

# Rio Conventions Redux: An Argument for Merging the Trio into a Single Convention on Environmental Management

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## Abstract

It has been argued that the separation of environmental management into three different subject areas - climate change, biological diversity and desertification - with different implementing bodies is not an ideal approach to the Rio Conventions. Specifically, the United Nations (UN) would achieve better results if the three Rio Conventions were consolidated into one Convention on Environmental Management (CEM). This would allow the streamlining of UN organizations into a stronger, consolidated body. Such a unified structure would be more effective in addressing the convention goals, due to its enhanced integration and coordinated assessment and implementation. By consolidating secretariats and moving operations to a single location, the CEM would benefit from enhanced knowledge management and greater efficiency of operations. Further, a systems theory view of environmental management supports an integrated approach that maximizes sustainability by addressing interdependent ecosystem functions in a holistic matter.

## Author's Note

Having spent a number of years working with a Fortune 500 multinational enterprise in the United States and throughout Southeast Asia, I decided to switch career paths and embrace my passion - sustainable development and all that it entails. I am highly interested in bringing greater corporate social responsibility to the private sector. In particular, I want to create awareness in the sector of the sustainable use of environmental resources and the value of natural capital. In 2009, I had the opportunity to work on a UNDP-sponsored National Capacity Self-Assessment (NCSA) report, which assessed Thailand's progress in implementing the Convention on Biological Diversity (CBD) and identified areas where additional capacity development was needed. From my extensive research of the CBD and the Joint Liaison Group (JLG), I realized how much overlap existed between the CBD and the other Rio Conventions, namely the United Nations Framework Convention on Climate Change (UNFCCC), and the United Nations Convention on Combating Desertification (UNCCD). This opinion piece was written with the intention of creating new debate and dialogue about reform within the existing structure of global environmental governance. Regardless of whether readers agree or disagree with the arguments put forth, discussing the strengths and weaknesses of existing multilateral environmental

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agreements (MEAs) like the Rio Conventions may lead to new ideas for reform. My Master's thesis continues this line of research by assessing the relationship of the private sector to the national implementation of the CBD in Thailand.

**Keywords:** Rio Conventions; biological diversity; desertification; climate change; global environmental governance; efficiency

## 1. Introduction

The 1992 United Nations Conference on Environment and Development (UNCED), also known as the Earth Summit, was held in Rio De Janeiro, Brazil, and was a milestone event for the cause of sustainable development. The Brundtland report, *Our Common Future*, had first laid out the now widely accepted definition of sustainable development<sup>1</sup> in 1987 at the meeting of the World Commission on Environment and Development (WCED). The Earth Summit moved theory towards action with the implementation of Agenda 21. This was a program which would further the goal of sustainable development in an effort to lessen human impact on the natural environment, while simultaneously addressing social issues such as poverty, health and consumption. This international development agenda – particularly the environmental aspect – was further benefitted by the initiation of the Rio Conventions, which included the United Nations Framework Convention on Climate Change (UNFCCC), the United Nations Convention to Combat Desertification (UNCCD), and the Convention on Biological Diversity (CBD)<sup>2</sup>. The Rio Conventions took the concepts of biological diversity, desertification and atmospheric protection initially described in Agenda 21 and expounded upon them in a much more profound and extensive manner. A detailed description of the structural framework of the Rio Conventions is found in the Appendix below.

Over the past seventeen years of operating within the frameworks of the Rio Conventions, implementation progress within countries has varied. Indeed, some experts like Mohammed El-Ashry, Senior Fellow with the UN Foundation and Facilitator of the Global Leadership for Climate Action (GLCA), feel that the majority of countries have not made major progress in the areas of environmental management including climate change, biodiversity and land degradation. El-Ashry, former Chairman and CEO of the Global Environment Facility (GEF), grimly sums up the lack of progress by noting that □ greenhouse gases are steadily increasing; ecosystems that are critical for human survival continue to be undermined; and land degradation threatens food security and livelihoods, especially in Africa □.<sup>3</sup>

In November 2006, the UN Secretary-General convened a special task force known as the □ High-Level Panel on System-wide Coherence □ to explore ways in which the UN could better manage the complicated areas of environment, development and humanitarian aid.<sup>4</sup> In its findings, the Panel concluded that □ substantial gains in efficiency and effective responses can be

made through enhanced coordination and improved normative and operational capacity.<sup>5</sup> This critique was not only leveled at the UN agencies, but also at the secretariats and affiliated bodies which manage environmental agreements such as the Rio Conventions. Indeed, the Panel pointed out that □ synergy needs to be pursued between the United Nations organizations that address environment, and multilateral environmental agreements [MEAs] should continue to pursue efficiencies and coordination among themselves.<sup>6</sup>

The MEAs have heeded this call for continued improvement by taking measures to increase partnerships and identify synergies. Some MEAs, such as the Basel Convention alongside the Stockholm and Rotterdam Conventions, have pursued functional clustering of convention activities in areas which overlap in subject matter and scope. In the case of the Rio Conventions, the Joint Liaison Group (JLG) comprises members of all three conventions and was created □ for exchanging information, exploring opportunities for synergistic activities and increasing coordination.<sup>7</sup> Each convention calls on the JLG to be the solution, notably in UNCCD decision 12 at the Sixth Meeting of the Conference of the Parties (COP); CBD decision VI/20; and UNFCCC decision 13/CP.<sup>8</sup>

However, even with such support, the JLG has not been successful at generating meaningful improvements in the Conventions' implementation, quite possibly because of the inherent reductionism that led to the creation of the UNFCCC, the CBD and the UNCCD in the first place. It is possible that the parties at the Earth Summit, in all their wisdom and good intent, made the roles of the Rio Conventions more complicated than necessary by isolating their foci away from the larger picture of ecosystem homeostasis and sustainable development. Are the Rio Conventions actually a lesson in why reductionist thinking is not the answer to holistic and integrated problems? There are ample reasons to believe this is the case. Reductionism is defined by Professor Yaneer Bar-Yam of the New England Complex Systems Institute as □ an approach to building descriptions of systems out of the descriptions of the subsystems that a system is composed of, and ignoring the relationships between them.<sup>9</sup> By seeking to address global environmental issues through the subsystems of biological diversity, desertification, and climate change, the Rio Conventions take a complex system – Earth, its species, and the myriad processes which integrate them – and reduce the system to parts which are unrepresentative of the unified whole.

Hence, reliance on the JLG may not be the most effective approach to bring collaborative action and synergy to the three conventions. In order to maximize operational efficiencies and address the complex nature of environmental management in a sustainable and holistic manner, the secretariats of the Rio Conventions, alongside the Member Parties, should consider merging the three into one, thereby creating a single convention to address the collective mission. While the JLG ostensibly attempts to serve this role by weighing in on all three of the conventions, the group is marginalized by its lack of authority and power within the operational structure of the Rio

Conventions. The JLG is simply another subsidiary body which meets independently of the three conventions and issues recommendations. The UNCCD, UNFCCC and CBD may take the recommendations under consideration, but there is no legal precedent which mandates that they must adopt the JLG positions. Thus, the Rio Conventions are still operating independently of each other. In so doing, they are making their objectives more difficult to address because there are reasons to believe that, by working together directly, they could achieve more.

In order to improve the ability of Member Parties to deliver the goals set forth in the Rio Conventions, the author proposes a merger of the CBD, UNFCCC, and UNCCD into a new convention – the Convention for Environmental Management (CEM). The merger concept is further supported by knowledge management and efficiency arguments.

## 2. Merging the Rio Conventions

While the Rio Conventions appear on the surface to address the different issues of climate change, biological diversity and land desertification, they are actually all aimed at promoting sustainable development. This idea of sustainability is best imagined as what development  $\square$  should be $\square$ <sup>10</sup>, something that avoids  $\square$  compromising the ability of future generations to meet their own needs $\square$ <sup>11</sup>, in contrast to what it  $\square$  should not be. $\square$ <sup>12</sup> Such an approach to development acknowledges that societal actions and choices have meaningful and profound impacts on natural resource availability and land productivity, which potentially affect the ability of societies to survive over the longer term (i.e., by threatening food security). The objectives and norms of each Rio Convention are based on this approach (see Table 1), which may set a framework for where the three conventions overlap.

For example, the UNCCD believes that land conservation and sustainable management of land and water resources are integral to combating desertification, because the roots of healthy flora help to stabilize the ground and prevent nutrient rich soil from becoming dry dust. But the conservation of land in its natural state is also a goal of the CBD when it calls for conservation of biological diversity because productive soil allows plant life to flourish, thereby providing a healthy ecosystem for a variety of species. These goals of the UNCCD and CBD are both addressed by proper land management in order to avoid desertification of soil and loss of species. On a broader level, the sustainable use of resources as mentioned by the CBD is in line with UNCCD's call for sustainable management of water and land resources as well as UNFCCC's normative qualifier that food production should not be threatened by development. Hence, the objectives of the Rio Conventions are ingrained in the sustainable development approach and their outcomes rely heavily upon the societal actions taken in the course of economic development.

Convention	Cited Reference	Main Objectives (□) and Norms (→)
UNCCD	final text of the Convention, Article 2	<ul style="list-style-type: none"> <li>• Combat desertification</li> <li>• Mitigate the effects of drought in countries experiencing drought</li> <li>→ Achieved through land rehabilitation, conservation and sustainable management of land and water resources</li> </ul>
UNFCCC	final text of the Convention, Article 2	<ul style="list-style-type: none"> <li>• Achieve stabilization of greenhouse gas concentrations in the atmosphere at a level that would prevent dangerous anthropogenic interference with the climate system</li> <li>→ Should be achieved in such a timeframe to allow ecosystems to adapt naturally to climate change, to ensure that food production is not threatened and to enable economic development to proceed in a sustainable manner</li> </ul>
CBD	final text of the Convention, Article 1	<ul style="list-style-type: none"> <li>• Conserve biological diversity</li> <li>• Use its components sustainably</li> <li>• Share the benefits arising out of the utilization genetic resources fairly and equitably</li> <li>→ Achieved through appropriate access to genetic resources, appropriate transfer of relevant technologies, and appropriate funding</li> </ul>

**Table 1: Objectives and Norms of the Rio Conventions**

Even where not explicitly tying the objectives of the conventions together, there are actions which cut across the Rio Conventions that would fundamentally assist the secretariats and implementing bodies of all three MEAs in achieving their mandates. One such complementary area is addressing poverty reduction. An assessment of poverty and desertification conducted by the Organisation for Economic Co-operation and Development (OECD) is of particular relevance to the UNCCD's objective:

Desertification and poverty create a vicious cycle where deteriorating natural resources contribute to declining livelihoods, as people are forced to encroach further on fragile soils, sparse vegetation and limited water resources to meet basic needs.<sup>13</sup>

Of concern to the UNFCCC, poverty is implicit in the vulnerability of communities to climate variability, as it directly lessens resilience. The national biodiversity strategies and action plans (NBSAPs) of the CBD explicitly ask for promotion of □ synergies between activities to implement the Convention and poverty eradication.□<sup>14</sup> The CBD's 2010 Biodiversity Target program seeks a notable reduction in biodiversity loss, in part to alleviate poverty.<sup>15</sup> By taking steps to reduce poverty, the missions of all three of the Rio Conventions stand to benefit. The OECD identifies this relationship between the Rio Conventions and poverty reduction and describes a number of development strategies, such as sustainable forest management and agricultural reforms, which would address poverty while also focusing on climate change, biological diversity, and desertification.<sup>16</sup>

Given this undercurrent of sustainable development, all three Rio Conventions should be considered tools for enhancing sustainable environmental management. One of the keys for effective management in any large context is having disparate functions work together as a team and not alone as individuals. With this in mind, there are a number of arguments to be made for merging the Rio Conventions into one master Convention on Environmental Management (CEM). The CEM would address all areas that the CBD, UNCCD, and UNFCCC currently address, but it would do so with enhanced coherence, more efficient utilization of financial and staff resources, and with fewer meetings of the parties.

To understand how the CEM would effectively replace the CBD, UNFCCC and UNCCD, two arguments for merging and consolidating must be explored. The first argument in favor of consolidation is based on holistic knowledge management. The second argument is a classic example from the business management theory behind corporate mergers.

## 2.1 The Knowledge Management Argument

To date, international environmental policy-making has generally been segregated on the basis of topic, sector, or territory. The result is the negotiation of treaties that often overlap and conflict with one another. This engenders unnecessary complications at the national level as signatories struggle to meet their reporting obligations under multiple agreements.<sup>17</sup>

The establishment of three Rio Conventions, by delineating ecosystem issues into three separate strands (climate change, biological diversity, and desertification), mirrors the type of reductionism that was seen in the academic world with the isolation of the chemical and physical sciences into chemistry, geology, and other fields. Fritjof Kapra identifies the birth of this reductionist thinking in □ Cartesian mechanism□ where □ the notion of an organic, living, and spiritual universe was replaced by that of the world as a machine, and the world-machine became the dominant metaphor of the modern era.□<sup>18</sup> Kapra argues that this analytic approach is doomed from

solving the great mysteries of life because life has intertwined and interdependent processes which are lost when viewed from the molecular level. From Kapra's viewpoint, knowledge of living systems, such as the earth, is best kept integrated at the holistic level so that vital complex systems are not deconstructed in the process of deeper analysis.

The environment is a highly complex, self-organized living system and must be studied in a systemic manner. Kanie<sup>19</sup> confirms that "the climate, forests, oceans, wetlands, and diverse bio-systems are naturally co-dependent within the global ecosystem" yet laments that "the multilateral approach to these issues still remains fragmented, however, in terms of methods and mechanisms of scientific assessment and the development of consensual knowledge." Kanie's critique holds ground against the Rio Conventions because the CBD, UNCCD and UNFCCC each have their own scientific subsidiary body which operates independently of the other. There is no reason why these separate scientific bodies cannot be integrated into one scientific arm that studies environmental issues including climate change, biodiversity and desertification. Indeed the Conventions are doomed to fall short of their lofty goals. For example, by spending years of unwavering focus on biodiversity without considering climate change as a relevant factor, the Parties to the CBD were at a disadvantage in achieving their conservation mandate. In tandem, the UNFCCC was also affected by not realizing the carbon offsetting benefits of biological systems such as forests. The Secretariat to the CBD acknowledges this "oversight" on the CBD website, obliging that "it is now widely recognized that climate change and biodiversity are interconnected. . . . Consequently, conserving and sustainably managing biodiversity is critical to addressing climate change."<sup>20</sup>

However, it remains that the parties to the Conventions have implicitly acknowledged this interconnectedness by creating the Joint Liaison Group (JLG).<sup>21</sup> The JLG is now a fundamental resource to be consulted when determining implementation of action items for any of the Rio Conventions. For the parties to the Rio Conventions, the formation of the JLG was a good step towards a systems approach, but it does not go far enough. The JLG should take on the job of a management consultant and determine how best to merge the CBD, the UNFCCC and the UNCCD into one convention. Within one convention, the environment could be managed as the whole entity that it is and not as three separate parts of an entity.

Going back to the examples of scientific reductionism in fields such as molecular biology and physics, the opposite can be observed in the science of life: ecology, which is inherently holistic. Kapra speaks at depth as to how the principles of ecology are the basis for ecosystem resilience, something of utmost concern to the UNFCCC in terms of climate change, the UNCCD regarding soil versatility, and the CBD with regard to maintaining biological diversity:

The principles of ecology mentioned so far – interdependence, the cyclical flow of resources, cooperation,

and partnership – are all different aspects of the same pattern of organization. This is how ecosystems organize themselves to maximize sustainability.<sup>22</sup>

If the parties at the Earth Summit had established the Rio Conventions along the lines of ecological frameworks – under the same pattern of organization – instead of reductionist frameworks according to perceived threats (i.e., climate change, desertification, loss of biological diversity), there would be much more progress achieved relative to the initial objectives. Such gains in progress would be most visible in the area of cross-cutting issues such as forest management. Healthy forests are incubators for biodiversity (beneficial to the CBD's objective). They absorb carbon dioxide gas, thus offsetting greenhouse gas emissions (beneficial to the UNFCCC's objective) and they aerate and provide substantial nutrients to the soil through decaying organic matter and extensive root networks (beneficial to the UNCCD's objective).

The concept of clustering further validates the argument for consolidating the CBD, UNCCD and UNFCCC into a broader Convention on Environmental Management. Indeed, a group of ministers discussing international environmental governance noted in a 2001 meeting report<sup>23</sup> that □ the possibility of clustering certain Multilateral Environmental Agreements (MEAs) to enhance coherence and effectiveness in their implementation has been discussed at each meeting of the Open-ended Intergovernmental Group on International Environmental Governance since the Group was established□. In the case of this UNEP report, the MEAs under consideration were the Rotterdam Convention, the Stockholm Convention and the Basel Convention. To some degree, all three of these conventions deal with chemicals and waste. The reason that the Intergovernmental Group of Ministers (IGM) were even considering the functional clustering of legally sovereign agreements was due to paragraph 3 of Decision SC-1/18 of the Stockholm Convention, which holds that this collaborative grouping might □ ensure maximum coherence, efficiency and effectiveness in the field of chemicals and wastes.□<sup>24</sup> One could envision similar results if the Rio Conventions were □ clustered□ to address the field of integrated environmental management.

The parties would benefit from the streamlined administrative powers of a single entity while still enjoying the flexibility to study and undertake projects of differing types. For example, the CEM would allow for enhanced sharing of experiences across the UNFCCC, the UNCCD and the CBD through joint meetings and shared databases and websites. The JLG already calls for these sorts of improvements to be applied to the existing Rio framework; however, the difference is that CEM would fall under one secretariat and one administrative body, thus consolidating functions that previously fell across three secretariats and various administrative bodies. This means there would be less of a need for the distribution of summary reports to



other MEAs because the parties would naturally be privy to the information since it falls under the CEM.

Further, the CEM structure would still allow for isolated study that may not overlap with other subjects. For example, the CBD is involved in the study of genetic resources. On the surface, there is no reason to combine the subject of genetic resources with areas such as climate change or desertification. Therefore, genetic resources could occupy a special working group under the newly formed CEM. All of the experts who currently work in the field of genetic resources could still collaborate in this area under the special working group with no loss of productivity.

The combination of the Rio Conventions into one central convention need not limit the power or scope of the initial conventions to accomplish their objectives related to climate change, biological diversity or land desertification. Quite the opposite scenario is envisioned where each area is actually enhanced due to better access to resources and knowledge, which were not easily accessible previously.

## 2.2 The Efficiency Argument

Developing countries are unable to cope with the extensive reporting and participation requirements of the current multilateral environmental structure, which has depleted expertise and resources for implementation. A survey by the Panel revealed that the three Rio Conventions (biodiversity, climate and desertification) have up to 230 meetings days annually.<sup>25</sup>

Leaving aside the argument of knowledge management, there is still ample reason to consider merging the Rio Conventions in order to better align their implementing bodies and secretariats towards accomplishing their respective mandates by using fewer financial resources and reducing overlap. Dan H. McCormick<sup>26</sup> finds that an effective merger should provide □ greater organizational efficiency through combining positions, reducing administrative costs, and streamlining standardized operations.□ There are a number of examples where the merging of the Rio Conventions would lead to these results.

Looking again at clustering, the IGM identify a number of possible benefits from functional clustering of MEAs including possible cost-savings, shared secretariat services via common structures, □ enhanced coherence and coordination on cross-cutting issues,□<sup>27</sup> and the possibility of attracting additional resources due to enhanced mobilization efforts. Each of these benefits may be achievable in the case of merging the Rio Conventions into one Convention on Environmental Management (CEM).

The potential cost-savings also correlate to saving time. El-Ashry references a survey which found that the Rio Conventions meet on 230 days

out of the year. In addition to the high frequency of meetings, each Rio Convention typically meets in different cities, which complicates things further. For example, in the month of July 2009, the UNCCD secretariat held meetings in Rome, Bangkok and Tunis in preparation for the ninth session of the Conference of Parties (COP).<sup>28</sup> During that same month, the CBD secretariat held meetings in Montreal, Canada, and Reading, U.K., and the UNFCCC held a meeting in St. George's, Grenada.<sup>29,30</sup> This flurry of meeting activity places heavy burdens on smaller countries which lack the domestic staff and the budgetary resources to attend all of these events. Other conventions have realized the folly in such disparate meeting schedules. For instance, the recommendations from the Basel Convention for functional clustering of chemicals and wastes found that back-to-back meetings would lead to □ reduced conference servicing costs . . . savings on travel costs of interpreters□ and □ possible reduction in participation costs.□<sup>31</sup> If the Rio Conventions were merged into a CEM which utilized one secretariat, all meetings would be coordinated through one central office. This would allow for better planning so that meetings dealing with climate change, biodiversity or land desertification would either take place back-to-back in the same city (thereby reducing travel expenses and personnel needed for coverage) or consolidate meetings into one event.

Another benefit of a merger of the Rio Conventions would be the possibility of combining the secretariats and administrative functions of all three MEAs. Although the UNCCD, UNFCCC and CBD are independent legal documents, their organizational structures are quite similar.<sup>32</sup> Each of the three conventions have their own executive secretary, deputy executive secretary, legal affairs department; sustainability department, science and technology departments, information services department, financial and human resources departments, and a conference planning department. That is, to some degree, a triple redundancy in that each convention undertakes separate conference planning, separate human resources management, separate legal affairs and so on. To merge the conventions into a CEM wherein these overlaps would be consolidated would serve to minimize the redundancy. For example, one legal affairs department could cover the entire thematic area of environmental management and employ specialized lawyers (i.e., the current lawyers employed by the CBD, UNCCD and UNFCCC) to treat the specific legal issues around biodiversity, climate change and desertification. By serving in the same corporate office, these lawyers may in fact benefit from the proximity they would share, as this added collaboration may very well improve their performance.

Indeed, the concept of shared secretariat services has great appeal to many MEAs with similar concepts.<sup>33</sup> At the 2005 World Summit Outcome, Member States strongly supported enhanced coherence among MEAs and memorialized the fact in General Assembly Resolution 60/1:

Recognizing the need for more efficient environmental activities in the United Nations system, with enhanced coordination, improved policy advice and guidance,

strengthened scientific knowledge, assessment and cooperation, better treaty compliance, while respecting the legal autonomy of the treaties, and better integration of environmental activities in the broader sustainable development framework at the operational level, including through capacity building, we agree to explore the possibility of a more coherent institutional framework to address this need, including a more integrated structure, building on existing institutions and internationally agreed instruments, as well as the treaty bodies and the specialized agencies.<sup>34</sup>

Merging the secretariat services into one secretariat covering all aspects of environmental management for the Rio Conventions would certainly fulfill the needs of the Member States by □building on existing institutions□ as well as providing □a more integrated structure.□ This would increase coordination among the Rio sub-topics and thereby enhance the implementation of programming and activities.<sup>35</sup> Such a consolidation may even increase the effectiveness of overall operations for all departments (e.g., human resources, legal affairs, etc.).

The necessary step for consolidating the organizational structure of the conventions would be moving all secretariat headquarters to the same city. This means those personnel from the CBD who would like to continue their work within the context of the newly formed CEM would need to move from Montreal, Canada (the current CBD headquarters) to Bonn, Germany. Bonn is the natural selection for the secretariat headquarters for the CEM because the UNFCCC and UNCCD secretariats are currently located there. While the upfront cost may be substantial for such a move, the strategy would pay back dividends in the long term due to the added value of having all Rio Conventions in the same office complex, thereby eliminating future travel for secretariats to collaborate. There would likely also be cost savings in human resources, since with a consolidated administrative body, the new secretariat would potentially be able to lay off redundant staff and thus save on labor costs.

One additional benefit of merging the Rio Conventions would be the stronger CEM which would come out of the move. Combining the separate scientific, political and civil networks which have been established via the Rio Conventions into one larger entity would endow the CEM with a lot of powerful resources. The consolidated MEA would be further strengthened as reporting requirements would become easier for Member States to implement. Rather than worrying about the reporting requirements of three Rio Conventions, the parties to the CEM would have all requirements and obligations laid out in one single MEA.

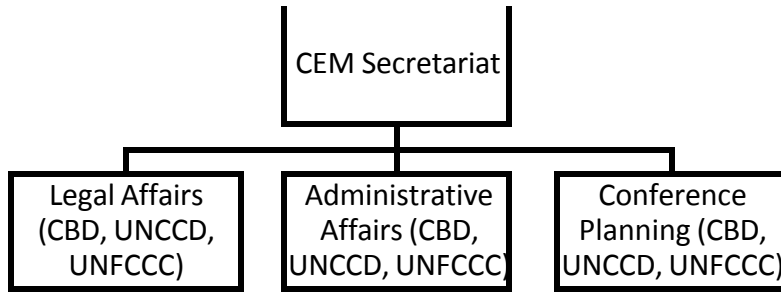


Figure 1: An example of the Consolidated Organizational Structure of the CEM, serving all Rio Conventions

By capitalizing on the inherent interconnectedness of ecosystems, the merged CEM would produce efficiencies which the Rio Conventions lack in their current standalone sovereignty. Both operationally and administratively, the secretariats could expect greater utility and value by combining their efforts and resources into a single convention.

### 3. Criticisms of the Merger

The idea of merging the Rio Conventions into one MEA is subject to criticism in a number of areas. A potential barrier to merging which needs to be considered is the legal autonomy of each Rio Convention. The CBD, UNCCD and UNFCCC were each signed and ratified into law by Member States on a separate basis. Maria Ivanova aptly summarizes the difficulty posed by this autonomy:

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.<sup>36</sup>

The legal argument is a large barrier. The Rio Conventions, under advisory of the JLG, could not even agree upon joint reporting requirements due to the fact that each Rio Convention was legally signed and ratified under different particulars. For example, Thailand ratified the CBD only in 2004 but ratified the UNCCD in 1991 and the UNFCCC in 1994.<sup>37</sup> Thus, Thailand's obligations under each agreement only extend as far back as to the date ratified. If the Rio Conventions are merged into one MEA, where does that leave Thailand – or any country, for that matter – in terms of reporting requirements and historical acceptance of climate change, land desertification and biological diversity?

This argument can be allayed by embracing pragmatic realism, in other words by acknowledging that what matters now is present and future efforts to address environmental issues, not the past. If the Member States that have

ratified all three Rio Conventions were to agree to accept the most recent date (i.e., 2004 in the case of Thailand's ratification of the CBD) as the ratification date of the CEM, that agreement would provide a fair and concise way to unify the conventions.

An even greater challenge to a potential merger is posed by Member States that have not agreed to be party to all three Rio Conventions. Given that a number of countries (i.e., the United States) have only signed and ratified one or two of the Rio Conventions but not all three, there would most definitely be disagreement about merging the MEAs into one entity. This consideration may be too large to surmount. Legal considerations are the underpinning of national and international governance. Each Rio Convention was signed into law with the explicit acknowledgement that the document was sovereign and not subject to alteration or modification. In order to merge the MEAs into a single format, the judicial courts might require that every single party to the conventions (e.g., each country which has signed and ratified any of the Rio Conventions) give consent to consolidate. Getting 100 per cent consensus to consolidate is highly unlikely and bordering on the impossible given that some Member States still refuse to become a party to certain Rio Conventions.

Even if Member Parties refuse to consent to a full-fledged merger to create the CEM, there are ways to address the legal concerns. Dealing with the most difficult international regulatory disputes is exactly what the United Nations is meant to do, so there is precedent for imagining that a concerted effort at dialogue could lead to creative approaches. One possibility to consider is a modular approach where Member Parties only take part in the CEM meetings or sessions, which are directly relevant to the Rio Conventions that they previously ratified. Like students at a university, the Member Parties to the CEM would meet to discuss specific subjects on the global agenda, including climate change, biodiversity and desertification. Parties which have ratified the CBD but not the UNFCCC or UNCCD could choose to attend only the meetings or sessions which most closely relate to biodiversity or CBD-specific topics. The CEM secretariat would facilitate this process by publishing in advance a 'subject scorecard,' which would give a percentage rating to the most relevant subjects of the session. If a meeting rated as 80% focused on climate change, those countries not involved in the UNFCCC could choose not to attend.

This 'modular scorecard' concept could be challenged on the grounds that cross-cutting decisions would undoubtedly arise (i.e., sustainable forest management), wherein the scorecard might read '80% biodiversity' but the outcome of such a meeting might have a sizeable impact on the climate change agenda. In this example, a country that has not ratified the CBD might take issue that the decision reached under that biodiversity module has undue effect on the country's standing and rights under the climate change module. So how could the modular scorecard approach resolve such issues? The key is a democratic separation of powers, better known as 'checks and balances,' as

is seen in the United States Government with the Senate and the House of Representatives. Before a major bill can become a national law, the bill must be passed with enough supporting votes cast in the Senate and separately in the House of Representatives. Having two separate constituencies vote on the bill helps ensure that the majority are indeed in approval of the content. If a meeting which is 75% biodiversity, 20% climate change and 5% desertification passes new measures, then the climate change camp (those Parties which only ratified the UNFCCC) would need to vote on the measures and approve them at a certain threshold. The solution is not perfect and not every Party will feel satisfied, but democratic decisions (and multilateral decisions for that matter) rarely satisfy everyone.

## **4. Conclusion**

Considering both the advantages of merging the Rio MEAs into a Convention on Environmental Management as well as the difficulties in doing so, this topic is clearly in need of further debate by a wide group of stakeholders at the local, national and international level. As shown above, various groups and panels within the UN organization have called for reform within the area of international environmental governance. While not advocating a specific approach to increasing cooperation and coherence, these reformist groups offer a number of valuable suggestions including consolidation of MEAs or MEA functions. Their inputs offer a starting point for a more comprehensive effort to improve environmental management through improved implementation of MEAs.

The merging of existing MEAs may be viewed as a radical notion by some and far-fetched by many others. However, the important concept to take under consideration is not the feasibility of merging the Rio Conventions but whether the idea of doing so has merit. If the idea- as novel and radical as it may be - makes some sense in terms of what it would accomplish, then it should ultimately open up new areas for discussion, stimulating further reform in the process. An outcome of increased dialogue, engaged debate on multilateral reforms, and increased visibility for improving environmental management is likely to be welcomed by all concerned Member Parties.

## Appendix: Convention and Secretariat Organizational Structures

### 1.1 – An Overview of the Secretariats and Conference of Parties

Initially, each of the three Rio Conventions sought to address a different environmental area of concern and add new understanding in terms of the interactions between humans with nature. Each convention was endowed with a separate reporting structure. Under the umbrella of the United Nations, each convention has a governing body representative of all participant countries which is known as the Conference of the Parties (COP).<sup>38</sup> Further, the COP then establishes a unique secretariat for each convention with the goal of servicing and preparing for COP meetings and other subsidiary body meetings. The resulting framework looks like something similar to the framework shown in Figure 2 below.

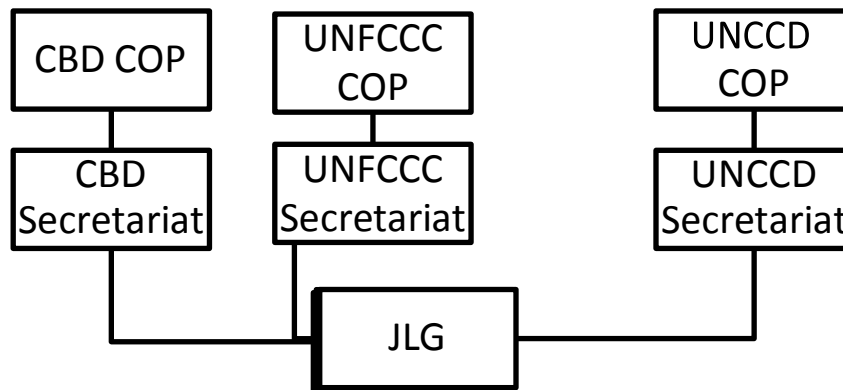
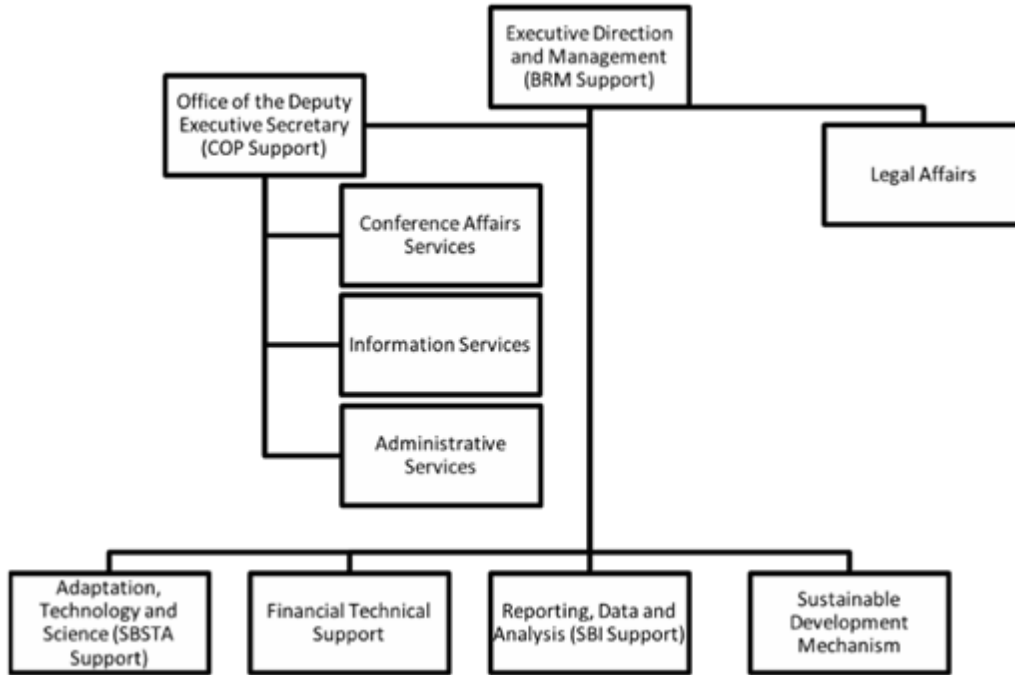


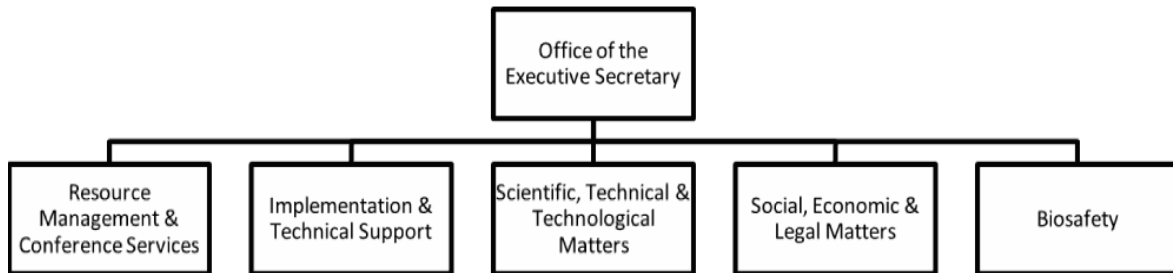
Figure 2: Chart depicting the separate reporting structure of the secretariats to each COP; members of each secretariat and certain subsidiary bodies comprise the JLG and collaborate and share ideas in the JLG meeting sessions

Under the CBD alone, subsidiary bodies include the COP, the Scientific Body on Scientific, Technical and Technological Advice (SBSTTA), the Working Group on the Review of Implementation (WGRI), the Working Group on Access and Benefit Sharing (ABS), the Working Group on Article 8(j) and the Working Group on Protected Areas.<sup>39</sup> The UNCCD has its COP, its secretariat as well as a Committee for the Review of the Implementation of the Convention (CRIC) and a Committee on Science and Technology (CST), not to mention its outreach program groups like the Global Mechanism (GM).<sup>40</sup> The UNFCCC has its COP as well as subsidiaries like the Subsidiary Body for Scientific and Technological Advice (SBSTA) and the Subsidiary Body for Implementation (SBI).<sup>41</sup> Thus, the sum of all the sub-bodies under the Rio Conventions is at least twelve and possibly more if counting project groups and task forces.

Appendix 1.2 – UNFCCC Organizational Structure<sup>4243</sup>



Appendix 1.3 – UNCCD Organizational Structure<sup>44</sup>



Appendix 1.4 – CBD Organizational Structure<sup>45</sup>





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