

# UNITED NATIONS ACTIVITIES

UNEP

## International Environmental Governance

### Introduction

In its decision 21/21 of 9 February 2001 on "International Environmental Governance" (see last issue at page 67), the Governing Council of the United Nations Environment Programme established an Open-ended Intergovernmental Group of Ministers or their Representatives to undertake a "*comprehensive policy-oriented assessment of existing institutional weaknesses as well as future needs and options for strengthened international environmental governance, including the financing of the United Nations Environment Programme, with a view to presenting a report containing analysis and options to the next session of the Governing Council/Global Ministerial Environment Forum.*"

In this respect, the Governing Council further requested the Executive Director of UNEP to elaborate a report to be submitted to the Intergovernmental Group at its first meeting.

During the debate at the Governing Council on the topic, delegations were of the view that to ensure the cost-effectiveness of the work of the Group and to maximise opportunities to enable ministerial attendance, meetings should be held on the margins of ministerial meetings already scheduled to take place.

In accordance with this objective, the first meeting of the Group was scheduled to be held immediately prior to the high-level segment of the ninth session of the Commission on Sustainable Development (CSD). (See also page 130.)

It was expected that three additional substantive meetings of the Group would be required to ensure that adequate consideration be given to this matter, and that at least one meeting of the Group should be held in a developing country.

### Intersessional Activities

In decision 21/21, the Council also requested that the Committee of Permanent Representatives to UNEP, as the subsidiary body of the Council, consider this matter. The Chairman of the Committee will report on its activities in this regard.

The Council further decided that the process should benefit from incorporating the views and perspectives of other United Nations entities, international financial institutions, expert institutions, major groups and individuals outside the UN system.

To this end, immediately following the conclusion of the twenty-first session of the UNEP Governing Council, a meeting of multilateral environmental convention sec-

retariats was convened under the chairmanship of UNEP to initiate the process of consultation. Information provided by twenty global and regional environmental conventions has been incorporated into the Report of the Executive Director and further consultations are expected to take place.

The Executive Director of UNEP will also be convening a meeting of independent expert institutions and individuals from developed and developing countries in the UNEP offices in Cambridge, UK, on 28–29 May 2001, with a view to eliciting their views as an input for the consideration of the Group.

The Executive Director also planned to convene a multi-stakeholder consultative meeting in Nairobi from 22–25 May 2001, to consider the issues addressed in Governing Council decisions, respectively, 21/21 (International Environmental Governance) and 21/19 (The Role of Civil Society).

Specialised agencies of the United Nations, UN Funds and Programmes and Convention Secretariats will be participating in the second meeting of the Environmental Management Group on 15 June in Geneva, with the objective of providing their perspectives on this issue to the Intergovernmental Group.

A number of other meetings will be taking place on issues related to international environmental governance sponsored by various actors within and outside Governments. The UNEP Secretariat will attempt to ensure that all relevant information concerning such meetings will be provided to the Group at subsequent meetings.

### First Meeting

The first meeting of the Open-ended Intergovernmental Group on International Governance met in New York on 18 April, 2001. *The Report of the Executive Director on International Environmental Governance* was before the Group as document UNEP/IGM/1/2.

Representatives from 93 countries were present, including 31 at ministerial level. A total of 41 States members of the UNEP Governing Council were represented.

The Meeting was opened by Minister David Anderson, President of the UNEP Governing Council and Chairman of the Open-ended Intergovernmental Group. In his introductory statement he emphasised that the process in following up this decision should involve the widest range of interested parties and allow room for the perspectives of those within and outside the UN system. The engagement of international bodies with a stake in environment and sustainable development would therefore be neces-

sary in order to accommodate their needs, and ensure a commitment to shared results.

In this regard the Chairman emphasised that, as reflected in paragraph 6 of decision 21/21, the Governing Council decided that its input on international environmental governance, in the broader context of multilateral efforts for sustainable development should be provided to the 10<sup>th</sup> session of the Commission on Sustainable Development, as a contribution to the World Summit on Sustainable Development.

David Anderson mentioned that, in accordance with the Rules of Procedure of the UNEP Governing Council which are applicable to inter-sessional committees or working groups of the Council, he had been mandated to open the meeting as president of the UNEP Governing Council. He proposed that a representative from another region assist in moderating the discussion of the Report of the Executive Director on the state of international environmental governance. The Chairman requested Ambassador Raul Estrade-Oyuella (Argentina) to fulfil this role under discussion of agenda item 3 (Consideration of the Report of the Executive Director on the state of international governance).

Klaus Töpfer, Executive Director of UNEP, introduced the report and stated that it followed the issues identified in Governing Council decision 21/21. It attempted to outline the current state of international environmental governance – perceived strengths and weaknesses of these arrangements, issues related to financing for the global environment and to present options contained in various documents on the subject.

He also elaborated on the process that UNEP had followed in compiling the report, as well as the information documents, which contained summaries of additional background documentation and research undertaken by UNEP. These included the results of wide-ranging consultation among Multilateral Environmental Agreements (MEAs).

The Executive Director discussed efforts taken, within recent years, by the United Nations towards reform and revitalisation, as well as the need to ensure synergies among all institutional arrangements involved in international environmental governance. It was emphasised that the process envisaged by the UNEP Governing Council would ensure an input to the preparatory process for the 2002 World Summit on Sustainable Development. He emphasised that environmental governance should be viewed from a broad perspective, as many cross-sectoral issues were involved and the integration of the various dimensions of sustainable development necessitated a more holistic approach.

The Moderator, Raul Estrada, then presented a brief analysis of the current landscape and the need to consider strengthening international environmental governance, after which he opened the floor to debate.

All delegations commended the report and expressed appreciation to the Executive Director compiling a comprehensive set of documents in the short time available since the 21<sup>st</sup> session of the Governing Council/Global Ministerial Environment Forum in February 2001.

Many of the delegations noted that the proliferation of MEAs had resulted in a fragmented approach, placing the entire system of environmental governance structures under strain. Inadequate political and financial support had further contributed to a lack of effective decision-making and coherence. In this respect, many delegates stressed the need for more coherence among MEAs, as well as better coordination between MEAs and UNEP in the implementation of environmental agreements. Some delegations mentioned that there was a lack of parameters available to determine the effectiveness of MEAs in achieving environmental objectives, and that developing countries suffered from a lack of capacity in implementing agreements.

A number of delegations said that more focus was required on compliance mechanisms, including liability and dispute settlement measures. Others felt that an incremental approach to compliance, through improved reporting, should be pursued. The clustering of instruments, such as in the area of chemicals, was mentioned as a possible way through which improvements could be achieved, both in terms of reporting and a more coherent approach.

Some representatives thought that the strengthening of environmental policies should be related in the fields of trade and finance. Others, however, felt that the strengthening of international environmental governance could be achieved without creating unnecessary hierarchies between environmental, trade and financial institutions.

Ambassador Bagher Asadi (Iran), Chairman of the Group of 77/China, stated that there were two major aspects to the discussion of International Environmental Governance (IEG): one substantive and the other procedural. On the substance of the issue, he said that the Group of 77 look at the whole issue from a holistic perspective and consider it within the overall framework of the concept of sustainable development. Hence, the question of environmental governance becomes a question of sustainable development governance, with due emphasis on the three pillars agreed on in Rio almost ten years ago. As for the process and the procedure, the Group of 77/China was “well disposed and fully prepared to engage actively in this review process in all earnestness and with good faith. It should be obvious, therefore, that we favour an open-ended, transparent and fully participatory process for the review, and in a manner that would allow adequate time for in-depth discussion. Moreover, apart from the substantive considerations involved...due consideration should also be accorded to the institutional limitations of many developing countries in participating in various meetings in different parts of the world. It is in this light that the Group of 77 would prefer to see that more effective use be made in the process of New York where most developing countries are generally well represented.”

The Minister of the Environment of the Republic of Korea noted that due care should also be taken in the follow-up process. “A step-by-step or phased approach deserves careful consideration. At the initial stage, I hope that priority will be given to finding existing gaps, and that the establishment of new bodies as well as redefining the relations between environmental and other organisa-

tions will be considered from a longer-term perspective. Given the complexity of the issues involved, including, *inter alia*, the institutional, financial and legal aspects, the process for achieving international consensus needs to be conducted in a transparent and holistic manner."

The Ambassador of the Permanent Mission of Japan to the United Nations said that for some time the issue of international environmental governance had been discussed at length in various fora, and the strengths and weaknesses of existing multilateral environmental agreements (MEAs) were becoming familiar. The most important question, therefore, particularly in view of the forthcoming 2002 World Summit on Sustainable Development was what to do about them if we are to strengthen international environmental governance.

One of the papers before the Group (UNEP/IGM/INF/2) included a summary of selected papers on the state of international environmental governance.

One of these papers dealt with the Conclusions of the 2321<sup>st</sup> European Union Council meeting in Brussels, on 18-19 December 2000. In this, the European Union stated that the continuous increase in the number of international bodies with environmental competence carries the risk of reduced participation of States owing to an increased workload, and makes it necessary to create or strengthen the synergies between all these bodies.

Another of the selected papers before delegates was the Communiqué of the G8 Environment Ministers' Meeting in Trieste, Italy from 2-4 March 2001. This states, among other things, that "the strengthening of international environmental governance should be based on the existing structures, in particular UNEP, with its headquarters in Nairobi, with a view to adapting them to new requirements."

"We underline the need to improve UNEP's coordinating role in international environmental management and the need to foster voluntary exchanges of information between all international environmental institutions and bodies with a largely environmental remit, to provide coherence, in particular on a thematic basis, among schedules, assessments, reporting strategies and actions, mindful of the autonomous nature of the separate treaties involved; improve existing structures of cooperation between conventions and between their secretariats, notably within thematic clusters; and reinforce the links between environmental and non-environmental institutions, increasing the participation of civil society."

In a paper by Norway, the Chairman's Summary of the Bergen Informal Ministerial Meeting from 15-17 September 2000, delegates were informed that key issues highlighted by participants included:

- support for action to strengthen global environmental institutions, and to take incremental steps towards a World Environment Organisation;
- developed and developing countries to agree on how environmental governance within the United Nations

institutions should be improved. The (UNEP) Environmental Management Group should be fully used; and

- UNEP must be given broad and strong political and financial support to fulfil its mandate on the basis of common but differentiated responsibilities.

The Communication from the European Commission to the Council and Parliament regarding preparing for the World Summit on Sustainable Development stated that

there is growing momentum for the Summit to address global governance on sustainable development. "The current institutional setting was designed a long time ago and it might not be able to respond to the new challenges of a globalising world. It is therefore necessary to consider what the prospects are for strengthened governance on sustainable development.... The real world of interlocked economic and ecological systems will not change; the policies and institutions concerned must," the paper said.



## Conclusions

Having heard all statements, the Moderator summarised the consensus, which emerged under agenda item 3 as follows:

1. Participants expressed the view that there was a need for a better definition of international environmental governance. The process should be evolutionary in nature, rather than revolutionary.
2. In line with Governing Council decision 21/21, the process of international environmental governance should be seen within the broad context of sustainable development.
3. The series of meetings concerning international environmental governance should lead to comprehensive inputs to the preparations for the World Summit on Sustainable Development (WSSD) and for consideration of the WSSD itself.
4. There was a need for a further analysis of the present shortcomings at the international level. More time is required to study and reflect on the contents of the Executive Director's report. Governments may present their reactions in writing.
5. Certain points go beyond the mandate of environment Ministers, and therefore require the involvement of other branches of the government and Ministers other than those of the environment.
6. Consensus emerged on the need to strengthen UNEP and ensure enhanced, more reliable and predictable funding of UNEP.
7. Dispersed headquarters, secretariats and meeting venues demand increasing costs and efforts from all countries, particularly developing countries whose involvement and participation must be facilitated.
8. Prudence was recommended while considering institutional changes and a preference for a better use of existing structures was suggested, as well as coordinating MEAs at the levels of secretariats and bureaux.

Clustering MEAs acting in similar fields was also indicated for further consideration.

9. There was general support for the effective participation of stakeholders (other than governments) in the process and the need to facilitate adequate representation of developing countries' civil society.
10. It is important to ensure that developing countries are present and effectively participating in the process of international environmental governance. An all-inclusive, transparent process should be ensured.

Following agreement on the summary presented by the Moderator, the Chairman resumed chairing the meeting. He proposed, based on statements made by delegations, that the UNEP Executive Director would incorporate the views and comments expressed at the meeting in his report.

It was agreed that the report would become a living document, to be updated prior to each meeting in order to reflect other views expressed by governments. It was further agreed that the Chairman would compile a report, reflecting a summary of the outcome of each meeting prior to the next session of the Group.

After conclusion of agenda item 3, the Chairman returned to the organisational aspects to be discussed under agenda item 2. It was agreed that the President of the UNEP Governing Council would continue to convene meetings of the open-ended Intergovernmental Group and that rules of procedure of the UNEP Governing Council would apply to such meetings.

Klaus Töpfer mentioned that UNEP would be convening a series of meetings to obtain views and opinions of all stakeholders outside the governmental process. The Environment Management Group would also be focusing on international environmental governance and, in doing so, would elicit responses from other United Nations organisations. He stated that UNEP was convinced the

process would only be of value if it remained open-ended, transparent and allowed for continuous in-depth dialogue.

An additional draft document should be available for consideration by the Intergovernmental Group by the third meeting, at which time the Group could begin working toward a consensus for adoption at the fourth meeting. He mentioned that these future meetings could be held in conjunction with previously scheduled international environmental events.

The Group of 77/China expressed a preference for future intergovernmental meetings to be held in New York, as it was felt that all developing countries had resident representation at the United Nations headquarters. The European Union, however, preferred to have future meetings on the margins of already scheduled international events, as foreseen in Governing Council decision 21/21, as Ministerial presence at such meetings would be ensured.

A number of countries expressed preference for follow-up meetings of the Group to be held at UNEP Headquarters in Nairobi. The offer from Algeria to host one of the follow-up meetings was acknowledged. It was agreed that further consultation would be undertaken by the President and Bureau of the Governing Council, with a view to establishing a schedule of meetings and venues.

UNEP's Executive Director suggested, as an option, that a joint Bureaux meeting between the UNEP Governing Council, UNEP Committee of Permanent Representatives and the 10<sup>th</sup> session of the Commission on Sustainable Development could assist in taking the process further. In particular, in terms of facilitating the UNEP Governing Council input on international environmental governance to the preparatory process for the WSSD. The President of the UNEP Governing Council, in consultation with the Governing Council Bureau members and the Executive Director, was requested to consider these matters further. (MJ)

*(See also report on page 179)*

