

## UNITED NATIONS ACTIVITIES

### UNEP-GC-25 / GMEF

#### Summary Report

by Reinhard Krapp\*

More than 100 environment ministers as well as numerous representatives of UN agencies, international organisations and representatives of major groups attended the twenty-fifth session of the UNEP Governing Council/Global Ministerial Environment Forum (UNEP-GC/GMEF), held in Nairobi, 16–20 February 2009.<sup>1</sup> It was chaired by the Serbian Environment Minister Oliver Dulic. The most important decision adopted at the session, was the decision to start a negotiation process on a legally binding mercury agreement. During the GMEF, ministers discussed the topic of “Global Crises: National Chaos” and “Towards a Green Economy/Green New Deal”. They also discussed the question of international environmental governance.

#### **Mercury Agreement**

The UNEP-GC/GMEF decided to start the process to negotiate a global agreement on mercury. An intergovernmental negotiation committee will begin its deliberations in 2010 and hopefully reach a final agreement by 2013. During the second half of this year, a working group will convene in order to discuss the preliminaries. The mercury agreement is expected to cover all mercury emissions – from ore mining through production, consumption and deposition of this chemical element, which is detrimental and dangerous to human health. A member of the general public commented: “This is a major breakthrough in the field of international policy on chemicals”.

The US government changed its position on mercury negotiations shortly after the inauguration of President Obama. In the past the United States had argued strongly against a mercury agreement, whereas in the current meeting the US actively advocated in favour of beginning the negotiation process.

#### **Reform of UN Environmental Institutions**

Another important topic was the ministerial deliberations on international environmental governance. The Joint Inspection Unit of the UN Headquarters (JIU) presented its report “Management Review of the Environmental System” and ministers commented on it.

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During the discussion the high costs of institutional fragmentation were mentioned, and several ministers drew attention to the current lack of coherence in the field of environmental governance.

Some ministers emphasised the importance of universal membership of the GC. The EU once again supported the idea of a UN Environmental Organization. Brazil spoke in favour of a UN institution which encompasses UNEP, the Global Environment Facility and the secretariats of the multilateral environmental agreements.

Delegations agreed on the establishment of a regionally representative consultative group of ministers or high-level representatives and requested the group to present options to the next GMEF (probably in the USA) on how international environmental governance can be improved.



Angela Cropper, UNEP Deputy Executive Director and Achim Steiner, UNEP Executive Director  
Courtesy: IISD

#### **UNEP’s “Green New Deal” – Jobs and Economic Growth in Favour of the Environment**

Against the background of the worldwide financial crisis, ministers discussed how the crisis could be used as an opportunity for a “New Green Deal” or a “Green New Deal”. UNEP Executive Director Achim Steiner said that UNEP challenges the myth that when an economic crisis occurs, environmental issues must take a

back seat. He stressed that the programmes and activities for improving the environmental situation could become part of the process used to overcome the economic crisis. Using similar terms, Mwai Kibaki, President of the Republic of Kenya, called for increasing the vigour with which countries address environmental problems and underlined the necessity to work towards a green and low-carbon economy.

Ministers from industrialised and developing countries agreed on the importance of "Green Growth" in economic policy which was seen as a new engine of growth. It comprises renewable energy and the improvement of ecological infrastructure. Environment ministers were asked to take the lead in building a green economy.

### **Intergovernmental Platform on Biodiversity and Ecosystem Services (IPBES)**

UNEP-GC adopted a decision in which governments are invited to explore mechanisms to improve the science-policy interface for conservation and sustainable use of biodiversity. UNEP is asked to continue the process of creating an intergovernmental science-policy platform on biodiversity and to organise a second international conference on this topic. The Republic of Korea said it was considering hosting this conference in June 2009. IPBES is another in a series of initiatives meant to create a biodiversity-focused institution (similar to the role of the International Panel on Climate Change (IPCC) in relation to the UNFCCC) to serve as an interface between scientists and politicians in the field of biodiversity.

### **Waste Management**

The decision on waste management asks the Executive Director of UNEP to provide further assistance to developing countries in their efforts to strengthen national implementation of an integrated waste management approach. It calls on Governments to provide resources and technical assistance to developing countries.

### **Environmental Law**

UNEP-GC adopted the Fourth Programme for Development and Periodic Review of Environmental Law. The Programme contains a broad strategy for the international law community and UNEP in formulating the activities in the field of environmental law for the decade commencing in 2010.

The GC's decision on access to information, public participation, and access to justice in environmental matters calls on UNEP to carry out further work on the guidelines with a view to adoption by the GC/GMEF at its next special session. The Council took a similar approach in addressing the proposal for draft guidelines for the "development of national legislation on liability, response action and compensation for damage caused by activities dangerous to the environment". Here also it asked UNEP to create and implement a similar guideline-development process.

### **Environmental Situation in the Gaza Strip**

Arab member states submitted a draft decision on the environmental situation in the Gaza Strip. After lengthy discussions, particularly between Algeria and Palestine on one side and Israel and the USA on the other, agreement was reached on a decision which requests the Executive Director of UNEP to deploy a mission of environmental experts to Gaza in coordination with other relevant international organisations to assess the natural and environmental impacts on the Gaza Strip caused by the recent escalation of violence and hostilities.

### **Further Items**

Among the large list of other issues discussed, the Committee of the Whole approved 17 decisions, which were forwarded and adopted by Plenary:

- 25/1 Implementation of decision SS.VII/1 on international environmental governance
- 25/2 World environmental situation
- 25/3 International Year of Biodiversity
- 25/4 International environmental governance
- 25/5 Chemicals management, including mercury
- 25/6 Long-term strategy on engagement and involvement of young people in environmental issues
- 25/7 Omnibus decision on reports of the Executive Director
- 25/8 Waste management
- 25/9 South-South cooperation for achieving sustainable development
- 25/10 Intergovernmental science-policy platform on biodiversity and ecosystem services
- 25/11 Environmental law
- 25/12 Environmental Situation in the Gaza Strip
- 25/13 Proposed biennial programme and support budget for the biennium 2010-2011
- 25/14 Management of trust funds and earmarked contributions
- 25/15 Supplementary budget
- 25/16 Support to Africa in environmental management and protection
- 25/17 Provisional agendas, dates and venues for the 11<sup>th</sup> special session of the Governing Council/Global Ministerial Environment Forum and the 26<sup>th</sup> session of the Governing Council/Global Ministerial Environment Forum

(An advance copy of all decisions has been posted online at: <http://www.unep.org/GC/GC25/Docs/GC25-DRAFT-DECISION.pdf>.)

### **Political Assessment**

The UNEP-GC/GMEF took place at a time of a global crisis in the world financial sector as well as at a time of shortages of food and water. The Governing Council has demonstrated with its green economy initiative that there are win-win opportunities in addressing environmental and economic challenges simultaneously. Governments agreed to strive to shift towards a more sustainable growth and development model, fully integrating the environmental dimension.



The choice by the UNEP-GC bureau and the UNEP Executive Director Achim Steiner to have a ministerial discussion about the current global crises was widely appreciated and gave ministers the opportunity to discuss the most important issues in current world economic policy. "Greening the Economy" and "Green Growth" were the key words of the day.

Compared to prior sessions this UNEP-GC/GMEF was a rather successful gathering, and Achim Steiner was applauded for his good preparation of the Governing Council and his able leadership of UNEP.

#### Note

<sup>1</sup> For further information, see <http://www.iisd.ca/unepgc/25unepgc/>.



## Commentary

by Donald Kaniaru\*

Both the 25<sup>th</sup> Governing Council regular session and the GMEF were extremely well attended.<sup>1</sup> The plethora of activities during the session reminded participants of the 24<sup>th</sup> regular session, and also of the first session of the Council in 1973.<sup>2</sup> There was the Plenary; the Committee of the Whole; the Drafting group; working groups that negotiated draft decisions; panels of speakers mainly handling plenary issues, and informal panels during lunch breaks dealing with a series of substantive issues; not to mention the usual informal and formal social gatherings. All in all it was hectic, to say the least, but overall a success.

The Plenary was opened by H.E the President of Kenya after which the business of the Council began. The mood was upbeat as was the goodwill evidenced by ready approval of a biennial budget at US\$ 180 million, the highest ever in the life of UNEP. The last such proposal had been prepared by K. Tolba, the second Executive Director to implement the outcome of the Rio conference, but it had been rejected out of hand. It was apparent that a lot of time had been invested in the preparation of the documentation which elicited a significant response. The structure of the document had changed; the number of subprogrammes had been whittled down to six – a re-organisation that has not yet been fully translated into the administrative divisions of the Secretariat, some of which were not quite certain which division was responsible for which subprogramme. The impression one got from the document and discussions was that the real work or business by the entire Secretariat will start soon after the Council ends to prepare agreed programme elements for implementation early in 2010. If past experience is any guide, such negotiations will take time, and consistent reporting to governments and others could be no less a challenge.

In the formal Committees, the Plenary and the Committee of the Whole, discussion on issues went rather quickly. The Council agreed on key decisions not only on financial resources but substantively in the fields of science, policy and law that would engage the

Secretariat, UN system, governments and other players and stakeholders for years to come.

Initially, one had the impression that agreement on draft decisions might move equally quickly in the working or drafting groups. In truth, however, this was not the case. There were three negotiating axes this time round: the US, in a totally different and accommodating mood in the early days of the Obama presidency; the European Union; and the Group of 77 and China. These were easily identifiable, and there was noticeably less confrontation. These group discussions seemed interminable but in

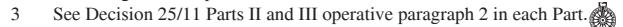
the end compromises were made. For example, Decision 25/11 Parts II and III agreed, at the request for more time by the developing world, an interim way forward to further work, reporting and determining the matter at the next special session.<sup>3</sup> Each session is practically always pressed for time, but the last session taught those present a lesson – not to move to groups so quickly, but to identify clearly what issues or differences there may be and single those out in the formal Committee for attention in the informal sessions. In that way, surprises would be avoided in the informal groups which opened every issue and in effect debated and negotiated everything to final outcome.

#### Notes

<sup>1</sup> Since the mid-1980s, regular sessions of the UNEP-GC/GMEF have been held in odd years, and special GC/GMEF sessions, of which there have been ten so far, in even years. All regular sessions, except the first one held in Geneva in June 1973, have been held in Nairobi: under the Rules of the Council, regular sessions are to be held at the UNEP headquarters while special sessions have rotated in the different regions. Between the sessions of the Governing Council, a Committee of Permanent Representatives (CPR) meets four times a year (GC Decision 19/32). The Committee reviews Council documents and suggested decisions by the Executive Director, and presents resulting versions of decisions for the consideration of the Council, its committees and drafting group. During this session, the Chair of the CPR spoke early on in the Committee of the Whole (COW) to introduce draft decisions agreed in CPR which were also reviewed in the subsequently established working groups.

<sup>2</sup> The author, who has attended all 25 regular sessions and the 1973 session, missed the presence of Dr Wolfgang Burhenne who has also attended virtually all sessions, regular and special, but was unable to attend this one.

<sup>3</sup> See Decision 25/11 Parts II and III operative paragraph 2 in each Part.



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