CONTINUITY AND CHANGE IN INTERNATIONAL INSTITUTIONS

THE CASE OF THE UNITED NATIONS ENVIRONMENT REGIME

By

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ABSTRACT

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Analysts have had a long fascination with moments of significant change and discontinuity in political relations. Studies of "exogenous shocks," "critical junctures," "historical events," "policy windows," and "punctuated equilibria" have occupied a prominent place in qualitative assessments of policy and institutional change. Yet, despite analysts' interest, these turning points remain poorly understood. Leading theoretical treatments are overwhelmingly descriptive, offering little in the way of explanatory capacity.

Introducing the concept of Temporal Focal Points, my thesis provides a temporal extension to Thomas C. Schelling's focal point hypothesis. Temporal Focal Points—definite, exceptional phases along the temporal continuum—precipitate a convergence of expectations among actors in time that heightens the likelihood of agreement. Convergent expectations are a crucial means of overcoming temporal coordination problems among actors. By facilitating a spike in analytical activity, political entrepreneurship, and bargaining intensity, actors are able realize joint gains opened up by past shifts in key parameters. Prominent temporal signposts allow actors to recognize that existing institutional arrangements are not an equilibrium. I test the plausibility of this theory through an analysis of the record of change at four distinct phases of the history of the United Nations environment regime from 1962-1992, including the 1972 Stockholm conference, the 1982 Nairobi conference, the UN General Assembly's response to the Brundtland report, and the 1992 Rio Earth Summit.

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LIST OF ACRONYMS

CSD	Commission on Sustainable Development
ECOSOC	United Nations Economic and Social Council
FAO	United Nations Food and Agriculture Organization
OECD	Organisation for Economic Co-operation and Development
UNCED	United Nations Conference on Environment and Development
UNCHE	United Nations Conference on the Human Environment
UNEP	United Nations Environment Programme
UNESCO	United Nations Educational, Cultural and Scientific Organization
UNSSC	United Nations Environment Programme Session of a Special Character
WCED	World Commission on Environment and Development
WHO	World Health Organization

INTRODUCTION: CONTINUITY AND CHANGE IN INTERNATIONAL INSTITUTIONS

Analysts have had a long fascination with moments of rapid change and discontinuity in political relations. Studies of "critical junctures," "historical events," "policy windows," and "punctuated equilibria" have occupied a prominent place in qualitative assessments of policy and institutional change.[1] These phenomena are important because their legacies can be far-reaching and have significant consequences for international cooperation. Instances of dramatic change can rapidly break down the entrenched, inertial quality of institutions, ushering in a new cooperative order. Yet, despite analysts' interest in these moments, they remain poorly understood. Leading theoretical treatments have been overwhelmingly descriptive, offering little in the way of explanatory capacity.

By providing a temporal extension to Thomas C. Schelling's focal point hypothesis, this thesis explains why certain periods in time are more likely than others to emerge as moments of institutional change. In seeking to realize new cooperative possibilities, states face important temporal coordination problems. Convergent expectations concerning bargaining timelines allow actors to realize possibilities for joint gains that are much less likely to obtain when expectations diverge. Temporal Focal Points (TFPs)—discrete, exceptional phases along the

[1] Giovanni Capoccia and Daniel Kelemen, "The Study of Critical Junctures: Theory, Narratives, and Counterfactuals in Historical Institutionalism," *World Politics* 59(3), 2007. Ruth Berins Collier and David Collier, *Shaping the Political Arena: Critical Junctures, the Labor Movement, and Regime Dynamics in Lain America* (Princeton: Princeton University Press, 1991). Niles Eldredge and Stephen Jay Gould, "Punctuated Equilibria: An Alternative to Phyletic Gradualism," in: Thomas J.M. Schopf (ed.), *Models in Paleobiology* (San Francisco: Freeman, Cooper & Company, 1972). John W. Kingdon, *Agendas, Alternatives, and Public Policies* (New York: Longman, 1984). David A. Welch, *Painful Choices: A Theory of Foreign Policy Change* (Princeton: Princeton University Press, 2005).

temporal continuum—contribute to a convergence of expectations that increase the probability of agreement at vital junctures. The result is an intermittent, clustered pattern of institutional change.

This introductory chapter proceeds in the following manner. First, I analyze the study of continuity and change in international institutions, with particular attention to critical junctures, exogenous shocks, and normative tipping points. This evaluation will highlight some of the limitations of the existing literature and make the case for an alternative approach. Second, I review scholarship from other disciplines, which add provocatively to the discussion of temporal coordination problems in collective choice settings. Third, I set up the ensuing chapters by summarizing my key empirical findings and underlining the contribution of my theoretical framework to explaining continuity and change in UN environmental institutions. Fourth, I discuss the approach to case study selection and data collection employed in this thesis.

1.1 THE PUZZLE

One of the most striking features of the UN environment regime has been the clustering of instances of significant institutional change in the context of two multilateral conferences: the 1972 Stockholm conference and the 1992 Rio Earth Summit. Though both conferences responded to a deterioration of the global environment, these events were not launched to re-evaluate institutional arrangements. More interesting still, participants did not stop at recasting "core" institutional measures, such as the United Nations Environment Programme or the Global Environment Facility, but produced a whole series of unrelated multilateral environmental agreements. The 1972 Stockholm conference led to the completion

of the Convention on the Prevention of Marine Pollution by Dumping of Wastes and Other Matter, the World Heritage Convention, the 1973 International Convention for the Prevention of Pollution From Ships, and the 1973 Convention on International Trade in Endangered Species of Wild Fauna and Flora. The 1992 Earth Summit in Rio de Janeiro brought agreement on the UN Framework Convention on Climate Change, the Convention on Biological Diversity, the Forest Principles, and initiated the processes that resulted in the 1994 UN Convention to Combat Desertification and the 1997 Kyoto Protocol to the UN Framework Convention on Climate Change. The cresting of institutional change incidences dramatically altered existing modes of cooperation in many different spheres of UN environmental activity.

Instead of an exception or an intriguing peculiarity, it appears to be an empirical regularity that a sizable amount of international business is completed in a manner that responds to an idiosyncratic array of stimuli, such as long scheduled summit meetings, self-imposed negotiation deadlines, and prominent anniversaries.[2] Certain dates are prone to stand out along the temporal continuum in bargaining, adding impetus to negotiations. In the United Nations environmental field, the anniversary of the 1972 Stockholm conference was used in 1982, 1992, and 2002 as a means of coordinating international action on environmental cooperation. In 2012, states convened the United Nations Summit on Sustainable Development in Rio, Brazil. The location, as well as the event's colloquial name, "Rio+20," was used to recall the consequential decisions taken at the 1992 Earth Summit and to add urgency to the conference. The use of well-known dates is not restricted to the

[2] G.R. Berridge, *Diplomacy: Theory and Practice* (Houndmills: Palgrave, 2002), pp. 58-64. I William Zartman and Maureen Berman, *The Practical Negotiator* (New Haven: Yale University Press, 1982), pp. 191-192.

environment field. In the 1990s, UN Secretary-General Kofi Annan used the approaching 50-year anniversary of the 1945 San Francisco Conference to launch a system-wide reform initiative. Establishing the Millennium Development Goals for the year 2000 helped create a sense of exceptionality in the promotion of international development. One can be sure that the 100th anniversary of the 1919 Paris Peace Conference will be used as a vehicle to pursue a resolution to intractable conflicts.

"Demonstration effects" or "focusing events" have a comparable effect and can be understood in similar terms.[3] As former White House chief of staff Rahm Emanuel said in 2011: "You never want a serious crisis go to waste. And what I mean by that it's an opportunity to do things you think you could not do before."[4] As Emanuel's words imply, deficiencies highlighted by dramatic crises are often symptomatic of pre-existing challenges. Transnational terrorist activities were, for example, an international problem long before states altered global security regimes in the wake of the attacks on the United States in September 2001. Though it is tempting to interpret dramatic episodes, such as environmental disasters or escalating violence, as shocks that demand change, more often than not these types of events simply highlight unaddressed past changes in underlying conditions that rendered extant institutions sub-optimal. Demonstration effects bring a moment of intense focus on festering institutional deficiencies, facilitating change.

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[3] Walter Mattli and Ngaire Woods, *The Politics of Global Regulation* (Princeton: Princeton University Press, 2009). Kingdon, *Agendas, Alternatives, and Public Policies*.
[4] Gerald F. Seib, "In Crisis, Opportunity for Barack Obama," *Wall Street Journal*, 21 November 2008.

From this perspective, two main points come into view. First, although new possibilities for mutually beneficial agreement are opened up by shifts in underlying conditions, states are slow to grasp them. There is a temporal dissociation between the ultimate and the proximate causes of transformations to institutional rules and procedures. The cooperative potentialities for the amelioration of global environmental issues, for example, predated the adoption of new institutional arrangements at the Stockholm and Rio conferences. Changes triggered by demonstration effects are similar in this regard. Because the ability of states to institute measures to fit changed conditions in a timely manner is limited greatly, we must conclude that new opportunities remain unexpressed, accumulating over time.[5] There is a status quo bias in institutional life. Second, these accumulated issues are often dealt with by states in an intermittent manner, subject to sudden bursts of activity at certain points in time. Something stimulates states to recognize—or enables them to realize—the accumulated cooperative possibilities available to them by past changes in external conditions. Belatedly, yet dramatically, states are able to enact measures to bring regimes into closer alignment with the altered international landscape.

Many International Relations scholars have noted this pattern. Rational Choice analysts conceive of institutions as assemblages of rules and procedures that constitute equilibria, especially in instances of repeated interaction.[6] Institutional equilibria are structure-induced because "no other alternative, allowed by the rules of procedure, is preferred by all the individuals, structural units, and coalitions that

[5] The temporal dissociation between exogenous shifts and change is typically explained in terms of institutional "stickiness." The difficulty with these accounts is, however, that they fail to specify when, why, and how regimes become unstuck.

[6] Kenneth A. Shepsle, "Studying Institutions: Some Lessons from the Rational Choice Approach," *Journal of Theoretical Politics,* Vol. 1, No. 2, (April 1989), p. 136.

possess distinctive veto or voting power."[7] When states adhere to international regimes, Rational Choice theorists stress, they do so to commit credibly to forego short-run gains in favour of long-term priorities, and to bind political successors to comply with institutional obligations.[8] This makes institutional arrangements durable, ensuring a high degree of continuity in international regimes. The firmer the commitment, the more stable cooperative arrangements are. Institutions are "sticky" inasmuch as they are, as a practical matter, often procedurally difficult, time consuming, and costly to alter.[9] Amending formulas usually require a wide and diverse base of support among the institutional population, enabling a relatively small subsection of institutional actors to thwart reform. Persistent sub-optimality in institutions creates incentives to realize joint gains through Pareto-improving institutional change.[10]

From the Rational Choice perspective, institutional change is equilibrium change. Because institutions embody states' best response to a given international context, change is driven by sudden transformations in external conditions.[11] Exogenous shocks break down the self-enforcing character of existing patterns of

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[7] Shepsle, "Studying Institutions," p. 137.
[8] Robert Axelrod, *The Evolution of Cooperation* (New York: Basic Books, 1981). Robert O. Keohane, *After Hegemony: Cooperation and Discord in the World Political Economy,* (Princeton: Princeton University Press, 1984). Douglass C. North, *Institutions, Institutional Change and Economic Performance,* (New York: Cambridge University Press, 1990), pp. 22, 83. Paul Pierson, *Politics in Time: History, Institutions, and Social Analysis*, (Princeton: Princeton University Press, 2004), p. 43.
[9] G. John Ikenberry, *After Victory: Institutions, Strategic Restraint, and the Rebuilding of Order After Major Wars* (Princeton: Princeton University Press, 2001), pp. 42, 68-69.
[10] Oliver Williamson, as an analytical approximation of efficiency, introduces the "remediable criterion," where an institution is presumed to be efficient when "an extant mode of organization for which no superior feasible alternative can be implemented with expected net gains." See: Oliver E. Williamson, "The New Institutional Economics: Taking Stock, Looking Ahead," *Journal of Economic Literature,* Vol. 38, No. 3 (Sep., 2000), p. 601.
[11] For a compelling discussion of quasi-parameters, see: Avner Grief and David D. Laitin, "A Theory of Endogenous Institutional Change," *American Political Science Review,* Vol. 98, No. 4, Nov 2004.

behaviour.[12] There is, as Stephen D. Krasner observes, a close relationship between crises and regime transformations:

> New structures originate during periods of crisis. This may be imposed through conquest or be implanted by a particular fragment of the existing social structure. But once institutions are in place they can assume a life of their own…. The causal dynamics associated with a crisis of the old order and the creation of a new one are different from those involved in the perpetuation of established state institutions.[13]

Institutions are initiated and ended, Krasner stresses, "by external events—usually cataclysmic ones."[14] As a result, Rational Choice institutionalists tend to train their eye on the apparent causal implications of crises that occur in close temporal proximity to observed change.[15] Following shocks, the current equilibrium ceases to exist and another one takes its place.[16] Equilibrium change is seen as rapid and basically frictionless.

Historical Institutionalists study the influence of founding moments and self-reinforcing mechanisms on the persistence of institutional designs.[17] They make a useful contribution to the study of institutions because they draw attention to

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[12] Barry R. Weingast, "Political Institutions: Rational Choice Perspectives," in: Robert Goodin and Hans-Dieter Klingemann, *A New Handbook of Political Science* (Oxford: Oxford University Press, 1996), pp. 180-181.

[13] Stephen D. Krasner, "Approaches to the State: Alternative Conceptions and Historical Dynamics," *Comparative Politics,* Vol. 16, No. 2 (January 1984), p. 240.

[14] Stephen D. Krasner, "State Power and the Structure of International Trade," *World Politics*, Vol. 28, No. 3. Apr., 1976, pp. 341-342. See also: Robert Gilpin, *War and Change in World Politics* (Cambridge: Cambridge University Press, 1981).

[15] For an exception: James D. Fearon has compared negotiations to a "war of attrition" game, in which differences in states' "quit time" determine which bargaining party prevails. Since Fearon's model relies on fixed costs for delay and constant discount rates, however, one would not expect to observe the disproportionate concentration of settlements discussed above unless there were synchronized spikes in payoff possibilities, coordinated cross-sectoral shifts in the probability of realizing agreements, or significant discontinuities in bargaining processes. See: James D. Fearon, "Bargaining, Enforcement and International Cooperation," *International Organization*, Vol. 52, No. 2, Spring 1998.

[16] For a discussion of this issue, see: Oran R. Young, "Regime Dynamics: The Rise and Fall of International Regimes," *International Organization* Vol. 36, No. 2, Spring 1982, p. 291. Shepsle, "Studying Institutions," p. 141.

[17] For a fine assessment of Historical Institutionalism in International Relations, see: Orfeo Fioretos, "Historical Institutionalism and International Relations"*, International Organization*, Vol. 65, No. 2, Spring 2011.

important inhibiters to institutional change that are frequently overlooked. By emphasizing path dependence, historical institutionalists suggest that a de-contextualized approach to understanding continuity and change is inadequate.[18] Analysts should instead embrace empirically-rich research programs that trace the development of institutions through time, moving from a "snapshot" view of political life to embrace historically informed "moving picture" research that is conscious of overarching contexts and long-term processes.[19] The sequence of events influences actors' preferences and can have a powerful impact on present and future decisions. Extant institutional arrangements shape the identities and interests of major proponents and opponents of change, affecting their ability to influence outcomes.[20] Increasing returns and self-reinforcing mechanisms make significant change rare.[21]

Historical Institutionalists focused on discontinuous, punctuated reform have examined the role of critical junctures in institutional transformations. Giovanni Capoccia and Daniel R. Kelemen note that long phases of path dependent institutional stability are "punctuated occasionally by brief phases of institutional flux referred to as critical junctures—during which more dramatic change is

[18] Historical institutionalists also point to the ubiquity of unintended consequences in shaping institutional effects. Unintended consequences arise because of inevitable cognitive limits and the short-term time horizons of institutional designers, who cannot foresee future contingencies. See: Paul Pierson and Theda Skocpol, "Historical Institutionalism in Contemporary Political Science," in: Ira Katznelson & Helen V. Milner (eds), *Political Science: State of the Discipline*, (New York: W. W. Norton, 2002), p. 708.

[19] Paul Pierson, *Politics in Time: History, Institutions, and Social Analysis* (Princeton: Princeton University Press, 2004), p. 2.

[20] G.D. Libecap, *Contracting for Property Rights* (Cambridge: Cambridge University Press, 1989), p. 116.

[21] W. Brian Arthur, *Increasing Returns and Path Dependence in the Economy* (Ann Arbor: University of Michigan Press, 1994). See also, Pierson, *Politics in Time,* pp. 17-53.

possible."[22] Ruth Berins Collier and David Collier define a critical juncture as "a period of significant change…which is hypothesized to produce distinct legacies."[23] Critical junctures open a rare window to the efforts of powerful and able actors to redesign or adjust institutions.[24]

Recent Historical Institutionalist accounts have focused on the role of gradual change. James Mahoney and Kathleen Thelen highlight the fact that, because rules are open to interpretation and contestation, institutions are liable to change continuously.[25] These analysts contend that institutional rules and procedures are not as clearly or unambiguously understood as is sometimes assumed. The interpretation, enforcement, and implementation of institutional rules are a highly political activity that leaves considerable space for contestation. Incremental shifts can, these scholars maintain, have a significant effect on behaviour and, therefore, represent a critical source of institutional change. Similarly, Oran R. Young's contributions on regime dynamics highlight the interaction between endogenous and exogenous factors in driving the dynamism of institutions.[26] Although incremental adjustments have played a notable part in the development of many institutions, including the UN environment regime, they do not match the pattern of change that I aim to explain.

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[22] Giovanni Capoccia and Daniel R. Kelemen, "The Study of Critical Junctures: Theory, Narratives, and Counterfactuals in Historical Institutionalism," *World Politics* 59, No. 3, April 2007, p. 341.
[23] Ruth Berins Collier and David Collier, *Shaping the Political Arena: Critical Junctures, the Labor Movement, and Regime Dynamics in Latin America* (Princeton: Princeton University Press, 1991), p. 29.
[24] Capoccia and Kelemen, *The Study of Critical Junctures*, pp. 360-361.
[25] James Mahoney and Kathleen Thelen, "A Theory of Gradual Institutional Change," in: James Mahoney and Kathleen Thelen (ed.), *Explaining Institutional Change: Ambiguity, Agency, and Power* (New York: Cambridge University Press, 2010), p. 10.
[26] Oran R. Young, *Institutional Dynamics: Emergent Patterns in International Environmental Governance* (Cambridge: MIT Press, 2010). See also: Young, "Regime Dynamics."

Sociological Institutionalists have noted the same phenomenon as Rational Choice analysts and Historical Institutionalists. Differentiating themselves from the rationalist "calculus" approach to institutional studies, these analysts have used organizational and cognitive theories to examine the part that cultural forces play in institutional life.[27] Accordingly, Sociological Institutionalists define institutions more broadly than the other analytical traditions, including cognitive scripts and symbolic systems within their definitions.[28] For these scholars, the line between institutions and culture, drawn starkly in other schools of institutional analysis, is blurred.[29] Some emphasize the influence of institutions on the cognitive frameworks that shape individual action.[30] Institutional forms, they maintain, are constitutive of the preferences and identities of agents in social life.[31] Normative factors govern behaviour and even give definition to the strategies that actors consider rational in a given social context. Bureaucratic "pathologies," underpinned by the classificatory power of civil servants, enable international organizations to fix meanings in the social world. International bureaucracies can act as conveyer belts for norm articulation and diffusion.[32]

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[27] The foundational works in this school are: John M. Meyer and Brian Rowan, "Institutionalized organizations: formal structure as myth and ceremony," *American Journal of Sociology*, Vol. 83, No. 2, Sept. 1977, pp. 340-363. John W. Meyer and W. R. Scott, *Organizational Environments: Ritual and Reality* (Beverly Hills: Sage Publishers, 1983).

[28] W. Richard Scott, "Institutions and organizations: towards a theoretical synthesis," in: W. Richard Scott and John W. Meyer (ed.), *Institutional Environments and Organizations: Structural Complexity and Individualism* (Thousand Oakes, CA: Sage Publications, 1994), pp. 50-80.

[29] Lynne Zucker, "The role of institutionalization in cultural persistence," in: Walter W. Powell and Paul J. DiMaggio (ed.), *The New Institutionalism in Organizational Analysis* (Chicago: University of Chicago Press, 1991), pp. 83-107.

[30] Paul J. DiMaggio and Walter W. Powell, "Introduction," in: Walter W. Powell and Paul J. DiMaggio (ed.), *The New Institutionalism in Organizational Analysis* (Chicago: University of Chicago Press, 1991), pp. 8-9.

[31] Alexander Wendt, "The agent-structure problem in international relations theory," *International Organization*, Vol. 41, No. 3, Summer 1987, pp. 335-370.

[32] Michael N. Barnett and Martha Finnemore, "The Politics, Power, and Pathologies of International Organizations," *International Organization,* Vol. 53, Issue 4, Autumn 1999, p. 705-716.

The persistence of institutional orders, argue Sociological Institutionalists, is driven mainly by the fact that actors follow familiar approaches to new problems, even when conditions might otherwise motivate behavioural change. Institutions are, moreover, isomorphic inasmuch as key structures and attributes are reproduced in a variety of different settings.[33] Established routines are remarkably persistent and institutional inefficiencies are legion. For Sociological Institutionalists, regimes change when prevailing cognitive scripts and ideas change. New norms or attractive institutional alternatives are often a more important stimulant of change than international problems. Once an emergent norm garners support from a critical mass of actors, a threshold may be reached, after which normative agreement becomes widespread and is manifested in institutions.[34] Subject-area experts, including members of epistemic communities, may be able to employ superior information or expertise to influence cooperation.[35] For those who emphasize sociological factors, normative and ideational understandings are the main drivers of institutional continuity and change.

Rational Choice, Historical Institutionalist, and Sociological Institutionalist approaches face important problems in accounting for the pattern of change seen in the UN environment regime because their treatment of change mechanisms in institutions is underspecified. Rational Choice scholars' focus on exogenous shocks predisposes them to search for crises or disasters that occur in close temporal proximity to instances of change. Correlation, of course, does not equal causation

[33] Paul J. DiMaggio and Walter W. Powell, "The Iron Cage Revisited: Institutional Isomorphism and Collective Rationality in Organizational Fields," *American Sociological Review*, Vol. 48, No. 2, Apr., 1983, pp. 147-160.
[34] Martha Finnemore and Kathryn Sikkink, "International Norm Dynamics and Political Change," *International Organization*, Vol. 52, No. 4 (Autumn 1998), pp. 900-901.
[35] Peter M. Haas, "Introduction: Epistemic Communities and International Policy Coordination," *International Organization*, Vol. 46, No. 1, Winter 1992.

and *ex post* searches for turning points are bound to locate some pivotal event to attribute change to.[36] By privileging shocks, furthermore, Rational Choice assessments risk overlooking more gradual shifts in exogenous conditions that can slowly erode the range of parameters in which existing equilibria are self-enforcing.[37] Since institutions can persist despite significant ongoing exogenous shifts, important drivers of regime transformations can be neglected by an emphasis on shocks.

The intermittent, clustered pattern of change is inconsistent with the expectation that rational states evaluate the need for institutional change more or less continuously, making decisions in response to developments in the problem structure or following changes in external parameters. If, save for rare cases of massive cross-sectoral transfigurations, the timing of exogenous shocks are a basically random phenomenon and states' ability to establish self-enforcing equilibria rapid, then we would expect a similarly random distribution of change along the temporal continuum.[38] This does not match the record of change discussed above.

Historical Institutionalists face similar problems. Though these scholars have made a strong contribution to documenting and understanding major alterations to institutional rules and procedures, critical junctures are an entirely descriptive

[36] Although his emphasis is a bit different, Paul Pierson points to the same challenge: Paul Pierson, "Increasing Returns, Path Dependence, and the Study of Politics," *American Political Science Review*, Vol. 94, No. 2 (Jun., 2000), p. 266.
[37] Though they focus on quasi-parametric change, a discussion of more gradual alterations to the cooperative landscape is contained in: Grief and Laitin, *A Theory of Endogenous Institutional Change,* p. 639.
[38] The only exception to this expectation would be following a massive exogenous change that alters the entire realm of intergovernmental relations. The possibility of a large exogenous shock affecting many realms of cooperation does not, however, explain the concentration of change described above.

insight. Most accounts use the term to denote a phase that *was* of great significance.[39] There is thus no clear means of judging whether a juncture is critical except through historical assessments. Leading treatments lack an obvious method of operationalizing the concept as an explanatory factor in studies of institutional change and do not specify a clear way of ascertaining why these phases produce change. The timing of critical junctures should be basically random, and no clear means are provided for predicting their occurrence.[40] Although the Stockholm and Rio conferences would clearly be described as critical junctures in the history of the UN environment regime, Historical Institutionalist approaches do not provide an explanation for the pattern of change discussed at the beginning of this section.

Sociological Institutionalism has great difficulty explaining the mechanisms that drive institutional change. Based on major accounts, it is difficult to discern when and why new practices or dominant normative impulses change. In Sociological Institutionalism, the change mechanism lacks the specificity necessary to fully evaluate the role of social forces in the timing of change processes. Many contributions portray causal ideas and normative conceptions as evolving above the cut and thrust of political life.[41] While ideational or normative transitions may well have driven change in UN environmental institutions in 1972 and 1992, no clear mechanism is provided to explain this process. Why, one wonders, was ideational change concentrated in those two years? Was there an important and unidentified

[39] A notable exception is the article by Capoccia and Kelemen, where they argue that most existing accounts of critical junctures suffer from selection bias. Capoccia and Kelemen, *The Study of Critical Junctures.*

[40] Kathleen Thelen argues that one approach would be to endogenize the sources of crises of turning points. See: Kathleen Thelen, "How Institutions Evolve: Insights from Comparative-Historical Analysis" in: James Mahoney and Dietrich Rueschemeyer (ed.) *Comparative Historical Analysis in the Social Sciences* (New York: Cambridge University Press, 2003), pp. 208–240.

[41] Colin Hay and Daniel Wincott, "Structure, Agency and Historical Institutionalism," *Political Studies*, Vol. XLVI, 1998, p. 952.

factor that hindered the development of good ideas or new causal knowledge before 1972 and 1992?

In world politics, the transitions in normative and causal ideas that underpin new cooperative orders are frequently less about inspiration and free flowing social discourses than about concerted research, planning, and negotiation. While inspiration and "bright ideas" play their part, new insights or institutional alternatives are stimulated heavily by necessity and goal-driven collective efforts.[42] Just as importantly, their implementation—in terms of institutional rules, conventions, and practice—must be negotiated for behavioural change to take hold. The support of other relevant actors must be obtained and maintained. For new norms and ideas to have an impact, they must serve as the basis for coordination among relevant actors at one point in time. By neglecting the coordinative dimension of normative and ideational change, these accounts overlook the causal mechanism that links socio-ideational transitions to political change.

1.2 TEMPORAL COORDINATION AND INSTITUTIONAL CHANGE

In his *Strategy of Conflict*, Thomas C. Schelling gives a memorable example of a tacit coordination problem, asking his readers how they might hope to meet someone in New York City if they could not communicate with that person. The majority of his respondents were able to concert their expectations on Grand Central Station's information booth at noon.[43] For Schelling, Grand Central Station served as a coordination point because of its conspicuousness and exceptionality relative to

[42] For an engaging discussion of the role of exogenous inspiration versus more goal-oriented (endogenously influenced) technological innovations, see: William H. Riker, *The Theory of Political Coalitions* (New Haven: Yale University Press, 1962), pp. 192-199.
[43] Thomas C. Schelling, *The Strategy of Conflict* (Cambridge: Harvard University Press, 1960), pp. 55-56.

other possibilities (especially for his sample, which was based in New Haven, Connecticut). These traits made the train station a point of focus for his respondents, enabling a convergence of expectations.

Schelling's analogy has gained wide attention in the literature. Almost all of that interest has, correctly, been concentrated on his main idea: in settings characterized by multiple equilibria, conspicuous focal points have great coordinative power. One aspect of the story that is often overlooked, however, is that Schelling's respondents were coordinating on two dimensions: space and time. They met at Grand Central Station *at noon.* A further dimension remains implicit in Schelling's discussion: the *date* of coordination. While coordination on multiple dimensions may be unimportant in certain settings, many complex social contexts involve just this challenge. Even if actors can concert their expectations on one dimension, divergent expectations on a second or third dimension can lead to coordination failure.

As will be argued in greater detail throughout this dissertation, time is a crucial dimension of international life that current theories tend to neglect or bypass altogether. Rational Choice institutionalism assumes that states are synoptically rational, attending omnisciently to institutional problems and opportunities, more or less as they arise. In this formulation, change is realized rapidly in response to external developments. There is little room for analyses of gradual shifts in exogenous conditions because, unless they result in change, these developments are not of sufficient magnitude to undermine the self-enforcing character of existing

equilibria. They can be safely ignored. If one assumes that states are rational, the question of timing is not of great consequence.

When, however, one loosens the assumption of rationality, instead assuming bounded rationality, the question of timing becomes vital.[44] Gradual shifts in exogenous factors take on greater significance because states may not act rapidly to realize the possibilities for equilibrium change opened up by past marginal parametric changes. Exogenous shifts may give rise to incentives for change, but do not spark sudden transformations in the manner that exogenous shocks are assumed to. Coordination problems experienced in the presence of incentives for change, assumed away in a world of synoptic rationality, help explain the status quo bias of institutions. Here, the question of timing comes into full view. *When* change transpires is vital to explaining *why* it did. When bounded rationality becomes a chief behavioural assumption, one must determine why change obtained at one time rather than another time.

Though both assume bounded rationality, Historical and Sociological Institutionalisms also neglect issues of timing and temporality. Historical Institutionalism, which seeks to place "politics in time," is sensitive to the part that self-reinforcing mechanisms and path dependence play in institutional continuity. It does not, however, ask why change obtains at one time rather than another. While detailed process tracing may uncover the reasons why critical junctures arose in particular contexts, there is no clear means of explaining why key junctures arrive *in general*. For Sociological Institutionalists, good ideas have a timeless quality.

[44] For an excellent analysis of the implications of bounded rationality on institutional choice, see: Joseph Jupille, Walter Mattli, and Duncan Snidal, *Institutional Choice and Global Commerce* (Cambridge: Cambridge University Press, 2013).

Institutional alternatives float about, gaining support and influencing politics. No clear mechanisms are advanced to account for the arrival of normative tipping points, except that a certain unobservable threshold is met that leads to the institutionalization of emergent norms or ideas.

The main theoretical approaches to the subject of institutional change have focused disproportionately on the problem of concerting expectations on an agreement alternative, overlooking the need to do so at one point in time. As will be discussed in greater detail in chapter two, in order for international agreements to be reached, a staggering array of moving pieces must come into alignment at the same time. Multilateral negotiations are a highly complex process of collective decision-making that typically involves hundreds of relevant actors. Temporal coordination problems are an essential fact of international relations.

1.3 TEMPORAL COORDINATION AND BOUNDED RATIONALITY

Temporal coordination has been an important theme in cognate fields. A brief diversion is justified here because issues of temporal coordination are basically alien to the political science tradition. The main theorist of bounded rationality, Herbert A. Simon, was intensely interested in temporal factors. For Simon, individuals regularly deviate from the "efficiency criterion," not just because they fail to consider every possible behavioural option, but also because they do not continuously scrutinize their choices through time.[45] Acting on force of habit or reflex, decisions are not always self-conscious, deliberate, or rational.[46] Decision

[45] For Simon's efficiency criterion, see: Hebert A. Simon, *Administrative Behavior: A Study of Decision-Making Processes in Administrative Organization* (New York: Macmillan Company, 1961), p. 14.
[46] Simon, *Administrative Behavior*, p. 40.

taking at one point in time is heavily influenced by past choices. Satisficing—a theme that has been used widely in political science scholarship—applies both to a lack of optimization among agreement possibilities *and* to the slow rate of grasping those possibilities.[47] Temporal satisfying may explain lags in actors' recognition that extant institutional arrangements are not an equilibrium.[48]

Problems of habit and tactic choice are accompanied by a host of issues endemic to collective choice settings. In addition to the role of standard practices and the indoctrination—or socialization—of members, Simon contends that issues of coordination are essential to collective decision.[49] Choices must be predicated on the expected behaviour of others and, though standard practices ease social relations, they do not contribute to rapid optimization of organizational arrangements.[50] Institutions are less likely to be efficient because of coordination challenges.

Simon's attention to the part that coordination dilemmas play in collective decision-making is supported by research in management sciences. Connie J. G. Gersick's groundbreaking studies on the effect of transition points on group task completion show that groups regularly use temporal signposts to govern their

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[47] Paul J. DiMaggio and Walter W. Powell, as many constructivists do, discuss the taken-for-grantedness of institutions. Actors' attention is directed to particular aspects of a cooperative setting, failing to scrutinize in the way that Rational Choice institutionalism suggests that they should. See: DiMaggio and Powell, "Introduction," pp. 8-9.

[48] Although they do not discuss temporal satisficing, Avner Grief and David D. Laitin discuss the limited attention span of institutional actors, especially following marginal parametric change. See: Grief and Laitin, "A Theory of Endogenous Institutional Change," p. 638.

[49] Simon, *Administrative Behavior,* pp. 102-103.

[50] Simon, *Administrative Behavior,* pp. 105-106, and p. 124.

behaviour.[51] Gersick's task groups—which were not in communication with each other—all experienced a marked shift in their behaviour at the precise midpoint between the date of the group's first meeting and their deadline date. After a period of inertial drift that lasted through half of the scheduled timeline, each group, Gersick observed, "underwent a major transition. In a concentrated burst of changes, groups dropped old patterns, reengaged with outside supervisors, adopted new perspectives on their work, and made dramatic progress."[52] Even within the post-transition phase of work, groups' rate of task completion accelerated greatly as they neared their deadlines.[53] Although subsequent studies differ on the timing of transitions—an outcome doubtlessly attributable, at least in part, to differences in research design—the observation that conspicuous temporal landmarks, such as deadlines and midpoints, heavily influence group behaviour has gained wide support.[54]

Other analysts have evaluated the implications of prominent dates on collective action. Ron E. Hassner's provocative analysis of "sacred time" assesses the strategic implications of military operations planned to coincide with dates of

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[51] Connie J. G. Gersick, "Time and Transitions in Work Teams: Toward a New Model of Group Development," *The Academy of Management Journal,* Vol. 31, No. 1, March 1988. See also: Connie J. G. Gersick, "Making Time Predictable: Transitions in Task Groups," *The Academy of Management Journal*, Vol. 32, No. 2, June 1989.

[52] Gersick, "Time and Transition in Work Teams," p. 16.

[53] Gersick, "Time and Transition in Work Teams," p. 18.

[54] In their simulations, Stephen Ghee-Soon Lim and J. Keith Murnighan found strong evidence that temporal pacing was influenced by deadlines. The influence of the deadline was felt, in their studies, some time after the midpoint. Their work concurs broadly with "Parkinson's law," which states that there is an elastic element to time: "work expands so as to full the time available for its completion." Thomas Sandholm and Nir Vulkan assessed the impact of deadlines on bargaining through a series of computer simulations. In bargaining, when firm deadlines are a form of private information—not an unreasonable assumption in talks where parties approach bargaining with different degrees of urgency—making first offers can be seen as a sign of weakness. Even when actors stand to gain from agreement, the rational choice is to attempt to out wait one's opponent. See: Stephen Ghee-Soon Lim and J. Keith Murnighan, "Phases, Deadlines, and the Bargaining Process," *Organizational Behavior and Human Decision Processes,* Vol. 58, 1994. C. N. Parkinson, *Parkinson: The Law* (Boston: Haughton Mifflin, 1980), p. 13. Thomas Sandholm and Nir Vulkan, "Bargaining with Deadlines," *Proceedings of the American Association of Artificial Intelligence*, 1999.

religious significance.[55] The use of sacred dates demonstrates that time is not homogeneous in the behaviour of many military actors. An important factor in his analysis is the coordinative potential of military campaigns associated with certain points along the temporal continuum. For instance, initiating conflict on sacred days can be used to bolster the motivation of troops. Hassner notes that: "War initiators can also expect civilians, observers, and third parties who share their interpretation of the date's religious symbolism to support their cause and mobilize in its defense."[56] Hassner finds that days of religious salience are disproportionately likely to see conflict initiation.

In a world of boundedly rational actors, the assumption that states are constantly evaluating agreement possibilities is highly suspect. Habits and reflexes cause actors to follow institutional rules and procedures unquestioningly for long stretches of time. Though marginal parametric shifts are occurring constantly, potentially breaking down the self-enforcing character of equilibria, these changes typically go unnoticed for extended periods of time. As will be demonstrated in chapter two, in complex social settings, the types of institutional diagnostics and discussions that bring institutional dysfunction into clear focus, rely on a convergence of expectations. Collective efforts to realize institutional change require greater coordination still.

While time is a continuous variable, boundedly rational actors find it difficult to concert their expectations along the temporal continuum. This process is eased, however, by the emergence of prominent temporal signposts, such as deadlines,

[55] Ron E. Hassner, "Sacred Time and Conflict Initiation," *Security Studies*, Vol. 20, No. 4, 2011.
[56] Hassner, "Sacred Time and Conflict Initiation," p. 504

midpoints, or sacred days. Conspicuous phases along the temporal continuum are disproportionately likely to produce behavioural change and coordination because actors expect that the attention of other actors will be drawn to some salient characteristic of that moment in time. Midpoints and approaching deadlines in task completion cause actors to notice the fact that time is running out. Sacred days have connotations that make certain religious dates stand out from the continuum of days in which a conflict may be initiated. These are all temporal examples of tacit coordination analogous in every way to Thomas C. Schelling's Grand Central Station example. Importantly, in each of these cases, actors were coordinating along more than one dimension.

1.4 TEMPORAL FOCUAL POINTS AND SUMMARY OF KEY FINDINGS

Could the emergence of Temporal Focal Points (TFPs) explain the intermittent, clustered pattern of reform seen in the United Nations environment regime? This thesis shows that the emergence of conspicuous, unique, definite junctures significantly increased the likelihood of institutional change in the UN environment regime. The environmental TFPs did not have inherent characteristics that made them better times to reach negotiated settlements than the preceding years. In fact, the institutional problems caused by gradual exogenous shifts that progressively dissolved the self-enforcing character of environmental institutions took a puzzlingly long time to address. The optimal time for agreement would have quite obviously been sooner than 1972 and 1992. The power of the two years that saw significant change was derived from the fact that they were seen as highly exceptional, catching the eye of all concerned.

Chapter two develops the Temporal Focal Point framework. Great emphasis is placed on the role of temporal coordination problems in slowing the recognition and realization of Pareto-improving institutional reforms. For change to occur, actors must concert their expectations and move synchronously. Since the number of relevant actors in international institutions is so large—spanning hundreds of distinct domestic and international, governmental and non-governmental, organizations—coordination is an undertaking of enormous complexity. Achieving a genuine coordination in behaviour is not as simple as adding a subject to the intergovernmental agenda. Actors must invest scarce resources in institutional diagnostics and opt to communicate their underlying interests to other parties in a relatively open and transparent fashion. If players act cooperatively when others do not, they risk ending up significantly worse off than they would have been had they not done so. Limited resources are expended and cooperative players are vulnerable to exploitation.

Since collective action on festering institutional deficiencies is predicated on a coordination of expectations at discrete points in time, actors face a classic stag hunt game. Although each could achieve a better outcome if they were able to rely on others to act in concert with them, they face important risks in this endeavour. It is the risk dominant character of this situation that makes change problematic, contributing to a status quo bias in institutional life. The key is reaching a point in time when all actors believe that others will behave cooperatively. The emergence of conspicuous, unique, definite temporal signposts—TFPs—eases the process of coordination by providing a prominent phase along the temporal continuum where this belief can take hold. While coordination may be achieved in the absence of

TFPs, it is far more likely to occur in the presence of prominent temporal landmarks.

Marginal exogenous shifts can progressively erode the range of parameters in which an institution is self-enforcing. These changes may escape the notice or grasp of boundedly rational actors for long stretches of time, in part because each side faces severe coordination dilemmas. The emergence of a TFP increases the likelihood of change by providing a prominent temporal coordination point. It should, however, be stressed that temporal coordination does not guarantee that underlying conditions are propitious. Conversely, a setting conducive to institutional change may persist for decades for want of a prominent temporal coordination point. These two factors vary independently of each other.

To test the plausibility of the Temporal Focal Point framework, I undertake a detailed empirical investigation of the record of change in the United Nations environment regime from 1962-1992. While I devote extensive attention to the entire period, my empirical chapters focus on four main case studies: the 1972 United Nations Conference on the Human Environment (UNCHE, or the "Stockholm conference"), the 1982 United Nations Environment Programme Governing Council Session of a Special Character (UNSSC, or the "Nairobi conference"), the UN General Assembly's response to the release of the 1987 report of the World Commission on Environment and Development (WCED, or the "Brundtland report"), and the 1992 United Nations Conference on Environment and Development (UNCED, or the "Earth Summit").

Chapter 3 analyzes the Stockholm conference and the years immediately preceding it. The early 1970s represented a period of transition in the UN environment regime. Mounting global environmental problems in the decades prior to 1972 had led to an ad hoc accretion of institutional measures within the United Nations system. While the need to address major defects in extant institutional arrangements had existed for at least a decade, actors faced sharp coordination dilemmas. Lead developed countries feared that, if they bargained cooperatively with developing countries, they risked the rise of environmentally damaging pollution havens in the global South. Developing countries feared that cooperating with industrialized countries could lead to the rise of environmentally motivated non-tariff trade barriers and green conditionality in the provision of development assistance. Although both sides had much to gain from international cooperation in the environment field, this strategic dynamic hampered greatly efforts to institute new rules and procedures that could address planetary decline.

The inertial drift in the UN environment regime persisted until 1972, when UNCHE emerged as a highly conspicuous TFP. Though the Stockholm conference was initially seen as a relatively low-level, technical affair, it quickly gathered momentum and provided a focal moment that enabled coordination among actors, North and South. The conspicuousness of the Stockholm moment was enhanced by a string of prominent environmental disasters that occurred in the years leading up to the conference. Growing environmental concern was deliberately fostered by UNCHE's entrepreneurial secretary-general, Maurice Strong. As the conference neared, actors engaged cooperatively in the search for institutional alternatives that met the changed problem setting. The result of the conference was dramatic

institutional change. The Stockholm action plan and declaration provided a number of recommendations and principles that set out the basis for global environmental governance. The conference also resulted in recommendations that led to the creation of the United Nations Environment Programme (UNEP) by the UN General Assembly in December 1972.

Chapter four focuses on the decade after the Stockholm conference. In that period, UNEP compiled a mixed record in the promotion of global environmental cooperation. Key defects in the institutional arrangements agreed to at UNCHE quickly began to erode the organizational basis for UN environmental cooperation. By 1982, it was apparent that existing institutional measures were self-undermining in important respects. Lead states began to curtail their political and financial commitment to the new organization. UNEP's small size, its peripheral physical location in the Kenyan capital, and its institutional weakness relative to the UN specialized agencies it was mandated to coordinate all contributed to an environment programme that quickly became a marginal player in world politics.

As the ten year anniversary of UNCHE neared, UNEP's Executive Director, Dr. Mostafa Tolba, spearheaded a UNEP "Session of a Special Character" to regain the impetus of the Stockholm conference and address the institutional defects that had become apparent between 1972 and 1982. Because of Tolba's efforts to increase the prominence of the ten-year anniversary of the Stockholm conference, the 1982 Nairobi conference became a highly conspicuous moment in the UN environment regime. The conference brought a moment of intense focus on global environmental despoliation and on the weaknesses of post-Stockholm institutional

measures. There was a large proliferation of institutional diagnostics and a heightened intensity in intergovernmental negotiations. UNSSC, therefore, constituted a TFP in the UN environment regime.

Although endogenous factors motivated members of the African group—led by Kenya and Tunisia—to propose reform at the Nairobi conference, underlying conditions had not changed significantly between 1972 to 1982. Lead states, including the United States and United Kingdom, argued that existing institutional measures were, on the whole, sufficient to meet the scale of global environmental problems. Though some developing countries called for an operational mandate for UNEP, other developing countries were wary of the implications of institutional change for their sovereignty. While the Kenyan conference contributed to a temporal convergence of expectations among actors, no substantive basis for institutional change existed. Despite clear defects and a multilateral conference that illuminated key deficiencies in UN environmental institutions, a coalition sufficient in size and composition could not be built to secure institutional change. Existing institutional measures represented states' best response to the global environmental problem structure in 1982.

The years following the Nairobi conference saw significant shifts in exogenous conditions, as the Third World debt crisis greatly exacerbated environmental problems in the global South. Chapter 5 assesses the implications of these shifts for the UN environment regime. While environmental challenges, such as poor sanitation and local pollution, were present in parts of the developing world well before the debt crisis, mounting financial troubles caused major states in Latin

America and Africa to accelerate environmental exploitation as a means of servicing unplayable external debts with export earnings. The massive shift in aggregate net resource transfers from South to North through the 1980s had serious environmental consequences.

The national and international economic decision making structures that drove planetary decline were increasingly singled out as the chief cause of mounting environmental problems. Environmental institutions that focused primarily on cleaning up the ecological messes created by decisions taken within other institutions or branches of government were unsuitable for the new problem setting. As external conditions were shifting, the World Commission on Environment and Development (WCED), which was formally established in December 1983, was deliberating. Noting the changed international problem setting, the commission, chaired by Gro Harlem Brundtland, followed an "alternative agenda" that focused heavily on the economic drivers of environmental deterioration. The "Brundtland report," titled as *Our Common Future*, popularized the concept of sustainable development and, among many other things, proposed a series of far-reaching reforms that would institutionalize sustainable development within the United Nations system.

The Brundtland report was presented to the UN General Assembly in October 1987. The ensuing negotiations centred on ensuring adequate follow-up on the commission's recommendations. Some states, led by Norway, sought to set in motion a detailed bargaining process to precipitate institutional change. These efforts encountered problems. While the General Assembly recognized sustainable

development as "a central guiding principle of the United Nations, Governments and private institutions, organizations and enterprises," follow-up mechanisms were unspecific. This was because countries, North and South, faced important risks in embracing sustainable development. Developed countries risked being obligated to assume an onerous financial burden in the pursuit of sustainable development, a still vague concept that could be operationalized as a developing world licence to pollute and to exploit their natural resources. Developing countries feared green conditionality and unjustified intrusions on their sovereignty.

Institutional change did not occur in 1987. A review of states' bargaining positions shows that all sides were broadly supportive of the Brundtland commission recommendations. Though receptive, deep caution won the day. All sides faced important risks if they embraced sustainable development at the General Assembly. Temporal coordination problems were at the root of actors' slow embrace of the WCED proposals. None wanted to limit their flexibility or compromise their bargaining position in subsequent negotiations. There was, furthermore, ambiguity concerning the timeline for instituting sustainable development within the UN system. Some expected follow-up negotiations to begin immediately, while others focused instead on a potential multilateral conference in 1992. Temporal ambiguity was clearly the enemy of purposeful negotiations in 1987. Instead of serious bargaining, states postured, unwilling to approach talks cooperatively.

Chapter 6 begins with a brief examination of the institutional deficiencies highlighted by the Brundtland commission. The coordination problems that

prevented serious bargaining in 1987 persisted until the early 1990s, when preparations for the United Nations Conference on Environment and Development (UNCED) began to intensify. The "Earth Summit" in Rio de Janeiro, Brazil, quickly became a conspicuous, unique moment in time that greatly influenced state behaviour. The conference took on an unparalleled prominence, generated by growing public awareness of global environmental problems, the twenty-year anniversary of the halcyon days of the Stockholm conference, and the efforts of the UNCED secretariat. The Rio conference became a Temporal Focal Point in the history of the UN environment regime.

The approaching conference provided just the stimulant needed for states to address the institutional recommendations of *Our Common Future*. A series of intensive formal and informal negotiations occurred in 1991 and early 1992 that established a consensus on significant institutional reforms. Sustainable development became the guiding principle for the recommendations of the Rio action plan, called "Agenda 21," and the principles contained in the Rio declaration. Organizational measures were also altered significantly, launching a UN Commission on Sustainable Development and providing a new mandate for the World Bank-operated Global Environment Facility. Most of these proposals were based upon the institutional change recommendations of the Brundtland commission.

The realization of institutional change in 1992 is so compelling because it brings the power of Temporal Focal Points into sharp relief. Between 1987, when the Brundtland commission recommendations were first considered by states, and 1992,

underlying conditions did not change significantly. Existing institutional arrangements, including UNEP, were clearly incapable of arresting the progressive deterioration of the world environment. The "bright ideas" that formed the basis for institutional change in 1992 were derived from the 1987 Brundtland report. The main difference between the WCED and Rio cases was that, in the latter instance, states got down to serious bargaining and were able to reach Pareto-improving agreements. The conference added a powerful impetus to talks. The approaching Earth Summit provided a temporal point of focus for actors in their efforts to reach agreement, easing coordination problems. All saw the Brazilian conferences as the time to reach agreement. They invested the necessary analytical resources in the process and made the concessions necessary to finalize a settlement in time for the June 1992 gathering.

The concluding chapter summarizes the key findings contained in the preceding chapters, highlighting the theoretical implications of this study. The conclusion assesses the extent to which the hypotheses specified in chapter two hold up through the detailed case studies contained in chapters three to six. The chapter will end with a discussion of some promising theoretical avenues opened up by the Temporal Focal Point framework. Areas for future research will be underlined.

1.5 CASE STUDY SELECTION AND DATA SOURCES

The case studies contained in this thesis will be analyzed through the qualitative method of structured, focused comparison, which identifies and systematically compares variables of interest across case studies, standardizing data collection.[57]

[57] Alexander L. George and Andrew Bennett, *Case Studies and Theory Development in the Social Sciences* (Cambridge, Massachusetts: MIT Press, 2005), pp. 67-72.

Because a number of variables remained constant through several cases, the comparison described above allows me to control for potential alternative explanations, including: the presence of specific institutional alternatives and norms, preference aggregation or voting methods, the bargaining leverage and institutional objectives of major negotiating parties, the state of consensual knowledge, and the composition of potential reform coalitions. Path dependent processes and lock-in effects will be observed closely to determine how and where these factors hindered the reform process. A longitudinal study of this nature can also determine whether slow moving processes are responsible for institutional change in these cases.[58] Detailed qualitative research of this nature is well placed to discern the influence of subtle interactive effects, to evaluate competing explanations systematically, and to address problems of equifinality.[59]

Like other issue areas that impinge upon states' exercise of sovereignty, economic development, or access to natural resources, distributive concerns are essential to understanding global environmental politics. The weight that states attached to the development of the UN environmental regime is reflected by the fact that, in addition to the typical diplomatic channels, consideration of institutional change in these case studies involved direct participation at the ministerial or summit level. An evaluation of the archival record belies the not uncommon belief that global environment issues represent a congenial corner of international "low politics."

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[58] Pierson, *Politics in Time,* pp. 86-92.

[59] Andrew Bennett and Alexander L. George, *Process tracing in case study research: Paper presented at the MacArthur Foundation Workshop on Case Study Methods, Belfer Center for Science and International Affairs (BCSIA),* October 1997, Harvard University, Cambridge, MA., pp. 21-22.

Realizing institutional change in these cases was further complicated by the fact that all negotiations were multilateral. There are few settings in world politics where coordination problems are as severe as those seen in United Nations fora. The sheer number and diversity of important stakeholders made reaching a settlement extremely difficult. At the Stockholm, Nairobi, and Rio conferences, for example, hundreds of states participated in talks. Because international environmental issues touched on many spheres of government activity, thousands of influential subnational actors had to be included in the preparatory processes, including different levels of government and bureaucracy. Scientific unions, international media, and non-governmental organizations were also an essential part of the process.

The case studies selected are *least-likely* ones for a study of Temporal Focal Points.[60] They are least-likely cases because coordination problems are so severe in the UN environment regime. The multitude of diverse players active in global environmental politics make it unlikely that salient temporal landmarks will arise and, even when they do, they may still fail to bring about convergent expectations. Small, relatively homogeneous areas of cooperation are far more likely to see coordination when a salient timeframe emerges. The shared cultural or historic experiences of homogeneous institutional realms are less likely to suffer from a paucity of coordinative landmarks. The sharp distributive dimensions of North/South relations on global resource management questions, furthermore, means that states had a lot to lose if they were exploited in talks. Simply put, the cases that I have selected put the TFP framework to its toughest possible test.

[60] For a discussion of most vs. least likely cases, see: Harry Eckstein, "Case Studies in Political Science," in Fred Greenstein and Nelson Polsby (ed.), *Handbook of Political Science, Volume 7* (Reading, MA: Addison-Wesley, 1975).

At the same time, the case studies selected are, in many instances, *most-likely* ones for Rational Choice, Historical, and Sociological Institutionalisms. The mid-1960s and mid-1980s were periods characterized by dramatic shifts in underlying conditions. In both time periods, there were prominent environmental disasters that, conceivably, could be understood as exogenous shocks. Rational Choice institutionalism might, thus, predict significant institutional change in the mid-1960s and mid-1980s. To the extent that predictions can be specified, Historical Institutionalists would anticipate reform when institutional arrangements are the least locked-in, or when negative feedback precipitates a critical juncture. On this basis, change in the mid-1960s would have benefitted from a weakly entrenched regime context. Historical Institutionalists would also expect a transformation in the late 1970s or early 1980s, when self-undermining processes had badly weakened existing organizational structures. Sociological Institutionalists would expect change when norms and key ideas reached a critical change threshold. The periods that ideas about environmental problems shifted most significantly may have been the early 1960s or the late 1980s.[61] By focusing on normative and ideational factors alone, change might be anticipated before the Stockholm conference or around the time of the Brundtland report. Key alternative explanations, therefore, predict significant change at several junctures assessed in this thesis. The expectations of competing theories diverge significantly from those specified in the Temporal Focal Point framework.

[61] It should be noted that Steven Bernstein's account—which emphasizes normative change—would contest this viewpoint. Bernstein argues that the norm complex of liberal environmentalism evolved gradually throughout the period covered in my thesis until it was institutionalized at the 1992 Rio Earth Summit. While some disagreement may occur over the specifics, this assessment targets sociological approaches in general. Part of the reason that there can be some divisions, moreover, is that the predictions of Sociological Institutionalism are not made explicit. See: Steven Bernstein, *The Compromise of Liberal Environmentalism* (New York: Columbia University Press, 2001).

The insights gained from the case studies contained in the following pages provide the strongest possible evidence for the veracity of my hypotheses. The model is tested in an institutional context in which a coordination mechanism would encounter its toughest challenge. Given several notable exogenous, endogenous, and ideational transitions in the cases examined, furthermore, one would predict institutional change in several cases. Consequently, there is reason to believe that a successful test of my framework would produce generalizations of broad relevance to the study of international institutions.[62]

An important methodological challenge of this study is case selection. Drawing causal inferences from the cases discussed above encounters similar methodological limitations as those that were confronted by Theda Skocpol in her study of revolutions, namely that the assessment of false revolutions is difficult or impossible. A comparison of instances of institutional reform would generate selection bias. To address this issue, I use negative cases, the 1982 Nairobi conference and the UN General Assembly's response to WCED, which resemble Skocpol's use of "moments of revolutionary crisis" as control cases.[63] The four cases that I study represent major junctures in the history of the UN environmental regime from 1962-1992 during which its institutional design came into question. To further mitigate selection bias, at the beginning of each empirical chapter I include a study of the intervening years between the previous case and the case

[62] For a discussion of the methodological basis for this conclusion, see: George and Bennett, *Case Studies and Theory Development in the Social Sciences*, pp. 120-122.
[63] Theda Skocpol, *States and Social Revolutions* (Cambridge: Cambridge University Press, 1979), p. 380.

being examined. This approach limits the dangers of omitted variable bias, and ensures conditional independence and constant effects.

Data for the case studies has been gathered primarily from archival sources and from elite interviews. I have utilized the British, Canadian, and Swedish diplomatic preparatory documents for the Stockholm conference and for the early operations of UNEP. The documents contained at the United Nations Archives and Record Management Section were employed to gain a UN secretariat perspective on the Stockholm case. The Maurice F. Strong and Peter S. Thacher papers, held in the Harvard University Environmental Science and Public Policy archives, served as a vital resource on the Stockholm conference, UNEP review process, the Brundtland Commission, and the Rio Summit. Because scholars have not yet utilized many of the documents that I employ, this study will contribute new insights and knowledge to the record of late twentieth century environmental negotiation and diplomacy. As a supplement to archival research, I have conducted a carefully planned program of interviews with major policy and decision makers. These interviews were used to fill gaps in the document record. Interview subjects were chosen based on the substantive role that they played in the events covered in this examination.

1.6 CONCLUSION

The United Nations environment regime has experienced a peculiar intermittent, clustering of instances of significant institutional change. Leading theoretical treatments are poorly situated to explain this phenomenon because they neglect issues of timing and temporality. In addition to reaching agreement on a particular institutional alternative, actors face the added challenge of doing so at one point in time. As we will see in greater detail in chapter 2, this is an important problem.

Cognate disciplines have shed light on the part that conspicuous moments of time can play in achieving temporal coordination. This chapter has summarized the principal empirical findings of the thesis and set out the rationale for case study selection and data collection.

CHAPTER 2: IT'S ABOUT TIME: COORDINATING INSTITIUTIONAL CHANGE

The question of when, why, and how international institutions change has been the subject of significant interest in recent years, as analysts seek to understand the ramifications of dramatic shifts in the international system for global cooperation. Despite wide interest, important gaps remain. The introductory chapter brought to light a number of puzzling features in the record of institutional change in several spheres of international activity. Institutional equilibria have an inertial quality, resisting reform that would bring institutional design into closer alignment with changed conditions. Yet, certain periods, or critical junctures, emerge where dramatic transformations are possible. Instead of observing a roughly random distribution of change instances, as one might expect if there is a reasonably direct relationship between institutional problems and change, we often see clusters of significant transformations. The history of change in the United Nations environment regime is one such instance.

In a world of boundedly rational actors, issues of timing and temporality are central to explaining regime transformations. Instead of providing clear and unambiguous expectations concerning the timing of change, existing theoretical treatments largely fall back on explanations of *why* institutions change. Rational Choice analysts argue that institutions change when exogenous shocks break down the self-enforcing character of institutions. Adopting a somewhat eclectic mix of explanations, Historical Institutionalists maintain that change follows critical junctures. Sociological Institutionalists insist that change occurs after transformations in norms, ideas, and cognitive scripts. Though the timing of change

is closely related to the causes of change, these are two different questions. This theoretical lacuna points us toward the need for a reconsideration of the role of temporal factors in institutional change.

This chapter will explain the role of prominent temporal signposts in the realization of institutional change. It first assesses the part that temporal coordination issues play in institutional change processes. In international institutions, where the number and diversity of actors is very large and the stakes are high, coordination failure can hinder greatly the realization of Pareto-improving reform. Particular emphasis is placed on the implications of bounded rationality and marginal parametric shifts for the timing of change. Second, I provide a definition of Temporal Focal Points (TFPs). I focus on the capacity of TFPs to produce a convergence of expectations in time, enabling actors to move from risk-dominant to payoff dominant equilibria. By easing assurance problems, Temporal Focal Points can lead to a spike in analytical activity, increased political entrepreneurship, and heightened bargaining intensity. Third, I specify four hypotheses concerning the relationship between TFPs and exogenous change. I conclude the chapter with a discussion of the chief methodological considerations of this study.

2.1 INSTITUTIONAL CHANGE AND TEMPORAL COORDINATION PROBLEMS

The intermittent, clustered pattern of change observed in important spheres of international activity brings to light questions about the relationship between exogenous change and institutional reform. Rather than responding to changes in underlying conditions in a relatively rapid manner, the fundamental ingredients for

future modes of cooperation appear to accumulate, unexploited for long stretches of time. This is, in part, because exogenous change comes in two forms: exogenous shocks and exogenous shifts. While shocks emerge suddenly and are normally accompanied by a crisis, exogenous shifts accumulate over time, unaccounted for in institutional designs. Cumulative shifts in key parameters contribute to a widening gap between institutional design and the broader international landscape. Boundedly rational actors do not constantly scrutinize the broader landscape in search of bargaining possibilities. The buildup of unexpressed cooperative potentialities provides a partial explanation for the cresting of institutional change at certain moments along the temporal continuum.

Although Pareto-improving solutions are available, states remain mired in inferior equilibria. The persistent and widespread frustration voiced by governments with the status of institutional measures in many realms suggests that states are typically aware of the poor fit between existing institutional arrangements and the problem setting. Still, they are unable to negotiate a move to superior equilibria. One explanation that has not been widely explored in the literature on institutional change is that states face important temporal coordination problems. Though the possibilities opened up by past external shifts give rise to incentives for change, there are significant risks associated with the pursuit of reform. It is the risk-dominant character of existing regimes that prevents states from moving to payoff-dominant equilibria.

In cases where states have an interest in reforming deficient regimes, the process of engaging in serious negotiations for institutional change is one that requires a

very high degree of coordination. The matter is not as simple as adding an item to the intergovernmental agenda or scheduling a conference. Formal consideration does not necessarily entail serious or purposeful bargaining. In order for substantive negotiations to occur, there must be a convergence of expectations among all relevant actors on some point in time. If important parties are unwilling or unable to engage in serious talks, negotiations will fail. [64]

The complexity of states' coordination problem is increased exponentially when one considers associated domestic level negotiations. Though governments have a greater capacity than international organizations to centralize their activities through executive procedures or through the ultimate authority of the head of state or government, most ongoing interactions are of a highly decentralized nature. Consideration of significant institutional transformations can entail extensive consultations to establish bargaining positions. Different departments and levels of government, as well as stakeholder groups, have to be brought into the equation. Powerful national actors are regularly able to obstruct international agreement, imperilling the ratification or implementation of institutional arrangements. The politics of institutional change are, therefore, a two-level game in which domestic actors interact with international negotiations.[65] When expectations diverge among vital domestic constituencies concerning negotiations, the process is greatly hindered.

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[64] The coordination task is made more difficult in cases when non-cooperative parties can exploit the cooperative behaviour of others. Though they may not do as well as if they had coordinated their behaviour and realized institutional change, they may be able to do marginally better than had no one cooperated. Exploitative actors may be able to benefit from minor shifts in operational norms or procedures or may be able to position themselves to obtain a larger payoff in future bargaining. The potential for exploitation of this sort can increase the risks faced by actors endeavouring to change institutional arrangements.

[65] Robert D. Putnam, "Diplomacy and Domestic Politics," *International Organization*, Vol. 42, No. 3, Summer 1988.

Non-state and non-governmental actors also face risks advancing reform. Key players—including business associations, the media, advocacy groups, scientific unions, or other technical bodies—must marshal scarce resources as a means of maximizing their impact on regimes. A transnational investment advocacy association, for instance, may have to hire new staff or divert resources from existing operations to devise a set of recommendations for changes to the global financial order. To ensure that their recommendations receive a hearing from governments, they may call in valuable favours with political and media contacts. Similarly, a news outlet wishing to produce an exposé on a global problem may hold off until a time when the feature is more likely to be received with wide interest.

When states seek to alter institutional equilibria, a staggering array of moving parts must come into alignment at one point in time. If necessary components are uncoordinated and expectations concerning the timing of interstate negotiations diverge, change will not be realized. This process is complicated by the fact that challenging or reassessing institutional structures is a costly enterprise. Even the most well resourced states and departments face severe constraints. To prepare for talks, governments invest heavy analytical resources in diagnosing institutional problems and devising alternatives. Information on complex issues must be gathered and intelligence on the bargaining positions of other states accumulated. Taskforces may need to be established and the attention of harried decision makers must be demanded. Negotiations to change cooperative arrangements are, by definition, extraordinary relative to the normal state of affairs. The authority

delegated to certain policy-makers through established, routine operating procedures is exceeded, increasing transaction costs.

Actors wishing to call institutional structures into question invest political resources in their efforts and may forego benefits normally accruing from the institution in question. Diplomatic capital is spent seeking to build support among pivotal actors and to kick-start negotiations. This valuable and limited currency is commonly purchased through vote trading, military commitments, or development assistance. By calling in diplomatic favours or making promises of future reciprocity, reformers expend scarce assets. States spearheading calls for reform also invest national prestige in their endeavor, and failure can be highly embarrassing. Unsuccessful initiatives can affect the political fortunes of governments and result in reputational damage to states. In addition, by challenging the existing order—even when negotiations do not go very far—reformers limit the benefits usually available to them through normal institutional operations. They have fewer resources to pursue policy initiatives of national importance or to influence world politics. Agenda space or voice opportunities utilized in advancing reform cannot be employed in achieving other priorities. Far from cheap talk, these costs are real and significant.

The process of calling current patterns of behaviour into question can erode the legitimacy of existing equilibria. Even when prevailing norms, rules, and procedures remain unaltered, the contested state of institutional arrangements can invite further challenges to the regime. While these challenges may be highly visible, they can also be small and almost imperceptible. As rules lose their

legitimacy, for example, a gap can emerge between rules "on paper" and their implementation "on the ground." The unsettled state of affairs may support the rise of various types of change agents that can act—intentionally or unintentionally—to alter institutional practice by pursuing their distributive aims.[66] This circumstance may be the product of self-undermining processes that, in effect, diminish the status of institutions. Unsuccessful efforts to advance reform at the Nairobi conference in 1982, for instance, did much to fray UNEP's image.

In pursuing institutional change, actors assume important risks that, if others do not act in concert with them, they will end up significantly worse off than if they had not challenged the existing order. The best response of each is to choose the course of action that it expects others to choose: if all relevant actors do not elect to enter into serious negotiations to alter institutional arrangements, none should.[67] Getting many diverse actors onto the same page is difficult. Coordination is hampered greatly by communication problems. At the international level, bargaining includes multiple parties and issues, resulting in enormous complexity. Typically, states must harmonize their behavioral expectations at distinct temporal junctures with hundreds of relevant actors. Cultural differences and regional voting blocs can add to the complexity.

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[66] For a compelling discussion of the role of different types of change agents, see: James Mahoney and Kathleen Thelen, "A Theory of Gradual Institutional Change," in: James Mahoney and Kathleen Thelen (ed.), *Explaining Institutional Change: Ambiguity, Agency, and Power* (New York: Cambridge University Press, 2010), pp. 22-27.

[67] This does not mean that *all* actors necessarily must be onside. It does, however, mean that actors' decision of whether to act cooperatively depends on the number of actors participating. This is conceptually similar to Schelling's concept of "k-groups." See: Thomas C. Schelling, "Hockey Helmets, Concealed Weapons, and Daylight Saving: A Study of Binary Choices with Externalities," *Journal of Conflict Resolution*, Vol. 17, No. 3, Sept., 1973.

This coordination problem is, fundamentally, a question of timing. Actors must coordinate their moves at one point in time. If actors' willingness to behave in a coordinated manner does not line up in a temporal sense, then coordination cannot occur. Unless relevant actors' expectations converge on a specific time when they expect others to expect to be expected to behave in a certain manner, they cannot coordinate.[68] Convergent expectations are thus the key to resolving the temporal coordination problems associated with institutional change. Compared to exogenous shocks, which precipitate a crisis situation, exogenous shifts often lack a comparable coordination mechanism.

2.2. TEMPORAL FOCAL POINTS

Could the rise of conspicuous events—such as high profile conferences or international crises—serve as a coordination mechanism for states in a manner roughly analogous to Thomas C. Schelling's concept of focal points? In the context of multiple equilibria, Schelling discusses "the intrinsic magnetism of particular outcomes, especially those that enjoy prominence, uniqueness, simplicity, precedent, or some rationale that makes them qualitatively differentiable from the continuum of possible alternatives."[69] Just as political actors face a continuum of qualitatively undifferentiable bargaining solutions, they also face a temporal continuum of qualitatively undifferentiable negotiating timelines along which they must coordinate their behavioral expectations.

A Temporal Focal Point can be defined as an exceptional phase along the temporal continuum that precipitates a convergence of expectations on a definite

[68] Phrasing taken from: Thomas C. Schelling, *The Strategy of Conflict* (Cambridge: Harvard University Press, 1960), p 57.
[69] Schelling, *The Strategy of Conflict,* p. 70.

bargaining timeline. I will discuss the three distinguishing features of Temporal Focal Points in turn. First, they occur within a discrete, identifiable timeframe. A scarcity of temporal signposts and perceived continuities in time are the enemy of purposeful negotiations.[70] The perception of discontinuity or nonlinearity along the temporal continuum—the passing of a distinct phase or the qualitative differentiation of a period in time—is vital to achieving convergent expectations. Perceptions of the focal timeframe must be broadly shared. In practice, this means that TFPs usually become associated with a particular negotiating process, which gives definition to the bargaining timeline. Unlike Schelling's focal points, therefore, TFPs refer to a discrete period in time rather than an agreement possibility.

The precise manner in which a TFP brings a definite timeframe to institutional settings is largely an empirical question. Cases may differ markedly. Decision makers might want to react swiftly to a crisis or to capitalize on the impetus that a visible event brings to a longstanding problem.[71] The arrival of an important anniversary or a high-level political gathering may act as a stimulant for negotiations, motivating actors to reach agreement within the ambit of a particular forum. The empirical particulars are less important than the observation that certain

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[70] Connie J. G. Gersick, "Time and Transitions in Work Teams: Toward a New Model of Group Development," *The Academy of Management Journal,* Vol. 31, No. 1, March 1988. See also: Connie J. G. Gersick, "Making Time Predictable: Transitions in Task Groups," *The Academy of Management Journal*, Vol. 32, No. 2, June 1989. Stephen Ghee-Soon Lim and J. Keith Murnighan, "Phases, Deadlines, and the Bargaining Process," *Organizational Behavior and Human Decision Processes,* Vol. 58, 1994.

[71] One example of this was seen during the Kosovo crisis in 1999. Serbian officials, conducting a campaign of ethnic cleansing and fearful of a North Atlantic Treaty Organization intervention, joked that "a village a day keeps NATO away." While the situation in Kosovo grew progressively worse for ethnic Albanians, Serbian forces sought to prevent the rise of a visible crisis that could enable coordination among NATO countries. A well-publicized atrocity in February 1999 in the village of Račak changed this equation. See: Barton Gellman, "Slaughter in Racak Changed Kosovo Policy, *The Washington Post*, 18 April 1999, p. A1.

phases along the temporal continuum—because of their conspicuousness—can prompt international actors to behave *as if* there is a major temporal discontinuity in bargaining. States negotiate with great intensity to realize agreements before self-imposed deadlines or suddenly make major concessions to "salvage" talks that risk an impasse.

Second, focal points are unique. There must be something unusual and important about what would otherwise be an indistinct point along the temporal continuum. If there exists more than one equally salient timeframe to focus the attention of actors at any one point of time, a divergence of expectations may result. Uniqueness avoids ambiguousness and brings prominence. Schelling gives the example of two people seeking to meet in a small town by referencing a map: "a map with many houses and a single crossroads sends people to the crossroads, while one with many crossroads and a single house sends most of them to the house."[72] As we will see in chapter 5, for example, ambiguity over the follow-up to the Brundtland Commission report contributed to a divergence of expectations and coordination failure. TFPs are the temporal equivalent to the town's one house or crossroads in Schelling's analogy. The greater a moment's claim to extraordinariness, the stronger its pull.

Third, Temporal Focal Points are highly conspicuous. Like focal solutions to bargaining problems, TFPs must be prominent, attracting the attention of actors. Agreements during focal phases are the "obvious" or "natural" time to find a

[72] Schelling, *The Strategy of Conflict,* p. 58.

settlement on a pressing issue.[73] Although important decisions could have just as conceivably been taken in 1991 or 1993, for example, the 1992 Earth Summit in Rio de Janiero was widely seen as the obvious time to reach agreement on global environmental problems. Since no other juncture in that sphere of institutional activity stood out in a comparable manner, Rio served as a point of focus for relevant actors. Because of their conspicuousness, TFPs tend to have an elevated profile and generate high-level political participation. While major conferences and negotiations are common sources of TFPs, routine meetings can also be imbued with conspicuousness.

This assessment incorporates coordination points within the definition of TFPs that are both endogenously and exogenously triggered. This is because of two main conclusions about the rise of focal moments. First, the crises that are commonly touted, *ex post*, as exogenous shocks that precipitate the breakdown of equilibria are frequently little more than symptomatic of long-standing institutional suboptimality. Even when a crisis appears to cause the end of existing equilibria, the real work has often been done by accumulated exogenous shifts or perhaps by quasi-parametric endogenous change.[74] Apparently abrupt changes highlight that past behaviour is no longer an equilibrium, but are not themselves the cause of transformations. Though the crises may be triggered by exogenous factors, detailed empirical investigations are required to determine whether the crisis can be understood as an exogenous shock. An equally likely possibility is that the crisis provided a temporal coordination point for actors to realize new cooperative possibilities and overcome persistent institutional deficiencies.

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[73] Schelling, *The Strategy of Conflict,* pp. 68-69.
[74] On endogenous, quasi-parametric change, see: Avner Grief and David D. Laitin, "A Theory of Endogenous Institutional Change," *American Political Science Review,* Vol. 98, No. 4, Nov 2004.

Second, actors regularly interpret crises triggered by exogenous factors. Dramatic occurrences rarely have an unambiguous meaning and may be socially constructed.[75] Mark Blyth stresses the importance of "crisis-defining" ideas and persuasion in social discourses.[76] While particular exogenously triggered crises may delimit, to a greater or lesser extent, the range of interpretations that can be associated with demonstrative events, they are not immune to the efforts of "spin doctors." Though the rationale for bargaining may have been provided by developments outside of actors' direct control, the act of assigning meaning to exogenous triggers means that the line between exogenous and endogenous factors is often blurred in practice.

This contention is borne out by my case study investigation. In the three cases that featured TFPs, influential players aimed deliberately to increase the profile of focal timeframes. Before the Stockholm and Rio meetings, the conference secretary-general travelled extensively, giving interviews and making presentations to boost the conspicuousness of the approaching meetings. In 1982, UNEP Executive Director, Dr. Mostafa Tolba, sought to engineer a high profile conference in Nairobi through numerous publications and by delivering speeches around the world. In these cases, entrepreneurial actors aimed to construct focal moments by drawing attention to some salient feature of the problem setting.

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[75] Wesley W. Widmaier, Mark Blyth and Leonard Seabrooke, "Symposium on the Social: Construction of Wars and Crises as Openings for Change: Exogenous Shocks or Endogenous Constructions? The Meanings of Wars and Crises, *International Studies Quarterly,* Vol. 51, No. 4, December 2007, pp. 747-759.

[76] Mark Blyth, "Powering, Puzzling, or Persuading? The Mechanisms of Building Institutional Orders," *International Studies Quarterly,* Vol. 51, No. 4, December 2007, pp. 761-777.

2.2.1 Why do Temporal Focal Points Matter?

States face critical coordination problems in moving collectively from an existing, less appealing institutional equilibrium to an alternative one. If states commit scarce political and analytical resources to advancing reform proposals and others do not do the same, the risk-taker might end up significantly worse off than had they not done so. Since other actors face the same conundrum and all would prefer to move to the payoff-dominant alternative equilibrium, actors seeking to benefit from institutional change must find a means of coordinating their expectations with others in bargaining. This is fundamentally a question of timing. All relevant institutional actors must negotiate a simultaneous move to the alternative behavioural equilibrium.

The issue of timing is a challenging one, since, in international negotiations, there are typically many relevant actors. If even one major domestic or international player is unable or unwilling to negotiate purposively to realize institutional change, collective efforts can be stymied. The political inconvenience for a major state of negotiating in an election year or other political vicissitudes can, for instance, prevent multilateral talks from progressing. Negotiations may be stalled completely or proceed haltingly until actors can agree on a suitable timeframe. The complexities of coordination among many players, combined with the risk dominance of prevailing equilibria, contribute to the persistence of dysfunctional regimes.

Although Temporal Focal Points do not eliminate coordination issues altogether, they can ease greatly the process of reaching a convergence of expectations among actors on a common juncture. They offer a unique, conspicuous timeframe that

serves as a focus for all actors. The decision by a state to violate the nuclear non-proliferation regime can, for example, give rise to a suitable occasion to launch negotiations to adopt stiffer rules. Though the problem itself may not be new, the crisis provides a coordination mechanism for members because each expects others to expect them to be focused on avenues to improve the regime's efficacy. TFPs are powerful in this connection because all actors know that other actors are focused on the state of institutional arrangements. Once negotiations begin, states may even adopt measures that are only loosely associated with the rationale that helped produce the convergence of expectations in the first place. This is because detailed bargaining can uncover opportunities and problems that were less evident before negotiations.

The problem of reaching convergent expectations is, moreover, subtler than determining whether or not actors have elected to negotiate. Negotiations can occur in which important players do not engage sincerely or cooperatively in the search for collective solutions. It has been widely noted that tactics to "claim" value can block out efforts to "create" value.[77] Tactics aimed at obtaining a large slice of the payoff pie, such as misrepresentation and threats, can hinder efforts to expand collective gains. If, for example, an issue linkage is to be consummated, parties must disclose their relative valuations of the issues under consideration. However, when each side believes that the other side will not reciprocate in their openness, they will not communicate cooperatively. It is this type of defensive deadlock that

[77] Especially see: Roger Fisher and William Ury, *Getting to Yes: Negotiating Agreement Without Giving In Second Ed,* (London: Penguin Books, 1991). David L. Lax and James K. Sebenius, *The Manager as Negotiator: Bargaining for Cooperative and Competitive Gain*, (New York: The Free Press, 1986). Howard Raiffa, *The Art and Science of Negotiation* (Cambridge, MA.: Belknap Press of Harvard University Press, 1982). See also: Howard Raiffa with John Richardson and David Metcalfe, *Negotiation Analysis: The Science and Art of Collaborative Decision Making* (Cambridge, MA : Belknap Press of Harvard University Press, 2002).

can prevent negotiators from moving to superior equilibria. The result of posturing is seen in negotiations that drag on interminably without a decisive result. States may elect to keep talking in recognition that they stand to gain from agreement, but do not treat the subject with any great urgency. Talks lack direction or purpose and the risk-dominant equilibrium persists.

By providing states with a definite timeframe for bargaining that is unique and highly conspicuous, TFPs soften the problem of *when* to communicate in an open manner. As suggested above, the question of when to engage in serious, open dialogue is, practically speaking, the same as the question of *whether* to do so. The fear of premature interest revelation is as pernicious and stifling as that of opening-up when the other side does not reciprocate.[78] When expectations diverge concerning the temporal scope of bargaining, states are far less likely to explore options for joint gain. Talks proceed defensively because cagey bargaining tactics and posturing win the day. Consequently, sides are unlikely to realize agreement.

Convergent expectations concerning negotiating timeframes may be formalized as deadlines. Deadlines are mutually recognized or imposed ultimatums, after which talks break off or some form of sanction is imposed.[79] A deadline is, however, simply a manifestation of convergent expectations. Deadlines cannot be established in world politics and affect state behaviour unless actors first agree to specify them. This is the case even if the rationale for the deadline is largely

[78] Failing to disclose information about interests can prevent the realization of joint gains because the parties are unable to discover shared interests or beneficial issue-linkages. This dynamic, labelled the "negotiator's dilemma," can result in "poor agreements, deadlocks, and conflict spirals." See: James K. Sebenius, "International Negotiation Analysis," in Victor A. Kremenyuk (Ed.), *International Negotiation: Analysis, Approaches, Issues,* (San Francisco: Jossey-Bass, 2002), p. 241.
[79] I William Zartman and Maureen Berman, *The Practical Negotiator* (New Haven: Yale University Press, 1982), p. 192.

provided by exogenous factors. Unlike deadlines in many other contexts, in international relations their importance must be mutually recognized by the parties in order to have any practical effect. If expectations diverge, deadlines—even when they are established—will be meaningless. A temporal convergence of expectations, furthermore, can exist without its formalization as a deadline. Parties do not need to specify a deadline date for them to have a shared conception of the temporal bounds of talks and to govern their bargaining accordingly.

The matrix below illustrates the choice situation facing players in the wake of a TFP. The emergence of a focal timeframe provides an opportunity for actors to coordinate their behavioural expectations on a definite point in time. The temporal alternative that they face is an undefined, indeterminate point in the future. All actors can benefit from acting in concert along the focal timeframe, if they are able to coordinate. Outcome *A* and *W* is the best for each actor, since they receive their highest expected payoff. However, the risk each player encounters is that, should they act cooperatively and others opt for the indeterminate option, they will end up with their worst outcome (*B* or *Y*). The less risky choice for each player is to continue to cooperate through the existing, risk-dominant equilibrium. By putting off negotiations to some undefined point in the future, they receive their next to best option (*C*, *D* or *X*, *Z*). The scenario described above is classically labeled the stag hunt after Jean-Jacques Rousseau's well-known parable.[80]

[80] In the stag hunt game, each actor simultaneously chooses to either hunt a stag or a rabbit. Each is able to hunt and catch a rabbit without the aid of the other side. Although rabbits provide a small payoff, the stag—even when divided between the two hunters—offers more. The appeal of the rabbit is that the hunters' ability to capture it does not rest on the actions of the other hunter. If, however, both are able to concert their expectations and hunt a stag, each side will be better off. See: Jean-Jacques Rousseau, *A Discourse on Inequality* (London: Penguin Books, 1984) p. 111.

		Side 2: T_{TFP}	Side 2: T_{∞}
Side 1	T_{TFP}	A, W	B, X
	T_{∞}	C, Y	D, Z

Here, the following relations hold:

$$A > C \geq D > B$$

$$W > X \geq Z > Y$$

It should be noted that TFPs do not themselves *solve* coordination issues. By easing coordination problems, TFPs increase the likelihood that states will realize bargaining possibilities opened up by previous shifts in external parameters. This, in turn, increases the likelihood of institutional change. TFPs, furthermore, do not only arise when there is a bargaining range between actors. Focal junctures may occur when there is no common ground available to facilitate agreement. In UN environmental institutions, the 1982 UNEP Session of a Special Character was one such case. As in Schelling's conception, therefore, focal points are not a necessary or a sufficient condition for reaching a settlement. While the arrival of significant institutional change in the absence of a TFP would not impugn the theory, the finding that most cases of non-incremental change occurred without the benefit of a TFP would. The presence of Temporal Focal Points in many cases would suggest that they explain a sizable portion of the "variance" in cases that resulted in institutional change.

TFPs provide an explanation for the intermittent, clustered pattern of change seen in several realms of institutional activity. Rather than observing a reasonably direct relationship between shifts in underlying conditions and institutional change, there is a temporal dissociation between the two. This is because actors face coordination problems that cause them to linger at payoff-dominated equilibria. Though players typically recognize that institutional equilibria are deficient in some respect, they are reluctant to invest the analytical and political resources necessary to precipitate equilibrium change unless they believe that others will do the same.[81]

The arrival of a TFP allows actors to overcome these assurance problems because they believe that it is likely that other relevant actors will invest the resources necessary to realize equilibrium change. At these times, states conduct extensive institutional diagnostics, devise alternatives, and evaluate the interests of other key actors. Governments conduct domestic level negotiations to establish their bargaining aims and tactics. Media and non-governmental organizations contribute greatly to this evaluative enterprise. The resulting spike in analytical activity can lead to a clustering of institutional change instances because problems and opportunities come into sharper view. Issue linkages with matters in other realms of institutional activity can be consummated, broadening the impact of these critical phases. The result of TFPs can be periods of institutional flux in which clustered change is possible. In other words, TFPs can give rise to critical junctures.

[81] If actors were synoptically rational, a main simplifying assumption of Rational Choice institutionalism, coordination would not be a problem because they would recognize joint gains and move seamlessly to realize them. Boundedly rational actors, however, face great challenges in coordinating, in part because they act on reflex and habit for long stretches of time. They are also uncertain of the benefits available to them, even when they question the suitability of current institutional arrangements.

It follows that the higher the complexity of the bargaining setting, the more difficult it is to coordinate. If there are many relevant actors and crosscutting interest coalitions, coordination problems will be especially severe. In the absence of temporal signposts around which actors can concert their expectations, synchronous collective action is extremely difficult. A high degree of heterogeneity among players can add to this challenge. Consequently, large multilateral fora with politically and culturally diverse memberships, such as United Nations bodies, are more liable to face severe coordination issues. As noted in the introductory chapter, it is these features that make the case studies elaborated in chapters 3-6 highly compelling from a theoretical point of view.

This logic leads to two main conjectures. First, institutional environments that are complex and diverse in their memberships are less likely to see the rise of TFPs. Large intergovernmental organizations, such as those of the United Nations system, fit this description because they have hundreds of members from all of the world's regions. Regional coalitions, developmental advocacy groupings like the G-77, and political conglomerations like the Non-Aligned Movement all play a major part in multilateral fora. The sheer number of actors involved makes it less likely that the interests of large subsections of the institutional population will line up. Even when interests align, the number of potential shared political, philosophical, cultural, historical, or precedential temporal foci are, all things being equal, fewer. These characteristics make it *less* likely that TFPs will arise. The global climate regime is

a prominent institutional setting that has suffered from a dearth of coordination points.[82]

Second, in international bodies that are small and relatively homogeneous, TFPs arise more frequently. Institutional settings with a more limited membership face fewer problems of coordination because the backing of fewer players is necessary. Negotiations are simpler and it is more likely that the interests of actors will coincide. With greater homogeneity, misunderstandings are less likely to arise and shared political, philosophical, cultural, historical, or precedential foci are more abundant. These settings are less likely to suffer from a dearth of TFPs than heterogeneous ones. This is part of the reason that smaller bodies, such as the Organization for Economic Co-operation and Development, have often been able to bring institutional structures into line with changed conditions more quickly than United Nations bodies.

2.3 SO, WHEN DOES CHANGE OCCUR?

The preceding discussion has examined several disparate elements of the theoretical framework presented in this thesis, highlighting the coordination dilemmas faced by actors and the role of prominent temporal landmarks in facilitating institutional change. It now remains to bring these components together, recapitulating key themes and clarifying the relationship between them.

[82] For an assessment, see: Oran R. Young, "The Politics of International Regime Formation: Managing Natural Resources and the Environment," *International Organization,* Vol. 43, No. 3, Summer 1989, pp. 371-373. It has been interesting to observe the efforts of actors to construct climate crises through publicizing glacial retreats or linking natural disasters to climate effects.

Throughout the course of institutional life, marginal changes to key parameters are occurring constantly. International problems mutate progressively, technology is gradually refined, and world power distributions swing slowly.[83] Institutions, established at a prior juncture, can remain self-enforcing despite these changes because equilibria can generally hold over a range of parameters. When small exogenous shifts accumulate, however, they can, taken together, ultimately break down the self-enforcing character of existing equilibria. This creates incentives for actors to alter institutions, especially when they come to realize that current institutional arrangements are no longer an equilibrium.

Actors may not address accumulated parametric shifts for extended periods of time because they face important coordination problems. In international affairs, hundreds of states, subnational actors, non-governmental groups, media, and expert bodies must engage in the reform process simultaneously. The diagnosis of institutional deficiencies often requires a detailed investigation of the cooperative setting. Working groups must be established, stakeholders must be consulted, and interdepartmental meetings held to elucidate key dimensions of the altered setting. Non-governmental organizations or media must devote precious resources to the evaluation of cooperative measures. For boundedly rational actors, therefore, the recognition that underlying conditions have changed requires a high degree of coordination. The process of negotiating institutional change demands greater coordination still. Negotiation—a form of collective decision making—requires all sides to share information about their underlying interests. Issue linkages and value

[83] This is not to say that these exogenous factors cannot change rapidly. Examples of dramatic transfigurations to the state system are common in International Relations literature. The invention of the atomic bomb and accelerated changes in the balance of global capabilities are important examples of swift changes in the international landscape. My analysis simply aims to point out that, frequently, these changes occur gradually.

trade-offs, the substantive basis for alternative modes of cooperation, cannot be realized unless actors communicate in a relatively open and transparent fashion. All must accept a degree of vulnerability in the pursuit of agreement, and their decision to do so is typically predicated on some expectation of reciprocity. If one side bargains cooperatively and others do not, change will not occur and the cooperative player can be exploited in future talks.

For each of these actors, backing change is a risky enterprise, involving the use of scarce resources. It is in the best interest of each to pursue change only when they believe that others will do so. If actors behave in an uncoordinated manner, they risk ending up significantly worse off than if they had simply elected to support the status quo. Even when Pareto-improving agreements are possible, therefore, the existing equilibrium can prevail because actors face uncertainty concerning the choices of others. The existing equilibrium is risk dominant. The greater the level of uncertainty that each player has over the actions of others, the more attractive the certainty of the status quo becomes. When expectations diverge concerning the willingness of others to engage synchronously in a cooperative enterprise to realize payoff dominant equilibria, institutional change is unlikely.

The process of achieving a convergence of expectations concerning bargaining timelines is eased greatly by the emergence of Temporal Focal Points—discrete, exceptional phases along the temporal continuum. By providing a conspicuous timeframe for negotiations that catches the eye of all concerned, actors can more easily coordinate their expectations. The uncertainties associated with joint efforts to realize Pareto-improving equilibrium change are diminished by shared temporal

foci. The common expectation that other actors will seek agreement on a salient timeframe increases the likelihood that players will achieve institutional change.

It is important to note that Temporal Focal Points do not, by themselves, produce opportunities for agreement. Actors are coordinating along two dimensions, time and bargaining space. These factors vary independently of each other and need to be studied separately. This thesis places great emphasis on the importance of exogenous shifts in creating the bargaining incentives that underpin institutional change. Temporal signposts enable coordination, frequently leading actors to recognize and realize agreement possibilities that were opened up by past exogenous change. I give extensive attention to temporal coordination dilemmas, therefore, not because they are more important than parametric change, but because they are less familiar.

The emergence of Temporal Focal Points can be precipitated by a variety of factors, including international crises or important international meetings. Their arrival is not, however, completely exogenous or stochastic. Deliberate efforts to attribute meaning to certain phases along the temporal continuum may serve as a chief vehicle for social entrepreneurship. The institutional ramifications of international crises may not follow as unambiguously or clearly as is sometimes assumed. Understanding how actors construct, or "spin," moments in time to achieve their goals may serve as a means of identifying institutions that are especially prone to the emergence of critical junctures or events typically identified as exogenous shocks. This issue is taken up in the empirical chapters of this thesis and discussed in more detail in the concluding chapter.

When exogenously generated change in the cooperative landscape overlaps with Temporal Focal Points, the probability of change is increased exponentially. Exogenous shocks are so powerful in this connection because they entail both parametric change and a temporal focus that enables a convergence of expectations. Coordination along two dimensions is critical to achieving institutional transformations.

When the emergence of a Temporal Focal Point coincides with altered underlying conditions, institutional change is likely. In cases where an exogenous shifts occur, but there is no Temporal Focal Point, change is possible, but may be realized belatedly. In instance where no bargaining range exists, change will not obtain, regardless of the presence of a Temporal Focal Point. In cases where a Temporal Focal Point emerges, but parameters remain roughly constant, face saving agreements may result. The predictions associated with these two factors are listed in table 1.

	Temporal Focal Point	No Temporal Focal Point
Exogenous Change	Change likely, realized at focal moment	Belated change is possible
No Exogenous Change	No agreement, status quo persists and face-saving agreement may result	No agreement

Table 1

The ensuing chapters illustrate how the arrival of Temporal Focal Points interacts with exogenous change. The 1972 Stockholm conference, the 1982 Nairobi conference, and the 1992 Rio Earth Summit all benefitted from the presence of a Temporal Focal Point. As will be demonstrated, not all of these instances

overlapped with significant exogenous change. States are, moreover, often slow to capitalize on agreement opportunities opened up by parametric shifts. The UN General Assembly's response to the recommendations of the World Commission on Environment and Development in 1987 highlights this problem.

2.4 HYPOTHESIS TESTING AND METHODOLOGICAL CONSIDERATIONS

The preceding analysis has discussed two main explanatory variables relevant to boundedly rational states seeking to achieve Pareto-improving institutional change: (*i*) exogenously generated shifts in the cooperative landscape, and; (*ii*) the presence of a conspicuous, unique Temporal Focal Point. Both of these factors work probabilistically to increase the likelihood of regime transformations. In this section, I specify two main testable hypotheses and outline observable implications for each.

> ***H1: Exogenous changes give rise to incentives—creating a bargaining range—that enables institutional change.***

It has been argued in the preceding pages that exogenous factors create the substantive basis for international cooperation. When factors exogenous to institutions change significantly, the parameters of the underlying game change, undermining the self-enforcing character of existing institutional equilibria. This process creates incentives for actors to alter institutional rules, norms, and procedures. Exogenous change can take two main forms: shifts and shocks. Continuous, ongoing shifts progressively render extant institutional arrangements a poor fit for the new problem setting. The impact of shifts has been underestimated in institutional analysis because their effect is gradual and, usually, less apparent. Not coincidently, these changes often escape the notice of boundedly rational actors

for extended periods of time. Exogenous shocks are sudden and usually accompanied by crises or catastrophes. Shocks have received great attention in the literature because they are so visible. Exogenous changes in parameters provide the basis for the negotiation of institutional change.

It is important to be specific about what we mean when we refer to parameters, lest we conflate parametric change with institutional change. Institutions cannot be assumed to be efficient. Parametric shifts, moreover, may be overlooked by actors and may not manifest themselves in institutional arrangements. Key parameters include the payoffs associated with different courses of action, the number of relevant players, and the influence of—or resources available to—states within the international system. Technological change or developments within the problem setting influence these factors. Other parameters include the time and risk preferences of actors. New issue complementarities can create openings for issue linkages or value trade-offs. Gradual or non-linear changes in the problem setting, such as those of environmental collapse or deterioration, are other examples of exogenous change.

> ***H2: The emergence of Temporal Focal Points precipitate a convergence of expectations among relevant actors, thereby increasing the likelihood of institutional change.***

A temporal focal point is a distinctive, conspicuous moment along the temporal continuum that precipitates a convergence of expectations and heightens the probability of collective decision. Focal moments are powerful because they help bring previously unrecognized bargaining possibilities into focus and allow actors

to overcome assurance problems. Though they are not a necessary or sufficient condition for deal making, these moments can lead to agreement clusters.

We can observe the effect of a Temporal Focal Point on bargaining if negotiations are explicitly launched, accelerated, or otherwise predicated on meeting a desired timeline. States may, for instance, accelerate negotiations to ensure consideration within the ambit of a focal phase. An increased frequency or tempo of meetings and the willingness to forward incomplete documents to meetings are indicators that states aim to complete agreement within a certain timeframe. Conversely, states may stagger serious bargaining or even table an otherwise incomplete agreement to enable final agreement on their preferred timeline. If no consequential agreement obtains, states may employ face-saving accords to give the appearance of progress. All of these observable factors indicate that the completion of agreements is being affected by Temporal Focal Points. Other observable indicators include apparent spikes in the number of governmental and non-governmental institutional diagnostics, the introduction of new reform proposals, and an increase in media reporting on institutional questions. I will also assess bargaining processes, including the frequency of meetings, the creation of working groups or taskforces, and evidence of transition points in talks.[84]

[84] Some of these indicators were employed in Connie Gersick's group work simulations. See: Gersick, "Time and Transition in Work Teams," pp. 12-15. If one has access to a fairly complete archival record, including documents from the period preceding and following the principal negotiation stage, it would be possible to gather quantitative data on the frequency and length of meetings, as well as on the timing of key transition points in talks. While I observe some of these indicators in this thesis, they are assessed using qualitative methods. A discussion of the promise of a Temporal Focal Point approach, including the use of statistical methods, is contained in the conclusion of this thesis.

Ancillary indicators of Temporal Focal Points may include an increase in the volume of publications, statements, speeches, or staffing in relevant government departments, non-governmental organizations, think tanks, and international organizations, if they are timed to coincide with a potential bargaining window. All of these factors might indicate that key institutional actors are increasing their political and analytical investment in institutional questions.

An important methodological challenge for observing Temporal Focal Points is determining when their impact is truly independent. A moment may become focal if and when powerful actors want it to be, giving rise to an endogeneity problem. I address this question by giving significant attention to focal moments generated by important anniversaries, thus parsing the independent variable.[85] Since these moments arose primarily because of past dates that had *nothing at all* to do with the bargaining setting decades later, we are better able to estimate the independent causal effect of this factor. Moreover, two focal moments that I evaluate did not result in substantive agreement. The Temporal Focal Points, therefore, arose independent of a bargaining range. Crucial to observing focal moments is discerning a compelling temporal rationale that exists independent of the negotiating principals.

2.5 CONCLUSION

Institutional analysts have neglected the part that temporal factors play in institutional change processes. Leading theoretical accounts take time as a given, focusing only on the coordination of institutional alternatives. Yet, as demonstrated

[85] Gary King, Robert O. Keohane, and Sidney Verba *Designing Social Inquiry* (Princeton: Princeton University Press, 1994), pp. 193-195.

by the preceding analysis, relevant actors are normally faced with the challenge of coordinating on multiple dimensions. This difficulty helps explain the status quo bias in institutional life. This chapter has outlined in detail the part that temporal coordination problems play in hindering efforts to recast institutional norms, rules, and procedures. There are good reasons to believe that, in addition to other well-documented factors, such as lock-in effects or path dependence, temporal coordination dilemmas are a chief obstacle to the realization of Pareto-improving agreements.

This chapter has advanced the idea of Temporal Focal Points as a means of explaining the intermittent, clustering of institutional change in many spheres of activity, including the United Nations environment regime. Boundedly rational actors are often slow to uncover new agreement opportunities. As a means of coordinating the investment of scarce political and analytical resources, as well as solving pernicious bargaining dilemmas, actors look for prominent temporal landmarks around which to concert their expectations. By helping states to overcome assurance problems, focal moments contribute to an information rich environment and provide a focus for negotiations. Consequently, some moments in time are more likely than others to see significant regime transformations. The arrival of conspicuous, unique, definite junctures is often precipitated by important anniversaries or dramatic crises that catch the attention of all concerned. While Temporal Focal Points cannot produce agreement if there is no exogenously generated basis for it, they increase the likelihood that states will capitalize on the presence of joint gains if they are available. Two testable hypotheses are specified

that will serve as a basis for evaluating the role of exogenous shifts and the presence of Temporal Focal Point in institutional change processes.

CHAPTER 3: THE STOCKHOLM CONFERENCE AND INSTITUTIONAL CHANGE

The United Nations Conference on the Human Environment (UNCHE) marked a turning point in the history of global environmental governance. In June 1972, the representatives of 113 countries conferred in Stockholm, declaring "the urgent desire of the peoples of the whole world and the duty of all Governments.... to defend and improve the human environment for present and future generations." According to conference participants, cooperation in the environment field would be pursued alongside the UN's two other fundamental goals: the promotion of peace and of socio-economic development.[86] The Stockholm declaration, action plan, and organizational recommendations, were manifestations of a sweeping change in the global environmental order, setting patterns of cooperation that would persist for decades.

The Stockholm conference was a moment of significant institutional change within the United Nations environment regime. Key countries built a coalition to capture unrealized benefits from cooperation in the environmental field. This chapter interrogates the document record and published literature to analyze the UNCHE negotiations. Gradual shifts in exogenous conditions gave rise to incentives to revise existing modes of cooperation in the environment field. Although countries stood to gain from recasting institutions, temporal coordination problems hindered cooperative efforts to realize joint gains through the 1960s and early 1970s. It was not until the emergence of a Temporal Focal Point (TFP), the 1972 Stockholm conference, that

[86] "Declaration of the United Nations Conference on the Human Environment," 16 June 1972, United Nations Environment Programme Website, Last Accessed: 22 April 2012, <http://www.unep.org/Documents.Multilingual/Default.asp?documentid=97&articleid=1503>

countries were able to realize beneficial change. The TFP enabled a convergence of expectations among states, giving great power to the North/South cooperative formula sketched by development experts at the 1971 Founex seminar. I conclude the chapter with a brief consideration of the explanatory power of the theoretical framework presented in chapter two.

3.1 EXOGENOUS CHANGE AND THE STOCKHOLM CONFERENCE

The rationale for the Stockholm conference was provided by the mounting environmental problems associated with industrial and technological development. Although major environmental challenges had been present since the industrial revolution (and, to a lesser extent, before), the scale of these problems accelerated greatly after the Second World War. Public concern about air and water pollution, contamination from pesticides and chemicals, and rapid exploitation of natural resources necessitated political action. Many of these problems had important trans-boundary implications, demanding bilateral, regional, and multilateral collaboration. Combined with technological development and global demographic change, these factors altered the underlying conditions upon which states interacted.

A brief discussion of the scale of these transnational problems, as seen in the 1960s and early 1970s, is illustrative. As anxiety mounted concerning ozone depletion and acid precipitation, studies emerged pointing to the impact of increased concentrations of greenhouse gases on the global climate. The Carbon Dioxide (CO_2) content of the atmosphere had increased by an estimated 0.2% per year since 1958, leading to an anticipated total increase of 18% by 2000. If CO_2 concentrations reached those projections, the mean surface temperature on the planet would increase

by 0.5°C.[87] In 1972, Barbara Ward and René Dubos observed: "virtually all scientists would agree" that if international action was not taken to curb global emissions, human industrial activity could have "profound and unforeseen effects on the earth's climate." The chief challenge, they contended, would be the negotiation of binding emissions reductions on a North-South basis.[88] Water pollution was another salient global environmental concern at the time. It was estimated that states were introducing 2.1 million metric tonnes of oil into the earth's waters annually.[89] The prominent Norwegian ethnographer and adventurer, Thor Heyerdahl, brought the effects of ocean pollution to life anecdotally at the Stockholm conference with a well-publicized lecture.[90] On a regional basis, it was estimated that France and West Germany annually released 27 billion cubic meters of untreated liquid pollution.[91] Pesticides such as dichlorodiphenyltrichloroethane (DDT), spotlighted by Rachel Carson's *Silent Spring*, made their way into the air and waterways.[92] In one dramatic instance, two hundred pounds of endosulphan—a suspected human teratogen—fell off a Rhine barge in 1969, causing scores of dead fish to wash up on Dutch shores.[93]

The development of sophisticated systems analysis methods also played an important part in the perception of global environmental crisis. Dennis and Donella Meadows of the Massachusetts Institute of Technology modified Jay Forrester's World Dynamics model to make a dramatic case for restricting economic growth. In *Limits to Growth*, published just before the Stockholm conference, they contended

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[87] The Ecologist, *A Blueprint for Survival* (Middlesex: Penguin, 1972), p. 82.
[88] Barbara Ward and René Dubos, *Only One Earth: The Care and Maintenance of a Small Planet* (New York: W.W. Norton, 1972), p. 195.
[89] The Ecologist, *Blueprint*, p. 90.
[90] Barbara Ward et al, *Who Speaks for the Earth? Seven Citizens of the World on Major Issues of the Global Environment* (New York: W.W. Norton, 1981), pp. 45-64.
[91] Wade Rowland, *The Plot to Save the World: The Life and Times of the Stockholm Conference on the Human Environment* (Toronto: Clarke, Irwin & Company, 1973), p. 114.
[92] Rachel Carson, *Silent Spring* (Boston : Houghton Mifflin, 1962).
[93] Ward and Dubos, *Only One Earth*, p. 69.

that growth in population and industrial production would soon outstrip the earth's carrying capacity, forcing a sudden and uncontrollable decline in population and industrial activity.[94] Thus, industrialized countries should aim to limit growth and developing countries should perforce content themselves with semi-development. Their projections had an important effect on public and government opinion, in part because of the prestige of computer-generated quantitative methods at the time.[95] In addition to their prominent book, the MIT team circulated their findings informally to opinion leaders, including the *Ecologist* magazine, which authored *A Blueprint for Survival* and used many of the MIT group's findings to make their case. In spring 1972, Dennis Meadows and Jørgen Randers gained further exposure by publishing their research in, among other platforms, *International Organization.*[96]

To cope with this growing international quandary, states weaved an ad hoc web of institutional arrangements. Though the Stockholm conference is often seen as the starting point for UN environmental cooperation, this is inaccurate. The institutional landscape was, in fact, already a crowded place. Among other UN agencies, the World Health Organization (WHO), the United Nations Educational, Scientific and Cultural Organization (UNESCO), the International Marine Consultative Organization (IMCO), the International Atomic Energy Agency (IAEA), the Food and Agriculture Organization (FAO), and the World Meteorological Organization (WMO) all had burgeoning environmental mandates. Outside of the UN, the

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[94] Donella H. Meadows et al, *The Limits to Growth: A Report for the Club of Rome's Project on the Predicament of Mankind* (New York: Universe Books, 1972).
[95] Maurice Strong, *Where on Earth are we Going?* (Toronto: Vintage Canada, 2001), p. 117.
[96] See: The Ecologist, *Blueprint*, Acknowledgements. Dennis L. Meadows and Jorgen Randers, "Adding the Time Dimension to Environmental Policy," in David A. Kay and Eugene B. Skolnikoff (ed.), *International Institutions and the Environmental Crisis, International Organization* 26, No. 2, Spring 1972, pp. 213-236. Their findings also influenced: Nazali Choucri, "Population, Resources, and Technology: Political Implications of the Environmental Crisis," *International Organization* 26, No. 2, Spring 1972, pp. 175-212.

Organization for Economic Co-operation and Development (OECD) and the North Atlantic Treaty Organization (NATO) had also established a strong presence in the environmental realm by the early 1970s.

This fragmentary order did not correspond with the interconnectedness of planetary problems. One diplomat remembered there was "a growing number of scientists, environmentalists, responsible citizens and government officials who believed that many of the problems, often seen as single, self-contained issues, were, in fact, related and had far reaching effects."[97] Many international organizations—and government departments, at the national level—resisted the classification of the "environment" as a single sphere of institutional activity. Uncoordinated, fragmented systems of environmental cooperation were increasingly seen as incapable of addressing the challenges presented by industrial and technological development. Existing institutional arrangements gave rise to turf protection impulses among UN agencies.

Global ecological questions inspired the Swedish government to propose an international conference on the human environment. In addition to being motivated by growing problems of transnational pollution, such as acid rain, the Swedish government aimed to ease Cold War tensions by providing a basis for constructive East-West cooperation and by rejuvenating the UN.[98] The proposed conference,

[97] Geoffrey Bruce, "A Review of the Stockholm Conference of 1972, of Some Significant Developments in the Environment Since 1972, and of Some Major Challenges and Opportunities for Canada in Preparing for UNCED in 1992," December 1991, in: Department of External Affairs and International Trade and the Department of Environment, Canada, *From Stockholm to Rio, 1972-1992*. Geoffrey Bruce Interview with the author, 15 November 2012.

[98] Lars-Göran Engfeldt. *From Stockholm to Johannesburg and Beyond: The Evolution of the international systems for sustainable development governance and its* implications. (Stockholm: The Government Offices of Sweden, 2009), p. 34. Steven Bernstein, *The Compromise of Liberal Environmentalism* (New York: Columbia University Press, 2001), pp 139-140.

approved by the United Nations General Assembly in December 1968, sought to "provide a framework for comprehensive consideration" of environmental issues and to "focus the attention" of governments on areas where they might cooperate in this field.[99]

On the surface, the Stockholm initiative seems to fit neatly into an explanation about the role of exogenous shocks in precipitating institutional change. Industrial and technological development presented a set of problems that the international community was unable to address through existing institutional arrangements. Growing problems, especially trans-boundary air and water pollution, impelled states to gather and design the necessary rules and procedures to better manage the global commons. The launching of the United Nations Environment Programme following the Stockholm conference seems to confirm this assessment.

A closer inspection of the Stockholm case belies this straightforward explanation. Mounting environmental change caused by industrialization *did* produce the global problems that ultimately necessitated the Stockholm conference. These problems emerged gradually, however. The was crisis was slow moving. Though the effects of accumulating pollutants were becoming increasingly visible, there was no sudden shock or crossing of an ecological threshold that persuasively explains institutional change in 1972. Although environmental problems were probably worse in the early 1970s than they had been in the late 1950s or early 1960s, this was a matter of degree. The list of environmental problems facing states in the early 1960s did not differ

[99] United Nations General Assembly Resolution 2398 (XXIII), "Problems of the human environment," 3 December 1968.

significantly from those confronting states in the early 1970s.[100] The constellation of interests within the UN environment regime did not change in the lead up to the Stockholm conference. Thus, judged from developments in external conditions, there is no reason why the early 1970s stand out as the clear time to bring about change.

1972 was not, furthermore, the first time that leading actors advocated international environmental cooperation. At his September 1963 address to the UN General Assembly, U.S. President John F. Kennedy called for greater global cooperation on environmental issues. Kennedy's proposal included a global wildlife and forest conservation strategy, cooperation on combatting global epidemics, and an initiative to promote farm productivity and food distribution.[101] The American General Assembly statement, in many ways, anticipated the common interest of developed and developing countries in world environmental governance through the United Nations. Through much of his term, Kennedy's successor, Lyndon Johnson, advanced efforts to curtail global population and spoke to the need to safeguard the international environment. In a February 1965 message to Congress, Johnson deplored the fact that humanity had "altered the composition of the atmosphere on a global scale through radioactive materials and a steady increase in carbon dioxide from the burning of fossil fuels."[102]

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[100] The agenda for a UN environmental conference in the early 1960s may not have been significantly different than that of UNCHE. While scientific knowledge of environmental problems had increased significantly before UNCHE, much of this was actually stimulated by the conference process itself. Collaboration with the International Council of Scientific Unions, as well the Study of Critical Environmental Problems and the Study of Man's Impact on Climate, helped produce many crucial working papers. These studies were instigated by the UNCHE secretariat.

[101] John F. Kennedy, "Address at 18th U.N. General Assembly, 20 September 1963," *John F. Kennedy Presidential Library.* http://www.jfklibrary.org/Asset-Viewer/Archives/JFKPOF-046-041.aspx, Last Accessed: 26 June 2013.

[102] Lyndon Johnson, "Special Message to the Congress on Conservation and Restoration of Natural Beauty, February 8, 1965," *Lyndon Johnson Library.* http://www.lbjlib.utexas.edu/johnson/archives.hom/speeches.hom/650208.asp, Last Accessed: 26 June 2013.

3.2 THE STATUS QUO AND ALTERNATIVE EQUILIBRIA

Significant changes in the international setting altered the cooperative basis of the United Nations environment regime. Shifts in exogenous conditions in the decades preceding the 1970s had contributed to a growing world environmental crisis. Anthropogenic activities had a detrimental effect on earth systems and had given rise to the need for greater global cooperation. Institutional arrangements—a loose complex of programs and initiatives run by UN specialized agencies—were seen as incapable of addressing the scale and scope of planetary problems. The poor fit between existing institutional measures and the problem setting created incentives for a transformation of behavioural norms, rules, and procedures. This section will focus on the interests of key actors and on the coordination dilemmas that they faced in realizing joint gains. Particular attention will be devoted to the risk dominance of the prevailing equilibrium.

3.2.1 The Payoff Dominant Equilibrium

Modern technology and industrialization had highlighted the interdependence of ecological systems and the finiteness of the biosphere.[103] In the decades that preceded UNCHE, individual countries gradually became capable of upsetting the planetary equilibrium through the transnational impact of activities within their borders.[104] In particular, atmospheric and marine systems presented a set of problems that were truly global in scope. Seventy percent of the earth's oceans and atmosphere existed outside national jurisdictions.[105] Marine pollution issues were especially salient at

[103] James A. Lee, "Environmental Considerations in Development Finance," *International Institutions and the Environmental Crisis, International Organization* 26, No. 2, Spring 1972, p. 339.
[104] Maurice F. Strong, "The Stockholm Conference: Where Science and Politics Meet," *Ambio* 1, No. 3, June 1972, p. 76.
[105] Strong, "Science and Politics," p. 77.

Stockholm. As Ward and Dubos held, "it is, above all, at the sea edge that the pretentions of sovereignty cease and the fact of a shared biosphere begins, more strongly with each passing decade, to assert its inescapable reality."[106] It was the recognition of global interdependence and vulnerability that inspired the title of Ward and Dubos' report to the conference, *Only One Earth*, which functioned as the official slogan of UNCHE.[107]

Demographic and consumptive patterns fuelled concern about resource scarcities. Highlighting the fragility of earth systems, the United States' UN ambassador Adlai Stevenson spoke to the General Assembly in 1965 of tiny, interdependent, vulnerable "spaceship earth."[108] The population of the spaceship had nearly doubled between 1900 and 1960, from 1.61 billion to 3.02 billion. This led many scientists and demographic experts to advocate zero population growth policies.[109] Uncertainties about the reliability of global population data and about the earth's true carrying capacity made these problems more ominous.[110]

Whether it was because of the interdependence of global systems or the limitations of the earth's carrying capacity, world environmental problems necessitated a genuinely *global* response. It was in the interest of states, North and South, to arrest

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[106] Ward and Dubos, *Only One Earth,* p. 203.
[107] The environmental organization Friends of the Earth also wished to name their 1972 book in a similar manner. After some controversy, the non-governmental organization settled on: *The Stockholm Conference: Only One Earth, An Introduction to the Politics of Survival* (London: Earth Island Press, 1972).
[108] Statement by U.S. Ambassador Adlai Stevenson to the Thirty-Ninth Session of the Economic and Social Council, *ECOSOC Official Records,* document ESR.1375, 9 June 1965, p. 90. Stevenson's speech helped to inspire: Barbara Ward, *Spaceship Earth* (New York: Columbia University Press, 1966).
[109] Strong, *Where on Earth are we Going?,* p. 115.
[110] Nazali Choucri, "Population, Resources, and Technology: Political Implications of the Environmental Crisis," *International Institutions and the Environmental Crisis, International Organization* 26, No. 2, Spring 1972, pp. 173-185.

planetary decline. This included enmeshing cautious developing countries in any policies that aimed to address environmental questions. Many of these countries had high rates of population growth and utilized antiquated, environmentally damaging technologies. Underdeveloped states also had control over ecologically significant resources, such as the Amazon rainforest, or had large populations that could imperil earth systems.[111] Yet, no comprehensive means of addressing global environmental issues in a multilateral forum existed prior to UNCHE. If the developing countries were not involved in an international response, there would be little chance to confront global problems and a United Nations conference would have few virtues.[112]

While global problems seemed academic to many observers in developing societies, these states faced pressing environmental problems of a local and regional nature. Poor sanitation and human settlement challenges were widespread and demanded international attention. The environmental causes of disease, poor housing, and food insecurity were of particular significance to developing countries.[113] Rapid, unplanned urbanization brought squalor and filth to many cities, badly taxing social infrastructure. Soil degradation and growing populations made it difficult for many developing countries to feed themselves.[114] UNCHE occurred at the height of the 1968-1973 Sahel drought, which resulted in widespread crop failure and livestock

[111] Christian A. Herter Jr. and Jill E. Binder, *The Role of the Secretariat in Multilateral Negotiation: The Case of Maurice Strong and the 1972 UN Conference on the Human Environment* (Washington: Johns Hopkins Foreign Policy Institute, 1993), p. 11.
[112] Wayland Kennett, "The Stockholm Conference on the Human Environment, *International Affairs* 48, No. 1, pp. 34-35. Peter B. Stone *Did We Save the Earth at Stockholm? The People and Politics in the Conference on the Human Environment* (London: Earth Island, 1973), pp. 100-101. For an authoritative general assessment, see: Richard N. Gardner, "The Role of the UN in Environmental Problems," *International Institutions and the Environmental Crisis, International Organization* 26, No. 2, Spring 1972.
[113] Lee, "Environmental Considerations in Development Finance," p. 338.
[114] Ward and Dubos, *Only One Earth,* p. 156.

death in five African countries.[115] Developmental "mega-projects," such as dams and massive irrigation schemes, brought a deterioration in environmental and social conditions.[116] Development, it was increasingly recognized, could result in "ecological boomerangs," which brought "unwelcome and sometimes unexpected considerations" into focus.[117]

The local and regional problems facing developing countries were of broad international significance. Developing countries, furthermore, frequently lacked the financial and technical capacity to manage these issues effectively. The economic position of much of the underdeveloped world was unfavourable in the early 1970s. Many countries were heavily indebted and relied on primary products for the bulk of their exports.[118] International cooperation held the prospect of generating resources that could help developing countries address their environmental problems. Securing technical assistance and technological transfer from industrialized states could greatly ease the human and ecological challenges facing poor countries.

Establishing a basis for a concerted global attack on planetary problems was also appealing to leading states for a number of non-environmental reasons. Because the anticipated proliferation of pollution standards of global significance had the potential to unsettle international economic relations, setting global rules and principles in this area would contribute to greater certainty in economic development.[119] Some

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[115] Robin Clarke and Lloyd Timberlake, *Stockholm Plus Ten: Promises, Promises? The decade since the 1972 UN Environment Conference* (London: Earthscan Publishers, 1982), p. 39.
[116] Ward and Dubos, *Only One Earth,* pp.168-169.
[117] Lee, "Environmental Considerations in Development Finance," p. 339.
[118] Developing country debt had grown from US$20 billion in 1961 to US$50 billion in 1968. See: Ward and Dubos, *Only One Earth*, p. 171.
[119] General Agreement on Tariffs and Trade (hereafter GATT), "Industrial Pollution Control and International Trade," in *Development and Environment: Report and Working Papers of a Panel of*

governments, particularly in the global South, looked favourably upon the possibility of capitalizing on their excess "environmental assimilative capacity" to attract investment. Since many developing lands were relatively unpolluted, the wide disbursement of polluting industries might better utilize the earth's natural capacity to assimilate and neutralize waste residuals.[120] Strict regulation of polluting industries in wealthy societies could facilitate this process. Other observers noted the potential ecological benefits of using natural products, such as rubber, rather than synthetics.[121] If world markets turned increasingly to natural products, this would bolster export markets for some developing world economies.

It was hoped that the commitment of developed countries to global environmental cooperation would also lead to an increase in development assistance allocations. As will be discussed in greater detail below, development assistance flows had ebbed in the late 1960s and early 1970s. If "Only One Earth," the slogan of the Stockholm conference, became a global ethic, many hoped that it would also reinforce a commitment to poverty amelioration in the planet's poorest regions.[122] After all, many environmental perils of the underdeveloped world were linked intimately with human conditions. Wider and deeper collaboration through the UN could also bolster the world body at a time when it was in the throes of a credibility crisis.[123] Since the United Nations had become the principal global forum for promoting development, a rejuvenated world body could have important benefits for the developing countries.

Experts Convened by the Secretary-General of the United Nations Conference on the Human Environment (Founex, Switzerland, June 4-12, 1971) (Paris: Mouton, 1972).

[120] Ralph C. d'Arge and Allen V. Kneese, "Environmental Quality and International Trade," *International Organization* 26, No. 2, Spring 1972, pp. 423 and 434.

[121] Rowland, *The Plot to Save the World,* p. 73.

[122] Stone, *Did we Save the Earth,* p. 106. D'Arge and Kneese, "Environmental Quality and Trade," p. 423.

[123] Rowland, *The Plot to Save the World,* p. 4.

Establishing an international basis for environmental cooperation held important potential benefits for developed and developing countries. The world environmental crisis and the clear inability of existing institutional arrangements to handle the problem gave rise to incentives for institutional change. Issues such as acid rain, climate change, ozone depletion, marine pollution, and world population growth became increasingly prominent. Local and regional environmental concerns threatened world development. Institutional change in the UN environment regime, therefore, could yield a higher payoff than the status quo for each player. Institutional alternatives were *payoff dominant*.

3.2.2 The Existing, Risk Dominant Equilibrium

Despite important draws, the response of the international community to environmental despoliation and institutional deficiency was slow to materialize. Change was hindered by severe temporal coordination problems, slowing states' realization of joint gains. This section will highlight the important risks that industrialized and developing countries faced in backing institutional change in the United Nations environment regime. These risks contributed greatly to the persistence of the existing risk dominant equilibrium.

Developing countries feared that international environmental regulations, if enacted in a manner that was insensitive to their interests, could readily retard development. Global environmental action, some feared, would freeze the current

unequal global distribution of wealth.[124] Given gross inequalities and widespread poverty in underdeveloped regions, this was a serious concern. There were, these countries stressed, two classes of passengers on spaceship earth.[125] Large sections of Africa, Asia, and Latin America were seeking the benefits of industrialization.[126] Environmental requirements could increase the costs of development, since the ecologically damaging shortcuts taken by wealthy countries might have to be foregone.[127] Some worried that talk of limits to growth was "only a ploy to tell the developing world that they should not start consuming resources which were badly needed for the whole of mankind and which were getting depleted at a fast rate."[128]

Environmental concern came in a period of particular economic insecurity in many developing countries. Because of widespread disillusionment among donor states with the meagre returns on past international development projects, aid flows had shrunk considerably. The "liberal hour" of generous funding, it was widely feared, had passed.[129] The developing countries, as Mahbub ul Haq recalls, feared that "the industrial countries concern with environmental problems was an alibi for not meeting the Second Development Decade's targets."[130] This worry manifested itself in a desire to keep the UN agenda focused on development, so that the interests of the

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[124] Joao Augusto de Araujo Castro, "Environment and Development: The Case of the Developing Countries," *International Institutions and the Environmental Crisis, International Organization* 26, No. 2, Spring 1972, p. 404.
[125] Castro, "Environment and Development," p. 403.
[126] It was estimated at the time, somewhat arbitrarily, that when a country's annual per capita income surpassed $500, it would emerge from the pretechnological condition. Of the countries with an annual per capita income below that level, 80% of them had an annual per capita income below $250. See: Ward and Dubos, *Only One Earth,* p. 146.
[127] Gordon J. MacDonald, "International Institutions for Environmental Management," *International Institutions and the Environmental Crisis, International Organization* 26, No. 2, Spring 1972, p. 393.
[128] Mahbub ul Haq, *The Poverty Curtain: Choices for the Third World* (New York: Columbia University Press, 1976), p. 80.
[129] Haq, *The Poverty Curtain,* p. 84.
[130] Haq, *The Poverty Curtain,* p. 123.

poor countries would not be "summarily brushed aside from the crowded agenda of the powerful and rich nations."[131]

Poor countries also feared that, without safeguards, environmental considerations could provide a pretext for non-tariff trade barriers. Protectionist impulses might, for example, manifest themselves in policies in industrialized states that would aid domestic producers by restricting imports from countries whose environmental standards were lower. The agricultural sector was especially prone to this risk.[132] Fuel standards governing the sulphur content of oil could provide another point of tension between pollution abatement strategies and current patterns of international trade. Oil from the Persian Gulf and Venezuela was, for instance, high in sulphur relative to Indonesian, North African, and Nigerian sources.[133] The rise of "green conditionality" in the provision of development assistance was another danger. The World Bank decision in 1970 to appoint an environmental advisor to evaluate the ecological impact of its projects caused alarm.[134] The potential intrusion of donor countries into national development plans would be unwelcome, even if it were supported by sound science.

The developed counties also faced important risks in realizing institutional change. Many governments in the global North feared that environmental regulations would

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[131] A Canadian diplomatic cable summarizes this view: "the developing countries, rightly or wrongly, view the UN as 'their organization' and are not generally keen on it being 'diverted,' into new fields of endeavour not of primary interest to themselves. In this connection, they have the votes." See: PERMIS-NY to USSEA, Institutional Arrangements Flowing from Stockholm Conference on Environment," 24 January 1972, *Library and Archives Canada,* 68-4-UN-1972-7-CDA. See also: Haq, *The Poverty Curtain*, p. 86.

[132] D'Arge and Kneese, "Environmental Quality and International Trade," p. 423. GATT, "Industrial Pollution Control and International Trade."

[133] MacDonald, "International Institutions for Environmental Management," p. 388.

[134] Castro, "Environment and Development," pp. 412-413. See also: Philippe Le Prestre, *The World Bank and the Environmental Challenge* (London: Susquehanna University Press, 1989).

increase the costs to home industries, damaging their international trading position, diminishing real national income, and eroding their long-term comparative advantage.[135] Without coordinate action by other economies on a wide international basis, some feared that "pollution havens" with lax environmental standards could attract dirty industries.[136] In addition to harming the economies of regulating states, this potentiality would negate the anticipated benefits of stringent environmental screening. The recognition of different—less onerous—environmental responsibilities for the developing world could, paradoxically, make matters worse by effectively providing a licence to pollute. If, moreover, governments were to establish an informational basis for global environmental assessment and management, broad international participation was a necessity.

Temporal coordination problems manifested themselves in the bargaining stance taken by leading states during the UNCHE preparatory process. Developing countries voiced deep misgivings about UNCHE's aims. In spring 1970 at a UN Committee on Programme and Coordination meeting, Brazilian first secretary, Bernardo de Azevedo Brito, attacked the conference as a "rich man's show."[137] At the summer 1970 session of the UN Economic and Social Council (ECOSOC), the Brazilian representative took this criticism a step further, accusing the industrialized countries of deliberately distracting attention from the international development agenda and seeking to keep the poor countries in a perpetual state of economic stagnation.[138]

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[135] D'Arge and Kneese, "Environmental Quality and International Trade," pp. 421-422.
[136] Stone, *Did We Save the Earth at Stockholm,* p. 115.
[137] Engfeldt, *From Stockholm to Johannesburg,* p. 41.
[138] C.O. Spencer Memorandum, "Human Environment: Views of the UN Secretariat," 11 August 1970, *Library and Archives Canada,* 68-4-UN-1972, Vol. 5.

Brazil's ECOSOC statement cast a pall over preparations, causing deep concern among reform-minded actors. With the conference less than two years away and already considered behind schedule, its substantive basis had been contested. In September 1970, the Canadian, Swedish, American, and British representatives met in New York, exploring the possibility of coordinating their strategies for assuaging the concerns of the developing countries.[139] The main thrust of their approach was to emphasize the consistency of environmental considerations with the goals of the Second Development Decade and to underline the benefits to developing countries of not repeating the developmental mistakes of industrialized countries.[140] Developed countries believed that change in the UN environment regime would suit developing states' "real, although still largely unacknowledged, self-interest in joint action to improve the environment."[141]

The conference secretariat, led UNCHE secretary-general Maurice Strong, aimed to bridge the North/South divide. Strong scheduled an informal meeting of the preparatory committee from 9-10 November 1970, at which he addressed the "alleged conflict" between environment and development.[142] In one of the most important interventions during the conference preparatory process, Strong associated environmental ends with human-centred modes of development. In doing so, he went

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[139] CANDEL-NY to DEA-OUN and DEA-FSR, "UNGA XXV: Second Cttee: Human Environment (item 43): Brazilian views," 28 September 1970, *Library and Archives Canada*, 68-4-UN-1972, vol. 5.
[140] PERMIS-NY to DEA-FSR and DEA-OUN, "UNGA XXV: CDA/USA Mtg: Human Environment," 15 September 1970, *Library and Archives Canada*, 68-4-UN-1972, Vol. 5.
[141] Memorandum From Acting Secretary of State Johnson to President Nixon, " U.S. Policy toward the Major International Organizations Dealing with the Environment," 24 August 1970, *Foreign Relations of the United States,* Vol. E–1, Document on Global Issues, 1969–1972, Doc. 299. W.K. Wardroper Memorandum, "Commentary for the 25th United Nations General Assembly," 13 August 1970, *Library and Archives Canada*, 68-4-UN-1972, Vol. 5. Bureau of Intelligence and Research (U.S.), "Major International Conferences on the Environment 1971-1972," 8 October 1970, *Foreign Relations of the United States,* Vol. E–1, Document on Global Issues, 1969–1972, Doc. 300.
[142] Maurice Strong, "Opening Remarks by Maurice F. Strong, Secretary-General Designate, United Nations Conference on the Human Environment, at Informal Meeting of Preparatory Committee for the Conference," 9 November 1970, *Library and Archives Canada*, 68-4-UN-1972, vol. 6.

further than leading states had so far been willing to go towards reconciling the positions of developed and developing countries. At the February 1971 preparatory committee meeting, the secretariat proposed the addition of "economic, financial and social aspects of environmental issues" to the conference action agenda.[143]

Strong's proposed "radical remake" of the Stockholm agenda was, he recalls, greeted with equal parts openness and scepticism.[144] States were exceedingly reluctant to surrender their defensive negotiating positions at this stage of the process. Developed countries, which primarily sought to enable action on global environmental problems, continued to implore developing countries to learn from past ecological mistakes. Dismissing these arguments, Brazilian ambassador Joao Augusto de Araujo Castro exclaimed:

> We refuse to accept a purely 'conservationist' approach which deals with peripheral problems without going into the roots of the evil. We refuse to accept a situation in which policies can be defined or even imposed outside the context of national plans and priorities for the economic and social development of developing countries. We refuse to accept suggestions, which do not take into account the responsibility of developed countries to provide additional economic and financial aid to developing countries to redress the imbalance provoked by past and present patterns of international trade….We refuse to accept any kind of international measure in the field of environment which does not take into account the right of each country to freely exploit its own natural resources, which tries to impose and enforce solutions on matters which are of the sovereign competence of each country…[145]

Despite Strong's intervention, countries continued to resist the integration of developmental and environmental impulses. Developed countries held to their paternalistic line about environmental lessons and developing countries denied the relevance of UNCHE for their concerns.

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[143] Preparatory Committee for the United Nations Conference on the Human Environment, Second Session, 8-19 February 1971, A/CONF.48/PC.8.
[144] Strong, *Where on Earth are we Going?* p. 122.
[145] Statement by the Brazilian Representative, H.E. Ambassador Joao Augusto de Araujo Castro, on Item 43 of the Agenda—Human Environment," November 1970, *Library and Archives Canada*, 68-4-UN-1972, Vol. 6.

As negotiations moved into 1971, "the Stockholm environmental debate showed signs of becoming a spirited confrontation pitting the North against its neighbours to the South."[146] At the root of the problem were coordination dilemmas. Influential developing countries refused to acknowledge the relevance of global environment and pollution issues to their interests. While, as noted above, developing countries *did* stand to benefit from global environmental cooperation, they faced significant risks in acknowledging their interests in reforming the UN environment regime. Institutional change that failed to account sufficiently for the position of the developing countries would be worse for those countries than the status quo. Similarly, leading developed countries refused to validate the environmental agenda of the global South. Although international problems like sanitation and desertification *were* relevant to developed countries, a UN environmental regime that, in essence, gave developing countries a free pass on global problems would be detrimental to the planet and to their economic standing. Coordination failure at UNCHE would freeze the status quo, waste scarce resources, and weaken cooperative players' bargaining position in future negotiations. If only one side recognized the validity of the other side's position, change efforts would fail and that side would badly compromise its bargaining position in future talks.

3.3 THE STOCKHOLM TEMPORAL FOCAL POINT AND CHANGE

Although states, North and South, could realize joint gains through institutional change, efforts to alter current modes of cooperation were fraught with risks. Developed and developing countries refused to acknowledge the validity of the other side's concerns for fear of weakening their hand in future negotiations. Obstinate

[146] Herter and Binder, *The Role of the Secretariat*, p. 9.

posturing, instead of purposeful negotiations, resulted. As the conference neared, however, the increasingly prominent Swedish conference provided a temporal point of focus for actors. The urgent need for an agreement gave great power to the findings of the report of a development seminar, held in Founex, Switzerland, in June 1971. This section will first demonstrate that UNCHE should be considered a Temporal Focal Point. I then proceed to explain the relationship between the focal timeframe and the realization of change in the UN environment regime in 1972.

3.3.1 The Stockholm Conference as a Temporal Focal Point

As noted in chapter 2, Temporal Focal Points are defined by three main characteristics: they are discrete, unique, and conspicuous. In defining the Stockholm conference as a focal point, the first of these factors is uncontroversial. The Stockholm conference, scheduled from 5-16 June 1972, represented a discrete moment in time. It was clear to all actors when the UNCHE negotiating process had begun and would end. The four conference preparatory meetings and the production of official documentation were scheduled in relation to this timeline.

The Stockholm conference was also unique. There was no forum at the time that could compete with UNCHE for taking centre stage to advance global environmental cooperation. The disparate environmental activities of United Nations specialized agencies, such as FAO, WHO, or UNESCO, were on a relatively small scale and represented only a small part of those agencies' activities. Although the OECD and NATO aimed to develop environmental programming, these smaller fora could not form the basis for global cooperation. Within the environment sphere, the Stockholm conference gave environmental concerns unprecedented status. There was no competing forum that could draw the eye of decision makers in a comparable manner.

The conference was also highly conspicuous. A striking transition occurred during the UNCHE preparatory process in the second half of 1969 and the first half of 1970. The conference shifted from an essentially technical gathering to become a highly political event. More fascinating still—with the partial exception of Sweden—this shift was propelled by factors largely independent of the principals to the negotiation. The United States took a very restrictive attitude toward the conference and its budget in the early stages.[147] The Soviet Union and many Western European countries were unenthusiastic about an ambitious United Nations conference.[148] In the early stages, developing countries were apathetic about a meeting that, in their view, was of limited relevance to them.[149] Although Sweden served as the de facto conference secretariat through 1968 and 1969, there is no evidence to suggest that that country aimed deliberately to engineer the landmark political event that was unfolding.[150] Sweden's efforts were a far cry from "hegemonic leadership."

While the conference secretariat was, as we shall see, a leading player through much of the Stockholm process, it did not enter the equation until autumn 1970.

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[147] In November 1969, for example, Russell Train, the Chair of the U.S. Council on Environmental Quality, wrote: "signals have come to me from several sources that the United States is not particularly enthusiastic about the Conference, particularly reflected in our attitude toward the Conference budget." See: Russell Train (Council on Environmental Quality) to Elliot Richardson (Undersecretary of State), 17 November 1969, *Foreign Relations of the United States*. Even as late as December 1971, an internal Canadian memorandum noted: "U.S.A. though publicly committed to the conference may have been inflexible on the [East German] participation issue since there were some in Washington D.C. who were not too enthusiastic about commitments made to a globally-oriented conference on the environment, preferring nationally-based or regional arrangements. U.K. privately was unenthusiastic partly owing to their doubts about any UN-sponsored conference and partly their preference at the present time for European-centered cooperation. See: Geneva (Ignatieff) to DEA-ECS, 21 December 1971, "Stkhm Conf/Talk with Maurice Strong," *Library and Archives Canada*, 68-4-UN-1972, volume 13.

[148] Arculus to MacInnes (FCO UN), 18 February 1971, *U.K. National Archives,* FCO 55/833/SME2/522/1.Part 3.

[149] PERMIS-NY to DEA-OUN and FSR, "UNGA XXV: CDA/USA MTG: Human Environment," 15 September 1970, *Library and Archives Canada,* 68-4-UN-1972, Volume 5.

[150] Engfeldt, *From Stockholm to Johannesburg,* p. 38.

From March until November 1970, a Swiss engineer, Jean Mussard, led the UNCHE secretariat as "Director of Studies." Mussard's prosaic title and his technical focus rapidly became unsuitable for the increasingly political conference. The speed at which actors' expectations changed, rendering anachronistic a mandate that had just been approved by the UN General Assembly, is notable. The decision in August 1970 to supplant Mussard with Maurice Strong, a Canadian development administrator with keen political acumen, marked an important transition point in the UNCHE process.[151] Although Strong would dramatically alter the tempo and tenor of preparations after he was appointed, he did not himself cause this initial shift in Stockholm's fundamental orientation.

The transformation of the Stockholm conference is explained in part by a series of occurrences that helped produce a convergence of expectations among states.[152] Numerous dramatic events occurred either immediately before the Swedish General Assembly initiative or during the early stages of preparations, adding considerable impetus to UNCHE. The foundering of the *Torrey Canyon* supertanker on 18 March 1967, spilling 32 million gallons of crude oil into the English Channel, attracted international attention. The incident served as a dramatic warning about the dangers of modern technology. The *Torrey Canyon* had a capacity of 120 000 tonnes. Just five years earlier, the average oil tanker had a capacity of 12 000-13 000 tonnes.[153] In 1968, Paul Ehrlich published *The Population Bomb*, which predicted mass starvation and social instability if governments did not take drastic action to curb world population.[154] In June 1969, the Cuyahoga River in Ohio caught fire owing to high

[151] Herter and Binder, *The Role of the Secretariat in Multilateral Negotiation*, p. 19.
[152] Much of this discussion draws on: Dr. Jim MacNeill Interview with author, 18 August 2010.
[153] Ward and Dubos, *Only One Earth,* p. 200.
[154] Paul R. Ehrlich, *The Population Bomb* (New York: Ballantine Books, 1968).

concentrations of petroleum by-products in the water. *Time* magazine published a prominent article reporting the fire, and observing that the heavily polluted river "oozes rather than flows."[155] Many of these issues were highlighted when *Fortune* and *Time* magazines published special environmental features in February 1970.[156] Earth Day was first celebrated, with the backing of the UN Secretary General U Thant, on 22 April 1970. The new engagement with environmental issues was further on display when, a few months later, the United States Army was greeted with an unexpectedly negative public reaction when it dumped canisters of lethal nerve gas into the Atlantic Ocean near the Bahamas.[157]

It is important to note that these demonstrative incidents did not reflect a sudden worsening of global environmental problems. Though oil spills, such as the Torrey Canyon disaster, had devastating effects on marine ecosystems, accidental spills accounted for less than 10% of the oil annually introduced into the world's waters.[158] The June 1969 Cuyahoga fire was neither the first, nor the largest recent blaze on that Ohio river.[159] The U.S. munitions dump in 1970 was at least, the tenth such operation since 1964.[160] These events were only symptomatic of longstanding problems. They did, however, focus the attention of actors on environmental issues and the Stockholm conference. Internationally, the desire to act primarily manifested itself in a *general* sense of the importance of UNCHE, rather than in *particular* efforts to address the problems brought to light by these incidents.[161] Stockholm became an outlet for

[155] "America's Sewage System and the Price of Optimism," *Time,* 1 August 1969.
[156] See: *Fortune*, special edition "The Environment," February 1970. *Time,* special edition: "Environment: Richard Nixon's New Issue," 2 February 1970.
[157] Richard D. Lyons, "Furor Over Plan To Dump Nerve Gas," *New York Times,* 9 August 1970.
[158] The Ecologist, *Blueprint,* p. 90.
[159] "America's Sewage System and the Price of Optimism," *Time,* 1 August 1969.
[160] Travis Wagner, "Hazardous Waste: Evolution of a National Environmental Problem," *Journal of Policy History* 16. 4, 2004, pp. 306-331.
[161] Stone, *Did we Save the Earth,* p. 98.

international environmental concern. The conspicuousness and visibility of UNCHE among states increased greatly and, as one observer noted, "within a year of the Swedish initiative by the General Assembly, it had become clear that events had to some extent overtaken planning for the conference."[162] The UN, another observer remembered, "would have to stimulate more than discussion in 1972 if it was to be taken seriously."[163]

These events help to explain how Stockholm rapidly transitioned from a technical conference to a political one in 1969 and 1970. The conspicuousness of the conference would also increase through the deliberate actions of the conference secretariat in 1971 and 1972. Once appointed, Maurice Strong aimed greatly to increase the profile of UNCHE. Just before being formally designated conference secretary-general, he insisted on and received a modest boost in the secretariat's budget and leveraged most of the funds earmarked for documentation—intended for a research heavy technical conference—to fund expert consultations.[164] Describing Strong's role, the future secretary-general of the Brundtland Commission reflected in an interview: "The UN had never seen anything like him. He worked outside the norms of UN politics. He brought a whole new spirit to the thing. He reached out to the scientists, the NGOs, and changed the whole spirit of conference preparations."[165] Strong obtained a US$100 000 Dutch grant through the UN Office of Public Opinion to hire two public relations officers, who got to work boosting the visibility of the

[162] Rowland, *The Plot to Save the World,* p. 34.
[163] Stone, *Did we Save the Earth,* p. 19.
[164] C.O. Spencer Memorandum, "Human Environment: Private Discussion with Mr. Strong," 23 September 1971, *Library and Archives Canada*, 68-4-UN-1972, Volume 5. In fact, Strong made his willingness to accept the position of secretary-general conditional on U.S. backing of his budget demands. See: CANDEL-NY to DEA, "Environment: Informal mtg of prepcom and Strong's plans," 30 October 1970, *Library and Archives Canada*, 68-4-UN-1972, Volume 5.
[165] Dr. Jim MacNeill Interview with author, 18 August 2010.

conference.[166] This type of public relations activity was unprecedented in UN circles. Strong was, as one interviewee stressed, "adept at using his position and the intense media attention. He realized that, if he stirred the pot a bit, he could speak to and influence publics directly."[167] Strong obtained additional funds from external sources for special projects, including scientific consultations and "parallel processes" undertaken outside the formal conference proceedings.[168]

The profile and prestige of the Stockholm conference was also augmented by the publication of *Only One Earth* just months before the conference. The book, authored by Barbara Ward and René Dubos, highlighted many major environmental challenges confronting states. The way that Strong worked around the bureaucratic opposition of the UN Publications Committee to the book proposal is illustrative of his entrepreneurial efforts. In his memoirs, he writes:

> But of course I wasn't ready to give up. I asked a colleague with more experience in the UN if there was any reason why I, as secretary-general of the conference, could not commission a book to be written, as a report *to* the conference rather than an official UN publication. There seemed to be no explicit prohibition, though apparently it had not done before. Accordingly, I set up a separate non-profit organization specifically to produce the book, raised money for it outside the UN and gave Barbara Ward and René Dubos the green light.[169]

Only One Earth became a best seller and was translated into twelve languages. The political importance of the book was not lost on governments, which quickly become

[166] Stone, *Did we Save the Earth,* p. 39.
[167] David Runnalls Interview with the author, 13 August 2010.
[168] Herter and Binder, *The Role of the Secretariat,* pp. 22 and 50.
[169] Strong, *Where on Earth are We Going?,* pp. 125-126.

leery of its potential impact and the influence of its message even before it was published.[170]

Strong travelled the world in 1971 and 1972, delivering speeches, building networks, and drawing attention to the Stockholm conference. As North-South tensions escalated during the preparatory process, Strong "bought something like an accordion of plane tickets and proceeded to travel the world as a salesman for the conference."[171] It was on one of these trips that he met with Indian Prime Minister Indira Gandhi, persuading her to attend UNCHE.[172] Gandhi's commitment to participate raised the profile of the conference. All told, Strong visited over thirty developing countries in the lead-up to Stockholm.[173] By encouraging environmental non-governmental organizations to contribute to the preparatory process, he put pressure on governments to reach a substantive outcome.[174] The UNCHE secretary general also gave a flurry of interviews and public presentations.[175]

The secretariat's efforts contributed greatly to the conspicuousness and uniqueness of UNCHE. Stockholm brought unprecedented attention and exposure to global environmental issues, providing states a prominent window for action. In his memoir of the conference, Peter B. Stone, who served on Strong's media team, noted that this perception was fostered intentionally. The secretariat set out to create a convergence

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[170] R. Arculus Memorandum, "Notes of Conversation with the Mr. Maurice Strong on 11 February 1971," undated, *U.K. National Archives,* SME2/522.1, Part B; R. Arculus, "Preparatory Cmte-Environment," undated, *U.K. National Archives,* SME2/522.1, Part B.
[171] David Runnalls Interview with the author, 13 August 2010.
[172] Strong, *Where on Earth are we Going?*, p. 127.
[173] Engfeldt, *From Stockholm to Johannesburg,* p. 56.
[174] Herter and Binder, *The Role of the Secretariat,* pp. 35 and 50.
[175] Strong himself became something of a celebrity in the lead-up to the conference, as one member of his secretariat recalled: "I had not previously realized the extent to which Strong had become a honeypot to which all the bees around were flying. He was now the object of attention from all sorts of people who sensed that he was likely to become very influential indeed." See: Stone, *Did we Save the Earth,* p. 127.

of expectations, deliberately "making people feel that Stockholm was important and valuable," for:

> The more this feeling grew, the more Stockholm did become important and valuable. This is not to imply that it was any sort of confidence trick. It was a process perhaps comparable to the Law, in that the legal system only works if everyone—well, almost everyone—believes in it.[176]

Thus, the work of the secretariat helped give rise to a definite, unique, conspicuous moment in time. This focal point became increasingly prominent as the June 1972 conference approached.

This subsection has demonstrated that the Stockholm conference constituted a Temporal Focal Point in the history of the United Nations environment regime. The conference, scheduled for June 1972, provided a discrete timeline for negotiations. Although UNCHE was initially intended as a technical, information-gathering conference, preparations were overtaken by events. UNCHE became a political, action-oriented affair. A series of prominent developments in the lead up to Stockholm, including environmental disasters, helped make the conference a conspicuous outlet for an international response to longstanding, exogenously generated problems. When Maurice Strong assumed the role of UNCHE secretary-general, he deliberately aimed to create a sense of exceptionality about the conference, travelling the world, giving speeches, and building networks. All of these factors focused attention on the conference, making it a unique, conspicuous moment along the temporal continuum.

[176] Stone, *Did we Save the Earth,* pp. 66-67.

3.3.2 The Founex Report and the Stockholm Outcomes

While the Stockholm conference had grown in prominence, negotiations were hampered greatly by the unwillingness of leading developed and developing countries to bargain cooperatively. Defensive posturing had dominated the UNCHE preparatory process, slowing progress on the conference declaration and action plan. If a viable North/South basis for global environmental governance was to be established under United Nations auspices, states had to overcome the risk dominance of the existing equilibrium. This subsection focuses on the 1971 Founex seminar, which provided a bargaining framework for the resolution of the North/South impasse. After providing detail on the Founex meeting, I evaluate its importance for comprehending institutional change in 1972.

As noted above, UNCHE secretary-general Maurice Strong intervened in conference negotiations at a November 1970 informal preparatory committee meeting. Though his proposed broadening of the conference agenda had been well received, it "lacked the benefit of rigorous analysis and a well-developed policy thesis."[177] To flesh out his framework, Strong convened a meeting in New York in spring 1971 with a group of eminent development experts. Those present included Barbara Ward, Gamani Corea of Ceylon, Pakistan's Mahbub ul Haq, Saint Lucian economist Arthur Lewis, and Enrique Iglesias of Uruguay.[178] Because the meeting could not reach a definitive conclusion, the decision was taken to organize a seminar to examine the question in more detail.[179] Haq, Corea, and Iglesias worked with Barbara Ward and Marc Nerfin, Strong's chef de cabinet, to coordinate the meeting.

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[177] Strong, *Where on Earth are we Going?,* pp. 123-124.
[178] Strong, *Where on Earth are we Going?,* pp. 123-124.
[179] Gamani Corea, *My Memoirs* (Ratmalana: Gamani Corea Foundation: 2008), p. 339.

These events provided the backdrop for the 4-12 June 1971 meeting of the panel of experts on development and environment, convened in Founex, Switzerland, by the UNCHE secretary-general. Numerous prominent experts elaborated working papers that explored the relevance of environmental questions for development.[180] The working papers and seminar discussions covered a range of topics, including the impact of environmental considerations on international trade and development assistance flows, as well as on the potential adverse consequences of environmental standards for underdeveloped countries.

The resulting Founex report argued that, unlike pollution problems seen in industrialized countries, the environmental challenges of developing countries were principally the result of underdevelopment.[181] Issues like poor sanitation, disease, insecure housing, inadequate nutrition, and soil erosion, were rife in the developing world. The development process was central to resolving these issues. Founex reflected a growing disillusionment in the early 1970s among many development experts with traditional, growth-oriented economic strategies.[182] What was needed, the report stressed, was a "widening of the development concept" to include "urgent

[180] Eight of the seminar papers were published in: *Environment and Development, Development and Environment: Report and Working Papers of a Panel of Experts Convened by the Secretary-General of the United Nations Conference on the Human Environment (Founex, Switzerland, June 4-12, 1971)* (Paris: Mouton, 1972).

[181] "Development and Environment: Report of the panel of experts convened by the Secretary-General of the United Nations Conference on the Human Environment (Founex, Switzerland, 4-12 June 1971)," *United Nations Conference on the human environment: Development and Environment (subject area V),* A/CONF.48.10, Annex I.

[182] A nice summary of this shift in thinking is provided by Salvatore Schiavo-Campo and Hans W. Singer: "Previously, it had been taken for granted that expenditures on people, so-called social expenditures under such headings as health, housing, education, training, social services, etc., should be treated as consumption. They were considered the fruits of development, rather than its seeds. This carried the implication that countries serious about their development ought to reduce such "unproductive" expenditures in order to increase 'productive' expenditures, building up the physical capital of the nation. Now social expenditures, previously labelled 'unproductive,' are viewed as equally important development expenditures, compared with economic expenditure." See: Salvatore Schiavo-Campo and Hans W. Singer, *Perspectives of Economic Development,* (Boston: Houghton Mifflin, 1970), p. 70.

social and human problems." It was, moreover, in the interest of industrialized countries to provide resources to enable the developing countries to address these problems. In certain instances, environment-development trade-offs would have to be weighed by national governments. The report strongly reinforced the sovereign competence of countries to make these trade-offs and contained numerous references to the principle of "additionality." It suggested that donor countries ought to include additional development assistance funds to meet any environmentally motivated increases in the costs of development. If environmental standards entailed the movement of polluting industries to developing lands, this potentiality could be justified on a case-by-case basis. The report also largely steered clear of policy prescriptions for contentious population issues.

The Founex report served as the basis for a series of regional seminars organized in autumn 1971 by the UN regional commissions in Mexico City, Addis Ababa, Bangkok, and Beirut.[183] The seminars provided a means of ensuring that the developing countries read the Founex paper and that they functioned as a "bellwether" for Third World attitudes toward its contents.[184] The Founex report was also added as an annex to UNCHE's official documentation, which was sent to participating governments. Maurice Strong did much to circulate the Founex findings. In the early part of 1972, he "went around to developing world leaders and stuck the report on their desks. He would point to it and say 'these leading Third World economists said this.'"[185] In his meetings, Strong touted the document as an

[183] "Memorandum: Panel of Experts on Development and Environment," 31 March 1971, *Maurice F. Strong Collection, Harvard University Environmental Science and Public Policy Archives (ESPP),* Box 37, Folder 371.
[184] Herter and Binder, *The Role of the Secretariat,* p. 25. Stone, *Did We Save the Earth,* p. 108.
[185] David Runnalls Interview with the author, 13 August 2010.

"historic turning point in environment development dialogue."[186] Because of his extensive travels, this method gave wide exposure to the report and its main ideas. In addition, as Steven Bernstein states, the experts that participated in the June 1971 seminar "became political assets who helped convince developing world leaders to send delegates to Stockholm, and to attend themselves."[187]

The Founex report was well received by both developed and developing states. The divergent preferences of the parties, the paucity of mutually satisfactory solutions, and the urgency imposed by the fast approaching conference all combined to give the Founex formula great resonance in North-South talks. Upon reading the report, Canada's permanent mission to the United Nations noted that it "strikes us as being extremely important since it may form the main basis [for negotiations]."[188] Similarly, Norway's permanent representative welcomed the report as providing a "manageable agenda" for addressing the development-environment issue.[189] Lead negotiators from the United Kingdom quietly regarded it as a "reasonable" document, with recommendations that were "much less contentious than most people had apparently expected."[190]

Brazilian ambassador Miguel Ozorio de Almeida described the report's conclusions as "well-balanced, very objective and in general endorsed by Brazil." Bernardo de Azevedo Brito, Brazil's representative at the UN, argued that, by

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[186] CANEMB-MEX to DEA-ECS, "ECLA Environment Seminar Mexico," *Library and Archives Canada*, 68-4-UN-1972, Volume 11.
[187] Bernstein, *The Compromise of Liberal Environmentalism*, p. 37.
[188] PERMIS-NY to USSEA, "Stockholm Conference: Report on Development and Environment," 17 August 1971, *Library and Archives Canada,* 68-4-UN-1972, Volume 10.
[189] "Statement by Ambassador Edvard Hambro, Permanent Representative of Norway to the United Nations," 13 July 1971, *Library and Archives Canada,* 68-4-UN-1972, Vol. 11.
[190] Kitching to Williams. 27 September 1971. *U.K. National Archives.* FCO55/837/SME2/522/1.

following the recommendations of these "world-renowned economists," countries could move beyond the "initial period of over-reaction" to environmental questions. Because of the "considerable movement" in the policy stance of Brazil, the Economic Commission for Latin America endorsed the Founex group's conclusions.[191] At the September 1971 regional meeting of the Economic Commission for Africa in Addis Ababa, participating countries announced their unanimity in "congratulating the authors of the Founex Report on the insights that they brought into the environmental problems."[192] As one observer reflected, Founex was "regarded [by both developed and developing countries] as the political compromise necessary to bridge the development/environment question," forming a basis for institutional change.[193]

The Founex report became a vital basis for the Stockholm declaration and action plan. Although the policy angles, in most cases, did not originate at the Swiss seminar, the Founex report clustered together a set of policy compromises that were broadly supportable at UNCHE.[194] The Stockholm declaration and action plan drew heavily on the Founex report's recommendations. Founex's integrative thrust, grounded in socially motivated development approaches, is captured in preambular point 4 of the Stockholm declaration, which stated that, "In the developing countries most of the environmental problems are caused by under-development….Therefore,

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[191] CANEMB-MEX to DEA-ECS. "Latin American Seminar on Problems of Human Environment," 7 September 1971. *Library and Archives Canada,* 68-4-UN-1972, Volume 11.
[192] United Nations Information Service, *Economic Commission for Africa- Addis Ababa Press Release,* ECA/545, 2 September 1971.
[193] David Runnalls Interview with the author, 13 August 2010.
[194] The difficulty of balancing the emphasis on developmental and environmental impulses was the major challenge in bargaining on the Stockholm declaration. A look at the U.K.'s response to a secretariat questionnaire on the declaration is illustrative: "The stress on the need to take account of the economic and social implications, particularly for the developing countries, of environmental action seems the wrong way round….Thus, the order should be reversed—social and economic actions should take due account of environmental considerations and this should be sufficient for the draft declaration." (Central Pollution United, Department of the Environment (D.P. Walley), "Brief for the U.K. Delegation," 20 January 1971, *U.K. National Archives,* FCO 55/431, SME 2/522/2 Part B.)

the developing countries must direct their efforts to development, bearing in mind their priorities and the need to safeguard and improve the environment." A similar point of emphasis is contained in principle 8, which notes that "Economic and Social development is essential for ensuring a favourable living and working environment for man and for creating conditions on earth that are necessary for the improvement of the quality of life." Founex was the crucial reference point for these formulations.[195]

Principle 9 of the declaration reflected the Founex report's emphasis on the relationship between environmental deficiencies, underdevelopment, and vulnerability to natural disasters. Principle 9 also reinforced the importance of development assistance in meeting these perils.[196] Principle 11 captures Founex's warnings concerning the potential rise of "neo-protectionism" or other possible hindrances to development.[197] The concept of additionality, given further weight by the Founex findings, was included in principle 12.[198] Just as in the Founex report, the Stockholm declaration showed a profound confidence in the ability of development planners to manage the delicate environment-development interrelationship in specific contexts.[199] The origins of principle 23, which provided a potential basis for developing country exemptions from international environmental standards, can also be traced to Founex.[200]

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[195] Louis B. Sohn, "The Stockholm Declaration on the Human Environment," *Harvard International Law Journal* Vol. 14, 1973.
[196] This point corresponds to: Founex Report, paragraphs 3, 4, and 8.
[197] See: Founex Report, paragraph 54. For analysis, see: Sohn, "The Stockholm Declaration," p. 469.
[198] See: Founex Report, paragraphs 28-33.
[199] This was especially so with principle 13. For an analysis, see: Engfeldt, *From Stockholm to Johannesburg,* p. 64.
[200] See, for instance: Founex Report, paragraphs 20 and 33.

The Stockholm action plan was also heavily influenced by the Founex formula. The action plan contained 109 recommendations, which were divided into three main types. Environmental assessment involved information evaluation and review, research, monitoring and information exchange. Environmental Management entailed goal setting and planning, international consultation and agreements. Supporting measures included education and training, organization, financing technical cooperation, and public information.[201] Recommendations 103(a & b), 107 and 109 were particularly important to specifying the nature of North-South environmental relations. Recommendation 103(a) mirrored principle 11 of the Stockholm declaration in its condemnation of environmentally-motivated trade restrictions. The corollary, controversial recommendation 103(b), suggested that states establish appropriate compensatory means of dealing with the potential detrimental effects of environmental policies on developing world exports. Recommendations 107 and 109 concerned the provision of additional international financing. The former recommendation proposed a study of suitable mechanisms for financing international environmental action. Recommendation 109 argued that environmental measures should not affect the flow of development assistance and that industrialized countries should meet any additional costs associated with integrating environmental questions in development schemes.

The Founex report formed the basis for institutional change in Stockholm. It provided the kind of specificity that Maurice Strong's November 1970 proposal had lacked, working out policy angles relevant to the UNCHE agenda. While many of the ideas were not new, Founex packaged them into a framework that brought value to

[201] This section derives from Stone, *Did we Save the Earth,* p. 87.

developed and developing countries. By bettering each side's status quo alternatives, it enabled agreement. The declaration and action plan, combined with new organizational arrangements, provided the institutional covenant upon which developed and developing countries would interact in the post-UNCHE period. The resulting formula affirmed the relevance of environmental questions for developing countries, but established important safeguards. Developing countries would play an integral part in the reformed UN environment regime.

3.3.3 Explaining Founex: Temporal Focal Points and Institutional Change

How do was account for the coordinative power of the Founex formula? The Founex report was a vital means of establishing a North/South basis for global environmental governance. At Stockholm, states realized an agreement that fell within a bargaining range that was created by gradual exogenous change in the decades before UNCHE. While boundedly rational actors did not initially recognize the opening, Founex highlighted an agreement possibility that satisfied the interests of relevant actors and enabled institutional change in 1972. This section will demonstrate that, without the Stockholm Temporal Focal Point, actors would likely have gone on without recognizing or realizing mutually beneficial agreement opportunities.

The first point to be made is that the Founex report derived its influence from the Stockholm conference. Aside from the fact that the Swiss seminar was conceived, convened, and funded by the UNCHE secretariat, it is crucial to recognize that the meeting was a deeply political exercise, rather than a technical, one. Instead of tackling esoteric, theoretical, or conceptual points, the Founex report's analytical thrust targeted the most pressing bargaining questions facing the conference. The seminar took the negotiating positions of key states as its analytical focus. Its length

and tone made it accessible to the diplomats and decision makers that would attend UNCHE. The perfect regional representativeness of its participants further illustrates its political orientation. Tellingly, the secretary-general of the Brundtland commission—a report that, in many ways, covered the same ground as Founex fifteen years later—remarked: "I don't think it stands the test of time as a technical economic document. I know we didn't use it on the Brundtland commission." Nevertheless, he maintained that it "was a crucial political document."[202]

The secretariat also sought to influence seminar discussions. It is worth noting that those oriented toward robust government intervention in the process of economic development were numerous and well represented among seminar participants.[203] Many of these individuals had longstanding personal and professional relationships, and were sympathetic to Maurice Strong's viewpoint. The influence of those who were inclined toward so-called "human-centred" modes of development was augmented when Gamani Corea and Mahbub ul Haq were, respectively, elected chair and rapporteur of the seminar. In addition, as Peter Stone of the UNCHE secretariat later observed, Founex was "long on economists and short on ecologists."[204] Because of this, the seminar focused mainly on economic issues, such as trade and aid, that were relevant to the apprehensions of major developing countries.

In addition, the timeline for the completion of the Founex report was influenced greatly by the fast approaching conference. Though the range of debate had been

[202] Dr. Jim MacNeill Interview with the author, 18 August 2010.
[203] It should be noted that in an interview for this thesis, Strong denied that the Founex outcome was in any way preordained. He said: "They were far too sophisticated to sign onto something that the secretariat wanted. They signed onto the process. The meeting was very argumentative and controversial." Maurice Strong Interview with the author, 20 August 2010.
[204] Stone "Did We Save the Earth," p. 112.

narrowed somewhat, seminar discussions were still quite contentious. Notes from the meeting reflect an unfocused and inconclusive debate.[205] Those who did not agree with the conclusions of social interventionists did not change their point of view based on the Founex seminar discussions. Wilfred Beckerman, for example, the most vocal proponent of growth-focused development at Founex, left the meeting before its conclusion and, despite having his name on the published report, did not read the report until it was in its final form.[206] There were, another participant remarked, "few epiphanies in Founex."[207]

The development/environment nexus was, after all, a relatively new field of study and required the normal period of scholarly gestation and discussion. The trouble was that "Strong really wanted a result."[208] Founex would have little impact if it came either after the Stockholm conference or too soon before. Governments needed time to read the report if it was to bridge the North/South divide at UNCHE and provide a substantive basis for institutional change. "They hadn't really come to a proper consensus at the meeting," recalled David Runnalls, a participant in the seminar, "No amount of arm-twisting really bought a true consensus.... Eventually they just gave it to Mahbub [ul Haq] and he took it to New York and produced the Founex report."[209]

The report's clarity of expression and argumentation came from the fact that its contents were only loosely based on actual seminar discussions. If it was not for the approaching conference that was quickly becoming a landmark political gathering, the

[205] Maurice Strong Founex notes, 5 June 1971, Strong Papers, ESPP, Box 37, Folder 371.
[206] Professor Wilfred Beckerman Interview with the author, 11 June 2011.
[207] David Runnalls Interview with the author, 13 August 2010.
[208] David Runnalls Interview with the author, 13 August 2010.
[209] David Runnalls Interview with the author, 13 August 2010; Haq, "The Poverty Curtain," p. 81. This assessment was confirmed in: Lars-Göran Engfeldt Interview with the author, 23 July 2012.

seminar may well have been inconclusive. Despite having their names attached to it, seminar participants did not even see—let alone comment on—Haq's final draft until after the report had been widely circulated to governments and international organizations. The presence of a distinct, exceptional, timeframe heavily influenced the production and content of the Founex report.

Founex became a political tool in Strong's effort to forge a North/South coalition toward institutional change at Stockholm.[210] Once established as a basis for negotiations, offering value to all sides, the Founex compromise acquired a pull that made reformulation problematic, lest diplomats reopen messy, time-consuming bargaining. An intricate network of other arrangements, such as those surrounding post-UNCHE organizational measures, was weaved in a manner predicated on the Founex resolution to the North/South coordination dilemma. Despite having significant sway among developing countries, Brazilian efforts at the third preparatory meeting to press developing country claims beyond the terms of the Founex paper received "no support" from developed and other developing countries.[211] Peter Stone was incredulous that, at Stockholm, "diplomats eventually began to say things like 'I think we should stick closely to the text of the Founex report here' or 'We should not

[210] The literature on the Stockholm conference has been unequivocal in its assessment of Founex's impact. Christian A. Herter and Jill E. Binder note that "in some ways [Founex] was as important as anything that was subsequently produced at the conference itself." Martin W. Holdgate, Mohammed Kassas, and Gilbert F. White concluded that Founex "destroyed the false idea that [environment and development] were necessarily incompatible, and began to convince the representatives of the developing countries that environmental concerns were both more widespread and more relevant to their situation than they had appreciated." John McCormick argued that Strong's efforts, principally through the Founex seminar, broadened states' conception of the environment as an issue area to include problems that they would have previously categorized as developmental. See: Herter and Binder, *The Role of the Secretariat,* p. 25; Martin W. Holdgate, Mohammed Kassas, and Gilbert F. White, *The World Environment 1972-1982: A Report by the United Nations Environment Programme* (Dublin: Tycooly International Publishing, 1982), p. 7; John McCormick, "Reclaiming Paradise: The Global Environmental Movement," (Bloomington: Indiana University Press, 1991), pp. 92-93.

[211] Kitching to Mathieson and Williams, 24 September 1971, *U.K. National Archives.* FCO55/837/SME2/522/1.

go beyond the position of the Founex report.'"[212] Both coalitions saw Founex as a suitable basis for policy coordination; tampering with its recommendations risked an impasse. Developed and developing countries moved simultaneously to embrace Founex.

The impact of Founex was also increased by the fact that there were no other prominent negotiating formulas on the table to compete with it for attention. One of Strong's first acts as conference secretary-general was to reverse an earlier decision that specialized agencies would submit papers directly to the conference. He insisted that all official materials originate from the UNCHE secretariat; thus Strong's secretariat controlled the message reaching governments.[213] The secretariat devised an elaborate and, it must be said, opaque process for coding government national reports and basic papers so as to provide a basis for conference documentation. The secretariat was, moreover, able to synthesize the papers submitted to it, producing official documentation that was a manageable 600 pages. This was quite a feat, since the secretariat received over 20 000 pages of documentation—a ten foot tall pile of material.[214] All of this contributed to a high degree of coherence in the message reaching governments, adding to the strength of the Founex formula.

With a shrinking timeline and a widespread desire to take action within the context of the Stockholm conference, governments embraced the Founex formula. Its influence came mainly from its usefulness rather than its causal or normative contribution to debates. There were significant limitations in the report's findings. As W.M. Adams writes, Founex was a "statement of faith," that development and

[212] Stone, *Did We Save the Earth,* p. 102.
[213] Engfeldt, *From Stockholm to Johannesburg,* p. 55.
[214] Herter and Binder, *The Role of the Secretariat,* pp. 29-30.

environment "could be combined in some way which could optimize ecological and economic systems, without explaining how." The panel did not "break new conceptual ground."[215] In a similar vein, Steven Bernstein notes that, while Founex may have prevented UNCHE from becoming a political failure, it simply "juxtaposed" environment and development.[216]

The most important example of this juxtaposition was the fundamental and inescapable tension between the integrative message of the report—stressing the compatibility of environmental measures with human-centred development approaches—and the inclusion of the additionality principle. The concept of additionality, one interviewee noted, "was in blatant contradiction with the rest of the Founex report."[217] Its inclusion reflected the political nature of the seminar. The presence of the additionality principle in the report was a "sop to the Brazilians," who were invited to send a representative to the seminar as a means of co-opting them into the secretariat's vision.[218] Certain ambiguities and contradictions were acceptable, therefore, if it meant that the report would have the desired effect on bargaining.

Founex's influence was derived from the need for states to establish some basis for North/South cooperation in the context of a Temporal Focal Point. No consideration was given to continuing talks after the conference so as to allow agreement to emerge slowly. As one participant recalled, "we had a high level conference with high level political attendance, media, NGOs. Something had to be delivered…."[219] States

[215] W.M. Adams, *Green Development: Environment and sustainability in the Third World*, 2nd ed. (London: Routledge, 2001), p. 56
[216] Bernstein, *The Compromise of Liberal Environmentalism,* p. 40.
[217] Dr. Jim MacNeill Interview with the author, 18 August 2010.
[218] David Runnalls Interview with the author, 13 August 2010.
[219] Lars-Göran Engfeldt Interview with the Author, 23 July 2012.

behaved *as if* there was a major temporal discontinuity after UNCHE that effectively took the "keep talking" option off the table. The coordination dilemma that had plagued negotiations in the early going was eased by the emergence of a prominent formula at the ideal moment. It was not so much the substantive content of Founex that mattered, but that that the report enabled a convergence of expectations *in time*. With the approaching conference, both sides were looking for a solution and knew that the other side was doing the same. Recognizing the availability of joint gains and a formula that could form the basis for agreement, both sides moved to realize institutional change in 1972. States were coordinating on two dimensions.

The Stockholm declaration and action plan established an agreed foundation for international cooperation on environmental questions in the United Nations context. The UNCHE principles formed a "soft" legal basis for cooperation and the action plan served as a guide for international environmental activities. Key norms, rules, and procedures adopted at Stockholm also manifested themselves in recommendations to create the United Nations Environment Programme (UNEP). UNEP had three main components: a secretariat, Governing Council, and Environment Fund.[220] The balance of influence between these organizational elements reflected the institutional agreement reached at UNCHE. While donor countries would heavily influence the Environment Fund, developing states would have predominant representation on the intergovernmental Governing Council. UNEP's institutional design was a product of the broader agreement achieved in 1972, safeguarding the interests of developed and developing countries.

[220] United Nations General Assembly Resolution 2997 (XXVII), "Institutional and financial arrangements for international environmental cooperation," 15 December 1972.

3.4 CONCLUSION

At the Stockholm conference, states realized a fundamental reordering of the United Nations environment regime. The UNCHE declaration and action plan, as well as organizational arrangements, transformed the bases for UN environmental cooperation. Institutional change was made possible by the existence of available joint gains, created by gradual exogenous shifts that had taken place in the decades before UNCHE. Pressing global environmental problems, such as air and marine pollution, motivated international action.

While gradual parametric shifts provided a basis for change, actors were slow to realize new cooperative potentialities. The risk dominance of the prevailing equilibrium provides a compelling explanation for the slow rate of reform. Because actors feared compromising their bargaining position in future negotiations, posturing and defensive bargaining tactics prevailed. The turning point was the emergence of a Temporal Focal Point, the 1972 Stockholm conference, which eased coordination problems. The fast-approaching conference brought actors' temporal expectations into concert, allowing them to focus on a shared timeline for talks. The knowledge that the other side was looking for an acceptable solution at the same time reduced the risk of moving to a new cooperative equilibrium. It was this shared search for a viable solution that gave immense coordinative power to the Founex report. The Founex formula's influence arose primarily from its usefulness in the presence of a Temporal Focal Point.

Empirical evidence from the 1972 Stockholm conference provides strong support for the theoretical propositions contained in chapter two. The arrival of a Temporal Focal Point increased the likelihood of change in the presence of an exogenously

generated bargaining range. In addition to the clear power of Temporal Focal Points to focus the minds of boundedly rational actors, the chapter demonstrates how slow states were in recognizing the availability of joint gains. There was no change in the problem structure or in the bargaining position of leading states that persuasively explains why the UN environment regime changed in 1972 rather than, for instance, in 1965. The chapter also sets up the institutional bases for cooperation in the UN environment regime as they came out of the Swedish conference. Chapter 4 will treat the first decade of the United Nations Environment Programme, the chief organizational legacy of UNCHE.

CHAPTER 4: UNEP AND THE 1982 NAIROBI CONFERENCE

The United Nations Conference on the Human Environment (UNCHE) forged a North-South bargain that enabled institutional change in 1972. By finding common cause with developing countries, states built a coalition in support of the Stockholm conference declaration and action plan. UNCHE also produced a set of recommendations that led to the creation of the United Nations Environment Programme (UNEP) by the UN General Assembly on 15 December 1972.[221] UNEP was mandated to serve as the principal basis for implementing the conference action plan and for fostering conformity with its declared principles. In its first decade, UNEP faced formidable obstacles to fulfilling its mandate. Although the discordant international political context of the mid to late 1970s contributed much to the programme's difficulties, important limitations in the design of the new body limited its ability to effectively manage the global environment.

As UNEP's first decade drew to a close, a UNEP Governing Council "Session of a Special Character" (UNSSC) was convened for 10-18 May 1982 in Nairobi, Kenya, to commemorate the ten-year anniversary of the landmark Stockholm conference.[222] The session reviewed progress on the implementation of the UNCHE action plan and made recommendations for the next ten years of institutional activity. At the Nairobi conference, African countries sought institutional change to address their pressing environmental concerns and to remedy the organizational weakness of UNEP. The Kenyan conference constituted a Temporal Focal Point, contributing to a period of

[221] United Nations General Assembly Resolution 2997 (XXVII), "Institutional and financial arrangements for international environmental cooperation," 15 December 1972.
[222] United Nations General Assembly Resolution 35/74, "International co-operation on the field of the environment," 5 December 1980. United Nations General Assembly Resolution 36/189, "Session of a special character of the Governing Council of the United Nations Environment Programme," 17 December 1981.

focus on the performance of the UN's chief environmental organ. Despite UNEP's well-established limitations, these endogenous factors were insufficient to precipitate change. Key parameters were largely constant between 1972 and 1982. As a result, the Nairobi conference did not bring institutional change.

This chapter will first provide background on the organizational arrangements that came out of UNCHE, highlighting the distributive conflicts that shaped UNEP. After establishing the basic features of post-Stockholm institutional measures, I highlight the major challenges that the programme faced in global environmental management and coordination. I focus on negotiations for institutional change at the 1982 session, which served as a Temporal Focal Point. An analysis of the positions and underlying interests of leading actors explains the absence of a North-South bargaining range that might have otherwise enabled agreement at the Nairobi conference. I conclude the chapter with an assessment of the theoretical implications of the case study.

4.1 THE DESIGN OF THE UNITED NATIONS ENVIRONMENT PROGRAMME

In proposing the Stockholm conference, Swedish officials argued that no new organizational machinery would be necessary.[223] As preparations proceeded, however, views on this issue began to change. UN Secretary General U Thant made a speech in Austin, Texas, in May 1970, advocating the creation of a UN environmental body.[224] Through 1971, the UNCHE secretariat planned and contributed to five informal workshops and seminars for diplomats, politicians, academics, and

[223] Lars-Göran Engfeldt, *From Stockholm to Johannesburg and Beyond: The Evolution of the international systems for sustainable development governance and its implications* (Stockholm: The Government Offices of Sweden, 2009), p. 68

[224] United Nations Archives and Record Management Section, UN Secretary General—U Thant Fonds, Box S-0883-0025, Folder 8.

journalists to examine organizational options.[225] Those informal meetings shaped the detailed negotiations that occurred in 1972.[226]

Negotiations concerning the design of UNEP were influenced by the need to bridge two interest cleavages: (i) the trenchant opposition of UN specialized agencies to the proposed creation of a UN environmental body, and; (ii) the developed-developing world split. Proponents of new organizational machinery had become frustrated with the existing, fragmentary operation of the UN environment regime. As noted in chapter 3, the UN environmental field was already a crowded place in 1972. An internal Canadian memorandum is illustrative of the frustration with the pre-existing set-up:

> The specialized agencies are no longer organized to cope with today's set of international problems much less those that will be appearing tomorrow.... The specialized agencies are quarrelling among themselves, each trying to carve out a piece of the environmental problem for their exclusive jurisdiction and practically all of their energy is going to fighting one another rather than getting on with the job.[227]

Given the heavy institutional machinery and the paucity of results in the environmental field, the system of overlap, duplication, and turf battles was seen by many as untenable. Sweden's permanent representative to the United Nations, Ambassador Olof Rydbeck, told the UNCHE preparatory committee that conference planning had "confirmed the need for a central coordinating mechanism in the United Nations to provide political and conceptual leadership."[228] In his February 1972

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[225] In 1971, meetings were convened in Siniai, Geneva, Colorado, New York, and Sussex. For a short description of these meetings from one of the participants, see: Engfeldt. *From Stockholm to Johannesburg*, pp. 71-72.

[226] Richard N. Gardner Interview with the author, 22 September 2012.

[227] Dr. P. D. McTaggart Memorandum, "International Co-operation and Environmental Improvement: The UN Specialized Agencies," 21 July 1971, *Library and Archives Canada*, 68-4-UN-1972-7-CDA, Vol. 1.

[228] "Statement by Ambassador Olof Rydbeck in the Preparatory Committee for the United Nations Conference on the Human Environment at its fourth session in New York on Monday, 6 March 1972."

special message to the United States Congress, President Richard Nixon identified a need to create "a centralized coordination point" for United Nations activities in the environment field.[229] For the U.S., there were "genuine advantages in international cooperation [in environmental protection], and in the coming years there will be rapid growth in the need for such cooperation."[230]

UN specialized agencies aimed to protect their bureaucratic turf by undermining efforts to launch UNEP. Britain, France, Italy, and the Soviet Union backed this position, seeking to reinforce the position of agencies where they had strong influence.[231] The autonomous agencies worked aggressively at the Stockholm conference preparatory meetings to discourage states from creating new and, in their view, unnecessary UN environmental machinery. At the informal consultations on institutional questions held in Sussex, for example, UN agencies prowled the corridors, seeking to persuade participants of the benefits of the current, decentralized environmental regime.[232] Days before the Stockholm conference convened in June 1972, the Director General of the International Atomic Energy Agency (IAEA) advanced a series of unsolicited amendments to the organizational proposals that were

[229] United States Department of State, "President Proposes creation of UN voluntary fund on the environment," 8 February 1972, *Library and Archives Canada,* 68-4-UN-1972-7-CDA, Vol. 2.
[230] Acting Deputy Director of the Office of Environmental Affairs (Salmon) to the Secretary to the Council on Environmental Quality (Gibbons)," 14 July 1970*, Foreign Relations of the United States,* Volume E-1, Document 298.
[231] Other countries, particularly the Soviet Union, the United Kingdom, France, and Italy took a dim view of efforts to create a new UN environmental organ. In February 1971, British representatives sought to obviate discussion of organizational matters through explicit preparatory committee opposition. This position received considerable support from the Soviet Union, which had taken a restrictive position on the potential for a new UN environmental agency. In opposing new organizational machinery, British and French officials sought to safeguard the position of the International Marine Consultative Organization, the United Nations Educational, Scientific, and Cultural Organization and the OECD. See: Arculus to MacInnes (FCO UN), 18 February 1971, *U.K. National Archives,* FCO55/833/SME2/522/1.Part 3; GENEV to DEA-UNS, 29 February 1972, *Library and Archives Canada,* 68-4-UN-1972, Vol. 14. See also: "Note by the United Kingdom Delegation: Institutional Arrangements," Peter S. Thacher II Collection, Harvard University Environmental Science and Public Policy Archives, Box 14, Folder 121.
[232] Engfeldt, *From Stockholm to Johannesburg,* p. 72.

under consideration at Stockholm. By reinforcing and highlighting the autonomy of the specialized agencies in the environmental field, the IAEA amendments would have weakened greatly the new programme's ability to coordinate UN environmental activities.[233]

Specialized agencies were also busy in Stockholm, seeking to vitiate institutional proposals. Their efforts were backed by Peru and India. After the conference, Christian Herter Jr. of the U.S. delegation reported:

> All of the major Specialized Agencies spent a considerable amount of time, energy and effort in lobbying the developing world and certain Developed Countries (eg. UNESCO with Belgium, IAEA with the United States) against the institutional arrangements resolution. They were all fearful that the resolution would place constraints on their own jurisdiction in the environmental field and were responsible for the introduction of various crippling amendments. The United States Delegation and others were aware of these lobbying efforts and in the vast majority of cases were able to prevent these amendments from passing.[234]

Perhaps more important than their lobbying, agencies could resist coordination by the new environmental program. Though states formally controlled UN bodies, it was difficult for them to do so unless they were able to harmonize their instructions to national representatives in intergovernmental fora. Reining in these agencies through national-level coordination was considered a tall order, given the vigorous bureaucratic competition endemic to national governments.[235] The specialized agencies had an important influence over the conference's institutional provisions because they could render them ineffective.

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[233] IAEA officials visited embassies in Vienna, seeking to gain support for their approach. See: Vienna to DEA-ECS, 13 June 1972, *Library and Archives Canada*, 68-4-UN-1972, Vol. 5.

[234] Christian A. Herter to Secretary of State Rogers, "Report on the United Nations Conference on the Human Environment," 28 July 1972, *Foreign Relations of the United States*, Volume E-1, Document 325.

[235] Strong noted the importance of this dimension in a May 1971 speech at the University of Toronto. He argued that "effective coordination within the United Nations system as now constituted, must involve coordination within national governments." "Speech by Maurice F. Strong at the University of Toronto," 27 May 1971, *Library and Archives Canada,* 68-4-UN-1972, Vol. 4.

The need to gain the support of obstructive UN specialized agencies narrowed the menu of organizational alternatives that were seriously considered at Stockholm. In many ways, the resulting structure represented the path of least institutional resistance. To reassure the specialized agencies and account for the broad integrative nature of environmental questions, the proposed organization would serve a policy review and coordination role. UNEP would become a catalytic body, conducting environmental assessment and stimulating the work of other UN bodies. It would be a programme, not an autonomous specialized agency, and would not have operational functions itself. A small programme focused on facilitating greater coordination within the United Nations system was seen by these actors as an antidote to the heavy, inefficient machinery of the UN at the time.[236] To further allay the fears of the specialized agencies, the UNCHE secretary-general, Maurice Strong, made a statement in Stockholm stressing that UNEP would not have the authority to make direct recommendations to other UN agencies. In all cases, Strong underlined, agencies received instructions exclusively from their governing bodies.[237]

North-South bargaining—the second major dynamic in organizational negotiations—centred on three main questions: the location of the new body within the UN system, the balance of influence between the environmental secretariat and the new intergovernmental body, and the physical siting of the programme's headquarters. Debate centred on a U.S. proposal, tabled in February 1972, which suggested the creation of an environment fund, secretariat, and environmental

[236] As has been demonstrated by Maria Ivanova, UNEP's limited mandate was not seen as a means of limiting its reach or effectiveness. See: Maria Ivanova, "UNEP in Global Environmental Governance: Design, Leadership, Location," *Global Environmental Politics* Volume 10, No. 1, February 2010.
[237] "Final Report of the Canadian Delegation to the United Nations Conference on the Human Environment," *Library and Archives Canada*, 68-4-UN-1972-CDA, Vol. 5.

coordination board. U.S. officials argued that the fund should be managed by an environmental administrator, supported by a small secretariat that would be responsible for funding all new environmental projects in the UN system. If the environmental fund financed *all* new UN environmental activities, it would exercise greater control over the environmental programs of specialized agencies.[238] The secretariat's administrative and program budget would be supported by the voluntary environmental fund. Further oversight and coordination could be performed by a 27-member intergovernmental functional commission of the UN Economic and Social Council (ECOSOC) and an interagency Environmental Coordination Board.[239] The environmental administrator should chair the latter body.

By maximizing the role of the environmental fund and the secretariat, donor countries would have a predominant influence over UN environmental activities. Having the secretariat's functions financed through the fund allowed donors to exercise leverage over it. This financial structure also had the virtue of shielding the new environmental organ from the vicissitudes of the regular UN budget, which could hamper its activities.[240] In placing the intergovernmental body within the framework of ECOSOC, a body where developing countries had slightly less dominant representation, developed countries could exercise a greater degree of control than they might have had if the body was constituted under the auspices of the UN General

[238] "Final report on the Stockholm conference," *Library and Archives Canada*, 68-4-UN-1972-CDA, Vol. 5.
[239] Given ECOSOC's mandate to support and facilitate the economic and social activities of the UN system, policy review and coordination in the environmental field was a natural fit for the Council's work. U.S.-led efforts in 1971 to renew and reform ECOSOC added further impetus to the reformer's goals.
[240] "Instructions for the Canadian Delegation to the 4th Preparatory Committee for the United Nations Conference on the Human Environment," 2 March 1972, *Library and Archives Canada*, 68-4-UN-1972-CDA, Vol. 3.

Assembly. Limiting the size of the intergovernmental body to 27 and minimizing its power relative to the secretariat would increase the sway of industrialized countries.

Developing countries rejected the U.S. proposal. The Brazilian counterproposal aimed to ensure maximum control of environmental activities and the environmental fund by an intergovernmental body of the UN General Assembly. An ECOSOC commission would be an inappropriate platform for the new organization.[241] Instead of the 27-member commission proposed by the United States, Brazil argued for a geographically representative membership of 54.[242] The head of the environmental secretariat, Brazil maintained, should be a UN undersecretary-general, subject to the decisions of the intergovernmental body and fully integrated into the general UN secretariat. To ensure its independence from donors, it should be funded by the regular UN budget, rather than through the voluntary fund. While the fund could be used to coordinate UN agencies, a portion of it should cover "additional" costs that developing countries incurred in mitigating environmental despoliation. In their proposal, Brazil enjoyed the backing of leading developing countries.

At Stockholm, a drafting group, comprised of Brazil, Canada, Indonesia, Kenya, Sweden, and the United States, met to hammer out the set of recommendations that eventually gained unanimous support at UNCHE.[243] A small secretariat would be created, headed by an Executive Director who was to be elected by the General

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[241] "Statement by Ambassador Sergio Armando Frazão to the Second Committee," October 1971, *Library and Archives Canada,* 68-4-UN-1972, Vol. 12.
[242] PERMIS-NY to DEA-ECS, "Env: Post Stkhm Institutions and Fund: Brazilian/Yugoslav Draft Resoln," 21 April 1972, *Library and Archives Canada*, 68-4-UN-1972-CDA, Vol. 3.
[243] "Final Report of the Canadian delegation to the United Nations Conference on the Human Environment," *Library and Archives Canada*, 68-4-UN-1972-CDA, Vol. 5.

Assembly upon the nomination of the UN Secretary General.[244] While administrative expenses were to be met by the regular UN budget, programme costs, such as financing activities of specialized agencies, would be supported by the fund.[245] The secretariat was mandated to advise the intergovernmental body on the formulation and implementation of programs, while continually reviewing UN environmental operations. On the divisive question of the control of the fund, the secretariat was mandated "to administer, under the authority and policy guidance of the Governing Council, the environmental fund."[246]

An intergovernmental committee, called the UNEP Governing Council, was established to oversee the activities of the secretariat and approve annually the utilization of the fund. The Governing Council would report to the General Assembly through ECOSOC. Though the drafting group had agreed on a Governing Council of 48 countries, a late Australian amendment in the conference plenary boosted this to 54.[247] In December 1972, led by developing countries, the UN General Assembly further increased this number to 58. While the Federal Republic of Germany proposed criteria for election to the intergovernmental body, such as the size of contributions to the environment fund or demonstrated commitment to environmental cooperation, this provision was opposed by developing countries and defeated.[248]

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[244] The election of the Executive Director was, at the time, an unusual procedure that aimed to give the position an independent political standing relative to the specialized agencies.

[245] The distinction between "hard core" and other administrative costs was a compromise advanced by the Canadian delegation to the conference. This was meant to leave the door slightly open for support of some types of administrative costs through the fund.

[246] "Final Report of the Canadian delegation to the United Nations Conference on the Human Environment," *Library and Archives Canada*, 68-4-UN-1972-CDA, Vol. 5.

[247] Christian A. Herter to Secretary of State Rogers, "Report on the United Nations Conference on the Human Environment," 28 July 1972, *Foreign Relations of the United States*, Volume E-1, Document 325.

[248] It appears that one reason that the U.S. came to abandon its position that UNEP should be a creature of ECOSOC was that, by associating the UNEP Governing Council with the General Assembly, West

To advance coordination of international environmental activities, it was decided that the environmental fund should "finance wholly or partly the costs of the new Environmental initiatives undertaken within the United Nations system."[249] While modified from the initial U.S. proposal that stipulated that the fund would finance all new UN environmental activities, the Stockholm recommendations provided a clear basis for UNEP to play a catalytic part in policy review and guidance. The proposed Environmental Coordination Board was established under the auspices of the Advisory Committee on Co-ordination.

Developing countries argued that "additional" environmental costs should be met through the environmental fund. This position was opposed vigorously by the industrialized countries, which argued that turning the fund into another form of development assistance would discourage contributions to it. Development assistance should, they maintained, be provided through existing channels.[250] On this issue, the developed countries held firm on, and gained acceptance for, their position. Though "due account should be taken of the special needs of the developing countries," the fund supported environmental programs of general interest, such as monitoring, data-collection and assessment, environmental quality management, research, and information exchange.[251]

Germany could gain representation on the Governing Council. See: GENEVto USSEA, 28 August 1972, *Library and Archives Canada*, 68-4-UN-1972-CDA, Vol. 5.

[249] "Final Report of the Canadian delegation to the United Nations Conference on the Human Environment," *Library and Archives Canada*, 68-4-UN-1972-CDA, Vol. 5.

[250] "Instructions for the Canadian Delegation to the informal consultations to be held in Geneva May 3-4 on the international organizational implications of recommendations for action, including financial implications of the United Nations Conference on the Human Environment," 27 April 1972, *Library and Archives Canada,* 68-4-UN-1972-CDA, Vol. 3.

[251] UN General Assembly Resolution 2997 (XXVII), "International and financial arrangements for international environmental cooperation," 15 December 1972.

Although the physical location of the new UN environment programme's headquarters was discussed at UNCHE, the issue was set aside until the General Assembly session. In December 1972, when the Stockholm recommendations were considered, the General Assembly selected Nairobi as the location of UNEP. While developed countries backed Geneva, based on the belief that a coordinating programme should be in close proximity to the agencies it was mandated to coordinate, Nairobi enjoyed the unified backing of developing countries.[252] This support was based primarily on the political goal of achieving developing country representation among the administrative locations of UN bodies. Developed countries, furthermore, extracted a commitment from developing countries to support the election of an Executive Director from an industrialized country if the programme was sited in the developing world.[253] Maurice Strong, a Canadian, was duly elected the first Executive Director of UNEP.

The structure of UNEP was, therefore, a compromise between the goals of developed and developing countries. For developed states, UNEP enhanced their ability to coordinate the disparate activities of UN agencies, providing a mechanism to further international environmental cooperation. For developing countries, UNEP's structure offered a considerable degree of control over environmental activities. UNEP's large Governing Council and its location in Nairobi guaranteed

[252] New Delhi also enjoyed considerable support, but India withdrew its candidacy after Kenyan President Jomo Kenyatta threatened to forcibly expel the many South Asians living in Kenya if India did not withdraw its candidacy. See: John W. McDonald, "Global Environmental Negotiations: The 1972 Stockholm Conference and Lessons for the Future," Paper for the American Academy of Diplomacy and the Paul H. Nitze School of Advanced International Studies, Johns Hopkins University, 13 December 1989, p. 9.

[253] Geoffrey Bruce, "A Review of the Stockholm Conference of 1972, Of Some Significant Developments in the Environment Since 1972, and of Some Major Challenges and Opportunities for Canada in Preparing for UNCED in 1992," December 1991, in: Department of External Affairs and International Trade and the Department of Environment, Canada, *From Stockholm to Rio, 1972-1992*, p. 9.

that the priorities of developing countries would always be high on UNEP's agenda. Although the organizational structure of UNEP broadly resembled the U.S. proposal of February 1972, industrialized countries made the bulk of the concessions on crucial details, which, as we shall see, were immensely important. What resulted was an organization that could be characterized as a "dual key" body, requiring support from developed and developing states to function effectively. The buy-in of specialized agencies was also vital.

4.2 UNEP'S FIRST DECADE

As states approached the Nairobi conference, numerous problems emerged that gained a prominent place on UNEP's agenda. This section will demonstrate that, when states reviewed the status of the UN environment regime at UNSSC in 1982, it was clear that the existing institutional set-up had fundamental limitations. These limitations contributed to a lackluster record in the implementation of the Stockholm action plan, and to the frustration of efforts to ameliorate global environmental problems.

Two main dynamics influenced the design of the United Nations Environment Programme: the political and procedural requirement of gaining unified North-South backing and the necessity of maintaining the goodwill and concurrence of the UN specialized agencies. UNEP's efficacy relied heavily on a strong secretariat, a well-financed voluntary environment fund, and consensus on the Governing Council. Equipoise and harmony between these elements was required for UNEP to function effectively. As we shall see, however, crosscutting interest cleavages did much to restrict UNEP's impact on the global environmental problems that it was created to

address. What resulted could be considered a dysfunctional international organization.

From the first session of the UNEP Governing Council in June 1973, the delicate political consensus forged at UNCHE began to come apart. As one participant recalled, though the 1971 Founex meeting helped bring agreement, "the cracks were thinly papered."[254] At the first Governing Council session, the UNEP secretariat's draft programme—which aimed to give effect to the Stockholm action plan—was rejected outright by developing countries as insufficiently oriented toward their concerns.[255] As a result, many observers began to worry that the North-South divide on environmental questions was too wide to bridge. UNEP's Executive Director, Maurice Strong, began to speak of resigning. A fractious and intractable deadlock persisted until the final day of the two-week Governing Council session, when a text was cobbled together at the last possible moment by Britain's Dr. Martin Holdgate and Iran's Taghi Farver.[256]

Although UNEP had an approved action plan, tremendous damage had been done. Key developed country governments were left asking fundamental questions about the viability of a UN environment programme. Meeting in January 1974, leading industrialized states reflected on the first Governing Council session, which "was a near disaster." Despite "real doubt as to whether a successful environmental program within the UN context could get off the ground," those present resolved to "try to make the second [Governing Council] session in Nairobi enough of a success to

[254] Martin Holdgate, *Penguins and Mandarins: The Memoirs of Martin Holdgate* (Spennymoor: The Memoir Club, 2003), p. 200.
[255] Lynton Keith Caldwell, *International Environmental Policy: Emergence and Dimensions* (Durham: Duke University Press, 1990), p. 72.
[256] Holdgate, *Penguins and Mandarins,* p. 201.

justify to their governments continued participation in UNEP."[257] Thus, the very existence and continued operations of the new UN body were jeopardized from its earliest days. The governments that were expected to provide the main political and financial support for UNEP began to wonder if the programme could meet their basic goals.

While the second and third sessions of the Governing Council were less tumultuous and UNEP survived, political competition hindered greatly the new programme's efficacy. In its first decade, the UNEP Governing Council concerned itself almost exclusively with administrative matters and with the approval of the Environment Fund budget. As a consequence, the Governing Council failed to establish itself—as intended at Stockholm—as an authoritative intergovernmental body for environmental policy guidance, review, and coordination.[258] Instead, it served as an organization primarily concerned with brokering compromise between developed and developing countries on the uses of the Environment Fund. Industrialized states, which provided the bulk of the funding, were left "grasping towards a package in the Action Programme in which [they] would have to accept some projects with a distinct development flavour in order to secure some of the projects dear to [their] heart."[259]

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[257] "Memorandum: A Proposal for Communication – in the Context of the Second Meeting of the UNEP Governing Council at Nairobi in March," 22 January 1974, *Riksarkivet,* Statsdepartementens gemensamma organ, SE/RA/1200/07/F/F 7/4.

[258] Ågesta Group AB, *Twenty Years After Stockholm, 1972-1992: A Report on the Implementation of the Stockholm Action Plan and on Priorities and Institutional Arrangements for the 1980s; A Parliamentary View of the State of the World Environment: The Results of a survey carried out by the Secretariat of the International Parliamentary Conference on the Environment,* (Berlin: Erich Schmidt Verlang GmbH, 1982), p. 14.

[259] Burton to Meg Rothwell, 14 December 1973, *U.K. National Archives,* FCO 55/1007 SME6/522/3 Part H.

Political competition and obsession with financial matters meant that the Governing Council failed to serve as an effective means of coordinating UN environmental activities. Because of national bureaucratic competition, moreover, governments were unable to voice consistent positions in the different intergovernmental fora concerned with the many dimensions of global environmental management.[260] Environment ministries—which were the most likely to serve as supportive constituencies to advance UNEP's aims within governments—were, as one writer put it, "the neglected children in governmental hierarchies." UNEP plans and priorities thus received relatively short shrift in the cabinet meetings of national governments.[261] "The inevitable conclusion," as a Swedish diplomat recalled, "was that as long as governments were not willing or capable of coordinating their own environmental policies in the UN system, the specialized agencies would continue to be largely independent actors supported by the different interest groups within countries."[262] The specialized agencies had state sponsors on the Governing Council that advanced their proposals and aimed to prevent the articulation of a centralized vision.[263]

The UNEP secretariat was mandated by the General Assembly to "serve as a focal point for environmental action and co-ordination within the United Nations

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[260] Peter S. Thacher, "Background to Institutional Options for Management of the Global Environment and Commons: A Preliminary Paper for the World Federation of United Nations Associations Project on 'Global Security and Risk Management,'" *From Stockholm to Rio 1972-1992: Report of the Seminar Convened by the Canadian Department of External Affairs and International Trade and the Department of Environment,"* 8-9 December 1991, p. 32.

[261] Philip Shabecoff, *A New Name for Peace: International Environmentalism, Sustainable Development, and Democracy* (Hanover: University Press of New England, 1996), p. 50.

[262] Engfeldt, *From Stockholm to Johannesburg,* 103.

[263] A British memorandum notes that: "The Specialized Agencies are exerting pressure on UNEP through developing countries to support their proposals at the Governing Council. UNEP's coordinating role will be in jeopardy if it is obliged to yield to these pressures." See: "Consultations with Developing Countries," 1974, *U.K. National Archives,* FCO 55/1007 SME6/522/3 Part H.

system."[264] As an organ without an operational mandate itself, UNEP was designed to function as the environment programme for the *entire* UN system, rather than as a sectoral body.[265] "At Stockholm and for a few years after," Robin Clarke and Lloyd Timberlake wrote in 1982, "'the programme' was understood as the sum of what all UN agencies, all governments and non-governmental bodies were doing about the environment. UNEP was seen as catalysing and coordinating the 'the programme,' not implementing it."[266] It was a "switchboard" organization, facilitating the actions of other agencies. UNEP was not meant to be to the environment, for example, what the World Health Organization was to health. This mandate was widely misunderstood by suspicious UN specialized agencies aiming to protect their own sprawling bureaucratic fiefdoms.[267] UNEP's tiny size, its institutional weakness relative to other actors in the UN system, and the fact that it had few incentives to offer partner agencies compromised its ability to fulfill its coordination role.[268] The unwillingness of specialized agencies to play their part in realizing UNEP's charge contributed to dismal political relations between the new programme and major UN bodies through much of the 1970s. Interagency relations became so frayed that tensions did not go unnoticed by states.[269]

UNEP's coordination difficulties were manifested in the fate of the United Nations Environmental Co-ordination Board (ECB), a body that was formed to ensure

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[264] United Nations General Assembly Resolution 2997 (XXVII), "Institutional and financial arrangements for international environmental cooperation," 15 December 1972.
[265] Mostafa K. Tolba, "Introductory Statement by the Executive Director: Four years after Stockholm," 24 March 1976, *UNEP/GC/L.36*, pp. 13-14.
[266] Robin Clarke and Lloyd Timberlake, *Stockholm Plus Ten: Promises, Promises? The decade since the 1972 UN Environment Conference* (London: Earthscan, 1982), pp. 49-50.
[267] Shabecoff, *A New Name for Peace,* p. 48.
[268] John McCormick, *Reclaiming Paradise: The Global Environmental Movement* (Bloomington: Indiana University Press, 1991), p. 112.
[269] United Nations Environment Programme, "Review of the Institutional Arrangements for International Environmental Co-operation," 16 February 1976, *UNEP/GC/75.*

"co-operation and co-ordination among all bodies concerned in the implementation of environmental programmes." To place the environmental secretariat at the centre of this process, UNEP's Executive Director was mandated to chair the interagency ECB.[270] Less than four years after launching it, however, governments were forced to acknowledge that the ECB had been "one of the more difficult aspects of UNEP's role."[271] This was because the heads of UN agencies largely ignored it.[272] In 1977, the ECB was abolished and its responsibilities were folded into the UN's Administrative Committee on Coordination. The death of the ECB served as a "conspicuous sign" that coordination had failed.[273]

Many of UNEP's early difficulties were compounded by its location on the periphery in Nairobi. Owing to the UNEP Executive Director's exacting travel schedule, one British official commented in November 1973 that attempting "to come to grips with UNEP in Nairobi is like trying to measure a cloud of smoke." The fact that UNEP's senior staff spent so little time in Nairobi, the British memorandum continued, led to the impression that "UNEP is *in* Nairobi, but not *of* Nairobi."[274] The prolonged absence of staff from headquarters contributed to management problems. A blunt internal memorandum to Maurice Strong from R.A. Frosch, the Assistant Executive Director of UNEP, summarizes these problems:

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[270] United Nations General Assembly Resolution 2997 (XXVII), "Institutional and financial arrangements for international environmental cooperation," 15 December 1972.
[271] United Nations Environment Programme, "Review of the Institutional Arrangements for International Environmental Co-operation," 16 February 1976, *UNEP/GC/75*, p. 17.
[272] Bob Munro, "Choosing Our Common Future: Decisions Taken, Avoided and Needed on the Road to Rio, 1972-1992," *From Stockholm to Rio 1972-1992 Report of the Seminar Convened by the Canadian Department of External Affairs and International Trade and the Department of Environment,"* 8-9 December 1991, p. 22.
[273] Tony Brenton, *The Greening of Machiavelli: The Evolution of International Environmental Politics*, (London: Earthscan Press, 1994), p. 259.
[274] M. P. V. Hannam to W. N. Wenbam-Smith, "Possible Geneva Group in Nairobi," 21 November 1973, *U.K. National Archives,* FCO 55/1008 SME 6/522/3/Part J.

> The demands of travel on you, Maurice, have been so great that the staff believes, and I am afraid with some reason for belief, that you are detached from the Organization, don't really know its views or what is being developed inside it, and are going around the world running your own piece of the programme, having nothing to do with what is being developed in the House; then you come back and try to re-impose your views.[275]

In addition to a disjuncture between staff and "the twenty-sixth floor" executives, UNEP also faced difficulties in recruiting and retaining qualified staff.[276] Consequently, its reports and draft decisions were considered by governments to be of variable quality.[277] In addition, as one interviewee remembered, "intellectual life there then and now is poor. It was not stimulating."[278]

UNEP's was far from the agencies it was meant to coordinate. Many UN agencies would not assume the travel costs and time involved in sending officials to Kenya. The distance was, acknowledged governments, a "principal constraint" to UNEP's coordination mandate.[279] It was also a major obstacle to attracting senior officials and technical staff to important meetings, such as the annual Governing Council sessions. At the 1981 meeting of the UNEP council, for instance, less than 20 percent of delegates from member and observer countries were from departments with substantive responsibilities for environmental problems and priorities.[280] The developing countries were some of the least likely to send senior delegates. At a May 1975 informal intergovernmental meeting there was a near revolt among developing countries—led by the Central African Republic, speaking on behalf of the African Group—when future UNEP consultations were scheduled for Nairobi. Because of

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[275] R.A. Frosch, "Notes on UNEP," 25 July 1975, *Environmental Science and Public Policy Archives*, Harvard College Library, Peter S. Thacher Papers I, Box 117, Folder 1110.
[276] McCormick, *Reclaiming Paradise,* p. 111.
[277] Engfeldt, *From Stockholm to Johannesburg,* p.105.
[278] Lars Björkbom Interview with the author, 24 July 2012.
[279] United Nations Environment Programme, "Review of the Institutional Arrangements for International Environmental Co-operation," 16 February 1976, *UNEP/GC/75*, p. 14.
[280] Ågesta Group, *Twenty Years After Stockholm,* p. 15.

their inability to get qualified technical and political staff to Kenya, these countries recorded their reservations.[281] As we shall see in chapter 6, the inability of developing countries to field high-quality delegations in Nairobi badly damaged UNEP's status during preparations for the 1992 UN Conference on Environment and Development.

Developing states, which were heavily represented on the UNEP Governing Council, were in a position to control the use of the Environment Fund. The problem with this arrangement, as far as the industrialized countries were concerned, was that they were the ones expected to make sizable voluntary contributions to the fund. UNEP's financial viability, therefore, rested upon a set-up where one set of countries was expected to contribute to a fund that was controlled mainly by another set of countries. While donors were able to exercise influence on the use of funds because it was hoped that they would contribute in the future, they were pressured to consent to expenditures on projects that were not of primary interest to them.[282]

After the initial wave of financial commitments—made in the context of the Stockholm conference—was met, industrialized country contributions to the Environment Fund began to flag. An October 1973 British memorandum is illustrative of the cynicism and disillusionment that quickly emerged among some industrialized countries over contributions to the Environment Fund. There was, the report noted "no mileage to gain by becoming involved or committed where our interests were academic," such as in anti-desertification, sanitation, or human

[281] "Unofficial record of Informal Consultations of Representatives of Regional Groups and Members of the Secretariat of UNEP, Kenyatta Conference Centre, Nairobi," 1 May 1975, *Riksarkivet,* Statsdepartementens gemensamma organ, SE/RA/1200/07/F/F 7/10.
[282] Burton to Meg Rothwell, 14 December 1973, *U.K. National Archives,* FCO 55/1007 SME6/522/3 Part H.

settlements.[283] After deploring the fact that "signs were clearly emerging…of a determination by certain states to exploit UNEP as a potential source of development aid," the Foreign and Commonwealth Office recommended to the U.K. cabinet that its contributions to the fund should be "just sufficient" to "exercise influence and maintain credibility."[284] In 1976, the US$40 million pledge of the United States to the fund was reduced to US$25 million.[285] The Governing Council's approved annual budget was US$37.5 million per year for 1978-1981, but UNEP could only raise about US$31 million per annum.[286] UNEP's budget also began to diminish in real terms by the late 1970s and early 1980s. Set against inflation, UNEP's 1982 budget had fallen to US$15.6 million per year in 1973 dollars—a total significantly lower than the target set by states in Stockholm.[287] Every year, UNEP's now Executive Director, Dr. Mostafa Tolba, chided the Governing Council in 1980, his office was forced to "exercise the most painful prudence in committing funds for new and important activities which the Council has earlier approved but for which sufficient resources have not been made available. Year after year, our hands have been tied."[288]

In addition to a stagnating budget, UNEP suffered from late or erratic contributions from governments, an unwillingness from some states to commit to funding levels more than a year in advance, and a large percentage of funds coming in

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[283] "Minutes of a Meeting held in Room N 19/21, Wednesday 31 October 1973 at 10:30 a.m.," *U.K. National Archives,* FCO 55/1007 SME6/522/3 Part H.
[284] "United Nations Environment Programme—U.K. Policy," Draft Cabinet Paper, November 1973, *U.K. National Archives,* FCO 55/1007 SME6/522/3 Part H.
[285] Foreign and Commonwealth Office, "32nd Session of the United Nations General Assembly: United Nations Environment Programme," ICC (77), *U.K. National Archives,* October 1977, FCO 58/1195/UNS 261/5 Part B.
[286] McCormick, *Reclaiming Paradise,* p. 110.
[287] Edward Goldsmith, "The Retreat from Stockholm," *The Ecologist* 12, No. 3, May-June 1982.
[288] Mostafa K. Tolba, "UNEP: Retrospect and Prospects: Introductory Statement to the Eighth Session of the Governing Council of UNEP," Mostafa Kamal Tolba (ed.) *Development without Destruction: Evolving Environmental Perceptions* (Dublin: Tycooly International Publishing, 1982), p. 141.

non-convertible currencies. All of these factors meant that even the meagre resources made available to UNEP could not be utilized in a straightforward manner. Since the Environment Fund was designed to serve as a means of carrying out the Stockholm action plan by catalyzing action in the UN system, UNEP's limited financial capacity constrained its ability to induce the cooperation of other UN agencies.[289] A significant proportion of UNEP's annual expenditures, furthermore, was sapped because it was obliged to support the ongoing projects of specialized agencies that refused to assume the full financial burden of initiatives launched in partnership with UNEP years earlier.[290] These agencies—some of the largest in the UN—enjoyed political backing from developing countries.[291] UNEP's uncertain budgetary footing may have also compromised its ability to produce environmental assessments that were critical of member states.[292]

UNEP's inability to effectively coordinate and catalyze larger, well-established UN specialized agencies through the Governing Council, secretariat, Environment Fund, and Environmental Co-ordination Board meant that states' belief that a small body could serve as an effective point of focus for the activities of the UN system had to be reassessed. As UNEP's first decade came to a close, it was obvious to all concerned that the UN environment regime had important limitations. Swedish diplomat Lars-Göran Engfeldt recalled: "By 1982, it was completely clear that the specific features built into UNEP—the Environment Fund and the special position of

[289] The UNEP Governing Council recognized by its second session that the Environment Fund would be insufficient to fund "wholly or partly" all new UN environmental initiatives. See: Ågesta Group, *Twenty Years After Stockholm,* pp. 18. See also: McCormick, *Reclaiming Paradise*, p. 112.
[290] Munro, "Choosing Our Common Future," p. 9.
[291] "United Nations Environment Programme—U.K. Policy," Draft Cabinet Paper, November 1973, *U.K. National Archives,* FCO 55/1007 SME6/522/3 Part H.
[292] Edward Goldsmith, a UNEP insider noted in 1982: "Clearly UNEP is muzzled. It can only say things that do not offend member states and can only do things that do not run counter to their political and economic interests." See: Goldsmith, "The Retreat from Stockholm."

the [Executive Director]—had not been enough to compensate for the basic weakness of the overall post-Stockholm institutional arrangements."[293] In addition to flaws in the UN framework for environmental cooperation, the task of brokering North/South compromise was made more difficult by the need to balance short and long run economic priorities and to address a subject of great technical and scientific complexity.[294]

All of these factors contributed to a mixed record of UN environmental action from 1972-1982. An extensive review of the implementation status of the Stockholm action plan was conducted in 1982 by the Ågesta Group, a Swedish parliamentary initiative. The group concluded that, of the 109 recommendations and more than 150 distinct proposals contained in the UNCHE action plan, only thirty percent had been implemented. Forty percent were classified as partially implemented, fifteen percent had received little or no attention, and vague recommendations made it difficult to evaluate the final fifteen percent.[295] Even this disappointing assessment, the report's principal author would later write, was overly generous.[296] Important highlights of the implemented items included recommendation 74(e), which proposed an International Registry of Data on Chemicals in the Environment; 99(i)(a), which led to the World Heritage Convention; recommendation 99(i)(b), which stimulated the completion of the Convention on Wetlands of International Importance; recommendation 99(3), which formed the basis for the Convention on International

[293] Engfeldt, *From Stockholm to Johannesburg,"* p. 103.
[294] Thacher, "Background to Institutional Options," p. 22.
[295] Ågesta Group, *Twenty Years After Stockholm,* p. 7.
[296] Munro, "Choosing Our Common Future," p. 6.

Trade in Endangered Species of Wild Fauna and Flora; and recommendation 101, which led to the creation of a International Referral Service.[297]

The recommendations that were classified as partially implemented either saw part of the proposed measure enacted, experienced an unsuccessful result, or were initiated but not pursued. Other recommendations were almost completely ignored.[298] In fairness, the informational basis for environmental action matured dramatically in the decade after UNCHE. Appreciations of the state of the world environment were revolutionized in the 1970s by such factors as satellite technology and cheap electronic data storage and retrieval systems.[299] These developments led to an increased awareness of the inadequacy of the state of knowledge about the world environment, and motivated members of the scientific community to point out the need for international cooperation to facilitate better data collection and analysis.[300]

By 1982, it was clear that the post-Stockholm institutional arrangements were ill equipped for implementing the UNCHE action plan. Instead of enabling a coordinated UN approach to environmental exigencies, UNEP succumbed to crosscutting North/South divisions and an inability to bring coherence to the fragmented activities of the specialized agencies. Designed in 1972 to remedy inefficiency, duplication, and overlap in the UN environment regime, UNEP had not met its intended purpose. It had fallen into institutional dysfunction and stagnation.

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[297] Ågesta Group, *Twenty Years After Stockholm,* p. 8.
[298] Ågesta Group, *Twenty Years After Stockholm,* pp. 9-10.
[299] United Nations Environment Programme, *The State of the Environment 1972-1982* (Nairobi: Kanaya Designs, 1982), pp. 9-10.
[300] M. W. Holdgate, *A perspective of environment pollution* (Cambridge: Cambridge University Press, 1979), pp. 178-181.

4.3 THE 1982 NAIROBI CONFERENCE AS A TEMPORAL FOCAL POINT

Sections 4.1 and 4.2 have established the context for the Nairobi conference. When states gathered in the Kenyan capital, they focused on the disappointing post-UNCHE implementation record and an institution that was not meeting the ends that they had established for it ten years earlier. Before discussing the institutional bargaining that targeted these problems, I will show that the 1982 meeting served as a Temporal Focal Point in the UN environment regime.

The UNEP Session of a Special Character was convened in accordance with General Assembly resolutions 35/74 of 5 December 1980 and 36/189 of 17 December 1981.[301] The 10-18 May 1982 conference, held in Nairobi, aimed to commemorate the 1972 UN Conference on the Human Environment. The session was attended by 105 states—a total similar to the 113 that attended the Stockholm conference—and included several heads of state and government. Like the Stockholm conference, the major outputs were a declaration and a plan of action. In addition, four resolutions were adopted, including one on the need to launch a special commission on long-term environment strategies.

Though its results were ultimately disappointing to reformers, the session served as a Temporal Focal Point in the history of the UN environment regime. For a phase of the temporal continuum to be considered focal, it must be a discrete period that serves as a temporal point of focus because of its uniqueness and conspicuousness. As with Stockholm, the fact that the Nairobi conference represented a discrete point

[301] United Nations General Assembly Resolution 35/74, "International co-operation on the field of the environment," 5 December 1980. United Nations General Assembly Resolution 36/189, "Session of a special character of the Governing Council of the United Nations Environment Programme," 17 December 1981.

along the timeline is uncontroversial. The conference was a distinct, nine-day period in time. States knew of the session's existence at least since February 1980, and those that wished to advance initiatives in the context of the approaching meeting did so.

The main rationale for the timing of the special session was the fact that the landmark Stockholm conference had occurred a decade earlier. UN General Assembly resolutions 35/74 and 36/189, which proposed and made arrangements for the UNSSC, cited the tenth anniversary of the Stockholm conference as a chief rationale for scheduling the meeting.[302] By invoking the legacy of the Swedish conference, resolution 36/189 called on states to meet the "need to revive the sense of urgency and commitment by Governments for national and international co-operative action to protect and enhance the environment."[303]

The proposal for the Nairobi conference came primarily from the UNEP secretariat, rather than a particular government. In fact, some prominent states quietly questioned the wisdom of Tolba's decision to launch the UNSSC, wondering if UNEP's executive director had thought through all of the legal, organizational, and financial implications of the initiative.[304] While the General Assembly resolutions pointed to the worsening state of the world environment as a primary motivation, they were not specific about the particular problems that the UNEP session targeted. No

[302] United Nations General Assembly Resolution 35/74, "International co-operation on the field of the environment," 5 December 1980. United Nations General Assembly Resolution 36/189, "Session of a special character of the Governing Council of the United Nations Environment Programme," 17 December 1981.
[303] United Nations General Assembly Resolution 36/189, "Session of a special character of the Governing Council of the United Nations Environment Programme," 17 December 1981.
[304] U.S. officials, for instance, questioned whether Mostafa Tolba had thought through all of the legal, financial, and organizational implications of the session. See: J.E. Roberts (UKDEL-NAIROBI) memorandum, 6 February 1980, *U.K. National Archives,* FCO 58/2186, UNS 261/7.

institutional or environmental triggers provide a compelling explanation for the timing of the Nairobi conference. The UNCHE anniversary was needed to provide the rationale for a major gathering. The gradual deterioration of the global environment and the ongoing dysfunction of UNEP were by themselves insufficient justifications.

The special session was both unique and highly conspicuous. It marked the anniversary of a transformational event in the international system. UNEP's Executive Director aimed deliberately to increase the profile of the Nairobi conference in key countries. In a manner reminiscent of Maurice Strong's efforts to focus attention on the Stockholm conference, Tolba travelled to key countries, delivering speeches and giving interviews.[305] In his pre-UNSSC speeches, the Egyptian microbiologist highlighted the pressing nature of global environmental problems and argued that the Nairobi conference presented an opportunity to re-evaluate institutional arrangements.

In November 1981, Tolba spoke to the Environment Committee of the European Parliament about the "urgent need for recommitment" to the environmental cause in time for the approaching Nairobi conference. The anniversary of Stockholm should, he noted, focus governments' minds on the global environmental agenda. He encouraged those present to re-evaluate institutional arrangements, which, he noted were a bit of "a thankless brief."[306] In January 1982, Tolba spoke at the Japan Environmental Agency symposium, referring to the UNSSC as "a once-in-a-decade

[305] Robert P. Lamb, "Guest Editorial: An Interview with UNEP Chief," *Environmental Conservation* 9, No. 1, Spring 1982, p. 1.
[306] Mostafa Kamal Tolba, "The Environment in 1982: The Urgent Need for Recommitment: Statement to the Environment Committee of the European Parliament—Brussels, Belgium, November 1981," in: Tolba (ed.) *Development without Destruction*.

chance" to address global environmental problems. To add a sense of urgency, he discussed the ominous array of international environmental problems confronting the world community and concluded by stressing that the Nairobi conference was a "unique opportunity" for the international community to tackle these issues. It was time, Tolba stressed, for Japan to play a lead part in "making the world at the turn of the century a safer and more prosperous one than we find it today."[307] This message matched the tone and emphasis that Tolba communicated to states at the ninth session of the UNEP Governing Council.[308]

In 1980, Tolba commissioned an extensive report, titled *The World Environment 1972-1982*, edited by Martin W. Holdgate, Mohamed Kassas, and Gilbert F. White.[309] The book's purpose was to establish UNEP's capacity for environmental assessment, a dimension of its mandate that had not been especially prominent in its first decade.[310] The contribution established a substantive basis for the Nairobi conference. A shorter—perhaps more government friendly—version of the Holdgate group's findings were published by UNEP as *The State of the Environment, 1972-1982*.[311] In addition, the secretariat produced two other reports to motivate action at the Kenyan meeting: *The Environment in 1982: retrospect and prospect* and *Major Environmental Trends to be Addressed by UNEP, 1982-1992.* Thus, to add to the conspicuousness of the meeting and the preparedness of states, the UNEP secretariat produced an impressive array of technical and popular reports, meant to appeal to

[307] Mostafa Kamal Tolba, "Environmental Protection: Address to the Japan Environmental Agency Symposium, Tokyo," January 1982, Mostafa Kamal Tolba (ed.), *Sustainable Development: Constraints and Opportunities* (London: Butterworths, 1987), pp. 1-7.
[308] United Nations Environment Programme, "Report of the Governing Council on the work of its ninth session, 13-26 May 1981," *General Assembly—Thirty-Sixth Session,* Sup. No. 25 (A/36/25).
[309] Martin W. Holdgate, Mohammed Kassas, Gilbert F. White, *The world environment 1972–1982: A Report by the United Nations Environment Programme* (Dublin: Tycooly International Publishing Limited, 1982).
[310] Holdgate, Kassas, and White, *The World Environment 1972-1982*.
[311] United Nations Environment Programme, *The State of the World Environment, 1972-1982.*

public opinion and to government officials alike. These reports came in all shapes, sizes, and styles. The UN also produced a set of commemorative stamps and to drum up excitement for UNSSC.[312]

Though the UNEP secretariat's travels and public diplomacy played an important part in raising the profile of the Nairobi conference, the session and the ten-year anniversary of UNCHE caught the eye of many other actors independent of Tolba's efforts. The focus on the 1982 conference as a potential vehicle for rejuvenating the UN environmental enterprise was emphasized in a January 1981 United States Council on Environmental Quality and State Department report to the president. *Global Future: Time to Act* argued that "the 1982 UNEP Conference should be expanded to be more than a ceremonial occasion," focusing attention on key environmental issues and commencing "a fresh evaluation of UNEP's role and how it could be supported and improved."[313] In March and April 1982, the U.S. House of Representatives Subcommittee on Human Rights and International Organizations held hearings for the "Review of the global environment 10 years after Stockholm." The Congressional hearings used the Stockholm anniversary as a reason to assess U.S. foreign environmental policy before UNSSC.[314] In April 1982, just in time for the conference, the European Economic Community met to reconsider the role of ecological imperatives in their development assistance projects.[315] The Swedish

[312] Samuel A. Tower, "Stamps; U.N. Commemoratives," 7 March 1982, *New York Times,* Arts and Leisure, p. 2.
[313] United States Council on Environmental Quality and Department of State, *Global Future: Time to Act—Report to the President on Global Resources, Environment and Population* (Washington: U.S. Government Printing Office, 1981), pp. 184-185.
[314] United States Congress—House Committee on Foreign Affairs, Subcommittee on Human Rights and International Organizations, *Review of the global environment 10 years after Stockholm: hearings before the Subcommittee on Human Rights and International Organizations of the Committee on Foreign Affairs, House of Representatives, Ninety-seventh Congress, second session, March 30, April 1 and 20, 1982* (Washington: U.S. G.P.O., 1982).
[315] John Cooney, "EEC looks for ecology aid," 14 April 1982, *The Irish Times*, p. 8.

government, furthermore, regarded the Nairobi conference as "a suitable time to put UNEP's future and direction on the agenda."[316] High-level environmental hearings examining transnational environmental problems were held in London in June 1982.[317]

The Nairobi TFP also stimulated the production of literature from governmental and non-governmental sources that aimed to influence opinion surrounding the Nairobi conference. The Ågesta Group report, *Twenty Years After Stockholm, 1972-1992*, was circulated widely to conference participants. The Ågesta report was heavily based on the observations of "Stockholm veterans."[318] The International Institute for Environment and Development's Robin Clarke and Lloyd Timberlake composed *Stockholm Plus Ten: Promises, Promises? The decade since the 1972 UN Environment Conference.* Clarke and Timberlake's contribution summarized official documentation in a media-centric manner and provided an extensive assessment of the state of the global environment in 1982.[319] Erik P. Eckholm's *Down to Earth: Environment and Human Needs* was the Nairobi equivalent of Barbara Ward and René Dubos' *Only One Earth* and had an impact on popular opinion.[320]

While the 1982 Nairobi conference has largely been forgotten in the literature on global environmental governance, it was a highly exceptional event. Recalling the Stockholm conference, this exceptionality was deliberately fostered by the secretariat through a series of speeches, interviews, and publications. The secretariat's job was

[316] Lars Björkbom Interview with the author, 24 July 2012.
[317] Geoffrey Lean and Marek Mayer, "Britain moving towards acid rain disaster," *The Observer*, 13 June 1982, p. 2.
[318] Ågesta Group, *Twenty Years After Stockholm*.
[319] Clarke and Timberlake, *Stockholm Plus Ten.*
[320] Erik P. Eckholm, *Down to Earth: Environment and Human Needs* (New York: Norton, 1982).

eased by the fact that the ten-year anniversary of the Stockholm conference provided a compelling rationale for states to evaluate global environment change and to consider the post-Nairobi UNEP action program.

The 1982 Nairobi conference served as a Temporal Focal Point in the history of the UN environment regime. It offered an exceptional and discrete period in time for governments to focus on the world environment and on the status of post-Stockholm institutional arrangements. The uniqueness and conspicuousness of this point on the temporal continuum flowed mainly from to the anniversary of UNCHE. Reform-minded governmental and non-governmental bodies were drawn to UNSSC as a potential vehicle for action. By giving rise to a convergence of expectations, the focal phase helped to stimulate numerous programmatic and institutional initiatives in Nairobi.

4.4 NAIROBI AND THE ABSENCE OF JOINT GAINS

When states gathered in Nairobi, their attention was focused on the underwhelming record of global environmental action between 1972 and 1982. The Stockholm action plan had only been partially implemented and important environmental issues had been left unaddressed. UNEP's disappointing performance was the result of numerous factors, including limited funding, an inability to coordinate the activities of larger UN agencies, and the programme's peripheral administrative location in Nairobi. To meet UNEP's problems, Kenya and Tunisia, backed by the African group, argued that UNEP's mandate should be widened so that it could undertake operational activities. Their proposal failed to generate support and was defeated. Although UNSSC provided a focal timeline that helped elicit institutional initiatives, underlying conditions had not changed greatly in the decade since the Stockholm

conference and provided no basis for the realization of joint gains. This section will provide background on the African group proposal and will analyze the reasons for its failure.

At the Nairobi conference, Kenya and Tunisia pushed energetically for UNEP to gain an operational mandate. In his conference address, the Kenyan president, Daniel arap Moi, noted that, when "UNEP was first conceived, it was projected as something like a catalyst, knitting together elements of initiative into a world-wide compound of vital consequence. But some of us have always felt that this approach was over-cautious, and would much prefer to see a more fearless performance." Moi urged governments and UNEP to move beyond "talking in comfortable arenas," to action, "taking coats off and getting honourably dirty."[321] Kenya's representative to the conference plenary urged the environment programme to act on the control of water-borne diseases, the implementation of a renewable energy plan of action, and to initiate steps against environmentally deleterious pest control.[322] Agreeing, Helen Benitez of the Philippines asserted: "It is our position that this special session should set the direction for a rethinking of the institutional role of UNEP. The organization must be strengthened, maybe even restructured, to enable it to become more responsive to the decade ahead…. The prospect for success in global environment issues will be bleak unless we are able to bring about certain major changes."[323] Though welcoming the need for more research, Egypt's representative observed that academic studies "seem to overshadow the real services to protect the

[321] Daniel arap Moi, "Let's take our coats off and get honourably dirty," *Uniterra* 2, 1982, pp. 8-10. For the official account of this debate at UNSSC, see: United Nations Environment Programme, "Report of the Governing Council (Session of a special character and tenth session)," *General Assembly, 37th Session, Supplement No. 25, A/37/25,* p. 14.
[322] "Kenya, Nairobi, 1982," *Evolving Environmental Perceptions*, pp. 244-245.
[323] Helen Benitez, "Success for a Sub-Regional 'ASEAN' Plan," *Uniterra* 2, 1982, p. 25.

environment."[324]

The provision of resources to developing countries was critical to meeting the dual ends of environmental preservation and development. Representatives from Côte d'Ivoire stressed the self-interest of developed countries in assisting Third World states in addressing their environmental needs, since "in the long and not so long term, all mankind, in one way or another, will have to suffer the consequences of pollution or environmental degradation, the destruction of nature and the depletion of natural resources."[325] Kenya also called on developed countries to "mobilize the necessary resources to assist developing countries to achieve an improved level of self reliance in integrated environmental management."[326] A transfer of wealth from North to South and an endorsement of the precepts of the New International Economic Order were, it was maintained, essential to safeguarding the global environment.

One possible means of implementation would be to give effect to a Swedish initiative to open a special "development window" in the utilization of the Environment Fund.[327] The development window, discussed extensively at UNEP's ninth Governing Council session in 1981, would allow funds to be allocated to the gravest environmental problems of developing countries, as identified by the Governing Council. Swedish officials argued that the window could be used to fund environmental impact assessments before launching large development projects. It

[324] "Egypt, Nairobi, 1982," *Evolving Environmental Perceptions*, p. 171.
[325] "Ivory Coast, Nairobi, 1982," *Evolving Environmental Perceptions*, pp. 230-231.
[326] "Kenya, Nairobi, 1982," *Evolving Environmental Perceptions*, p. 246.
[327] United Nations Environment Programme, "Report of the Governing Council (Session of a special character and tenth session)," p. 17. Engfeldt, *From Stockholm to Johannesburg,* p. 105.

could also facilitate developing world participation in global endeavours.[328]

The Kenyan/Tunisian proposal would alter UNEP's mandate by orienting it increasingly toward projects that were essentially national or regional in scope. It was proposed that initiatives could be launched on a country-specific basis, shifting further the character of UNEP's agenda toward the concerns of developing countries. As noted in the Malawian speech to the UNSSC plenary, the environmental concerns of developing countries "are essentially of a national nature."[329] The lack of resources and government capacity were major impediments to environmental management in the non-industrialized world.[330] Inadequate information, a shortage of trained specialists, lack of funds, and obsolete equipment were important obstacles to environmental policies that, in the absence of greater international financial and technical assistance, could not be overcome in the near term.[331]

A mandate shift was backed by Tolba, who, we have noted, travelled the world in 1981 and 1982 providing a rationale for a UNEP role in project implementation. After underscoring the difficulties and limitations associated with UNEP's existing mandate, UNEP's executive director invited the governments of the European Parliament to assess the efficacy of UNEP's catalytic role at UNSSC.[332] In Tokyo, Tolba extolled the virtues and foresight of industrial states' investment in environmental protection in the global South: "it pays for rich nations to invest in the

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[328] United Nations Environment Programme, "Report of the Governing Council on the work of its ninth session," General Debate, paragraphs 438-446.
[329] "Malawi, Nairobi, 1982," *Evolving Environmental Perceptions*, p. 263.
[330] "Kenya, Nairobi, 1982," *Evolving Environmental Perceptions*, p. 246.
[331] Leonard and Morell, "Emergence of Environmental Concern in Developing Countries," pp. 300-301.
[332] Mostafa Kamal Tolba, "The Environment in 1982: The Urgent Need for Recommitment: Statement to the Environment Committee of the European Parliament—Brussels, Belgium, November 1981, Mostafa Kamal Tolba (ed.) *Development without Destruction,* p. 186.

poor. These are not the politics of the begging bowl, but of international justice and benign self interest."[333]

The proposed changes to UNEP's mandate implied a significant alteration to the North/South environmental bargain of the Stockholm conference.[334] Change would address two main limitations of the UN programme. First, by enabling UNEP to implement projects itself, it would be much less reliant on coordinating uncooperative specialized agencies. The programme's limited influence in the UN system would be less of an impediment if it had its own operational mandate. Second, it would increase the relevance and visibility of UNEP in the developing world.[335] By making UNEP more pertinent to the concerns of the global South, states could realize the type of global ethic envisioned at Stockholm.[336]

Despite these efforts, the initiative was defeated. It ran into stiff opposition from Latin American countries, which were concerned that an operational role for UNEP could invite unjustified intrusions on their sovereignty.[337] Most industrialized countries argued that, given the limited resources available in the Environment Fund,

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[333] Mostafa Kamal Tolba, "Environmental Protection: Address to the Japan Environmental Agency Symposium, Tokyo," January 1982, Mostafa Kamal Tolba (ed.), *Sustainable Development,* p. 1.
[334] This followed an action orientation that was increasingly called sustainable development. The term "sustainable development" was first proposed by the 1980 World Conservation Strategy. Its conceptual antecedents, however, were the 1974 Cocoyok declaration and the report of the Brandt Commission. See: "The Cocoyoc Declaration: Adopted by the participants in the UNEP/UNCTAD symposium on 'Patterns of Resource Use, Environment and Development Strategies.'" Cocoyoc, Mexico, October 8-12, 1974. International Union for Conservation of Nature and Natural Resources, *World Conservation Strategy: Living Resource Conservation for Sustainable Development* (IUCN: 1980), and The Brandt Commission, *North-South—A Programme for Survival* (London: Pan Books, 1980).
[335] Engfeldt, *From Stockholm to Johannesburg,* p. 105.
[336] Commenting on this shift, Barbara Ward wrote: "Now, in the 1980s, some Western leaders are starting to abandon the concept of our joint voyage on Spaceship Earth, and to dismiss any concern for the environment or for the South as 'do-goodism.' They regard the universe as expendable—as long as their tiny bit of it is not expended." See: Barbara Ward "Eating seed corn, burning dung," 20 June 1982, *The Observer*, p. 26.
[337] Engfeldt, *From Stockholm to Johannesburg,* p. 150.

UNEP should avoid a dispersal of effort, focus mainly on international problems, and refrain from direct aid schemes or executing agency responsibilities.[338] Efforts to pare down UNEP's activities to "those environmental problems of the highest priority and in those areas where its influence can be decisive" had been a longstanding aim of leading developed countries.[339] The result of these conference debates was the conclusion at the Nairobi conference that existing institutional arrangements were "generally speaking, adequate and appropriate."[340]

Negotiations in Nairobi, therefore, did little to address UNEP's many limitations. UNEP's traditional role as a catalyst and coordinator was maintained. No genuinely new political commitments were made, and the Nairobi declaration and action plan was stuffed with platitudes and standard invocations. Commenting on the conference, Philip Shabecoff of the *New York Times* lamented that the "second United Nations Conference on the Global Environment, like a second honeymoon, was less exciting than the original."[341] It was, according to another observer, an opportunity that was "unfortunately squandered."[342]

How do we account for the failure of the Nairobi conference to bring about institutional change? As elaborated in section 4.2, the problems facing the UN environment regime were well known and widely accepted. In case there were any misconceptions, Mostafa Tolba told the conference plenary: "The inevitable

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[338] United Nations Environment Programme, "Report of the Governing Council (Session of a special character and tenth session)," *General Assembly, 37th Session, Supplement No. 25, A/37/25,* p. 16.
[339] Speech by the United Kingdom Delegation, "Coordination Questions," 23 April 1980, *U.K. National Archives,* FCO 58/2186 UNS 261/7.
[340] United Nations Environment Programme, "Report of the Governing Council (Session of a special character and tenth session)," *General Assembly, 37th Session, Supplement No. 25, A/37/25,* p. 39.
[341] Philip Shabecoff, "The Environment Revisited," 23 May 1982, *The New York Times,* p. 183.
[342] Munro, "Choosing Our Common Future," p. 9.

consequence is that the fundamental objective of Stockholm to protect and enhance our environment for future generations has not been fulfilled."[343] Although preparations for UNSSC had been an "alarm bell," focusing attention on UNEP's problems, states did little more than acknowledge that the UNCHE action plan "has only been partially implemented, and the results cannot be considered satisfactory."[344] Despite this candid admission, states failed to reform an organization that had not met their fundamental purposes.

Efforts to bring about institutional change in 1982 failed because underlying conditions had not changed greatly since 1972. The payoffs from various actions were basically constant. There had been no major international economic or technological developments that altered the cooperative setting. The distribution of power in the international system had not shifted in a way that could influence the UN environment regime. Most of the environmental concerns facing states at UNSSC had, moreover, been on the agenda at the Stockholm conference. The pace of planetary decline had not quickened. As one observer noted, in 1982 there was no "substantive evidence that the system was in danger of imminent collapse."[345]

In fact, better information on environmental conditions led certain problems that seemed dire in the early 1970s to be largely dismissed in the early 1980s. While still a concern, for example, estimates of the rate of tropical deforestation gathered from satellite imaging in the 1980s were more modest than the rate inferred from the

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[343] Mostafa K. Tolba, "A Simple Choice—Co-operation or Catastrophe," *Uniterra* 2, 1982, p. 6.
[344] United Nations Environment Programme, "Report of the Governing Council (Session of a special character and tenth session)," p. 49. The reference to UNSSC as an alarm bell is made in: Engfeldt, *From Stockholm to Johannesburg,* p.107.
[345] David Struthers, "The United Nations Environment Programme After a Decade: The Nairobi Session of a Special Character, May 1981," *Denver Journal of International Law and Policy* 12, Spring 1983, p. 276.

ground observations of the 1970s. In a similar way, advances in scientific methods caused marine scientists to revise many of their earlier estimates about concentrations of trace substances in the world's waters.[346] There was far greater awareness of the limitations of climate modelling in the early 1980s, contributing to more modest conclusions about the rate of global warming.[347] Popular computer-generated scenarios, such as those published by the Club of Rome in *Limits to Growth* in 1972, were widely rejected as unduly alarmist.[348]

Although desertification continued to be an important problem, there were encouraging signs that progress was being made on many local and regional issues. The first post-UNCHE decade had seen some UN cooperation to preserve soils, including the production of the first ever world "soils map."[349] Outside of Africa, the rate of population growth in developing countries slowed between 1975 and 1980, potentially reducing stress on earth systems.[350] UNEP's Regional Seas programme had been a notable success, catalyzing cooperative efforts to tackle pollution in ten international bodies of water between 1975 and 1982.[351] Although implementation had been limited in some areas, international conventions on the trade in endangered flora and fauna, marine pollution, world heritage, and wetlands began to improve critical aspects of the world environmental situation.

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[346] UNEP, *The State of the World Environment: 1972-1982*, p. 10.

[347] Estimates of the rate of climate change were more cautious in 1982 than in 1972. The contrast between 1972's *Only One Earth* and 1982's *The World Environment: 1972-1982* are striking. Barbara Ward and René Dubos' noted near scientific consensus that human activities would have "profound and unforeseen effects on the earth's climate." In contrast, Martin Holdgate et al talked extensively about "major uncertainties" in climate projections. See: Barbara Ward and René Dubos, *Only One Earth: The Care and Maintenance of a Small Planet* (New York: W.W. Norton, 1972), p. 195. Holdgate, Kassas, and White, *The World Environment 1972-1982*, pp. 57 and 62. For further discussion, see: Clarke and Timberlake, *Stockholm Plus Ten*, pp. 25-26.

[348] Donella H. Meadows et al, *The Limits to Growth: A Report for the Club of Rome's Project on the Predicament of Mankind* (New York: Universe Books, 1972).

[349] Clarke and Timberlake, *Stockholm Plus Ten*, p. 16.

[350] Clarke and Timberlake, *Stockholm Plus Ten*, p. 15.

[351] Clarke and Timberlake, *Stockholm Plus Ten*, pp. 42-43. See also: Stanley Johnson, *UNEP: The First 40 Years—A Narrative* (Nairobi: UNON, 2012), pp. 57-61.

Stability in underlying conditions meant that there were no joint gains to be realized through institutional change in 1982. Key parameters remained unchanged and the current institutional set-up was the best that states were willing to accept at the time. Although the Nairobi TFP helped elicit the African initiative, there was no bargaining range that could form a basis for agreement to recast the UN environment regime. The alternative equilibrium was not payoff dominant and the status quo held. The case underscores the importance of exogenous—rather than endogenous—drivers of institutional change. UNEP's many problems went unaddressed at the 1982 Nairobi conference.

4.5 TEMPORAL FOCAL POINT AND THE BARGAINING RANGE

The Nairobi meeting served as a Temporal Focal Point in the UN environment regime. The ten-year anniversary of the 1972 Stockholm conference provided a powerful impetus for institutional actors—governmental and non-governmental—to reassess post-Stockholm institutional arrangements. The moment was unique and highly conspicuous. While the UNEP secretariat of Mostafa Tolba did much to increase the profile of UNSSC, the Stockholm anniversary generated considerable attention independent of its endeavours. Despite this, the results of the Nairobi conference—especially when compared to UNCHE—were very disappointing to reformers. No major political commitments were made and the most prominent initiative to reform UNEP was defeated. The failure to act in the face of clear institutional defects is explained by a lack of exogenous change that could open up possibilities for joint gains.

The existence of a Temporal Focal Point is, therefore, an insufficient explanation for the arrival of institutional change. There are nevertheless reasons to believe that the Nairobi TFP initiated a process that increased the likelihood of change. First, UNSSC provided an important means of temporal coordination for institutional actors. The special session was seen by reform-minded actors as the most likely platform to generate support for far-reaching institutional initiatives. Mostafa Tolba, through his many interviews and public speeches, acted deliberately to put the dysfunctional state of UNEP on government agendas. Kenya and Tunisia, furthermore, used UNSSC as a vehicle in an attempt to alter the North/South environmental bargain of the Stockholm conference. In the ninth UNEP Governing Council session, the Canadian delegation raised the possibility of forming an independent commission on long-term environment strategies at UNSSC. This proposal was picked up and championed by Japan at the Nairobi conference. All of these deliberate efforts to use the tenth anniversary of UNCHE as a window to break the institutional inertia that had set in. Important institutional actors invested political and analytical resources in pursuit of their goals.

Second, the level of institutional and environmental analysis was heightened considerably in the lead up to the Nairobi conference. These players expended scarce analytical and human assets in the pursuit of their policy initiative. Despite the ongoing frustrations of many actors with UNEP's operations, the wide literature produced in the lead up to the conference did much to increase the quality of analysis on the state of UNEP and of the global environment. Prominent speeches and governmental hearings contributed to increased attention from decision makers. The

focal phase helped generate a proliferation of popular books and institutional diagnostics.

Third, though existing scholarly treatments suggest that the failure of institutional change at the conference was inevitable, this interpretation is misleading. The conference sparked a major reassessment of policy approaches in many important governments. The attitude of the United States was, for example, highly important to the success of reform efforts. While it is true that the abortive attempt by the newly elected U.S. administration of President Ronald Reagan to cut all U.S. funding to UNEP in 1982 did not portend well for prospects for institutional change, the approaching conference sparked a major reconsideration of American policy toward the organization. Following the conference, one U.S. congressional staffer and conference observer reflected:

> it is unlikely that high-level Administrative officials would have focused on global environmental issues without the Session of a Special Character. The conference forced the Administration to address problems in this field. In addition, the Session of a Special Character provided a rather unique opportunity for new, senior officials in EPA and the Interior Department to gain first-hand exposure to the views of other developed and developing nations on international environmental problems.[352]

The conference served as a means of overcoming the bounded rationality of leading U.S. officials, focusing their minds on the UN's environment programme.

The Nairobi conference triggered an intense interagency debate within the U.S. government over the role of UNEP in U.S. foreign policy. It is through the lens of these internal discussions that bargaining positions are solidified. The U.S.

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[352] Carole A. Grunberg, "Report on the United Nations Environment Programme's Session of a Special Character, May 10-18, 1982, Nairobi, Kenya," United States Congress, *Review of the global environment 10 years after Stockholm*, p. 495.

negotiating position at Nairobi was the subject of conflict between the United States Environmental Protection Agency (EPA) and the State Department. The Department of State, led by undersecretary James L. Buckley, had taken a more positive view toward UNEP than Anne Gorsuch, the administrator of EPA.[353] Believing that UNEP served U.S. interests, Buckley had intervened after the administration proposed to cut all funding to the UN body and managed to gain support for a US$2 million contribution to the Environment Fund.[354] Congress later increased this total to US$7.85 million.[355] Yet despite their success in helping to limit damage to UNEP, the State Department played a relatively minor role in preparing the U.S. position at UNSSC.[356] At the conference, EPA dominated the U.S. negotiating position and the State Department had minimal input into the content of Gorsuch's conference speech.[357] On the role of the State Department in U.S. preparations, one of the lead U.S. negotiator recalled: "To be frank, there was a great deal of confusion [among State Department officials] at the conference on just what we were doing. We didn't know that Madam Gorsuch would be such a pain in the neck until she showed up."[358]

This is not to suggest that the U.S. negotiating position would have been significantly different had the State Department played a more active part in preparations. The U.S. position was largely determined by structural factors. It was the underlying conditions of the international system that doomed bargaining for institutional change in 1982. What is essential to note, however, is that the Nairobi conference TFP focused the minds of decision makers on U.S. policy toward the UN

[353] Gordon S. Brown Interview with the author, 3 April 2013.
[354] James L. Buckley Interview with the author, 26 March 2013.
[355] Philip Shabecoff, "U.S. Goes to Ecology Parley Under Cloud of Doubt," *New York Times,* 5 May 1982, p. A2.
[356] Gordon S. Brown Interview with the author, 3 April 2013.
[357] James L. Buckley Interview with the author, 26 March 2013.
[358] Gordon S. Brown Interview with the author, 3 April 2013.

environment regime. The fact that UNSSC gave rise to interagency jockeying and provided an opening for debate suggests that, if conditions had differed, this process might well have led actors to recognize the existence of joint gains. As one American participant reflected: "Things tend to have an inertial quality until a decision point at some point in time forces governments to reach a policy decision. Cabinet level conferences, like the Nairobi meeting, sharpen the minds of people concerning particular agencies in foreign policy."[359]

4.6 CONCLUSION

After an introduction to the origins of UNEP and its politics, this chapter analysed the fate of institutional change proposals at the 1982 United Nations Environment Programme Session of a Special Character. The Nairobi conference served as a Temporal Focal Point, producing a convergence of expectations among institutional actors. Despite clear dysfunction, the unavailability of joint gains led to the defeat of the African group reform proposal. This case study, therefore, supports the hypotheses contained in chapter two: the presence of a Temporal Focal Point will not produce institutional change when exogenous conditions do not provide a basis for joint gains.

Evaluation of the case study has two notable implications for our consideration of institutional change processes. Although the presence of a Temporal Focal Point is an insufficient condition for change, the case study amply demonstrates the role of exceptional periods along the temporal continuum in focusing the minds of boundedly rational actors on institutional proposals. The Nairobi conference, for example, precipitated a vigorous internal debate in Washington on the state of the world

[359] Gordon S. Brown Interview with the author, 3 April 2013.

environment and on the place of UNEP in U.S. foreign policy. Evidence suggests that it had a similar effect in other capitals around the world.[360] Hence, we have reason to believe that Temporal Focal Points may have, in more favourable circumstances, caused actors to realize favourable agreement possibilities that had previously gone unnoticed.

In addition, the presence of institutional dysfunction is an inadequate explanation for the arrival of institutional change. Important flaws in UNEP's design were evident to states as they convened in Nairobi in 1982. In the UNSSC declaration, governments acknowledged the disappointing record of the UN environment programme in implementing the Stockholm action plan. Endogenous drivers of institutional change did not provide a sufficient basis for institutional change. However, as will be suggested in chapters 5 and 6, UNEP's many limitations were self-undermining and "quasi-parametric" in nature.[361] The UN environment regime remained self-enforcing through 1982, but UNEP's limitations slowly eroded the range of parameters in which the regime was tenable.

[360] Engfeldt, *From Stockholm to Johannesburg,* pp. 105-107.
[361] Avner Grief and David D. Laitin, "A Theory of Endogenous Institutional Change," *American Political Science Review,* Vol. 98, No. 4, Nov 2004.

CHAPTER 5: THE BRUNDTLAND COMMISSION: THE SEEDS OF CHANGE

It its second decade, the United Nations Environment Programme (UNEP) compiled a mixed record in arresting global environmental deterioration. UNEP had played an indispensible part in helping to precipitate the ozone accords, including the Montreal Protocol on Substances that Deplete the Ozone Layer. However, UNEP's principal limitations, acknowledged by states at the 1982 UNEP Session of a Special Character, were apparent. The Third World debt crisis, which became dire in the in the mid-1980s, exacerbated the effects of important shifts in underlying conditions that rendered existing modes of cooperation unviable.

It was in this context that the World Commission on Environment and Development (WCED), chaired by Gro Harlem Brundtland, delivered its report to the United Nations General Assembly in autumn 1987. *Our Common Future* popularized the concept of sustainable development and advanced a series of far-reaching recommendations for institutional change.[362] Though the "Brundtland Report" greatly influenced the terms of debate and eventually the trajectory of the UN environment regime, its practical effect in 1987 was modest. This chapter explains why institutional change did not obtain in the months following the report's release. A detailed investigation of archival materials reveals that, though prominent cooperative possibilities existed in 1987, states faced temporal coordination problems that hindered the realization of institutional change.

[362] World Commission on Environment and Development (hereafter WCED), *Our Common Future* (Oxford: Oxford University Press, 1987).

This chapter will first provide background on the origins of the commission as a means of informing the analysis that follows. There is then an assessment of the state of the world environment and the UN environment regime in the mid-1980s, underlining the crucial changes in the international problem structure that underpinned the commission's observations. Although shared international problems presented incentives that would form the basis for agreement at the 1992 Earth Summit, states faced important coordination problems that hampered negotiations. The absence of a discrete and unique timeframe that would provide a temporal point of focus for actors contributed to negotiations that failed to capitalize on the availability of joint gains. The chapter will conclude with an assessment of the theoretical implications of the Brundtland case for this study.

5.1 ORIGINS OF THE BRUNDTLAND COMMISSION

Concerned by the loss of momentum in global environmental governance, the Canadian government proposed the creation of an independent commission at the ninth UNEP Governing Council session.[363] Canada had hoped to negotiate the proposed commission's terms of reference and mandate in 1981 so that it could be formally launched at the 1982 UNEP Special Session.[364] Although the Canadian proposal met resistance in certain quarters, it was picked up and spearheaded in a rather clumsy fashion by the Japanese delegation to the 1982 session. The Japanese proposal, recalled one participant, "went over like a lead balloon."[365] While the 1982 session debated the virtues of a commission and formally recommended its creation,

[363] United Nations Environment Programme, "Report of the Governing Council on the work of its ninth session, 13-26 May 1981," *General Assembly—Thirty-Sixth Session,* Sup. No. 25 (A/36/25).
[364] Geoffrey Bruce, "A Review of the Stockholm Conference of 1972, Of Some Significant Developments in the Environment Since 1972, and of Some Major Challenges and Opportunities for Canada in Preparing for UNCED in 1992," December 1991, in: Department of External Affairs and International Trade and the Department of Environment, Canada, *From Stockholm to Rio, 1972-1992*, p. 8.
[365] Dr. Martin Holdgate Interview with the author, 6 August 2012.

efforts were primarily directed toward a face-saving outcome.[366] It was clear, however, that no political basis existed for launching an independent commission in 1982. It was not until after a year of tortuous and divisive negotiations to build the necessary support that the UN General Assembly established in December 1983 a special commission to develop an "environmental perspective to the year 2000 and beyond".[367]

The commission concept was highly contentious and was opposed bitterly by UNEP's executive director, Dr. Mostafa Tolba.[368] Some argued that the act of launching a commission would be tantamount to admitting the failure of existing institutional arrangements; consequently, UNEP sought to protect its turf by opposing its creation.[369] UNEP had, furthermore, recently aimed to establish its competence for environmental assessment and review through its publication of *The World Environment 1972-1982*.[370] By extolling the virtues of an independent perspective, the commission report seemed to undermine UNEP's goal. Lead developed states, especially the United States and United Kingdom, feared that the commission was likely to condemn their growth oriented economic policies and advance recommendations that they would be compelled to reject with political cost.[371] The Soviet Union was strongly opposed to the commission idea and attempted to block

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[366] For the resolution, see: United Nations Environment Programme, "Report of the Governing Council (Session of a special character and tenth session)," *General Assembly, 37th Session, Supplement No. 25, A/37/25,* p. 14.
[367] United Nations General Assembly, "Process of preparation of the Environmental Perspective to the Year 2000 and Beyond," Resolution 38/161, 19 December 1983.
[368] Tolba made a special trip to Japan to try to get the initiative stopped. Lars Björkbom Interview with the author, 24 July 2012.
[369] Dr. Jim MacNeill Interview with the author, 2 July 2013.
[370] Martin W. Holdgate, Mohammed Kassas, Gilbert F. White, *The world environment 1972–1982: A Report by the United Nations Environment Programme* (Dublin: Tycooly International Publishing Limited, 1982).
[371] Jim MacNeill, "From Controversy to Consensus: Building Global Agreement for Change," *Environmental Policy and Law*, Vol. 37, No. 2-3, 2007, p. 242.

it.[372] Even proponents of the commission were not sanguine about its prospects for success. The disappointing returns on the reports of the Independent Commission on International Development Issues in 1980, under former West German Chancellor Willy Brandt, and the Independent Commission on Disarmament and Security in 1982, under former Swedish Prime Minister Olof Palme, did not augur well for the environmental commission. [373]

The UN General Assembly resolution that formally authorized the commission was of no comfort to proponents. The commission's secretary-general, Dr. Jim MacNeill, saw the General Assembly resolution 38/161 as a potential "hydra that would wrap the commission in knots and guarantee failure," because it

> seemed most intent on protecting the turf of UNEP, the key sponsoring agency, and typical of many UN resolutions, it was full of compromises and contradictions that lent themselves to an endless variety of interpretations. I felt that it was an unintended trap and feared that, even if the commission got off the ground, with that resolution as its mandate, it could never be independent and could well become paralyzed.[374]

In addition to an ambiguous mandate, the fact that the new body was deliberately referred to as a "special commission" by the General Assembly, rather than an "independent commission," indicated that it was not meant to be especially enterprising or autonomous. The launch of a parallel—and redundant—Intergovernmental Inter-sessional Preparatory Committee (IIPC), under UNEP auspices, that would also provide an environmental perspective to the year 2000 and beyond reflected the apprehensions of major actors over the Brundtland commission.

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[372] Dr. Martin Holdgate Interview with the author, 6 August 2012.
[373] Independent Commission on International Development Issues, *North-South, A Programme for* Survival (New York: Pan Books, 1980). Independent Commission on Disarmament and Security Issues, *Common Security: A Blueprint for Survival* (New York: Simon and Schuster, 1982).
[374] MacNeill, *From Controversy to Consensus,* pp. 242-243. Brundtland herself shared this appreciation. See: Gro Harlem Brundtland, *Madam Prime Minister: A Life in Power and Politics* (New York: Farrar, Straus and Giroux, 2005), p. 195.

Shortly after the commission was approved, intensive negotiations occurred over its leadership. General Assembly resolution 38/161 called on the UN secretary-general to appoint the commission's chair and vice chair.[375] Although UN Secretary-General Javier Pérez de Cuéllar initially favoured former Senegalese president, Leopold Senghor, to be the chair, Tolba opposed his candidacy vigorously.[376] Cuéllar eventually appointed the once and future prime minister of Norway, Gro Harlem Brundtland.[377] Tolba successfully insisted on the appointment of Mansour Khalid, Sudan's former foreign minister, as vice chair.

Through Khalid, Tolba attempted to exercise control over the special commission.[378] The vice chair took to telexing confidential WCED materials to UNEP's executive director and would regularly visit the commission's office in Geneva collecting draft papers to surreptitiously send to Nairobi.[379] Tolba argued that the commission should be legally constituted as a United Nations body, an arrangement that would constrain its operations. UNEP sought to exercise control over WCED's finances, banking, staffing, and contracts.[380] Tolba also endeavoured

[375] United Nations General Assembly, "Process of preparation of the Environmental Perspective to the Year 2000 and Beyond," Resolution 38/161, 19 December 1983.
[376] Other candidates for the chair of the commission were former U.S. president Jimmy Carter, and the U.K. Prince Charles. Lars Björkbom Interview with the author, 24 July 2012. Charles Caccia to Allan J. MacEachen, 2 December 1983, *Maurice F. Strong Collection—ESPP,* Box 311, Folder 2953.
[377] Brundtland, *Madam Prime Minister,* p. 194.
[378] On Khalid, Brundtland wrote in her memoirs: "Mansour Khalid considered me a relatively young and inexperienced woman and clearly believed that it would be easy to wrest control from me. He would be disappointed." See: Brundtland, *Madam Prime Minister*, p. 194.
[379] Dr. Jim MacNeill Interview with the author, 2 July 2013.
[380] Brundtland, *Madam Prime Minister*, p. 194. MacNeill, *From Controversy to Consensus,* p. 243.

to undermine the commission's political basis, especially among African countries, by casting aspersions on the political ends of the commission's sponsoring countries.[381]

Brundtland and Khalid clashed repeatedly over the commission's composition, staffing, and mandate. At the root of their dispute were North-South politics. In his private communications with the WCED chair, Khalid complained vehemently that the commission was "becoming an increasingly western affair, run from the extreme North."[382] In the appointment of the other commissioners, the joint responsibility of the chair and vice chair, Khalid stressed the need for a strong developing country majority among commission members. Although there was debate over appropriate representational precedents, Brundtland endorsed the idea having a developing country majority.[383] Twelve commissioners came from the developing world, seven from developed countries, and four from communist states. Serving on a personal basis, the twenty-three commissioners came from all of the world's regions and major states.[384]

Brundtland and Khalid disagreed on the role of the commission's secretariat. Brundtland insisted that Khalid had no authority over secretariat appointments, and

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[381] CANEMB-Nairobi (David Miller) to DEA-ETE, "Environment Commission," 22 March 1984, *Maurice F. Strong Collection, Harvard University Environmental Science and Public Policy Archives (ESPP),* Box 311, Folder 2953.

[382] Mansour Khalid to Gro Harlem Brundtland, 3 April 1984, *Maurice F. Strong Collection—ESPP,* Box 311, Folder 2954.

[383] Mansour Khalid to Gro Harlem Brundtland, 3 April 1984, *Maurice F. Strong Collection—ESPP,* Box 311, Folder 2954.

[384] In addition to Brundtland and Khalid, the commission was composed of: Susanna Agnelli (Italy), Saleh Abdulrahman Al-Athel (Saudi Arabia), Pablo Gonzalez Casanova (Mexico), Bernard T.G. Chidzero (Zimbabwe), Volker Hauff (West German), Istvan Lang (Hungary), Ma Shijun (China), Margarita Marino de Botero (Colombia), Nagendra Singh (India), Paulo Nogueira-Neto (Brazil), Saburo Okita (Japan), Shidath S. Ramphal (Guyana), William Doyle Ruckelshaus (United States), Mohamed Sahnoun (Algeria), Emil Salim (Indonesia), Bukar Shaib (Nigeria), Vladimir Sokolov (Soviet Union), Janez Stanovnik (Yugoslavia), Maurice Strong (Canada), and Jim MacNeill (Canada). It should be noted that, as WCED secretary-general, MacNeill was an ex officio member of the commission. Pablo Gonzalez Casanova of Mexico would left the commission in August 1986, leaving the commission with twenty-two members when *Our Common Future* was released.

proceeded without consulting him when she approached Jim MacNeill, then Director of Environment at the Organization for Economic Co-operation and Development (OECD), about a role as WCED's secretary-general and an ex officio member of the commission.[385] Khalid decried MacNeill's appointment, arguing that his background with the OECD was a "major liability in the eyes of the South." To think that the MacNeill appointment would pass unnoticed in developing countries, he maintained, "is simply flying in the face of reality." Khalid opposed MacNeill's title of secretary-general, arguing that it "implies a certain measure of political independence not only in the exercise of judgment but in initiating, which is certainly not envisaged here."[386] In a subsequent letter to all the commissioners, Khalid protested Brundtland's actions, contending that a strong secretariat would undermine the authority of commissioners.[387] The commissioners, not the secretariat, should be in the political and intellectual lead.

A final area of conflict between WCED's chair and vice chair concerned their respective responsibilities. Khalid argued that he should have an effective veto over most substantive commission decisions so as to "achieve the collective leadership envisaged by [the] G.A. Resolution at the level of the Chairman and Vice Chairman, representing the North and the South respectively."[388] Because of the well-documented misgivings of countries concerning the commission, he argued, it should not act in an especially entrepreneurial fashion. International political sensitivities

[385] Gro Harlem Brundtland to Mansour Khalid, 11 May 1984, *Maurice F. Strong Collection—ESPP,* Box 311, Folder 2953.
[386] Mansour Khalid to Gro Harlem Brundtland, 3 April 1984, *Maurice F. Strong Collection—ESPP,* Box 311, Folder 2954.
[387] Mansour Khalid to the Members of the World Commission on Environment and Development, 11 May 1984, *Maurice F. Strong Papers—ESPP,* Box 311, Folder 2953.
[388] Mansour Khalid to Gro Harlem Brundtland, March 1984, *Maurice F. Strong Collection—ESPP,* Box 311, Folder 2954.

distinguished the environmental commission from the relatively autonomous Brandt or Palme Commissions. A "Brundtland Commission" was certainly not in the cards, Khalid jabbed.[389] Brundtland, for her part, noted that the General Assembly had not appointed co-chairs and made it clear that she did not envision a "twin headed Commission or any other kind of collective leadership."[390]

The dispute went all the way to the UN secretary-general's office, where Brundtland's interpretation of General Assembly Resolution 38/161 prevailed.[391] The political backing of numerous sponsoring countries helped her case. Some governments, for example, threatened to reduce their funding of UNEP if Tolba and Khalid did not back off in their attempts to control the commission and its findings.[392] The Canadian government also made its financial contribution to the commission conditional on WCED's political independence of UNEP.[393]

Though there were ongoing frustrations, especially in WCED's relations with the IIPC, Brundtland had seized political control of the commission by summer 1984. From 1984 until early 1987, the commission held public hearings and site visits in eight countries.[394] The public hearings, unprecedented to that point and seen by some as an invasion of sovereignty, raised the profile of the commission and provided an

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[389] Mansour Khalid to Gro Harlem Brundtland, 3 April 1984, *Maurice F. Strong Collection—ESPP,* Box 311, Folder 2954.
[390] Gro Harlem Brundtland to Mansour Khalid, 30 April 1984, *Maurice F. Strong Collection—ESPP,* Box 311, Folder 2953.
[391] Dr. Jim MacNeill Interview with the author, 2 July 2013. Bob Munro interview with the author, 3 July 2013.
[392] Lars Björkbom Interview with the author, 24 July 2012.
[393] Geoffrey Bruce to Maurice Strong, "International Commission on the Environment—to the Year 2000," 14 October 1983, *Maurice F. Strong Collection—ESPP,* Box 311, Folder 2953.
[394] The nine commission meetings were held in: Geneva, Switzerland, 1-3 October 1984; Jakarta, Indonesia, 27-31 March 1985; Oslo, Norway, 21-28 June 1985; São Paulo, Brazil, 25 October-4 November 1985; Ottawa, Canada, 21-31 May 1986; Harare, Zimbabwe, 15-19 September, Nairobi, Kenya, 20-23 September 1986; Moscow, USSR, 6-12 December 1986; and Tokyo, Japan, 23-28 February 1987.

important information channel for the Brundtland report.[395] In addition to the hearings, WCED sponsored 75 studies and received over 800 papers and reports—totaling over 10 000 pages of material—that formed the basis for *Our Common Future*.[396] The conflict over control the commission in 1983 and 1984 was, however, just a manifestation of the fractious world political order to which the commission would report.

5.2 THE PROBLEM SETTING

In the mid-1980s, key environmental indicators suggested that pollution was worsening and that natural resource depletion was continuing apace. These findings were punctuated by a string of human and environmental disasters that demonstrated dramatically the consequences of continued environmental neglect.[397] The Third World debt crisis, which reached dire proportions in the summer of 1982, greatly exacerbated planetary decline in developing lands. These problems demonstrated that shifts in underlying conditions had rendered current institutional arrangements deficient in important respects.

5.2.1 Exogenous Change

As WCED was deliberating, signs of global environmental deterioration were ubiquitous. Climatic change was an increasingly ominous challenge, especially as global energy consumption was expected to climb precipitously in the coming

[395] MacNeill, *From Controversy to Consensus*, pp. 244. Bob Munro Interview with the Author, 3 July 2013.
[396] Bob Munro, "Choosing Our Common Future: Decisions Taken, Avoided and Needed on the Road to Rio, 1972-1992," *From Stockholm to Rio 1972-1992 Report of the Seminar Convened by the Canadian Department of External Affairs and International Trade and the Department of Environment,"* 8-9 December 1991, p. 14.
[397] There was an interesting development in thinking in the mid-1980s about the impact of human institutions on states' capacity to respond to environmental disasters. The effects of draught, for example, could be reduced greatly by able social institutions. This thinking was influential and germane to the findings of the Brundtland commission. For an interesting perspective from this period, see: Anders Wijkman, *Natural disasters : acts of God or acts of man* (London: International Institute for Environment and Development, 1984).

decades.[398] In 1986, scientists detected a "hole" in the ozone layer over Antarctica, confirming for many the scale of human impacts on planetary systems.[399] Acid rain, caused by emissions of sulphur dioxide and nitrous oxide, was a serious problem throughout the world. It was estimated that acid precipitation was costing the seventeen states in the eastern United States US$7 billion annually in material corrosion and reducing annual Japanese wheat and rice crop production by as much as 30 percent.[400]

Signs of environmental deterioration were increasingly present in the global South. At WCED's fourth meeting, held in São Paulo, Brazil, in autumn 1985, commissioners acknowledged that, in the last decade, "the epicentre of environmental problems has moved from North to South and that many of those problems, particularly in the South were related to poverty."[401] Chinese industry, which relied heavily on coal and out-dated furnaces for power, caused severe air pollution in many urban settlements. Kuala Lumpur had 2 to 3 times the air pollution of major U.S. cities. Of India's 3119 towns and cities, only 8 had full sewage treatment facilities.[402] In addition to the millions likely to experience increasingly frequent draught, 850

[398] WCED, *Our Common Future,* pp. 170-174.
[399] "Scientists Closer to Identifying Cause of Antarctic Ozone Depletion," *National Science Foundation News,* 20 October 1986.
[400] WCED, *Our Common Future,* pp. 178-181.
[401] "Minutes of the Fourth Meeting of the World Commission on Environment and Development, 25 October to 4 November 1985, São Paulo, Brazil," *Maurice F. Strong Collection—ESPP,* Box 315, Folder 2889, p. 14.
[402] WCED, *Our Common Future,* p. 240.

million people were vulnerable to desertification.[403] The high cost of energy increased pressure on tropical forests, leading to widespread timber felling.[404]

The environmental problems of the developing world were likely to become an increasing focus in the 21st century for at least three reasons. First, while the resources necessary to ameliorate environmental damage were available in the industrialized states, air and water pollution would grow worse in developing countries because they lacked the resources and technical capacity to manage them effectively. Second, as an internal WCED discussion paper noted, there had been a marked change in the "industrial geography of the world, with the locus of development of resource-intensive and energy intensive industries shifting to the South."[405] This changing reality had implications for the character of global resource management and pollution.

Third, and perhaps more importantly, the pace of environmental deterioration in the South was quickly increasing because of the Third World debt crisis. The oil shocks of the 1970s brought an influx of funds from oil rich countries to commercial banks, facilitating low-interest lending to developing countries. Cheap money led many developing countries to fuel economic growth through heavy borrowing. Between 1975 and 1983, there was a quadrupling of foreign debt in Latin America,

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[403] Dr. Mostafa Tolba, "The Premises of Sustainable Development, Address by Dr. Mostafa Tolba, Executive Director of the United Nations Environment Programme to the Special Commission on Environment and Development, Geneva, 1 October 1984," *Maurice F. Strong Collection—ESPP,* Box 313, Folder 2967.

[404] WCED Discussion Paper, "International Economic Relations, Environment and Development," WCED/85/23, *Maurice F. Strong Collection—ESPP,* Box 315, Folder 2889.

[405] "International Economic Relations, Environment and Development," in: Minutes of the Fourth Meeting of the World Commission on Environment and Development, 25 October to 4 November 1985, São Paulo, Brazil, *Maurice F. Strong Collection—ESPP,* Box 315, Folder 2889, p. 14.

from US$75 billion to US$315 billion.[406] The situation was similar in Africa. By 1988, the debt of African countries had climbed to nearly US$140 billion. The debt to export ratio among African states quadrupled between 1980 and 1988, reaching 361.2.[407]

Several factors contributed to making this level of debt unsustainable in the 1980s. Falling commodity prices hit debtor countries hard, diminishing export earnings.[408] This was a major challenge because sixty-four developing countries relied on primary commodities for over fifty percent of their exports.[409] A tightening of monetary policy by the U.S. and some European countries led to higher interest rates, contributing to a US$21 billion increase in annual debt service payments from 1980 to 1987.[410] Developing world access to private lending was curtailed greatly following Mexico's default in August 1982.[411] These factors contributed to a dramatic shift in the world economic balance. In 1980, there was a US$38.1 billion inflow of aggregate net resource transfers to the developing countries.[412] By 1987, this had turned into a US$16.7 billion outflow from the developing to the developed world.[413]

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[406] Institute of Latin American Studies, *The Debt Crisis in Latin America* (Stockholm: Latinamerika-institute, 1986), p. 69.
[407] Howard Stein and E. Wayne Nafziger, "Structural Adjustment, Human Needs, and the World Bank Agenda," *The Journal of Modern African Studies* 29, Iss. 1, 1991, p. 174.
[408] Between 1980 and 1984 falling commodity prices led to a loss of about $55 billion in export earnings for developing countries. See: WCED, *Our Common Future,* p. 36.
[409] "International Economic Relations, Environment and Development," in: Minutes of the Fourth Meeting of the World Commission on Environment and Development, 25 October to 4 November 1985, São Paulo, Brazil, *Maurice F. Strong Collection—ESPP,* Box 315, Folder 2889.
[410] Roy Culpepper, "Managing the Global Commons: The Economic Setting and Financial Crisis: A Discussion paper prepared for the National Round Table on the Environment and the Economy," *From Stockholm to Rio 1972-1992 Report of the Seminar Convened by the Canadian Department of External Affairs and International Trade and the Department of Environment,"* 8-9 December 1991, p. 5.
[411] On Mexican macroeconomic policy and prospects at the time, see: Liliana Rojas-Suarez, "From the Debt Crisis Toward Economic Stability: An Analysis of the Consistency of Macroeconomlc Policies in Mexico," *International Monetary Fund Working Paper,* March 1992, WP/92/L7.
[412] Aggregate net resource transfers are calculated by finding the difference between the net movement of official and private capital and the net movement of interest, dividends, and profits.
[413] Culpepper, "Managing the Global Commons," p. 5.

This rapid US$54 billion shift in aggregate net resource transfers had profound implications for the UN environment regime. The dismal economic condition of much of the Third World took its toll on public finances. Debt service payments, loss of export markets, and a stagnating flow of official development assistance limited the ability of developing countries to devote resources to environmental protection. Enforcement and implementation of environmental regulations suffered badly and the budgets of environment departments were in retreat. The need to service foreign debts with export earnings contributed to short-term pressures to exploit natural resources, accelerating the rate of desertification, soil erosion, and salinization.[414] In many countries, cash crops pushed food crop production to marginal lands, degrading soils and deepening poverty.[415] Tropical forests were being depleted rapidly to clear space for export-oriented beef production.[416]

In addition to scientific indicators, several prominent human and environmental disasters in the mid-1980s brought public attention to the worsened state of the world environment.[417] Severe draught caused a devastating famine from 1983-1985 in Ethiopia, which resulted in more than 400 000 deaths. In November 1984, a liquid gas storage tank exploded outside Mexico City, killing 1000 people and leaving thousands more homeless. In December 1984, an industrial gas leak in a pesticide plant in Bhopal, India, exposed over 500 000 people to methyl isocyanate.[418] In April

[414] WCED Discussion Paper, "International Economic Relations, Environment and Development," WCED/85/23, *Maurice F. Strong Collection—ESPP,* Box 315, Folder 2889.
[415] WCED, *Our Common Future*, p. 127-128.
[416] "International Economic Relations, Environment and Development," in: Minutes of the Fourth Meeting of the World Commission on Environment and Development, 25 October to 4 November 1985, São Paulo, Brazil, *Maurice F. Strong Collection—ESPP,* Box 315, Folder 2889.
[417] For a discussion of the public and political effect of these events, see: Philip Shabecoff, *A New Name for Peace: International Environmentalism, Sustainable Development, and Democracy* (Hanover: University Press of New England, 1996), pp. 94-95.
[418] The Bhopal disaster had a particularly important effect on WCED because it happened relatively early in the commission's deliberations and seemed to underline many of the lessons being drawn from

1986, a fire and explosion at a nuclear power plant in Chernobyl, Ukraine, released radioactive particles, which spread across much of Europe. A November 1986 agrochemical leak in Basel, Switzerland, released toxic chemicals into the air and water, temporarily turning sections of the Rhine river red and devastating local wildlife.[419] These high profile events, among others of the 1980s, highlighted the limitations of the "react and retrofit" approach to global environmental management.[420]

When *Our Common Future* was released in 1987, fifteen years after the Stockholm conference, evidence of a significant worsening of global environmental problems was abundant. Scientific research and other indicators suggested that global problems, such as climate change, ozone depletion, and acid rain, were mounting. Unlike at Stockholm, these problems were increasingly centered in the developing world. Poverty, as much as affluence, was an important source of environmental troubles such as desertification, tropical deforestation, and poor sanitation. The Third World debt crisis badly exacerbated these issues, accelerating environmental decline. Though the proposed creation of a special commission was initially controversial, it was these phenomena that had motivated states to launch the Brundtland commission.[421]

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the 1983-1985 Ethiopian famine. At the commission's second meeting, held in March 1985, an extensive discussion of the legal and institutional implications of the Bhopal incident was held. Discussions underscored the need for international legal and institutional capacity building. See: "Minutes of the Second Meetings, 25-31 May, Jakarta, Indonesia," *Maurice F. Strong Collection—ESPP,* Box 317, Folder 3010.

[419] For WCED's discussion of these events, see: WCED, *Our Common Future,* pp. 228-299.

[420] WCED, *Our Common Future,* p. 7.

[421] Though it would reach more modest conclusions that WCED, the intergovernmental IIPC also concurred. In November 1986, the committee noted that, given the changing problem structure, current institutional arrangements "may not be adequate anymore." See: Intergovernmental Inter-Sessional Preparatory Committee, "Institutional Arrangements for International Environmental Co-operation," 13 November 1986, Document 1899e.

5.2.2 Institutional Deficiencies

The changing international problem setting called into question the efficacy of existing institutional arrangements. Two main defects were important. First, UNEP's inability to serve as a clearinghouse for environmental policy coordination diminished the effectiveness of the UN environmental enterprise, often contributing to outright contradictions in the policies of specialized agencies. Second, the treatment of environment as another "sectoral" subject in the UN system was the root of poor coordination, and ensured that environment and development ends were not managed as an integral whole. Consequently, UN environmental policy was fundamentally reactionary.

In 1972, states built UNEP on top of existing institutional measures, giving rise to certain difficulties. Although it was mandated to serve as a focal point for catalysis and coordination in the UN system, UNEP lacked the authority and resources to fulfill its charge.[422] The System-Wide Medium Term Environment Programme—UNEP's latest attempt to fulfill its coordination mandate—was hindered by unpredictable funding and inconsistencies in governmental policy positions in different intergovernmental bodies.[423] The result, wrote the former deputy executive director of UNEP, was that "under existing conditions the UN system's influence [on environmental affairs] is often fragmented and less effective than it might be because

[422] UNEP also lacked the resources to induce the cooperation of the specialized agencies. From 1972-1987, the UNEP Environment Fund had received a total contribution of $400 million U.S., less than half of the *annual* budgets of its main partner agencies, the World Health Organization, the Food and Agriculture Organization, and the United Nations Educational, Scientific, and Cultural Organization. Munro, "Choosing Our Common Future," p. 18.

[423] On coordination, a note by UNEP's Executive Director observed: "Often the Governing Council is not always clear when it is acting as Governing Council for the UN system environmental activities as a whole and when it is guiding the UNEP secretariat. Further, it was anomalous that Governments clamored for coordination when they did not achieve it between their own delegations to governing bodies of different UN agencies." See: United Nations Environment Programme, '"UNEP in the next Decade' Executive Summary of the Seminar Deliberations—Note by the Executive Director," 25 March 1986, Doc. 0174W.

of the independent character of the specialized agencies and endemic weakness of co-ordination."[424] Institutions, an internal WCED discussion paper remarked, "have a congenial compulsion to classify problems in their own image." Despite numerous environmental conventions and agreements, the implementation of environmental measures lacked coherence.[425]

The root of the coordination quandary was that environment was institutionalized as a sectoral issue, rather than an integrative one that stretched across multiple realms of institutional activity. At the international level, there was an obvious inconsistency between the global environmental order and international policies on development lending, trade and investment, and agricultural development.[426] Environment was treated separately from every other element of economic activity. The environmental policies of UNEP often conflicted with the developmental aims of the UN Development Programme (UNDP) or the Food and Agriculture Organization (FAO), for example.[427] The world community was simultaneously setting ecological fires with one hand and attempting to extinguishing them with the other. The inability of existing institutional arrangements to take wider economic factors into account led states to conclude that UNEP could not adequately address the *sources* of global environmental deterioration.[428]

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[424] Peter S. Thacher, "Background to Institutional Options for Management of the Global Environment and Commons: A Preliminary Paper for the World Federation of United Nations Associations Project on 'Global Security and Risk Management,'" *From Stockholm to Rio 1972-1992 Report of the Seminar Convened by the Canadian Department of External Affairs and International Trade and the Department of Environment,"* 8-9 December 1991, p. 49.
[425] "Revised Outline for Discussion—Chapter 12: International Co-operation, Peace and Sustainable Development," 14 July 1986, *Maurice F. Strong Collection—ESPP,* Box 315, Folder 2993.
[426] WCED, *Our Common Future*, p. 10.
[427] UNEP efforts to limit the use of pesticides for environmental reasons was stymied by the UN's Food and Agriculture Organization, which was, at the same time, promoting a five-fold increase in the use of pesticides. See: Edward Goldsmith, "The Retreat from Stockholm," *The Ecologist* Vol. 12 No. 3, May–June 1982.
[428] Lars Björkbom Interview with the author, 24 July 2012.

Nor was there an integrated UN environment and development agenda. Environmental policies took development as a given. Developmental policies did not, except on the margins, take the environment into account.[429] The current set-up made greater sense in the late 1960s or early 1970s, when environmental problems were concentrated in industrialized countries and were aimed primarily at repairing environmental damage that had already occurred.[430] Current institutions were not well suited to managing the developmental dilemmas of the Third World or to preventing damage in the first place. Surveying the changing nature of environmental questions, an internal WCED discussion paper noted: "The fact is that the swift evolution of objective realities has now outdistanced most of our institutions to such an extent that, without change, they cannot succeed." The paper later stated: "The difficult fact is that, as presently conceived and organized, most of our existing institutions are by mandate and structure incapable of handling the new class of issues."[431]

5.3 THE BRUNDTLAND REPORT

Environmental issues were institutionalized within the United Nations system as a sectoral question, rather than a horizontal, integrative issue. The changing character of planetary decline made the react-and-retrofit approach to global environmental management increasingly unsuitable. Though dozens of other sectoral agencies, such as the WHO and FAO, dealt with issues that had deep environmental implications, they often did not take environmental considerations into account. UNEP, small and

[429] "Statement to the Intergovernmental Inter-sessional Preparatory Committee by Mr. Jim MacNeill, Secretary General, World Commission on Environment and Development, Nairobi, 7 March 1986," *Maurice F. Strong Collection—ESPP,* Box 318, Folder 3014.
[430] WCED, *Our Common Future*, pp. 9-10
[431] "Revised Outline for Discussion, Chapter 12, International Co-operation, Peace and Sustainable Development," May 1986, *Maurice F. Strong Collection—ESPP,* Box 315, Folder 2993.

poorly funded, lacked the means to coordinate larger, better-established UN organs. This contributed to, rather than combatted, mounting environmental deterioration on a global scale. As countries, especially those of the developing world, endeavoured to accelerate their development processes—often with inadequate institutional and technical capacity—the shortcomings of the UN environment regime manifested themselves in a string of human and environmental disasters.

It was in this context that WCED was asked by the UN General Assembly to provide an environmental perspective to the year 2000 and beyond. At the inaugural commission meeting from 1-3 October 1984, the WCED mandate was framed in terms of a choice between the "standard" environmental agenda and an "alternative" agenda. The standard agenda was primarily concerned with environmental pollution, human settlements, and natural resource management. If the commission followed the standard approach, its recommendations would have aimed chiefly to provide suggestions on how states could better achieve the goals that they had been targeting since Stockholm. An alternative agenda would have an economic and trade policy focus, concentrating on the sources of environmental problems. It would have a much broader focus on the UN system as a whole, and would seek to move from a "react-and-cure" to an "anticipate-and-prevent" approach. [432]

The alternative agenda had at least four main advantages compared to the standard agenda. First, by explicitly integrating economic development imperatives with environment, the alternative agenda was more directly relevant to developing countries than the standard agenda. Since most countries in the world—and in the

[432] WCED Secretariat, "Mandate: Key Issues, Strategy and Work Plan of the World Commission on Environment and Development," 22 October 1984, *Maurice F. Strong Collection—ESPP,* Box 313, Folder 2958, pp. 19, 24, 29-32.

UN General Assembly, where the WCED report would be presented—were developing economically, the recommendations became relevant to a wider subsection of states. Second, by addressing itself to the policies of economic and social decision makers, the alternative agenda reached a wider, more influential governmental audience. Third, the alternative agenda opened the way to new possibilities for preventive, cost-effective actions that could utilize a wider array of economic and regulatory instruments. Fourth, the new agenda provided a rationale for a reconsideration of institutional questions. In view of the limitations and institutional weakness of UNEP, there were virtues to calling for a fundamental reassessment of institutional measures.[433]

The principal proponent and author of the alternative agenda was Jim MacNeill, WCED's secretary-general. Drawing heavily on his experience as Environment Director at OECD, MacNeill wrote a draft mandate document and secured Brundtland's assurance of support for the alternative agenda before agreeing to head the commission's secretariat.[434] With Brundtland's backing, the alternative agenda was endorsed by commissioners as the basis for the commission's work at WCED's inaugural meeting in October 1984.[435] MacNeill's mandate document, titled "Mandate for Change," was widely circulated and welcomed by hundreds of governmental and non-governmental actors.

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[433] This discussion is derived from: Munro, "Choosing Our Common Future," pp. 12-13. WCED Secretariat, "Mandate: Key Issues, Strategy and Work Plan of the World Commission on Environment and Development," 22 October 1984, *Maurice F. Strong Collection—ESPP,* Box 313, Folder 2958.

[434] Dr. Jim MacNeill Interview with the author, 2 July 2013. As OECD Environment Director, MacNeill had organized an influential conference on "Environment and Economics" in June 1984. The results were published in: Organization for Economic Co-operation and Development, *Environment and Economics: Results of the International Conference on Environment and Economics—18th-21st June 1984* (Paris: OECD Publication, 1985).

[435] WCED, "Minutes of the Inaugural Meeting, 1-3 October 1984," *Maurice F. Strong Collection—ESPP,* Box 312, Folder 2962.

The alternative agenda was a sustainable development agenda. Although the concept of sustainable development was first used in the 1980 World Conservation Strategy, WCED popularized it and provided its definitive definition: development that "meets the needs of the present without compromising the ability of future generations to meet their own needs."[436] WCED argued that sustainable development did not imply absolute limits to economic growth. The only limits imposed on development should be based on current technological capacities and on the ability of the biosphere to absorb the effects of human activities.[437] If intergenerational equity was to be realized, no one generation could irretrievably damage the earth's systems.[438]

To advance sustainable development, the commission advocated sweeping institutional change. In view of the strong institutionalized opposition faced by WCED, the unusual "hardheadedness" of the commission's institutional recommendations was a key feature of the Brundtland report.[439] During its preparation, MacNeill guarded the contents of chapter 12 on institutional and legal change very closely. Drafts of the chapter were not made available to commissioners until late 1986—just months before the commission's report was scheduled to be

[436] WCED, *Our Common Future*, p. 8. International Union for Conservation of Nature and Natural Resources, *World Conservation Strategy: Living Resource Conservation for Sustainable Development* (Gland: IUCN-UNEP-WWF, 1980).
[437] WCED, *Our Common Future,* p. 8, 31-32.
[438] Steven Bernstein describes the contribution of the Brundtland report as an essentially Keynesian approach to the environment-development relationship. It cemented the view that growth and environmental protection are compatible within a framework of "managed sustainable growth." See: Steven Bernstein *The Compromise of Liberal Environmentalism* (New York: Columbia University Press, 2001), pp. 6 and 52.
[439] Tony Brenton, *The Greening of Machiavelli: The Evolution of International Environmental Politics* (London: Earthscan Press, 1994), p. 128.

released—so as to minimize the anticipated pushback from UNEP and from national environment ministries.[440]

The commission argued that the United Nations secretary-general should exercise primary responsibility for system-wide interagency coordination and cooperation, providing a high-level centre for leadership. This high-level centre should, *Our Common Future* argued, assess, advise, assist, and report on progress made toward and needed for the implementation of sustainable development in the UN system. Governments should make arrangements at the General Assembly and on the intergovernmental bodies of major UN organizations and specialized agencies to reinforce the secretary-general's coordinative authority.[441] The secretary-general should, furthermore, establish a UN Board for Sustainable Development. The Board would combat interagency fragmentation by agreeing on combined tasks to be executed on an interagency basis.[442]

Within governments, central decision-making bodies should play a more active role in the implementation of sustainable development, ensuring greater accountability for economic development policies.[443] This would necessarily include participation from central economic, financial, trade, energy, and agricultural ministries, for example.[444] At the international level, the World Bank, International Monetary Fund, and the regional development banks were crucial actors. These institutions had often been

[440] Because so many commission drafts had found their way to Mostafa Tolba, usually via Mansour Khalid, MacNeill composed chapter 12 of *Our Common Future* at his home in Geneva. For an extra measure of security, most early drafts were prepared longhand. Dr. Jim MacNeill Interview with the author, 2 July 2013.
[441] WCED, *Our Common Future*, p. 318.
[442] WCED, *Our Common Future*, pp. 318-319.
[443] WCED, *Our Common Future*, p. 314.
[444] "Revised Outline for Discussion—Chapter 12: 'International Co-operation, Peace and Sustainable Development,'" 14 July 1986, *Maurice F. Strong Collection—ESPP,* Box 315, Folder 2993.

criticized for funding short-sighted development projects that destroyed forests, damaged watersheds, and undermined natural systems.[445] The Brundtland report singled out the World Bank as especially important in taking a lead to ensure that its lending policies advanced sustainable development. To accomplish this end, the Bank's internal structure and processes would need to be transformed and reoriented.[446]

The institutionalization of sustainable development across the UN system had to be accompanied, argued Brundtland, with "substantially increased aid flows," measures to reduce Third World debt, and development-friendly adjustments to North-South terms of trade.[447] A "new deal in international cooperation" would allow developing countries to build the institutional capacity necessary to grow sustainably.[448] After contending that assessed or voluntary financial contributions would not provide a sufficient basis for implementing sustainable development internationally, the Brundtland report argued that the General Assembly should give careful consideration to automatic funding options. In particular, revenue could be generated from taxing the use of the international commons and natural resources.[449]

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[445] Philip Shabecoff, "World Bank Offers Environmental Projects," *New York Times*, 6 May 1987, A14.
[446] WCED, *Our Common Future*, pp. 337-338.
[447] Gro Harlem Brundtland, "Address to UNCTAD VII," 10 July 1987, *Government of Norway*, Last Accessed: 12 August 2012. http://www.regjeringen.no/upload/SMK/Vedlegg/Taler%20og%20artikler%20av%20tidligere%20statsministre/Gro%20Harlem%20Brundtland/1987/Address_to_UNCTAD_VII.pdf See also: Gro Harlem Brundtland, "Statement at the 42nd Session of the General Assembly of the United Nations," *Government of Norway,* Last Accessed: 5 August 2012. *http://www.regjeringen.no/upload/SMK/Vedlegg/Taler%20og%20artikler%20av%20tidligere%20statsministre/Gro%20Harlem%20Brundtland/1987/Presentation_of_WCED_Report_to_UN_General_Assembly.pdf*
[448] For a detailed treatment of the economic ideas that underpinned the commission's findings, see: Bernstein, *The Compromise of Liberal Environmentalism,* pp. 61-69.
[449] WCED, *Our Common Future,* pp. 340-342.

The commission urged that states should negotiate a universal declaration and convention on environmental protection and sustainable development. The UN environment regime had, the commission stressed, reached the point where some means of consolidating and extending existing legal principles was required, lest the system become incoherent. The 1972 Stockholm declaration and the 1982 Nairobi declaration, as well as the many international conventions that had been established, would form the basis for this initiative.[450] Drawing from WCED's expert panel of international legal experts, *Our Common Future* submitted a set of twenty-two articles to the international community as an annex to its report.[451]

Within this broader agenda, WCED argued that UNEP should play a major part in environmental protection issues. Accordingly, UNEP's programmatic work should be refocused to enhance the availability of environmental data, assessment, and reporting, and to provide support for environmental management. To enable it to play a leadership role in environmental protection in the UN system, UNEP's catalytic and coordination role should be reinforced and its Environment Fund enlarged. UNEP would continue to promote scientific and technological research, as well as to develop criteria and indicators for environmental quality standards. To assist the World Bank, UNDP, and other development organizations, UNEP should provide advice on the environmental aspects of development programs.[452]

The ambitious proposals for institutional and legal change contained in *Our Common Future* provided a detailed basis for a complete overhaul of the UN environment regime, focusing on the economic drivers of environmental decline. By

[450] WCED, *Our Common Future,* pp. 332-333.
[451] WCED, *Our Common Future*, pp. 348-351.
[452] WCED, *Our Common Future,* pp. 319-323.

advancing the alternative agenda the Brundland report proposed to tackle the lack of coordination in the UN system by relocating the main responsibility to the UN secretary-general and a Board for Sustainable Development. The new conceptual apparatus of sustainable development moved environment to the centre of the UN system, addressing the inappropriate sectoral treatment of existing institutional measures. Environment would, if WCED's recommendations were adopted, be managed as a horizontal, integral issue. To review progress on the implementation of sustainable development, WCED recommended a series of conferences on a local, global, and international basis.

5.4 A TEMPORAL FOCAL POINT?

This section will show that the publication of the Brundtland report cannot be considered a Temporal Focal Point in the history of the UN environment regime. Although the arrival of *Our Common Future* to the UN General Assembly in autumn 1987 was both a unique and highly conspicuous moment along the temporal continuum, it did not provide a definite negotiation timeline. The institutional change recommendations of the commission are a better example of a focal point in Thomas C. Schelling's formulation.[453]

The information strategy of the World Commission on Environment and Development was a subject of great emphasis in the months and years leading up to the report's presentation to the General Assembly in 1987. This was a lesson learned by Brundtland and MacNeill from the underwhelming returns on the Brandt and Palme commissions.[454] The information strategy was multifaceted and had been on

[453] Thomas C. Schelling, *The Strategy of Conflict* (Cambridge: Harvard University Press, 1960).
[454] Brundtland, *Madam Prime Minister,* p. 195. MacNeill, *From Controversy to Consensus*, p. 244.

the commission agenda since its inaugural meeting.[455] WCED's early planning touched on the openness of its deliberations, the style and content of its report, and its relations with media and non-governmental actors. An advocacy phase following the completion of the report was also planned.[456] The aim of this strategy was to ensure that WCED received the widest possible exposure, preparing public and government opinion for its recommendations.

Although *Our Common Future* benefitted from being released at a high point of public concern about the state of the world environment, the commission was in large part responsible for making its findings highly conspicuous.[457] Following WCED's inaugural meeting, its secretariat circulated the commission's mandate document to almost 1000 ministers and senior officials, heads of governmental and non-governmental organizations, scientific bodies, citizen's groups, and media. This "unprecedented open posture" was unique in the history of commissions and exposed many key actors to arguments for the alternative" agenda.[458]

WCED's public hearings were a hallmark of its work, bringing actors from all the world's regions to the commission and its mandate. Public hearings were held in Jakarta, Oslo, São Paulo, Ottawa, Harare, Nairobi, Moscow, and Tokyo. The concept of public hearings had been highly controversial and many argued, not incorrectly,

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[455] "Draft Information Strategy: Note by the Secretary General," WCED/85/11, 14 March 1985, *Maurice F. Strong Collection—ESPP,* Box 316, Folder 2994.

[456] On the commission's work, Bob Munro recalled: "No other international body or world commission has ever used such innovative approaches as joint government/industry/NGO/expert groups linked directly to the decision-making process, the public release of preliminary findings and reports for comment or the convening of open public hearings for getting and testing new ideas and approaches." See: Munro, *Choosing Our Common Future*, p. 14.

[457] Public concern had been aroused by the environmental disasters discussed in section 5.2. For a discussion of the waves in public concern about environment, see: Brenton, *The Greening of Machiavelli*, pp. 55-56.

[458] "Draft Information Strategy: Note by the Secretary General," WCED/85/11, 14 March 1985, *Maurice F. Strong Collection—ESPP,* Box 316, Folder 2994.

that, based on General Assembly resolution 38/161, the commission had no authority to conduct them. Some countries, including Indonesia, harbored deep reservations about the commission's setting of the agenda, inviting whomever it desired, and opening the proceedings to the media.[459] The hearings became a vital, and deliberate, means of raising the commission's public profile, helping WCED build supportive networks within government administrations and among subnational actors. The hearings, remembered MacNeill, "enabled a huge initial outreach by the Commission, which was crucial…to the ultimate impact of the report."[460]

The style and content of *Our Common Future* was another means of ensuring its relevance. From the outset, the commission and its secretariat devoted much attention to the format and style of the final report. The typical UN approach, which was regarded as "long, inaccessible, and unreadable," was quickly ruled out.[461] The report, it was argued by the WCED secretariat, should engage a wide readership "whose support may be crucial to the overall purposes of the commission," avoiding the tendency of such reports primarily to "satisfy those who have written [them]."[462] In addition to being made available as a UN document, *Our Common Future* was published by Oxford University Press and, less than a year after its release, had sold over 60 000 copies in English and had been translated into five languages. It was later released in eleven other languages.[463] The popularity of *Our Common Future*

[459] MacNeill, "From Controversy to Consensus," p. 244. Brundtland, *Madam Prime Minister,* p. 199.
[460] MacNeill, "From Controversy to Consensus," p. 244.
[461] "Draft Information Strategy: Note by the Secretary General," WCED/85/11, 14 March 1985, *Maurice F. Strong Collection—ESPP,* Box 316, Folder 2994.
[462] "Format of the Final Report: Note by the Director of Information," WCED/85/20, 13 June 1985, *Maurice F. Strong Collection—ESPP,* Box 315, Folder 2987.
[463] Jim MacNeill, "Environment and Development," *International Perspectives* vol. 17, No. 3., May/June 1988, p. 6.

boosted the conspicuousness of its recommendations and gave them political weight. Its findings were widely read and discussed.

Vital to the commission's impact was its uniqueness. Although the Intergovernmental Inter-sessional Preparatory Committee also released its environmental perspective in 1987, the profile of *Our Common Future* dwarfed the intergovernmental document. [464] Sympathetic governments insisted that the commission report should be dealt with by the General Assembly in a separate resolution from the IIPC report.[465] In addition, a special General Assembly debate on environment and development was held on 19 October 1987. Efforts to ensure the unique standing of the WCED report were aided greatly by the fact that Gro Harlem Brundtland became prime minister of Norway in May 1986. To promote the report and advance its recommendations, she used the Norwegian foreign ministry and other levers available to heads of government.[466] This gave the WCED report a unique standing at the General Assembly.

Our Common Future's singular status was bolstered by an extensive campaign to raise the public and political awareness of the commission's recommendations. The idea of a nine-month extension to the life of the commission to enable an "advocacy phase" came from Jim MacNeill. Though the decision to extend the commission involved taking further liberties with General Assembly resolution 38/161, commissioners backed the idea at their May 1986 meeting in Ottawa.[467] After the

[464] Intergovernmental Inter-sessional Preparatory Committee, "Environmental Perspective to the Year 2000 and Beyond," *United Nations General Assembly*, 42/186, 11 December 1987.
[465] Tolba had initially drafted a single resolution for the approval of the UNEP Governing Council on the IIPC *and* the World Commission reports.
[466] Brundtland, *Madam Prime Minister,* pp. 215-216.
[467] MacNeill, *Environment and Development,* p. 4.

carefully scripted formal launch event for *Our Common Future* on 27 April 1987 at the Queen Elizabeth II Centre in London, commissions travelled extensively throughout the rest of the year to inform world opinion. On 28 April, Brundtland travelled to Washington to meet with U.S. President Ronald Reagan, Congressional leaders, and the president of the World Bank.[468] Concurrently, MacNeill presented the report to the OECD in Paris. In early May, presentations were made to the ministers and commissioners of the European Community, the European Free Trade Agreement counties, and Comecon members in Hungary. In 1987, special presentations were also held in Cairo, Nairobi, New Delhi, Beijing, Montevideo, and to the Organization for African Unity in Addis Ababa.[469] From April to October 1987, presidents, prime ministers, or ministers of over one hundred states were briefed on the Brundtland report.[470] These briefings were given great emphasis by the commission because they ensured that senior bureaucrats, as well as political leaders, were familiar with *Our Common Future*.[471]

While the arrival of commission report was both conspicuous and unique, no particular bargaining timeframe was made salient for the follow up of the Brundtland Commission's recommendations. The report encouraged regional conferences and, in

[468] Though Brundtland met with U.S. President Ronald Reagan, it was strictly in her capacity as prime minister of Norway. She was asked not to supply a copy of *Our Common Future* to the U.S. president. Dr. Jim MacNeill Interview with the author, 2 July 2013.
[469] Details on the commission's travels came from: WCED, "Press Release: 'Our Common Future'—The World Takes Notice," 6 May 1987, *Maurice F. Strong Collection—ESPP,* Box 392, Folder 3734. Brundtland, *Madam Prime Minister,* p. 203.
[470] IIED, IUCN, and W. H. Lindner, "Our Common Future: Seizing the Opportunity—A Proposal for Follow-up of the WCED Report 'Our Common Future,'" 3 March 1988, *Maurice F. Strong Collection—ESPP,* Box 392, Folder 3744.
[471] In an interview, Jim MacNeill described the significance of the briefings in the following manner: "The thing about these meetings with ministers or senior bureaucrats—I knew this from my time in government—was that, if we had a meeting scheduled, the senior bureaucrats would have to read the report, discuss it with their colleagues, and brief the minister. They didn't want to read it, but had to. These meetings were, therefore, critical to our outreach. The leaders and ministers would know what the report said. And, more importantly because political leaders change every three or four years, the senior bureaucrats had read the report." Dr. Jim MacNeill Interview with the author, 2 July 2013.

1992, an international conference to review progress on instituting sustainable development and promoting effective follow-up.[472] While negotiations on a UN General Assembly resolution occurred at the UNEP Governing Council and in the General Assembly's Second Committee in 1987, they did not set in motion a negotiating process geared toward institutionalizing sustainable development across the UN system.

There was a certain degree of ambiguity on the timing and form of the negotiation process to put the WCED recommendations into action. Gro Harlem Brundtland herself had expected as late as mid-October 1987 that the General Assembly would immediately launch a follow-up process on the commission's recommendations.[473] Others on the WCED secretariat estimated that it would take no less than two years to put the commission's recommendations into action.[474] Still others looked toward the proposed international conference in 1992.[475] While all of these timelines were not necessarily incompatible, they do illustrate that there was a certain measure of ambiguity concerning bargaining timelines, even among WCED principals. As will be demonstrated below, ambiguity concerning focal timelines made temporal coordination difficult, even when actors would have benefitted from reaching agreement.

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[472] WCED, *Our Common Future*, p. 23.
[473] Brundtland to WCED commissioners, "Completion of the Commission's mandate," 12 October 1987, *Maurice F. Strong Collection—ESPP,* Box 392, Folder 3734.
[474] Lindner to Brundtland, "Follow-up on Commission's Report," 24 August 1987, *Maurice F. Strong Collection—ESPP,* Box 392, Folder 3740.
[475] Bo Kjellén, *A New Diplomacy for Sustainable Development: The Challenge of Global Change* (New York: Routledge, 2008), p. 4.

5.5 THE INTERNATIONAL RESPONSE

The commission's report addressed important problems in the international system and shed light on possibilities for joint gains that had been opened up by shifts in environmental conditions. Despite the emergence of new cooperative potentialities, the international response to *Our Common Future* in 1987 was strikingly cautious. This caution did not stem from a rejection of WCED's normative thrust or its reformist orientation.

This section will analyze the international response to the WCED report. First, it will summarize negotiations over the text of what became UN General Assembly resolution 42/187, highlighting its chief provisions. The resolution's tepidness, which was highly disappointing to reformers, stands in contrast to the enthusiastic reception that the General Assembly gave *Our Common Future* received. While institutional change in the UN system proceeded haltingly, states moved definitively in other international fora to institutionalize sustainable development. By underlining the dissonant quality of the international response to the Brundtland report, this section sets up the ensuing discussion on coordination problems.

5.5.1 Negotiating United Nations General Assembly Resolution 42/187

Before reaching the General Assembly, a draft resolution on the WCED report was negotiated at the June 1987 UNEP Governing Council session. These contentious negotiations hammered out the text that, with minor modifications, became resolution 42/187. At the Governing Council, two drafts formed the basis for negotiations: one from UNEP and another from the Nordic countries. The UNEP version bunched the WCED and the IIPC reports into one resolution, tying the two processes conceptually, legally, and politically. UNEP's draft gave the UNEP Governing Council the main

responsibility for reviewing and reporting on long-term strategies to achieve sustainable development.[476] The Nordic version, on the other hand, rendered the WCED and IIPC reports into two separate resolutions. Consistent with the recommendations of *Our Common Future*, the Nordic draft gave the UN secretary-general the main responsibility for following up on the institutionalization of sustainable development across the UN system, reporting directly to the General Assembly. This process, the Nordic countries suggested, ought to be facilitated by the inclusion of an item on the agenda of the 43rd General Assembly session, titled "Transition towards Sustainable Development," where the secretary-general would provide a preliminary report. To this end, the governing bodies of the organizations and programmes of the UN system should report to the secretary-general. To facilitate concrete action, the transition towards sustainable development would, again, be included on the agenda of the 44th General Assembly session.[477]

In addition to the negotiations held at the UNEP Governing Council, the resolution was debated at ECOSOC and at the General Assembly's Second Committee, as per General Assembly resolution 38/161.[478] The final version of the resolution—passed in December 1987 as resolution 42/187—recognized sustainable development as "a central guiding principle of the United Nations, Governments and private institutions,

[476] United Nations Environment Programme, "Suggested Text of a Draft Resolution on Sustainable Development and the Environmental Perspective to the Year 2000 and Beyond for Submission by the Governing Council to the General Assembly," UNEP/GC.14/4/Add.7, Annex I.
[477] "Nordic Draft General Assembly Resolution by the 14th Governing Council of UNEP on the Report of the World Commission on Environment and Development," 25 May 1987, 1144B/OSLO/bb/27.5.87-1, *Maurice F. Strong Collection—ESPP,* Box 392, Folder 3743.
[478] Some countries, especially Sweden, aimed to have the report reach the General Assembly directly. The fact that the special commission's report would first have to be passed by the UNEP Governing Council was another turf protecting measure of resolution 38/161. Lars Björkbom Interview with the author, 24 July 2012.

organizations and enterprises."[479] While the Nordic countries were able to secure separate resolutions for the WCED and IIPC reports, the follow-up provisions differed significantly from those outlined in their draft.[480] Efforts to place the secretary-general and General Assembly at the centre of follow-up were almost completely rebuffed. Status reports from UN organizations and programmes would be sent to the General Assembly via ECOSOC. The secretary-general's status report on implementation across the UN system would also reach the General Assembly via ECOSOC. These steps placed ECOSOC at the centre of the process, minimizing the secretary-general's role in follow-up. Instead of an agenda *item* on "Transition towards Sustainable Development" at the 43rd and 44th General Assembly sessions, resolution 42/187 called for a *sub-item* entitled "A long-term strategy for sustainable and environmentally sound development" at the 43rd General Assembly.[481] By treating sustainable development as a sub-item, follow-up mechanisms were made much less prominent and ensured that less time would be devoted to the topic. The use of a sub-item, furthermore, implied less urgency than the Nordic version.

5.5.2 The Puzzling Response to Our Common Future

When states met to address the recommendations of WCED, they faced mounting environmental problems. Many of these issues had been widely acknowledged through resolutions and conventions that aimed to halt environmental deterioration.

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[479] United Nations General Assembly, "Report of the World Commission on Environment and Development," 11 December 1987, *A/RES/42/187*.

[480] Reflecting on the General Assembly's treatment in December 1987, the WCED secretary-general wrote to commissioner Maurice Strong: "Personally, I hope we can view [UN General Assembly resolution 42/187] as no more than an initial, and perhaps necessarily very general, response to the Commission's recommendations…. While I find it difficult not to be disappointed with the General Assembly's resolution, even as a first, general response, it does contain a few hooks on which to hang efforts for further action within governments, within regional bodies and with the specialized agencies of the UN. It could and should also lead to further consideration of the Commission's report and recommendations at the next sessions of the General Assembly." Jim MacNeill to Maurice Strong, 28 December 1987, *Maurice F. Strong Collection—ESPP,* Box 392, Folder 3744.

[481] United Nations General Assembly, "Report of the World Commission on Environment and Development," 11 December 1987, *A/RES/42/187*.

Changes in key parameters rendered existing institutional arrangements unsuitable for addressing the environmental problems facing the world by the mid-1980s. UNEP lacked the resources or the authority to accomplish its coordinative mandate and was, by design, focused on the effects, rather than the causes, of environmental decline. UNEP's poor fit to confront the changed international landscape was laid bare in the Brundtland report and had even been acknowledged by the Intergovernmental Inter-sessional Preparatory Committee.[482] The UN's environment programme was, moreover, becoming increasingly marginalized by states. Influential governments—North and South—consistently sent relatively low-level representation to Governing Council sessions and curtailed their political and financial investments in the programme.

Although the statements of key countries at the fall 1987 UN General Assembly session were decidedly cautious, their words nevertheless evidenced receptivity to the type of institutional bargain proposed by the commission. Thirty-eight governments directly addressed the commission's findings in their plenary session speeches, welcoming the report and emphasizing its importance. It found strong backing from influential developing world actors, such as Prime Ministers Robert Mugabe of Zimbabwe and Rajiv Gandhi of India.[483] Though he cautioned against environmental conditionality, Mugabe—who was then chair of the Non-Aligned Movement—embraced the commission's report and backed its conclusions on the links between

[482] Lars-Göran Engfeldt. *From Stockholm to Johannesburg and Beyond: The Evolution of the international systems for sustainable development governance and its implications*. (Stockholm: The Government Offices of Sweden, 2009), pp. 114. Intergovernmental Inter-Sessional Preparatory Committee, "Institutional Arrangements for International Environmental Co-operation," 13 November 1986, Document 1899e.
[483] Paul Lewis, "Poverty is Linked to Harm to Land," *New York Times,* 20 October 1987, A5.

environment and development.[484] Welcoming Brundtland's condemnation of green conditionality and referencing the environmental disasters in Bhopal and Chernobyl, Gandhi was even more forthcoming. Furthermore the prime minister pledged India's "unstinting support" to realizing sustainable development.[485] The position of Brazil had been positive toward the commission since the WCED meeting in São Paulo in 1985 and Colombia pushed for the report to be "converted into an action plan towards a sustainable future."[486]

Statements from lead developed countries also indicated receptivity to a consideration of institutional change. While it would be too much to characterize the Reagan administration's position as one that was favourable to *Our Common Future*, its statements on the report were far less venomous than they had been toward other UN environmental initiatives. The presence on the commission of the influential Bill Ruckelshaus, Reagan's former Environmental Protection Agency administrator, may have contributed to this.[487] Though the U.S. was "not enamoured with" some elements of the report, A. Alan Hill, the chair of the U.S. Council on Environmental Quality, noted that "there are themes in that report that we are very supportive of."[488] WCED's backing of growth-oriented economic policies was one such theme. Though

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[484] United Nations Press Release, "General Assembly Hears World Leaders Support Recommendations of World Commission on Environment and Development, Statements to Continue at Meeting this Afternoon," 19 October 1987, GA/7529.

[485] WCED Secretariat Memorandum, "What they said About 'Our Common Future'—'the Brundtland Report,' *Maurice F. Strong Collection—ESPP,* Box 392, Folder 3734. United Nations Press Release, "General Assembly Hears World Leaders Support Recommendations of World Commission on Environment and Development, Statements to Continue at Meeting this Afternoon, 19 October 1987, GA/7529.

[486] MacNeill to Brundtland, "Meeting with the Intergovernmental Inter-sessional Preparatory Committee," 12 March 1986, *Maurice F. Strong Collection—ESPP,* Box 318, Folder 3015.

[487] This was aided by a softened attitude toward environmental issues in Washington. For an analysis of the evolution of U.S. policy, see: Stephen Hopgood, *American Foreign Environment al Policy and the Power of the State* (Oxford: Oxford University Press, 1998), p. 125.

[488] Philip Shabecoff, "Political and Economic Growth: A New Report Looks at the Links," *New York Times,* 27 April 1987, B12.

it opposed the creation of new institutional machinery, the United States called for the implementation of sustainable development in the UN system.[489]

The British position, which was initially hostile toward the commission, had become increasingly supportive. The British government hosted and paid for the launch of *Our Common Future* in London.[490] In an interview with the author, Sir Crispin Tickell, then the United Kingdom's UN ambassador, noted that the British position was more favourable than people assumed at the time.[491] At the special General Assembly session on environment and development, Tickell conveyed British backing for the integration of environmental considerations into development and called for a strengthening of UNEP's monitoring capabilities.[492] In 1988, the U.K. Department of Environment released a pamphlet detailing the government's perspective on the report.[493] Japan, which had been the principal financial and political sponsor of the commission, advocated the integration of environmental impulses with economic policies and called for the incorporation of sustainable development within multilateral financial institutions.[494] Canada pushed for the implementation of sustainable development across the UN system and offered to host an international conference on environment and sustainable development in 1992.[495]

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[489] United Nations Press Release, "General Assembly Hears World Leaders Support Recommendations of World Commission on Environment and Development, Statements to Continue at Meeting this Afternoon, 19 October 1987, GA/7529.
[490] Dr. Jim MacNeill Interview with the author, 2 July 2013.
[491] Sir Crispin Tickell Interview with the author, 10 August 2012.
[492] United Nations Press Release, "General Assembly Hears World Leaders Support Recommendations of World Commission on Environment and Development, Statements to Continue at Meeting this Afternoon, 19 October 1987, GA/7529.
[493] United Kingdom Department of Environment, *Our Common Future: A Perspective by the United Kingdom on the Report of the World Commission on Environment and Development* (London: United Kingdom Government, 1988).
[494] United Nations Press Release, "General Assembly Hears World Leaders Support Recommendations of World Commission on Environment and Development, Statements to Continue at Meeting this Afternoon, 19 October 1987," GA/7529.
[495] United Nations Press Release, "General Assembly Hears World Leaders Support Recommendations of World Commission on Environment and Development, Statements to Continue at Meeting this

And the Nordic countries were, led by Brundtland herself, in the political lead on the institutionalization of sustainable development.

The statements of the Eastern bloc countries were among the most encouraging. The Soviet deputy minister for foreign affairs, V.F. Petrovsky, backed the commission's proposal for the negotiation of a global convention on environment and sustainable development that would ensure legal coherence on environmental questions. He noted, "the expanding of glasnost in these matters should become a part of the global efforts to defuse the environmental bomb." The Czech representative advocated a global action strategy for tackling existing and foreseeable environmental problems. Hungary highlighted the importance of the commission's proposals for strengthening UNEP.[496]

In addition to voicing their support for the implementation of sustainable development, lead states took action in the ensuing years to embed major elements of the Brundtland report in other multilateral fora. The response to *Our Common Future* within the OECD was rapid. In November 1988, a special high-level meeting was called to discuss the implications of *Our Common Future* for the organization. Participants at the meeting endorsed sustainability as a concept for the OECD's programs and argued that it should lead the way internationally by "elaborating the concept in economic terms." The OECD ministerial council treated sustainable development issues at their 1989 meeting, arguing that the concept should provide

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Afternoon, 19 October 1987," GA/7529. The Canadian Environmental Advisory Council also released a response to the commission report: Canadian Environmental Advisory Council, *Canada and Sustainable Development* (Ottawa: Ministry of Supply and Services Canada, 1987).

[496] United Nations Press Release, "General Assembly Hears World Leaders Support Recommendations of World Commission on Environment and Development, Statements to Continue at Meeting this Afternoon, 19 October 1987," GA/7529.

guidance on the organization's strategy and work program. Following the 1989 council meeting, the OCED's environment committee endorsed five themes for a medium term program, including "the economics of sustainable development," "society, technology and environment," and "environmental aspects of development."[497]

The UN Conference on Trade and Development (UNCTAD), an organization dominated by the developing countries, gave serious consideration to sustainable development in the early 1990s. During preparations for UNCTAD VIII, to be held in Cartagena, Colombia, an "informal encounter" on international trade and environment was held in March 1991 and a report was produced on the subject by UNCTAD's secretary-general.[498] UNCTAD's February 1992 "Cartagena commitment," as Steven Bernstein notes, endorsed the economic and environmental logic of sustainable development.[499] The Economic Commission for Europe—which served chiefly as an East-West forum for cooperation—endorsed sustainable development goals at their ministerial meeting in Bergen, Norway, in May 1990.

Thus, there is a dissonant quality to the international response to the Brundtland report at the UN General Assembly. Governments widely embraced the report and recognized sustainable development as a central guiding principal in the UN system. This step in itself was a radical departure from existing modes of cooperation. Governments agreed vigorously with most of the commission's diagnoses and took

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[497] Bill L. Long, *International Environmental Issues and the OECD 1950-2000* (Paris: OECD, 2000), pp. 18, 22, 70-72.
[498] UNCTAD, *Informal encounter on international trade and environment*, UNCTAD/VIII/2, GE-91-50739, 28 February-1 March 1991. UNCTAD, *Environment and international Trade: Report of the Secretary-General of UNCTAD submitted to the Secretary-General of the Conference (UNCED) pursuant to General Assembly Resolution 45/210.*
[499] Bernstein, *The Compromise of Liberal Environmentalism*, p. 204.

steps in other fora to realize sustainable development. However, their follow-up on the commission's recommendations for the United Nations system was deeply cautious. Instead of agreeing on concrete and decisive follow-up mechanisms, as proposed in the draft Nordic General Assembly resolution, states equivocated. Posturing, rather than purposeful negotiations, defined governmental responses to WCED in 1987.

5.6 THE BRUNDTLAND REPORT AND COORDINATION PROBLEMS

By the mid to late 1980s, exogenous change in environmental conditions had rendered existing institutional arrangements unviable. The report of the World Commission on Environment and Development provided a prominent diagnosis and a set of recommendations to bring institutional structures into alignment with the changed problem setting. Although states were receptive to the alternative agenda and took actions in other intergovernmental bodies to realize sustainable development, their approach to reform in the UN system was decidedly cautious. All recognized that sustainable development was likely to become an important basis for UN cooperation, but states did not to get down to the serious negotiations that would be required to operationalize the concept.

There was, as Marc Pallemaerts notes, an "artful vagueness" to the concept of sustainable development, which could only be clarified through negotiations.[500] Thus, beneath the surface of sympathetic General Assembly statements, governments were preparing for detailed bargaining. The cautious, although apparently receptive, attitude of countries is explained by their desire to show an openness to talks, yet a

[500] Marc Pallemaerts, "International Environmental Law from Stockholm to Rio: Back to the Future?" in: Philippe Sands, ed. *Greening International Law* (New York: the Free Press, 1994), p. 14. A similar view is taken in: Kjellén, *A New Diplomacy*, pp. 4. Brenton, *The Greening of Machiavelli*, p. 129.

reluctance to compromise their bargaining position in future negotiations by appearing too enthusiastic. While all could gain through institutional change, states faced important risks. If they were to act in a cooperative manner, revealing their underlying preferences, they could easily end up worse off than if they had continued to take a defensive posture in United Nations fora.

The developing countries had much to gain from institutionalizing sustainable development within the UN system. The Brundtland report stated bluntly that developed countries would have to take the lead part in financing sustainable development. Contributions through automatic financing—long a hobbyhorse of poor countries—or through increased development assistance flows meant that the developing countries could benefit financially and environmentally.[501] The reliance of heavily indebted countries on development funds to prop up their wobbly economies in this period made the prospect of augmented multilateral and bilateral aid flows highly attractive. The environmental and natural resource problems that could be ameliorated through cooperation were, moreover, genuine and urgent. The famine in Ethiopia and the Bhopal disaster illustrated the terrible results that environmental neglect and flimsy regulations could herald. If, furthermore, sustainable development made the United Nations a more prominent focus for cooperation, the international influence of well-represented developing countries would be enhanced.

At the same time, developing countries had a great deal to lose if sustainable development was institutionalized in a manner that was disadvantageous to their interests. While the Brundtland report called for heightened aid levels, it emphasized

[501] WCED, *Our Common Future,* pp. 334-337.

the potential environmental benefits of doing so. The spectre of "green conditionality," a deep concern at the 1972 Stockholm conference, re-emerged in 1987. At the General Assembly, Nigeria and Mexico took the lead in warning about the potential dangers of embracing sustainable development as a basis for international cooperation. The Nigerian representative noted that the international community "should guard against translating concern for environmental protection into a new form of conditionality for development assistance by the multilateral development and financial institutions so that the cost of development will not be made unnecessarily more burdensome for the already overburdened developing countries."[502] Mexico strongly backed the Nigerian position.[503] Tied to green conditionality was the sensitive topic of sovereignty over resources and development planning. Any global action program, leading Latin American governments maintained, would have to take appropriate notice of the sovereign competence of governments to exploit their natural resources.[504]

The developed countries also faced risk. Public concern about environmental deterioration was widespread in 1987 in the global North.[505] The urgent push to establish a basis for global cooperation to limit the emission of ozone destroying chlorofluorocarbons in the 1980s demonstrated the necessity of engaging developing countries in global issues.[506] The need for effective UN environmental institutions

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[502] "Extracts from country statements made in the General Debate of the 42nd Session of the GA," *Maurice F. Strong Collection—ESPP,* Box 391, Folder 3733.
[503] "Report on ECOSOC 1987: Resumé of Statements made in the first (Economic) Committee of ECOSOC on Agenda Item 10 (International Cooperation in the field of Environment), 1-2 July 1987," *Maurice F. Strong Collection—ESPP,* Box 392, Folder 3740.
[504] Engfeldt, *From Stockholm to Johannesburg*, p. 116.
[505] Brenton, *The Greening of Machiavelli*, p. 57.
[506] Brenton, *The Greening of Machiavelli,* p. 142. See also: James Gustave Speth and Peter M. Haas, *Global Environmental Governance* (Washington: Island Press, 2006), pp. 22-23. Mostafa K. Tolba, *Global Environmental Diplomacy: Negotiating Environmental Agreements for the World, 1973-1992* (Cambridge: MIT Press, 1998), pp. 62-74.

was unlikely to disappear with many pressing issues on the agenda, such as the loss of biodiversity, tropical deforestation, and climate change. At the same time, industrialized countries risked being obligated to assume an onerous financial burden in the pursuit of sustainable development, a still vague concept that could be operationalized as a developing world licence to pollute and exploit their natural resources.[507] Ensuring that global responsibility for arresting planetary degradation was shared on a broad international basis was crucial to the efficacy of cooperative arrangements. As in 1972, protecting trade and investment interests was vital to the safeguarding of economic vibrancy. The rise of pollution havens would be economically and environmentally detrimental to the developed countries. Increased technological transfer to the developing countries could infringe on property rights.[508]

Embracing sustainable development was also risky for environment departments within national governments. The WCED report argued that environmental ministries would have to be strengthened significantly if sustainable development was to be realized nationally and internationally. This should involve a significant boost in the authority and resources devoted to environmental protection bodies, the report contended.[509] While sustainable development could aid environment ministries if governments directed more resources to managing environmental problems, there were uncertainties. *Our Common Future* argued that central agencies, such as finance departments, should play the lead part in ensuring sustainable development.[510]

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[507] A United Kingdom Department of Environment report noted that automatic funding mechanisms "are not cost-free for countries and taxes on trade inhibit economic growth, which generates the resources on which both environmental protection and development rely." See: U.K. Department of Environment, *Our Common Future: A Perspective,* pp. 60-61.
[508] United Nations Press Release, "General Assembly Hears World Leaders Support Recommendations of World Commission on Environment and Development, Statements to Continue at Meeting this Afternoon, 19 October 1987, GA/7529.
[509] WCED, *Our Common Future*, pp. 319-320.
[510] WCED, *Our Common Future*, p. 314.

Environmental agencies, already underfunded, risked being further marginalized by the sustainable development agenda if they did not protect their bureaucratic interests. In an interview, Jim MacNeill recalled:

> I was convinced of the need for the alternative agenda. I believed that the transition needed to come from heads of state and heads of government, and involve the powerful agencies driving environmental destruction….Environmental agencies had assumed that they'd come out with a strengthened and new mandate. I couldn't let that happen. They had no responsibility for the policies in question…. after the manuscript [of chapter 12, on institutional change] got around, I got phone calls from deputy ministers of environment from a number of countries accusing me of betraying them.[511]

Bureaucratic politics within government administrations also contributed to the slowing of the international embrace of sustainable development. Environment departments were well represented at the UNEP Governing Council and influenced government negotiating positions at the UN General Assembly.

The United Nations Environment Programme faced similar risks as environment departments. *Our Common Future* argued that UNEP's coordinative and catalytic mandate should be strengthened. UNEP's Environment Fund should be augmented greatly and refocused to maximize its impact.[512] UNEP would be an indispensible part of the sustainable development enterprise within the United Nations system. If the WCED recommendations were followed, the environmental pie would expanded significantly, benefitting the UN programme. Yet, like environment ministries, if countries did not act to boost their financial and political commitment to environmental institutions, UNEP would be significantly worse off through embracing WCED's conception of sustainable development.

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[511] Dr. Jim MacNeill Interview with the author, 2 July 2013.
[512] WCED, *Our Common Future,* pp. 319-323.

All sides faced a crucial risk: if they advocated sustainable development and other relevant actors did not, they could be left significantly worse off than had they bargained defensively. If developing countries embraced sustainable development policies by negotiating cooperatively, they risked legitimizing green conditionality. If developed countries negotiated cooperatively, they risked validating patterns of development that would hasten and exacerbate global environmental decline. While national environment ministries and UNEP could benefit from the sustainable development agenda, they could also be marginalized bureaucratically without complementary action by decision-making and resource-endowing bodies.

Coordination problems hampered the move to institutionalize sustainable development within the United Nations system in 1987. Though existing institutional arrangements were untenable in the changed institutional environment, the risk dominant character of the existing equilibrium worked to increase the resilience of the status quo. At the root of this problem were issues of timing. The question was as much about *when* to negotiate cooperatively as it was about *whether* to do so. If one set of actors were, for instance, to reveal their underlying preferences to the other side in the hopes of realizing agreement, they could be easily exploited. The key was for actors to act synchronously.

Temporal coordination was, however, problematic because, as noted above, there was considerable ambiguity about the timeline for follow-up on WCED's report. Though the arrival of *Our Common Future* was unique and highly conspicuous, it did not have an obvious timeframe attached to it. As late as October 1987, Gro Harlem Brundtland believed that an immediate follow-up mechanism could be approved at

the General Assembly's 42nd session.[513] Others anticipated a more gradual process, perhaps culminating in an international conference in 1992. The result was a divergence, rather than a convergence, of expectations. Because the best response was for actors to behave in the manner that they expected others to behave, a cautious response was demanded by the situation. Thus, despite the availability of a payoff dominant equilibrium, the status quo was maintained.

5.7 CONCLUSION

Judged from the perspective of UN General Assembly resolution 42/187, efforts to precipitate institutional change on the basis of the Brundtland report did not succeed. Despite their openness to the institutional bargain sketched in *Our Common Future*, states did not engage seriously in the task of reforming the UN environment regime in 1987. The glaring institutional, environmental, and economic problems that were stressed by the commission—and acknowledged by states—were left unaddressed. States' tentative response to the commission's report at the 1987 General Assembly session is made more perplexing by the fact that they institutionalized sustainable development in other international fora and would accept many of the commission's recommendations less than five years later.

The international response to *Our Common Future* is crucial for our understanding of the role of temporal factors in institutional change. Though the report had a high profile and a unique standing when it reached the United Nations General Assembly, there was a measure of ambiguity in the timeline for follow-up actions associated with

[513] In an internal memorandum on 12 October, Brundtland reported that she "had reason to believe" that "the General Assembly will decide on some follow-up process which will involve governments and the UN itself as well as its specialized agencies." See: Brundtland to WCED commissioners, "Completion of the Commission's mandate," 12 October 1987, *Maurice F. Strong Collection—ESPP,* Box 392, Folder 3734.

it. This ambiguity contributed to a divergence of expectations concerning negotiations over the operationalization of sustainable development across the UN system. Divergent expectations hindered greatly the realization of institutional change because of temporal coordination problems. While all actors stood to gain from achieving sustainable development, they also faced important risks. If one side behaved in a cooperative manner and the other did not, the cooperative player would have wound up significantly more disadvantaged in future negotiations than had it bargained defensively. Posturing, rather than open negotiations, resulted.

As we will see in chapter 6, the 1992 Rio Earth Summit embraced many of the recommendations of the World Commission on Environment and Development.[514] Since the international problem structure was largely a constant between the two case studies, the Brundtland and Rio cases are a good comparison. The principal difference is that the Rio conference constituted a Temporal Focal Point in the UN environment regime, easing coordination problems. The divergence in outcomes argues for the vital role that temporal signposts play in solving temporal coordination problems.

[514] Kjellén, *A New Diplomacy*, p. 4.

CHAPTER 6: THE EARTH SUMMIT AND INSTITUTIONAL CHANGE

The late 1980s and early 1990s were a high water mark for world environmental concern. Although follow-up on the recommendations of the World Commission on Environment and Development (WCED) was hobbled by severe temporal coordination problems in the UN context, the General Assembly negotiations over a global conference to mark the twentieth anniversary of the 1972 Stockholm conference provided an avenue for the realization of change. United Nations General Assembly resolution 44/228, which launched the United Nations Conference on Environment and Development (UNCED), set in motion a process that would lead to the adoption of many of the WCED recommendations and significantly alter existing modes of global environmental cooperation.

UNCED, which was held in Rio de Janeiro, Brazil, from 3-14 June 1992, was an event of unprecedented scale and scope. The Rio conference was attended by more than 176 countries, virtually all of the agencies and programmes of the UN system, and by representatives of 35 other intergovernmental organizations. 108 heads of state or government attended the summit, making it the largest ever gathering of world leaders. 7000 to 8000 delegates represented their countries, and 9000 journalists reported on the event. Between 1400 and 1450 non-governmental organizations were accredited at the UN conference and the parallel non-governmental "Global Forum" was attended by 20 000 environmentalists. All told, 40 000 to 45 000 in various capacities people descended upon the South American

country for the conference.[515] The Brazilian meeting resulted in a conference declaration, an action plan, a framework convention on climate change, a convention on biological diversity, and a set of forest principles. Among the recommendations contained in "Agenda 21," the conference action plan, were those that recommended the creation of a Commission on Sustainable Development and formalized a role for the World Bank-operated Global Environment Facility in post-UNCED follow-up. The provisions in the Rio declaration and action plan instituted a revised vision of cooperation within the UN environment regime, integrating environmental goals with social and economic ends. The "Earth Summit," therefore, led to significant institutional change.

This chapter will begin with a summary of key developments from 1987-1992, assessing some of the challenges and limitations facing the UN environment regime in this period. I consider the state of the world environment, determining the extent to which shifts in exogenous conditions provided incentives for change. I then provide a summary of the principal benefits and risks facing states in realizing change. Next, I demonstrate that the Rio conference represented a Temporal Focal Point in the history of the UN environment regime, providing a renewed impetus for negotiations to bring institutional structures into closer alignment with underlying conditions.

6.1 EXOGENOUS CHANGE AND THE RIO CONFERENCE

Exogenous shifts in the world economic situation through the 1980s altered key parameters in the UN environmental regime. The Third World debt situation reached

[515] Lars-Göran Engfeldt, *From Stockholm to Johannesburg and Beyond: The Evolution of the international systems for sustainable development governance and its implications* (Stockholm: The Government Offices of Sweden, 2009), p. 187-188. Philip Shabecoff, *A New Name for Peace: International Environmentalism, Sustainable Development, and Democracy* (Hanover: University Press of New England, 1996), pp. 152-153.

crisis proportions following the threat of a Mexican government default on its external public debt in August 1982.[516] The pool of new private lending available to developing countries rapidly dried up.[517] Low commodity prices greatly diminished export earnings.[518] These factors, combined with high interest rates, made Third World debt levels unmanageable. By 1988, the debt of African countries was nearly US$140 billion.[519] Between 1982-1992, Latin American countries transferred US$220 billion to the rest of the world, in large part because of onerous debt service payments.[520] During the 1980s, many Latin Americans experienced a 35 percent decline in real per capita income.[521]

Third World debt had profound environmental consequences because about 70 percent of developing world debt was owed by states that relied on primary commodities for the majority of their exports. In Sub-Saharan Africa, for instance, primary products accounted for over 90 percent of exports.[522] As a result, many developing countries were forced to exploit their natural resources unsustainably as a means of servicing debt. Some examples are illustrative. In many African countries, "cash crop" cultivation increasingly supplanted food crops production. In addition to

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[516] On Mexican macroeconomic policy and prospects at the time, see: Liliana Rojas-Suarez, "From the Debt Crisis Toward Economic Stability: An Analysis of the Consistency of Macroeconomlc Policies in Mexico," *International Monetary Fund Working Paper,* March 1992, WP/92/L7.

[517] Private banks held more than half of the US$1.3 trillion Third World debt. For a detailed treatment, see: Roy Culpepper, "Managing the Global Commons: The Economic Setting and Financial Crisis: A Discussion paper prepared for the National Round Table on the Environment and the Economy," *From Stockholm to Rio 1972-1992 Report of the Seminar Convened by the Canadian Department of External Affairs and International Trade and the Department of Environment,"* 8-9 December 1991, pp. 11.

[518] Between 1980 and 1984 led to a loss of about $55 billion in export earnings for developing countries. See: WCED, *Our Common Future,* p. 36.

[519] Howard Stein and E. Wayne Nafziger, "Structural Adjustment, Human Needs, and the World Bank Agenda," *The Journal of Modern African Studies* 29, Iss. 1, 1991, pp. 174.

[520] Victor Bulmer-Thomas, "Life After Debt: The New Economic Trajectory in Latin America," Institute of Latin American Studies*, University of London Institute of Latin American Studies,* Occasional Paper No 1, 1992, pp. 1.

[521] Runnalls, "What should be said at UNCED," pp. 2.

[522] Mostafa Kamal Tolba and Asit K. Biswas (ed.), *Earth and Us: Population-Resources-Environment-Development* (Oxford: Butterworth-Heinemann Ltd, 1991), p. 12.

worsening poverty, cash crops led to agricultural policies that targeted short-term exigencies rather than long-term priorities. Crop rotation was widely neglected and forests were cleared for agricultural use, contributing to desertification and deforestation.[523] This situation led UNEP to conclude at the time of UNCED that "the pace of environmental degradation seem[ed] certain to increase unless the debt crisis [was] resolved and greater equity introduced to the world's commodity markets."[524]

Institutional approaches that failed to integrate environmental, economic, and social impulses were unable to meet changed international conditions. Efforts to protect forests or biological diversity, for instance, needed to take social and economic factors into account if they were to be effective. Forest preservation policies had to recognize that many countries relied on fuel wood for the bulk of their energy needs. Similarly, global schemes to protect biodiversity had to account for the reliance of many developing world societies on wildlife and forest products to meet their dietary needs.[525] Because socio-economic policies were at the root of global environmental deterioration, a focus only on the *effects* of pollution could not address the basic *sources* of environmental problems.

Addressing global problems, such as ozone depletion or climate change, furthermore, required North-South cooperation. Widespread indebtedness and meagre private capital flows meant that international financing was essential to

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[523] ENDA-Tiers Monde, *Poverty and Environment in Africa: Which way Ahead?* Paper 21, December 1991 (London: IIED, 1991), p. 4.

[524] Mostafa Kamal Tolba, O.A. El-Kholy, A ; Essam E Hinnawi, *The world environment: 1972-1992: two decades of challenge* (London: Chapman & Hall, 1992), p. 816.

[525] In fact, at the time, 90 percent of the energy needs of Nepal, Tanzania, and Malawi came from firewood and dung. Many more societies relied on these energy sources for 80 percent of their energy needs. Many African countries, such as Botswana, Nigeria, and Ghana were heavily reliant on animal protein. See: Mostafa K. Tolba, *Global Environmental Diplomacy: Negotiating Environmental Agreements for the World, 1973-1992* (Cambridge: MIT Press, 1998), pp. 129.

support for preventative action on global threats.[526] Without this support, most developing states lacked the financial, institutional, and technical wherewithal to participate effectively in international environmental agreements. This recognition was central to the creation of the US$240 million multilateral fund to promote chlorofluorocarbon alternatives in developing countries and to the decision to launch the Global Environment Facility (GEF) in 1990.[527] Much more was required, however. On climate change, the developed countries could not solve the climate problem in the long run without the developing world. By 2050, projected warming would be 40 percent higher without developing country participation than with it.[528] China alone accounted for approximately 14% of global carbon dioxide emissions.[529] Solutions, both at the national and international level, had deep social and economic implications, requiring the multi-sectoral approaches discussed by WCED.

Although UNEP had played an indispensible part in catalyzing international action to protect stratospheric ozone in the mid-1980s, this outcome was somewhat of a double-edged sword for the UN programme.[530] For developing countries, the ozone agreement cemented the image of UNEP as a technical body concerned principally

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[526] Peter S. Thacher, "Background to Institutional Options for Management of the Global Environment and Commons: A Preliminary Paper for the World Federation of United Nations Associations Project on 'Global Security and Risk Management,'" *From Stockholm to Rio 1972-1992 Report of the Seminar Convened by the Canadian Department of External Affairs and International Trade and the Department of Environment,"* 8-9 December 1991, pp. 67.

[527] The Global Environment Facility was launched in 1990 as a joint project of the World Bank, UNEP, and the United Nations Development Programme. See: Tony Brenton, *The Greening of Machiavelli: The Evolution of International Environmental Politics* (London: Earthscan Press, 1994), p. 142.

[528] D. Lashof and D. A. Tirpak, *Policy Options for Stabilising Global Climate*, 21P-2003, (Washington: US Environmental Protection Agency, 1990) pp. 40-43.

[529] H.O. Bergensen and A.K. Sydnes, "Protection of the Global Climate: Ecological Utopia or Just a Long Way to Go?," in: H.O. Bergesen, M Norderhaug, and G Parmann (eds.), *Green Globe Yearbook 1992* (Oxford: Oxford University Press, 1992), p. 41.

[530] On the ozone accords, see: Karen T. Lifin, *Ozone Discourse: Science and Politics in Global Environmental Cooperation* (New York: Columbia University Press, 1995). Peter M. Haas, "Banning Chlorofluorocarbons: Epistemic Community Efforts to Protect Stratospheric Ozone," *International Organization*, Vol. 46, Issue 1, Winter 1992, pp. 187-224.

with the problems of rich societies.[531] The proliferation of multilateral environmental agreements on specific issue areas—such as ozone and hazardous wastes—increased the level of fragmentation in the UN environment regime. Governments, one observer recalls, came to the conclusion that they were not in full control of the vast new regime complex.[532] As the main funders of international environmental action, developed countries became concerned to rationalize the increasingly "untidy pattern" of institutional measures.[533] This uncoordinated and, to some extent, competitive set-up would badly undermine global efforts to achieve sustainable development.[534]

UNEP continued to suffer from the organizational problems that had plagued it since the 1970s. It had great difficulty coordinating the environmental work of larger UN specialized agencies, such as the UN Food and Agriculture Organization (FAO) and the World Health Organization (WHO). UNEP was simply too small, too institutionally weak, and too poorly funded to guide the policies of those bodies, a major element of its mandate. Its peripheral location in the Kenyan capital added to this problem. When asked about UNEP's difficulties, one interviewee put it baldly: "UNEP is in the wrong place."[535] In addition to the challenges associated with

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[531] It is interesting to note the impact of the ozone accords on UNEP's status. While the accords generated some suspicion in the developing world, many saw them—not incorrectly—as UN programme's greatest achievement in its short history. In the second edition of Lynton Keith Caldwell's *International Environmental Policy*, he wrote: "As of 1990, my evaluation of UNEP differs significantly from that offered in the first edition of this book. At that time, the limitations and difficulties encountered by UNEP received greater weight than I give them today… Two factors largely account for the progressive change: first, the energetic and persuasive leadership of UNEP's executive director, Mostafa Kamal Tolba; second, the coming-of-age of the international environmental movement." Lynton Keith Caldwell, *International Environmental Policy: Emergence and Dimensions, 2nd Edition* (Durham: Duke University Press, 1990), pp. 81-82.

[532] Engfeldt, *From Stockholm to Johannesburg,* p. 139.

[533] Brenton, *Greening Machiavelli,* p. 260.

[534] David Runnalls commented in a paper in 1992 that: "Because of the weakness of the central UN secretariat and the conflicted goals of governments, the specialized agencies and their heads have come to behave like medieval baronies, feuding among themselves and with the centre. This situation is especially damaging to the prospects of sustainable development, requiring as it does the integration of both environmental and economic concerns. Runnalls, *What Should be said at UNCED,* p. 9.

[535] Sir Crispin Tickell Interview with the author, 10 August 2012.

coordinating from afar, developing countries did not see Nairobi as a favourable location to conduct high-level international business. Instead, these countries preferred New York because they tended to have higher calibre diplomatic representation there.[536] Funding problems also dogged UNEP. Taking inflation into account, UNEP's budget in 1990 was almost identical to its budget in 1972. To put UNEP's funding problems into context: in the first *fifteen years* of its operations, total contributions to UNEP were less than half of the *annual* budget of FAO, WHO, and the UN Educational, Scientific and Cultural Organization.[537] The programme's voluntary funding structure simply was not working, limiting its ability to coordinate world environmental action.

UNEP's limitations were not new. They had been widely acknowledged at the 1982 Session of a Special Character and were highlighted in 1987 when the Brundtland report was released. Yet these organizational defects had been insufficient to precipitate institutional change. Hackneyed calls to address UNEP's many limitations failed to impress decision makers. This was still the case in the lead up to Rio. One observer wrote at the time that the current order was "incapable of coping with the new set of problems which are likely to dominate the UN agenda for the rest of the century."[538] Exogenous shifts demanded a closer integration of economic and environmental decision-making, and UNEP was incapable of achieving this.

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[536] Brenton, *Greening Machiavelli*, p. 185.
[537] Bob Munro, "Choosing Our Common Future: Decisions Taken, Avoided and Needed on the Road to Rio, 1972-1992," *From Stockholm to Rio 1972-1992, Report of the Seminar Convened by the Canadian Department of External Affairs and International Trade and the Department of Environment,"* 8-9 December 1991, p. 18.
[538] Runnalls, "What should be said at UNCED?", p. 8.

The changed international setting manifested itself in the attitude of countries toward preparations for UNCED. Detailed negotiations were held in 1988 and 1989 over the nature of conference preparatory processes. UNEP and its executive director, Dr. Mostafa Tolba, were cool on the conference idea from the beginning.[539] Tolba lobbied extensively to serve as conference secretary-general and to have the UNEP Governing Council function as the UNCED preparatory committee.[540] These measures would place UNEP at the centre of the UNCED process and position it to assume major conference follow-up responsibilities. The new, broader global environmental problem setting, however, made UNEP unsuitable for this role.[541] A much wider set of political considerations would need to be taken into account. UNEP was incapable of managing such a central and encompassing task.[542]

The result of these negotiations was a delicate formula that established a preparatory committee of the General Assembly. Of the four formal preparatory committee meetings, one would be held in New York, another in Nairobi, and two were to be convened in Geneva.[543] While some effort was made to preserve UNEP's standing in General Assembly resolution 44/228, there was little doubt that the programme had been marginalized. Tolba was not selected as conference secretary-

[539] Tolba was irked to discover in autumn 1988 that UNEP had not been mentioned in an early draft General Assembly resolution to convene the conference; the resolution had been prepared by leading reform-minded countries. See: Engfeldt, *From Stockholm to Johannesburg,* p. 119.
[540] Engfeldt, *From Stockholm to Johannesburg,* pp. 118 and 124-125.
[541] Engfeldt, *From Stockholm to Johannesburg,* p. 122.
[542] Sir Anthony Brenton Interview with the author, 19 July 2012.
[543] United Nations General Assembly Resolution 44/228, A/RES/44/228, "United Nations Conference on Environment and Development," 22 December 1989.

general.[544] Instead, UN Secretary-General Javier Perez de Cuéllar appointed Maurice Strong, who had served in the same capacity at the Stockholm conference.[545]

Significant changes in the international setting altered the cooperative basis of the United Nations environment regime. Economic crisis in the 1980s contributed to a dramatic, nonlinear worsening of the world environment. Current institutional arrangements—including UNEP and a loose complex of multilateral environmental agreements—were ill suited to the new context, creating incentives for a transformation of behavioural norms, rules, and procedures. The "react and retrofit" approach to planetary management failed to address the underlying causes of environmental decline.[546] The new situation demanded institutional measures that safeguarded the environment in a manner that took economic and social factors into account.

6.2 THE RIO NEGOTIATIONS

In the years preceding the 1992 Rio conference, exogenous shifts had altered key parameters in the UN environment regime. Existing institutional measures were poorly suited for the changed problem setting, bringing to light the need for a closer integration of environmental, economic, and social factors. This section will elaborate on the interests of actors and on the coordination dilemmas that they faced

[544] Stephen Hopgood, *American Foreign Environmental Policy and the Power of the State* (Oxford: Oxford University Press, 1998), pp. 169-170.
[545] For Maurice Strong's account of the appointment, see: Maurice Strong, *Where on Earth are we Going?* (Toronto: Vintage Canada, 2001), p. 188-189. In addition to his institutional position, Tolba was seen as unsuitable because of his controlling management style. In an interview Sir Martin Holdgate recalled. "UNEP was seen as Tolba's fiefdom. We needed to shake the cage…" (Sir Martin Holdgate Interview with the author, 6 August 2012). Similarly, Lars-Göran Engfeldt commented in an interview that Tolba was "too authoritarian." He continued: "Tolba's tactics were not that sophisticated and he alienated people. Tolba tried to get the upper hand and sidelined UNEP himself by refusing to cooperate with the Rio secretariat." (Lars-Göran Engfeldt Interview with the author, 23 July 2012).
[546] World Commission on Environment and Development (hereafter WCED), *Our Common Future* (Oxford: Oxford University Press, 1987), p. 7.

in realizing joint gains. Particular emphasis will be placed on the risk dominance of the prevailing equilibrium.

6.2.1 The Payoff Dominant Equilibrium

After its release in 1987, WCED's report, *Our Common Future*, provided the most prominent conceptual framework for institutional reform.[547] While UN General Assembly resolution 42/187 recognized sustainable development as "a central guiding principle of the United Nations, Governments and private institutions, organizations and enterprises," follow-up mechanisms on the WCED recommendations were unspecific.[548] At the root of states' cautious approach were temporal coordination problems. Governments, North and South, did not commit themselves to the sustainable development concept too quickly, lest they compromise their bargaining position in future negotiations. Ambiguity over negotiating timelines led to a divergence of expectation and contributed to states' defensive posture in talks.

The cautious reception that the WCED report received at the UN General Assembly should not be interpreted as a rejection of the commission's recommendations or of sustainable development. As noted in chapter five, a review of the positions of leading actors on the Brundtland report indicates receptivity to the commission's institutional change proposals. Both sides indicated a willingness to bargain and established their principal negotiating points. While UN talks were at a standstill, states moved to implement sustainable development policies in many other fora. At the Organization for Economic Co-operation and Development (OECD), a developed world forum, member states moved swiftly to institute many elements of

[547] WCED, *Our Common Future*.
[548] United Nations General Assembly, "Report of the World Commission on Environment and Development," 11 December 1987, *A/RES/42/187*.

the sustainable development agenda within the organization's work.[549] Even the United Nations Conference on Trade and Development (UNCTAD), typically suspicious of environmental initiatives, began to engage with the WCED recommendations in 1991.[550] Implementation was also advanced within some governments. Canada introduced a National Roundtable on the Environment and the Economy in 1988 and the United Kingdom appointed junior environment ministers to every government department.[551] At the September 1989 Tokyo Conference on the Global Environment and Human Response Toward Sustainable Development, the government of Japan committed to earmarking US$2.25 billion of development assistance for environmental purposes.[552] Nordic countries embraced the Brundtland commission's message and several African governments began to implement sustainable development policies domestically.[553]

Though they continued to stress the primacy of economic development ends, developing countries saw important benefits in achieving sustainable development on a global basis. As noted above, the Third World debt crisis led to a dramatic worsening of environmental conditions in much of the developing world. In 1991, developing countries recognized environmental decline as a "common concern of humanity."[554] Environmental measures were, it was increasingly acknowledged,

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[549] Bill L. Long, *International Environmental Issues and the OECD 1950-2000* (Paris: OECD, 2000), pp. 18, 22, 70-72.
[550] UNCTAD, *Informal encounter on international trade and environment*, UNCTAD/VIII/2, GE-91-50739, 28 February-1 March 1991. UNCTAD, *Environment and international Trade: Report of the Secretary-General of UNCTAD submitted to the Secretary-General of the Conference (UNCED) pursuant to General Assembly Resolution 45/210.*
[551] Runnalls, *What Should be said at UNCED,* pp. 7.
[552] Thacher, "Background to Institutional Options," p. 66.
[553] Dr. Jim MacNeill Interview with the author, 2 July 2013. Bob Munro Interview with the Author, 3 July 2013.
[554] This comes from the Beijing Declaration of 41 Developing Countries, quoted in: Andrew Hurrell and Benedict Kingsbury, "The International Politics of the Environment: An Introduction," in: Andrew

central to achieving lasting and human-centred development.[555] Environmental catastrophes of the 1980s, such as the Bhopal accident and the Ethiopian famine, brought attention to the importance of environmental policies to developing societies.[556] There was a growing recognition that environmental stresses disproportionately affected the poorest and most vulnerable communities.[557] The increasing public concern was reflected in the growth of environmental non-governmental activism in the global South. These organizations gained public notoriety and drew attention to the development/environment relationship.[558] The 1991 Tlatelolco Platform on Environment and Development acknowledged the right of non-governmental organizations to involve themselves in domestic and international issues.[559]

Developing countries faced important limitations in their efforts to ameliorate environmental problems. Economic crisis reduced greatly the capacity of governments to target environmental problems, causing them to rely heavily on international funding sources. On this front, existing institutional arrangements were clearly not up to the job.[560] Initiatives to tackle desertification, which continued to be an acute problem in much of the developing world, were hampered by funding

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Hurrell and Benedict Kingsbury (ed.), *The International Politics of the Environment: Actors, Interests, and Institutions* (Oxford: Oxford University Press, 1992), p. 44.

[555] Anil Agarwal, "The North-South Perspective: Alienation or Interdependence?," *Ambio*, Vol. 19, No. 2, April 1990, pp. 94-96.

[556] Marc Williams, "Re-Articulating the Third World Coalition: The Role of the Environmental Agenda," *Third World Quarterly,* Vol. 14, No. 1 (1993), p. 19.

[557] ENDA-Tiers Monde, *Poverty and Environment in Africa*, p. 3.

[558] Marc Williams cites the Chipko movement in India and the Amazon rubber tappers as groups that gained national and international media attention for their activities. See: Williams, "Re-articulating the Third World Coalition," p. 16.

[559] "Letter Dated 20 March from the Permanent Representative of Mexico to the United Nations Office at Geneva Addressed to the Secretary-General of the UNCED (Tlatelolco Platform)," A/CONF.151/PC/L.30, 22 March 1991, Reproduced in: Netherlands Institute for the Law of the Sea, *International Organizations and the Law of the Sea: Documentary Yearbook* (Dordrecht: Martinus Nijhoff Publishers, 1993), pp. 446-450.

[560] Thacher, "Background to Institutional Options," p. 62.

limitations.[561] International efforts to address global problems, such as ozone depletion and climate change, relied chiefly on the actions of the developed countries. There were benefits to letting industrialized countries take the lead in addressing these perils, which were also detrimental to world development prospects. In addition to potentially gaining the financial resources to improve environmental conditions, developing countries coveted technological transfers that could enable them to reduce pollution and industrial waste. Access to more efficient technologies had the added bonus of making poor countries more competitive economically.[562]

Developed countries also sought to realize important benefits. The acceleration of environmental deterioration in the global South motivated industrialized countries in their pursuit of institutional reform. Rapid deforestation, spurred in large part by unsustainable development practices, was a growing problem in the 1980s and early 1990s. Attention was particularly focused on tropical forests, which were threatened by the spread of cash crop cultivation and the export of forest products. The United States took the lead in advocating an international forest convention that would be ready for signature in Rio.[563] Concern for world forests contributed to the popularity of "debt for nature swaps" in this period.[564] An associated, yet distinct, question at the time was the decline of world biological diversity. In 1992, UNEP reported that a quarter of the world's biodiversity was at risk of extinction in the next twenty to thirty

[561] A Dutch report in 1990 showed that about 15 percent of the earth's surface had been degraded by human activities, such as over-grazing, deforestation, agricultural over-exploitation, or bioindustrial activities. See: International Soil Reference and Information Centre, *World status of human-induced soil degradation* (Wageningen: ISRIC, 1990).
[562] Hurrell and Kingsbury, "The International Politics of the Environment," p. 41.
[563] The United States enjoyed little success in this endeavour and had to settle for a set of forest principles that could form a basis for future negotiations. See: Hopgood, *American Foreign Environmental Policy,* p. 135.
[564] For a discussion, see: Lawrence E. Susskind, *Environmental Diplomacy: Negotiating More Effective Global Agreements* (New York: Oxford University Press, 1994), pp. 84-86.

years.[565] The loss of biodiversity motivated the Swedish government to take the lead—with Kenyan backing—in negotiating a UN Convention on Biological Diversity. These and other problems were of wide international significance and, because they were largely centred in the global South, they demanded international cooperation.

There was also deep concern among developed states about threats to the global commons. More than seventy percent of the earth's atmosphere and oceans existed outside of national jurisdictions.[566] Many planetary problems, therefore, had to be tackled on a broad international basis if they were to be addressed effectively. Of these issues, climate change was the most distressing. At the time, atmospheric concentrations of carbon dioxide and methane were increasing by 0.5 and 0.9 percent per year respectively.[567] If a firm international basis for action was to be established, the participation of industrialized countries *as well as* large developing countries, such as China, Brazil, and India, was a must. China, for example, contributed more than fourteen percent of global emissions of carbon dioxide, and had plans to greatly increase its energy consumption.[568] Finding a means of replacing China's 750 000 inefficient industrial boilers was, for example, absolutely necessary if the world was to slow global warming. The problem, as David Runnalls observed, is that, without international financing, China had few incentives to bear these costs unilaterally.[569]

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[565] Tolba, *Saving our Planet*, p. 77.
[566] Maurice F Strong, "The Stockholm Conference: Where Science and Politics Meet," *Ambio* Vol. 1(3), 1972, p. 115.
[567] Tolba, *Saving our Planet,* p. 25.
[568] Bergensen and Sydnes, "Protection of the Global Climate," p. 41
[569] Runnals, "What should be said at UNCED," p. 3.

Although the price of achieving sustainable development on a global basis were steep, there were clear draws to altering current institutions as a means of slowing planetary decline. If a sound international basis for environmental cooperation were established, the South would be able to better manage growing environmental problems. A regime transformation might have allowed them to attract greater resource flows and, potentially, negotiate the transfer of more efficient technologies. In the North, concern about the rapid deterioration of world environmental conditions caused these countries to seek international cooperation to arrest pressing problems, such as climate change or the disappearance of tropical forests and biological diversity. Institutional alternatives were, therefore, *payoff dominant*.

6.2.2 The Current Risk Dominant Equilibrium

Despite clear benefits, states were slow to engage with the institutional recommendations of the Brundtland Commission. This caution was reflected in the fact that lead developed and developing countries resisted Norwegian efforts to use the words "sustainable development" in the Rio conference's title. Instead, they opted for a United Nations Conference *on Environment and Development*.[570] This was because states faced severe temporal coordination problems. They were reluctant to embrace the sustainable development agenda because, unless all relevant actors did so concurrently, they risked weakening their bargaining position in future talks. Thus, while institutional change was payoff dominant, great uncertainty about the actions of other players in the international system contributed to the persistence of the existing, *risk dominant* equilibrium.

[570] For an account of these negotiations, see: Engfeldt, *From Stockholm to Johannesburg*, pp. 118-121.

Developing countries faced numerous risks if they were to engage cooperatively when developed countries did not. Coordination failure would prevent institutional change and weaken their bargaining position in future talks. If sustainable development were institutionalized in a manner that was insensitive to the needs of the developing world, change could easily be detrimental to their economic prospects. Through the 1980s, standards of living in Latin America, Africa, and much of Asia deteriorated significantly. In Africa, per capita food production was in decline, infant mortality rates were on the rise, life expectancy had dropped, and the AIDS pandemic continued. Economic crisis in Latin America brought discontent and threatened many of the newly established democratic governments in the region.[571] There were, therefore, good reasons for developing countries to avoid measures that could hinder their development. Environmental programmes would, in many cases, be costly and it was in the interest of these countries to avoid expensive international commitments. Just as importantly, the capricious green impulses of developed countries could, they worried, easily divert financial and political resources from the international development agenda.

Developing countries were also apprehensive that sustainable development was a Trojan horse for aid conditionality that might enable donor countries to interfere in their domestic policies. Conditionality was an increasingly popular tool in this period, much to the chagrin of aid beneficiaries. If institutionalized in a manner that did not safeguard developing country interests, sustainability could be imposed as a condition of development assistance.[572] This fear seemed real in the early 1990s, as

[571] Runnalls, "What should be said at UNCED," p. 2.
[572] Preparatory Committee for the United Nations Conference on Environment and Development, "Preparations for the United Nations Conference on Environment and Development on the basis of General Assembly Resolution 44/228 and taking into account any other relevant General Assembly

the World Bank had been placing increased emphasis on the sustainable development agenda. Environmental conditions were, moreover, the subject of a series of proposals in the U.S. Senate in 1989 to link World Bank funding decisions to their anticipated environmental effects.[573] This talk was particularly objectionable in Brazil, which had significant economic need and unique environmental resources (notably, the Amazon rainforest).[574] The spectre of green conditionality added a degree of uncertainty to development planning.

Developing countries feared the possible use of environmental justifications for discriminatory trade practices, such as the imposition of non-tariff barriers to trade. Many feared that access to vital markets could be restricted when the environmental standards of exporting countries were less stringent than those of importing states. These anxieties seemed justified. In the years before UNCED, a number of European municipalities banned the import of tropical timber in response to pressure from environmental groups.[575] The relationship between environmental safeguards and open trading systems, such as those embodied in the General Agreement on Tariffs and Trade, remained ambiguous in the early 1990s.[576]

It was not just the developing world that approached the sustainable development agenda with reservations. If sustainable development was to be institutionalized in a manner that gave too much weight to the development agenda, the Rio conference

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Resolutions: Institutional Proposals—Report by the Secretary General of the Conference," *A/CONF.151/PC/102*, 13 December 1991.

[573] Andrew Hurrell, "Brazil and Amazonian Deforestation," in: Andrew Hurrell and Benedict Kingsbury (ed.), *The International Politics of the Environment: Actors, Interests, and Institutions* (Oxford: Oxford University Press, 1992), pp. 406-407. See also: Hans Binswanger, "Fiscal and Legal Incentives with Environmental Effects on the Brazilian Amazon," *World Bank Working Paper* (Washington: World Bank, 1987).

[574] Engfeldt, *From Stockholm to Johannesburg,* p. 120.

[575] Runnalls, "What should be said at UNCED," p. 3.

[576] Hurrell and Kingsbury, "The International Politics of the Environment," p. 46.

could legitimize ecologically destructive patterns of development. If environmental aims were subverted in institutional change, the environmental consequences would be severe. It was these concerns that led some developing countries to advocate aid conditionality in their promotion of sustainable development.[577]

Developed countries risked being obliged to assume an onerous financial burden in support of international efforts that might be of limited relevance to safeguarding the world environment. Lead industrialized countries expressed concern that, if environmental ends were sidelined at Rio, the conference could turn into little more than a fundraising event of significantly less interest to them.[578] The early 1990s were a time of economic recession in North America and the United Kingdom, leaving few resources for expensive international and environmental initiatives.[579] Germany was absorbing the astronomical costs of reunification and most western governments were dealing with the economic ramifications of ensuring the peaceful dismemberment of the Soviet Union and its former satellite countries.[580] Although France, Japan, and Sweden were contemplating financial contributions to realize global sustainable development, this potentiality could not form a sufficient basis for such dramatic change. Maurice Strong, the conference secretary-general, is reported to have quipped: "Never have the rich felt so poor."[581] It was risky for wealthy countries to

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[577] Hurrell and Kingsbury, "The International Politics of the Environment," pp. 45-46. See also: Bertram I. Spector, "The Search for Flexibility on Financial Issues at UNCED: An Analysis of Preference Adjustment," in: Bertram I. Spector, Gunnar Sjöstedt, and I. William Zartman (ed.), *Negotiating International Regimes: Lessons Learned from the United Nations Conference on Environment and Development (UNCED)* (London: Graham & Trotman, 1994), pp. 87-103.
[578] Engfeldt, *From Stockholm to Johannesburg,* p. 120.
[579] Brenton, *The Greening of Machiavelli,* p. 220.
[580] Geoffrey Bruce, "A Review of the Stockholm Conference of 1972, Of Some Significant Developments in the Environment Since 1972, and of Some Major Challenges and Opportunities for Canada in Preparing for UNCED in 1992," December 1991, in: Department of External Affairs and International Trade and the Department of Environment, Canada, *From Stockholm to Rio, 1972-1992*, pp. 14-15.
[581] Engfeldt, *From Stockholm to Johannesburg,* p. 143.

invest substantial political and financial resources into an institutional project that might not address the global problems that they set out to solve.

Economic and sovereignty concerns were also present in leading developed states. In an election year, the administration of U.S. President George H. W. Bush faced enormous political pressure to tighten budgets and resist international profligacy.[582] The White House Council on Competitiveness—chaired by Vice-President Dan Quayle—became involved in fighting UNCED initiatives that, in their view, compromised the United States' economic competitiveness.[583] Fear of developing world pollution havens, technological transfers that violated intellectual property rights, and costly impediments to the exploitation of biotechnological resources were major issues during the UNCED preparatory process. Consequently, developed countries worked assiduously to minimize the position of international trade issues on the Rio agenda.[584] Although they were less vocal, many developed countries also refused to surrender authority over environmental rule making or rule implementation. The United States, in particular, was at least as reluctant to cede its sovereign rights to international authorities as developing countries were.[585]

Countries, North and South, saw significant benefits to institutionalizing sustainable development on a global basis. While key details remained to be hashed out, the 1987 WCED report provided a promising conceptual framework for talks. Institutional change along the lines proposed by the Brundtland commission would

[582] The lead U.S. negotiator reflected: "I think Rio would have been far more successful if it hasn't happened in a U.S. election year and, obviously, if it hasn't happened in a world recession period."
[583] The Competitiveness Council was especially active on the Biodiversity Convention negotiations. See: Hopgood, *American Foreign Environmental Policy*, pp. 142, 171-174.
[584] "Summary of Main Points," in: Department of External Affairs and International Trade and the Department of Environment, Canada, *From Stockholm to Rio, 1972-1992*, pp. 4.
[585] Hurrell and Kingsbury, "The International Politics of the Environment," pp. 45.

bring cooperative arrangements into closer alignment with the changed setting. Developed and developing countries had much to lose, however. If sustainable development were institutionalized in a manner that did not adequately reflect socio-economic conditions in the developing countries, the development prospects of those countries would be worsened. If environmental necessities were neglected in favour of the economic development goals of the Third World, sustainable development might be operationalized as a developing world licence to pollute and exploit their natural resources. Coordination failure would result in a failed attempt at reform, wasted resources, and, for cooperative players, a weakened bargaining position in future negotiations. These risks caused developed and developing countries to approach institutional change with considerable caution during the UNCED preparatory process.

Fundamentally, this was a question of timing. States were not only coordinating on an agreement alternative, but had the added challenge of doing so at a specific time. In fact, the timing issue was the key stumbling block from 1987-1992. Although important details had to be decided by states, the basic institutional alternative had been clearly established since 1987. As we shall see, the character of institutional change realized in Rio conformed very closely with that prescribed by *Our Common Future.* Far more problematic was ensuring that states timed their embrace of the WCED formula so as to avoid compromising their bargaining position. Neither side wanted to commit too early. It was best for each to act only when they expected the other side to act. It was only when this uncertainty was resolved that states moved decisively to precipitate institutional change.

This situation was, in many ways, analogous to a war of attrition. Since the distributive implications of talks were highly important, neither side wanted to signal weakness by appearing too eager to negotiate.[586] Delay tactics were a costly signal of strength and resolve. Appearing keen to negotiate signalled the reverse, harming the bargaining position of the more enthusiastic side in future discussions. By foregoing the benefits of Pareto-improving institutional change, actors signalled that they must be given a good deal in order to reach a settlement. Although both sides broadly supported the sustainable development formula, agreement on details would have to be reached on *their* terms. This contributed to the resilience of the risk dominant, status quo equilibrium.

6.3 THE RIO CONFERENCE AND INSTITUTIONAL CHANGE

The World Commission on Environment and Development advanced several far-reaching proposals for institutional change. The commission placed great emphasis on the need to integrate fully environmental endeavours with social and economic ends. The sectoral treatment of environment—separated from the decision-making processes that led to environmental problems—was the chief obstacle to realizing sustainable development. Within the UN system, environment was institutionalized in a manner that focused on the *effects*, rather than the underlying *causes*, of environmental decline.

This section will provide a brief synopsis of institutional bargaining in the lead-up to UNCED. This background will inform the ensuing analysis on the role of the Rio

[586] James D. Fearon has extensively discussed the role of signaling problems in war of attrition games. See: James D. Fearon, "Bargaining, Enforcement, and International Cooperation," *International Organization*, Vol 52, 2, Spring 1998, p. 284. James D. Fearon, "Signaling versus the Balance of Power and Interests: An Empirical Test of a Crisis Bargaining Model," *The Journal of Conflict Resolution,* Vol. 38, No. 2, June 1994.

Temporal Focal Point in easing agreement in 1992. I first assess the bargaining positions taken by major countries during the preparatory processes, supplementing the treatment found in section 6.2 by showing how the potential benefits and risks associated with institutional change played out during the UNCED negotiations.

The institutional negotiations that ultimately led to the creation of the UN Commission on Sustainable Development canvassed a broad array of institutional options. At a spring 1991 working group meeting in New York, states discussed various means of altering institutional arrangements to account for the changed problem setting. Among other options, they considered modifying UNEP's mandate, developing a close association between UNEP and the United Nations Development Programme, transforming the rudderless UN Trusteeship Council into an environmental body, and resurrecting the defunct Environmental Coordination Board.[587] Despite entertaining a wide range of options, by spring 1992, the menu of institutional alternatives had narrowed significantly. Negotiations centred on a set of institutional proposals remarkably similar to those recommended by the Brundtland commission.[588]

The CSD concept reached the conference preparatory committee as a "non-paper" from Malaysian Ambassador Ismail Razali, who was Vice Chair of the UNCED

[587] Preparatory Committee for the United Nations Conference on Environment and Development, "Preparations for the United Nations Conference on Environment and Development on the basis of General Assembly Resolution 44/228 and taking into account any other relevant General Assembly Resolutions: Institutional Proposals—Report by the Secretary General of the Conference," *A/CONF.151/PC/102*, 13 December 1991.

[588] The CSD proposal arose in the Rio context through a pair of informal sessions. It was first raised in the UNCED setting at an informal secretariat-organized seminar on institutional questions, hosted by the Aspen Institute in July 1991. At Aspen, the concept was initially raised by British diplomat John Martin, and was backed by the session's chairperson, Sir Crispin Tickell. The idea was further refined at Arden House, New York, in February 1992. Sir Crispin Tickell Interview with the author, 10 August 2012. See also: Engfeldt, *From Stockholm to Johannesburg,* pp. 171-176.

Working Group on legal and institutional questions.[589] Razali's draft placed the UN General Assembly at the centre of UNCED follow-up and envisioned a central coordinative role for the Administrative Committee on Coordination (ACC). Because the UN secretary-general headed the ACC, this proposal placed the United Nations secretariat at the heart of UNCED follow-up. The element of Razali's paper that attracted the most attention was the establishment of a Sustainable Development Commission, which would monitor progress on the implementation of Agenda 21.[590] By the end of the fourth preparatory committee meeting, states debated two basic visions of the Commission concept. The first was a high-level commission that would report directly to the General Assembly on policy questions and to the UN's Economic and Social Council (ECOSOC) on coordination issues. The alternative version envisioned a similar body, except that it would function completely within the auspices of ECOSOC.[591]

The other major area of institutional debate during the UNCED process concerned funding arrangements for the implementation of Agenda 21. Two main options were presented. Developed countries sought to make the Global Environment Facility, established as a pilot project in November 1990, a permanent fixture in the implementation of UN environmental activities. The GEF had developed a reputation for economy and expeditiousness, and had enjoyed success in mobilizing new funds.[592] Making the GEF permanent would combat the proliferation of single-issue

[589] The Malaysian lead on institutional questions was especially important because Malaysia had been a leading voice on the preparatory committee among developing countries. Lars-Göran Engfeldt Interview with the author, 23 July 2012.
[590] "Monday Evening, 23 March 1992," *Earth Negotiations Bulletin*, Vol. 1, No. 18, 25 March 1992. <http://www.iisd.ca/download/asc/enb0118.txt> Last Accessed: 1 September 2013.
[591] Engfeldt, *From Stockholm to Johannesburg,* pp. 176-177.
[592] Culpepper, "Managing the Global Commons," pp. 15-16.

multilateral funds, a source of fragmentation in the UN environment regime.[593] For developed countries, the GEF had the great virtue of being subject to the World Bank's competent management procedures and maximized donor control over the use of funds.[594] Technical and financial criteria should, developed countries maintained, determine funding, not the political vicissitudes of one-country-one-vote fora.[595]

Developing countries argued that the undemocratic, opaque decision making processes of the World Bank were an inappropriate follow-up mechanism for UNCED.[596] While the GEF was a joint project of the World Bank, UN Development Programme, and UNEP, the Bank was clearly the leading player.[597] Instead, China, together with the G-77, advocated separate funds for the purposes of each environmental convention as well as the creation of a "Fund for the Promotion of Sustainable Development." Developed country contributions to these funds would be mandatory and should not be subject to any form of conditionality. The developing countries argued that mandatory funding mechanisms would enable greater predictability in development planning.[598]

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[593] Brenton, *The Greening of Machiavelli*, p. 208.
[594] Brenton, *The Greening of Machiavelli*, p. 188.
[595] Jacob Werksman, "The Conference of the Parties to Environmental Treaties," in: Jacob Werksman (ed.), *Greening International Institutions* (London: Earthscan, 1996), pp. 153-154.
[596] Preparatory Committee for the United Nations Conference on Environment and Development, "Preparations for the United Nations Conference on Environment and Development on the basis of General Assembly Resolution 44/228 and taking into account any other relevant General Assembly Resolutions: Institutional Proposals—Report by the Secretary General of the Conference," *A/CONF.151/PC/102*, 13 December 1991.
[597] Lars-Göran Engfeldt Interview with the author, 23 July 2012.
[598] Preparatory Committee for the United Nations Conference on Environment and Development, "Preparations for the United Nations Conference on Environment and Development on the basis of General Assembly Resolution 44/228 and taking into account any other relevant General Assembly Resolutions: Institutional Proposals—Report by the Secretary General of the Conference," *A/CONF.151/PC/102*, 13 December 1991.

6.4 THE RIO TEMPORAL FOCAL POINT AND THE REALIZATION OF CHANGE

The North-South deadlock that characterized institutional bargaining following the release of the Brundtland report in 1987 persisted into the UNCED preparatory process. Developed and developing countries saw important benefits to change, but were reluctant to embrace fully the sustainable development formula for fear of signalling bargaining weakness. This section will first demonstrate that UNCED meets the definition of a Temporal Focal Point. I then proceed to explain the relationship between the focal timeframe and the realization of change in the UN environment regime in 1992. The *when* of change is, as we shall see, an important part of the *why* of change.

6.4.1 The Earth Summit as a Temporal Focal Point

The Rio Earth Summit meets the definition of a Temporal Focal Point. Temporal Focal Points are definite periods in time that stand out along the temporal continuum because of their conspicuousness and their uniqueness. This subsection will discuss each of these characteristics. UNCED was a definite period in time, running from 3-14 June 1992. There was no ambiguity over the timeline for acting within the ambit of the conference. The Rio preparatory period stretched from the passage of UN General Assembly resolution 44/228 in December 1989 to the conference proper in June 1992.[599] In addition to informal consultations throughout, four two-week formal preparatory committee meetings were scheduled: August 1990 in Nairobi; March 1991 in Geneva; August 1991 in Geneva, and March/April 1992 in New York. These four meetings gave a clear and identifiable structure to the Rio preparatory process.

[599] United Nations General Assembly Resolution 44/228, A/RES/44/228, "United Nations Conference on Environment and Development," 22 December 1989.

UNCED was unique insofar as there were no similar temporal landmarks in the UN environment regime at that time that could compete with it for the attention of actors. The May 1991 UNEP Governing Council sessions could not, for example, draw the eye of actors as a forum of comparable weight.[600] When member states of the UN General Assembly decided to urge governments to send representation at the head or state or head of government level, the exceptional standing of the conference was boosted.[601] As one participant wrote during the preparatory process: "the Brazil Conference represents the best chance, perhaps the only chance, the world will have this decade to break the back of these global environmental issues."[602] Rio was a distinct and unparalleled opportunity for action.

The sense of uniqueness was bolstered by the twentieth anniversary of the landmark 1972 United Nations Conference on the Human Environment and, to a much lesser extent, the tenth anniversary of the 1982 UNEP Session of a Special Character. The coming anniversary of the Stockholm conference had been highlighted in 1987 by the Brundtland Commission as a potential moment to host a global conference, and was mentioned explicitly in the General Assembly resolution that launched the Rio conference.[603] Entrepreneurial actors, who aimed to regain the initiative in the UN environment regime, seized upon the legacy of the Stockholm anniversary to advance institutional reform.[604]

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[600] United Nations Environment Programme, "Proceedings of the Governing Council at its Sixteenth Session, 20-31 May 1991, *UNEP/GC.16/27*.
[601] United Nations General Assembly Resolution 45/221, A/RES/45/221, "United Nations Conference on Environment and Development," 21 December 1990.
[602] David Runnalls, "What should be said at UNCED? Institutional Choices for the Rio Conference," in: Department of External Affairs and International Trade and the Department of Environment, Canada, *From Stockholm to Rio, 1972-1992*, pp. 4.
[603] WCED, *Our Common Future*, p. 23. United Nations General Assembly Resolution 44/228, A/RES/44/228, "United Nations Conference on Environment and Development," 22 December 1989.
[604] Sir Crispin Tickell Interview with the author, 10 August 2012.

The conference was also highly conspicuous. Part of this conspicuousness had to do with broad public perceptions of environmental deterioration, fuelled in part by a string of environmental disasters in the 1980s.[605] The destructive Exxon Valdez oil spill in March 1989 and the fact that the 1980s featured four of the five hottest years on record (1981, 1983, 1987, and 1988) contributed to a popular sense of environmental crisis.[606] Public reactions to these events reached an "apocalyptic hue."[607] Reflecting the heightened public anxiety, *National Geographic* magazine devoted its special commemorative centennial edition in January 1988 to coverage of its environmental symposium, "Earth 88." *Time Magazine* abandoned its annual "Man of the Year" feature in 1989 in favour of a "Planet of the Year" edition.[608] Popular concern moved environment, which had been a "fringy" issue before the 1980s, into the mainstream.[609] Thus, just as the UNCED process was getting underway, many observers had been primed for a big event.

Just as importantly, the Earth Summit was one of the first major international gatherings since the end of the Cold War. While the breakdown of East-West nuclear confrontation did not directly create new opportunities for global environmental cooperation, it did contribute to making UNCED highly conspicuous.[610] Many governmental and non-governmental actors looked to environment and development

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[605] Key events included the Bhopal chemical leak in 1984, the Chernobyl nuclear accident in 1986, the agrochemical leak in Basel in 1986, and the Exxon Valdez oil spill in 1989. For a discussion, see: Brenton, *The Greening of Machiavelli,* pp. 125-126.

[606] The Exxon Valdez, a California-bound oil tanker, foundered at Prince William Sound, Alaska, spilling more than 11 million gallons of crude oil into the ocean. Dramatic images of contaminated waters and devastated wildlife were common in the news media.

[607] Brenton, *The Greening of Machiavelli,* pp. 127 and 166.

[608] National Geographic, *Earth '88: Changing geographic perspectives—Proceedings of the Centennial Symposium* (Washington: National Geographic Society, 1988). "Planet of the Year: Endangered Earth," *Time Magazine,* Vol. 133 No. 1, January 2, 1989.

[609] Shabecoff, *A New Name for Peace,* p. 114.

[610] Steven Bernstein, *The Compromise of Liberal Environmentalism* (New York: Columbia University Press, 2001), pp. 86-87. Brenton, *The Greening of Machiavelli,* pp. 86-87.

as potential avenues for renewed global cooperation through the United Nations. Environment was one area, many hoped, that the UN organization would make its mark in the post-Cold War years. The Earth Summit became a bellwether for the new era. UNCED's secretariat also did much to boost the profile of the summit, travelling the world to encourage a large turnout from world leaders and widespread media coverage for the Earth Summit.[611]

The conference, therefore, provided a clear point in time for actors to concert their expectations. Unlike WCED, there was no ambiguity here. The Rio conference was a temporal signpost that was difficult to overlook. Prominent temporal landmarks serve as a timing mechanism in international politics, enabling a convergence of expectation at certain points along the temporal continuum. Goal-oriented, strategic players time their policy interventions so as to maximize the likelihood that they will influence outcomes. Since actors invest scarce political and analytical resources in advancing reform proposals, they are reluctant to do so unless they expect others to make a similar investment. They may, for example, hold off until a moment when they believe that other organizations with similar objectives will act. They may also wait until a time when they think that political actors are searching for allies or viable institutional alternatives. Much of this behaviour is directly observable because actors seek to be observed.

In the Rio case, the TFP led to a dramatic increase in the investment of analytical resources devoted to exposing and solving the problems facing the global

[611] Maurice Strong worked closely with Ted Turner to develop media coverage strategies for UNCED. In addition, the UNCED secretary-general worked with Jacques Cousteau, the celebrated French naturalist and filmmaker, to produce a documentary about the Earth Summit and its accomplishments. See: Strong, *Where on Earth are we Going?*, p. 207.

environment. In the lead up to the Rio conference, we observe a proliferation of literature aimed at influencing world opinion. UNEP, vying for a leadership role in post-UNCED activities, produced a series of publications aimed at shaping policy debates and institutional alternatives. Most prominent among these was *The World Environment 1972-1992: two decades of challenge*, an 884 page follow-up to *The World Environment 1972-1982* that aimed to demonstrate UNEP's capacity for international environmental assessment.[612] UNEP and its enterprising Executive Director, Dr. Mostafa Tolba, also published three additional contributions for the Earth Summit.[613] Many other UN agencies, such as FAO, UNESCO, and UNCTAD, produced publications for UNCED, seeking to highlight *their* important contributions to global environmental governance.[614] Intergovernmental bodies, such as the OECD and the World Bank, weighed in on key international problems and opportunities.[615] Not to be outdone, non-governmental organizations and think tanks added to the growing literature surrounding the Earth Summit.[616]

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[612] Mostafa Kamal Tolba, Osama A. El-Kholy, Essam E Hinnawi, M.W. Holdgate, D.F. Michael, and R.E. Munn, *The world environment: 1972-1992: two decades of challenge* (London: Chapman & Hall, 1992). Martin W. Holdgate, Mohammed Kassas, Gilbert F. White, *The world environment 1972–1982: A Report by the United Nations Environment Programme* (Dublin: Tycooly International Publishing Limited, 1982).

[613] Tolba, *Saving our planet*. Tolba and Biswas (ed.), *Earth and Us.* UNEP and WHO, *Urban air pollution in megacities of the world* (Oxford: Blackwell Press, 1992).

[614] For a sample of the set of publications from UN agencies that proliferated in the lead up to UNCED: Food and Agriculture Organization of the United Nations, *Sustainable development and the environment: FAO policies and actions, Stockholm 1972 - Rio 1992* (Rome: FAO, 1992). United Nations Conference on Trade and Development, *Technology transfer and development in a changing international environment: policy challenges and options for cooperation* (New York: United Nations, 1992). UNESCO (Abdellatif Benachenhou), *Environment and development: problems and prospects for sustainable development* (Paris: UNESCO, 1992).

[615] Organization for Economic Co-operation and Development, *Benefits estimates and environmental decision-making* (Paris: OECD, 1992). World Bank (Patrick Low), *International trade and the environment* (Washington: World Bank, 1992).

[616] Friends of the Earth, *Environmentally sensitive areas: assessment and recommendations* (London: Friends of the Earth, 1992). World Resources Institute, The World Conservation Union, United Nations Environment Programme; in consultation with Food and Agriculture Organization, United Nations Education, Scientific and Cultural Organization, *Global biodiversity strategy: guidelines for action to save, study, and use Earth's biotic wealth sustainably and equitably* (Washington: World Resource Institute, 1992). International Council of Scientific Unions' Scientific Committee on Problems of the Environment; International Union for Pure and Applied Biophysics, *Effects of*

A number of seminars and prominent events were also held in this period. Pivotal conferences on institutional questions were held by the Aspen Institute and at Arden House in New York. In February 1992, UNEP convened workshops on environment and natural resource accounting and on environment and economics.[617] The World Health Organization held special panels and commissioned reports in 1992 on Health and Environment, Urbanization, Food and Agriculture, and Energy.[618] In May 1992, the United States Senate Committee on Governmental Affairs held hearings on developing an energy efficient world.[619] Canada gathered a set of "Stockholm veterans" for a December 1991 seminar in Meech Lake, Quebec, to inform Canadian policy at UNCED.[620] As with the clustering of publications, the pre-Rio period gave rise to dozens of important seminars and events that evaluated various dimensions of the world environmental agenda.

The investment of political resources in support of institutional change was subject to the same non-linear pattern. Since international action in the UN environment regime required extensive coordination among hundreds of relevant actors, the timing of institutional initiatives was highly important. A poorly timed intervention could

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increased ultraviolet radiation on biological systems: proceedings of a workshop (Paris, SCOPE, 1992).

[617] UNEP (Hussein Abaza), *Consultative Meeting on Environment and Economics, Nairobi, 26-28 February 1992: summary record* (Nairobi: UNEP, 1992). UNEP (Committee of International Development Institutions on the Environment), *Workshop on environmental and natural resource accounting: Nairobi, 24-26 February 1992: summary record* (Nairobi: UNEP, 1992).

[618] WHO, *WHO Commission on Health and Environment: Report of the Panel on Food and Agriculture*, WHO/EHE/92.2 (Geneva: WHO, 1992); WHO, *WHO Commission on Health and Environment: Report of the Panel on Energy*, WHO/EHE/92.3 (Geneva: WHO, 1992); WHO, *WHO Commission on Health and Environment: Report of the Panel on Urbanization*, WHO/EHE/92.5 (Geneva: WHO, 1992). World Health Organization, *Our planet, our health: report of the WHO Commission on Health and Environment* (Geneva: WHO, 1992).

[619] United States Senate, *Beyond the Earth Summit: developing an energy-efficient world: hearing before the Committee on Governmental Affairs, United States Senate, One Hundred Second Congress, second session, May 21, 1992* (Washington: U.S. Government Printing Office, 1993).

[620] *From Stockholm to Rio 1972-1992 Report of the Seminar Convened by the Canadian Department of External Affairs and International Trade and the Department of Environment,"* 8-9 December 1991.

easily be overlooked or even backfire. UNCED's prominence made it the obvious time for actors to seek to build a supportive coalition for change. International projects that may have taken shape more gradually were paced to coincide with the Rio conference, so as to maximize the likelihood of agreement. This type of behaviour was predictable, as UNEP's former Deputy Executive Director noted early in the Rio process:

> It is possible with foresight to use the preparatory process itself to produce tangible, completed action by the time of the conference. For example, work already underway on various draft conventions can be accelerated to be ready for early approval and signature [in Rio]....[621]

Temporal pacing of this sort was a large part of the Rio process. The decision to launch negotiations on a framework convention on climate change, pushed by the European Community and the Alliance of Small Island States, targeted an agreement for signature at UNCED.[622] Despite having just fifteen months to conclude negotiations on the most contentious of global conventions, states worked rapidly to reach agreement so as to take advantage of the coordinative impetus of the approaching summit.[623] The decision to pursue a convention on biological diversity in time for Rio was originally proposed by U.S. diplomats, but—in a UNEP effort to find *a* role in the UNCED process—was hijacked by UNEP and its Executive Director.[624] Tolba received especially strong support from Sweden and Kenya in the biodiversity talks.[625] The U.S. initiative to negotiate a world forest convention, which

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[621] Thacher, "Background to Institutional Options," p. 77.
[622] Brenton, *The Greening of Machiavelli,* pp. 183-185. Nigel Haigh, "The European Community and International Environmental Policy, in: Andrew Hurrell and Benedict Kingsbury (ed.), *The International Politics of the Environment: Actors, Interests, and Institutions* (Oxford: Oxford University Press, 1992), p. 247-248. The resolution that launched negotiations is: United Nations General Assembly Resolution 45/212, A/RES/45/212, "Protection of global climate for present and future generations of mankind," 21 December 1990.
[623] For a very fine account of these urgent talks, see: Engfeldt, *From Stockholm to Johannesburg*, pp. 185-186.
[624] Hopgood, *American Foreign Environmental Policy,* p. 134, 169-170.
[625] Engfeldt, *From Stockholm to Johannesburg,* p. 186.

ultimately resulted only in a set of forest principles, is still another example of political initiatives launched to meet the Rio timeline.[626]

Taken together, the spike in the investment of scarce analytical and political assets in the lead-up to the Rio conference is striking. Important international actors were behaving *as if* there was a major non-linearity or discontinuity in the passage of time. They paced negotiations on the climate change and biodiversity conventions to reach a conclusion in June 1992. Agreement in September 1992 or March 1993, for example, was not seriously entertained. The heightened level of analytical activity in and around the UN environment regime, moreover, contributed to an information-rich environment. 1992 became a landmark year along the temporal continuum, in large part, because all actors expected other actors to treat it as such. In short, UNCED helped precipitate a convergence of expectations *in time*.

6.4.2 The Impact of the UNCED Temporal Focal Point on Change

The discussion above demonstrates that the 1992 Rio Earth Summit was a definite, unique, conspicuous moment in time that induced a convergence of expectations among relevant actors. Concurrent expectations led to a sharp increase in the investment of political and analytical resources aimed at influencing the UN environment regime. This subsection will focus on the impact of the Rio TFP on the bargaining processes that resulted in a major transformation in core UN environmental institutions.

When states addressed institutional questions at UNCED and its preparatory meetings, there were important incentives to reach agreement. Exogenous conditions

[626] Hopgood, *American Foreign Environmental Policy,* p. 135.

had changed, rendering current modes of cooperation suboptimal. The "react and retrofit" orientation of exiting institutions were poorly suited to address the underlying causes of global environmental decline. Through cooperation, developing countries could gain access to the technical and financial resources necessary to slow environmental degradation, which, they increasingly acknowledged, badly hindered their development efforts. Developed countries recognized a gradual worsening of the state of the world environment and sought to ameliorate pressing planetary problems through institutional change. Realizing sustainable development on a global basis, therefore, offered gains to all concerned.

Despite clear benefits to moving to the payoff dominant alternative equilibrium, states faced important coordination dilemmas. Both sides had much to lose if they were to negotiate cooperatively and other actors did not. For the states of the Third World, if sustainable development did not take their economic circumstances into account, they risked adding another hindrance to their development aims and could face green conditionality in the provision of development assistance. Industrialized states, on the other hand, sought to avoid instituting a vision of sustainable development that, in effect, legitimized the unsustainable exploitation of natural resources and contributed to exacerbating global problems. As a result, both sides were reluctant to launch serious negotiations and to bargain cooperatively until they believed that the other side would do the same.

A process-tracing analysis of the Rio negotiations reveals the strong influence of TFPs in realizing change. First, the twentieth anniversary of the Stockholm conference and the approaching Earth Summit helped states to engage in bargaining

without signalling weakness to the other side. Second, as UNCED neared, we observe a series of concessions, culminating at the end of the focal timeframe. Actors sequenced their compromises, progressively eliminating the "square brackets" around contentious negotiating topics, until they were faced with an agreement that was treated as a final, *take-it-or-leave-it* offer. The urgency of the fast-approaching conference "focused the minds."[627] Although negotiations could have conceivably occurred following UNCED, actors behaved as if this was a practical impossibility. "As the Conference approached," one participant recalled, "the pressure on delegations increased."[628]

Although informal consultations were held in summer 1991 and early 1992, formal negotiations did not pick up steam until the fourth preparatory committee meeting. The key breakthrough came on 23 March 1992, when Ismail Razali introduced a "non-paper" that, among other things, proposed the creation of a Sustainable Development Commission.[629] As the endpoint of a shared timeframe neared, states behaved *as if* a firm deadline was in place and governed their behaviour accordingly. The Stockholm anniversary allowed actors to point to factors other than their own keenness for agreement when entering into talks. Neither side, therefore, risked being labelled a "weak" actor in the ensuing negotiations and, did not compromise the strength of their bargaining position in future negotiations.

Over the course of the fourth preparatory committee meeting, the UNCED working group on legal and institutional questions bargained rapidly to narrow the range of

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[627] Brenton, *The Greening of Machiavelli,* p. 194.
[628] Engfeldt, *From Stockholm to Johannesburg,* p. 162.
[629] "Monday Evening, 23 March 1992," *Earth Negotiations Bulletin*, Vol. 1, No. 18, 25 March 1992. <http://www.iisd.ca/download/asc/enb0118.txt> Last Accessed: 1 September 2013.

disagreement over the design of institutional arrangements. To bridge the divide among delegations, an intense schedule of meetings—formal and informal—occurred over the final week of the fourth preparatory committee session.[630] A review of the excellent and highly detailed *Earth Negotiation Bulletin* shows the convergence of negotiating positions, as countries cooperatively managed risk by making dozens of reciprocal concessions over the course of negotiations. When the preparatory committee concluded its work on 4 April 1992, the working group was able to report "remarkable progress."[631]

Outstanding issues took "the political heat of Rio" to resolve.[632] The institutions negotiating group met on Saturday, 6 June, to address remaining questions regarding institutional agreements. Key issues were: (a) whether the new commission would report "to" ECOSOC or "through" ECOSOC; (b) whether the commission should be a high level body or not; and (c) whether G-77 concerns about national reporting could be met.[633] These issues were resolved on 8 June, when Razali introduced a revised text for consideration.[634] What is important to note is that the desire to realize new

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[630]On multiple occasions, the working group met twice in a day. On Tuesday, 31 March, for example, a contact group met in the morning to thresh out key details and the full working group met from 8:30 p.m. until midnight, seeking to bridge the divide. See: "Saturday Evening, 28 March 1992," *Earth Negotiations Bulletin*, Vol. 1, No. 22, 31 March 1992. <http://www.iisd.ca/download/asc/enb0122.txt> Last Accessed: 4 September 2013. "Monday Evening, 30 March 1992," *Earth Negotiations Bulletin*, Vol. 1, No. 23, 30 March 1992. <http://www.iisd.ca/download/asc/enb0123.txt> Last Accessed: 4 September 2013.

[631] "70th Meeting of the Plenary," *Earth Negotiations Bulletin*, Vol. 1, No. 26, 3 April 1992. <http://www.iisd.ca/download/asc/enb0126.txt> Last Accessed: 4 September 2013.

[632] Brenton, *The Greening of Machiavelli,* p. 218. In addition to the issues that remained unresolved at the end of the fourth preparatory committee session, several other important issues were introduced. The developing countries demanded that the CSD's monitoring provisions be loosened, on the grounds that they were an invasion of national sovereignty. In addition, the CSD would concern itself with developed countries' follow-up on their commitments to increase financing for sustainable development.

[633] "UNCED Highlights, 5-6 June 1992: The Contact Groups," *Earth Negotiations Bulletin*, Vol. 2, No. 6, 7 June 1992. <http://www.iisd.ca/vol02/0206002e.html> Last Accessed: 5 September 2013.

[634] "UNCED Highlights, 8 June 1992: Main Committee Contact Groups" *Earth Negotiations Bulletin*, Vol. 2, No. 7, 9 June 1992. <http://www.iisd.ca/vol02/0207001e.html> Last Accessed: 5 September 2013.

cooperative possibilities forced actors to choose between the agreement that was attainable at Rio and the status quo. It effectively removed the "keep negotiating" option from consideration. Although most expressed concern about particular elements of the institutional alternative, it was Pareto-superior for all relative to extant arrangements. Rather than continuing to tweak the proposed settlement to find potential joint gains, actors took the agreement that they could get at Rio. Given the haste in which the post-UNCED institutional agreements were reached, this is an important fact. The desire of actors to reach a settlement before the close of conference, capitalizing on Rio's coordinative window, "outweighed bureaucratic caution" and enabled institutional change.[635]

The outcomes of the preparatory debates on institutional mechanisms for the political follow-up of UNCED were resolved through the creation of a high-level UN secretary-general advisory body on sustainable development. States also reached agreement on the creation of a functional Commission on Sustainable Development, under the UN Economic and Social Council, to review and monitor progress on the implementation of the UNCED action plan. The CSD was designated a "high level body," with the implication that its sessions should draw participation at the ministerial level and from central government agencies. The CSD had an extensive mandate in the follow-up on Agenda 21, UNCED's action plan. It would monitor progress in the UN system, make recommendations to the General Assembly, and analyze information provided by governments.[636] While states were not formally required to report to the commission, they would be obliged to do so.[637]

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[635] Brenton, *The Greening of Machiavelli,* p. 228.
[636] Engfeldt, *From Stockholm to Johannesburg,* pp. 178-179.
[637] Developing countries worked at Rio to limit the reporting requirements of the CSD because they considered it an invasion on their sovereignty. At the same time, reporting requirements on the status

On financial mechanisms, the Global Environment Facility became the primary vehicle through which Agenda 21 follow-up would be funded.[638] The GEF would also handle funding for the climate and biodiversity conventions. Developed countries acknowledged from early in the process that the GEF's informal, donor-driven governance structure would be unsuitable for post-UNCED follow-up.[639] As a result, there was a move to institute more participatory processes that increased the transparency of GEF decisions. National priorities would be taken into account in funding sustainable development projects, assuaging, to some extent, fears of green conditionality. The facility would strive toward universal membership and would be transparent and accountable to donor and recipient countries.[640] Developed countries, furthermore, reaffirmed their commitment to reach the 0.7% target for official development assistance as a percentage of gross national product.[641] Progress on reaching this target would be monitored by the CSD.

Taken together, the institutional outcomes of the Rio conference linked environmental, social, and economic activities in the UN system. As Lars-Göran Engfeldt notes, post-UNCED institutional change "opened up the possibility for one

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of funding commitments were inserted. Some analysts—partially because the CSD has not turned into a particularly strong forum—have argued that states' institutional achievements at Rio were disappointing. I argue that this assessment has been coloured too greatly by subsequent history. The loss of momentum in global environmental governance after UNCED, including the inability of developed countries to meet their funding commitments and the unwillingness to governments to send high level representation to the CSD limited the new body's efficacy.

[638] Because the precise modalities were still undermined at the time of UNCED, the GEF's role was accepted on an interim basis.

[639] Preparatory Committee for the United Nations Conference on Environment and Development, "Preparations for the United Nations Conference on Environment and Development on the basis of General Assembly Resolution 44/228 and taking into account any other relevant General Assembly Resolutions: Institutional Proposals—Report by the Secretary General of the Conference," *A/CONF.151/PC/102*, 13 December 1991.

[640] For a discussion of GEF reform, see: Werksman, "The Conference of the Parties to Environmental Treaties," pp. 154-155.

[641] Crucially, the United States was not bound by this commitment since it had not affirmed the target in the first place.

international agenda for development rather than one for development and another for sustainable development."[642] In responding to change in underlying conditions, states adopted the "alternative agenda" of the Brundtland Commission. In a manner consistent with the recommendations of the Brundtland report, these measures were designed to provide badly needed coherence and direction to the UN environment regime. What is remarkable about the institutional outcomes of the Rio conference is how closely they resembled the recommendations of the Brundtland Commission. Not only did states seek to institutionalize the logic of *Our Common Future*, they adopted almost all of the organizational modalities suggested by the commission. Although negotiations during the UNCED preparatory process were contentious, it is striking how narrow the range of debate was.

6.5 CONCLUSION

The 1987 report of the World Commission on Environment and Development, *Our Common Future*, formed the conceptual basis for institutional change at the 1992 Rio Earth Summit. The Brundtland Commission highlighted past changes in exogenous conditions. Significant shifts in the global economic setting rendered existing institutional arrangements suboptimal. Despite incentives to alter the UN environment regime, states had been unable to act since the mid-1980s. The reason for the slow international response was the existence of severe temporal coordination problems. Coordination failure would prevent institutional change and badly harm cooperative players' negotiating position in future talks. States, North and South, had much to lose if they bargained cooperatively and others did not. The danger of exploitation in intergovernmental bargaining allowed the prevailing, risk-dominant equilibrium to persist.

[642] Engfeldt, *From Stockholm to Johannesburg,* p. 178.

The arrival of a Temporal Focal Point, the 1992 United Nations Conference on the Human Environment, provided the temporal landmark needed for actors to reach a convergence of expectations in interstate bargaining. The highly conspicuous event contributed to a significant increase in the investment of analytical and political resources on the UN environment regime. Publications, conferences, seminars, and workshops proliferated, which added much to the recognition of cooperative potentialities. Although the range of disagreement among states concerning institutional change proposals was remarkably narrow, important differences needed to be ironed out. The presence of a TFP allowed actors to sequence a series of concessions, culminating in agreement at the Brazilian conference. The result was the creation of institutional machinery geared toward achieving sustainable development at the international level. New institutional bodies, such as the CSD and the reconstituted GEF, altered modes of cooperation and blended environmental, economic, and social considerations in development.

These findings confirm the hypotheses set out in chapter two. In the presence of exogenous shifts, TFPs are crucial to the realization of change. The slow pace of change seen through the mid to late 1980s, despite widespread environmental decline and institutional dysfunction, underlines the importance of temporal coordination problems in the realization of change. The emergence of prominent temporal signposts, furthermore, is crucial to resolving coordination dilemmas. The case study provides ample evidence to supports the conclusion that Temporal Focal Points play a decisive role in institutional change processes.

CHAPTER 7: CONCLUSION

Social scientists have recently placed a good deal of emphasis on understanding the drivers of institutional change. Despite wide interest, important questions remain. One promising research agenda focuses on issues of timing and temporality. Time has been a neglected dimension in the institutionalist literature. Leading treatments account for the *timing* of institutional change by listing its *causes*. Though related, these are two different questions. There are, for instance, no means of explaining—or predicting—the arrival of exogenous shocks, critical junctures, or normative tipping points. Yet, change is in large part accounted for by the arrival of these phenomena. Few attempts have been made to specify the conditions under which these change mechanisms are prone to arise.

This thesis shows the importance of temporal factors in institutional life. Even when marginal exogenous shifts break down the self-enforcing character of institutions, temporal coordination problems can hinder greatly the realization of Pareto-improving institutional change. In order for change to occur, a large number of moving parts must come into alignment at one point in time. Often, hundreds of states, subnational actors, non-governmental groups, media, and expert bodies must engage in the reform process simultaneously. Coordination is extremely difficult in international fora. For each of these actors, backing change is a risky enterprise, involving the use of scarce analytical and political resources. If one side bargains cooperatively and others do not, the cooperative player can be exploited in future negotiations. It is, therefore, in the best interest of each actor to pursue change only when they believe that others will do so.

Crucial to overcoming coordination failure is the emergence of Temporal Focal Points—definite, exceptional phases along the temporal continuum. The qualitative differentiation of key junctures increases the likelihood of change by enabling a convergence of expectations *in time*. By easing assurance problems, Temporal Focal Points can lead to a spike in analytical activity, increased political entrepreneurship, and heightened bargaining intensity. Actors are more likely to make substantial political and analytical investments in change processes when they expect other to. Important anniversaries or prominent international crises are common sources of focal points.

In this concluding chapter, I first summarize the findings of the preceding empirical chapters. The detailed case study investigations contained in chapters 3-6, covering four distinct points in the history of the United Nations environment regime, strongly support the plausibility of my framework. In the three cases where they are present, Temporal Focal Points greatly increase the likelihood of change. Conversely, the absence of prominent temporal landmarks around which expectations could converge contributed to ongoing coordination failure and the persistence of extant institutional arrangements. The second part of this conclusion will discuss the contributions of my theoretical framework to the study of institutional change and will outline some areas for future research.

7.1 OVERVIEW OF FINDINGS

The empirical research contained in this thesis covers thirty years of the history of the United Nations environment regime. Using newly-released diplomatic documents and an extensive program of interviews, it provides a highly detailed assessment of

the record of change in an important realm of institutional activity. In addition to making an original contribution to empirical knowledge of the subject area, the case studies selected are *least-likely* ones for a theory of Temporal Focal Points. Coordination in an institutional setting with such a large and heterogeneous membership is extremely difficult. The near continuous presence of cooperation problems and the emergence of multiple socio-normative transition points, furthermore, make these *most-likely* cases for other theoretical traditions. Since my analysis covers the intervening years between my main cases, as well as instances where reform was pursued unsuccessfully, I get significant variation in my explanatory variables.

As global environmental problems mounted in the 1950s and early 1960s, states instituted a variety of measures on an *ad hoc* basis to cope with pressing planetary issues through international cooperation. By the mid-1960s, however, continued technological and demographic change necessitated a more comprehensive approach. Within the United Nations, the United States took the lead in advocating an international response to environmental problems in 1963. Although joint action to tackle global problems was in the interest of all, states faced important risks in moving to a new institutional equilibrium. In addition to the investment of scarce resources in reform efforts, cooperative bargaining that was not reciprocated could have badly weakened the negotiating position of cooperative players in future talks. For example, industrialized countries feared environmental measures that, in effect, provided developing countries with a license to pollute and exploit their natural resources. The rise of "pollution havens" in the global South could hurt the economic position of industrialized countries and negate the anticipated environmental benefits

of cooperation. Developing countries feared that environmental measures could retard their development and freeze the existing unequal distribution of global wealth. While these fears were exaggerated somewhat, all countries recognized that the stakes were high in North/South environmental talks. Coordination problems badly hampered efforts to pursue institutional change.

This situation changed with the emergence of a Temporal Focal Point: the 1972 United Nations Conference on the Human Environment (UNCHE). The "Stockholm conference," originally seen as a technical affair, quickly became a landmark political event. The belief among all actors that all other actors regarded UNCHE as highly important made the conference a focus for institutional initiative. UNCHE precipitated a convergence of expectations *in time*. Actors expended heavy political and analytical resources in efforts to recast institutional arrangements in time for the 1972 conference. The search for a suitable basis for reform gave great power to the findings of the 1971 Founex seminar on development and environment. While the Founex report did not break new conceptual ground, it carefully balanced the priorities of developed and developing countries. Most importantly, it arrived at a moment in time when states were seeking a suitable basis for reform. The Founex paper shaped pivotal elements of the Stockholm conference action plan and declaration. The institutional vision of Founex also manifested itself in the organizational measures that were adopted in Stockholm and eventually formalized in December 1972 at the United Nations General Assembly.

The new "United Nations Environment Programme" (UNEP) was designed to coordinate and catalyze environmental action within the UN system. The programme

was not just the UNEP secretariat or Governing Council, but the sum of all the environmental activities of member states, non-governmental and intergovernmental organizations acting in the UN context. This expansive vision encountered important difficulties in its first decade. To function effectively, UNEP required close cooperation among states, the UNEP secretariat, and UN specialized agencies. Conflict among states and within the UN system contributed to a disappointing record of action between 1972 and 1982. Voluntary contributions to UNEP's Environment Fund began to flag and the level of governmental representation at annual Governing Council sessions diminished. States focused obsessively on administrative and budgetary questions, neglecting vital programmatic issues. By the early 1980s, UNEP had become a dysfunctional international institution.

With the approaching ten-year anniversary of the Stockholm conference, UNEP's executive director, Dr. Mostafa Tolba, proposed a 1982 UNEP "Session of a Special Character" (UNSSC). The "Nairobi conference," Tolba hoped, would help regain the momentum and the coordinative impetus of UNCHE. UNEP and its enterprising executive director put great effort into making the Special Session a prominent political event. Tolba travelled the world, delivering speeches, giving interviews, and drawing attention to the second UN environmental conference. UNEP published an extensive set of documents to influence world opinion at the time. Independent of UNEP's efforts, the ten-year anniversary of the Stockholm meeting caught the eye of important states. Many actors treated 1982 as an exceptional year in the UN environment regime. The Nairobi conference, therefore, served as a Temporal Focal Point, precipitating a convergence of expectations.

Numerous countries launched political initiatives to meet the focal timeframe and coincide with the coming conference. The most prominent of these was an African group proposal to alter UNEP's mandate so that it could conduct its own operational activities. Despite the energetic efforts of Kenya and Tunisia, this initiative was defeated. The proposal was unsuccessful because underlying conditions had not changed greatly since 1972. The list of environmental concerns facing states had been basically constant. Many environmental questions that were regarded as dire in 1972 were seen as less urgent in 1982 because of important scientific and technological advances. The relative stability of external conditions meant that joint gains were not available to form a basis for a regime transformation in Nairobi.

The UNSSC case study provides strong evidence for the importance of exogenous factors in providing a substantive basis for institutional change. While the UN environment regime faced many obvious endogenous issues, these proved to be an insufficient basis for institutional reform in 1982. Despite the failure of change, the Nairobi case strongly supports the predictions of the TFP framework. The prominent timeframe stimulated significant analytical and political investments in the exploration of institutional alternatives. It was only *after* a spike in institutional diagnostics and analysis that it became clear to actors that a bargaining range did not exist.

This situation changed dramatically just months after UNSSC, when the threat of a Mexican government default on its external public debt precipitated the Third World debt crisis. Many developing countries, particularly in Latin America and Africa, serviced their unmanageable debt through the unsustainable exploitation of their

natural resources. Through the mid-1980s, there was a significant increase in the rate of environmental deterioration, leading to worsening desertification and deforestation. A string of environmental disasters, including the Bhopal accident in 1984 and the Chernobyl nuclear meltdown in 1986, reinforced a sense of world environmental crisis. The rapid shift in underlying conditions provided a suitable basis for joint gains. It was in this context that the World Commission on Environment and Development (WCED) delivered its prominent report *Our Common Future*.

The "Brundtland report," named after the commission's chair, Gro Harlem Brundtland, advocated an "alternative agenda" that amounted to sweeping institutional change. The commission advocated the complete integration of environmental considerations with the social and economic sectors of governmental and intergovernmental organizations. The existing "react and retrofit" approach to environmental management could not, the commission argued, address planetary problems. Instead, states would need to move to an "anticipate and prevent" approach, engaging central governmental agencies in the promotion of "sustainable development." At the international level, this entailed a greater role for international financial institutions, such as the World Bank and the regional development banks, in global environmental action. Within the United Nations system, the UN secretary-general should serve as the main vehicle for interagency cooperation and coordination.

When the Brundtland report was delivered to the UN General Assembly in autumn 1987, many expected that the reform process would begin immediately. Although states welcomed the report and its conclusions, they did not elect to engage with

WCED's institutional recommendations in 1987. The paradoxical approach of states to the commission report can be explained by the existence of severe temporal coordination problems. There was a significant degree of ambiguity over the timeline for follow-up on the commission report. Some expected negotiations to begin in 1987, while others looked toward a series of regional conferences or a potential international conference in 1992.

Although exogenous shifts had opened up joint gains, leading states had much to lose in institutional bargaining. Developing countries most feared the rise of "green conditionality" in the provision of development assistance. Developed countries, on the other hand, were reluctant to embrace the still vague concept of "sustainable development," fearing that it could provide a justification for developing country exemptions from international environmental efforts. Although each side had much to gain through institutional change, therefore, they risked compromising their future negotiating position if they bargained cooperatively. Rather than a joint search for viable means of institutionalizing the sustainable development concept within the UN system, defensive posturing won the day and change did not obtain.

The WCED case study illustrates the importance of Temporal Focal Points in the realization of institutional change. Exogenous shifts had opened up joint gains that could be realized in 1987. However, divergent expectations concerning the timeline for negotiations contributed greatly to states' unwillingness to move definitively to institute new patterns of cooperation. Though governments widely embraced sustainable development at the national level and within other intergovernmental fora, they approached UN negotiations cautiously. North/South talks lacked direction and

purposeful bargaining did not take place. The Brundtland case study also highlights the importance of gradual exogenous shifts in patterns of change. The progressive deterioration of environmental conditions in the 1980s did not provoke an institutional response for close to a decade.

The recommendations of the Brundtland commission would be given a second life when the UN General Assembly scheduled the United Nations Conference on Environment and Development (UNCED) for June 1992. Despite urgent problems, temporal coordination dilemmas had hindered institutional change through the 1980s. The Rio conference quickly changed the situation. The Earth Summit became an event of unparalleled profile. No other environmental forum competed with the UN conference for the attention of actors. The twentieth anniversary of UNCHE, which the conference marked, was a unique and highly conspicuous moment in the UN environment regime. UNCED, therefore, served as a Temporal Focal Point.

As the conference neared, there was an urgent search for solutions that could address the changed problem setting. States behaved *as if* a major temporal discontinuity would follow the Earth Summit. No serious attention was given to the possibility of continuing negotiations after UNCED, for example. Although many institutional options were initially entertained, the WCED recommendation provided an almost irresistible focus for talks. Bargaining centred on altering the decision-making processes of the World Bank-operated Global Environment Facility and on creating a UN Commission on Sustainable Development. The authority of the UN secretary-general was also enhanced to improve interagency coordination.

Sustainable development, a concept popularized by *Our Common Future*, served as the conceptual basis for agreement in Rio de Janeiro.

Without the Temporal Focal Point framework, the timing of institutional change in 1992 is puzzling. There was no exogenous shock or parametric shift in close temporal proximity to UNCED that persuasively explains change.[643] While underlying conditions had shifted significantly with the arrival of the Third World debt crisis in August 1982, states were unable to coordinate purposeful negotiations to realize joint gains. For Sociological Institutionalist approaches, the fact that it took states almost five years to act on the WCED recommendations, which were by the early 1990s already widely implemented in other fora, is perplexing. The best explanation for the timing of institutional change in 1992 was that it coincided with the twenty-year anniversary of the Stockholm conference. Relevant actors used the prominent anniversary to coordinate negotiations to overcome the risk dominance of the prevailing equilibrium and achieve Pareto-improving institutional change.

One of the important commonalities between the UNCHE and UNCED case studies is the relevance of coordination along two dimensions: bargaining space and time. The coincidence of the Stockholm Temporal Focal Point and the Founex seminar's conclusions were crucial to reaching a settlement in 1972. While the Founex report brilliantly met the central negotiating challenge of the Stockholm preparatory process, its temporal proximity to the fast approaching conference added greatly to its power. In a similar way, the influence of the Brundtland commission owed much to UNCED. It was the urgent search for solutions to the bargaining

[643] As noted in chapter 6, the end of the Cold War did not have a major impact on cooperative potentialities in the environment sphere. The major fault lines on global environmental issues had always been North/South, not East/West.

dilemmas of the Earth Summit that facilitated the institutionalization of sustainable development in the UN system. The key to institutional change in 1972 and 1992, therefore, was the ability of states to coordinate along two dimensions. The temporal dimension was imperative to this process.

Taken together, the cases provide very strong evidence to support the two hypotheses specified in chapter 2. The role of exogenous factors in giving rise to the incentives that ultimately fuelled institutional change is apparent in the case studies. It was actors' shared interest in halting planetary decline that provided the substantive basis for alterations to institutional rules and procedures in 1972 and 1992. In the case of the 1982 Nairobi conference, the absence of significant exogenous change explains reformers' inability to transform UNEP's mandate. While there were many endogenous problems, there was no substantive basis for agreement. Though imperfect, relevant actors regarded existing institutional measures as the best that could be achieved.

Hypothesis two concerned the role of Temporal Focal Points in precipitating a convergence of expectations that increases the likelihood of institutional change. The importance of temporal landmarks is seen clearly in all four cases. In the Stockholm and Rio case studies, states had been slow to adopt measures to address important shifts in underlying conditions. Severe temporal coordination problems had hampered reform efforts significantly. The emergence of a focal timeframe changed the situation. Coordination problems were eased by the presence of a focal point, enabling a precipitous increase in political and analytical activity. Actors bargained purposefully, seeking to realize change within the focal timeframe. While there was

no substantive basis for agreement, Temporal Focal Points had a similar impact in 1982. In the Nairobi and Rio case studies, the timing of TFPs had little to do with exogenous or ideational developments. Institutional change was enabled by the arrival of a prominent anniversary that served as a basis for temporal coordination. In the Brundtland commission case study, the absence of a Temporal Focal Point slowed the realization of institutional change, despite the presence of an exogenously generated bargaining range. It took a prominent temporal landmark, the twentieth anniversary of UNCHE, for actors to negotiate purposefully.

7.2 CONTRIBUTION OF THE FRAMEWORK

The Temporal Focal Point framework addresses three chief limitations in the literature on institutional change. First, by drawing attention to the severe coordination problems facing states in the realization of change, the model provides a compelling new explanation for the status quo bias of international institutions. Although coordination problems have received relatively little attention in the literature, my evaluation clearly demonstrates that they regularly slow regime transformations.[644] This focus can also provide insight on where and when significant change is most likely to arise. The empirical investigation contained in chapter 3 to 6, for example, suggests that cooperative contexts characterized by high complexity are more likely to face difficulties coordinating. Conversely, smaller more homogenous

[644] For some exceptions, see: Randall L. Calvert, "Rational Actors, Equilibrium, and Social Institutions, in Jack Knight and Itai Sened (ed.), *Explaining Social Institutions* (Ann Arbor: University of Michigan Press, 1998), pp. 75-78. Calvert highlights the coordination dilemmas faced by the two houses of the United States' Congress. Coordination problems are faced in the context of multiple equilibria and the decision whether to confer and to assume the costs/risks associated therewith. Avner Grief and David D. Laitin also discuss coordination issues briefly in: Avner Grief and David D. Laitin, "A Theory of Endogenous Institutional Change," *American Political Science Review,* Vol. 98, No. 4, Nov 2004, p. 638.

institutions might be expected to change more rapidly when exogenous shifts create incentives for reform.

Second, TFPs explain the mechanism through which shocks and critical junctures precipitate regime transformations. While exogenous shocks are a useful analytical concept, the high correlation between crises and change does not mean that crises that precede behavioural modifications *cause* the change observed. More often, visible international crises serve as conspicuous temporal signposts that enable coordination among actors. This is because the ingredients necessary for change accumulate progressively. Pareto-improving agreement opportunities are more frequently opened up by gradual exogenous shifts than by sudden shocks. International crises, which are assumed to be the cause of change, simply bring into focus incremental shifts in key parameters that occurred in the past. Actors come to recognize that existing institutional arrangements are not an equilibrium and coordinate their expectations to realize joint gains.

Critical junctures are, furthermore, an entirely descriptive insight that focuses on the legacies of particular historical episodes or on highlighting the contingency of events at key junctures.[645] No explanations are advanced to explain when and why nodal points arise in these branching tree representations of institutional change. One cannot, for instance, determine the conditions under which decision nodes are likely to appear. By emphasizing the coordinative capacity of conspicuous phases, we are

[645] This perspective is shared in: Paul Pierson, "Increasing Returns, Path Dependence, and the Study of Politics," *American Political Science Review*, Vol. 94, No. 2 (Jun., 2000), pp. 266. B. Guy Peters, Jon Pierre, and Desmond S. King, "The Politics of Path Dependency: Political Conflict in Historical Institutionalism," *The Journal of Politics,* Vol. 67, No. 4, November 2005, p. 1289.

able to move past *ex post* assessments to determine why crises and demonstrative events are so often correlated with significant change.

Third, a focus on the social utility and construction of TFPs allows greater room for agency. Major sociological institutionalist, rational choice, and historical institutionalist contributions assume a certain automaticity in change once prevailing ideational or material structures change. While existing institutional structures constrain behaviour, there is room for creativity and strategic choice in the timing of reform efforts. The case studies examined in this thesis, for instance, underscore the entrepreneurial efforts of the UNCHE, UNEP, and UNCED secretariats in seeking to increase the conspicuousness of certain moments in time. The findings suggest that institutional entrepreneurs do not just advocate particular agreement possibilities, as is typically noted, but also seek to provide a temporal focus for bargaining.

7.3 FUTURE RESEARCH

At least three promising lines of inquiry present themselves in the analysis of temporal factors in institutional change. First, to gain increased confidence in our findings, a detailed statistical analysis of the relationship between Temporal Focal Points and institutional change in multiple spheres of international activity would be worthwhile. This type of analysis could specify a set of indicators of temporal coordination, analyzing the relationship between these factors and change instances. Some potential indicators are suggested by the temporal pacing work of Connie J. G. Gersick.[646] It should, for example, be possible to look for spikes in the number of institutional

[646] Connie J. G. Gersick, "Time and Transitions in Work Teams: Toward a New Model of Group Development," *The Academy of Management Journal,* Vol. 31, No. 1, March 1988. See also: Connie J. G. Gersick, "Making Time Predictable: Transitions in Task Groups," *The Academy of Management Journal*, Vol. 32, No. 2, June 1989.

diagnostics, the introduction of new reform proposals, and an increase in media reporting on institutional questions. It may also be desirable to assess bargaining processes, including the frequency of meetings, the creation of working groups or taskforces, and evidence of key transition points in talks. These can provide a basis for discerning temporal pacing in the presence of Temporal Focal Points. While a quantitative analysis of this nature would require sensitivity to the particular attributes of institutional settings, it would bolster the inferential power of the hypotheses contained in this dissertation. To avoid spurious correlations, a statistical evaluation could have to be complemented with the sort of "thick" empirical investigations contained in the preceding analysis.

A second line of inquiry that would yield important analytical benefits is the relationship between certain temporal junctures and distributive impulses in interstate negotiations. For a whole range of empirical reasons, such as anticipated shifts in the balance of power or changes in adjacent regimes, parties may expect greater payoffs in future international negotiations. In this case, actors may wish to coordinate their activities, but prefer different timelines. The coordinative interaction may, in this formulation, resemble a "battle of the sexes" game more closely than the "stag hunt" outlined in chapter 2. Accounting for this distributive dimension of timing and temporality in international affairs is of great relevance to contemporary world politics in a period of power transition or diffusion.

The third analytical avenue, which came through clearly in the case studies, concerns the role of certain international actors in constructing focal points.[647] Deliberate efforts to attribute meaning to certain phases along the temporal continuum—such as junctures following crises or preceding intergovernmental meetings—may serve as a chief vehicle for social entrepreneurship. The institutional implications of crises may not, for instance, flow as clearly or unambiguously as is sometimes assumed. Understanding how actors construct, or "spin," moments in time to achieve their goals may serve as a means of identifying institutions that are especially prone to the emergence of critical junctures or events typically identified as exogenous shocks. In addition, certain actors may have a comparative advantage in constructing Temporal Focal Points. The case studies suggest that international organizations and relatively middle powers may have an advantage in raising the conspicuousness of focal phases in bargaining. Empirical evaluations in other spheres of international activity could contribute to a more complete appreciation of the role of these players in institutional bargaining.

[647] Using Schelling's concept of focal points, Geoffrey Garrett and Barry R. Weingast discuss the role of actors in constructing ideational focal points. See: Geoffrey Garrett and Barry R. Weingast, "Ideas, Interests, and Institutions: Constructing the European Community's Internal Market," in: Judith Goldstein and Robert O. Keohane (ed.), *Ideas & Foreign Policy: Beliefs, Institutions, and Political* Change (Ithaca: Cornell University Press, 1993), p. 177.

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