

UNITED NATIONS ACTIVITIES

UNEP GCSS-10 / GMEF

Ministerial Discussions: New Structure Special Session: Maintaining Competence

by Soledad Aguilar* and Aaron Laur

The UN Environment Programme (UNEP) Governing Council meets every second year in a regular session in accordance with General Assembly resolution 53/242 (1999). The years between regular sessions are reserved for a special session of the Council's Committee of the Whole to deal with pressing matters and include a ministerial-level Global Environment Forum for high-level officials to review important and emerging policy issues in the field of the environment. The tenth special session of UNEP's Governing Council/Global Ministerial Environment Forum (GCSS-X/GMEF) met in Monaco on 20–22 February 2008 and addressed key issues within international environmental policy making, including mobilising finance to meet the climate challenge, and prospects for UNEP within the broader UN reform debate.

Opening the meeting, Roberto Dobles, Minister of Environment and Energy of Costa Rica and President of GCSS-X/GMEF thanked Prince Albert II of Monaco for hosting the session and paid tribute to his leadership and personal engagement in environmental conservation. With more than 100 ministers and representatives of the core global environment community, he said, "they had a responsibility to respond to the expectations of the peoples of the world and to provide guidance on how to confront the problems and emerging opportunities affecting the planet and ensure its sustainability".

Secretary-General Ban Ki-Moon addressed the meeting in a video message saying, "...Thanks largely to you and your predecessors, the world has a framework convention on climate change, carbon trading and carbon markets...Now, your generation of environment ministers can bring in a new generation of solutions...Over the next three days, your task is to provide a fresh impetus to this work, and to strengthen our global environmental institutions...Through the Medium-term Strategy before you, you have an opportunity to set the course for a more focused and results-based UNEP...We have 22 months left to the climate change convention meeting in Copenhagen. Achieving a deal there is my priority and that of the entire UN family...The people of the world are demanding change. Let us make sure we deliver it..."

In his opening remarks, UNEP Executive Director Achim Steiner stated that the Principality of Monaco is increasingly "becoming known as an international champion for the environment, pinning its decidedly green colours to the mast, not least on marine issues". He went on to say that in keeping with Ban Ki-Moon's call in Bali for grassroots mobilisation on the climate change challenge in 2008, UNEP will expand the Billion Tree Campaign into a two Billion Tree Campaign this year.

H.S.H. Prince Albert II of Monaco, in his opening remarks emphasised the need for decision makers in public and private financial sectors to cooperate in the development of replacement technologies to curb global warming. He also made a candid call to address climate change in the Arctic region, citing the findings of the "Arctic Climate Impact Assessment", which showed that the Arctic region is experiencing "some of the most rapid and severe climate changes on Earth". He went on to say that, "as part of the International Polar Year, I would like, as a matter of urgency, a discussion to be carried out with all the countries concerned in order to protect the Arctic region, the people who live there and its biodiversity". Furthermore, he stated, "Monaco is ready to welcome any initiatives which would enable this approach to progress".

The following brief will present the most prominent topics addressed and discussions held during GCSS-X/GMEF.¹ It will review the presentation and discussions on UNEP's Medium-term Strategy, reflect on discussions on emerging policy issues by Environment Ministers, and examine those topics addressed by the Committee of the Whole which led to the adoption of five decisions by GCSS-X/GMEF, namely on: UNEP's Medium-term Strategy, which was approved a year in advance, as requested by Achim Steiner; chemicals, mercury and waste management; the state of the environment; the international decade for combating climate change; and sustainable development in the Arctic.

Ministerial Forum

The emerging policy issues addressed by Ministers in their GCSS-X/GMEF discussions included: (i) "Globalization and the environment – mobilizing finance to meet the climate challenge", which served as a forum to showcase a broad range of successful initiatives at the global level, although the need to significantly increase financial

* Soledad Aguilar (LLM) is an international environmental lawyer who specialises in multilateral negotiations, and a regular contributor to the *EPL*. She has participated in CITES and related conventions' meetings as a delegate for Argentina and as a team leader for IISD's *Earth Negotiations Bulletin*.

flows to address climate change in developing countries was made clear; and (ii) “International environmental governance and United Nations reform”.² Positions seem not to have progressed between those favouring a stronger institution in the form of a UN environment organisation and those seeking to reinforce UNEP’s role within its current form. In concrete terms, however, international consensus seems to have emerged on the importance of strengthening and revitalising UNEP. Ministers held panel



W.E. Burhenne with Beverly Miller (regrettably, retiring this year)

Courtesy: J. Scanlon

discussions and roundtables where they presented their views on both of these topics, the outcomes of which are reflected in a non-negotiated President’s summary.³

Globalisation and the Environment – Mobilising Finance to Meet the Climate Challenge

During his opening speech, Achim Steiner addressed the transformation of the global economy into a “green economy”, as a first infusion of his vision on mobilising finance to address the climate challenge, where “UNEP’s role is to push the frontiers of environmental finance beyond the conventional orthodoxy of financial institutions and markets”.

Ministers initiated the debate on financial issues with a panel on **the role of national policies in enabling investment** opened by R. Witoelar, Indonesia’s Minister of Environment. Yvo de Boer, Executive Secretary of the UN Framework Convention on Climate Change (UNFCCC) made a presentation, followed by a panel discussion moderated by James Cameron, Vice-Chairman of Climate Change Capital. Several panellists made presen-

tations which were followed by debates on how to achieve an “intelligent interface of public policy, markets and entrepreneurs [that may] lead to innovation and investment in cleaner technologies”.⁴ The need for a stable, predictable – and sufficiently high – price of carbon was also highlighted as key to mobilising finance towards cleaner energy sources, as were the large investments in energy infrastructure needed for a transition to lower carbon economies.

Among ministerial announcements made during the session, Guangsheng Gao, China’s National Development and Reform Commission Director General, noted his country aims for a 15% renewable energy share by 2020; and Sigmar Gabriel, German Minister for the Environment, Nature Conservation and Nuclear Safety, announced a new initiative to auction carbon allowances for a value of around 400 million Euros per year, of which 120 million would be made available to fund climate projects in developing countries.⁵

The second ministerial panel, entitled “**Are the financial markets ready to mobilise the needed investment?**” was moderated by Bert Koenders, Dutch Minister for Development Cooperation. Opening remarks by Monique Barbut, CEO of the Global Environment Facility (GEF), and Michael Liebreich, CEO of New Energy Finance, highlighted requirements for private-sector engagement in low-carbon economies, including the need for clear policy goals and public support for investments in innovation.

Speakers provided examples on how climate protection, economic growth and poverty alleviation are compatible, and how governments can foster market opportunities to address the climate challenge. For example, Andreas Carlgren, Swedish Minister of Environment, described his country’s experience in “greening” their tax system, noting that Sweden had achieved considerable emission reductions in conjunction with significant economic growth. Japan also announced a plan to create a US\$ 10 billion multilateral fund for mitigation, together with the UK and the USA.⁶

The last ministerial panel addressed the theme of **mobilising capital from a local perspective**, showcasing bottom-up approaches to attract financial resources to address climate change. Achim Steiner moderated the panel discussion, with opening remarks by Apirak Kosayodhin, Governor of Bangkok, who explained his city’s target to reduce greenhouse gas emissions by 15% by 2012. Participants discussed the impact of clean energy prices on the poor, and the capacity for local lending and participatory processes at the local level. Examples of climate-friendly local policies presented include building codes, green public procurement and environmentally friendly transport.

International Environmental Governance and United Nations Reform

Ministers had a chance to engage in a debate on the wider topic of United Nations reform, and UNEP’s role within this process. They heard an overview presentation by Claude Heller Rouassant (Mexico) and Peter Maurer (Switzerland), co-Chairs of the informal consultations on

environmental activities in the UN, a process launched by the General Assembly following up on paragraph 169 of the World Summit Outcome (2005), which sets the global policy agenda in the context of UN reform. The co-Chairs outlined the proposal for a General Assembly resolution that would elaborate on the seven building blocks identified in the "Options Paper"⁷ presented to the UN General Assembly in June 2007, as well as on future needs, and a way forward.

João Paulo Capobianco, Brazil's Vice-Minister of Environment presented a report on the outcome of a meeting on environmental governance, the "Ministerial Conference on Environment and Development: Challenges for International Environmental Governance" held in Rio de Janeiro, Brazil, in September 2007.⁸ He identified several proposals still on the table, including: an independent UN environment organisation (UNEO); creating an umbrella body composed of existing institutions (such as UNEP and GEF); empowering regional organisations; or enhancing the role of the UN Economic and Social Council (ECOSOC) in environmental governance.

A panel moderated by Marthinus van Schalkwyk, South African Minister of Environmental Affairs and Tourism, addressed the advantages and shortcomings of the current environmental governance structure, and the potential for reform. Positions voiced during the meeting do not seem to have substantially changed during the past year, with the United States still supporting the "status quo" with a strengthened UNEP, and France leading efforts for the creation of a UNEO.⁹ Many countries expressed their positions in favour or against a UNEO showing this divisive issue is far from settled. Most, however, agreed on the need to strengthen environmental governance within the UN realm, and UNEP in particular; with UNEP's Executive Director emphasising that having divergent views on international environmental governance is neither a reason nor an excuse for inaction.¹⁰

Governing Council Special Session

GCSS-X, chaired by Jan Dusik (Czech Republic), addressed a set of ongoing policy issues under its attention, including UNEP's Medium-term Strategy (MTS) and decisions prepared by the Committee of Permanent Representatives. Delegates discussed these proposals and prepared draft decisions in the Committee of the Whole and adopted five decisions in the closing Plenary on Friday, 22 February.

UNEP's Medium-term Strategy

UNEP's Executive Director, presented a new strategy to "revamp" the UN Environment Programme into a "more focused, responsive and results-based organization" in an effort to translate calls for UN reform into practice.¹¹ The MTS was prepared in consultation with the Committee of Permanent Representatives to UNEP, the secretariats of UNEP-administered multilateral environmental agreements, civil society organisations and the private sector. It was presented for adoption a year ahead of its expected production, in an effort to spearhead UNEP's next phase transforming it into a more effective entity.

The strategy presented covers the period 2010–2013 and identifies six priority areas for work, as well as four crosscutting objectives to achieve them. The priority areas are:

- Climate change;
- Disasters and conflicts;
- Ecosystem management;
- Environmental governance;
- Harmful substances and hazardous waste; and
- Resource efficiency – sustainable consumption and production.

The crosscutting objectives to reinforce UNEP's role in these areas are to:

- Significantly enhance UNEP's capacity to deliver on the Bali Strategic Plan for Technology Support and Capacity Building;
- Further embrace its role as the environment programme of the United Nations;
- Ensure UNEP's interventions are founded on sound science; and
- Fully implement results-based management.

Following an initial presentation on the MTS by Achim Steiner during his opening statement, discussions on the strategy took place under Agenda item 3.2 (Follow-up to and implementation of the outcomes of United Nations summits and major intergovernmental meetings, including the decisions of the Governing Council).¹²

During discussion on the MTS, the United States and other representatives expressed reluctance about approving a document that had not been negotiated by Governments. Nonetheless, they said they fully endorsed UNEP's use of the strategy in planning the budget and programme of work for 2010–2013, as a means of encouraging cooperation between UNEP departments and as a guide for elaborating the UNEP strategic framework. Other representatives were ready to adopt the draft decision as it stood, while expressing readiness to engage in further discussions to find a consensus solution. In further interventions, several representatives highlighted specific subject areas that did not appear in the MTS, but which they considered to be priorities such as water and technology transfer.

As a result of discussions held, GCSS-X/GMEF adopted a Decision that "authorizes" the Executive Director to use the MTS in formulating the Strategic Frameworks and Programme of Work and Budget for 2010–2011 and for 2012–2013, and as a means to encourage coordination among UNEP divisions, "without prejudicing the outcome of the governmental negotiations on the Programmes of Work and Budgets".

In its preambular paragraphs the decision emphasises the need to fully implement Governing Council Special Session Decision SS.VII/1 on international environmental governance ("the Cartagena Package"). The decision also clarifies that any budgetary issues will be dealt with in the respective discussions on the Programme of Work and Budget held by the Governing Council, based on priorities expressed and agreed by member States. It further encourages the Executive Director to continue to streng-

then results-based management and to use the period 2008–2009 to commence the implementation of the transition to becoming a fully results-based organisation, asking him to report regularly on the implementation of the MTS.¹³

Environment and Development: Chemicals Management, Mercury and Waste Management

Under this agenda item, the GCSS-X/GMEF considered several documents on: chemicals management;¹⁴ the work of the *Ad Hoc* Open-ended Working Group on Mercury;¹⁵ progress in implementing Governing Council decision 24/4 on the prevention of illegal international trade;¹⁶ and waste management.¹⁷

The information considered by delegates on chemicals management included a report on the implementation of decision 24/3 II on exploring ways to make more effective use of existing funding provisions in the Strategic Approach to International Chemicals Management (SAICM); and decision 24/4 on the prevention of illegal international trade pursuant to SAICM's Overarching Policy Strategy.

Regarding waste management, delegates reviewed the process of cooperation with relevant United Nations bodies in the area of waste management, and ongoing work by relevant organisations, institutions, forums and processes. They considered successful examples and possible gaps, as well as recommendations on how to bridge any gaps, including how to assist countries to develop their own waste management strategies.

In discussions on the draft decision on chemicals management, including mercury and waste management,¹⁸ speakers noted the need to acknowledge the work of the *Ad hoc* Open-ended Working Group on Mercury. Civil society appealed for stronger legally binding measures and added that synergies among the Rotterdam, Basel and Stockholm conventions should also be encouraged. The representative from Antigua and Barbuda proposed an amendment to the draft decision on chemicals management to include least developed countries and small island developing states, along with developing countries and countries with economies in transition.

During the final plenary, the GCSS-X/GMEF adopted a unified decision on chemicals, mercury and waste management which, in essence, takes note of developments in these areas of work and derives discussions to the next session of GC/GMEF, asking the Executive Director to continue implementing decisions 24/3 (chemicals management) and 24/4 (prevention of illegal international trade) and to present a full report at that meeting.¹⁹

State of the Environment

The Committee of the Whole considered findings of the fourth Global Environment Outlook report (GEO-4),²⁰ as well as the GEO Yearbook 2008,²¹ and a summary of the fourth Global Environment Outlook report for decision makers.²² The GEO-4 assesses environmental change and the ways it affects people's security, health, social relations and material needs (human well-being), as well as development in general.

In his opening speech, UNEP's Executive Director highlighted some of the main conclusions of the GEO-4 report, including "sobering and stark" findings that "the international response to so many sustainability challenges is simply failing to match the pace and magnitude of change". For example, he cited that 20 years ago around a fifth of fish stocks were deemed over-exploited – a number that has now risen to about 40%. He also expressed concern over the more than two million people that may be dying prematurely as a result of outdoor and indoor air pollution; and the decline of available freshwater resources – which by 2025, may force close to 2 billion people to live with "absolute" water scarcity.²³

During the discussion there was general support for the GEO-4 and the proposals included in the draft decision, as it strengthened UNEP's position as lead environment agency within the UN. One representative highlighted the need for UNEP to make full use of the GEO-4 conclusions in its daily activities, and to put in place a review process that enables it to evaluate and improve upon the GEO process as a whole. Other representatives, however, said that the draft decision contained weaknesses and was unnecessary. The United States suggested that the data in GEO-4 needed to be updated and noted it conveyed an overly pessimistic situation. It furthermore emphasised that entering into negotiations on the text of the draft decision would needlessly divert attention from the ministerial discussions, and noted that past GEO reports had not been subject to decisions by the Council.

Switzerland, India, China, Mexico, Norway and Malaysia were in agreement with these comments, with one representative pointing out that the report as a whole had not been endorsed by Governments or stakeholders. Another representative asked if there were sufficient finances to implement the measures recommended. The representative of the Secretariat responded that resources would be needed. Those supporting the draft said that it was in keeping with the global sense of urgency regarding environmental change.

The Decision adopted by GCSS-X/GMEF, although welcoming the preparation and publication of GEO-4, leaves out proposals for its findings to be used as a guide to take immediate and urgent action to prevent, mitigate and adapt to unprecedented environmental change; or for the planning and implementation of all relevant programme activities. It does request the Executive Director to encourage and support where possible the efforts of national bodies to conduct national assessments of environmental change and its implications for development, within the framework of the Bali Strategic Plan.

Furthermore, in reference to the report, the final decision only requests the Executive Director, "...in building on the experiences gained from the preparation of the GEO-4 report and other environmental assessments as well as other recent developments aimed at strengthening the scientific base of UNEP, to present to the next session of the Governing Council... an overview of the international environmental assessment landscape, identifying possible gaps and duplications, in close cooperation with multilateral environmental agreements and other UN entities; and

options for the possible development of a scientifically credible and policy-relevant global assessment of environmental change and its implications for development, including a cost analysis and an indicative benefit analysis for each option".²⁴

International Decade for Combating Climate Change

A proposal presented by Algeria to establish an International Decade for Combating Climate Change²⁵ was considered in the Committee of the Whole.

In a showing of broad support, particularly from representatives of developing countries and small island developing states, the view was expressed that it was important to capitalise on the strong political support gained since Bali²⁶ with an international decade contributing to raising further national awareness of climate change. However, some representatives suggested the decision be deferred considering that human and financial resources would already be stretched in negotiating the Bali Roadmap.²⁷ This was countered by interventions stating that the decade would coincide well with the post-Kyoto period. In response to a representative's query whether the UNFCCC might be a more appropriate body to make this proposal, it was stated that UNEP was well placed to adopt a decision on such a declaration and that linkages should be created to the Convention to ensure implementation. A representative of the secretariat informed the Committee of the Whole that the Convention had already been consulted and had raised no objections. It was further noted that 2010–2020 had already been proposed as the international decade for deserts and desertification and that there were opportunities for the development of synergies.

hanced international cooperation involving the Arctic Council and multilateral agreements was important.

GCSS-X/GMEF adopted a decision where it presents its concerns over "the impact of climate change on the polar regions, especially the Arctic, because of the likely impacts of high rates of projected warming on natural systems [...] and potential significant global consequences, e.g., through contributions from glaciers and the Greenland Ice Sheet to sea-level rise".

In the decision, the Governing Council encourages UNEP to cooperate, as requested, with the Arctic Council and other relevant bodies, and to join with other relevant organisations and programmes to seek means to sustain and enhance Arctic-observing networks. It also requests, *inter alia*, Governments of Arctic states to: facilitate adaptation to climate change at all levels; apply the precautionary approach in connection with activities potentially affecting the Arctic environment including its biodiversity; and to continue conducting environmental impact assessments, as appropriate.³⁰

Other Matters: Decision-making at Special Sessions of the GC/GMEF

The United States proposed a change in the procedures of special sessions of the GC/GMEF to prevent the adoption of negotiated decisions, and rather keep the outcome of special sessions to non-negotiated summaries of discussions held. This subject was first raised during discussions on chemicals management and again in the discussion of the GEO-4.

Upon formal introduction of a draft decision contemplating the United States' proposal, many Governments expressed support for the premise that several draft deci-



Interactive dialogue on International Environmental Governance with MEA Secretariats

Despite the divergence of opinions, the GCSS-X/GMEF adopted a decision inviting the UN Economic and Social Council to consider a proposal for the proclamation of an International Decade for addressing Climate Change for the period 2010–2020.²⁸

Sustainable Development of the Arctic

Further to H.S.H. Prince Albert II of Monaco's call for the Governing Council to study the urgent situation of the Arctic region, and suggest practical solutions to the dramatic changes caused by global warming in the Arctic, delegates considered a draft decision proposed by Monaco on this subject.²⁹ Participants concurred that UNEP was an observer at the Arctic Council and that en-

sions submitted did not require urgent attention and should be deferred to regular sessions. Even so, some representatives expressed concern that the US proposal would be detrimental to the work and profile of the Governing Council. It was further expressed that if the ability of the Governing Council to take decisions at its special sessions was in any way hampered, ministers might choose not to attend, which would lower the profile of the GCSS/GMEF. In this connection, the nine major groups of civil society (women, youth, NGOs, science and technology, indigenous peoples and their communities, local authorities, business and industry, trade unions and farmers) made an intervention urging governments to oppose the draft decision noting the importance of GCSS/GMEF retaining the

flexibility to respond on a timely basis to important environmental issues, including to accept or comment on reports of the Executive Director.

In response to the concerns expressed, the US representative clarified that the rationale behind the proposal was to prevent the proliferation of decisions, save the substantial amount of time spent negotiating precise texts, and place greater focus on the GMEF. Further to discussions held, the United States withdrew its proposal.

Panel Discussion by MEA Secretariats

A session chaired by Janos Pasztor, Director of the Environment Management Group, explored ways to respond coherently to the findings of GEO-4, particularly in regard to improving international environmental governance through innovative approaches to communication and information sharing. Representatives of major multilateral environmental agreements (MEAs) exchanged their views on the subject.

The UN Convention to Combat Desertification (UNCCD) Executive Secretary said a key question was whether, given the rapid rate of environmental change, significant improvements in governance could be achieved through institutional changes. He stated that the UN should demonstrate adaptability and the ability to restructure itself in order to respond flexibly to emerging problems.

The Executive Secretary of the Montreal Protocol on Substances that Deplete the Ozone Layer noted that the Protocol's secretariat takes the creation of synergies very seriously and regularly invites the secretariats of other MEAs to its meetings and encourages them to hold side events.

In commenting on the Multilateral Fund for the Implementation of the Montreal Protocol, its representative

The representative of the Agreement on the Conservation of Cetaceans in the Black Sea, Mediterranean Sea and contiguous Atlantic area (ACCOBAMS) said that a main goal since its establishment was to integrate biodiversity conservation into government policies and work, as the problems it combats are caused by social and economic activity.

The Programme Officer of the Basel Convention, citing the toxic dumping in Côte d'Ivoire in 2006, said the incident showed that the Convention still had major relevance for both developing and developed countries and mentioned the current work in developing synergies with the Rotterdam and Stockholm conventions.

Focusing on the need to improve scientific excellence in biodiversity and land-related MEAs by supporting an umbrella body, the Executive Secretary of the Convention on Migratory Species (CMS) also stressed the need to publicise the many examples of cooperation between MEAs.

Overall, many representatives expressed appreciation for the collaborative spirit and activities already established among MEAs. The ongoing coordination on international chemicals management and hazardous wastes among the Basel Convention on the Control of Transboundary Movements of Hazardous Wastes and their Disposal, and the Rotterdam and Stockholm conventions was highlighted as an especially positive development. Several representatives noted that developing countries might require capacity-building or other support to ensure synergy in implementation at the national level, which might take the form of pilot projects, field missions by secretariats or the involvement of the UNEP Division of Environmental Law and Conventions. Among challenges



Courtesy: IISD

said that challenges still remain as to how to: provide the right level of support for developing countries to enable them to meet their commitments; and balance such support with the needs created by other environmental challenges like climate change.

Outlining the structure of the Stockholm Convention on Persistent Organic Pollutants and the Rotterdam Convention on the Prior Informed Consent Procedure for Certain Hazardous Chemicals and Pesticides in International Trade – to a considerable extent jointly administered – the Executive Secretary/co-Executive Secretary said that since such administration was proving successful, states might wish to consider it as a model for other environmental areas.

mentioned, however, was the lack of correspondence in the constituent parties to some of the agreements. The potential for better coordination at the subregional implementation level where adjoining states are parties to the same agreements, was also highlighted.

Closing of the Meeting

The GCSS-X/GMEF final Plenary, held on Friday 22 February, adopted five decisions prepared by the Committee of the Whole without further amendments. These included a Medium-term Strategy for UNEP and decisions supporting further work on ongoing issues of relevance for the global environment including: chemicals management, mercury and waste management; the evaluation of

the state of the environment; a proposal for the proclamation of an international decade for addressing climate change for the period 2010–2020; and supporting efforts to address climate change in the Arctic region. They also agreed that the twenty-fifth Session of the Governing Council/Global Ministerial Environment Forum take place from 16–20 February, 2009, in Nairobi, Kenya.

Participants at the meeting, including regional group representatives, noted with appreciation the positive outcomes achieved, highlighting the adoption of the MTS as one of the major achievements.

Notes

- 1 All documents cited may be consulted at: <http://www.unep.org/gc/gcss-x/index.asp>.
- 2 "Discussion paper presented by the Executive Director", document UNEP/GCSS/X/9; civil society statements on these themes are also available in document UNEP/GCSS/X/INF/5.
- 3 "President's summary of the discussions of ministers and heads of delegation at UNEP's GCSS-X/GMEF", Annex I.
- 4 *Ibid.*
- 5 Cherny Scanlon, X., Pasini, O., ten Have, C., Vaverka, C., Vavilov, A. and Xia, K. (2008). "Summary of the tenth special session of the UNEP Governing Council/ Global Ministerial Environment Forum". IISD *Earth Negotiations Bulletin* 16(66): 4.
- 6 *Ibid.*
- 7 A link to the co-Chairs' Options Paper in contribution to the Informal Process

on the Institutional Framework for the United Nations' Environmental Activities is online at: <http://www.centerforreform.org/node/265>.

- 8 Discussion paper and civil society statements, see note 2.
- 9 See Aguilar, S. and Morgera, E. (2007). "Delivering as One for the Environment: Reflections on the report of the UN Panel on System-wide Coherence", *Environmental Policy and Law* 37/4, at 274.
- 10 Cherny Scanlon *et al.*, see note 5.
- 11 Executive Director's Policy Statement, document UNEP/GCSS/X/2.
- 12 Documents UNEP/GCSS/X/8, UNEP/GCSS/X/INF/3 and UNEP/GCSS/X/INF/4.
- 13 Decisions adopted by UNEP GCSS.X/GMEF (Advance Copy), 5 March 2008. See Selected Documents pages 172–174 for decisions adopted by the Committee of the Whole.
- 14 UNEP/GCSS/X/4 and UNEP/GCSS/X/INF/7.
- 15 UNEP/GCSS/X/5.
- 16 UNEP/GCSS/X/6.
- 17 UNEP/GCSS/X/7 and UNEP/GCSS/X/INF/6.
- 18 UNEP/GCSS.X/L.1.
- 19 Decisions adopted by UNEP GCSS.X/GMEF, see note 13.
- 20 UNEP/GCSS/X/3.
- 21 UNEP/GCSS/X/INF/2.
- 22 UNEP/GCSS/X/INF/8.
- 23 Executive Director's Policy Statement, see note 11.
- 24 Decisions adopted by UNEP GCSS.X/GMEF, see note 13.
- 25 UNEP/GCSS.X/CRP.2
- 26 For a report on the 2007 Bali Climate Change Conference titled "High Politics, High Theatrics in Bali" by Joanna Depledge, see *EPL* 38/1–2, at 14–19.
- 27 See *EPL* 38/1–2, at 111–112 for the full text of Decision -/CP.13.
- 28 Decisions adopted by UNEP GCSS.X/GMEF, see note 13.
- 29 UNEP/GCSS.X/L.1
- 30 Decisions adopted by UNEP GCSS.X/GMEF, see note 13.



CBD / SBSTTA 13

Final Preparations for the COP-9

by Rebecca Paveley*

The second meeting of the Ad Hoc Open-ended Working Group on Protected Areas (WGPA2) and the thirteenth meeting of the Subsidiary Body on Scientific, Technical and Technological Advice (SBSTTA) to the Convention on Biological Diversity (CBD) were held in Rome from 11–22 February 2008. With just two years to go before the 2010 goal of significantly reducing the rate of biodiversity loss, both meetings had packed agendas to review progress towards achieving this target. But despite the pressure of this timeframe, both meetings were marked by conflict and failures to find a way through areas of disagreement. At WGPA2, the issues of involvement of indigenous populations and financing were contentious and fraught, leading at one point to a walkout by the International Indigenous Forum on Biodiversity (IIFB). And at SBSTTA 13, deforestation, rows over biofuel production and the identification of new and emerging issues dominated the meeting. In the end, a large proportion of the recommendations put forward by both meetings to the next Conference of the Parties (COP-9) remained bracketed, burdening its already heavy agenda still further.

Work on Protected Areas

WGPA2 was established at COP-7 in 2004 and many regard its workload as one of the most important tools for CBD implementation. Currently numbering more than 100,000, protected areas now represent 11.6% of the Earth's land surface, at nearly 19 million square kilometres the size of India and China combined. At WGPA2, countries proudly presented their progress in implementing the programme of work on protected areas (POWPA). The working group was tasked with reviewing the implementation of the POWPA but this review encountered many contentious issues. A split between developed and developing countries soon emerged over finance, with many developing countries reporting strains on financial resources and calling for increased financial support. Developed nations pushed for more emphasis on innovative funding strategies for protected areas (PAs) such as market-based approaches. In the end, the recommendation on options for mobilising financial resources for implementing programmes of work for PAs is bracketed almost in its entirety. During this debate the IIFB walked out of the meeting, complaining about their restricted participation in the meeting and the omission of their proposals from the conference papers. But Chair Ositadinma Anaedu

* Regular contributor to *Environmental Policy and Law*.

(Nigeria) accused IIFB of using the process for self-publicity and maintained that efforts had been made to accommodate indigenous and local community participation. WGPA2 was characterised by much wrangling over terminology; such as language referring to the participation of indigenous and local communities in PA management. This was eventually resolved when delegates agreed to ensure such participation was consistent with national laws and international obligations. Many delegates expressed concern at the end of the meeting at the sheer number of bracketed recommendations; Greenpeace called for increased political will on PAs before May's COP-9 in Bonn.



SBSTTA 13 and Conflict over Biofuels

SBSTTA is the scientific body of the CBD and yet there was more politics than science on offer at the meeting, which led to vocal expressions of frustration from some delegates. A number of issues considered for in-depth review at SBSTTA 13 had already cropped up at WGPA2 such as forest biodiversity and marine and coastal diversity. The production of biofuels was an early contentious issue for delegates. Biofuels had been considered as a new and emerging issue at SBSTTA 12, and as such Brazil – the world's leading producer of biofuels – insisted that discussion of the issue here, in the context of the review of the work programme, was inappropriate. The issue was first raised in the presentation on agricultural biodiversity from the UN's Food and Agriculture Organization (hosting the meeting) and was quickly taken up by European countries. Clashes soon occurred between EU countries and biofuel producers. The European Community called for guidelines to minimise potential negative impacts of biofuel production and consumption, and policies to ensure the sustainable production and consumption of bio-energy. Producers, however, repeatedly argued for the deletion of all references to biofuels beyond the collection of information. The entire section remained bracketed as views diverged. References to climate change mitigation and to providing information on the ecological footprint of agriculture were among others to remain bracketed on this item.

Deforestation and Genetically Modified Trees

The second in-depth review, on forest biodiversity, threw up further contentious issues on which delegates failed to reach a compromise. 1.6 million of the world's population depend on forests, and deforestation accounts for 17% of global carbon emissions. The row over biofuels reared its ugly head again as many countries drew attention to the negative impacts of biofuel production on forest ecosystems. Some called for COP-9 to develop guide-

lines for impact assessment, but Brazil and Argentina rejected this. The potential risks of genetically modified trees were discussed, with many calling for more research and arguing for caution. This reference also remained bracketed. And there was dispute over the term "illegal logging" which Brazil said was not an internationally prescribed term. It argued, along with China, that the logging

trade should be addressed at the national level. There was a long-drawn-out debate over the recommendation on forest biodiversity, with delegates not able to agree on whether to use "urge" or "invite" in relation to undertaking various activities, or to "welcome" or "bear in mind" findings of the review of the programme of work.

Marine and Coasts, Invasive Alien Species and Climate Change

All these issues are examples of "convention overlap": each falling within the mandate of more than one existing process or body, which made it difficult to define the exact role of the CBD. The mandate on invasive alien species has changed significantly for example since it was initiated at COP 5 in 2000, but the new much narrower role was welcomed by delegates as a step towards working more smartly. On marine protected areas, SBSTTA has been mandated to focus on scientific criteria for the creation of new marine protected areas. The criteria put forward for consideration at this meeting became a source of contention, with delegates split between "taking note" of the criteria or "adopting" them. A substantial part of the recommendation remained bracketed as a result.

New and Emerging Issues

In the light of controversy over new issues like biofuels, the SBSTTA's work to try and establish a *modus operandi* on new and emerging issues was particularly pertinent, though again much of the final recommendation remained bracketed. Delegates put forward three options for the identification of emerging issues to COP-9, leaving COP-9 to decide on the final procedure to be adopted. Many delegates left complaining that politics had dominated the meeting, rather than science. Switzerland, Sweden and Mexico expressed regret that the meeting had failed to concentrate on scientific issues, instead concentrating on renegotiating already-negotiated text – and usually failing to agree on it. COP-9 will meet from 19–30 May 2008 in Bonn, Germany and this meeting will now have to try and create a consensus from the bracketed recommendations put forward by the WGPA2 and SBSTTA 13.



Cartagena Protocol / 5th WG Liability

Towards an Instrument on Liability and Redress – Deliberations of the Working Group –

by Elsa Tsioumani*

The fifth meeting of the Open-ended *Ad Hoc* Working Group of Legal and Technical Experts on Liability and Redress in the context of the Cartagena Protocol on Biosafety was held from 12–19 March 2008, in Cartagena de Indias, Colombia.¹

The key outcome of the meeting was that the Working Group agreed on certain core elements, reduced the number of options for operational text accordingly, and categorised the remaining options in a way that reflects the main choices for elaborating international rules and procedures on liability and redress. As a result, the working document has been reduced from 53 to 27 pages. Agreement was reached on definition of damage, but many outstanding issues remain, including standard of liability and causation. Delegates also deferred debate on the choice of instrument. These issues will be addressed during an intersessional Friends of the Chair group (which will continue the negotiations on the basis of the remaining operational texts and guided by the agreed core elements), to be held prior to the fourth meeting of the Parties to the Convention on Biological Diversity serving as Meeting of the Parties to the Protocol (COP/MOP 4) (12–16 May 2008, Bonn, Germany). This COP/MOP marks the end of the Working Group's mandate: according to Article 27 of the Protocol, the process of elaborating rules and procedures on liability and redress is to be completed within four years after COP/MOP 1. The fifth meeting of the Working Group made substantive progress towards the fulfilment of this mandate. With a number of major issues still pending though, it remains to be seen whether COP/MOP 4 will witness the successful finalisation of the process.

Background

The Cartagena Protocol on Biosafety to the Convention on Biological Diversity (CBD) addresses the safe transfer, handling and use of living modified organisms (LMOs) that may have an adverse effect on biodiversity, taking into account human health, with a specific focus on transboundary movements. The Protocol creates an advance informed agreement procedure, whereby an exporter wishing to export certain categories of LMOs to a country for the first time must notify the Party of import in advance and provide certain information relating to the LMO. The Party of import then has the opportunity to examine the information provided and may decide to accept or reject the import, or attach conditions to it on the basis of a risk assessment. The Protocol incorporates mechanisms for risk assessment and risk management, as well as the precautionary approach; establishes a Biosafety

Clearing-House to facilitate information exchange; and contains provisions on capacity building and financial resources. It entered into force on 11 September 2003, and currently has 143 Parties. However, the main producers and exporters of LMOs have not ratified it.

Article 27 of the Protocol requires the COP/MOP to adopt, at its first meeting, a process with respect to the appropriate elaboration of international rules and procedures in the field of liability and redress for damage resulting from transboundary movements of LMOs. The provision further notes that the COP/MOP "shall endeavour to complete this process within four years". COP/MOP 4 in 2008 marks the end of the deadline.

Accordingly, COP/MOP 1 established an Open-ended *Ad Hoc* Working Group of Legal and Technical Experts on Liability and Redress to carry out the process pursuant to Article 27 of the Protocol, with the mandate to: review information relating to liability and redress for damage resulting from transboundary movements of LMOs; analyse general issues relating to the potential and/or actual damage scenarios of concern; and elaborate options for elements of rules and procedures on liability and redress.²

The Working Group began its work under the co-chairmanship of René Lefeber (the Netherlands) and Jimena Nieto (Colombia). At its first meeting (May 2005), participants heard presentations on scientific analysis and risk assessment, state responsibility and international liability, and expanded options, approaches and issues for further consideration in elaborating international rules and procedures on liability and redress. At its second meeting (February 2006), the Working Group considered submissions of proposed operational texts and views on approaches, options and issues pertaining to liability and redress, as synthesised in a Co-Chairs' working draft, focusing particularly on scope of damage, damage, and causation (sections I to III of the working draft). The group further developed an indicative list of criteria for the assessment of the effectiveness of any rules and procedures referred to under Article 27 of the Protocol, on the understanding that it had not been negotiated and was non-exhaustive. It also requested submission of further views on channelling of liability, limitations of liability, mechanisms for financial security, settlement of claims, standing/right to bring claims, non-Parties, complementary capacity-building measures, and choice of instrument (sections IV to XI of the working draft), which the Co-Chairs would synthesise for consideration at the third meeting of the Working Group.

The COP/MOP, at its third meeting (March 2006), decided that the Working Group would hold three further meetings before COP/MOP 4, in order for it to complete its work on time.³

* Researcher, Democritus University of Thrace; Lawyer, Thessaloniki, Greece; and regular contributor to *EPL*.

The third meeting of the Working Group (February 2007) concluded the information-gathering stage of its work, finalising the analysis of the options and elements of a regime on liability and redress on the basis of a Co-Chairs' synthesis of submissions. During the meeting, the Co-Chairs presented a blueprint for a COP/MOP decision on international rules and procedures in the field of liability and redress, containing a matrix of elements to structure and guide future deliberations.

Deliberations at the fourth meeting of the Working Group (October 2007) were based again on the Co-Chairs' synthesis of submissions (UNEP/CBD/BS/WG-L&R/4/2). The meeting was generally conceived to be productive: delegates addressed most sections of the synthesis, focusing on streamlining options for operational text related to damage, administrative approaches and civil liability. As a result, the document was reduced from 80 to 53 pages.⁴

Process and Highlights

The Working Group spent the first three days of the meeting addressing the options for operational text on the basis of a revised working draft compiled and streamlined by the Co-Chairs following the Working Group's fourth meeting.⁵ The draft included sections on: state responsibility; scope; damage; primary compensation scheme; supplementary compensation scheme; settlement of claims; complementary capacity-building measures; and choice of instrument.

Sub-working groups were established to further narrow down the various options. Sub-working group I, co-chaired by Jürg Bally (Switzerland) and Reynaldo Eborá (the Philippines), worked on settlement of claims (excluding the section on administrative procedures), damage and scope. Sub-working group II worked on the primary and supplementary compensation scheme, administrative procedures under the settlement of claims, and complementary capacity-building measures, under the co-chairmanship of Jane Bulmer (UK) and Dire Tladi (South Africa).

On the fourth day of the meeting, Co-Chairs Lefeber and Nieto introduced a core elements paper as a tool intended to move the negotiations forward. The paper contained four pieces, setting out a "package deal" on the administrative approach, civil liability, the supplementary compensation scheme and capacity building. After extensive discussion and regional consultations, delegates decided not to accept the "package deal" but to revise the core elements paper in a Friends of the Chair group which, following a first reading, closed the doors to observers.

The Co-Chairs' Core Elements Paper

The core elements paper was comprised of four sections on:

- a primary compensation scheme, based on the administrative approach, which was proposed to be legally binding with an "escape clause", should the content not justify a legally binding instrument;
- a primary compensation scheme based on civil liability, dealt with through guidelines for implementation in domestic law;
- a supplementary compensation scheme, to be primarily based on a contractual compensation mechanism

- by the private sector, but also to be provided by a collective compensation mechanism mandated by the Meeting of the Parties to the Protocol; and
- capacity-building measures.

The four sections would be complementary and all form part of the future rules and procedures on liability and redress.

The administrative approach was proposed to apply to damage to the conservation and sustainable use of biodiversity, and would involve the negotiation of a supplementary protocol to the Cartagena Protocol on Biosafety. It placed obligations on the person in operational control of LMOs to inform the competent authority in the event of damage or imminent threat of damage, and to take response and restoration measures. It would also be at the discretion of competent authorities to take such measures and recover the costs. Issues related to causation, as well as coverage, would be up to domestic law, which could require evidence of financial security. Exemptions to and mitigation of liability would also be up to domestic discretion based on an internationally agreed exhaustive list. Minimum amounts to the limitation in time (to bring a claim) and amount (of redress) would be agreed upon at the international level.⁶

The civil liability guidelines would apply to any type of damage resulting from the transboundary movement of LMOs, which is not redressed through the administrative approach. The standard of liability would be fault-based unless the approval of an import was made subject to strict liability. The channelling of strict liability (where applicable) would be to the importer or to the person in operational control of the LMOs (on a subsidiary basis). In the case of strict liability, the provisions for exemptions and mitigation, limitations in time and amount, and the financial coverage were the same as in the administrative approach. The issue of causation was also left to domestic law, and there would be an enabling clause on private international law and an encouragement to recognise and enforce foreign judgments when they are based on domestic law that is compatible with the civil liability guidelines.

The supplementary compensation scheme would be for reimbursement of costs of response and restoration measures to redress damage to biodiversity. It envisaged a contractual compensation scheme to be financed by the private sector, and a collective compensation mechanism to be mandated by the MOP if the damage occurred had not been redressed by the primary compensation scheme or the private-sector scheme. Access to the collective compensation mechanism would be conditional upon the implementation of the administrative approach in domestic law, following adoption of the supplementary protocol referenced above.

The final section on complementary capacity-building measures included an institutional arrangement to provide advice to Parties on the compatibility of draft domestic legislation with the legally binding administrative approach and the civil liability guidelines, to the MOP on access to the collective compensation mechanism, as well as to the domestic public entities of the State in which recognition and enforcement of a judgment is sought. ➔

During the ensuing discussion on the core elements paper, the African Group rejected the proposal for guidelines on civil liability, underscoring the need for a legally binding civil liability scheme in combination with the proposed administrative approach. Many developing countries, as well as Norway, insisted on strict liability, rather than the fault-based liability standard proposed in the core elements paper. The Latin America and the Caribbean Group (GRULAC) expressed concerns that it introduced some novel elements omitting others previously considered. The EC and Switzerland welcomed the core elements paper as a balanced package and encouraged delegates to find common ground regarding the elements to ensure conclusion of the process by COP/MOP 4, with the EC warning that they could not envision continuation of the process beyond that point.

The NGOs rejected the paper, criticising it as “counter-productive to liability and redress on the ground”. Their concerns included: that under the administrative approach the burden is placed on importing countries to take action, while there was no corresponding financial burden on exporting countries to bear the costs in case of damage; that a non-binding, fault-based, civil liability regime would be counter-productive for developing countries that have put or intend to put in place strict liability regimes; and that a privatised supplementary compensation scheme could result in a mechanism in name only.⁷

Later, the Working Group considered whether to proceed on the basis of the revised working draft or the core elements paper. G-77/China, the African Group and GRULAC stated their support for the revised working draft, while Japan and New Zealand expressed their preference for the core elements paper. Switzerland, supported by Norway and the EC, proposed establishing a Friends of the Chair group, and delegates agreed to mandate it to revise the core elements paper.

The group was composed of Switzerland, Japan, Norway, New Zealand, Malaysia, China, India, the Philippines, two EU representatives, four from the African Group and four from GRULAC. The group negotiated on the core elements, and the agreed ones were incorporated in the further revised working draft annexed to the meeting’s report. Options for operational text were then retained only if they reflected choices under the agreed core elements.

Industry “Compact”

During the meeting, a representative of the Global Industry Coalition speaking on behalf of six biotechnology companies – BASF, Bayer CropScience, Dow AgroSciences, DuPont/Pioneer, Monsanto and Syngenta – presented a proposal with regard to a binding contractual obligation among the six companies and other companies wishing to be part of it, to remediate “actual damage to biological diversity” caused by their products, as a form of self-insurance. This would mean that only the responsible company would remediate or pay a claim after the actual damage to biodiversity had been “proven pursuant to the claim procedure detailed in the compact”. The conditions for a Party to submit a claim and for the approval of such a claim would be established, and the Party whose claim was allowed would be a third-party beneficiary.

Noting that the companies had responded to the problem of developing a private compensation mechanism, Co-Chair Lefeber said that this was an historic moment for the Biosafety Protocol and asked participants to warmly welcome the initiative. The statement by industry was reflected in detail in the report of the meeting. This reflection was put in question by Norway, Palau and Bolivia during the closing plenary.⁸

Outcome

Several core elements were agreed upon in the Friends of the Chair group and were integrated in the further revised working draft annexed to the meeting’s report.

Scope: under both the administrative approach and civil liability, a broad functional scope as set out in Article 4 of the Protocol was agreed upon, provided that these activities find their origin in transboundary movement, as well as a narrow geographical scope: the damage must occur within the Party’s geographic boundaries.

Damage: Importantly, delegates agreed on a definition of damage: the administrative approach would cover damage to the conservation and the sustainable use of biological diversity, also taking into account risks to human health; and civil liability would cover damage resulting from the transboundary movement of LMOs to legally protected interests as provided for by domestic law, including damage not redressed through administrative approach (no double recovery).

Causation would be addressed according to domestic law under the administrative approach, while under civil liability three options remain: the burden of proof lies on the claimant; the burden of proof lies on the respondent; or to address the issue under domestic law.

Administrative approach: Agreed elements of based on allocation of costs of response measures and restoration measures include: obligation imposed by national law on the operator to inform competent authorities in the event of damage or imminent threat of damage; obligation imposed by national law on the operator to take response and restoration measures to address such damage; and discretion of the competent authorities to take measures, including when the operator has failed to do so and to recover the costs of such measures.

Civil liability: Strict liability would be channelled to the operator, but the definition of the operator is still pending and may not only be the person in operational control of LMOs, but also the developer the importer or the exporter.

Exemptions or mitigation under the administrative approach would be as provided for in domestic legislation, on the basis of an internationally agreed exhaustive list; under civil liability, exemptions and mitigation to strict liability would also be as provided for in domestic legislation, on the basis of an internationally agreed exhaustive list.

Limitation in time under the administrative approach, and limitation of strict liability in time under civil liability, would be as provided for in domestic legislation, as follows: relative time limit not less than [x] years; and absolute time limit not less than [y] years.

Limitation in amount under the administrative approach would be as provided for in domestic legislation. A reference that if limitation is established it should be not less than

[z] SDRs remains bracketed. A reference to limitation in amount under civil liability also remains bracketed.

Coverage: Under both the administrative approach and civil liability, domestic discretion would be established regarding provision of evidence of financial security upon import of LMOs, including through self-insurance, bearing in mind the need to appropriately reflect that this will be consistent with international law.

Supplementary compensation scheme: There was no agreement on whether residual state liability would be established. Supplementary compensation schemes for the reimbursement of costs of response and restoration measures to redress damage to the conservation and sustainable use of biodiversity, taking also into account risks to human health, would address: consideration of ways and means in accordance with the polluter pays principle to engage the private sector in voluntary compensation schemes including an alternative and/or supplementary contractual compensation mechanism by the private sector; and consideration of a supplementary collective compensation mechanism of COP/MOP, providing for the allocation of financial resources at the request of the State in which the damage occurred, if damage has not been redressed through domestic law implementing these rules and procedures or supplementary contractual compensation mechanism of the private sector. A reference that the COP/MOP collective compensation mechanism will be based on voluntary contributions from Parties and other governments in accordance with their national capacity to contribute, and another one stating that the COP/MOP mechanism will be conditional on implementation of these rules and procedures in domestic law, remain bracketed.

Settlement of claims: Civil procedures would include an enabling clause on private international law.

Complementary capacity-building measures would include a review of the Action Plan for Building Capacities for the Effective Implementation of the Cartagena Protocol on Biosafety to address liability and redress.

Reference to the establishment of an institutional arrangement with its terms of reference in the main body of and/or annex IV to COP/MOP decision, based on the roster of experts, remains bracketed.

Agreed functions of the institutional arrangement would include, upon request, the provision of advice to Parties on their domestic legislation in draft or existing form, capacity-building workshops on legal issues relating to liability and redress, and reports on best practices related to national legislation on liability and redress. References to advice to COP/MOP on access to the collective compensation mechanism, support to national capacity's self-assessment activities and advice on providers of adequate technology and procedures to access it, were not agreed upon and remain bracketed.

Notes

1 This report is based on the official report of the meeting (UNEP/CBD/BS/WG-L&R/5/3), available at: <http://www.cbd.int/doc/meetings/bs/bswglr-05/official/bswglr-05-03-en.doc>, as well as on *Earth Negotiations Bulletin* 9(435), available at: <http://www.iisd.ca/download/pdf/enb09435e.pdf>.

2 Decision BS-I/8.

3 Decision BS-III/12.

4 See the report of the fourth meeting (UNEP/CBD/BS/WG-L&R/4/3) available at: <http://www.cbd.int/doc/meetings/bs/bswglr-04/official/bswglr-04-03-en.doc>.

5 This working draft is available at: <http://www.cbd.int/doc/meetings/bs/bswglr-05/official/bswglr-05-02-rev1-en.pdf>.

6 See *South-North Development Monitor* (SUNS), "No agreement on liability regarding GMOs", Issue 6445, 1 April 2008, available at: <http://www.biosafety-info.net/article.php?aid=509&PHPSESSID=47ad05ee9221f515c6c2389897c4fa83>.

7 *Ibid.*

8 See the report of the meeting UNEP/CBD/BS/WG-L&R/5/3, paras 36–39 and 90–91.



UN – Treaty Event

Call for Participation in MAs

The Annual UN Treaty Event will be held from 16–18 and 22–23 September during the General Assembly and provides a distinct opportunity for States to demonstrate their continuing commitment to the central role of the rule of law in international relations by increasing participation in the multilateral treaty framework. This year's event entitled: *Towards universal participation and implementation – Dignity and justice for all of us*, highlights treaties associated with the sixtieth anniversary of the Universal Declaration of Human Rights, the International Year of Planet Earth, the International Year of Sanitation and the International Polar Year.¹ Since the Millennium Summit in 2000, more than 1300 actions (signatures, ratifications, accessions etc.) have taken place.

During the event, Heads of State or Government or Ministers of Foreign Affairs should sign any of the multilateral treaties deposited with the Secretary-General. As

consistent with the rules of international law and the practice, they do not require full powers. Each year, the event highlights some 50 of the more than 530 treaties deposited, which are linked to events taking place in that year.

After the 7th Conference of Parliamentarians of the Arctic Region in August 2006, there was a special initiative taken to include the Polar Regions in a Treaty Event. The Arctic states are especially ardent that those treaties with impact on the Arctic be put into force. In the back of their minds, many are thinking about the United States, who has extensive territory in the Arctic, but has not yet ratified UNCLOS or the Kyoto Protocol.(ATL)

Note

1 The full list of multilateral treaties to be highlighted in the 2008 Treaty Event is available online at: http://untreaty.un.org/English/TreatyEvent2008/Treaties/list_english.pdf.

