

OPTIONS FOR STRENGTHENING THE ENVIRONMENT PILLAR OF SUSTAINABLE DEVELOPMENT

Statement based on the compilation paper of civil society views on
international environmental governance

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Co-Chairs, Excellencies, Distinguished Delegates

In response to the Options Paper, Stakeholder Forum for A Sustainable Future (SF), the Brazilian Forum of NGOs and Social Movements for Environment and Development (FBOMS), the Northern Alliance for Sustainability (ANPED) and the UN Non-Governmental Liaison Service (UN NGLS) initiated a process to compile civil society views and opinions on the 'Options Paper', and on the issue of international environmental governance more generally. This compilation paper, released to coincide with the upcoming round of informal consultations in September 2007, represents the inputs from that process, as well as other relevant inputs made by civil society over the past few years.

Co-Chairs, Excellencies, Distinguished Delegates, within the time allocated I will attempt to do justice to the diverse number of substantive proposals made by my colleagues.. All these proposals are addressed more fully in the document at the back of the room

Civil Society is in agreement that the international environmental regime is dogged by the lack of political will to resolve environmental problems coherently and to follow a policy for the sustainable use of the earth's resources. This has led to fragmentation, limited financial resources, poor enforcement of multilateral environmental agreements, as well as an imbalance between international environmental governance and other international trade and financial regimes.

The current UNEP programme of work on IEG should be continued and implementation of the agreement expedited such as strengthening UNEP's financial base, implementing the Bali Plan, and adopting the proposed Environment Watch system. While the General Assembly, and other processes such as the Cartagena Package, will be addressing pertinent issues, the previous explorations of IEG have tended to focus on strengthening UNEP often at the expense of efforts to address the strengthening of the environment pillar in relation to the economic and social pillars of sustainable development. Similarly, the reform debates have tended to only focus on UNEP's normative tasks at the global level, without due consideration of the important operational activities of the UN and how UNEP can contribute to the country-level dimension of development.

KEY ELEMENTS IN STRENGTHENING THE ENVIRONMENT PILLAR OF SUSTAINABLE DEVELOPMENT

A STRENGTHENED UNEP

Civil society discussions on the complexity of the IEG process **clearly favours strengthening UNEP in Nairobi as the lead UN body responsible for all environmental programmes and activities within the UN system.**

- ↪ **There is an urgent need for a stronger international authority on environment to safeguard the environmental pillar of sustainable development. A number of principles should be adopted for a strengthened UNEP, In strengthening UNEP consideration must be given to the specific needs of developing countries and respect of the fundamental principle of 'common but differentiated responsibilities'.**
- ↪ **The Global Ministerial Environment Forum (GMEF) should become a forum concentrating on dealing with serious threats to the environment and a platform for Ministers of Environment to speak out forcefully on these environmental challenges.ⁱ**
- ↪ **An upgraded UNEP must be adequately and predictably funded in order to be able to implement its mandate.**

Regarding **UNEP's location**, there is a need for an in-depth analysis and so formulate recommendations to the UN General Assembly with the regards to the situation of current locations of UNEP's central divisions (such as the Division on Technology, Industry and Economics), branches and offices outside Nairobi – the headquarters – and its financial, programmatic and operational implications to the UN system and the performance of UNEP, particularly in environmental procurement field.ⁱⁱ We will return to the issue of expanding UNEPs presence in developing countries in the building blocks.

The Civil Society Statement from the 2006 UNEP Global Civil Society Forum urged government to **consider the following issues in strengthening UNEP:**

- i. strengthening cooperation, cohesion and harmonization between multilateral environmental agreements (MEAs) and other UN bodies;
- ii. clustering conventions and multilateral environmental agreement, avoiding duplication and maximizing their effectiveness;
- iii. strengthening the process of the Environmental Management Group and implementation of its partnership forum;
- iv. using legitimate powers for compliance, enforcement and implementation;
- v. making economic decisions and trade regimes environmentally sensitive and restructuring in international financial institutions, WTO and other economic processes to comply with this approach;
- vi. developing a mechanism or instrument for the implementation of international environmental decisions and legislation by national governments; and
- vii. incorporating all the Rio Principles agreed to at the UN Conference on Environment and Development in 1992.ⁱⁱⁱ

THE UN'S ROLE IN SETTING NORMS AND STANDARDS FOR THE ENVIRONMENT

The UN must renew its commitment to the primacy of standard-setting and enforcement at the national level for implementing policies and measures. The current trends at the UN of voluntary measures must be placed within a standard-setting framework. Environmental, social and labor international standards must be promoted as the key to coherence in this regard, and must form the basis for national rules for all issues. Moreover current programmes for promotion and ratification of UN Instruments through technical cooperation and financial assistance need to be given higher priority.^{iv} One of the major functions of the UN is global standard setting. Work must be done to: ensure the realization of the Rio principles, and pay special attention to the Precautionary Principle; ensure gender issues are fully integrated and understood; create incentives for increasing cooperation around and between MEAs; develop increased coherence among UN bodies on cross-cutting environmental issues; develop MEAs for areas where there are no international agreements; and develop a strong norm and policy setting UN body for the environment, which can effectively coordinate the full spectrum of UN environmental work.^v There is a need to

ensure that the normative and standard setting bodies and standards developed by the UN are not used as a ceiling reducing environmental demands and standards, nor subjecting them to trade regulations as promoted at the WTO, as well as in regional and bilateral bodies.^{vi}

TRADE AND ENVIRONMENT

There is a need to expand UNEP's mandate to the level of the World Trade Organization (WTO). Environmental policies and programs are often trumped by trade priorities that have the legal and political backing of the WTO. There is also a need to strengthening MEAs in the face of the WTO regime, in particular, there is a need for a independent examination of the relationship between the WTO and MEAs.

BUILDING BLOCK 1: STRENGTHENING UNEP'S SCIENCE BASE

The proposals in the co-chairs paper are welcome additions to the ongoing debates on science-based decision making. In particular, the proposal to conclude discussions on the **Environment Watch strategy** is a timely and important recommendation. Should this go ahead it will need sufficient staffing and additional funding. The co-chairs recommendation to create the position of a **UNEP Chief Scientist** is also welcomed but requires further consideration as to how the specific role and function can be included within UNEP's existing organizational structure and how such a role will be funded. Consideration is also needed as to the specific terms of reference for a Chief Scientist and how this position would collaborate with existing scientific process and organizations. Civil society has long argued that scientific decision –making committees, such as those at have been suggested in the chair's paper, must be granted their total independence.

Regarding the **Environment Watch proposal and UNEP's Global Environment Outlook process**, the Civil Society Statement from the 2006 UNEP Global Civil Society Forum called on governments to the considerable scientific experience and rigour that civil society has to offer and urge them to give civil society scrutiny of and a greater role in the development of the conceptual framework and value base of the assessment component.^{vii}

There is need for UNEP to integrate early warning system into their scientific-based programme of work. The need for the development by UNEP of their early warning system for environmental disasters through coordination from the different information bases of each convention would be an important aspect of the way forward. This will enable there to be appropriate discussion on prioritization of issues within the GC/GMEF.^{viii}

The International Council for Science (ICSU) has proposed that UNEP establish strong conceptual and operational links with relevant major international research undertaking. It should be understood that UNEP requires scientific input from natural, social, engineering and health sciences. What is needed is both strong disciplinary science and interdisciplinary scientific knowledge.

In addition to the proposed creation of the position of a UNEP Chief Scientist, **ICSU considers it important that the UNEP Executive Director set up a Scientific Advisory Committee**, with the Chief Scientist being an *ex-officio* member.

Proposal in the co-chairs paper for UNEP "to encourage user-friendly presentations of environmental assessments and policy responses:" While ICSU welcomes this proposal as it relates to individual assessment reports, we also think that there is a need to synthesize assessment reports in order to address interlinkages between different topical assessments (e.g. IPCC, MA, STAP reports, etc.). It is important to describe the international

landscape of assessments to ensure consistency in overlaps and identify major gaps in scientific assessments for policy making. This will make it easier for governments to develop integrated policy responses.

BUILDING BLOCK 2: INTER-AGENCY COOPERATION

At the UNEP GC/GMEF in 2007, stakeholders proposed that UN system-wide coherence in the area of the environment be considered within the broader context of sustainable development, in which all three pillars of sustainable development are addressed in a comprehensive and integrated manner, safeguarding the environment and promoting social equity.^{ix}

Ensuring **coherence within the environmental pillar of sustainable development** across the UN System should remain the responsibility of UNEP's GC/GMEF, while specific inter-agency matters could be dealt with by a greatly enhanced (financial, operationally, and functionally) Environment Management Group (EMG).^x

A new role and mandate for the EMG is needed. An additional challenge for the EMG is the consideration of its role in relation to other interagency groups such as UN Water, UN Oceans and UN Energy, all of which at present report to the High Level Committee on Programmes (HLCP) of the Chief Executives Board (CEB) for Coordination, and what role EMG might have directly to the CEB for identifying environmental priorities.^{xi} **For the EMG to be effective it would need to assume a responsibility akin to that of the UNDG in order to ensure system-wide coherence on the UN's environment activities. There is a need to ensure that UNEP plays a leading role in the UN Development Group (UNDG),** In the long-term, merging the **EMG and the UNDG into a UN Sustainable Development Group**, should be considered. In the short-to-medium term, the options presented in the co-chairs paper that UNEP be tasked with co-chairing a UNDG group of environment, is a positive step forward. In coordination with the General Assembly discussion on the report of the High-Level Panel on System Wide Coherence, the 169 process should consider measures for supporting the UN's sustainable development work at the country and regional levels, particularly in relation to **strengthening the environment pillar of the sustainable development**. In particular, the 169 process should consider how the 'one country' approach can provide institutional support for implementing MEA obligations in developing countries. This could include support to national focal points, technical support for the development of national sustainable development strategies and other MEA-related action plans, assisting with the processing and implementation of GEF projects, including small grants, and supporting national institutions and participatory decision making, such as national committees.

A renewed political commitment to **sustainable development and environment at the country-level** should also stress support for country-led multi-stakeholder bodies, such as UNEP National Committees and National Councils for Sustainable Development in all countries, both industrialized and developing. As the lead development organization at the country-level **UNDP needs to play a more proactive role in the implementation of the environmental pillar of sustainable development at the country level.** Civil society also believes that consideration should be given as to how the resident coordinators system (either the current arrangement or new ones) can support institutional strengthening for the implementation of Agenda 21, the JPOI and multilateral environmental agreements. **The Resident Coordinators Offices need to ensure sufficient in-house environmental expertise to advise and provide support for working with national and regional local government associations.**

BUILDING BLOCK 3: COORDINATION AND CLUSTERING OF MULTILATERAL ENVIRONMENTAL AGREEMENTS

.^{xii} One suggestion is that **The UNEP GC/GMEF could initiate a coordination process between all MEAs, to identify priority areas for synergies.**^{xiii} By 2008, UN member States could create incentives for increasing cooperation among MEAs and the scheduling of back-to-back MEA meetings on related issues. Among the specific approaches to clustering MEAs, the General Assembly could consider the following approaches:

- i. **Joint secretariat functions; Joint meetings of the Bureaus within a cluster. Joint meetings of the heads of the scientific and technical committees within a cluster and where relevant between clusters. Overall head of each cluster. Introduction of knowledge management (KM) within clusters and between clusters. Agreement of a methodological framework for indicators to enable measuring of enforcement and compliance. T**
- ii.

BUILDING BLOCK 4: REGIONAL LEVEL ACTIVITIES

Within the framework of a strengthened **regional environment pillar**, UNEP's Regional Offices should be further strengthened to support the growing number of regional-based intergovernmental plans of actions, such as the example of UNEP's support to the environment initiative of the New Partnership for Africa's Development. A particularly important element of the regional pillar is the further implementation of the Bali Strategic Plan. The 2003 Civil Society Statement from the UNEP Fourth Global Civil Society Forum recommended **increased funding and support for the UNEP Regional Offices** to develop and maintain regional and sub-regional outreach and partnerships with civil society organizations; and to enhance civil society's involvement in the development and implementation of UNEP's activities in the region.^{xiv} **South-south cooperation for IEG is crucial** so as to share resources, exchange technologies and defend the specific needs and interests of developing countries.

BUILDING BLOCK 5: BALI STRATEGIC PLAN, CAPACITY BUILDING, TECHNOLOGY TRANSFER

Civil Society Organizations concur with the emphasis on the need to support effective implementation of the Bali Strategic Plan for Technology Support and Capacity Building (Bali Plan).

BUILDING BLOCK 6: IT, PARTNERSHIP AND ADVOCACY

STRENGTHENING THE ROLE OF CIVIL SOCIETY AND MAJOR GROUPS

Civil society offers a wealth of expertise, knowledge and implementation experience. Stakeholders at all levels have a **critical role to play in strengthening international sustainable development governance**. Measures should be taken to ensure the full and effective participation of civil society in environmental governance at all levels, and in the decision making processes that leads to its reform. The 2004 *Jeju Statement* from UNEP's Fifth Global Civil Society Forum drew attention **to the need for building the capacity and expertise of civil society, especially those from the South, in relation to UNEP's work**. The Statement also identified the need to strengthen UNEP's own capacity to deal with civil society, both at headquarters and regional/national levels.^{xv} **There is need for UNEP to design a clear strategy on how to engage with civil society and major stakeholders**. It is important to **recognize the experiences at the meetings between civil society and UNEP**, and it is time to strengthen the sustainable development objectives that promote policies and mechanisms to support the work of UNEP and its member

governments.^{xvi} In the area of **taking funding from industry**, UNEP must do so only in a fully transparent manner and under clear policies that avoid conflicts of interest and encourage corporate accountability.^{xvii} UNEP should develop a code on principles that would guide their decision making concerning who they take money from.

BUILDING BLOCK 7: FINANCE

Funding made available to the key UN institutions on environment- UNEP and the MEAs- is substantially weak and many bodies find it increasingly difficult to operate on zero-growth budgets.

Within UNEP itself, the **practice of earmarking** has created a substantial shortfalls of funds needed for the Environment Fund and the General Assembly should place greater emphasis on the need to eliminate this practice.

Civil society organizations have also called for the establishment of **grants within the UNEP budget or line budget allocation for programmes to be implemented by civil society.**^{xviii}

The prioritization of the finance building block in the co-chairs paper is welcomed; however, many of the options proposed will not drastically remedy the dwindling financial resources provided to UNEP or the MEAs. Ultimately, the issue of funding is a political one- in the absence of global political will to empower the UN's environmental architecture, no one solution will remedy this on its own. We believe that many of the options in the paper should and must be implemented. But ultimately, **the area where financial reform is most needed is within the Global Environment Facility (GEF). The need to address the current GEF 'governance deficit' has been regularly highlighted by a number of concerns voiced by developing countries**, such as: limited and restrictive participation in Council decisions and replenishment negotiations; unbalanced voting procedures; limited political or legal leverage under the Conference of Parties to ensure compliance by the GEF Council and involvement in replenishment decisions; over politicization of the GEF decision making process by certain countries; burdensome procedures for accessing GEF money; and the unbalanced and inequitable nature of the Resource Allocation Framework (RAF). Concerns have been raised that while successful MEA funding arrangements exist, such as the Multilateral Fund, which include democratic replenishment negotiations, donor countries favor of the centralized control-model of the GEF which places decision making authority in hands of financing countries has over-shadowed debates on innovative financing mechanisms for MEAs and sustainable development in general. The 169 process must provide direct political guidance to the World Bank and donor countries that will lead to a radical overhaul of the GEF, including its governance and resource levels.

A sustainable funding mechanism is needed to provide increased, stable and predictable long-term funding to UN bodies dealing with the environment^{xx}." National implementation of MEA is weak in many cases because of highly inadequate financial resources. OECD countries should finally designate 0.7% of GDP for ODA. All developed countries and developing countries within the realm of their possibilities should increase financial contribution for environment and sustainable development programmes.^{xx}

THE BROADER TRANSFORMATION OF THE IEG SYSTEM

UNEP is the key cornerstone of the IEG structure. However, strengthening UNEP must occur while simultaneously enhancing the economic, social and development components in other UN institutions. The role of the Commission on Sustainable Development (CSD), for instance, has to be improved so that it can better play its integrative function. An enhanced

UNEP will make the environmental dimension of the CSD stronger. Other relevant organizations and agencies dealing with IEG have also to be strengthened, together with the institutions dealing with economic and social affairs, and the institutions working with the integration of environment and development. Regarding the UNEO, In a notably similar position to that of governments, **there is no consensus among civil society organizations regarding a specialized agency for the environment. Many feel the proposals for a specialized agency are underdeveloped and not clear, and feel in that context it is premature to announce views on the proposal until many issues have been clarified. However, some regional civil society groupings have articulated their views on the specialized agency proposal.**

Thank you.

ⁱ Statement of the European Regional Consultation Meeting for the Eighth UNEP Global Civil Society Forum, Geneva, Switzerland, 23-25 October 2006; internet: http://www.unep.org/civil_society/GCSF8/contributions/ROE_statement.pdf

ⁱⁱ Submission from JEA- The Ecological Youth of Angola (January 2007)

ⁱⁱⁱ Statement on International Environmental Governance, Seventh UNEP Global Civil Society Forum, Dubai, United Arab Emirates, 5- 6 February 2006; internet: http://www.unep.org/civil_society/gcsf/contributions/GCSF7-REPORT-final.pdf

^{iv} Statement by Laura Martín Murillo, Sustainlabour Foundation, to the Panel Consultation with Civil Society (June 2006); <http://www.stakeholderforum.org/policy/ieg/Statements/SustainLabour.pdf>

^v Submission from ANPED to the Panel Consultation with Civil Society (June 2006); <http://www.stakeholderforum.org/policy/ieg/SubmissionsToThePanel/ANPED.pdf>

^{vi} Statement of European Regional Consultation Meeting for the 8th UNEP Global Civil Society Forum 23-25 October 2006, Geneva, Switzerland, UNEP/GC/24/INF/10/Add.3

^{vii} Statement on International Environmental Governance, Seventh UNEP Global Civil Society Forum, Dubai, 5- 6 February 2006; internet http://www.unep.org/civil_society/gcsf/contributions/GCSF7-REPORT-final.pdf

^{viii} Stakeholder Forum, 2002

^{ix} Reforming International Environmental Governance: Statement representing views expressed at two meetings of stakeholders held at 24th session of the UNEP Governing Council/GMEF 2007. The statement does not represent a consensus view.

^x Stakeholder Forum, 2006

^{xi} Stakeholder Forum for a Sustainable Future. UNEP: Changing Times; internet: <http://www.unep.org/policy/governance/unepreportfinal.pdf>

^{xii} UNEP.2002. Decision SS.VII/I Paragraph 30, Report of the Open-Ended Intergovernmental Group of Ministers or their Representatives on International Environmental Governance; internet: <http://www.un.org/ga/president/61/follow-up/environment/N0230057.pdf>

^{xiii} Statement of the European Regional Consultation Meeting for the Eight UNEP Global Civil Society Forum, 23-25 October 2006, Geneva, Switzerland; internet: http://www.unep.org/civil_society/GCSF8/contributions/ROE_statement.pdf

^{xiv} Declaration of the Fourth Global Civil Society Forum, Nairobi, Kenya, 1-2 February 2003; internet: http://www.unep.org/civil_society/PDF_docs/4thGCSF_Recommendations_GC22_Agenda.pdf

^{xv} Jeju Statement from Fifth UNEP Global Civil Society Forum to the Eighth Special Session of the UNEP Governing Council/GMEF, Jeju Island, Republic of Korea, 28 March 2004; internet: http://www.unep.org/civil_society/PDF_docs/5thGCSF_Global_Civil_Society_Jeju_Statement.pdf

^{xvi} Declaration of the UNEP Latin America and Caribbean Civil Society Forum, Bogotá, Colombia, 1-2 November 2006; internet: http://www.unep.org/civil_society/GCSF8/contributions/ROLAC_statement.pdf

^{xvii} Statement from the Sixth UNEP Global Civil Society Forum to the 23rd Governing Council/GMEF Nairobi, Kenya, 20 February 2005; internet:

http://www.unep.org/civil_society/PDF_docs/6thGCSF_Global_CS_Statement.pdf

^{xviii} Statement from the Sixth UNEP Global Civil Society Forum to the 23rd Session of the UNEP Governing Council/GMEF, Nairobi, Kenya, 20 February 2005; internet:

http://www.unep.org/civil_society/PDF_docs/6thGCSF_Global_CS_Statement.pdf

^{xix} Submission by ANPED to the Panel Consultation with Civil Society (June 2006); internet: <http://www.stakeholderforum.org/policy/ieg/SubmissionsToThePanel/ANPED.pdf>

^{xx} Submission by the Brazilian Forum of NGOs and Social Movements for the Environment and Development to the Panel Consultation with Civil Society (June 2006); internet:

<http://www.stakeholderforum.org/policy/ieg/SubmissionsToThePanel/BRAZILIANFORUMOFNGOS.pdf>

