



G77 and China view points/comments

Draft Resolution on Strengthening the environmental activities of the United Nations system (4 June 2008)

The Group is extremely grateful to the Co-Chairs for their hard work and leadership in the process and for the draft resolution before us. The Group intends to remain constructively engaged throughout the process.

Preamble

General:

- Management vs Governance issue: the group is of the view that the resolution should not be micro-managing UNEP or the MEAs, but rather should consider what is the best directive the GA can give to the current international system on environmental governance in light of the mandate of paragraph 169 of WSO.
- It is also important to recognize the scope of the mandate given to us and not go beyond this. In some ways this draft as it currently stands goes beyond this mandate.
- On several occasions Member States have resolved/committed to strengthen UNEP, and so this resolution overall should keep this in mind, i.e. our commitment to strengthen UNEP as part of strengthening IEG.
- It should also highlight the importance of firmly grounding the discussions on environmental governance within the context of Sustainable Development, and that the 3 pillars of SD are integrated and mutually reinforcing;
- We should be careful not to separate the environmental pillar (i.e. environmental activities) from the others (Social Economic ...) (Ref PP3, others). When considered in its entirety we find that the text does not adequately consider the development needs of countries, and the importance of a balanced approach to the 3 components of SD.
- In this regard also there is no reference to the UN Commission on Sustainable Development nor to the Rio Declaration (PP2), and this is of concern to us. In this regard more than the reference to SD in PP7 is needed.
- Related to the above, economic and social priority needs of countries should factor into the preamble section.

Specific:

PP5: With regard to the setting of the global environmental agenda, the role of the Member States should be made clear, whether through the Governing Council of UNEP, Conference of Parties to the various Conventions or other intergovernmental body. There is therefore some amount of inaccuracy of PP5, in the view of the Group.

PP9: The issue of financial resources should not be left open-ended. Here we would need to see specific reference to “new and additional resources.”

Scientific Assessment, monitoring and early warning capacity

General

- Strengthen the mandate of UNEP. does this mean “expanding” the mandate of UNEP, or strengthening/enhancing within the current scope of its existing mandate? In many ways we see this resolution as attempting to expand the mandate of UNEP, and we are not certain that this should be our intention at this time. The Group supports strengthening UNEP’s mandate, but an extension beyond what is intended in para 169 at this point would concern us.
- We should consider to what extent this draft is possibly encroaching on the mandate of the MEAs. This may be a point for further discussion, given the individual legal status of MEAs, for example. [This is a point we will come back to in subsequent sections.]

Specific

OP1: This paragraph potentially goes beyond the scope of UNEP’s mandate. We support the last part where it talks about international cooperation for development, however, other elements and this point would need further reflection.

OPs 2 and 3: [Comments are made on these 2 together]. UNEP’s interaction with existing scientific bodies should take place in all “geographic regions,” this reference should be included. In light of strengthening UNEP’s capacity to interact with existing scientific bodies (OP2), we do not need OP3, particularly since we have concerns and issues on the creation of a Chief Scientific Capacity in UNEP.

OP4: Regarding the invitation to the ED to establish a consolidated research strategy, and on updating this on a biannual basis...again this might be a case of micro-managing, as strategies should be developed by the scientific bodies of the MEAs. (also an issue of the role of MEAs.)

Coordination and cooperation at the level of agencies

General

- This section deals with two coordination mechanisms on the one hand you have the EMG, on the other hand you have the CEB, and there is also language on coordination with UNDP (in OP8). There is not enough clarity on the division of labour, and there seems a potential for overlap in terms of the coordination function, and what is envisaged to be done differently. Also, information is lacking on the objectives and outcomes of EMG meetings, usefulness in terms of results of EMG meetings, etc.

Specifics

OP5: (also in conjunction with OP 10) The Group agrees in general with strengthening UNEP's capacity to cooperate and coordinate with other UN entities. However, why the special treatment and highlighting of the World Bank? OP10 talks of UNEP's cooperation with financial institutions in general, and this is perhaps a better approach. In light of the first part of OP10, we don't see the need to single out the WB in OP5, especially since there are serious concerns over the WB managing funds for environment activities in direct competition with GEF.

While discussing strengthening the capacity of UNEP including through the EMG, we should be mindful that there are issues regarding the structure of the secretariat of the EMG. For example, the secretariat is scattered in terms of location. We would therefore like to see some inclusion of language on consolidating the secretariat of UNEP in UNEP's headquarters in Nairobi.

OP6: While we understand the rationale of raising the profile of the EMG, the Group is concerned that this could potentially work against strengthening UNEP. Also it is not clear if the EMG would meet separately from the CEB. We should also consider the usefulness of the EMG meetings, the objectives, results, etc. Also, how would this work structurally, given that the SG currently chairs the CEB? What would be the relationship between the CEB and the EMG? Isn't there a potential for overlapping or competition?

OP7: Micro-managing and management vs governance issue. We recognize that the report of the open-ended intergovernmental group contained in the Appendix of the Cartagena decision (UNEP/GC SS.VII/1) references the management approach of the EMG as an issue-based one, but the decision itself does not mandate an issue-based approach. The Group is unsure of the relevancy and appropriateness of having the GA pronounce on this, and "calling upon" the EMG to work in issue based groups. The EMG can perhaps better decide on the modalities and methods of its work.

OP8: UNEP-UNDP cooperation in implementing Bali SP.. First part of para is fine, however the last part the Group finds too detailed/prescriptive, i.e. calling for an amendment of the MOU between both programmes. This is not something that we can agree to at this time.

OP9: At this time the Group is not convinced that a consolidated appeal would be best to meet UNEP's funding needs, and is an expansion of the functions of the ED that may not be necessary. Also, this may perhaps be best dealt with in another section.

OP10: (First part addressed already re OP5) This is a matter that should perhaps be left to the purview of the GC and MEAs.

OP11: This para references efforts of the CEB ensuring a coordinated approach, however, in previous OPs (6, 7) we seem to be suggesting that this is the ambit of the

EMG. This raises again the issue of the structural relationship between the EMG and CEB. Also, the Group would prefer a coordinated approach to “sustainable development issues” instead of “environmental issues.”

Multilateral Environmental Agreements

General

- A number of things remain unclear to us at this point which would prevent us from being able to fully consider the language contained here. In this situation there are issues on which we may need to seek some legal advice/expertise, particularly given our understanding that MEAs are for the most part treaty-based bodies/contractual agreements among State Parties.
- Also, considering this section as a whole, it is not clear that environmental governance is a “Party-driven” process. We firmly believe that the EIG process should be Party driven.
- It is also not clear that MEAs have and should continue to have legal autonomy with separate and distinct mandates; this is of serious concern to the Group, as it lends itself to a possible merging of MEAs which does not enjoy inter-governmental agreement.

Specifics

OP12: We do recognize the importance of cooperation and coordination, the question is how do we enhance it? There is no consensus on the “how” at this point. For example, there are concerns by what “promoting working in clusters and rationalizing the secretariat” could imply, and the possible merging of secretariats, which would not be in the interest of developing countries. There might be some merit in hearing from the secretariat of MEAs their experience on clustering and options for such an approach before agreeing on this.

OP13: Same comment as above on cluster approach. Also there seems a potential for usurping the role of the COPs. Decisions on clustering and cluster-based approach should be taken by the Parties. We may also need to clarify what is gained by clustering.

OP14: Before welcoming the progress of the Working Group, it would be good to know how the recommendations on strengthening synergies (as agreed to in March 08) are working and being implemented.

OP15: Questions/reservations on calling upon the COPs to do something. Can/should the GA, member states, “call upon” State Parties, in many cases the same governments? ... This brings us back to the question of the legal autonomy of the MEAs, and to what extent this draft would impact upon such legal autonomy.

Also, we are not sure of the accuracy of calling upon the COPS to implement Agreements with the GEF. Our understanding is that the GEF is accountable to the Parties, through the COPs. Therefore parties should be calling upon the GEF, i.e. the directive should be sent to the organizations to cooperate with the COPS in implementing agreements.

OP16: Which implementing agencies? Same as those of the GEF?

OP17: There are two separate issues here. Firstly the para is requesting the ED to “manage Secretariats of the Conventions under his authority in the most cost-effective manner.” Which Conventions are currently under his authority? And would this request extend to those that are not? Is the objective of this to cut cost?

The Group would welcome some greater clarity as to which Conventions are currently under the authority of UNEP, and therefore which secretariats we are requesting a more cost-effective management of. For example, we know UNEP hosts several secretariats of Conventions but what authority does the ED currently have over the secretariats (beyond administrative and/or financial authority), and which secretariats should be clarified before we can consider such a request.

The second element in this paragraph is the request for the ED to take a proactive role in enabling synergies among the Convention Secretariats. By treating these two together we may be sending a message on promoting synergies merely as a cost-cutting exercise, when the more important objective is better implementation. Also, can the ED enable synergies, or should the ED “promote” synergies?

Regional presence and activities at the regional level

General

- In general we support strengthening the regional offices and raising the regional profile of UNEP as part of the process of strengthening IEG. At the same time we would want to be certain of the implications for the office in Nairobi. In our consideration of strengthening regional offices, we would also need to consider the level of support and resources that would be needed for the Nairobi office.
- Also, the process of strengthening UNEP’s regional offices should build on strengthening national and regional capacity for environmental assessment and monitoring.

Specifics

OP20: The issue in this para should be strengthening UNEP’s “regional offices,” including increased capacity for cooperation, as opposed to strengthening “regional presence.” For example, we would like to see language on “promoting cooperation of UNEP’s regional offices” with all relevant regional organizations, including the Regional

Commissions, agencies, funds, programmes and other relevant entities, whether directly related to environmental activities or other entities dealing with sustainable development issues.

Bali Strategic Plan, Capacity building, technology support

General

- We are of the view that capacity building and technology support should go beyond the Bali SP.
- The of this building bloc should be “Capacity Building, technology support and the Bali Strategic Plan” , recognizing that on this section we should be more ambitious and not limit ourselves to the Bali Strategic Plan only.
- Also, we note that there is no language in this section calling for the full implementation of the Bali SP, even though we are all in agreement that the gap in implementation is huge and in need of urgent attention. We would prefer stronger reference to implementation of Bali SP as a basis for this section. We would also be interested in finding out the status of implementation of the Bali SP, as a matter of course.
- This section deals with strengthening UNEP’s capacity, among other things, but there is no reference to “new” and/or additional resources, so it is not clear how we will achieve what is to be achieved, i.e., how do we “deepen” and “broaden” capacity-building and technology support, as suggested on OP21, without the means to do so?
- Also, in terms of technology, support is one aspect but there are also other very important aspects such as “development of technology”, and “transfer of environmentally sound, clean and affordable technologies to developing countries”. These are important issues to developing countries but are not reflected in this section at all.
- In general this section is not strong enough on language to support transfer of technology and capacity building in developing countries. Also there is no reference to the role of the UN system in facilitating technology transfer and access to environmentally sound, clean and affordable technologies in developing countries.

Specific

OP21: The Group would prefer a direct reference to developing countries in particular.

OP22: The Group is of the view that there should be a reference to Chapter 34 of Agenda 21 (to cover technology transfer) “Emphasizes that Agenda 21 (specific reference to Chpt

34) and the Bali SPserves as the overarching guiding framework for operational activities in the field of environment.”

OP23: The UNDG’s role to develop policies and procedures is strictly related to policies and procedures to allow agencies to work together (i.e. a management role). The way this reads lends itself to interpretation that the UNDG develops, sets and approves policies related to environmental sustainability, without intergovernmental oversight, or in place of governments.

Information technologies, partnerships and advocacy

OP25: Clarification needed on “advocacy activities.”

Financing

General

- The Group is of the view that, if this resolution is to succeed in strengthening UNEP, including through better implementation of the Nairobi Declaration on UNEP’s role and mandate, new and additional sources of financing will be required. This should be adequately reflected in this section.
- Also, the level of extra-budgetary resources vis-à-vis regular resources is quite unbalanced, and this imbalance can provide additional challenges to strengthening UNEP and environmental governance in general. The importance of a more balanced trend in the level of regular verses extra-budgetary resources is a very important issue for developing countries and should be reflected in this section.
- Developing countries have on many occasions chronicled the burdensome nature of accessing resources for environmental activities, including from the GEF, and have repeatedly made calls for simplification of procedures and reduction of administrative costs to access the funds. This is another important issue that is not reflected in this section.

OP27: The timely and adequate provision of new and additional resources will be required both for improving IEG as well as for “sustainable development activities.”

OP 28: In relation to the proposal contained in this paragraph, it is important to identify the added value and the specific information services that the tracking system would provide in comparison with the information that is currently offered by GEF with regards to environmental projects, donors and resources. It is also important to take into account how the system will support the expansion and enhancement of capacity-building activities in developing countries.

OP29: There is general agreement that, given its current scope and mandate, the GEF’s level of resources is insufficient. In part because of this, the Group does not agree that the

GEF should become the financial mechanism for all MEAs. Instead, we should emphasize increasing replenishment to enable the GEF to adequately fulfill its role to respond to the complexity and scope of environmental challenges in the context of sustainable development.

While we recognize and support the objective of reducing administrative costs and regulations of small environmental funds, there may be other ways of achieving this rather than having the GEF serve as the financial mechanism for all MEAs.

OP31: We would welcome clarification as to whether or not this would be a matter of urgent and appropriate allocations from UNEP's regular budget, through the normal decision-making process of its Governing Council. With regard to this paragraph we would also underscore the importance of new and additional resources, as well as innovative sources of financing.

OP32: In principle this paragraph is ok, except we are not sure that a doubling of contributions would be adequate to allow UNEP to fulfill its renewed and strengthened mandate, so we would welcome a general reference to the need to increase the contributions from the regular budget to a level that would be adequate to allow this.

Broader transformation of the international environmental governance AND Follow-up

OP33, OP34, OP35

Both of these sections should come together under one sub-head "Follow-up", as the three paragraphs are not that distinct and all speak to follow-up on the process that has gotten us to this point and what we expect going forward.

In para 169 of WSO Member States agreed "...to explore the possibility of a more coherent institutional framework ... including a more integrated structure, building on existing institutions and internationally agreed instruments ...". This section should be consistent with this terminology as opposed to the reference of a "broader transformation of the international environmental governance."

Also a reference to WSO mandate (para 169) should be included in this section on follow-up, and it should also be clear that the process of informal consultations will continue.

We agree with the need for a report from the SG, we would simply want to ensure that the secretariat would have sufficient time to produce such a "comprehensive" report.

Final comment: need to link this building bloc on follow-up to the preceding building blocs.

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