

UNEP/IEG III

“Building Blocks” of Environmental Governance

by Michael A. Buenker*

The third meeting of the Open-Ended Intergovernmental Group of Ministers or their Representatives on International Environmental Governance (IEG) was convened at the Palais des Nations in Algiers, Algeria on the 9/10 September 2001. Despite the fact that this meeting was not scheduled parallel to another international ministerial meeting or Conference of Parties, as the previous meetings in New York and Bonn had been, it was well attended. In fact, the number of participants had increased, drawing over 250 participants from over 91 countries, including 25 at the ministerial level.

The previous meetings consisted of interactive debates between government representatives, United Nations officials and spokespersons of non-governmental organisations targeted at identifying the problems of international environmental governance and what proposals can be realistically considered. To this end, the Executive Director

of the UN Environment Programme (UNEP), Klaus Töpfer, had distributed a catalogue of questions (UNEP/IGM/2/CRP.1) to be considered on this subject. A series of governments, such as the European Union, Australia, the Czech Republic, Kenya and the United States took this opportunity to respond in writing. Their responses were distributed during the meeting. The Executive Director, in addition to these comments, had also integrated the points of convergence of the last two meetings as well as the other meetings that took place during the intersessional period into his so-called “living document,” his report on IEG which was presented in its third revised form as UNEP/IGM/3/2. Taking up earlier suggestions that were made in the course of the last meetings, another paper on the *Harmonisation of National Reporting* (UNEP/IGM/3/CRP.2) was introduced, which gives details on a recently initiated pilot project for streamlining national reporting under biodiversity-related conventions.

Cherif Rahmani, Minister of Landscape Development

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and Environment, formally opened the morning session and welcomed participants on behalf of the host government. The Chair of the Intergovernmental Group and President of the UNEP Governing Council, Minister David Anderson (Canada), followed with his opening statement. He declared that IEG would be one of the principal subjects of the World Summit on Sustainable Development (WSSD), 2-11 September 2002 in Johannesburg, South Africa. He expressed his appreciation for the Algerian government's generous offer to host this meeting and stated that the presence of President Abdelaziz Bouteflika underlined the importance of these proceedings. Appealing to the delegates to depart from prepared texts and to speak

hausting natural resources and destroying the biosphere, while widespread poverty in the lesser-developed countries prevents effective action on their part. This is compounded by the prevailing philosophy of the international market, which counters efforts to implement policies that are favourable to the environment and sustainable development.

Thus, the President stated, the primary aim of IEG should be to strengthen the two pillars of economic and social development while integrating the environmental dimension. If the Intergovernmental Group can agree on feasible proposals, they could constitute a strategic entry point for a global dialogue on launching elements for a renewed movement in favour of the environment at the WSSD.

President Bouteflika also announced that the government of Algeria is convening a Summit of non-governmental organisations from the South the following month. It is necessary to further involve actors of international civil society in North-South cooperation, so that they may be able to assist developing States in implementing strategies for environmental protection and conservation on the national level. This implies a reform of the institutions charged with questions of the environment, the creation of a new environmental architecture, and a legislative and regulatory body to complement existing texts which will in time allow the problems associated with the environment and sustainable development to be taken care of more efficiently. The President cited efforts to create a



From left to right: UNEP Executive Director Klaus Töpfer, IEG Chair David Anderson, Algerian Environment Minister Cherif Rahmani and Algerian President Abdelaziz Bouteflika

Courtesy: IISD

candidly on their views, he urged that the "consultative phase" of the process should be wrapped up and, "by the end of the day tomorrow, we must have begun the process of identifying priorities and building consensus."

The Algerian President addressed the delegates with his views on the general state of sustainable development and his hopes of what will result from the discussions on International Environmental Governance. He stated that since the 1992 UN Conference on Environment and Development (UNCED) meeting in Rio, many laws for the protection of the environment have been passed, but the levels of official development aid supplied to developing countries have been disappointingly low. Reminding delegates of the principle of common, but differentiated responsibilities, he asked:

"Is it not paradoxical that the populations of the poorest countries, who historically have the least share in contributing to the degradation of the global environment, today are the ones that first must endure the brunt of its effects, yet are the ones who are without the necessary means to counter them?"

The overall modes of production and consumption in industrialised countries are in great part responsible for ex-

hausting natural resources and destroying the biosphere, while widespread poverty in the lesser-developed countries prevents effective action on their part. This is compounded by the prevailing philosophy of the international market, which counters efforts to implement policies that are favourable to the environment and sustainable development.

General Debate

After adoption of the provisional agenda and organisation of work, David Anderson subsequently introduced his proposals for consideration by the Intergovernmental Group on IEG (UNEP/IGM/3/CRP.1), which he entitled "building blocks." Each block corresponds to a key challenge or weakness in the current architecture. While these issues are all interconnected and interdependent, breaking them up into separate categories, he hoped, would help to identify the underlying problems and come up with measures for solving these. The four "building blocks" were (1) Improving coherence in policy-making – the role

and structure of the Global Ministerial Environment Forum (GMEF). (2) Strengthening the role, authority, and financial situation of UNEP. (3) Improved coordination and coherence between multilateral environmental agreements (MEAs); and (4) Enhanced coordination across the United Nations system – the role of the Environmental Management Group (EMG). Under each of these headings, a series of measures is suggested which are to be



Plenary hall at the Palais des Nations in Algiers

Courtesy: IISD

evaluated by the Intergovernmental Group. As stated in the final paragraph of Anderson's paper:

"The above 'building blocks' take as their foundation the debate within [IEG] so far, and deal with specific weaknesses and opportunities within the current system. Some of the proposals in the present document could help build incrementally towards meeting the needs identified and towards the renewed efforts required to be undertaken by all countries in the spirit of international solidarity envisaged in the Malmö Declaration."

The rest of the day was set aside for general debate opened by Mohammed Reza Salamat (Islamic Republic of Iran) who spoke on behalf of the Group of 77 and China. He commented that the IEG process has made good progress and has already entered a critical stage. He drew attention to two analytical studies of IEG issues from the perspective of developing countries which had been prepared upon the request by G-77/China by the South Centre and the Third World Network. These were made available during the meeting and delegates, especially those from the developed world, were invited to examine them in order to advance understanding of their views and ideas. The speaker proceeded to summarise the cornerstones of G-77/China's position on IEG. First, the context of sustainable development should remain the guiding principle in reinforcing environmental governance. Second, the Commission of Sustainable Development (CSD) is "the main high-level forum for policy debate on sustainable development." The role and programme of work of CSD thus should be further evaluated and defined. Third, "strengthening IEG does not require creating a new institution. Rather an effective use of the existing institutions would better ensure an optimal utilisation of already limited resources globally."

Further views on specific issues by the G-77/China, such as on financing and "clustering" of MEAs, will be outlined in the section on the working group discussions below. As a fundamental point, participants were reminded that IEG should not only be dealt with as an abstract question of improving institutional and/or organisational efficiency. "The reasons for the current weaknesses of IEG are not necessarily 'institutional/organisational,' but rather, a lack of political will, particularly on the part of developed countries to comply with their commitments undertaken at Rio and under MEAs." In closing, Mohammed Salamat requested the UNEP Secretariat to prepare a chart illustrating all options put forward along with their legal and financial implications.

On behalf of the European Union (EU), the Belgian Minister of the Environment, Magda Aalvoet, recapitulated the results of the European Council held at Gothenburg in June 2001: support for the IEG process and reaffirmed commitment to reaching the UN target for Official Development Assistance (ODA) of 0.7 per cent of the Gross Domestic Product before the WSSD in 2002. Other donor countries were urged to follow this example. In reference to IEG, she stated:

"One of the main challenges of the IEG process is the promotion of a stronger coherence of the present international environmental architecture. Partially because of UNEP's success in promoting the development of international law, a decentralised system of legally binding instruments has been established. The challenge would be to achieve the benefits of coherence in such a decentralised system. Therefore the EU is of the view that IEG deliberations should result in creating a coherent system for international environmental policy. A decision on IEG will need a strong political support to guarantee its necessary authority and credibility."

The EU thus supports an evolutionary process for IEG and concurs for the most part with the "building blocks" as presented by Chair Anderson. In short, it agreed that the GMEF should be given the necessary authority to provide overall guidance for environmental activities within the UN. Further support was expressed for the proposals on "clustering" MEAs and strengthening the role of EMG. Minister Aalvoet added that greater emphasis should be placed on the issue of implementation at the international, regional and national levels, whereby capacity building should be a core element in this regard. For a more detailed look at EU views, she referred to the responses offered by the EU to the Executive Governor's questionnaire.

As opposed to the last meeting, the Belgian delegation, which at that time also represented the EU, made no reference to the possible creation of a World Environment Organisation (WEO). However, other EU members, such as France and Germany, were to issue statements in fa-

avour of this idea. For example, the German representative demanded that "the Johannesburg Summit should be the starting point for an upgrading of UNEP in Nairobi with the prospect of developing UNEP into a [WEO]."

Environment Minister M.V. Moosa of the Republic of South Africa, which is to host the WSSD, outlined some of his government's initial thoughts on the overall outcomes of the Summit of which a decision on environmental governance is going to be one. He submitted a table of key issue areas the WSSD could make significant progress on. First on the list was the proposal to renew efforts to develop a global partnership between governments, the private sector and civil society for addressing global poverty and inequality:

"The single most important threat to sustainable development globally is poverty and the widening gap between the rich and the desperately poor. This is not only a threat to poor nations, but also to wealthy nations as the instability, conflict, disease and environmental degradation associated with poverty threaten the overall socio-economic status of our planet. South Africa would like to therefore submit for consideration 'the eradication of poverty as the key to sustainable development' as the Summit theme."

Minister Moosa also mentioned initiatives on the regional level, such as the ongoing preparations for the revision of the 1968 *African Convention for the Conservation of Nature and Natural Resources*, which may be ready for signature at the WSSD. Also, the *New Africa Initiative* (NAI), a programme of action for revitalising the African continent, which, among other things, recognises the need for an integrated approach to environmental governance at the regional level.

Ambassador Raúl Estrada Oyuela* (Argentina) stated that globalisation sets out many unfavourable conditions for sustainable development. However, deficiencies in international environmental governance are not only due to a weak international bureaucracy, but also result from insufficient action on the national level. Thus the call for a strengthened international environmental regime should be bolstered by a renewed pledge by individual governments to implement the commitments of international environmental agreements and enact strategies for sustainable development. UNEP, regardless of what form it will eventually assume, is restricted to the role of facilitator and can only offer policy guidance and assist in capacity building and the transfer of technologies. In closing, he expressed support for the idea of clustering MEAs and urged them to move ahead with pilot programmes for linking the work of MEA secretariats.

Roy Paul, leader of the Indian delegation, cautioned against proposals to rely increasingly on the Global Environment Facility (GEF) as the principal financing institution:

"There has been an increasing tendency lately to designate GEF as financial window in most matters. Unless we are able to simplify GEF procedures, straighten out its structural complexities and make its procedure more transparent, GEF will not qualify for the role of a universal banker on environmental matters."

With reference to suggestions of integrating environmental considerations into existing international trade or-

ganisations, he emphasised that trade issues fall within the purview of the World Trade Organisation (WTO) and that adequate legal and institutional frameworks are already in place which take into account cross-cutting issues. Roy Paul also opposed the establishment of a WEO.

The US representative criticised the Executive Director's Report, the Questionnaire on IEG and other documentation by the UNEP Secretariat for lacking balance. "Rather than identifying specific problems with the current system and then evaluating potential solutions to them, [these] ... merely assume that the system is inherently flawed." Objecting to the pejorative term "fragmentation", he insisted that the "'decentralisation' of the international system of environmental governance is often a strength rather than a weakness of the system." The US reiterated its position that no unnecessary, new environmental institutions should be created, no form of mandatory, assessed contributions should be introduced, no transformation of UNEP into a specialised agency should take place, and that there is no need for a mechanism to resolve disputes between the WTO and MEAs.

Among other noteworthy proposals put forward, a few government representatives spoke in favour of creating an international environment court, to which Iran on behalf of G-77/China intervened to say that this does not fall within the mandate of UN General Assembly Resolution 53/242. The representative of Palestine announced that the Environment Ministry headquartered in Ramallah had been shelled by Israeli bombs, and distributed pieces of shrapnel for delegates to examine. Iraq drew attention to depleted uranium used during the Gulf War and its lasting effects on the environment. On a related note, a number of speakers proposed the establishment of a fund to help mitigate consequences arising out of major environmental disasters. The World Meteorological Organisation (WMO) commented that the numerous proposals put forward to strengthen UNEP's early-warning and monitoring capacities require coordination with WMO and other UN agencies who are already conducting similar projects.

As the first day of the meeting drew to an end, Ambassador Estrada, who acted as Moderator during the afternoon session, summarised the discussion's points of convergence, which included:

- the lack of political will is one of the main weaknesses of IEG
- making best possible use of existing institutions
- support for the "clustering" of MEAs
- the need for clarifying relations between the GMEF, Governing Council and CSD
- backing for a strengthened EMG
- redefining UNEP's relationship with GEF and finding means to speed up the procurement of funds
- the issue of trade disputes should best be left to the WTO.

As agreed earlier, delegates were to reconvene the following morning in order to consider the Chair's "building blocks", of which two each would be discussed in separate working groups. Chair Anderson suggested that delegates should take the above points as guidelines for formulating concrete proposals. ■

* Note by the Editor: Ambassador Estrada did not read from a prepared statement, but spoke extempore. Since his comments captured the essence of the debate so well, we have asked him to set his thoughts out on paper for publication in the next issue.

Working Group I

The first of the two working groups was chaired by M.V. Moosa (South Africa) and dealt with the role and structure of GMEF and strengthening the role, authority and financial situation of UNEP. After Chair Moosa had emphasised that the original idea behind the talks on IEG was to enhance participation by developing countries, delegates began to discuss the series of measures which were listed under these two headings as well as those that derived from the discussions the day before.

Improving Coherence in Policy-Making – the Role and Structure of GMEF

Concerning the role and structure of GMEF, the first item under consideration was the proposal to establish universal membership for the GMEF, with representation by all UN Member States and specialised agencies of the United Nations. The UN General Assembly could adopt a resolution to this effect, thus replacing the Governing Council as the governing body of UNEP. The government of Canada argued that this would increase the sense of ownership among Member States and enhance the authoritative basis for decision-making. However, it soon became evident that there was no consensus as to which of the two governing bodies should be expanded to universal membership: the GMEF or the Governing Council. The role of the GMEF, which has only recently been established through UN/GA Resolution 53/242, is still unclear even to many of its participating countries. Iran, on behalf of G-77/China, supported by Colombia, stated that more clarification was needed on the provisions for GMEF as contained in Resolution 53/242 and how to interpret its mandate. The EU supported separation of GMEF and Governing Council, with universal membership for the GMEF. Other countries, such as Korea and Bangladesh, were against separating the two institutions.

To settle this question in part, the second measure deriving from the “building blocks” paper addresses the need for a clearer definition of authority to other autonomous decision-making bodies, such as Conferences of Parties (COPs) of MEAs. The GMEF, which has been created as a general forum for policy discussion, should be transformed into an umbrella forum which has “the authority to review the overall development of environment policy within the United Nations system and to make cross-cutting recommendations to other bodies.” This proposal is in line with the EU position that the GMEF should evolve into a body that provides overall policy guidance for all environmental activities within the UN. Iran, on behalf of G-77/China, outlined its views of which functions the GMEF should fulfil, as being (1) A global forum for dialogue. (2) A source of advice and guidance to COPs; and (3) An instrument of coordination. In a more practical vein, South Africa suggested that COPs of various MEAs should be held parallel to an extended GMEF and that responsible Ministries from other policy sectors, such as trade, energy, agriculture, water, development and finance, should be invited as well.

Among the other proposals from the “building blocks” paper under consideration were:

- ensuring meaningful participation by representatives of civil society, such as NGOs and the private sector, following the example of CSD and its multi-stakeholder dialogue (this idea was seconded by the EU)
- enhancing links with other UN forums by convening GMEF meetings at other UN venues, such as New York or Geneva
- giving GMEF a stronger voice within the GEF decision-making process, thus ensuring a better connection between policy and funding
- restructuring the GMEF agenda to concentrate on broad policy issues, clustering along thematic lines, i.e. cross-cutting issues emanating from MEAs and scientific assessments
- having EMG report to the GMEF, so to coordinate better work by other UN agencies and MEAs.

The most delicate question pertained to the relationship between UNEP and GEF. The South African delegation even put forward a proposal to review and possibly restructure the GEF, demanding that the GMEF must be able, at the very least, to define the criteria and rules for GEF funding, covering all MEAs. Yet, the feasibility of this still needs to be reviewed as both the GMEF and the GEF are autonomous institutions with different constituencies.

The Canadian government in a separate statement also urged the fostering of links between the GMEF and regional ministerial fora on the environment, as these are vital for political coordination and ensuring effective operationalization, citing the African Ministerial Conference on the Environment (AMCEN) as an encouraging example.

Strengthening the Role, Authority and Financial Situation of UNEP

Returning to the fundamental question concerning the role and authority of UNEP, the first measure of the second “building block” dealt with the proposal to transform UNEP into a specialised agency. This would require negotiation and ratification of a new charter for UNEP. In a separate policy paper distributed earlier, the Canadian government supported this move because it would “bolster [UNEP’s] level of policy influence, autonomy and authority, as well as financial means ... [W]ith appropriate political will, this could be achieved in a reasonable timeframe.” Referring to the need to study further the legal and financial implications, G-77/China proposed to defer the question of turning UNEP into a specialised agency. Consensus arose that one should build on existing institutions before creating new institutions, such as a possible WEO.

The financial situation of UNEP was also discussed. While lifting UNEP to agency status might be the most straightforward solution to ensuring stable, predictable and adequate funding, the idea of a binding system of assessed contributions, similar to the UN scale of assessments, as opposed to a negotiated or “agreed” scale of assessments

was discussed. The concept of mandatory financing was turned down by the G-77/China, US and Korea, while other countries cautioned against a compromise solution with a combination of mandatory and voluntary contributions based on a customised scale of assessment as proposed by Canada. The Norwegian delegation warned that they and other governments, who have been supplying funds to UNEP on a voluntary basis, might decide to reduce their level of contributions should a system of mandatory assessment be introduced. The G-77 suggested that following the principle of common, but differentiated responsibilities administrative costs should be covered through the regular UN budget, while operational costs should be borne by developed countries. It was agreed that for the next session of IEG, UNEP should prepare a study outlining the implications for each of these suggestions.

With regard to the role of UNEP, the "building blocks" paper proposed that UNEP should build on its existing strengths of providing scientific advice and technical assistance to States requiring assistance in environmental decision-making. Thus, higher priority should be given to developing independent and authoritative scientific assessments, to monitoring emerging issues as well as to building a greater capacity for assisting developing countries. In a separate statement, Canada underlined this point by adding that scientific bodies of MEAs already enhance the scientific infrastructure of international environmental governance, as well as through support by governmental and non-governmental research institutions. This network should be expanded as well. A further suggestion contained in the paper was to foster cooperation between UNEP and UNDP with a renewed emphasis on capacity building and technology transfers. Each of these proposals was well received, but their practicability boils down to the question of whether additional financial resources will be made available or not.

During the course of Working Group I, as in Working Group II, the addition of new "building blocks" was proposed by G-77/China, with support from Canada and Norway, which were "the context of sustainable development," and "financing, capacity building and technology transfer."

Working Group II

The second Working Group was chaired by Philip Roch (Switzerland) and dealt with improving coordination and coherence between MEAs, and the role of EMG. As was expected, these issues overlapped with those of Working Group I and similar points were raised, among which the future legal status of GMEF and financing figured most prominently.

Improved Coordination and Coherence between Multilateral Environmental Agreements

The "building blocks" paper outlined the need for improved coordination and coherence between MEAs

since the ability of governments to participate meaningfully through the proliferation of MEAs has been decreasing. While MEAs have the benefit of being able to concentrate on issue-specific areas, the fragmentation of the current system makes it difficult to create synergies and linkages between the various agreements and the implementing authorities. Thus it has been proposed to "cluster" MEAs, either at the functional level or at the programme level. The Chair's proposal foresaw that if the GMEF were granted the necessary authority, as discussed in the previous working group, it could serve as a venue for reviewing options for "clustering" and, after implementation, ascertaining how effective these measures are. Furthermore, the UNEP Division of Environmental Conventions, which already conducts coordination meetings with MEA secretariats, could assist in developing a functional, programme-based "clustering" approach. It could also provide programme support by coordinating reporting and by providing recommendations to GMEF on sectoral and cross-cutting issues.

The G-77 and China interjected that the legal autonomy and the varying memberships of MEAs pose severe constraints, so that the GMEF could only offer policy guidance. The EU stated that the objectives for the "clustering" of MEAs should be to achieve more efficiency, to enhance participation and to reduce reporting and implementation burdens. South Africa, as outlined earlier in M.V. Moosa's speech, supported the "rationalisation of MEAs into issue-based clusters with secretariats geographically located at the same centre. Cross-cutting functions can and must be coordinated between the various 'clusters' of MEAs." It recommended the establishment of a coordinating institution, based either within UNEP or the EMG, to oversee this process and to help avoid duplication and wasting of resources. The US delegate, along with those from India and Switzerland, warned against creating new institutions, as others agreed to concentrate on making best possible use of the existing ones. In response to a proposal that was discussed at the last IEG meeting, Iran deemed the co-location of MEA secretariats to be impossible from a political perspective. Yet, the prospect of organising COPs of interrelated agreements, such as those which deal with chemicals or biodiversity, would be a realistic alternative more likely to result in synergies and avoiding the duplication of work.

Executive Secretary of Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES), Willem Wijnsteekers, referring to his personal experience, stated that the question of coordination and coherence must go beyond that of MEAs. The overlapping competencies of UN agencies and the competition for authority and funding must be addressed. In his view, initiatives that are most likely to produce tangible results are a renewed focus on capacity-building and the establishment of a clearing-house for information on meeting schedules. He suggested that UNEP should organise a meeting of the Executive Heads of MEAs in order to discuss the feasibility of these and other options.

In summary, it was agreed to further explore schemes

for issue-based “clustering” of MEAs, in particular those that are linked to biodiversity, for which a paper on harmonising reporting was introduced earlier (see above), and those that are related to chemicals, for which another pilot project is in preparation. “Clustering” among Regional Seas Conventions was also deemed worthy of attention. Further, communication among MEA Secretariats, Chairs of COPs and of technical and scientific bodies should be improved. From a fundamental perspective, it was also acknowledged that inadequate domestic coordination of MEAs contributed to a lack of coordination at the international level and it was agreed that individual governments should renew their efforts to improve the situation at the national level.

Enhanced Coordination across the United Nations System – the Role of EMG

The fourth and final topic addressed the role of EMG and efforts to enhance coordination across the United Nations system. The EMG consists of representatives of UN specialised agencies and programmes, Funds and MEA secretariats. It has already established issue management groups on developing a system-wide approach to environmental education and training, as well as the aforementioned project of harmonising biodiversity-related reporting. Delegates concurred that the EMG, which has only recently been created following GA Resolution 53/242 and has met only twice so far, has not yet realised its full potential.

The first measure of the “building blocks” paper suggested that, should GMEF be designated as the umbrella forum for environmental policy, the EMG should act as coordinating instrument at the inter-agency level for all activities related to the environment within the UN system. In this function, EMG should report on an annual basis to GMEF. Another concrete proposal from the “building blocks” paper is that the EMG could act as counterpart to the UN Development Group (UNDG) which would offer the potential for mainstreaming the environment into economic and social activities of the UN system and reinforce the context of sustainable development.

While these proposals found widespread approval, the G-77/China drew attention to the need for more transparency within EMG and sharing information with Member States. EMG could also report to CSD. The EU stressed the importance of high-level representation of all bodies dealing with questions related to the environment. The US delegate said that any possible reform of EMG should remain within the confines of the provisions stated in Resolution 53/242. What also has to be respected is that representatives of other UN agencies, such as the Food and

Agriculture Organisation (FAO), are bound by their own constituent assemblies. Appropriate Memoranda of Understanding (MOUs) would need to be drafted to outline the exact procedures for cooperation with EMG and the GMEF.

Closing Plenary

The afternoon session saw the reconvening of the Plenary and began with a special statement by the League of Arab States which drew attention to the human suffering caused by environmental degradation in Palestine and expressed the hope that the IEG process would contribute to alleviating the situation. The reports of the working groups were subsequently heard and adopted. The Chair announced that the outcomes of the working groups and the general discussion would be integrated into a draft consensus text to be “fine-tuned” during the intersessional period. Minister Moosa, Chair of Working Group I, urged that in addition to the draft text, detailed annexes should



From left to right: Minister Cherif Rahmani (Algeria), Minister David Anderson (Canada), UNEP Executive Director Klaus Töpfer and Minister M.V. Moosa (South Africa) during the closing press conference

Courtesy: IISD

be provided on the implications for each proposal, in particular for those relating to the legal status of UNEP and the GMEF, as well as the various financing schemes. Some delegates expressed concerns of overburdening the UNEP Secretariat and appealed to other governments to assist in the preparation of these background documents.

The two further “building blocks” suggested during the working group discussions, “context of sustainable development” and “financing, capacity building and technology transfer”, will also be added to the draft proposal. To this end, Chair Anderson announced that he would hold informal consultations with the participating countries. During the course of the working groups, there was even a discussion on the possibility of organising a meeting on finance prior to the next session of IEG. However, key questions regarding the legal status of UNEP, universal membership of GMEF, clarification of its relations to vari-

ous MEAs, EMG, CSD etc. and financing options are unlikely to be resolved during the intersessional period.

During the closing minutes, David Anderson remarked that he was pleased with the conduct of this meeting and was positive that the work of IEG could be wrapped up at the next session. Algerian Prime Minister Ali Benflis, who had just joined the meeting in order to bid the participants farewell on behalf of his country, noted the constructive spirit of the talks and the high-level quality of discussion. As the Algerian President did the day before, he placed great emphasis on the issue of securing adequate funding for UNEP's operational basis and for environmental protection in general. On a final note, he expressed the hope that the finished IEG process would reinvigorate global action on the environment.

The fourth meeting of the Open-Ended Intergovernmental Group on IEG is to be held at Montreal, Canada on 30 November and 1 December 2001, following the Intergovernmental Review Meeting of the Global Programme of Action for the Protection of the Marine Environment from Land-Based Activities (GPA). It is hoped that delegates will be able to agree on a finished draft proposal for "building blocks" of governance. These recommendations are then to be incorporated into a final report, which is to be presented at the Special Session of the Governing Council/GMEF at Cartagena, Colombia, from 13-18 February 2002. A possible fifth meeting was scheduled tentatively for late January 2002 in New York, immediately preceding the Second Meeting of the Tenth Session of the Commission on Sustainable Development (CSD-10) acting as the Preparatory Committee for the World Summit on Sustainable Development. However,

organisers of the IEG process would like to avoid having another meeting so close to the GMEF as they fear the *acquis* of the previous meetings might be unravelled and opened for renegotiation in New York.

There is also still concern about the real motives that loom behind the governance process. A number of delegates still need to be convinced that these are not purely organisational ambitions by UNEP and a means to gain ground in the competition over scarce resources with other UN agencies. The US led the front in claiming that, as opposed to an abundance of various solutions put forward, there is a dearth of specific examples of problems in IEG. Klaus Töpfer responded to this criticism by stating that he would provide more specific examples of IEG weaknesses at the next meeting. This aside, the IEG process sets the ground for a promising round of talks at WSSD.

Notes

- 1 See *Environmental Policy and Law*, Vol. 31 (3) 2001, p. 124 and Vol. 31 (4-5) 2001, p. 194 respectively.
- 2 Available at <http://www.unep.org/IEG/>.
- 3 The six participating countries are Belgium, Ghana, Indonesia, Panama, the Seychelles and the United Kingdom.
- 4 Due to the terrorist attacks on 11 September, the NGO Summit was indefinitely postponed. For further developments, please consult <http://www.southngosummit.org>.
- 5 See *Environmental Policy and Law*, Vol. 30 (4) 2000, p. 201.
- 6 Adopted at the 37th session of the Heads of State and Government of the Organization of African Unity (now the African Union) at Lusaka, Zambia on 11 July 2001. The initiative and complete decisions are available at <http://www.oau-oua.org>.
- 7 Reprinted in full in *Environmental Policy and Law*, Vol. 29 (5) 1999, p. 250.

