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THE ROLE AND SIGNIFICANCE OF THE UNITED NATIONS ENVIRONMENT PROGRAMME (UNEP) IN THE INTERNATIONAL LEGAL PROTECTION OF THE ENVIRONMENT

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Abstract. This article provides a comprehensive analysis of the role and significance of the United Nations Environment Programme (UNEP) in the system of international legal protection of the environment. It examines UNEP's contribution to the development of international environmental law, the drafting and implementation of international environmental conventions and treaties, the promotion of sustainable development principles, the improvement of global environmental governance, and the strengthening of international cooperation among states. The study also analyzes UNEP's key areas of activity, including environmental monitoring, scientific and analytical research, climate change adaptation, chemical safety, waste management, and environmental education. Particular attention is given to UNEP's cooperation with the Republic of Uzbekistan, the improvement of national environmental legislation, the implementation of international environmental conventions, the promotion of a green economy, and the organization's participation in environmental initiatives in the Aral Sea region. The findings demonstrate that UNEP is one of the leading international institutions playing a crucial role in addressing global environmental challenges, ensuring environmental security, and achieving the Sustainable Development Goals.

Keywords: UNEP, international environmental law, sustainable development, climate change, environmental security, environmental conventions

ATROF-MUHITNI XALQARO-HUQUQIY JIHATDAN MUHOFAZA QILISHDA BIRLASHGAN MILLATLAR TASHKILOTI ATROF-MUHIT BO'YICHA DASTURI (UNEP)NING O'RNI VA ROLI

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Annotatsiya. Mazkur maqolada Birlashgan Millatlar Tashkilotining Atrof-muhit bo'yicha dasturi (UNEP) ning atrof-muhitni xalqaro-huquqiy muhofaza qilish tizimidagi o'rne va roli kompleks tahlil qilingan. Tadqiqotda UNEPning xalqaro ekologik huquqni shakllantirish, ekologik konvensiya va xalqaro shartnomalarni ishlab chiqish hamda amalga oshirish, barqaror rivojlanish tamoyillarini ilgari surish, global ekologik boshqaruvni takomillashtirish va davlatlar o'rtasidagi hamkorlikni mustahkamlashga qo'shgan hissasi yoritilgan. Shuningdek, tashkilotning ekologik monitoring, ilmiy-tahliliy faoliyat, iqlim o'zgarishiga moslashish, kimyoviy xavfsizlik, chiqindilarni boshqarish va ekologik ta'lim sohalaridagi asosiy yo'nalishlari tahlil qilingan. Maqolada UNEPning O'zbekiston Respublikasi bilan hamkorligi, milliy ekologik qonunchilikni takomillashtirish, xalqaro ekologik

konvensiyalar talablarini implementatsiya qilish, “yashil” iqtisodiyotni rivojlantirish hamda Orolboʻyi hududida amalga oshirilayotgan ekologik tashabbuslardagi ishtirokiga alohida eʼtibor qaratilgan. Tadqiqot natijalari UNEPning global ekologik muammolarni hal etish, ekologik xavfsizlikni taʼminlash va barqaror rivojlanish maqsadlariga erishishda muhim xalqaro institut ekanligini asoslaydi.

Kalit soʻzlar: UNEP, xalqaro ekologik huquq, barqaror rivojlanish, iqlim oʻzgarishi, ekologik xavfsizlik, ekologik konvensiyalar

РОЛЬ И ЗНАЧЕНИЕ ПРОГРАММЫ ООН ПО ОКРУЖАЮЩЕЙ СРЕДЕ (ЮНЕП) В МЕЖДУНАРОДНОМ ЭКОЛОГИЧЕСКОМ ПРАВЕ

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Аннотация. В статье проводится комплексный анализ роли и значения Программы ООН по окружающей среде (ЮНЕП) в системе международно-правовой охраны окружающей среды. Рассматривается вклад ЮНЕП в развитие международного экологического права, разработку и реализацию международных экологических конвенций и договоров, продвижение принципов устойчивого развития, совершенствование глобального экологического управления и укрепление международного сотрудничества между государствами. Анализируются также основные направления деятельности ЮНЕП, включая экологический мониторинг, научно-аналитические исследования, адаптацию к изменению климата, обеспечение химической безопасности, обращение с отходами и экологическое образование. Особое внимание уделяется сотрудничеству ЮНЕП с Республикой Узбекистан, совершенствованию национального экологического законодательства, реализации международных экологических конвенций, развитию зелёной экономики, а также участию организации в экологических инициативах в регионе Аральского моря. Результаты исследования свидетельствуют о том, что ЮНЕП является одним из ведущих международных институтов, играющих ключевую роль в решении глобальных экологических проблем, обеспечении экологической безопасности и достижении Целей устойчивого развития.

Ключевые слова: ЮНЕП, международное экологическое право, устойчивое развитие, изменение климата, экологическая безопасность, экологические конвенции

Introduction

International environmental law operates through a decentralized system of treaties, conferences of the parties, United Nations organs and specialized institutional arrangements. Within this system, the United Nations Environment Programme (UNEP) occupies a central but legally unusual position. It was established by General Assembly resolution 2997 (XXVII) as a programme with coordinating, policy-guiding and catalytic functions rather than as a specialized agency, international legislature or compliance body (United Nations General Assembly, 1972). The strengthening of UNEP in 2012-2013 and the establishment of universal membership in the United Nations Environment Assembly (UNEA) increased its representative and political authority, but did not eliminate uncertainty concerning the legal effect of its activities (United Nations General Assembly,

2012; United Nations General Assembly, 2013a; United Nations General Assembly, 2013b). Scientific assessments, UNEA resolutions, negotiating mandates, treaty-secretariat services and legal assistance are frequently described together as UNEP law-making, although they originate from different actors and produce different consequences. This article, therefore, asks through which legal and institutional mechanisms UNEP influences the formation and implementation of international environmental law and what limits follow from the distribution of authority among UNEA, the UNEP secretariat, states, and autonomous treaty bodies. The study develops an actor-and-effect analysis and applies it to UNEP's constituent mandate, UNEA practice, the plastic-pollution negotiations, the ozone regime, multilateral environmental agreement secretariats, and the Montevideo Environmental Law Programme.

Main part

Research on UNEP first developed around the relationship between its institutional design and its practical influence. Ivanova (2010) explains that UNEP's original structure reflected political compromise: States accepted a coordinating programme capable of providing scientific leadership and policy direction while withholding the stronger powers associated with a specialized agency. Her later institutional history shows that UNEP's authority has repeatedly depended on leadership, expertise, convening capacity, and the ability to connect otherwise dispersed environmental institutions (Ivanova, 2021). Mee (2005) similarly examines UNEP's contribution to the genesis and implementation of multilateral environmental agreements, emphasizing that its role changes across the stages of regime development. Perrez (2020) extends this analysis to UNEA and identifies scientific, policy, and catalytic functions through which emerging environmental issues can enter international legal processes. This literature establishes that UNEP's practical influence may exceed what a narrow reading of its formal status would suggest, but it does not permit that influence to be equated automatically with binding legal authority.

A second body of scholarship concerns the legal significance of non-binding instruments. Dupuy (1991) uses international environmental law to demonstrate that soft-law instruments can formulate normative expectations, guide state conduct, and contribute to later legal development despite lacking treaty force. Boyle (2019) explains that non-binding instruments may be easier to negotiate, adapt, and use as a preliminary stage of United Nations law-making. Their flexibility, however, does not determine the legal status of the norms they contain. The International Law Commission's conclusions on customary international law reinforce this distinction: a resolution of an international organization cannot create a customary rule by itself, although it may provide evidence of, or contribute to, a rule when State practice and acceptance as law are independently established (International Law Commission, 2018). The relevant question is consequently not whether all UNEA resolutions are either law or politically

irrelevant but which institutional and normative effects a particular resolution is capable of producing.

The third strand examines the autonomy and fragmentation of treaty regimes. Churchill and Ulfstein (2000) characterize the conferences of the parties, subsidiary bodies, and secretariats created by multilateral environmental agreements as autonomous institutional arrangements whose authority derives from the constituent treaty. Wiersema (2009) further shows that decisions of conferences of the parties may develop or 'thicken' existing obligations, but their legal relevance must be assessed in relation to the underlying agreements. Scott (2011) argues that formal cooperation and institutional connection can manage fragmentation without establishing a hierarchy among environmental regimes. These studies clarify the powers of treaty institutions, yet they usually address soft law, UNEP's organizational design, treaty autonomy, and implementation support as separate problems. The present study connects these fields by tracing UNEP's influence across four successive modes—epistemic and agenda-setting, normative and procedural, treaty-institutional, and implementation-enabling—while identifying the legal source and limit of authority in each mode.

The study applies doctrinal legal, institutional and comparative legal methods to General Assembly and UNEA resolutions, multilateral environmental agreements, official UNEP materials and relevant legal scholarship. The analysis identifies the legal basis, competent actor, addressee and institutional consequence of each UNEP-related measure, while a focused comparison of the ozone regime and the plastic-pollution negotiations distinguishes UNEP's agenda-setting, procedural and implementation-support functions from the treaty-making and enforcement powers retained by States and autonomous treaty bodies.

The legal assessment of the United Nations Environment Programme must begin with its constituent mandate. General Assembly resolution 2997 (XXVII) established a Governing Council, an Environment Secretariat, an Environment Fund, and machinery for coordination within the United Nations system.

The Governing Council was authorized to promote cooperation, recommend policies, provide guidance, and review environmental developments (United Nations General Assembly, 1972). Those functions permit UNEP to identify priorities and organize collective action; they do not confer a general competence to prescribe binding standards for States or determine breaches of multilateral environmental agreements. UNEP's authority was therefore functional and catalytic from the outset: it could shape the conditions in which international rules emerged without becoming an autonomous environmental legislature (United Nations General Assembly, 1972; Ivanova, 2021).

UNEP's present organizational position confirms that reading. The programme reports to the General Assembly, while its secretariat forms part of the United Nations Secretariat. Its authority must consequently be traced to General Assembly resolutions, decisions of its governing body, and, for treaty-related functions, the constituent instruments and decisions of the relevant treaty regime. This derivative basis does not make UNEP legally insignificant; it makes the validity and scope of each action dependent on the mandate from which the particular function originates (Joint Inspection Unit, 2025).

The reforms following the 2012 United Nations Conference on Sustainable Development strengthened UNEP without changing that allocation of authority. Resolution 66/288 described UNEP as the leading global environmental authority and called for universal membership, more secure financing, stronger coordination, an enhanced science-policy interface and greater capacity-building. Resolution 67/213 then established universal membership in the Governing Council, and Resolution 67/251 redesignated it as the United Nations Environment Assembly of UNEP (UNEA). Universal membership enlarged the representative legitimacy of environmental decision-making by enabling every UN Member State to participate. It did not transform UNEP into a specialized agency with independent regulatory jurisdiction or make UNEA resolutions binding merely because all States could participate. The reform increased agenda-setting and political authority more clearly than legal

competence (United Nations General Assembly, 2012; 2013a; 2013b).

This distinction requires precise attribution among the actors commonly grouped under the name UNEP. UNEA is the intergovernmental governing body in which Member States adopt resolutions and decisions. The secretariat, headed by the Executive Director, prepares assessments, supports negotiations and implements the programme of work under received mandates. States negotiate, accept and implement treaty obligations, while conferences of the parties and other treaty bodies exercise powers granted by their agreements. A claim that 'UNEP adopted', 'enforced' or 'amended' a treaty is therefore incomplete unless it identifies the responsible actor, enabling instrument and addressee. The first result is an attribution rule: UNEP's role must be evaluated act by act, not inferred from its institutional prominence (Joint Inspection Unit, 2025).

The absence of a general power to bind States does not make UNEA resolutions legally irrelevant. Their significance depends on the effect examined. A resolution may state a common policy, set programme priorities, request action from the Executive Director, establish a negotiating procedure or encourage coordinated national measures. Such consequences organize institutional activity and influence conduct, but they do not independently establish treaty obligations or State responsibility. Soft-law scholarship supports this differentiated approach: non-binding instruments may clarify expectations and prepare later law-making, yet their flexibility cannot prove that a binding rule already exists. This distinction matters in environmental governance, where collective action often begins before States are ready to accept treaty commitments (Dupuy, 1991; Boyle, 2019).

The same caution applies to customary international law. The International Law Commission states that a resolution of an international organization or an intergovernmental conference cannot, by itself, create a rule of customary international law. Such a resolution may provide evidence of, or contribute to the development of, a customary rule only where State practice and acceptance

as law (*opinio juris*) are independently established. Consensus may therefore increase the evidentiary weight of a UNEA text, but it does not, by itself, establish either State practice or *opinio juris*. UNEA may participate in the development of international norms; however, the legal status of any resulting proposition must still be assessed by reference to the recognized sources of international law (International Law Commission, 2018).

UNEP's science-policy function operates earlier in the normative process. Resolution 66/288 called for a strong interface based on assessments, panels and information networks. Scientific reports do not create obligations, but they influence which risks enter the intergovernmental agenda, how a problem is framed, and which regulatory responses appear feasible. Their contribution is epistemic, not legislative. By connecting assessment with UNEA deliberation and intergovernmental mandates, UNEP can move an issue from factual identification to organized law-making. The stages remain distinct: scientific authority does not become legal authority (United Nations General Assembly, 2012; Ivanova, 2010).

The plastic-pollution negotiations illustrate this mechanism. In resolution 5/14, UNEA requested the UNEP Executive Director to convene an intergovernmental negotiating committee to develop a legally binding instrument addressing the full life cycle of plastics. UNEA supplied the mandate and procedural objective; the Executive Director convened the committee; UNEP provided secretariat support. The committee, nevertheless, remained intergovernmental, and any treaty text and consent to be bound remained matters for States. Resolution 5/14 thus produced a concrete institutional consequence without itself constituting the contemplated treaty (United Nations Environment Assembly, 2022).

Later events expose the limit of that catalytic role. The resumed fifth negotiating session adjourned in August 2025 without consensus on a treaty text. The session of 7 February 2026 addressed organizational matters, and preparations for a further resumed session continued as of 7 August 2026. UNEP sustained the process and institutional forum

after disagreement, but it could not resolve substantive divisions administratively. The result is precise: a UNEA resolution can initiate and structure treaty-making, while substantive obligations still depend on intergovernmental agreement. Calling this UNEP's conversion of 'soft law into hard law' would obscure the decisive role of State consent (United Nations Environment Programme, 2026a).

The ozone regime shows the same function in a mature treaty setting. UNEP adopted a World Plan of Action on the Ozone Layer in 1977, and its Governing Council authorized preparation of a framework convention in 1981. The process led to the 1985 Vienna Convention and 1987 Montreal Protocol. UNEP's scientific coordination, convening power and secretariat support substantially influenced the regime. The parties' obligations, however, derive from the treaties they accepted and from decisions adopted by competent treaty bodies under those instruments. The ozone example establishes successful facilitation, not autonomous law-making by UNEP (Vienna Convention for the Protection of the Ozone Layer, 1985; Montreal Protocol on Substances that Deplete the Ozone Layer, 1987; United Nations, 1985).

The same distinction governs multilateral environmental agreements for which UNEP provides secretariat functions. Treaty regimes establish conferences of the parties, subsidiary bodies and secretariats whose mandates derive from the agreement. Scholarship describes many as autonomous institutional arrangements because their governing bodies develop the regime and supervise implementation within treaty-defined limits. When UNEP hosts a secretariat, provides personnel or administers a trust fund, it supplies an organizational framework; substantive authority remains with the treaty institutions and parties. UNEA has itself recognized the need to clarify these relationships. Administrative connection is therefore institutional support, not hierarchical control (Mee, 2005; Churchill & Ulfstein, 2000; United Nations Environment Assembly, 2016; United Nations Environment Programme, 2026).

Recent UNEA practice emphasizes cooperation during implementation. Resolutions 6/4 and 6/6 addressed synergies among

environmental agreements and cooperation between UNEA, UNEP, and treaty regimes in support of national action (United Nations Environment Assembly, 2024b). Resolution 7/5 continued this approach in 2025 by encouraging national and local cooperation and requesting UNEP assistance, including reporting tools and support for inter-agreement processes. Its language is instructive: States are encouraged, relevant bodies invited and UNEP requested to assist. No governing power is transferred from treaty bodies to UNEA. Coordination seeks to reduce duplication and improve national delivery while preserving each agreement's mandate and membership. Fragmentation is managed through institutional connection, not consolidation (Scott, 2011).

The Fifth Montevideo Programme provides the clearest implementation example. Adopted by UNEA resolution 4/20 for 2020-2029, it supports environmental legislation, capacity-building and the environmental rule of law. Assistance is coordinated through national focal points and supplied to governments upon request. UNEP thereby helps States translate international commitments and principles into workable domestic frameworks. It cannot adjudicate non-compliance, invalidate national law or impose sanctions. The function is structured legal assistance, not treaty supervision or enforcement (United Nations Environment Assembly, 2019; United Nations Environment Programme, 2026c).

The evidence supports four modes of legally relevant influence. First, epistemic and agenda-setting activity identifies risks and frames issues without binding force. Second, normative and procedural activity allows UNEA resolutions to express intergovernmental positions, direct programme work and open negotiations while remaining non-binding unless a proposition acquires legal status through another source. Third, treaty-institutional activity consists of convening negotiations and supporting secretariats under authority retained by States and treaty bodies. Fourth, implementation-enabling activity uses legal guidance, capacity-building and coordination to assist domestic implementation without international enforcement. The binary question whether UNEP 'makes binding law' is therefore

incomplete. Each activity must instead be matched to its legal source, addressee and institutional effect (Ivanova, 2010; Mee, 2005; Perrez, 2020).

Four limits cut across these modes. State consent controls treaty obligations. Treaty autonomy prevents UNEP from directing conferences of the parties or compliance bodies. Fragmentation produces overlapping mandates that coordination can mitigate but not abolish without action by the parties. Funding also constrains institutional capacity. The Joint Inspection Unit reported in 2025 that 84 percent of UNEP resources in 2022-2023 were non-core and approximately 97 percent of income was extrabudgetary; tight earmarking reduces flexibility in implementing collectively agreed priorities. Funding does not alter the legal validity of the mandate, but it limits the consistency of coordination and implementation support (Joint Inspection Unit, 2025).

The results reconcile UNEP's limited formal powers with its prominence in environmental protection. Its influence is strongest when knowledge must be converted into an intergovernmental agenda, negotiating process or implementation support and weakest when an obligation must be created or enforced against a party. The 2012-2013 reforms increased representation and political authority without reallocating legal competence. UNEP's principal legal significance is therefore connective: it links stages of norm development and implementation, while each legal effect continues to depend on the competent States, organs and treaty regimes.

Conclusion

The study establishes that UNEP's legal significance cannot be measured by asking only whether it possesses the power to adopt binding environmental rules. Its authority is derivative, because every function must be connected to a General Assembly mandate, a UNEA decision, or the constituent instrument of a treaty regime. At the same time, derivative authority can have substantial legal relevance. UNEP determines neither State responsibility nor treaty compliance, but it influences the stages through which environmental knowledge is converted into an intergovernmental agenda, a negotiating mandate and implementation support.

The identified mechanisms form a gradient of legal influence. UNEP is most effective when scientific knowledge must be placed on an intergovernmental agenda, negotiations must be organized or States require implementation assistance. Its authority becomes weakest when substantive obligations must be accepted, authoritatively interpreted or enforced. The ozone regime demonstrates how catalytic support may culminate in a stable treaty system, whereas the unfinished plastic-pollution negotiations confirm that UNEP cannot replace intergovernmental consent.

Institutional practice should therefore preserve precise legal attribution. UNEA resolutions should identify the requested actor, legal basis, intended addressee and expected output, particularly when cooperation with treaty bodies is concerned. Arrangements between UNEP and multilateral environmental agreement secretariats should distinguish administrative support from the substantive authority of conferences of the parties. Implementation

initiatives under resolutions 6/4, 6/6, and 7/5 should prioritize compatible reporting tools, cooperation among national focal points, and country-requested legal assistance. A larger and more predictable share of core funding is also necessary if collectively agreed priorities are to guide UNEP's work instead of narrowly earmarked projects.

The findings concern institutional competence rather than the environmental effectiveness of individual programmes. Further research may examine whether UNEP-supported legal assistance produces durable changes in national environmental legislation, how different treaty bodies use UNEA guidance, and whether national reporting synergies reduce administrative burdens without weakening treaty-specific obligations. Such research would complement the present doctrinal result: UNEP's principal contribution to international environmental law is connective, but the legal effect at every stage remains dependent on the competent States, organs and treaty institutions.

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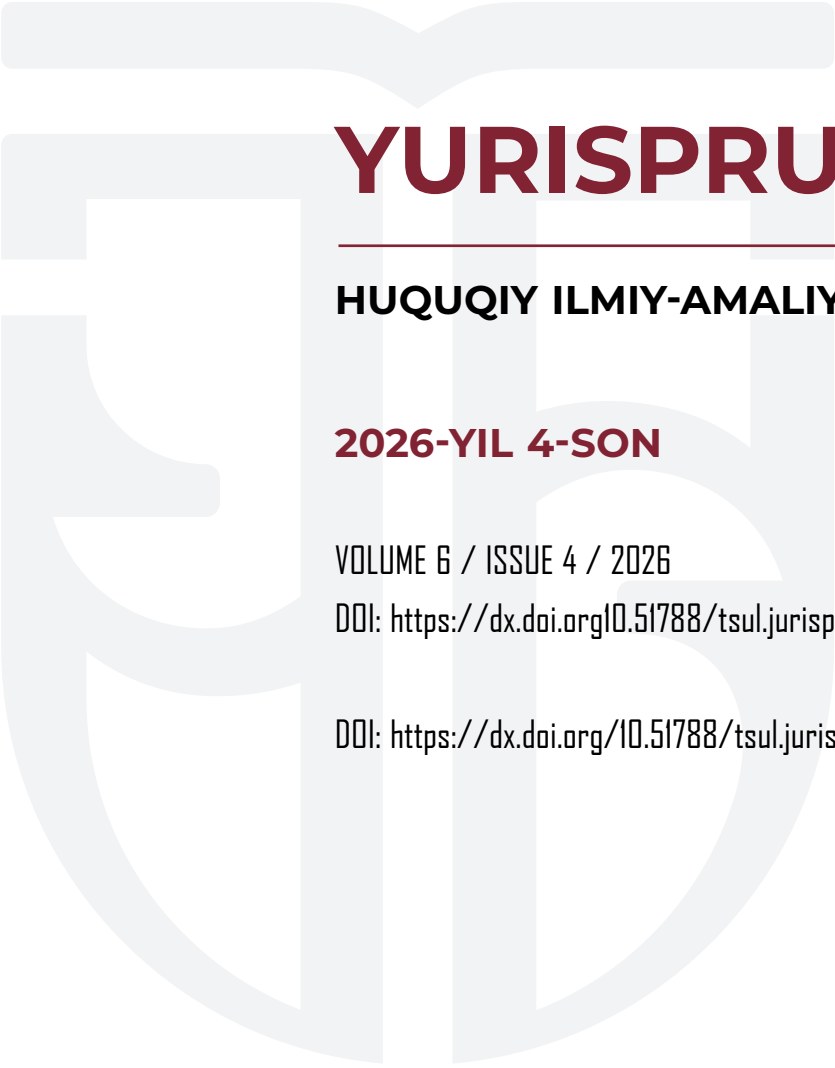
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