

Environmental International Governance

Presentation of the draft resolution “strengthening the environmental activities in the United Nations system”

July 23rd, 2008.

Amb. Maurer and I have the pleasure to introduce to you a revised version of the draft resolution on strengthening the environmental activities in the United Nations system.

This revised draft has been prepared taking into account the inputs of the informal consultations held with the Membership during May and June, as well as with the written inputs from other Delegations sent to us during the past weeks. Amb. Maurer and myself appreciate your continued interest on this issue.

I will present an overview of how we worked on this second version of the draft, and Amb. Maurer will explain with more detail the changes made in the text.

We decided to maintain the structure of the draft resolution intact which, as you know, is based in the Options Paper presented last year, so the building blocks remain the same, preserving a familiar structure to work with. But we have worked around the language in all the text, reflecting the reactions received.

Let me start with an overview of the main issues:

- We have included in many places references to “the three pillars of sustainable development”, but at the same time, we think that the draft resolution should be focused on the environmental activities of the United Nations system. In the preambular section we have included references to the Rio Declaration and the Nairobi Declaration as well.
- On the science block, we are maintaining the proposal for a chief scientific capacity, with some changes, but we are proposing to have a consolidated “overview” of research activities, instead of a “strategy”. Amb. Maurer will explain that soon.
- The approach that we are presenting on the relationship between UNEP, the General Assembly and other bodies vis-à-vis the Multilateral Environmental Agreements is more of cooperation and collaboration, dropping language such as “request” and “urging”, using “invites” and “collaborate” instead, reflecting the fact that the MEAs are legally independent bodies and there is not hierarchical relation with UNEP or the General Assembly.
- For the coordination block, the proposals for a consolidated appeal for needs on environmental activities remain, with some changes, and we are making less “micro-managerial” the proposal for placing the Environment Management Group under the authority of the Secretary-General.
- On the regional presence, we choose to highlight the need for a “strategic presence of UNEP in the regions”, instead of focusing mainly in having more resources. On

capacity building, its sub-title is more general; we are adding a reference to chapter 34th of Agenda 21, and a call for the full implementation of the Bali Strategic Plan for technology support and capacity-building.

- Is no surprise that the most contentious issue is the financing block. Here, we face strong and different opinions. We have been working and thinking about this issue, but we still need your collaboration on this. For the time being, we are dropping the proposal that the GEF be the financial mechanism for all global MEAs, but other issues remain difficult for now. We need your ideas, collaboration and flexibility.
- We are maintaining the two track approach, in the sense that there are diverse opinions on the issue of a more coherent institutional framework, including a more integrated structure, of the international environmental governance, and that we should continue working in an incremental approach that would improve the present system step by step, while, at the same time, the discussions on fundamental changes have to continue.

Let me stop now. I will give the floor to my colleague, Amb. Maurer, who will give more details on the text.

Preamble

Several delegations made proposals for additional references to documents and resolutions to be mentioned in the preambular part.

- We still believe that a focused preamble would serve the purpose of this resolution best;
- We have added references only if they either concern documents that are of key importance for environmental governance or if they help to better anchor environmental governance in the broader framework of sustainable development;
- **In PP2**, we have added a reference to the Rio Declaration and the Nairobi Declaration;
- **In PP7**, we have added a new paragraph to clarify the importance of a better functioning IEG in the context of the MDGs.

Some delegations voiced concerns over the mandate of UNEP.

- As we mentioned already during the presentation of the first draft, the description of the mandate of UNEP in **PP5** and **PP6** is based on agreed language (A/RES/53/187 OP5, respectively paragraph 3c of the Nairobi Declaration;) .
- We have modified the beginning of **PP6** to clarify this
- and we had to make a correction in the same paragraph, it should read policies, instead of principles, in order to bring the paragraph fully in line with what the Nairobi Declaration says.

The resource question: we have modified **PP10** in a way that it should reflect the different concerns of delegations regarding the issue of financing.

- We have added a reference to reflect the request for new and additional resources
- and another one to stress the need to use existing resources in a more efficient way.

Scientific assessment, monitoring and early warning capacity

Some delegations were concerned that UNEP would act as a research institution instead of coordinating and promoting scientific work in the organisation, and there were worries that the activities might go beyond its mandate.

- We hope to meet this concerns by clarifying the language in **OP2** and streamlining and clarifying **OP4**:
- In **OP2**, we have added the idea of “promoting research” and we have specified that specialized agencies and the scientific bodies of MEAs have a role to play in environmental science and research.
- We have considerably streamlined **OP4** to focus better on the essential idea of the paragraph, namely to provide all interested entities of the UN system as well as Member States with an overview of research activities and therefore help all involved actors to avoid gaps and duplications in their scientific work.
- We have also added a reference in **OP2** to the need for scientific interaction to take place in all geographic regions as requested by a group of delegations.

Several delegations signalled that they can favourably look into the creation of a Chief Scientific Capacity at UNEP, but that they would prefer less prescriptive language.

- We have made changes in **OP3** accordingly and invite UNEP to consider such a creation.

As some delegations have questioned the mandate of UNEP for this section as stated in **OP1**, we would like to stress again that the language we use in **OP1** builds on UNEP’s mandate as reflected in the Nairobi Declaration.

Coordination and cooperation at the level of agencies

In reaction to the first draft of our resolution, many delegations voiced concerns about the relationship between EMG and CEB as reflected in **OP6** and **OP11** of the first draft:

- In this context, we would like to remind delegations of the many calls that we heard during our consultations in favour of a better use of EMG’s potential for environmental coordination.
- At the same time, the CEB is also doing important coordination of UN entities involved in development activities and we believe that this should be adequately reflected in our resolution.
- We therefore propose an amended version of **OP6** that keeps the language from the first draft, and in addition asks for the integration of the EMG in the CEB. This is similar to GA/TCPR support for integration of the UNDG into CEB.

The integration of EMG in the CEB would have the important advantage to guarantee that CEB would coordinate activities in all three pillars of sustainable development. In that sense the new version of the text clarifies that the EMG is coordinating on environmental issues, the CEB on sustainable development.

Regarding the idea of a consolidated appeal as reflected in **OP9**, we see from various comments that this proposal is not correctly understood yet. So let me clarify again that:

- This is not a funding mechanism, but rather an information and coordination tool;
- This is not about providing more financial resources for UNEP;

- The purpose of the consolidated appeal is to have an overview over the financial needs for environmental capacity building activities of the UN system, including MEAs;
- UNEP’s task in regard to the consolidated appeal is only to collect and present the information;
- The needs are defined by every entity independently;
- This proposal does not intend to give UNEP any role in the determination of requests or the assignment of resources.

We have amended **OP9** to better reflect this, in particular we now invite (previously: “urge”) the MEAs to collaborate (previously: “assist”) with UNEP in this task.

Other changes that we have made in this section are

- In **OP5** we have deleted the reference to the World Bank and replaced it by more general language (“all parts of the UN system”).
- We have streamlined **OP7** and replaced the notion of “issue-based” work with more straightforward wording (“structure its work around key environmental areas”).

Multilateral Environmental Agreements

Before I explain to you the changes in this section, I would like to come back to the question of which MEAs we have in mind when talk about MEAs in this resolution. It is not the intention of this resolution to involve all the 500 MEAs of global, regional and sometimes only subregional scope that exist today.

- For the purpose of this resolution, we suggest to focus on MEAs under the umbrella of the United Nation system whose secretariats, or administrative bodies, follow the rules and regulations of the UN, and where the SG is the depositary of the treaties.

In order to meet concerns from delegations about the legal autonomy of MEAs, we have revised the language in the whole section to emphasize that there is no hierarchical relationship between GA and MEAs,

- we have amended the language in **OP12** (“Emphasizes the need for COPs” instead of “urges”)
- and **OP15** (“encourages” replaces” call upon”)
- and we have added elements that should help to clarify that interactions between UNEP or other entities of the UN and MEAs should happen in a spirit of collaboration (**OP 12** and **OP15**).

In that context, let me once again highlight that we should avoid juxtaposition of “legal autonomy” and “cooperation/coordination”. The legal autonomy is undisputed in this room, but if we want to set a signal for more coherent environmental governance, we have to make it clear that autonomy must not mean non-cooperation and splendid isolation but goes with interaction and cooperation with other actors.

We have split the initial OP15 in two paragraphs and have now

- **OP14** focused on the link between national efforts to implement MEAs and the priorities of a given country, including the BSP and
- **OP15** that deals with the cooperation between MEAs and relevant parts of the UN system.

OP17:

Some delegations asked us to provide them with information on the Conventions that have secretariats administered by UNEP.

- We would recommend delegations a document that UNEP had prepared for the Meeting of the open-ended Intergovernmental Group of Ministers on International Environmental Governance in 2001.
- This document with the number UNEP/IGM/1/INF/3 (6 April 2001) provides useful information on this question.
- From this document we learn that UNEP provides the secretariats for 22 out of 41 so-called “core MEAs”.

We have amended **OP17** in order to further clarify

- that we are talking about the way the administration of the Secretariats is done (administer instead of manage),
- that we would like to see the Executive Director taking an active role in the promotion (instead of enabling) of synergies
- and that it seems important that any savings can be used for implementation purposes.

Regional presence and activities at the regional level

We have made only minor changes in this section:

In **OP 18**, we have - as requested by delegations - added a reference to “environmental assessments and monitoring”.

We have carefully studied the comments by delegations on how exactly they would like to strengthen UNEP’s role in the regions and we propose the following:

- In **OP19**, we have deleted the reference to the resources, because we would like to apply a coherent approach throughout the resolution in the sense that we focus on the resource issue in the financing section,
- In **OP20**, we have clarified that this paragraph deals with the strategic presence of UNEP in the regions;
- We believe that such a presence could be greatly improved by a better interaction with UN entities that are present and active on a regional level.
- We have therefore, as proposed by delegations, added specific language on the entities UNEP should interact with.

Capacity building and technology support

A key concern of delegations in reaction to the first draft of this section was the focus of this section on the BSP, which some delegations perceived as being too narrow.

In order to address these concerns

- We propose a new, more general title for this section
- In **OP23**, we have added a reference to chapter 34 of Agenda 21, which deals with the transfer of environmentally sound technology, cooperation and capacity-building;
- And we have added a new paragraph that calls for the full implementation of the Bali Strategic Plan for technology support and capacity-building (**OP22**).

Not surprisingly, some delegations also raised the issue of resources for capacity building and technology support. For the sake of consistency, and as explained for the previous section, we would like to deal with financial resources in the financial section of this resolution.

A minor correction: many delegations have drawn our attention on the fact that the language in **OP24** (previously OP23) was not entirely correct. In fact, UNDG is not approving policies and procedures and we have corrected the language accordingly.

Information technologies, partnerships and advocacy

We made only minor changes in **OP27**:

- To bring the language more in line with what we are used to see in GA resolutions, we have deleted the mentioning of “state-of-the-art”
- and we have specified that this paragraph refers to entities dealing with environmental issues.

We have kept the reference to the special needs of the United Nations Office in Nairobi.

Financing

As Amb. Heller already mentioned in his introductory remarks, it comes as no surprise that the most contentious issue in the resolution is the section on financing.

We are confronted with diverging views of Member States: some of you stress the need for new and additional resources, while others insist on not going beyond existing resources.

Even if we could agree on the need for more resources for environmental governance, or environmental activities in general, we might still not be in a position to agree on where the additional resources should come from.

On this background, we haven't made many changes to this section:

- We deleted the proposal that the GEF should be the financial mechanism for all global MEAs;
- We have added a proposal that reflects the current use by UNEP of the voluntary indicative scale of contributions (**OP29**)
- And we have also added a proposal where we ask the SG to include recommendations for new and additional resources in his report on the implementation of this resolution (this is an approach we used in a similar way in last years GA resolution on ISDR) in **OP31**.

We are aware that this section needs more discussion, some creative thinking and also some flexibility from Member States.

Broader transformation

The only change we have made in this section relates to a request to bring the language of this part more in line with the terminology of OP 169 of the WSO

- We have therefore replaced “broader transformation” in the title of the section with “Further consultations to explore the possibility of a more coherent institutional framework of the international environmental governance”
- And we have made similar changes in **OP34**.

Proposals not taken into account

OP2: Some delegations asked for explicitly referencing **specialized agencies that have a role to play in environmental research**. We would prefer a general reference to the importance of such agencies rather than name some of them or try to establish a complete and exhaustive list of all the agencies concerned.

OP6: there were some references in comments we received to the question of where to best **locate the EMG secretariat**. We believe that by entering in a discussion on the best location for the secretariat of EMG, we might open a Pandora box and find ourselves in a much bigger discussion on where to locate Secretariats of MEAs or even UNEP itself. For obvious reasons, we would prefer to avoid such a discussion.

OP35: Proposals have been made for the establishment of an **Open-ended Working Group** to further discuss the issue of broader transformation. We have not integrated this proposal mainly for two - probably interrelated - reasons:

- a) Experience shows that an OEWG is a quite costly exercise;
- b) We would like to focus our draft resolution on proposals that we think have the potential to get broad support from delegations. In our perception, the proposal of an OEWG is unlikely to get such support, not least because of the financial implications it would have.

With this, I would like to hand back to Amb. Claude Heller for information on next steps and concluding remarks

Next Steps

For the next steps, we intend to give to you some time for consider this text. Please, take it, study it with your Capitals and groups. As like in previous occasions, we are open for further clarifications and bilateral meetings with you.

We expect to engage in further consultations during early September. We don't have an exact date, but we are thinking on the second week of September. We will let you know on due time.

And finally, this draft resolution will be available shortly in the webpage of the Office of the President of the General Assembly. The exact link is indicated in the last page of the text in front of you.

Thanks for your assistance and participation during this process.