



UNEP GOVERNING COUNCIL HIGHLIGHTS WEDNESDAY, 7 FEBRUARY 2001

Delegates met in parallel sessions of the Plenary and the Committee of the Whole (COW). The Plenary addressed governance and the chemicals agenda. The COW considered UNEP's subprogrammes and related draft decisions, forwarding numerous decisions to the drafting group, which met throughout the day. A working group on budget matters also convened.

COMMITTEE OF THE WHOLE

ENVIRONMENTAL ASSESSMENT ON EARLY WARNING, POLICY DEVELOPMENT, AND IMPLEMENTATION:

The COW resumed consideration of draft decisions related to UNEP's subprogrammes on environmental assessment and early warning, policy development and law, and policy implementation. On the draft decision on environmental emergency prevention, preparedness, assessment, response and mitigation, SWITZERLAND proposed identifying gaps in civil liability regimes and supporting existing efforts on assessing non-economic liability compensation regimes under the Convention on Biological Diversity (CBD). CANADA expressed concern regarding quantification of non-economic costs. CHINA proposed an environmental emergencies fund for developing countries. The draft decision was forwarded to the drafting group.

On the Programme for the Development and Periodic Review of Environmental Law for the First Decade of the Twenty-first Century, EGYPT expressed concerns over the limited representation by developing countries' legal experts on talks regarding the Montevideo III Programme relating to environmental law. She proposed text calling for a review of the implementation of the Programme by 2002, rather than 2005. CANADA, the US and AUSTRALIA opposed this, and the COW adopted the decision without amendment.

On policy and advisory services in key areas of institution building, the EU called for elaboration of text on public access to information. The COW referred the text to the drafting group. Delegates then considered text on draft guidelines on compliance with international environmental agreements and on effective national environmental enforcement and international cooperation in combating environmental crime. CHINA, with COLOMBIA and EGYPT, expressed concern over compliance guidelines, the implications of enforcement guidelines on national sovereignty, and lack of clarity on the term "environmental crime." JAPAN and NORWAY noted the utility of guidelines on compliance. Several delegates said the original text considered by the Committee of Permanent Representatives (CPR) enjoyed more support than the current text, and both texts were forwarded to the drafting group.

On the role of civil society, the EU highlighted the significance of civil society partners. NORWAY proposed the establishment of an *ad hoc* NGO committee. CANADA, supported by US, ANTIGUA AND BARBUDA, INDIA and AUSTRALIA

expressed concern that establishing an *ad hoc* NGO committee assumed a foregone conclusion of the consultative process. The draft decision was forwarded to the drafting group.

REGIONAL COOPERATION AND REPRESENTATION:

UNEP Deputy Executive Director Kakakhel introduced the subprogramme on regional cooperation and representation and its related draft decision on Support to Africa. The EU supported UNEP's strengthened role in this area, and suggested text linking poverty and the environment. MOROCCO and several other developing countries supported language on additional financial resources relating to developing country preparation for and participation in UNFCCC COP-7 and the World Summit on Sustainable Development. The draft text was referred to the drafting group, along with the suggested amendments.

ENVIRONMENTAL CONVENTIONS: The COW then considered a number of decisions relevant to UNEP's subprogramme on environmental conventions. The COW adopted draft decisions on the status of international conventions and protocols in the field of the environment, and on the establishment of a new regional seas programme for the East Central Pacific region.

On atmosphere and climate issues, the EU and others expressed concern over text on adverse impacts of response measures under the UNFCCC and the Kyoto Protocol, given the status of climate negotiations. The issue was referred to the drafting group. Other draft decisions referred to the drafting group following proposals by delegates related to: coral reefs; biosafety; and strengthening of regional seas programmes.

The COW also considered a draft decision on UNEP's participation in the GEF's work, accepting the text for editing by the drafting group.

WORKING GROUP ON BUDGET MATTERS

The group completed a paragraph-by-paragraph consideration of the draft decision on the Environment Fund budgets proposed for the 2002-2003 biennium, with few amendments. Delegates considered: the need for detailed reports linking resources to mandate and to objectives and activities; the necessity for CPR to approve changes in programme priorities; proposed changes in the resource mobilization strategy staffing structure; and resource increases to UNEP rather than UNON. A paragraph was inserted recommending caution in the creation of additional posts under the Fund.

PLENARY

GOVERNANCE: UNEP Executive Director Klaus Töpfer introduced the issues related to global environmental governance and UNEP, and said the World Summit on Sustainable Development should review requirements for strengthened institutional structures for governance. CANADA reported on an informal meeting that had discussed its proposal to establish an eminent experts' panel on governance on Tuesday. The EU, MOZAMBIQUE, BANGLADESH, TANZANIA, KENYA, CAMBODIA,

This issue of the *Earth Negotiations Bulletin* © <enb@iisd.org> is written and edited by Changbo Bai <changbobai@hotmail.com>, Emily Boyd <emily@iisd.org>, Leila Mead <leila@iisd.org>, Wagaki Mwangi <wagaki@iisd.org>, Chris Spence <chris@iisd.org>, and Thomas Yongo <Tyongo@aol.com>. The Digital Editor is Ken Tong <ken@iisd.org>. The Editor is Pamela S. Chasek, Ph.D. <pam@iisd.org> and the Director of IISD Reporting Services is Langston James "Kimo" Goree VI <kimo@iisd.org>. The Sustaining Donors of the *Bulletin* are the Netherlands Ministry of Foreign Affairs, the Government of Canada (through CIDA), the United States (through USAID), the Swiss Agency for Environment, Forests and Landscape (SAEFL), the United Kingdom Department for International Development (DFID), and the European Commission (DG-ENV). General Support for the *Bulletin* during 2001 is provided by the German Federal Ministry of Environment (BMU) and the German Federal Ministry of Development Cooperation (BMZ), the Danish Ministry of Foreign Affairs, the Ministry of Environment and the Ministry of Foreign Affairs of Austria, the Ministries of Foreign Affairs and Environment of Norway, the Ministries of Foreign Affairs and Environment of Finland, the Government of Australia, the Ministry of Environment and the Ministry of Foreign Affairs of Sweden, and the Japan Environment Agency (through the Institute for Global Environmental Strategies - IGES.) Logistical and travel support for coverage of the UNEP Governing Council has been graciously provided by UNEP. The *Bulletin* can be contacted by e-mail at <enb@iisd.org> and at tel: +1-212-644-0204; fax: +1-212-644-0206. IISD can be contacted by e-mail at <info@iisd.ca> and at 161 Portage Avenue East, 6th Floor, Winnipeg, Manitoba R3B 0Y4, Canada. The opinions expressed in the *Earth Negotiations Bulletin* are those of the authors and do not necessarily reflect the views of IISD and other funders. Excerpts from the *Earth Negotiations Bulletin* may be used in non-commercial publications only, and only with appropriate academic citation. For permission to use this material in commercial publications, contact the Director of IISD Reporting Services. Electronic versions of the *Bulletin* are sent to e-mail distribution lists and can be found on the Linkages WWW server at <http://www.iisd.ca>. The satellite image was taken above Nairobi ©2001 The Living Earth, Inc. <http://livingearth.com>. For information on the *Earth Negotiations Bulletin*, send e-mail to <enb@iisd.org>.



BURKINA FASO, AUSTRALIA, the SUDAN and others supported strengthening UNEP and broadening its financial base, and called for adequate, stable and predictable funding for UNEP.

JAPAN, EGYPT and others said consideration of environmental governance must be conducted in the broader context of sustainable development. The US said lack of adequate time and resources precluded the establishment of an eminent persons panel, preferred the enhancement of existing structures, and supported dissolution of the HLCOM. EGYPT and MAURITIUS opposed establishing any new organization or institution on governance. The EU, with MAURITIUS, said governance should be strengthened, but must build on existing institutions. NORWAY supported an improved environmental institutional architecture that is optimal, reviewed and strengthened regularly and conducted as an intergovernmental process that integrates external expertise. The EU suggested an *ad hoc* intersessional working group could address strengthening international environmental governance in preparation for the World Summit on Sustainable Development.

JAPAN and SWITZERLAND emphasized cooperation with non-state actors. CHINA said the discussion on global environmental governance should take into account recent General Assembly resolutions. KUWAIT expressed concern that there was still no agreement on how to run UNEP.

SWITZERLAND stressed the need to strengthen coordination institutions, conventions and secretariats, including the Environment Management Group, with high-level representation, and financed by the UN. UGANDA called for a separate Secretariat to prepare for the World Summit on Sustainable Development.

The SOUTH ASIA ENVIRONMENT COOPERATION PROGRAMME noted that UNEP has not addressed the issue of poverty adequately. The RAMSAR CONVENTION regretted the lack of attention given to the issue of linkages at this session. The ECONOMIC COMMISSION FOR LATIN AMERICA AND THE CARIBBEAN proposed addressing environmental problems through foreign investment and mobilizing of domestic resources, not ODA. UNDP emphasized the provision of sustainable energy services.

PANEL ON CHEMICALS: In the afternoon, Plenary held a panel discussion on the Chemicals Agenda. Executive Director Klaus Töpfer congratulated John Buccini for successfully chairing the POPs negotiations. Jim Willis, Director of UNEP Chemicals, outlined the development of chemical management. John Buccini elaborated on the structure, aims and objectives of the POPs Convention. Swedish Environment Minister Kjell Larsson expressed EU support for UNEP's work on chemicals and said the precautionary principle must be a central element in any chemical strategy. Lynn Goldman, John Hopkins University, discussed the adverse impacts of POPs on the development of children. Henrique Cavalcanti, President of the Intergovernmental Forum on Chemical Safety (IFCS), described the IFCS as the overarching mechanism for international cooperation on chemical safety.

In the ensuing discussion, SWITZERLAND proposed locating the three chemical conventions in Geneva, and creating a chemicals "cluster" to promote synergies and avoid duplication. The US supported institutional linkages but not a complete merger. MOROCCO highlighted a recent African regional meeting resulting in a chemicals prevention and management programme of action. SENEGAL called for assistance to Africa to ensure environmentally sound use of chemicals. ICELAND, CANADA, the US and others proposed a global assessment of mercury. Agreeing, NORWAY, the NETHERLANDS, and the CZECH REPUBLIC also supported assessments of other heavy metals of concern. The US said a mercury assessment should not prejudice what actions, if any, should be taken, and pledged \$100,000 for such a study. ICELAND supported elaborating a voluntary international code to phase-out lead in gasoline.

ICELAND, NORWAY, the NETHERLANDS and the CZECH REPUBLIC supported investigating the merits of elaborating a global strategy on chemicals management. The US said the Bahia Declaration adopted by IFCS provided a global chemicals strategy, and opposed developing another global strategy on chemicals. CANADA expressed concern with a broad based strategy and said the proposal required further consideration.

ICELAND, supported by the NETHERLANDS and CANADA, proposed the establishment of a working group to set priorities and provide clear direction to UNEP on future steps to be taken regarding chemicals. Executive Director Töpfer said he would recommend this proposal to the Council's bureau.

DRAFTING GROUP

In the drafting group, several delegates questioned the group's mandate, given that outstanding issues in draft decisions forwarded to it appeared to exceed simple editorial and linguistic matters.

Delegates adopted a draft decision on CCD implementation. On the Global Programme of Action for the Protection of the Marine Environment from Land-based Activities, delegates agreed to accommodate a concern related to sovereignty. Delegates also agreed to an amendment encouraging UNEP to promote environmental data sharing. The group agreed to refer text on the Malmö Declaration back to the COW for redeliberation. After some debate, delegates adopted UNEP's water policy and strategy with minor amendments.

During discussion on further improving environmental emergency prevention, preparedness, assessment, response and mitigation, delegates could not agree to the proposed amendments and sent the draft decision back to the COW.

On policy and advisory services in key areas of institution-building, delegates adopted amendments requesting the Executive Director to present a report on international legal instruments. On the role of civil society, delegates approved amendments made in the COW deleting reference to the establishment of an *ad hoc* NGO Committee.

IN THE BREEZEWAYS

The breezeways were buzzing Wednesday as delegates discussed the arrival of UNFCCC COP-6 President Jan Pronk for bilateral and informal consultations on how and when to move forward on climate negotiations that stalled last November in The Hague. With many of the key players present at this meeting and a UNFCCC Bureau meeting scheduled for next week, Pronk is taking the opportunity to meet with delegations. Although many close to the talks were keeping tight-lipped, there were suggestions that some delegates might be amenable to a US suggestion to hold talks in July or later, rather than in May. However, some delegates apparently fear a loss of momentum.

Other talk Wednesday evening focused on disappointing progress in the COW. Many participants expressed confusion over the process and approach, and expressed a desire for clearer guidance and management from the Chair.

THINGS TO LOOK FOR TODAY

PLENARY: Plenary will convene at 10:00 am for the opening of the ministerial-level consultation followed by the roundtable ministerial dialogue on the implementation and development of the Nairobi and Malmö Declarations. Kenyan President Daniel Moi is expected to address delegates.

COMMITTEE OF THE WHOLE: The COW will resume at 10:00 am to continue considering the remaining draft decisions relating to several subprogrammes. It is then likely to receive the report of the working group on programme and budget matters.

WORKING GROUP: The Working Group on programme and budget will reconvene at 10:00am to consider decisions on administrative and budgetary matters, and Mercure satellite communication system.

DRAFTING GROUP: The Drafting Group will resume at 10:00 am to consider draft decisions forwarded by the COW.

SPECIAL EVENTS: An event entitled Dialogue with Parliamentarians: A vision for Building Our Common Future, is scheduled for 1:00 pm in Conference Room 3. The UNEP.net website will be launched at 2:00 pm in the Press Center. A working dinner for ministers, heads of delegation and special guests will be held from 8:00 pm at ICRAF.

NON-PAPER: President Anderson is expected to circulate his "non paper" containing suggestions to delegates and propose to initiate informal consultations on governance.