats of sanctions. Such power applies to getting rules adopted as well as enforcement. But under the post-Westphalian order other means of influence operate as well – persuasion through the provision of new information and shaming and pressure from non-state actors. Collectively, the major instruments of influence have been the 3Cs of cooperative environment (institutions and law); concern (science), and capacity (national changes but not international).[42] Consolidated or institutionalized knowledge via science policy interfaces lead to normative and regulatory change.

5. Contemporary Environmental Political Landscape

UNCHE + 50 will take place in this transformed political landscape. Thus, it needs to focus on contemporary realities and build on the legacy of UNCHE and the political processes of global environmental governance it helped engender. It should avoid wallowing in older stale suggestions from the 1972 era about building concern, creating norms, developing hard law, addressing N/S inequalities, mobilizing mass support, and deploying science.

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39 Robinson, Nicholas A. (2021), *Road to Stockholm+50 (2022) and Beyond*: "Depleting Time Itself: The Plight of Today's "Human Environment", *Environmental Policy & Law, 51(6), 363-369.* Also see Desai, Bharat H. (2021), *Preface, (Vol.51, Issue 6, 2021),* 359; available at: Environmental Policy and Law - Volume 51, issue 6 - Journals - IOS Press.

40 Dingwerth, K. (2009). "World Politics and Organizational Fields." European Journal of International Relations **15**(4): 707-743; Newell, P., P. Pattberg and H. Schroeder (2012). "Multiactor Governance and the Environment." Annual Review of Environment and Resources **37**: 365-387; Biermann, F. (2014). Earth System Governance. Cambridge, MIT Press.

41 Katzenstein, P. J. and L. A. Seybert, Eds. (2018). Protean Power. Cambridge, Cambridge University Press. Khatun, F. (2010). Trade Negotiations on Environmental Goods and Services in the LDC Context. New York, United Nations Development Programme.

42 Haas, P. M. K., Robert O.; Levy, Marc A., Ed. (1993). Institutions for the Earth: Sources of Effective International Environmental Protection. Global Environmental Accords Series. Cambridge, The MIT Press.

Much has changed since 1972. The environment is firmly installed on the international agenda. It is no longer necessary to create concern and regulations, as animated UNCHE. Now the challenges are to fill in the gaps in environmental governance; consolidate governance arrangements between international institutions, treaty commitments, and norms; and further mobilize financial resources.

The treaty landscape has changed from a paucity of regimes to congested and fragmented regimes, as multiple regimes exist governing most transboundary environmental threats, yet they are often inconsistent in terms of the actual rules applied to the emissions of specific substances. For instance, the rules governing toxic chemicals vary by regime and by medium and require harmonization. The norms of environmental protection have been established, yet they are balanced against other systemic norms which include Embedded Liberalism, free trade, and sustainability.

6. What can UNCHE + 50 do to improve environmental governance?

(i) Orchestrate International Institutions

There is a hodge-podge of international institutions responsible for facets of global environmental governance that require orchestration.[43] The institutional landscape is cluttered with IOs with overlapping responsibilities spanning agenda setting, rulemaking, environmental monitoring, scientific early warning of new threats, policy verification, norm building, providing environmental finance, training national officials, and mobilizing civil society. With these overlapping responsibilities there is systemic redundancy and inefficiency as well as making it difficult for states to know who to turn to for what. A clearer division of labor would help streamline the system.

UNEP's niche in this global institutional landscape remains ambiguous. UNEP's role was partially resolved in 2012 although it is still hamstrung by insufficient financial resources, limited buy in from the financial community, and location.

More difficult is reconciling environmental governance with sustainable development. With the shift in focus since 1992 and the adoption of the sustainable development goals in 2015, international institutions specialize in parts of the sustainability agenda (including the 17 SDGs),[44] but none are ready yet to capture the interlinkages between the goals, including between environmental protection and other goals.

(ii) Streamline Environmental Law

Environmental treaties have different regulations. Even for adjoining regional seas emissions of the same substances face different standards, which create regulatory inconsistencies for firms and for governments that abut each sea, such as the Mediterranean and Black Sea, or North Sea and Baltic and Mediterranean. Moreover, emission standards for the same substances vary by media, so that firms face different emission standards for releases into rivers, oceans, and the atmosphere. Environmental law could be rationalized by substance, clarifying common standards for each contaminant.

(iii) Enforcement

Although most treaties have enforcement procedures, few have been invoked. Surely this is not because of no violations, but rather because of how widespread violations are that no state wants to initiative enforcement procedures because they too would be sanctioned. One anomaly in regime enforcement is MARPOL's tanker design provisions, which are effectively enforced by private insurers.[45] The UNCHE + 50 Secretariat could improve enforcement by inviting and working closely with the insurance industry to identify the financial exposure of companies to environmental degradation and encourage the insurers and reinsurers to price their products accordingly.

The private sector is moving towards sectoral voluntary standards, in part to showcase goals by industry leaders or to avert regulation by industry laggards.[46] Private sector guardrails could assure that such commitments are

43   Haas, P. (2004). "Addressing the Global Governance Deficit." Global Environmental Politics **11**(4): 1-19.

44   UN (2015), *Towards our world: the 2030 Agenda for Sustainable Development*; General Assembly resolution A/RES/70/1, 21 October 2015; Transforming our world: the 2030 Agenda for Sustainable Development | Department of Economic and Social Affairs (un.org).

45   Mitchell, R. B. (1994). Intentional Oil Pollution at Sea. Cambridge, MA, MIT Press, p. 438.

46   Chrun, E., Dolsak N. and Prakash A. (2016). "Corporate Environmentalism." Annual Review of Environment and Resources **41**: 11.11-11.22.

being pursued, and to avoid the taint of greenwashing or the chilling effect of suspicions of greenwashing. Such efforts should be verified through disclosure processes. Impartial 3rd party inspectors, such as the International Standards Sustainability Board,[47] offers a model for climate change governance and a similar body could be unveiled at UNCHE + 50.

(iv) Identify and Attract Attention to Emergent challenges

The environmental governance system still lacks a responsible foresight authority that can help provide early-warning for emergent new threats. Most of the existing science panels and knowledge platforms are backwards looking insofar as they focus on whether existing environmental goals are being reached. The UN system needs an environmental observatory for tracking broader eco-systemic health, as well as sustainability targets.

(v) Financing

One of the outstanding sources of contention since UNCHE has been the North's failure to provide the necessary financial transfers to developing countries through foreign aid and multilateral assistance. The developing world is highly critical of the legitimacy of global environmental governance because the aspirations are not backed up with sufficient funds to achieve the national commitments from the developing world. Without appeasing such concerns and enabling more widespread compliance global environmental governance will be difficult to sustain. Historically such goals as providing 0.7% of GNP to foreign aid, roughly doubling foreign aid (Rio + 20) and an additional flow of 100 billion US$ per year for climate change (COP 26, 2021).[48]

UNCHE + 50 (2022) should also reach out to encourage the financial sector to participate. While Maurice Strong tried to involve the financial sector at earlier conferences, in particular Rio + 20,[49] neither the private sector nor Treasury Ministries and other economic bodies showed much interest. More recently the COP26 (2021) of the Climate Change regime had extensive attendance by financial firms, leading to several new ambitious plans for tracking private sector climate change funding and adherence to corporate climate change goals.

(vi) Science Policy Interface

Many science panels exist for different environmental threats. They should be reviewed to make sure all working to best capacity. There is no science panel to review the overall state of the world's ecosystems. Creating such a body would be a valuable addition to the ensemble of science-policy interface institutions. Despite the recent shift to a sustainability frame for global environmental governance, there is no science-policy interface for providing useful guidance in providing policy relevant issue specific proposals. To date the Sustainable Development Goals Report tracks aggregate movement on the SDGs.[50] There is also need for such a panel, or conceivably a meta-panel that would integrate findings from the existing expert panels associated with environmental and other regimes, to track sustainability progress and challenges.

Best design practices for science panels able to transmit their findings to policy makers assure the regular transmission of impartial advice through include the following: members recruited based on merit; a formal channel for relaying the information between the science panel and decision makers, such as regularly scheduled meetings and briefings rather than ad hoc panels that generate single report, such as the Millennium Ecosystem Report; and panels that enjoy control over their own schedules.[51]

(vii) Training and building national capacity

An ongoing need is to provide financial support and training to developing countries in environmental and sustainability management. While UNEP has been providing this support over the years a bigger and more systematic approach could be provided by UNCHE + 50.

47   See International Financial Reporting Standards Foundation, *International Standards Sustainability Board*; available at: https://www.ifrs.org/groups/international-sustainability-standards-board/

48   UNFCCC (2021), *Glasgow Climate Pact;* COP26 cover decision (unfccc.int). Also see, UK Presidency (2021), *COP26: The Glasgow Climate Pact,* pp.19-22*; available*: COP26-Presidency-Outcomes-The-Climate-Pact.pdf (ukcop26.org)

49   Schmidheiny, S. (1992). Changing Course: A Global Business Perspective on Development and the Environment. Cambridge, The MIT Press.

50   United Nations (2020). *The Sustainable Development Goals Report 2020*. New York, United Nations; available at: Sustainable Development Goals Report 2020 | United Nations.

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(viii) Norms

Norms of environmental protection are now well established through soft law as well as in many national constitutions. It is increasingly recognized that people have a universal right to a clean environment. But these norms require constant nurturing and reinforcement. The UNCHE +50 declaration should reassert such norms. Environmental norms can also be better situated relative to other global normative claimants, such as liberal human rights, free trade, national sovereignty, embedded liberalism, and sustainability. Environmental protection is complementary to most of these norms, so that the assertion of all of them will reinforce each as well as the overall constellation of norms. Reconciling these aspirations and national sovereignty remain fragile and contested and could be further clarified. It is not clear if the conference focus should be on the environment or sustainability.

Such amorphous norms can also be put to work on the ground through disusing them to the private sector, such as The *Ruggie Principles* have done for institutionalizing labor rights and human rights within the practices of MNCs.[52] If the consensually defined environmental norms are translated for the private sector and accepted, UNCHE + 50 can amplify their influence, especially if corporate compliance is verified by impartial 3rd parties to assure their credibility and legitimacy.

7. Conclusion: Alternative Futures

Architects designing UNCHE + 50 have three strategic options: a modest approach, an ambitious approach, and a transformational approach.

A modest approach would address the most pressing immediate political impediments to effective global environmental governance. Such an agenda would focus on mobilizing finance, consolidating, and orchestrating multilateral institutions and treaties, and clarifying UNEP's relationship with the rest of the UN system,

An ambitious approach would focus on including the private sector in multilateral environmental governance. The private sector would be actively encouraged to participate and contribute. Efforts would be made to develop sectoral standards and pledges for finance, manufacturing, agriculture, transportation, and high-tech. They would also be encouraged to dramatically increase their research and development on clean technologies.

A transformational approach would focus on sustainability. Such an effort would necessarily address norms, institutions, and resources. A declaration on sustainability would advance its normative and framing value. A science policy interface panel could be developed to rigorously appraise systemic threats and develop responses. The Trusteeship Council could be resuscitated,[53] with its bicameral structure, to provide for inclusive inputs from states as well as the private sector and civil society.

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