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INTERNATIONAL RELATIONS AND THE ENVIRONMENT: PRACTICAL EXAMPLES OF ENVIRONMENTAL MULTILATERALISM

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Summary

The "environmental crisis" we experience today and the international community's struggle to develop environmental standards to reach the epic "sustainable development" are widely known topics. What is needed, then, is an urgent and determined practice, which is only possible if international governance is structured, coherent and effective. The optimization of Environmental Multilateralism (the joining of what are considered the "driving forces" of Environmental International Relations: Law, Politics and international Diplomacy) contributes greatly to this end. To understand its basic concepts and systems, as for example, its actors, negotiation and implementation of Multilateral Environmental Agreements (MEAs) and the carrying out of their Regimes, as well as their development in the United Nations, these are all crucial elements for its improvement and optimization. The United Nations Conference on Environment and Development (Rio de Janeiro, 1992) and "its" Conventions are important examples in the history of Environmental Multilateralism, still very up-to-date not only due to the 20th anniversary of the "Rio Conference" but also due to the continuity and importance that the "Rio Conventions" and their Conferences of Parties (COP) still have. This papers aims to analyze this area of studies transversal to International Relations and to the Environment, namely by studying the relation between the theory of Environmental Multilateralism and its practice[1].

Keywords:

International Relations; Environment; Environmental Multilateralism; International Environmental Governance

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INTERNATIONAL RELATIONS AND THE ENVIRONMENT: PRACTICAL EXAMPLES OF ENVIRONMENTAL MULTILATERALISM

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1. Introduction

Though there are relevant examples of the urgency to solve environmental issues internationally since the end of the 19th century, only in the mid 20th century, specifically after the 60s, were there signs that Multilateralism would be implemented as an attempt to respond to a growing "environmental crisis" whose global dimension led to an obvious need for a coordinated action among all States. In fact, and before this "new era" of Environmental Multilateralism, the Environment, and everything linked to it, was viewed as a local or regional issue. Only after the first (officially recognized) environmental degradations occurred due to the industrial revolution or globalization, did the problems of yesterday, which seemed to be limited in space and in consequences for the human being, started to have a transnational "status" and an increased importance.

Multilateralism has been widely accepted as the modus operandi of international politics, namely of international environmental policy. In fact, the last decades of international instability have made States realize that many contemporary challenges are too encompassing and too complex for any State alone; that even a group of States may not be able to face them alone. Among these global challenges whose management would be potentially easier through multilateral cooperation, many are environmental. The fact that no State can fight this battle alone is both beneficial and limiting: its actions together with other actions make it and the international fight stronger but its inactions or those of others may affect the cooperation chain. Meanwhile, we believe that for all, and regardless of their involvement, the Environment frequently "bumps" against more ambitious economic development policies which usually lead to more pollution or abuse of resources and exceeds the optimal which is sustainable development. Besides this, there are still those who confuse "governance" with "government", and are therefore afraid that multilateral actions may lead to a loss of State sovereignty.

But there are answers to this and other criticism: issues related to bureaucracy may be simplified or resolved through adopting a more thorough model of multilateral measures and institutions. Similarly, international organizations and their bodies do not aim at "robbing" State sovereignty but to assist in attaining what no Nation can do alone; they do not aim to interfere with market economy but help to find mechanisms to make it more efficient and equal:

> *«… Multilateralism not only represents the most efficient, most effective, and most egalitarian approach to addressing global environmental issues, it is quite simply the only approach that brings with it the authority, legitimacy, and resources required to tackle so vast and complex problem…»* (Powell, 2003:12).

Therefore, it is obvious why, in the mid of about 700 Multilateral Environmental Agreements - MEA (Mitchell, 2002-2011, retrieved online), it is evident how crucial it is for Parties to converge and negotiate and, most importantly, to implement the MEAs in their national policies because only then can international norms be successful. Meanwhile, there is a variety of Actors, among which the United Nations (UN), pioneer and promoter of Environmental Multilateralism, as well as a number of States, institutions and governmental bodies, and different interests which make Multilateralism, complex in itself, even more extraordinary when linked to the environment. In fact, environmental issues are so huge and brutal that they are not measurable; thus, the difficulty of one solution or the success of an isolated measure. On the other hand, measures are rarely effective immediately or visibly and though the economic benefits from "sustainable development" have been proved, investment on clean energy, the management of waste and of resources, etc. does not lead to immediate (economic or environmental) return and not to "easy profit". Thus, the need to change the mindset of many involved.

Currently, it has become more important to frame Environmental Multilateralism through understanding its evolution in the past decades, its main actors and institutions, how its processes have developed, how its achievements may be applied and optimized and, above all, understand what is wrong in this scenario and the means to improve it. Only then will it be possible to define an assertive way to face a crisis as huge as the environmental crisis.

This is what fostered the interest in understanding the specificities and the development of Environmental Multilateralism within the scope of contemporary International Relations. Simultaneously, it is obvious that this is an issue which does not seen to obtain the attention it deserves at national level. Further theoretical research would not only assist potential stakeholders as well as lead to more centralized studies on the role of Portugal in Environmental Multilateralism as well as on how "external boosts" influence Portuguese environmental policy.

2. How Treaties are made: issues in (un)productivity?

MEAs, because under the rules of the Vienna Convention on the Law of Treaties (1969), have similar features to other international treaties. However, they are also different in that they are intergovernmental documents whose main objective is to prevent or manage human impact on natural resources. Thus, they are legally binding to countries that participate in it through ratification or accession, as well as to those who accept it through signing it because that in itself assumes an "official agreement" between the States and the MEAs. The former must abide to the latter or they will compromise the objectives of the MEAs. Because they are not simply declarations of intent but tools of International Law, they should be viewed as valid and effective means to implement

policies whose objective is environmental protection and sustainable development. They should be used by the whole international community to carry out these assumptions (Dodds *et al*., 2007).

Besides, and though they do not have an established structure, these tools have a number of specific features. In case of regulating regional or global environmental issues, the framework partnership agreements are commonly adopted, which allows for a more encompassing and dynamic development of the tool through pre-defining and establishing a series of general obligations and procedures and adjusting potential pre-agreements (Sands, 2009). In fact, most environmental treaties do not include specific, clear and detailed rules but rather a set of general principles and requirements, fostering participating States to overcome their lack of assertiveness and adopt all the adequate measures and mitigate environmental imbalances, namely through complementary tools to the development of the MEAs, in particular, Protocols.

The advantage of regulating environmental imbalances this way, through framework partnership agreements and their regimes, is that its norms and standards may be easily changed or reinforced, according to the evolution of scientific knowledge or due to the need to adapt to new social and economic realities, among other reasons. In fact, not always have Protocols been given the credit they deserve in environmental standardization, since often it is the "Soft Law" (Resolutions, Declarations of Principle or Recommendations, etc.) which is responsible for providing "consistency" to too "encompassing" norms of environmental framework agreements. On the other hand, since the early stages of Environmental Multilateralism, it being "encompassing" is the reason for criticism by international public opinion, who increasingly use adjectives as "vague", without content", "abstract, etc. to describe the tools' too generic approach and consequent inability for action. However, is it condescending to view these tools and the whole process they are involved in light heartedly, i.e., listing all its faults and ignoring the difficulties they face? Kate O'Neill (2009), on this issue, stated that:

> *«… The construction of international environmental treaty regimes rests on a complex process of bargaining and negotiation among nation states (…) States often have different, frequently conflicting interests around a particular issue area. They may not always trust their negotiating partners (…) or they may be unwilling to make concessions (…) Government representatives are concerned about domestic costs (…) Multiply all this factors by the number of states involved in negotiations, and it may seem surprising that any cooperative agreements are agreed upon in the first place…»* (Kate O'Neill, 2009:81).

Both before and after negotiations star, it is crucial that the "Treaty-making Process" is put in place, allowing for an organized and phased process and minimizing the typical impasses of MEA negotiation. There usually suffer delays, are sometimes put on hold and have their approval and application compromised. Thus, there are several measures that, if adopted, foster negotiations and prepare States from implementing the document such as: constant exchange of information between the Parties; systematic consultation in ongoing negotiation; workshops on how to implement the MEAs; institutional and ministerial coordination at national level; avoid overlaps and

encourage internal synergies involving existing MEAs (Bruch et al., 2006). However, and despite optimizing the treaty-making process, these measures by themselves do not solve all possible problems. As such, five examples will be provided of situations potentially damaging to good "Treaty-making Process", and which should be avoided as much as possible.

The first situation is that in which there is no formal procedure which indicates how negotiations should be prepared by Party-States, i.e., an official document that may provide guidelines for governments on how to plan multilateral meetings around the MEAs, both "extraordinary" meetings (those that will result in new treaties) and "regular" meetings (such as most COPs).

A second recurring situation which may damage the "Treaty-making Process" derives from lack of research to prove the need of that specific international tool, which means it is crucial that States include the environmental issue in their political agendas and those that join them also know the issue well. This lack is rather obvious. However, there have been situations in which more skeptical States or States more concerned with their national interests "boycotted" negotiations by means of presenting scientific opinions that best served their perspective and won over those opinions first presented.

A third situation is linked to the approval of "drafts", this being the stage when negotiations usually get significantly delayed: discussions are often about the norms and/or the text to include and they may arise because of disagreement on an article's provisions and/or simple semantics.

A fourth situation occurs in the context of decision-making, in the voting process, usually defined by Conventions, more specifically by the "Rules of Procedure for Meetings of the Conference of the Parties"[i]. In general, the decision-making process in MEA negotiations follows the "Principle of Consensus", in practice, somewhere between "unanimity", allowing all Parties the right to reject a decision, and "qualified majority", no requiring a positive vote from all Parties involved. Besides, decisions are not usually made through quality vote by through gradual removal of objections to certain details in the treaty's draft, thus making the agreement stronger and more difficult to oppose to, mainly because the "indifferent" Parties, i.e., those who had not yet expressed for or against it, tend to accept the final result and reinforce its support (Gehring, 2008).

The attempt to resolve confrontations in a consensus have been fairly successful: it is rather difficult to convince a State to internally apply a measure it does not agree with and which it did not support during the negotiations; on the other hand, the fact that some States are more influential when what is at stake is to persuade undecided parties makes consensus in Environmental Multilateralism decision-making extremely ambiguous and subject to much criticism. However, and as Kate O'Neill (2009) states, there is nothing like a "good (environmental) crisis" for States to gather strength to solve a common problem. Yet, we believe that this type of "pressure", namely when over the top, may not always lead to positive results; in fact, in the "rush" to get good results, certain issues may be left unresolved for which a solution is never found. This may damage environmental preservation and sustainability.

Finally, a fifth situation, not always considered but relevant to the good performance of any "Treaty-making Process": that Delegation remain in the negotiations. In fact, «... States often rotate negotiators. This means that no one really has a complete picture of what happened in previous negotiations or necessarily understands the broader context

and history of issues currently under discussion…» (Bruch *et al.*, 2006:88). Attention should be given to avoid changes in national Delegations and ensure their continuity, effectiveness and strength. However, when that occurs due to government changes and, therefore, inevitable, there are alternatives which may assist in Delegation transition, namely the implementation of a platform where all relevant information to Environmental Multilateralism may be archived and organized and be of use to negotiators, other ministerial authorities and Actors involved. Furthermore, it may be used as database for the general public and to academics[ii].

Meanwhile, during environmental Regimes two contradictory features have emerged that still confuse some reference authors: on the one hand, these include a sui generis institutional element that allows Parties to constantly adjust to new circumstances and obligations, as well as to supervise and react to possible failure to carry out agreement or to insufficient implementation; on the other hand, the development of Environmental International Law evidences «… the fragmentation of the institutional setting from which it emerges…» (Gehring, 2008: 495), as the Parties seem to prefer to establish new "treaty systems" instead of including new norms to already existing systems, causing a "boom" of MEAs, often counterproductive in terms of the international community and in terms of the Environment.

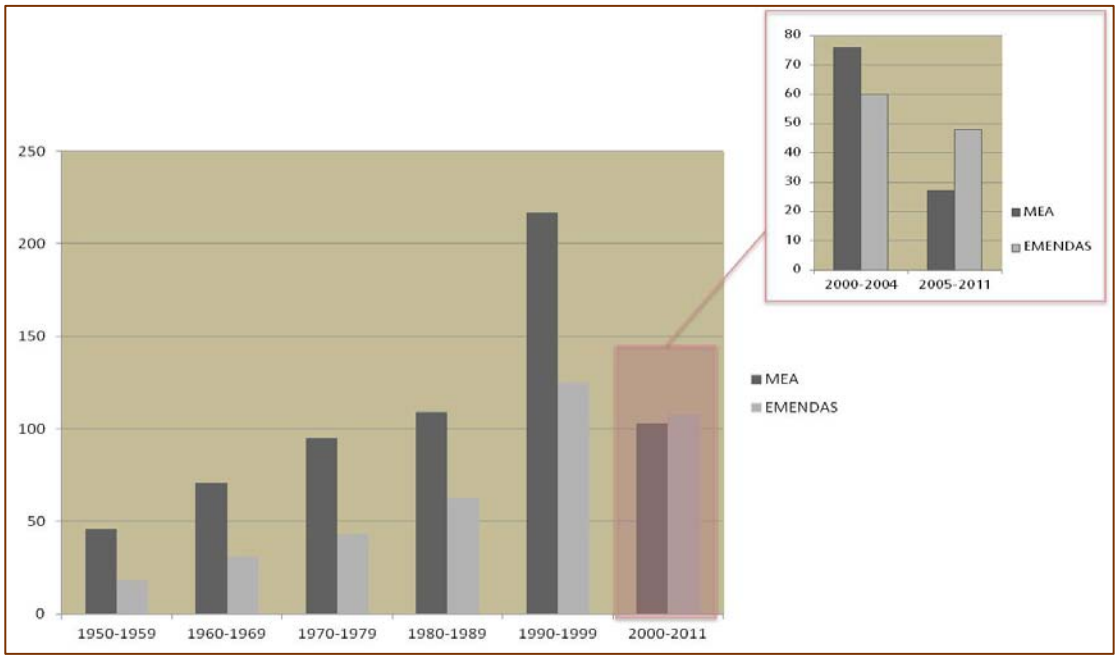
3. The boom of Environmental Multilateralism Agreements

Considering some of the data collected at online databases, we may realize that Environmental Multilateralism has gained popularity in the past decades, at least in terms of the adoption of Multilateral Environmental Agreements. Yet, is this development really noteworthy? In fact, and according to reference authors, this development has experienced "negotiation fatigue" (Kanie, 2007: 74), "treaty congestion" (Sand, 2008: 39) or "summit fatigue" (O'Neill, 2009: 5). Many of the negative aspects can jeopardize potential positive ones.

In fact, the current MEA system has some advantages, for example, that advocated by those who believe that complex issues as those of the environment are best handled using a wide, fragmented and decentralized system. This way, information may be transmitted and functions are rather redundant, preventing the inactivity of one institution from jeopardizing the whole system. Furthermore, with problem solving specialization, solution will be tailor-made and, as a consequence, optimized. Finally, a diffuse MEA system may allow its secretariats the flexibility needed for creativity and innovation (Kanie, 2007).

However, the accuracy and functionality of the above mentioned pre-eminences may be rather debatable and ambiguous. For example, it is clear that the more individualized a problem is, the easier and optimized its solution will be. Yet, we may not forget that environmental issues, as well as the existing MEAs, are transversal. Therefore, it is almost impossible to believe that for environmental issues there will be "tailor-made solutions". On the one hand, there is an obvious need of centralized solutions, on the other, these must be part of a strategic and transversal plan that encompasses several issues and their Conventions.

Figure 1 - The boom of MEAs: number of MEAs and Amendments between 1950 and 2011



Source: adapted from Mitchell, 2002-2011, retrieved online

It is precisely this lack of coordination that may be viewed as one of the negative aspects of the "boom" of current MEA system. On this issue, Kanie (2007) refers to the lack of «… coordinated and synergistic approach to solving common problems…» (Kanie, 2007:74), as well as unnecessary duplication of rules and inconsistent objectives. In fact, the proliferation of MEAs, and a consequently too wide system and excess number of secretariats with low coordinating authority, leads to the already mentioned treaty congestion and to an institutional and political work that is incoherent, confuse and repetitive. Thus, if "redundancy" may have positive effects because it avoids the "ripple effect" when an institution becomes dysfunctional, this may also cause MEAs, or, in extreme cases, a great part of the system, to become inefficient (Kanie, 2007).

Therefore, and in regards to the disproportionate and somewhat uncontrolled increase in Multilateral Environmental Agreements, there are different opinions on what could improve the MEA system today. In fact, and no matter the many mistakes made along the way, i.e. since the mid 20th century up to now, we must no forget that only recently were environmental issues no longer "unknown territory". As such, the international community knew little of their resolution, let alone that the MEA system should be more concise and transversal or wider and more "tailor-made". Only now are the first steps being taken to adapt Environmental Multilateralism to complex and unpredictable variants as environmental issues and the world we live in.

4. National Implementation

That being said, a question arises: in practical terms, how efficient are MEAs and their Regimes? On the one hand, the negotiation and adoption of an international treaty, whether long or short, complex or simple, may simply "fall down" when the agreed

measures are transposed to national legislation or when objectives are met by each State; on the other hand, if almost two hundred States coming to an agreement is extremely complex, the more so it is to apply what was agreed upon.

> *«… the mere fact that certain states have become parties to a treaty committing them to take measures to deal with some environmental problem does not per se ensure, or even necessarily promote, harmonization of national law (…) states will often have considerable discretion in the methods of implementation they use, and possibly also in the standards and timetables they set (…) They may all be working to the same goal, but doing so in very different ways…»* (Birnie et al., 2009:10).

Therefore, so that national implementation is complete and fruitful, this work should be started at the beginning of the negotiations, making the adoption and ratification of measures as swift as possible and avoiding difficulties in adapting then to national legislation and function. However, there are other considerations to bear in mind at this critical moment of the MEAs, for example through previous revision and definition of the Focal Point[iii]of the treaty. These should be well prepared, both in terms of administrative resources as well as in terms of the authority to implement them. In this context, cooperation and coordination of governmental institutions are crucial; there should permanent team work to implement the MEA in a fair and transversal way. Furthermore, Governments should also be prepared to possible restrictions, common in the first stage of implementation. As such, they should always have a plan which will allow them to solve eventual problems within a specific period. States are usually fostered to design National Implementation Plans.

Another crucial situation in MEA implementation process, in legal terms, occurs in the preparation of implementation programs and frameworks, which hopefully will «… deter, punish and redress violations…» (UNEP, 2006: 194), and which should be fully followed not only but especially by State bodies and agencies so as to set a "good example". Meanwhile, for a fruitful national implementation, the following should be taken into account: situations such as skills development and technology transfer (crucial mainly to developing countries and economies in transition); the involvement of the main interested parties, such as NGOs, the Private Sector, local communities, the use of the media to raise public awareness. In fact, many times legal measures are considered the only ones with the power to attain results, which is somewhat true; in practice, the law allows for more measurable results. Yet, we must not forget that these are negligible measures without a secure a cohesive support.

Finally, there is another crucial item in national implementation of multilateral measures and commitments which deserve attention: MEA, for example, encompass a series of «… specific prohibitions, which states are required to implement through the application of specific ‘measures’, but to leave the method and means to the state…» (Redgwell, 2008:940), i.e., the "obligations" agreed upon by the Parties are usually concerned with results obtained and not with the whole process of implementing those results, which does not allow equality of the latter and hinders success of the former.

Therefore, there are some who question MEA and Environmental Multilateralism counter productivity: can you expect better results than those achieved so far or will they always depend on the sensitivity, good will and even the "mood" of States? In fact, in the current scenario, the answer will inevitably be affirmative; yet, if the historical evolution of MEA national implementation is taken into account, a progress is visible which may well be the motto for future changes:

> *«… The first generation of international environmental treaties rarely provided for any degree of monitoring or oversight of national implementation. Increasingly, however, modern environmental treaties provide for a comprehensive feedback loop, from implementation, to monitoring, to reporting, to international review, and to non-compliance mechanisms (…) Under many recent international environmental agreements, states parties not only have the obligation to implement, but also have an express obligation to report upon such implementation…»* (Redgwell, 2008: 941, onwards.).

5. The Reform of UN Environmental System

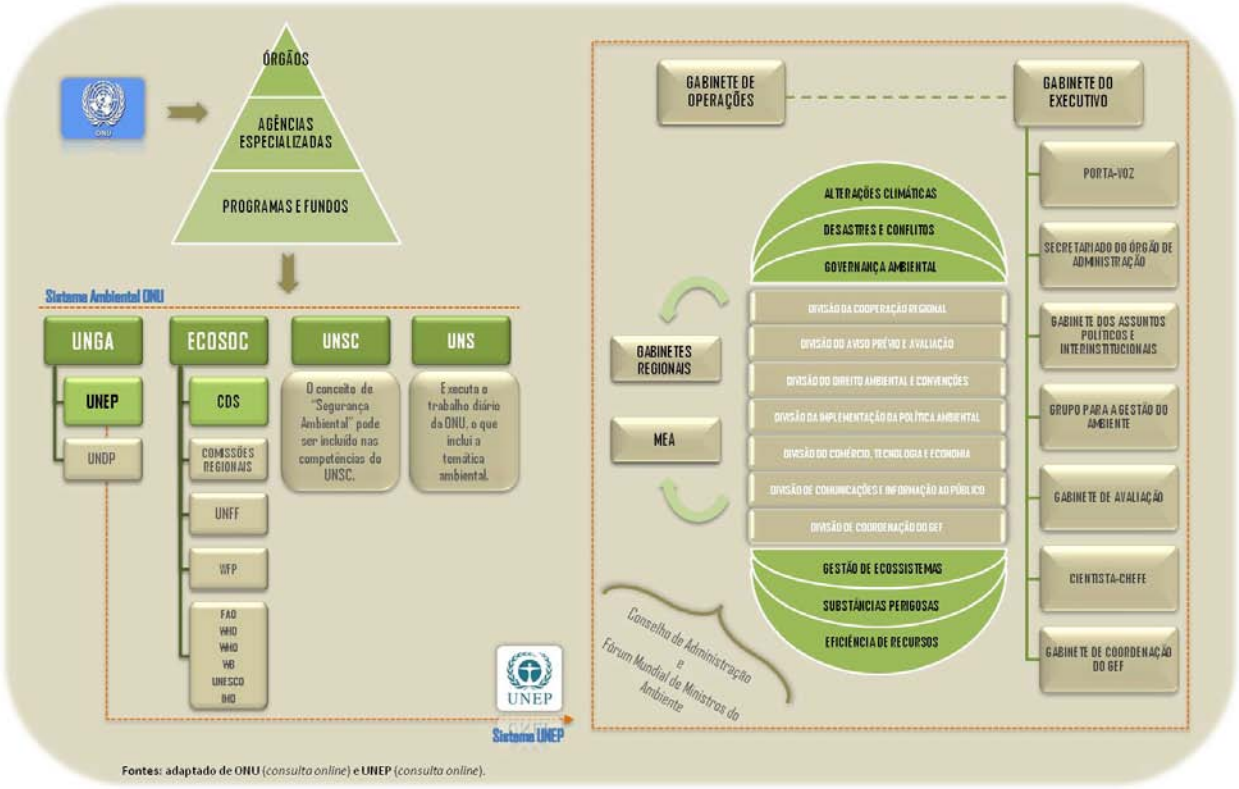
The institutional structure of the UN for the Environment contrasts with other international governing systems, such as those on Health or Commerce. In fact, and though in this case competences are allocated in a more or less wide institutional structure, therefore not always efficient, organized and optimal, experts' opinions on the lack of centralization and coordination in terms of international environmental governing, namely that of the UN, is very clear:

> *«…the institutional architecture for the environment lacks clarity and coherence. No one organization has been able to emerge as a leader to actively champion environmental issues ensuring their integration within economic and social policies. International environmental responsibilities and activities are spread across multiple organizations, including (…) (UNEP), numerous other UN agencies, the international financing institutions, and the World Trade Organization. Adding to this tapestry are the independent secretariats and governing bodies of the numerous international environmental treaties…»* (Ivanova *et al.*, 2007: 48).

In fact, the UN includes and is responsible for the management of several bodies with different competences in Environmental Multilateralism. It is obvious that, depending on their involvement in terms of the environment, they may receive more or less focus. The one that stands out is the United Nations Programme for the Environment - UNEP. Though it was initially expected that it would be a catalyst in environmental development and coordination within the UN, its limited resources and autonomy did not allow it to fully fulfil the task. However, the creation of other bodies, such as the Commission on Sustainable Development (DCS) and the Global Environmental Facility (GEF) (the latter is not part of the UN system but it is directly linked to its main

environmental bodies), as well as the competences other bodies acquired, resulted in a "competition" and in two of the major issues within the UN environmental system: an overlapping or multiplication of competences and responsibilities, together with a significant decrease in UNEP influence.

Figure 2 – UN and UNEP Environmental System



Sources: adapted from http://www.un.org e http://www.unep.org

Considering this, it is remarkable how UNEP competences were expanded so as to develop Internacional Environmental Law, having become supervisor of bodies responsible for daily running environmental regimes and a home to several MEAs and their secretariats. However, there is more and more evidence that the latter have become more autonomous in developing and managing their specific areas, relations and probable overlaps, which must be «... inevitably emerged in the complex and piecemeal system of global environmental governance that currently dominates international environmental politics...» (Jinnah, 2008, quoted by O'Neill, 2009: 56),which will again weaken UNEP competences.

The first references to a reform of UNEP and a restructuring of international environmental governance appear in this context. Though not recent (the issue was already discussed in the "Rio Conference" in 1992), the "solutions" resulted merely in the creation of CSD and, later, in extending the mandate of the Program and the creation of the Global Ministerial Environment Forum.

Thus, and while criticism is being made, such as «...the large number of bodies involved with environmental work has (...) increased fragmentation and resulted in uncoordinated approaches in both policy development and implementation. This lack of

coherence in the system has “placed a heavy burden on all countries as well on international organizations…» (Berruga and Maurer, quoted by Ivanova, 2007: 54), or «… Protagonists rightly point to fragmentation of existing structures, the relative weakness of UNEP as the principal UN body with general environmental competence, and the powerful focus the IMF, the World Bank, and the WTO bring to economic development…» (Birnie et al., 2009: 69). Different and more or less grandiose proposals have been put forth, such as the merger of environmental institutions and treaties in a "mega forum" with decision-making and executing powers, which would issue agreements ruling international environmental governance, or that UNEP would be "promoted" to UN "Specialized Agency". However, there are others who consider that, since the UN system does not work through "institutional manipulation", one of its bodies with environmental competences cannot monopolize a specialized area, nor could it take over competences from other "Specialized Agencies". Furthermore, other believe it is not true that MEA coordination, negotiation and revision is easier or more successful if led by a hypothetical environmental agency or organization.

Regardless of the point of view, it is impossible not to consider the need for new solutions for UN environmental governance and there could be no better example of it the continuous environmental degradation. In view of this "environmental crisis", the action's practicality and success must depend on a specific strategy and planning, which in turn results from a coherent international governance, which is not always what happens today. Yet, is the solution that advocated by those "for the new environmental organization/agency?". This, we believe, will be answered in time. Meanwhile, we must consider the necessary "changes" for international environmental institutions and governance to obtain more and better results.

6. Final Considerations

There is much to write and discuss on Environmental Multilateralism: from basic concepts such as who are its Actors and institutions, what can be understood by Regimes and Treaty-making Process, the role of Conventions and their Protocols and the so-called "Soft Law" in the environmental issue; to more complex questions, such as if Internacional Environmental Law is not just a branch of Internacional Law per si or if it can be viewed as a separate type of Law, different from other "international laws", as Human Rights, and, in this sense, its importance in Environmental Multilateralism may be the same or higher than that of Eco-politics and Diplomacy.

All this leads to questioning how Environmental Multilateralism is viewed, which should be as a transversal and twofold issue: on the one hand, Internacional Environmental Law must be acknowledged as the main "ruler" in the environmental problem, considering that, though there no real "international legislation", there is, in practice, a complex "legislative process" which includes several sources of Internacional Law, from which new laws are issued and others updated, which must be respected and complied to by the whole international community. On the other hand, a series of International organizations and their institutions, some Non-Governmental Organizations, Diplomatic Conferences, regular or extraordinary, and the MEAs (which include treaties and their regimes) are all part of this process; above all this, about two hundred States, with different features and environmental interests but with the mission to develop political

agendas and discussion forums as well as negotiations appealing to all (Birnie *et al*., 2009).

In this context, it is not surprising that the "legislative process" is widely considered as essentially political, as it mostly "legislates" through diplomatic means instead of the usual work carried out by legal experts and institutions. Therefore, and though Internacional Law is crucial in the development of environmental legislation, this is mostly the result of political and diplomatic decisions imposed by the international community, from which often derive tools with vague content and with few effective rules which will lead States into acting coherently. On the other hand, «… periodic meetings of the parties to multilateral treaties (…) constitute 'ongoing, interactional processes', and that 'It is this boarder process and not the formal act of consent that infuses the legal norms generated within with the ability to influence state conduct'…» (Brunnée *et al*., quoted by Birnie *et al*., 2009: 45), i.e., it is precisely this "political-diplomatic" legislative process that fosters States to act and not exactly the fact that they signed this or that tool of International Law.

Thus, we may conclude that the problem does not necessarily derive from vague MEAs, as, for example, environmental Framework-Agreements are usually described; these evidence the aims of the Parties in the agreement, which rather makes the problem even more complex. If, when negotiating a new tool, a State is not motivated or is simply interested in imposing interests not related to the Environment, then its contribution to the agreement will be null. Meanwhile, negotiations being over and a new treaty adopted, you cannot expect that initially demotivated State to have simply changed its perspective and commitment; most probably it will have accepted to be a "Party" and draw "diplomatic benefits" from it but it will not necessarily make its development easy or strictly abide to its implementation. Therefore, the "vague" tool allows this and other States to progress as they had wished, taking full advantage of Multilateralism which sees international cooperation and a procedure evolving through consensus but does not allow room for maneuver to others whose strategies in their environmental agendas are "ambition" and "commitment". This is a perverse process which does not only weaken the MEAs and their actions but also directly influences issues related to Environmental Multilateralism, such as the treaty-making process making it longer and eroding its credibility.

The weakness of bodies such as UNEP and CSD, which are supposed to have institutional and legal influences substantially higher than those granted to them today, is another huge flaw in the international environmental system, in particular of the UN. It is true that the separation of these two bodies within the environment does justice to the progress in terms of intervention since the 1970s and 90s. However, they are still far from being able to fully design and implement an ambitious strategic plan which the Environment and Environmental Multilateralism so urgently require, especially in today's scenario. The fact that both UNEP and CSD report to ECOSOC instead of directly to UNGA is, in itself, a sign of these bodies' weakness. Most critics of this system state that their "voices" are notoriously limited, the more so in the case of UNEP, because of its status as "Program" rather than "Specialized Agency", with all the additional disadvantages that poses to it.

But the main flaw - which ultimately influences the ones I have mentioned and others - is without a doubt the lack of coordination and coherence the institutional system designed for the Environment has been labeled and rightly so. In fact, the analysis to

the UN environmental system demonstrates it: a huge number of MEA, often resulting in a new Regime, innumerous Actors (and within them several UN bodies), all having some competences, objectives or mandate, with more or less scope and autonomy in the different environmental issues.

Therefore, and despite the attempts to restructure international environmental governance in the last two decades, progress has been limited; noteworthy is that «… while governance discussions continued, they were never explicitly on the political agenda…» (Ivanova, 2011: 5), which has made this a real and concerning issue to the international community, in practice a "ghost" problem. In fact, only recently did a political opportunity open up to restructure the international institutional framework for the Environment, namely through United Nations Conference for Sustainable Development (Rio+20 Conference), which was held in Rio de Janeiro, precisely 20 years after the first Rio conference. One of the conference's highlights was the item "Institutional Framework for Sustainable Development" which focused on two very important points which, if put into practice, could completely change the international environmental governance framework: changing CSD into a council for Sustainable Development, which would be «…authoritative, high-level body for consideration of matters relating to the integration of the three pillars of sustainable development…» (UNCSD, 2012:9), or, from a more ambitious perspective, «… to establish a UN specialized agency for the environment with universal membership of its Governing Council, based on UNEP, with a revised and strengthened mandate (…) on an equal footing with other UN specialized agencies…» (my emphasis) (UNCSD, 2012: 10).

Expectations were temporarily focused on the results from the "RIO+20 Conference", whether bold or worthless, as «…even a decision for no reform will have enduring consequences and will shape the actions of the global community over the next twenty years…» (Ivanova, 2011: 5). However, the meeting seemed, from the start, to be destined to limited progress, especially after the launching of “Rio+20 Zero Draft – The Future We Want” (10 January 2012), which gave origin to a series of prognoses, mostly insignificant. Though some potential had been attributed to the meeting, most critics identified flaws in the "Zero Draft". In some cases, these flaws were rather alarming, which evidenced, on the one hand, the expectations on the Conference and, on the other, the fear of it being unsuccessful. Besides this, "Zero Draft" led to opinions being expressed by States and for it to become a delicate situation, for example, on the updating of UNEP status as UN "specialized Agency", the US stated that they would rather «… avoid the distraction of trying to set up something new and untested…» (Duyck, 2012, retrieved online), while India declared that «…elevating UNEP to the status of a UNEO or a specialized environmental agency, would give disproportionate weight to the environmental pillar of sustainable development…» (Duyck, 2012, retrieved online). This was and still is the only one of three officially not represented by an international organization or agency.

Thus, and though many wanted to believe that the doom-and-gloom forecasts could be turned around in the final hours before the Conference agreement - which would not be a first - the results widely met the negative expectations. Despite many opted for stating that "it was better something than nothing at all", most were not convinced. It is obvious that restructuring the UN environmental institutional framework was not, in itself, a panacea but it would undoubtedly be an extremely important development, without which future successes of international environmental governance would be

very difficult if not impossible. Thus, consensus in promoting CSD into a Council for Sustainable Development, though small progress, seems "nothing" when compared to what could have been achieved, while the plunging number of initial articles in the "Draft" of the final agreement proved that skeptics of Environmental Multilateralism were right.

We do not yet know what to expect from International Relations and the Environment and of international environmental governance. Now that the Conference, which was seen as a turning point, is over, international community is at a deadlock. Is Environmental Multilateralism as we know it strong enough to face an increasing "environmental crisis" and to more and more concerning social and economic scenarios? Will States have the judgment necessary to continue to respect international environmental governance without institutional changes being implemented that would make it stronger and more cohesive? In fact, we believe the real solution lies in governmental intervention at the highest level: those in power should legislate and ensure their national programs are developed and implemented in accordance with environmental objectives agreed upon by the international community in general and the United Nations in particular. Those in power are also responsible for proceeding, unafraid of "diplomatic crises" or offending sensibilities, with effective and coherent multilateral measures which become more than promises sealed with an applause. We must reach a consensus, indeed, so that all may apply what they agree on and understand. Yet, most importantly, the economic interests and/or selfishness of some Nations cannot be allowed to boycott negotiation after negotiation, in which often the convenience of the few overrides the well-being of many.

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[i] See, for example, the "Rules of Procedure" of the Convention on Biological Diversity: http://www.cbd.int/doc/legal/cbd-rules-procedure.pdf.

[ii] There are already a few models which could be adapted to national and/or regional scenarios: the "Earth Negotiations Bulletin" (http://www.iisd.ca/voltoc.html), where there is a good amount of documents linked to Environmental Multilateralism available, or other sites, such as the "Environmental Treaties and Resource Indicators" (http://sedac.ciesin.columbia.edu/entri/index.jsp) or the "IEA – Database Project" (http://iea.uoregon.edu/page.php?file=home.htm&query=static).

[iii] Focal Point, or National Focal Points, are environmental bodies, represented by people and appointed by national Governments, which are the main liaison between the State and the MEA Secretariat. For example, in regards to the "Rio Conventions", the Portuguese "Focal Points" include ICNB, the Committee on Climate Change (Comité Executivo da Comissão para as Alterações Climáticas-CECAC), the Department on Climate Change, Air and Noise (Departamento de Alterações Climáticas, Ar e Ruído-DACAR), and the Ministry of Agriculture (see http://www.cbd.int/doc/lists/nfp-cbd.pdf; http://maindb.unfccc.int/public/nfp.pl; http://www.unccd.int/focalpoints/focalpoints.php).