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INTERNATIONAL ENVIRONMENTAL GOVERNANCE

Cover Note

The present document contains *Talking points presentation draft resolution on international environmental governance* and a *draft resolution on agenda item 116 "Follow-up to the outcome of the Millennium Summit"* prepared by the Co-Chairs of the General Assembly informal consultations on IEG, designated by the President of the General Assembly.

The document also includes a paper on International Environmental Governance (IEG). This paper makes brief reference to : the establishment and role of UNEP, the history of the IEG debate (inc. the S-G's High-Level Panel report), and several other IEG proposals.

Talking Points Presentation Draft Resolution on IEG

The problem

Since environmental issues entered the international agenda in the early 1970s, global environment politics and policies have been developing rapidly. Mounting scientific evidence that the state of the environment is deteriorating, has resulted in an increase of UN system entities that are addressing environment-related issues in their work.

The complexity of this system is a mirror of the complexity and diversity of environmental issues themselves, spanning from clean drinking water, to soils, biodiversity, atmosphere, climate change, among others; all of them dealing with the fundamental, overarching issue of the viability of the ecosystems and the sustainability of life.

The environmental governance system we have today reflects both the successes and failures of this development:

Strengths among others are

- an elaborate and sophisticated set of norms in key areas of environment
- the specificity of tools as well as
- improved scientific expertise and authoritative knowledge of the state of global environment; the latter is impressively reflected in recent works such as the IPCC, the Stern, the GEO4 and the Human Development Report – all of them widely discussed and reflecting a growing awareness of the public.

Weaknesses include

- a lack of clear division of labor and a well-functioning coordination and cooperation leading to fragmentation, duplication and competition for the same scarce resources
- a burdensome servicing of the obligations from the hundreds of MEAs which has become cumbersome for all States, but in particular for the developing

countries;

- a lack of implementation due to a lack of capacities and resources; in practice this leads to a growing gap between normative and analytical work on one side and implementation of commitments on the other side;
- a lack of a common, overarching framework for the respective global policy debate: Sustainable Development, Environment, Climate Change, Environment and Development, the Global Public Good perspectives and many other concepts shape and inform different policy agendas;
- and finally a more pronounced competition between regions and countries with different vulnerabilities (deserts, mountains, islands, LDC, landlocked etc).

As a consequence, various attempts have been undertaken to strengthen international environmental governance:

In the year 2000, Environment Ministers agreed in the Malmö Ministerial Declaration to launch a process under the auspices of the UNEP GC/GMEF to review "requirements for a greatly strengthened institutional structure for international environmental governance". The resulting recommendations were endorsed by the Seventh Special Session of the UNEP GC in Cartagena, and the World Summit on Sustainable Development in 2002 decided to fully implement the decision of the UNEP GC. As one of the follow up actions to this decision, the Bali Strategic Plan for Technology Support and Capacity-building has been developed.

In addition, a number of government led initiatives have also been launched, e.g. in 2003 France has started an informal process to consider the transformation of UNEP into a UN Environmental Organization (UNEO) supported by an important group of countries from all regions of the world.

Despite all these efforts, environmental governance pertains to be perceived as dysfunctional and the "robust, versatile regime that will allow us to respond quickly and effectively to emerging environmental challenges" (Cartagena Decision,UNEP/GC SS.VII/1, para 39) is still not in place. The current IEG system is not fit yet to pass the ultimate exam, i.e. assist governments and the UN to improve

environmental performance in a way that we can succeed in stopping environmental degradation. This represents a challenge for all countries.

The mandate

As a consequence, World leaders at the 2005 Summit recognized the need for more efficient environmental activities in the UN system, with enhanced coordination and improved normative and operational capacity, and agreed "to explore the possibility of a more coherent institutional framework to address this need, including a more integrated structure, building on existing institutions and internationally agreed instruments, as well as the treaty bodies and specialized agencies" (paragraph 169 of the WSOD, A/Res/60/1).

In terms of the normative work of the UN system, policy advice and guidance, strengthened scientific knowledge, assessment and cooperation were identified as areas which could be further improved. At the operational level, the need was identified for better integration of environmental activities in the broader sustainable development framework, including through capacity building. It was also recognized by the Summit that better treaty compliance, while respecting the legal autonomy of the relevant treaties, was a central consideration.

The process

As a follow-up process to the WSO and on the basis of the mandate as stated in paragraph 169 of the WSO, the PGA of the 60th UN GA launched an informal process on the strengthening of international environmental governance and designated in January 2006 the Permanent Representatives of Mexico and Switzerland to co-chair the process.

After our designation as Co-Chairs we held a series of consultation meetings from April to June 2006 in New York, visited Nairobi and Geneva to interact with environmental actors and produced a first Co-chairs' summary (27 June 2006) which

is available to you on the web[1]. The summary touches on key elements and areas of the discussions in the GA including
/ the persistence of environmental degradation
/ fragmentation and specificity of the IEG
/ the shift from policy making to implementation
/ the discussion of environmental issues in the framework of sustainable development, in particular the concern that poverty eradication might be neglected in environmental protection and that such protection might lead to new trade barriers
/ capacity-building, technology transfer and financial support
/ the necessity to seek improvements at global, regional and national level
/ the definition of the respective roles for various bodies, including the GA, ECOSOC, CSD, and the GC/GMEF
/ institutional options for IEG

After extensive consultations with the Membership, representatives from the environmental treaties, UN bodies, and civil society in New York, Nairobi and Geneva, we have presented an Options Paper in June 2007. The Options Paper explains the process in the GA, analysis the weaknesses of the system, makes proposals structured around seven building blocks on the improvement of the present IEG and addresses issues of more fundamental transformations in the future. The seven building blocks take up key issues captured in previous reform attempts and make proposals for better implementation. These proposals deal with
- scientific assessment, monitoring and early warning capacity
- coordination at the level of agencies
- MEAs
- regional processes
- the Bali strategic plan, technology support and capacity-building
- IT partnerships and advocacy and
- funding

We invited Member States to give us their feedback on the Options Paper and held two rounds of informal consultations in September and October 2007 in New York. In

[1] http://www.un.org/ga/president/61/follow-up/environment/Letter-Summary-Co-Chairs.pdf

addition to consultations with Member States, we met with Heads of secretariats of global MEAs (Basel, Rotterdam, Stockholm Convention, UNFCCC, CBD, UNCCD), with representatives of the World Bank and GEF, of academia and NGOs to discuss the proposals in the Options Paper. We found that the best way to move forward and reflect the perceptions of Members States would be to translate the results of the consultations into a draft resolution and present it to Member States. In subsequent discussions with delegations, this approach got broad support.

In February 2008, we briefed participants of the 10th Special Session of the Governing Council/Global Ministerial Environment Forum in Monte Carlo on our process. On our way back to New York, we met with Member States and civil society in Geneva to offer updates on our thinking on and reading of delegations' inputs. In parallel, we continued to meet with all interested delegations, bilaterally and in groups, to hear their reactions and get feedback.

The resolution: premises and guiding ideas

The draft resolution follows the structure of the Options Paper which got generally kind reception in the consultations, in particular the chapter on the building-blocks. The content of the draft is based on proposals from the Option Paper, but reflects reactions of Member States to that Paper:

- We kept measures frequently mentioned to us and which we thought would reflect broad consensus by member states;
- We also included concrete ideas of individual countries or groups of countries which we considered interesting and promising in terms of a gradual improvement of the IEG system;
- In areas where Member States offered suggestions going into different directions, we tried to offer possible compromise best in line with the consultations;
- In drafting, we had – as we mentioned to you before – ambitious incrementalism as an important guiding principle: the draft resolution should be ambitious in its long term direction and reflect serious will for transformation while moving forward step-by-step, taking into account the division among the membership on long term goals. New concepts or ideas should be steps small enough to be implementable, but big enough to offer a guarantee for

meaningful change of international environmental governance. We had your warnings in mind, that new steps should not add bureaucracy but bring solutions that you had a clear preference for building on existing mandates, norms and structures instead of creating new ones, and that "a prudent approach to institutional change is required, with preference given to making better use of existing structures" (Cartagena, 8b).

- In drafting we were also aware that a resolution of the GA cannot substitute itself to the work of competent intergovernmental bodies (COPs, Councils) but can invite such bodies to work in a certain direction, and that the GA should not substitute itself to management but can ask and task work in a certain direction and support stronger cooperation and coordination: We believe that a resolution in the GA is the chance to link efforts of the Management of UNEP, and efforts of Environmental Ministers with the political support from the main body of the UN in order to implement commitments we have taken years ago.

We have been all aware throughout this process that discussions on IEG would not take place in an empty space. Other processes take place at the same time and have their own dynamics:

- Our process is a follow-up to the World Summit Outcome. There are other follow-up processes to the WSO, and one of them – the process on system-wide coherence and in particular the report of the High-level Panel – has also an environment component. We have said from the beginning that we see the two processes as distinct in nature, but mutually reinforcing. Our consultation process has shown many parallels between the analysis of the High-Level panel on international environmental governance and our own. The content of our resolution does not contradict the recommendations of the Panel report, but is more specific in some points.

- The annual GA resolution on the report of the Governing Council of UNEP does refer to the relative session of the GC in the same year and reflects its respective discussions and decisions. The scope of that resolution is therefore by definition more narrow in scope than the one of our resolution.

- The omnipresence and prominence of the issue of climate change has fostered a debate on governance of climate change and therefore raised questions similar to the ones we have been mandated to look into by the Summit. Here again, we believe in the distinctness of the processes despite the obvious similarity of some of the questions: environmental governance is larger in scope than climate change governance and the negotiations on climate change go beyond the scope of governance.

- Some of the issues that are covered by the draft resolution are also addressed by UNEP's Medium Term Strategy which was approved by the GC/GMEF in Monaco earlier this year. The MTS is a management tool for the ED which has been approved by the UNEP governing body. While implementation of the strategy will help UNEP to strengthen its governance role, the draft resolution we present to you today will strengthen UNEP's ability to act in the direction of its MTS.

In short: While there are connections between all these processes, delegations have sometimes different opinions about the nature and extent of such connections. While in a perfect world we would design an all encompassing, inclusive, rational governance system, we have to face imperfections and should ensure that the different processes do not disturb each other.
The resolution we present to you attempts to do so: to keep related processes like SWC, Climate Change, the UNEP discussions in the GA, the debates in the GC/GMEF of UNEP and management decisions of UNEP in mind while offering political support from the GA to some of the efforts in other places of the UN system.

On the basis of our consultation with Member States and the abovementioned considerations, we have drafted a resolution on the strengthening of IEG which we would like to present to you today in detail.

<u>Explanation elements of draft resolution</u>

Preamble

The draft resolution that we are presenting today is modeled after the Options Paper

presented to Member States in June 2007[2], the operative part follows the structure of the seven building blocks of that Paper.

We suggest to keep the preamble short and focused on aspects relevant for IEG: It recalls the 2005 World Summit Outcome document and the mandate of the process, restates the foundations of the international environmental governance, and recognizes the evolutionary nature of IEG.

PP 1 refers to the source for our mandate which is then specified in PP 3 and 4 in direct quotes from paragraph 169, "Environmental activities", from the 2005 World Summit Outcome Document.

PP5 and 6: The language is based on Resolution A/RES/53/187, OP5 respectively OP3c. It reflects the Nairobi Declaration, which was agreed by Ministers of the Environment and Heads of Delegation attending the 19th session of the Governing Council held during January and February, 1997. The Nairobi Declaration was endorsed by the special session of the United Nations General Assembly held in New York in June, 1997. It emphasizes the central role that UNEP plays in a strengthened international environmental governance systems and the importance of enabling UNEP to properly fulfil its functions.

PP7 to PP10 restate the foundations of the international environmental governance (Agenda 21, principle of common but differentiated responsibilities, compliance, capacity building and resources), and place the discussion on IEG in the framework of sustainable development. PP10 highlights that the IEG continues to be work in progress, evolving accordingly to new challenges and demands from the international community.

Operative part

The operative section contains concrete proposals for:

[2] http://www.un.org/ga/president/61/follow-up/environment/EG-OptionsPaper.PDF, French version at: http://www.un.org/ga/president/62/issues/environmentalgov/OptionsPaperFr-EG.pdf.

- Strengthening the authority of UNEP
- Scientific assessment, monitoring and early warning capacity
- Coordination at the level of agencies
- Multilateral Environmental Agreements
- Regional processes
- The Bali Strategic Plan, technology support and capacity-building
- IT partnerships
- Funding
- Next steps

OP1 is modelled after OP3(a) of the Nairobi Declaration (February 1997).

OP1 in conjunction with OP2 set the rationale for the following OP3 and OP4, both dedicated to "scientific assessment, monitoring and early warning capacity", the first building block from the Options Paper.

OP2 mentions several areas where our consultations showed that UNEP and Member States could take advantage of improved performance: a) a more systematic use of scientific resources and knowledge already existing within and outside the UN System, b) more interface and interaction between environment and development also with regard to scientific knowledge, and c) a presentation of scientific findings in a way that responds to needs and requirements of Member States.

OP3 This proposal looks to boost the capacity of UNEP to collect and to present the best environmental information to decision makers, in a clear, independent and knowledgeable way, making UNEP a leading authority within the UN system for scientific assessment and monitoring on the state of the global environment. The proposal does not aim at converting UNEP into a research centre, but at enabling UNEP to tap into existing research and collect available information that is scattered within and outside the UN system. This proposal also seeks to enhance the capacity of UNEP for early warning capacity of environmental threats.

OP4 This proposal is aimed at enhancing the cooperation among UNEP and the MEAs in their respective scientific fields, creating in this way a network for information sharing. The proposal for a "consolidated research strategy" seeks to avoid duplication in the work of the UNEP and MEAs.

OP5 sets the rationale for OP6 to OP11, all of them dedicated to the "coordination and cooperation at the level of agencies", the second building block in the Options Paper.

OP6: The consultations have shown that Member States continue to be supportive of the work of the Environment Management Group and the coordination role which it is well positioned to play given its broad membership that includes not only key UN agencies, but also important global MEAs. However, States voiced concerns that the EMG does not live up to its potential. We propose to increase the profile of the Environment Management Group and the level of participation in its work. We therefore suggest to place it under the direct authority of the Secretary General, and to ask him to chair the EMG at least twice a year, but at the same time, keep its management under the Executive Director of UNEP, raising in this way UNEP's profile as well.

OP7 Repeats the call already made in the Cartagena decision (UNEP/GC SS.VII/1., paragraph 36) for the EMG to divide the consideration of its substantive agenda in issue based groups, and to engage in its work institutions within and outside the UN system, suggestion that was made by a number of Delegations during the consultations

OP8 seeks to engage UNEP, UNDP, the International Financial Institutions and MEAs in the same track while pursuing the objectives set out in the Bali Strategic Plan for Technology Support and Capacity-building, and enhancing its works at the country level. The Bali Strategic Plan should be the overarching guiding document for activities at country level. At the same time, the Plan is not specific enough to give clear guidance on the role of each operational partner. The MoU between UNEP and UNDP is important in specifying each institution's role, but it dates from November

2004, i.e. was agreed upon before the Bali Strategic Plan was adopted in December 2004 (at the level of the High-level Open-ended Intergovernmental Working Group), respectively in February 2005 (at the level of the GC/GMEF of UNEP). An amended MoU that reflects the adoption of the Plan could help to clarify the roles and tasks of key operational partners and therefore contribute to the implementation of the plan and better coordinated activities at country level.

OP9 This proposal intends to have a complete picture of the funding needs for all environmental capacity building activities in the UN system, through an annual consolidated appeal. In other areas, the UN is already relying on Consolidated Appeals Processes, namely in the field of Humanitarian Assistance. The Consolidated Appeal is an important tool for interagency planning and coordination and provides donors with information on the funding needs and key areas of activities. It is established annually and presented to Member States at the end of each year for the coming year.

OP10 aims at enhancing the participation of MEAs and UNEP in the relevant Committees of the WTO, seeking to increase the understanding of environmental issues, concerns and priorities within the WTO.

OP12 sets the rationale for OP13 to OP17, all of them dedicated to "Multilateral Environmental Agreements", the third building block of the Options Paper.

OP13 proposes to MEAs to strengthen their cooperation and work around common issues, seeking to avoid duplications in their works, lessening the burden on countries –while respecting their legal autonomy.

OP14 In March 2008, the Ad Hoc Joint Working Group on enhancing cooperation and coordination among the Basel, Rotterdam and Stockholm Conventions managed to agree on ambitious recommendations on how to strengthen the synergies among those conventions. This is a very important step and can serve as an example of best practice for similar efforts of other conventions. The Rio Conventions and the Ramsar Convention deal with interlinked substantive issues. This OP14 encourages them to strengthen the collaboration among them, in a mutually advantageous conjunction.

Additionally, the proposal includes UNEP to be part of the Joint Liaison Group, aiming at working together with the Rio Conventions and Ramsar.

OP15 emphasizes that the activities of MEAs, UNEP, UNDP, WB, and GEF should follow the national priorities set forth by the recipient countries

OP16: The objective of OP16 is to increase the collaboration between MEAs and implementing agencies.

OP17 is another proposal aiming at strengthening the authority of UNEP in the environmental works of the UN, looking to diminish costs of operation and enhancing combined action with the MEAs Secretariats.

OP 18: Gives the rationale for OP 19 and 20: Consultations have shown broad support for a more active and prominent role of the regional offices of UNEP. Regional offices have a greater understanding for the specific needs and challenges of countries in a region which is of particular importance given the absence of UNEP offices at country level. They are therefore well placed to play a more significant and strategic role in capacity building and scientific activities.

Op 19: Strengthened regional offices could have more impact in promoting the implementation of the Bali Strategic Plan. The Regional offices have an important role as intermediaries between countries and the global level.

OP 20: Interaction with other regional actors from within and outside the UN System should be intensified. Interaction with the Economic Commissions is encouraged explicitly because it offers specific potential for closer cooperation in two relevant areas of sustainable development, i.e. environmental protection and economic development.

OP 21: Provides the rationale for OP 21 to 24: During our consultations, many countries have stressed the need to intensify efforts for capacity building and technology support and the key importance of progress in these areas for overall progress in IEG.

OP 22: underlines the importance of the Bali Strategic Plan. It is crucial for improved governance that operational activities of the key actors are guided by a common strategic framework. The Cartagena decision asked for the development of the Bali Strategic Plan in order to improve the effectiveness of capacity-building and to address gaps in this area.

OP23: CCA and UNDAF are key planning tools for development activities at country level. For purposes of mainstreaming environmental sustainability, it is crucial that these tools and the Guidelines on their use adequately reflect environmental concerns as one pillar of sustainable development. OP 23 welcomes the improved policies of UNDG in this regard.

OP24: The proposal seeks to motivate Resident Coordinators and the Country Teams to make better use of environmental knowledge and expertise existing in the UN system and to ensure the full engagement of relevant Programmes or Agencies, in particular if they are not present at country level which is usually the case for UNEP.

OP 25: Gives the rationale for OP 26.

OP26: Better use could be made of the potential offered by IT for purposes of cooperation and coordination, resource management and knowledge sharing. More systematic use and state of the art equipment can help to facilitate communication and interaction with key partners of UNEP that have no representation at the UN office in Nairobi. Any future upgrade of UN IT should therefore keep in mind the special needs of the Nairobi office and IEG.

OP27 sets the rationale for OP28 to OP32, all of them dedicated to "Financing", the seventh building block in the Options Paper. This OP recognizes that one of the overarching problems in the IEG is the lack of enough financial resources needed to deal with environmental issues.

OP 28 This proposal addresses a concern recurrently mentioned during the consultations, the question "what is the amount of funding, and what has been its use?". The Financial Tracking System would be a web-based searchable database of funding requirements and contributions beginning with environmental capacity building and possibly expanding into other areas that shows, in an accessible way, the use of financial flows for environmental activities in the UN system.
The proposal is closely linked with the idea of a Consolidated Appeal Process as suggested in OP 9 insofar as the CAP would contain an estimate of total annual funding requirements against which contributions can be measured. UNEP would be responsible for the set up and operation of the tracking system. The System would be based on voluntary reporting by donor governments and recipient agencies. An example for an existing, well working financial tracking system is the one used to track humanitarian funding. Details on its features and the way it is operated can be found at www.reliefweb.int/fts.

OP29 intends to consolidate the diverse financial mechanisms existing in GEF, avoiding the dispersion of small environmental funds, which have its own staff, administrative costs and regulations. This proposal seeks to reduce administrative costs, and deliver enhanced coordination to the financial mechanisms of MEAs.

OP 30. This proposal intends to expand the scope of GEF into environmental activities currently not covered, and asks for the corresponding replenishment.

OP32 proposes to allocate additional financial resources to UNEP from the regular UN budget, in light of the continuous need for additional and predictable financial resources that allow UNEP to effectively fulfil its mandate. The intention is to send a clear political signal of the importance of the environmental activities through the UN system.

OP33 acknowledges the diverse positions presented on the issue of the broader transformation of the IEG, and recognizes that, for the moment, the time is not ripe to decide on a fundamental overhaul of the system. While weaknesses are obvious and broadly acknowledged, the feedback received indicates a preference for an incremental approach that would improve the present system step by step. At the

same time, the discussions on fundamental changes have to continue - in an informal setting - without prejudice.

OP34 In addition to the issue of the broader transformation of the IEG, other issues remain on the agenda, like those related to the interaction among the intergovernmental bodies. OP34 asks to continue the discussion on this issue and to assess progress in the 64th session of the GA.

OP35 A report on the implementation of this resolution during the 63rd GA would be too soon. This proposal asks for a report during the 64th session, allowing enough time to reflect the implementation of the proposals presented in this resolution. This OP35 complements the informal consultations proposed in OP33 and OP34 during the 63rd session.

Next steps

Finally a brief word on next steps.

We have tentatively scheduled a first feedback session for May 21 and would hope that we can hear from as many delegations as possible reactions

- on the general thrust of the resolution as well as
- reactions on the specific proposals in the text

As Co-Chairs we stand ready to move into a negotiating mode if you are ready to do so, and to make space and time available in order to take a decision during this GA. Given the amount of time that all of us have already invested in this process, we consider this possibility as feasible. We therefore propose to meet as appropriate after the first feedback round of 21 May. In the meantime we are of course available to delegations for bilateral meetings if further information or explanations on the resolution are needed.

As for "ambitious incrementalism", we hope to move with speedy circumspection.

May 2nd. 2008

Draft Resolution on Agenda Item 116 "Follow-up to the outcome of the Millennium Summit"

Strengthening the environmental activities in the United Nations system

The General Assembly,

PP1 *Recalling* the 2005 World Summit Outcome[1],

PP2 *Taking into account* Agenda 21[2] and the Plan of Implementation of the World Summit on Sustainable Development ("Johannesburg Plan of Implementation")[3],

PP3 *Reaffirming* the need for more efficient environmental activities in the United Nations system, with enhanced coordination, improved policy advice and guidance, strengthened scientific knowledge, assessment and cooperation, better treaty compliance, while respecting the legal autonomy of the treaties, and better integration of environmental activities in the broader sustainable development framework at the operational level, including through capacity-building,

PP4 *Recalling* paragraph 169 of the World Summit Outcome Document and in this context its decision to explore the possibility of a more coherent institutional framework to address this need, including a more integrated structure, building on existing institutions and internationally agreed instruments, as well as the treaty bodies and the specialized agencies,

PP5 *Emphasizing* that the United Nations Environment Programme has been and must continue to be the principal United Nations body in the field of environment and that its role is to be the leading global environmental authority that sets the global environmental agenda, that promotes the coherent implementation of the environmental dimension of sustainable development within the United Nations system and that serves as an authoritative advocate for the global environment,

PP6 *Emphasizing further* the need to strengthen the capacities of the United Nations Environment Programme to advance the implementation of agreed international norms and policies, to monitor and foster compliance with environmental principles and international agreements and stimulate cooperative action to respond to emerging environmental challenges,

PP7 *Recognizing* that action on the strengthening of international environmental governance should be undertaken in the context of sustainable development, in accordance

[1] See resolution A/60/1

[2] Report of the United Nations Conference on Environment and Development, Rio de Janeiro, 3-14 June 1992, vol. I, Resolution adopted by the Conference (United Nations publication, Sales No. E.93.I.8 and corrigendum), resolution 1, annex II.

[3] Report of the World Summit on Sustainable Development, Johannesburg, South Africa, 26 August-4 September 2002 United Nations publication, Sales No. E.03.II.A.1 and corrigendum), chap. I, resolution 2, annex.

with the principles identified in Agenda 21, including the principle of common but differentiated responsibilities, and that environmental activities should be mainstreamed in other policy areas,

PP8 *Stressing* the importance of strengthening environmental governance at national, regional and global level and of improving the implementation of agreed norms and policies through enhanced compliance and capacity building,

PP9 *Stressing also* the necessity of sufficient, timely and predictable resources,

PP10 *Recognizing* that the strengthening of international environmental governance is a long-term process, evolutionary in nature, which needs continued discussion in order to reflect emerging challenges and adapt the system to the needs of the international community,

Scientific Assessment, monitoring and early warning capacity

OP1 *Reiterates* that the United Nations Environmental Programme is the leading agency within the United Nations system for the analysis of the state of the global environment and the assessment of global and regional environmental trends, as well as for the provision of authoritative policy advice and early warning information on environmental threats to Member States by catalysing and promoting international cooperation and action, based on the best scientific and technical capabilities available;

OP2 *Stresses* the importance of strengthening the capacity of the United Nations Environment Programme to interact with existing scientific bodies, including academic institutions and centres of excellence and relevant non-governmental organisations, and the scientific competence of specialized agencies and the scientific subsidiary bodies of multilateral environmental agreements in a systematic, coherent and coordinated manner; to strengthen the exchange between environmental and developmental scientific communities; to present scientific findings in a user friendly way and to offer authoritative advice to United Nations Member States;

OP3 *Invites* the Governing Council of United Nations Environmental Programme to support the creation, within the Programme, of a Chief Scientific Capacity, responsible for convening leading scientists from within and outside the United Nations system, for facilitating independent and authoritative knowledge assessments and for managing and overseeing the scientific assessment, monitoring and early warning work of the United Nations Environmental Programme, and to provide the necessary additional resources thereto;

OP4 *Requests* the Executive Director of the United Nations Environmental Programme to continue to deliver support for the scientific work of the Multilateral Environmental Agreements and *invites* Conferences of the Parties of relevant Multilateral Environmental Agreements to request the scientific bodies of the Agreements to contribute to and cooperate with the Environment Watch Strategy and to conclude Memoranda of Understanding with the United Nations Environmental Programme secretariat in order to define the roles and responsibilities of each of the institutions in the network and *invites* the Executive Director of the United Nations Environmental Programme to establish a consolidated research strategy to be updated on a biannual basis;

Coordination and cooperation at the level of agencies

OP5 *Emphasizes* the need to strengthen the capacities of the United Nations Environmental Programme, including through the Environment Management Group, to cooperate and coordinate with other United Nations entities and the World Bank on environmental issues, while enhancing the capacities within the United Nations system to integrate environmental objectives into related areas ;

OP6 *Decides* to place the Environment Management Group, managed by the Executive Director of the United Nations Environment Programme, under the direct authority, responsibility and leadership of the Secretary General and requests him to chair high level meetings of the Environment Management Group at least twice a year;

OP7 *Calls upon* the members of the Environment Management Group to set up and work in issue based groups in order to address key environmental areas in an integrated and better coordinated manner and to associate further institutions from within and outside the United Nations system;

OP8 *Calls upon* the Executive Director of the United Nations Environment Programme and the Administrator of the United Nations Development Programme to pursue through appropriate measures their cooperation in the implementation of the Bali Strategic Plan for Technology Support and Capacity-building, deepen it at country level and consolidate the two Programmes' interaction with the International Financial Institutions and Multilateral Environmental Agreements in that regard, including by amending the existing Memorandum of Understanding between the United Nations Development Programme and the United Nations Environment Programme accordingly;

OP9 *Requests* the Executive Director of the United Nations Environment Programme to submit to the United Nations membership an annual consolidated appeal containing needs, planned activities and estimated funding levels for all environmental capacity building activities in the United Nations system, including for Multilateral Environmental Agreements and for the implementation of the Bali Strategic Plan for Technology Support and Capacity-building and urges Secretariats of Multilateral Environmental Agreements to assist the Executive Director of the United Nations Environment Programme in this task;

OP10 *Stresses* the importance of strengthened cooperation between the United Nations Environment Programme and international economic, trade and financial organizations both within and outside the United Nations system and *recommends* that the United Nations Environment Programme and the Multilateral Environmental Agreements ask for formal inclusion as observers on all relevant Committees of the World Trade Organization;

OP11 *Welcomes* the Secretary General's efforts to task the Chief Executives Board with ensuring a coordinated approach of the United Nations system to environmental issues;

Multilateral Environmental Agreements

OP12 *Recognizes* the increased importance of enhancing cooperation and coordination amongst Multilateral Environmental Agreements, promoting working in clusters, and rationalising secretariat activities, while maintaining the legal autonomy of those Agreements;

OP13 *Urges* Conferences of the Parties of Multilateral Environmental Agreements to continue to explore the potential for cluster-wise cooperation among the Agreements including by setting up and intensifying the collaboration in thematic, programmatic, scientific and administrative areas and *invites* the United Nations Environment Programme to identify clusters for strengthened cooperation and coordination between the Multilateral Environmental Agreements;

OP14 *Welcomes* progress achieved towards improved collaboration by the Ad Hoc Joint Working Group on enhancing cooperation and coordination among the Basel, Rotterdam and Stockholm Conventions and *encourages* the Joint Liaison Group of the Rio Conventions and the Ramsar Convention on Wetlands to intensify efforts to develop complementarities and synergies in their activities on issues of mutual concern, and to invite the United Nations Environment Programme to join the Group;

OP15 *Calls upon* Conferences of the Parties of Multilateral Environmental Agreements to implement their respective Agreements in close cooperation with the United Nations Environment Programme, the United Nations Development Programme, the World Bank, and the Global Environment Facility, in accordance with the priorities of the recipient countries and consistent with the objectives of the Bali Strategic Plan for Technology Support and Capacity-building;

OP16 *Calls upon* Multilateral Environmental Agreements to explore the potential for working in flexible, issue-based and result oriented cooperative arrangements with relevant implementing agencies;

OP17 *Requests* the Executive Director of the United Nations Environment Programme to manage Secretariats of the Conventions under his authority in the most cost-effective manner and to take a proactive role in enabling synergies among the Convention Secretariats;

Regional presence and activities at the regional level

OP18 *Underscores* the importance of the regional offices of the United Nations Environment Programme as entry points for scientific activities, capacity-building and technology support, taking into account the specificities of the regional contexts;

OP19 *Calls upon* the Governing Council of the United Nations Environment Programme to strengthen the regional offices of the Programme to facilitate effective support for the implementation of the Bali Strategic Plan for Technology Support and Capacity-building at its national, subregional and regional levels by, inter alia, providing them with the resources to fulfil their capacity building and technology support mandates taking into account the specificities of the different countries;

OP20 *Calls upon* the Governing Council of the United Nations Environment Programme to strengthen the regional presence of the Programme and the cooperation of its regional offices with all relevant regional actors, including with the United Nations Economic Commissions;

Bali Strategic Plan, capacity building, technology support

OP21 *Stresses* the need to deepen and broaden capacity-building and technology support throughout the international environment governance;

OP22 *Emphasizes* that the Bali Strategic Plan for Technology Support and Capacity-building should serve as the overarching guiding framework for operational activities of United Nations agencies, Multilateral Environmental Agreements and the International Financial Institutions at country level;

OP23 *Welcomes* the efforts of the United Nations Development Group to approve policies and procedures related to environmental sustainability and to appropriately integrate them into the Guidelines for United Nations Country Teams on preparing Common Country Assessments and United Nations Development Assistance Frameworks;

OP24 *Urges* Resident Coordinators and United Nations Country Teams to make full use of the capacities of the United Nations system, particularly those of the United Nations Environment Programme, to respond to the needs of developing countries and countries with economies in transition with regard to the strengthening of the capacities of governments in order to achieve the objectives of the Bali Strategic Plan for Technology Support and Capacity-building;

Information technologies, partnerships and advocacy

OP25 *Stresses also* the importance to strengthen key support functions relating to international environmental governance, through, inter-alia, the use of information technologies, expanded partnerships and advocacy activities;

OP26 *Urges* the Secretary General to make available as a matter of priority to the international environmental governance system state-of-the-art information technology in order to enhance cooperation, resource management and knowledge sharing between different parts of that system, taking into account the special needs of the United Nations Office in Nairobi in order to fulfil its mandate;

Financing

OP27 *Underscores* the urgency of improving financing for the international environmental governance system and for environmental activities through timely and adequate funding;

OP28 *Requests* the Secretary General to task the United Nations Environment Programme with the creation and maintenance of a Global Environmental Financial Tracking System, a web-based database relying on voluntary self-reporting by donors and recipients and providing in a user friendly and easily accessible manner transparent and up to date information on the type, amount and direction of multilateral and bilateral financial flows for environmental activities flowing through the United Nations system;

OP29 *Encourages* Conferences of the Parties of all global Multilateral Environmental Agreements to use the Global Environment Facility as the financial mechanism for the respective Agreement and *asks* the Council of the Global Environment Facility to take appropriate decisions to fulfil such functions;

OP30 *Calls upon* countries to help expand the scope of activity of the Global Environment Facility and invites donor countries to achieve a substantially increased fifth replenishment of the Global Environment Facility Trust Fund commensurate with its strengthened function;

OP31 *Calls upon* the Governing Council of United Nations Environment Programme to provide as a matter of urgency the resources needed for the implementation of measures related to the United Nations Environment Programme activities, as set out in this resolution;

OP32 *Requests* the Secretary General to double the contributions from the regular United Nations budget to the respective budget of the United Nations Environment Programme;

Broader transformation of the international environmental governance

OP33 *Takes note* of the opinions expressed on the issue of the broader transformation of the international environmental governance, and in this regard, *decides* to continue the examination of this issue, taking into consideration the achievements of the present resolution and the results of the informal consultative process of the General Assembly on the Institutional Framework of the United Nations' environmental activities;

OP34 *Decides* to continue informal consultations on the international environmental governance, including the roles and mandates of and interaction among the different intergovernmental bodies during its sixty-third session with a view to assess progress achieved at its sixty-fourth session in a formal setting;

Follow-up

OP35 *Requests* the Secretary-General to submit to the General Assembly at its sixty-fourth session a comprehensive report on the implementation of the present resolution, including an analysis of challenges faced by the United Nations international environmental governance architecture and recommendations on further measures to strengthen it, and decides to consider this issue under the item "Follow-up to the outcome of the Millennium Summit".

This draft resolution, the talking points for its presentation, and other previous documents of the informal consultative process of the General Assembly on the Institutional Framework of the United Nations' environmental activities are located in the following webpage:

http://www.un.org/ga/president/62/issues/environmentalgovernance.shtml

III
International Environmental Governance (IEG) - June 2008

Overview:

The General Assembly of the UN created UNEP in 1972 aware of the "urgent need for a permanent institutional arrangement within the UN system for the protection and improvement of the environment" and conscious of the need for "processes within the UN system which would effectively assist developing countries to implement environmental policies and programmes that are compatible with their development plans."

The relationship of UNEP to the rest of the UN system and to the scientific community was recognised from its inception, with UNEP being established to, amongst other matters, "provide general policy guidance for the direction and coordination of environmental programmes within the UN system" and to "promote the contribution of the relevant international scientific and other professional communities to the acquisition, assessment and exchange of environmental knowledge and information...".

The year 1987 saw the emergence of the concept of sustainable development through the report of the Brundtland Commission, Our Common Future, which was subsequently entrenched on the international agenda through the outcomes of the 1992 United Nations Conference on Environment and Development held in Rio de Janeiro, Brazil. Agenda 21 reaffirmed the role of UNEP as the principal body within the UN system in the field of the environment but also added that it should take into account the development aspects of environmental questions and called for its role to be enhanced and strengthened.

In 1997 UNEP was reaffirmed as "the leading global environmental authority that sets the global environmental agenda, that promotes the coherent implementation of the environmental dimension of sustainable development within the United Nations system and that serves as an authoritative advocate for the global environment"[1]. This declaration remains the vision of UNEP in 2008, as is expressed through the UNEP Medium-term Strategy 2010-2013.

The 2002 World Summit on Sustainable Development (WSSD) in Johannesburg Plan of Implementation further advanced implementation of the concept of sustainable development. It described environment as one of the three independent and mutually reinforcing pillars of sustainable development. It stated that "poverty eradication, changing unsustainable patterns of production and consumption, and protecting and managing the natural resource base of economic and social development are overarching objectives of, and essential requirements for, sustainable development."

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[1] As set out in the Nairobi Declaration on the Role and Mandate of United Nations Environment Programme (Governing Council decision 19/1, annex. Adoption by the General Assembly: Official Records of the General Assembly, Fiftieth Session, Supplement No. 25 (A/50/25), chap. IV, annex).

As can be gleaned from the brief history referred to above, right from the outset, environment has been an issue that touches upon most aspects of the work of the UN family be it agriculture, health or conflicts and disasters. Since 1972 (and before) in response to new and emerging challenges, environmental issues have been built into many environmental programmes within the UN system, including its specialised agencies, and have been addressed through a wide-range of multilateral environmental agreements (MEAs).

A lack of cohesion and cooperation:

The creation of UNEP in 1972 together with the fact that so many environmental issues have now been built into the programmes of different UN agencies, and have been addressed through various MEAs, is a remarkable achievement.

However, this incremental approach to addressing environmental issues as they have emerged has also resulted in an IEG landscape that suffers from having taken a piecemeal approach to tackling such issues. It has led to fragmentation in how the international community has, amongst other matters:

- invested in environment issues – GEF, UNEP, MEAs etc;
- managed the science – multiple MEA subsidiary bodies, GEF STAP, etc.;
- engaged in capacity building efforts – between agencies, programmes and MEAs; and
- located its core environmental presence – between Bonn, Geneva, Montreal, Nairobi, Washington etc.

As such, there has been a failure to generate a critical mass – in resources, science, or capacity etc. – which has both entrenched and reinforced a lack of coherence. There has also been a deficit in the implementation of what has been agreed to by the international community.

A growing concern over the lack of cohesion and cooperation within the IEG landscape in addressing trends of environmental degradation threatening the sustainability of the planet gained momentum in the late 1990's. This concern was expressed and addressed through a variety of process and declarations, and resulted in the General Assembly creating the Global Ministers Environment Forum (GMEF) and Environment Management Group (EMG) in 1999.

In 2000, UNEP's Governing Council/Global Ministerial Environment Forum meeting in Malmo looked to the 2002 WSSD to greatly strengthen the institutional structure for IEG based upon an assessment of future needs to address the wide-ranging environmental threats in a globalising world. This led to an extensive consultative process on IEG in the lead up to the WSSD and ultimately resulted in the adoption of the UNEP IEG 'Cartagena package', referred to below, in 2002.

A renewed interest in IEG:

As can be seen from the brief overview provided above, the IEG debate has been ongoing for many years and the incremental changes to IEG that have been referred to above and below have all sought to address a range of IEG challenges.

Today, we are witnessing a renewed interest in the IEG debate for a variety of reasons - including the mounting evidence that environmental degradation is now severely threatening attempts to achieve sustainable development and the MDGs.

The renewed interest in IEG is also a response to paragraph 169 of the World Summit 2005 Outcomes document that addressed the issue of achieving stronger system-wide coherence within the UN system. A series of recommendations "to overcome the fragmentation of the United Nations so that the system can deliver as one" was transmitted to the Secretary-General through the 'Report of the Secretary-General's High-Level Panel on UN System-wide Coherence in the Areas of Development, Humanitarian Assistance and the Environment', in November 2006, which included recommendations for "an upgraded UNEP" with "real authority as the "environment policy pillar" of the UN system".

A range of perspectives and proposals:

The current IEG debate can be viewed from several different perspectives. For example from the perspective of making:

- the best use of existing structures to meet current demands; or
- incremental adjustments to existing structures to better address current demands – with an eye to future needs; or
- changes to existing structures and creating something new to address both current demands and anticipated future needs;

Since well before the establishment of UNEP in 1972 right up until to today, various models have been put forward for strengthening IEG – be it a World Environment Organization (WEO), United Nations Environment Organization (UNEO), Global Environment Organization (GEO), a new umbrella institution integrating UNEP, GEF and MEA Secretariats ("umbrella institution"), or an enhanced UNEP through strengthening the GMEF and the EMG, and developing a Medium-term Strategy etc. (UNEP+).

Other proposals to emerge have included combining UNEP and UNDP, having all MEAs report to the General Assembly through UNEP, and most recently the Prime Minister of the United Kingdom, the Hon. Gordon Brown MP, has put forward "a radical proposal to make the World Bank a bank for development and the environment."

A very brief overview of some of the more significant and recent IEG reforms follows.

The UNEP 'Cartagena package' of 2002:

The UNEP IEG 'Cartagena package' 2002[2] included five key recommendations being:

- improved coherence in international environmental policy-making;
- strengthening the role and financial situation of UNEP;
- improving coordination among and effectiveness of MEAs;
- capacity building, technology transfer, and country-level coordination for the environmental pillar of sustainable development; and
- enhanced coordination across the UN system.

The 'Cartagena package' states that the "process of strengthening international environmental governance should be evolutionary in nature and based upon implementing General Assembly resolution 53/242. A prudent approach to institutional change is required, with preference being given to making better use of existing structures." The decision was to be considered as "the commencement of a longer-term enterprise to develop international understanding, commitment, and resolve towards ensuring the sustainability of the global environment..."

The Co-Chairs Options Paper of June 2007:

The Co-Chairs of the General Assembly informal consultations on IEG, designated by the President of the General Assembly in January 2006, prepared an Options Paper on the 'Informal Consultative Process on the Institutional Framework for the United Nations' Environmental Activities' released on 14 June 2007, which gives a sense of the sorts of further incremental adjustments that could be made to better address current demands based upon seven building blocks for strengthened IEG, namely:

- scientific assessment, monitoring and early warning capacity;
- coordination and cooperation at the level of agencies;
- MEAs;
- Regional presence and activities at regional level;
- Bali Strategic Plan, capacity building, technology support;
- IT, partnerships, advocacy;
- Financing.

The IEG meeting in Rio de Janeiro, Brazil in September 2007:

Brazil invited around twenty five countries to informally discuss issues to do with IEG in the context of sustainable development in Rio de Janeiro in late 2007.[3] The summary of the meeting, found in the 'Ministerial Meeting on Environment and Sustainable

[2] UNEP/GC SWS.VII/I
[3] http://www.sustentavel.mre.gov.br/index_english.html

Development: Challenges for International Governance' document (copy attached) states that: "The *status quo* is not an option" and "means and modalities must be identified for the progress of this dialogue..."identifying core functions or priorities of the governance system and its potential sources...would indicate a possible convergence on essential elements."

The meeting in Rio de Janeiro, Brazil addressed possible changes to existing structures and creating something new to meet current demands and anticipated future needs. This included a proposal by Brazil for the creation of an "umbrella institution (organisation or agency), which would articulate environment and sustainable development, in the normative, cooperation and financing dimensions, in implementation aspects, such as technology transfer and the dissemination of scientific knowledge, as well as capacity-building for complying with multilaterally agreed objectives. The institution would integrate the existing institutional structure (UNEP, GEF and the Secretariats of Conventions)..."

The UNEP GC/GMEF in Monaco in February 2008:

The world's environment ministers discussed the current status of the IEG issue in an open and constructive manner at the 10th Special Session of the UNEP GC/GMEF at Monaco in February 2008 (President's Summary attached).

Draft General Assembly resolution prepared by the Co-Chairs in May 2008:

A draft resolution on IEG has now been prepared by the Co-Chairs drawing upon the Options Paper referred to above and to subsequent informal consultations (copy attached). The draft resolution includes 10 preambular paragraphs and 35 operative paragraphs, with the operative paragraphs being included under the following headings:

- Scientific Assessment, monitoring and early warning capacity;
- Coordination and cooperation at the level of agencies;
- MEAs;
- Regional presence and activities at the regional level;
- Bali Strategic Plan, capacity building, technology support;
- Information technologies, partnerships and advocacy;
- Financing;
- Broader transformation of the IEG;
- Follow up.

Draft preambular paragraph 10 states that "the strengthening of IEG is a long-term process, evolutionary in nature, which needs continued discussion in order to reflect emerging challenges and adapt the system to the needs of the international community," with draft Operative Paragraph 33 proposing "to continue the examination of this issue..."

The Options Paper and draft resolution is a mix between making the best use of existing structures to meet current demands, and making incremental adjustments to existing structures with the intent of better addressing current demands with an eye to future needs – or in the words of the co-Chairs it is about "ambitious incrementalism".

There will be an open feedback session on the draft resolution in New York on 21 May.

The IEG meeting hosted by Costa Rica in May 2008 in New York:

As a follow up to the meeting held in Brazil in late 2007, Costa Rica invited 35 countries to an informal discussion on IEG, including on the draft resolution referred to above. Informal feedback was provided from many different perspectives on the different components of the draft, some addressing detailed issues, others being more general in nature, and a discussion on next steps for broader reform followed.

Many and varied issues were raised, *including* the relationship between environment and development and sustainable development more generally, how to decouple economic growth from environmental degradation, the issue of interlinkages, the importance of sustained financing and sound science, the difference between management and governance, and whether incremental changes to the exiting IEG architecture will be enough to address current and emerging environmental and sustainability objectives and be sufficient to respond to emerging needs at global, regional and country level.

A further informal meeting is to be hosted by Italy later in the year, and another meeting may be held in early 2009 in advance of the UNEP GC/GMEF in mid-February 2009.

Some recurring themes:

Whatever perspective is taken on the IEG debate, there are several major recurring themes and they *include*, within the context of common but differentiated responsibilities, the need for:

- an authoritative and responsive advocate for the environment;
- a strong, credible and coherent science base;
- a strengthened and predictable financial base for the UN's environment activities and programme – be it UNEP or a successor;
- coherence within the UN system between the many conventions and agencies dealing with environment, especially the MEAs;
- influence on the economic pillar of sustainable development – be it trade or investment rules or the creation of new 'environmentally friendly' markets; and
- a more responsive and cohesive approach to country needs to building capacity and providing technology support to enhance implementation.

At issue is whether making the best use of existing structures; incremental adjustments to existing structures; a mix of the two; or making changes to existing structures and creating something new, is what is needed to meet these and other needs. Informed opinions differ on this issue.

The debate has also addressed the issue of IEG more directly in the context of sustainable development, such as through the Brazil meeting and the IEG proposal referred to above, and the role of civil society and the private sector in IEG is highlighted by some.

The financing question:

Whether there is a UNEP, a UNEP+, a WEO, a UNEO, an umbrella institution or a GEO – they need to be adequately financed. Changing the name or the status will not alter this underlying fact. Hence, many have stressed that a discussion of future institutional arrangements must go together with how such an organization can be adequately financed.