

THE GLOBAL TASKS OF THE UNITED NATIONS ENVIRONMENT PROGRAM (UNEP) AND ITS COOPERATION WITH SERBIA

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Abstract: The United Nations Environment Program (UNEP) was created as a fundamental institution for the global environment. Its *raison d'être* was the coordination of environmental activities in the UN system. The paper will provide a comprehensive analysis of the UNEP as a subsidiary body of the United Nations in charge of environmental protection. The structure will be presented and its adequacy will be considered. Special attention in the article will be paid to the question of why the UNEP does not have the status of a specialized agency like the FAO, the WHO, etc. All the challenges, crises, successes and failures that the UNEP has faced in environmental protection will be considered throughout history. 2022 marks the fiftieth anniversary of the UNEP, and this anniversary provides an opportunity to reflect and rethink, to create a renewed identity for the United Nations Environment Program in order to adequately respond to the world's growing environmental challenges, such as climate change. Also, the paper will analyze the relationship between Serbia and the UNEP in the fight to preserve the environment. The current cooperation between the UNEP and Serbia will be reviewed and the possible improvement of that cooperation will be pointed out, bearing in mind that Serbia is facing a number of problems in the field of environmental protection and preservation.

Keywords: United Nations, UNEP, environmental protection, UN Environment Assembly, Republic of Serbia, reform.

INTRODUCTION

At the global level, international organizations began to play a more significant role when it was necessary to regulate international problems

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between states that had transnational characteristics. A typical example of such a global problem is environmental challenges. Long before the UNEP was created, environmental issues were part of the portfolio of many specialized UN agencies such as the FAO, the UNDP, and the WHO. The World Meteorological Organization was tasked with dealing with many aspects of air pollution and climate change. Given this, an additional task reflected in the harmonization of the work of specialized agencies designed with the idea of taking over the monopoly and the Piedmont's role in terms of environmental protection. Scientists pointed out that the current management system lacks coherence and suffers from the jurisdiction of overlap and emptiness, crippling its ability to respond to global problems (Sept, 2002, pp. 1-20). This year, the UNEP marks half a century since its founding, so today is the ideal moment to see the success and challenges that this body has faced throughout history. Given the growing problems in terms of environmental damage and climate change, which is a burning global problem, it is probably now a key moment to revitalize the role and importance of the UNEP. The first idea of convening a conference to address the issue of environmental protection appeared in 1967. After recognizing the effectiveness of the FAO, the WHO organized the first conference dedicated to the protection of the human environment, which analyzed several current issues related to pollution. Due to the increasing degradation of the environment, the Stockholm Conference felt the need to create a body that would coordinate environmental activities in the international community. The Stockholm Conference was characterized by wide public participation, which had to focus on the harmful impact of human activities on nature and the harmful impact on the man himself (Johanson 2012, p. 10). Although there were fears that a separate entity dealing with the environment would encroach on the competencies of specialized agencies, the creation of the United Nations Environment Program was accepted at the conference in Stockholm.¹ The basic idea was for the UNEP to be a body that will coordinate the work of the UN and play a crucial role in environmental protection at the global level. The mission of the new institution was to assess the state of the environment and to inform,

¹ The creation of the UNEP is specific in that the initiative for the formation came from the states, but the big opponents were international organizations because of their own fears. A great role in the creation of the UNEP was played by the Canadian diplomat Maurice Strong, who became the first executive director of this body.

inspire and empower states to cooperate in the field of environmental protection under the auspices of the UN. Although it has made significant achievements in the field of environmental protection throughout its history, these contributions have not been adequately recognized by the international community, so the credibility of this body has been called into question. As there are a huge number of different organizations in the world today that deal with the issue of environmental protection, the position of the UNEP as a central institution is disputed. The aim of this paper is to show why the UNEP was formed, then analyze the effectiveness of the current structure of this body and propose certain reforms. Special attention will be paid to the question of why the UNEP does not have the status of a specialized agency within the United Nations. Consequently, the question arises as to whether the current status is an advantage or a disadvantage of the UNEP, given the tasks set before this body. When talking about the importance of the UNEP, one should especially keep in mind the fact that this body is the secretariat of multilateral agreements in the field of environmental protection. Therefore, this body has a very important role. The special goal is to determine the level of cooperation and the relationship between the Republic of Serbia and the UNEP.

CREATION AND STRUCTURE OF THE UNEP

Designed to represent the international community's awareness of environmental protection, the UNEP is designed to be a flexible entity under the auspices of the UN that will not solve environmental problems alone, but rather design programs and measures to be implemented by other bodies. The need for inter-agency coordination was crucial for the formation of such a body. In designing the mandate and competencies of the UNEP, the intention was for the UNEP to be a center for making relevant scientific assessments of the state of the environment and then to be a catalyst for activities related to environmental protection within the United Nations. The UNEP should also provide assistance to the environment and states at the national level, as the UNEP is designed as a body that provides a framework for the member states to exchange information and views, develop and legitimize policies, and negotiate binding legal agreements. The UNEP was not intended to be an operational or service organization that carries out specific environmental activities on its own and provides joint or individual services. Given the enormous challenges in terms of environmental protection and

minimizing environmental damage, the creators of the UNEP did not have initial high expectations regarding the effectiveness of this body, so any progress could be characterized as epochal until failure was given importance. The fact is that some countries that were supposed to be the biggest financiers of the UNEP projects were also the biggest opponents of the creation of this body. The great powers feared its strength and independence, which implied that the UNEP would be slowed down in the realization of planned goals, which further led to environmental degradation (DeSombre, 2006, p. 8). From its establishment until today, the question remains whether the right model has been chosen for the adequate functioning of the UNEP. When creating international entities within the UN system, states have three choices. One of the variants was to form the UNEP as a specialized agency. Since specialized agencies have economic and political independence, the UNEP was not created as a specialized agency for several reasons. The entity formed in this way would have to take over many competencies that belonged to other already established specialized agencies, and the prevailing view was that such encroachment on competencies would not give the desired results (Wightman, 2012, p. 34). Another option was to form the UNEP as an office within the UN Secretariat. The establishment of such offices creates a comprehensive framework for coordinating the activities of the member states. At the time of its establishment, it was decided to form the UNEP as a subsidiary body (Ivanova, 2021, pp. 12-20).² One of the variants was to form UNEP as a specialized agency. Governments establish these agencies through the adoption and ratification of intergovernmental agreements, and the UN General Assembly has no direct administrative, programmatic or financial authority over them. The establishment of a specialized agency does not require the approval of the UN General Assembly or other bodies within the UN system. Given that specialized agencies have economic and political independence. The UNEP was not created as a specialized agency for several reasons. The entity formed in this way would have to take over many competencies that belonged to other already established specialized agencies, and the prevailing view was that such encroachment on competencies would not give the desired

² Subsidiary bodies are established by a resolution of the UN General Assembly and are an integral part of the United Nations structure. The main differences between specialized agencies and subsidiary bodies are reflected in the possibility of oversight by the General Assembly in a limited membership.

results (Wightman, 2012, p. 34). Another option was to form the UNEP as an office within the UN Secretariat. Although they do not have great responsibilities, offices can prove to be very capable of solving certain problems, especially if they have capable leadership. In the end, Subsidiary bodies are established by a resolution of the UN General Assembly and are an integral part of the United Nations structure. The UNEP was formed as a subsidiary body. An additional argument regarding the creation of a subsidiary body, rather than a specialized agency, is reflected in the fact that the complexity of environmental issues makes it impossible to link the work of this entity to only one sector (Ivanova, 2021, pp. 25-35). The establishment of the UNEP as a subsidiary body was more appropriate for *ad hoc* action, given the urgent need for the international community to respond to the identified problems. There is no evidence to suggest that the status of the new institution as a subsidiary body, rather than a specialized agency, was the product of deliberate action to disable the new body (Ivanova, 2021, p. 49). After this analysis, it is clear that the UNEP was designed as an auxiliary body precisely because it is considered that the form of action as an auxiliary body is the most suitable for dealing with environmental challenges. The UNEP is essentially designed to be an environmental conscientious creator for the UN as well. The creation of the UNEP as a subsidiary body under the direct supervision of the United Nations General Assembly indicates that the UNEP was created to achieve impossible goals. The UNEP is deliberately designed as a subsidiary body, rather than an independent specialized agency, to be in a better position to coordinate environmental activities across the UN system. The UNEP is headed by an executive director. This role is very important for the functioning of this subsidiary body as the position is similar to that of the UN Secretary-General. Hence, it is considered that the stronger the personality of the executive director, the greater the possibility for his more effective action.³ The UNEP's normative mandate and operational demands, its inadequate (and voluntary) financial contributions, and the long distance from the rest of the UN system have made the executive director's role paramount (Ivanova, 2021, pp. 211-230). The structure of the UNEP consists of an additional 4 bodies, of which it is the most important as a universal body

³ The Executive director of the UNEP performs an essential role in articulating a vision and carving out authority for the organization as well as mobilizing resources to support its day-to-day work and explore new opportunities.

the United Nations Environment Assembly (UNEA) (UNEA, 2022).⁴ The UNEA is a forum for implementing and making concrete environmental decisions. In doing so, it has the potential to directly contribute not only to the identification and better understanding of critical emerging international environmental problems that require international cooperation, (Xaver Perrez, 2020, p. 8). In this way, the UNEA as a body significantly contributes to the development of soft law in the field of environmental protection. The significance of the existence of the UNEA is in the crystallization of the current principles of environmental law; another way of influencing is through raising the awareness of the general public. The specificity of the UNEA is reflected in the fact that it is a catalyst for environmental management policy. Negotiations on many environmental agreements have begun within the UNEA, but have not ended there. The UNEA is also the coordinator, overseeing the work of the UN Environment Program. In less than 10 years of existence, the UNEA has become a central body for identifying, prioritizing and coordinating global responses to environmental issues. Within the UNEA, new agreements are not adopted, but appropriate resolutions are passed. These resolutions outline the nature of the problem and potential solutions to the problem as proposed by the proponents. (UNEA, 2022).⁵ It happens that some proposed resolutions are not adopted because there is no consensus on the proposed measures that would solve a certain environmental problem (Wagner, Allan 2022).⁶

⁴ In the reform process, the UNEA replaced the Steering Committee for Environmental Programs. The UNEA was established as a result of the United Nations Conference on Sustainable Development (Rio + 20) in June 2012. The establishment of the Environment Assembly marked the culmination of decades of international efforts, launched at the 1972 UN Conference on the Environment in Stockholm. The significance of the UNEA is that it represents a political forum that meets biennially and serves for the exchange of opinions and interstate cooperation in the field of environmental protection. The UNEA has become the governing body of the UNEP with real political influence.

⁵ Sometimes several countries pass a resolution on the same issue. Just before the UNEA session, the Open Committee of Permanent Representatives (OECPR) meets to discuss these resolutions. Until then, if there are more proposers, they consolidate their opinions and try to propose a single resolution. Following the OECPR, the UNEA meets. Ideally, the OECPR has forwarded a clear, harmonized text, but sometimes unresolved issues require the attention of senior UNEA delegates.

⁶ Switzerland withdrew the proposed Resolution on geoengineering, following questions about which technologies are considered "geoengineering" and concerns

THE UNEP'S CHALLENGES AND SUCCESS

The global environmental management system is very complex as it is made up of many different actors. In order to achieve good coordination of all entities, which is crucial for environmental protection, it is necessary to establish authority. Since its inception, the UNEP has had the opportunity to establish a supreme role in environmental protection as it has had both a legal mandate and a financial mechanism to do so. The UNEP's authority was supposed to be based on expertise and credibility, but after the many challenges it faced, it can be concluded that the UNEP did not reach its full potential. The main difficulties in establishing coordination are reflected in the problem of capacity, i.e., a limited number of staff who cannot adequately meet the scope of obligations to which the UNEP must respond. During the 1990s, the UNEP struggled to address inconsistencies between its normative mandate, the requirements of developing countries for its operational engagement, and donor contributions to meet such requirements (Ivanova, 2021, pp. 98-103). Namely, it was considered that it was formally authorized to perform normative activities. The UNEP was constantly changing roles and could not develop a clear, consistent and convincing identity. An additional problem with the establishment of the UNEP is the fact that after the Rio Summit, several more environmental organizations were created, and the authority of the UNEP was further shaken. Although the UNEP was able to revitalize its role, however, given that the main narrative of the Rio Conference was focused on sustainable development, while the issue of environmental protection was put in the background, so the opportunity went to waste. Governments have set up separate secretariats for climate change treaties and the ozone protection protocol, which has drastically reduced the UNEP's mandate. The UNEP's limited activities are also caused by insufficient funding from the member states. With a mandate to "control the global environmental situation", the UNEP has engaged in monitoring and recording environmental data and has sought to influence policy to address environmental issues. The UNEP can initiate and accelerate actions in the UN system, as well as other international institutions (Ivanova, 2010, p. 48). One of the key problems that the UNEP has been facing since its establishment is that its headquarters are located

about turning to climate change, given the bodies and rules in place to reduce emissions and build resilience to climate change.

in Nairobi (Kenya), far from the heart of other specialized agencies. During the formation of the UNEP, the issue of the seat of this subsidiary body provoked the most heated debates, especially since an attempt was made to strike a balance between the principle of equal geographical distribution and the need for efficient functioning. Developing countries, eager to see the UN agency based in the South, did not see the location issue as a mere formality. Developing countries have advocated for equality in international environmental treaties, which would be manifested through the dislocation of headquarters. On the other hand, industrialized countries argued that the efficiency of institutions could be jeopardized by their location (Ivanova, 2010, p. 42). There are opinions that the headquarters in New York or Geneva would be more efficient for the functioning of the UNEP (Ivanova, 2010, p. 42). This claim is important if we keep in mind that all UN members have already had delegations in these places and that it is very important experts who would certainly contribute to the more successful functioning of the UNEP (Ivanova, 2010, p. 34). While some believe that the UNEP has been sacrificed in order to reach an international consensus on the most important issues that threaten the environment, on the other hand, there are interpretations that industrialized countries plan to expel the undesirable new secretariat to a place far from political centers of power. The failure of the UNEP would not be obvious, given that it was given an impossible task that was not well defined (Ivanova, 2021, p. 99). One of the biggest challenges facing the UNEP is climate change. The UNEP was the first to point out the harmful importance of climate change. Although it expressed some significant shortcomings, the UNEP has had some significant successes, especially in the fight against climate change. This subsidiary body, together with the World Meteorological Organization, is a co-founder of the Intergovernmental Panel on Climate Change (IPCC). The IPCC provides objective scientific analysis of the anthropogenic impact of climate change, and through periodic reports provides a review of relevant literature and explains possible solutions to mitigation and adaptation to climate change (IPCC, 2022).⁷ The UNEP aspires to play a crucial role in implementing the Paris Agreement by helping dozens of

⁷ Despite the fact that the Conference of the Parties (COP) is leading the primary role in climate change issues, climate change significantly shapes the essential action of UNEP. The UN Environment Program is at the heart of action to combat climate change.

countries develop national plans to reduce greenhouse gas emissions and supporting the development of new financial models to accelerate the transition to a green economy (UNEP, 2022). The UNEP could play a significant role in the implementation of the Paris Agreement by cooperating with states to implement as ambitious plans as possible. The UNEP could revitalize authority by playing a key role in promoting ecocide as a new international crime. Ecocide is a great loss, damage or destruction of an ecosystem in a given territory (territories) ... such that the life of the inhabitants is seriously disturbed or it will be in the future” (Tintor, 2021, pp. 280-281). Namely, given the fact that its bodies represent centers for international discussion, this subsidiary body could significantly contribute to gaining the necessary majority to finally criminalize ecocide. Ecocide poses a significant environmental challenge that the UNEP will have to face in the future. The UNEP would certainly gain significant authority if it succeeded in implementing environmental goals from ecocides. Scientific evidence suggests that showing the effects and threats of climate emergencies, biodiversity crises and pollution that kill millions of people each year, the overuse of natural resources threatens human survival and causes serious environmental problems. By its actions, the UNEP could contribute to reaching a global consensus and recognizing the international subjectivity of nature in order to protect its existence (Tintor, 2022). To address the environmental challenges most reflected in the negative effects of climate change, biodiversity loss, nature destruction and pollution that are mostly caused by human activities and sustainable patterns of consumption and production, the UNEP has developed a Sustainable Development Strategy for the period 2022-2025. Tackling these crises is critical to improving the health of the environment, as well as social and economic health, as the COVID-19 crisis has shown. A healthy environment, healthy people and healthy economies are the foundation for achieving the Sustainable Development Goals (UNEP Strategy, 2022, pp. 22-28).⁸

⁸ This UNEP Strategy is of great importance for the implementation of the 2030 Agenda for Sustainable Development, bearing in mind that more than half of the Sustainable Development Goals focus on the environment or deal with the sustainability of natural resources, and more than 86 out of 169 goals directly concern the environment.

THE NEED TO REFORM THE UNEP

Even fifty years after the founding of the UNEP, there is no consensus on the effectiveness and success of this subsidiary body. Opinions are extremely opposite, while some see “one of the most impressive entities ever created in the UN system in terms of real achievements”, and “in terms of mandate, resources and authority, the UNEP’s work can be a great success, while others point out that the UNEP has failed to successfully perform basic functions (Najam, 2003, pp. 367-384). Throughout its history, the UNEP has been the target of reform efforts on several occasions. Jeffrey Palmer, the former Prime Minister of New Zealand, put forward a proposal to create a new UN specialized agency for the environment, the International Organization for the Environment similar to the International Labor Organization (ILO), the first specialized agency (Palmer, 1992, pp. 259-283). Reform is also necessary due to the fact that due to economic crises organizations. Given the limited mandate and slow progress of environmental protection since the Rio Conference, over time there have been growing calls for the UNEP to be transformed into an organization capable of enacting legally binding acts. In that way, the UNEP would be transformed into the World Environmental Organization (Biermann, 2000, p. 23). In essence, proponents of the creation of this new entity point to the shortcomings of the current state of global environmental governance under the auspices of the UNEP. The first points are inadequate coordination and excessive financial costs with inadequate political results. When the UNEP was founded in 1972, it was a relatively independent player with a clearly defined mandate. Therefore, the key to reform is seen in the design of the UNEP (Ivanova, 2012, pp. 107-114). Proponents of the transformation of the UNEP into the World Environment Organization argue that it is necessary to undertake a dramatic reorganization of the existing governance system that requires extraordinary political leadership. In essence, proponents of this new entity point to shortcomings in the current state of global environmental governance under the auspices of the UNEP (Biermann, 2000, p. 25). The first points are inadequate coordination and excessive financial costs with inadequate political results. In the process of the part of the reform that was carried out at the RIO + 20 Summit by adopting the document “*The Future We Want*”, the member states acknowledged the need for more operational engagement from the UNEP and stressed the importance of developing a greater regional presence as well as a stronger presence in Nairobi. They also committed, and subsequently delivered, resources

from the regular UN budget (Ivanova, 2021, p. 220). Governments did not, however, directly tackle the issues that have hobbled the UNEP from being a credible authority. Although every new political forum and decision reaffirmed the UNEP's position as the "leading global environmental authority," such authority is not granted but earned through the delivery of mandate and expectations (Ivanova, 2021, p. 208). The need for the UNEP reform is linked to the reform of the complete environmental management system. Global environmental governance is in need not just of reform but of transformation that conceptualizes and enacts a range of previously unimagined opportunities. Transformation can comprise a change in governance structures and processes, behavioral change that disrupts the status quo (Fazey et al. 2018, p. 61). The success of the UNEP's reforms so far has been manifested in its more efficient operations. The creation of the UNEA is a very important step towards the democratization of the UNEP. At the time of its establishment, it was expected that UNEA would have broad powers, but authority and a broad mandate are gained by achieving results. The future of the UNEP largely depends on the efficiency of the UNEA.

COOPERATION BETWEEN SERBIA AND THE UNEP

This body represents the secretariat for the vast majority of environmental agreements, which is why the UNEP is directing Serbia to many projects. An example of significant cooperation between the Republic of Serbia and the UNEP is the work on the implementation of the Rotterdam and Basel Conventions (UNEP, 2022b). A significant segment of cooperation between the UNEP and Serbia is reflected in the fact that the UNEP publishes annual reports on the state of life. The reports are compiled on the basis of available data obtained by the UNEP in cooperation with non-governmental organizations. Through its projects, the UNEP is trying to help the state implement the set goals in terms of environmental protection. Thus, the UNEP in its project on improved land management found that there are more than 700 potentially polluted industrial sites as a result of "decades of industrial activity, combined with inadequate waste management infrastructure" (Beta, 2019). The UNEP and Serbia are working together to implement the Sustainable Development Strategy 2022-2025 at the national and regional levels. The UNEP has identified air pollution as the biggest political problem in Serbia in terms of environmental protection. (Koprivica, 2022). According to the findings of the UNEP, the use of coal

in households as an energy source and pollution caused by traffic lead to significant global warming. According to the UNEP leaders, Serbia has good laws but has problems implementing them. They also added that environmental protection must be a key issue for the government. (Koprivica, 2022). The UNEP provides support to Serbia in the implementation of the multilateral agreement on environmental protection and the EU's obligations through improvement". The aim of the project is to monitor soil pollution in industrial zones and develop a plan for mapping and monitoring soil pollution in Serbia. Improving environmental standards is a key area for Serbia's EU accession process. Since the UNEP is the secretariat of the Convention on Biological Diversity, Serbia cooperates in the implementation of the convention and submits regular reports on challenges and achieved goals. (Secretariats and conventions UNEP50, 2022).⁹ The UNEP is making extraordinary efforts to put pressure on governments, including Serbia, to maximize their climate action plans. The form of cooperation is also reflected in the engagement of the UNEP Ambassadors for Sustainable Development and the Environment, who are working to promote the results achieved so far in the realization of the goals of the 2030 Agenda for Sustainable Development (Ambasadori održivog razvoja, 2020).

CONCLUSIONS

Over the past five decades, the United Nations Environment Programme has delivered on several of its core functions, resolved some global environmental problems, and created the conditions for collective action on others. Throughout its history, the UNEP's own voice has faltered at times as the organization has struggled to find its identity and its place in the world. In order to successfully respond to geopolitical and environmental challenges, the UNEP must study the lessons of the past well. This would help build architecture for the future since the scope of environmental problems has multiplied since the UNEP establishment. The future of the UNEP depends on using the UNEA as a political forum to help governments achieve positive results. The UNEA has huge

⁹The United Nations Environment Program hosts the secretariat of several multilateral agreements on the environment and research bodies, including the Convention on Biological Diversity, Migratory Species and International Trade in Endangered Species of Wild Fauna and Flora.

potential to create a place where governments can share experiences and see their own achievements. However, the question is whether the current level of reform is sufficient to make the UNEP a body ready to respond to all the challenges that arise in environmental protection, given that there are no systematic review mechanisms to compare national policy progress. A well-implemented UNEP reform, both structural and managerial, would contribute to an efficient environmental system. The UNEP is specifically designed to fulfill these functions as a small, highly visible body integrated closely with the rest of the UN system. The role of the UNEP will be even more important in the future, given the negative consequences of climate change, the loose consensus reached in climate agreements, and the often conflicting interests of developed and developing countries. The relationship between Serbia and the UNEP is reflected in cooperation and assistance in dealing with environmental problems. The UNEP has a significant role in training local authorities, identifying problems and providing solutions, and reviewing the annual state of the environment in Serbia. One of the main problems is the lack of transparency in the activities of this body in Serbia. Resolving persistent environmental problems will require a different approach – one that transcends the identification of issues and delves into the implementation of solutions. The UNEP must become a body that will think ahead in order to respond to key contemporary environmental challenges.

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