



**SUMMARY OF THE SEVENTH SPECIAL SESSION
OF THE UNEP GOVERNING COUNCIL,
THIRD GLOBAL MINISTERIAL
ENVIRONMENTAL FORUM AND FINAL OPEN-
ENDED INTERGOVERNMENTAL GROUP OF
MINISTERS OR THEIR REPRESENTATIVES ON
INTERNATIONAL ENVIRONMENTAL
GOVERNANCE: 12-15 FEBRUARY 2002**

The Seventh Special Session of the United Nations Environment Programme's Governing Council (GCSS-7) and Third Global Ministerial Environment Forum (GMEF-3) took place at the Cartagena de Indias Conference Center in Cartagena, Colombia, from 13-15 February 2002. The Session was preceded by the final, one-day meeting of the Intergovernmental Group of Ministers or Their Representatives (IGM) on International Environmental Governance (IEG), which was held at the same venue on Tuesday, 12 February 2002. The Special Session and Ministerial Forum (GCSS-7/GMEF-3) and the IGM were attended by approximately 450 delegates, including over 90 ministers and other representatives of governments, intergovernmental and non-governmental organizations, as well as UN bodies, agencies and organizations.

The GCSS-7/GMEF-3 objectives were to review UNEP's implementation of decisions taken by the 21st session of the Governing Council/Second GMEF (GC-21/GMEF-2), and to consider recent developments in relation to UNEP's activities taken in pursuance of Agenda 21 with a view to determining UNEP's preparations for the World Summit on Sustainable Development (WSSD), including on international environmental governance. Thus, the final meeting of the IGM was convened to consider its recommendations to the GCSS-7/GMEF-3 on the future requirements of IEG in the broader context of multilateral efforts for sustainable development, to be relayed by the GCSS-7/GMEF-3 to the tenth session of the Commission on Sustainable Development (CSD-10) acting as the preparatory committee for the WSSD.

The IGM failed to reach agreement on a number of critical issues, in particular on strategies to ensure predictable and stable funding for UNEP and according universal membership to the UNEP GMEF. However, these issues were resolved during the GCSS-7/GMEF-3, at which delegates adopted the IGM report on IEG and agreed to transmit it to the third session of the WSSD Preparatory Committee (PrepCom III). Delegates also agreed to take note of a statement by the President of the Governing Council on UNEP's contribution to the WSSD, and to transmit it to PrepCom III, together with the report and policy statement prepared for the GCSS-7/GMEF-3 by UNEP's Executive Director. Regarding the review of implementation of decisions of GC-21/GMEF-2, the Council adopted five decisions on: a strategic approach to chemicals management at the global level; compliance with and enforcement of multilateral environmental agreements; development of a strategy for the active engagement of civil society, the private sector and Major Groups in the work of UNEP; implementation of the Global Programme of Action (GPA) for the Protection of the Marine Environment from Land-based Activities; and the environmental situation in the Occupied Palestinian Territories.

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This issue of the *Earth Negotiations Bulletin* © <enb@iisd.org> is written and edited by Changbo Bai <changbo@sprint.ca>, Peter Doran <peter@iisd.org>, Leila Mead <leila@iisd.org> and Wagaki Mwangi <wagaki@iisd.org>. The Digital Editor is Andrei Henry <andrei@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 Operations Manager is Marcela Rojo <marcela@iisd.org> and the On-Line Assistant is Diego Noguera <diego@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 (through the Department for International Development - DFID, and the Foreign & Commonwealth Office), the European Commission (DG-ENV), the Danish Ministry of Foreign Affairs, and the Government of Germany (through German Federal Ministry of Environment - BMU, and the German Federal Ministry of Development Cooperation - BMZ). General Support for the *Bulletin* during 2002 is provided by 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, the Ministry of Foreign Affairs and Trade of New Zealand, the Ministries of Foreign Affairs and Environment of Norway, Swan International, the Japanese Ministry of Environment (through the Institute for Global Environmental Strategies - IGES), and specific funding support for this meeting 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 Cartagena ©2002 The Living Earth, Inc. <http://livingearth.com>. For information on the *Earth Negotiations Bulletin* or to arrange coverage of a meeting, conference or workshop, send e-mail to the Director, IISD Reporting Services at <kimo@iisd.org>.



A BRIEF HISTORY OF THE UNEP GOVERNING COUNCIL, GMEF AND IGM

The United Nations Environment Programme was established as a result of the United Nations Conference on the Human Environment held in Stockholm in 1972, which also created an action plan for environmental policy, an Environment Fund, and a declaration of 26 principles on the human environment. Established to provide a forum for the international community to address major and emerging environmental policy issues, the UNEP Governing Council (GC) generally meets every two years, with special sessions sometimes convened between meetings. The GC consists of 58 States that serve four-year terms on the basis of the following equitable geographic distribution: 16 African, 13 Asian, 13 Western European and Others, 10 Latin American and Caribbean, and 6 Eastern European States. The Council reports to the UN General Assembly. Its responsibilities include: promoting international environmental cooperation and recommending policies to achieve this; providing policy guidance for the direction and coordination of environmental programmes in the UN system; reviewing the state of the global environment; and promoting the contribution of relevant scientific and other professional communities to the acquisition, assessment and exchange of environmental knowledge and information, and to the technical aspects of the formulation and implementation of environmental programmes within the UN system.

In addition to monitoring and assessing the state of the environment and disseminating this information to governments and NGOs, the GC's achievements have included the initiation of negotiations on many multilateral environmental agreements (MEAs).

UN CONFERENCE ON ENVIRONMENT AND DEVELOPMENT: In 1992, the UN Conference on Environment and Development (UNCED) reaffirmed UNEP's mandate and supported an enhanced and strengthened role for UNEP and its GC. The GC was called on to continue its role with regard to policy guidance and coordination, taking into account the development perspective. UNCED adopted Agenda 21, the action plan for implementing sustainable development, which lists 14 priority areas on which UNEP should concentrate, including: strengthening its catalytic role in promoting environmental activities throughout the UN system; promoting international cooperation; coordinating and promoting scientific research; disseminating environmental information; raising general awareness; and further developing international environmental law.

19TH GOVERNING COUNCIL: In 1997, the Governing Council met for its 19th session, the first part of which took place from 27 January - 7 February in Nairobi, Kenya. The meeting was suspended on the final day when delegates could not agree on a proposal for the creation of a high-level committee to provide policy guidance to UNEP. The 19th session resumed at UNEP headquarters from 3-4 April 1997, where delegates established the High-Level Committee of Ministers and Officials (HLCOMO) as a subsidiary organ of the GC.

Delegates also adopted the Nairobi Declaration on the Role and Mandate of UNEP, which, *inter alia*, revised the UNEP Committee of Permanent Representatives' (CPR) mandate to: review, monitor and assess the implementation of the GC's decisions on administrative, budgetary and programme matters; review UNEP's draft programme of work and budget; and prepare draft decisions for consideration by the Council based on inputs from the Secretariat. The Nairobi Declara-

tion was formally endorsed at the UN General Assembly Special Session for the review of the implementation of Agenda 21 in June 1997.

SIXTH SPECIAL SESSION: The first Global Ministerial Environment Forum (GMEF-1) – in the form of the Sixth Special Session of UNEP's Governing Council (GCSS-6) – took place in Malmö, Sweden, from 29-31 May 2000. The purpose of the Forum was to institute a process for regaining policy coherence in the field of the environment, in direct response to the need for such action emphasized in the 1998 report of the UN Secretary-General on environment and human settlements. In this regard, it concluded that UNEP's role was to be strengthened and its financial base broadened. The Forum provided UNEP and its GC with a key opportunity to influence the international environmental agenda of the 21st century. Environment ministers adopted the Malmö Ministerial Declaration, which agreed that the WSSD should review the requirements for a greatly strengthened institutional structure for international environmental governance.

21ST SESSION OF THE GOVERNING COUNCIL AND GMEF-2: The 21st session of the GC and GMEF-2 took place from 5-9 February 2001, at UNEP headquarters in Nairobi. The session considered a range of policy issues, governance, UNEP's contribution to future sessions of the CSD, follow-up to General Assembly resolutions, and linkages among and support to environmental and environment-related conventions.

On the meeting's final two days, a high-level ministerial dialogue was held to discuss implementation of the Nairobi Declaration and the Malmö Ministerial Declaration. Topics included governance, the specific needs of Africa and UNEP's contribution to the WSSD. The GC adopted over 30 decisions, which related to: chemicals management; trade and environment; support to Africa; the environmental situation in the Occupied Palestinian Territories; implementation of the Malmö Ministerial Declaration; the role of civil society; governance of UNEP and implementation of UNGA resolution 53/242; IEG; compliance with and enforcement of MEAs; and the Environment Fund budgets.

INTERNATIONAL ENVIRONMENTAL GOVERNANCE PROCESS: The IEG process was initiated in decisions 21/20 and 21/21 of the 21st session of the GC. Decision 21/20 provides for further strengthening of UNEP. Decision 21/21 established the Open-Ended Intergovernmental Group of Ministers or Their Representatives (IGM) to undertake a comprehensive policy-oriented assessment of existing institutional weaknesses as well as future needs and options for strengthened IEG, including the financing of UNEP, with a view to presenting a report containing analysis and options to GC-22/GMEF-4 session.

The IGM met five times: 18 April 2001, in New York; 17 July 2001 in Bonn, Germany; 9-10 September 2001 in Algiers, Algeria; 30 November – 1 December 2001 in Montréal, Canada; and 25 January 2002 in New York. Additional consultations were held with experts, civil society organizations and UNEP's Committee of Permanent Representatives (CPR) based in Nairobi. The IGM was scheduled to conclude its business and adopt its report in Cartagena, in advance of the GC Special Session.



REPORT OF THE MEETING

This report consists of the proceedings of the final meeting of the IGM, which was held on Tuesday, 12 February, and of GCSS-7/GMEF-3, held from 13-15 February. As the issues considered by the IGM were finalized during the GCSS-7/GMEF-3, the substantive report of the IGM is included in the coverage of the GCSS-7/GMEF-3 report on the IEG. The GCSS-7/GMEF-3 report is organized along the substantive topics discussed during the session.

FINAL MEETING OF THE OPEN-ENDED INTERGOVERNMENTAL GROUP OF MINISTERS OR THEIR REPRESENTATIVES ON INTERNATIONAL ENVIRONMENTAL GOVERNANCE

David Anderson, Governing Council President and Chair of the IGM, opened the final meeting of the IGM on Tuesday, 12 February 2002. He stated that the IGM was required to agree on recommendations on IEG for submission to the GCSS-7/GMEF-3 on Wednesday, 13 February, and that delegates had expressed interest in engaging on the basis of his draft recommendations contained in a Draft Report. In his opening remarks, UNEP Executive Director Klaus Töpfer highlighted the stakeholders who had contributed to the IGM process and expressed his appreciation for their work.

Chair Anderson presented, and delegates adopted, the agenda of the meeting (UNEP/IGM/5/1), and also accepted the Chair's proposal to establish two working groups to consider the recommendations, as well as a proposal that Secretary of State Philippe Roch (Switzerland) and Environment Minister Kezimbira Miyingo (Uganda) chair the groups. The IGM also agreed to limit their consideration to the substantive recommendations in Part III of the Chair's Draft Report (UNEP/IGM/5/2).

Working Group I, chaired by Roch, addressed: improved international environmental policymaking – the role and structure of the GMEF; strengthening the role, authority and financial situation of UNEP; and enhanced coordination across the UN – the role of the Environmental Management Group (EMG). To hasten negotiations, the Group established a contact group chaired by John Ashe (Antigua and Barbuda) to consider UNEP financing. Working Group II, chaired by Miyingo, addressed improved coordination and coherence between MEAs; capacity building, technology transfer and country-level coordination for the environment pillar of sustainable development; and future perspective. Delegates worked late into the evening on Tuesday, 12 February, and during lunchtime on Wednesday, 13 February, focusing on a small number of recommendations, on which there was ultimately no agreement. The problem areas included the membership of the GMEF, a strategy to fund UNEP, co-location of MEA secretariats and compliance and monitoring of MEA implementation. Thus, the closing Plenary of the IGM, which had been rescheduled from Tuesday afternoon to early Wednesday afternoon, did not take place. On Wednesday afternoon, the IGM presented its report to the Ministerial Consultation of the GCSS-7/GMEF-3, which took over negotiations on IEG.

SEVENTH SPECIAL SESSION OF THE GOVERNING COUNCIL AND THIRD GLOBAL MINISTERIAL ENVIRONMENT FORUM (GCSS-7/GMEF-3)

Governing Council President David Anderson opened the 7th Special Session of the Governing Council (GCSS-7) and Third Global Ministerial Environment Forum (GMEF-3) on Wednesday morning, 13 February, and, noting that shortcomings in environmental gover-

nance were a fundamental reason for gaps between the goals identified and results achieved since UNCED, stressed strengthening UNEP's governance in the framework of sustainable development strategies.

Keynote speaker Rigoberta Menchú, Nobel Peace Prize Laureate from Guatemala, highlighted the value of cultural diversity and said the greatest failings of UNCED lie in its institutional and financial aspects. UNEP's Deputy Executive Director Shafqat Kakakhel delivered a message from UN Secretary-General Kofi Annan, which, *inter alia*, stressed the GMEF role in the lead-up to the WSSD, and involvement of civil society and the private sector in UNEP's work. UNEP Executive Director Klaus Töpfer urged the GMEF to be ambitious in order to stimulate UNEP's service to the global community. Inaugurating the session, Colombian President Andrés Pastrana Arango outlined his country's environmental record and plans, and rated drug trafficking as among the worst causes of environmental degradation.

Delegates then considered and adopted the provisional and annotated agenda (UNEP/GCSS.VII/1 and Add.1). Delegates agreed to establish a Committee of the Whole (COW) to consider the implementation by UNEP of decisions adopted at the 21st session of the GC that were due for review, and to consider the IEG and UNEP's contribution to the WSSD in a Ministerial Consultation Plenary.

Delegates also accepted the Bureau's proposals for Tupuk Sutrisno (Indonesia) to chair the Committee of the Whole and Juan Mayr (Colombia) to chair a ministerial drafting group, and agreed to draft a communiqué for transmission to the WSSD and its preparatory process, but this was never prepared. The Bureau proposed having two NGO representatives attend the Bureau meetings as observers. The matter was considered in a contact group chaired by Juan Mayr, but the group did not reach a consensus. Thus, NGOs did not attend the Bureau meetings.

INTERNATIONAL ENVIRONMENTAL GOVERNANCE OPEN-ENDED INTERGOVERNMENTAL GROUP OF

MINISTERS OR THEIR REPRESENTATIVES: On Tuesday, the IGM began consideration of its recommendations to the GCSS-7/GMEF-3 contained in the IGM Chair's Report (UNEP/IGM/5/2). The Report provides a background to the IEG debate, describes the GC's IEG initiative, and highlights conclusions from the previous IGM meetings. Discussion of the Report focused on the recommendations only.

Improved International Environmental Policy Making – The Role and Structure of the GMEF: This recommendation addresses utilizing the GC/GMEF more effectively in promoting international cooperation in the field of the environment and in providing broad overarching policy advice, and outlines a series of measures that could be undertaken in achieving this. Debate on this topic revolved around issues related to the GMEF as the overarching policy body on the environment, universal membership as opposed to universal participation, and UNEP's relationship with other autonomous bodies, such as the Conferences of the Parties (COPs) of MEAs. After hearing preliminary views regarding legal issues relating to universal participation, Chair Roch prepared a new text stating, *inter alia*, that: universal participation of member States of the UN and its specialized agencies in the work of the GC/GMEF should be ensured and that the question of establishing universal membership of the GC/GMEF holds some promise for the future and should be reviewed in a broader context in light of the outcome of the WSSD.



The EU objected to use of the Chair's text as a basis for negotiation. Others, including the US, Japan and the G-77/China favored the Chair's text. Brazil stated that the Chair's text reflected their views and indicated for the first time they were being heard. The Working Group agreed that trilateral consultations should be convened between the EU, G-77/China and the US. When discussion resumed Tuesday afternoon, progress stalled once more. The G-77/China stated that the trilaterals had not taken place. Chair Roch noted polarization of the debate due to the late conduct of negotiations. No consensus was reached on this issue. Another contentious issue related to civil society participation, and the US and G-77/China objection to the establishment of an intergovernmental scientific panel. This issue was revisited along with other deliberations on IEG.

Strengthening UNEP's Role, Authority and Financial Situation: This recommendation notes the constraints facing UNEP in carrying out its role, such as insufficient and unpredictable resources and the lack of a clear framework for coordinating, and authority to coordinate, environmental activities within the UN system, and outlines some solutions, including funding, to remedy the situation. Delegates provided preliminary views based on proposals related to UNEP's funding, and the matter was deferred to a contact group chaired by John Ashe.

Later Chair Ashe reported that the group had conducted discussion on the basis of his non-paper, after which the Group produced an eight-paragraph revised draft paper, which, *inter alia*: called for member State contributions, taking into account differentiated capabilities; proposed broadening the basis of contributions based on an agreed biennial indicative scale of contributions (ISC); suggested that all States contribute on the basis of this agreed scale, and that those not in a position to do so should base their contributions on their previous scales; and suggested that the UNEP Executive Director propose the ISC-based biennial budget prior to the commencement of the financial period. Chair Ashe reported the outcome of these consultations to the GMEF Ministerial Consultations on Wednesday, 13 February.

Improved Coordination and Coherence between MEAs: This section highlights, *inter alia*, the proliferation of MEAs and suggests areas where coordination could be improved, with regard to meetings of COPs and their location. Debate on this issue revolved around whether to refer to collaboration on compliance in a paragraph on synergies and linkages between comparable MEAs. The US, Australia and the G-77/China opposed, while the EU and Norway supported, compliance monitoring. Delegates debated an EU proposal calling for promoting co-location of secretariats of new MEAs, development of a functional programme-based clustering approach, and greater cooperation between the GC/GMEF and MEA COPs. The G-77/China objected to the EU proposal to prevent consideration of new locations for MEA secretariats.

Capacity Building, Technology Transfer and Country-level Coordination: This section addresses the ability of developing countries to participate meaningfully in international environmental policy and to implement MEAs, regional environmental governance, capacity building and strategic partnerships between the Global Environment Facility (GEF) and the United Nations Development Programme (UNDP). Discussion on this issue focused on UNEP's partnership with the GEF and its relationship with UNDP. Delegates also debated language on environmental governance at the regional

level, and how to refer to UNEP in this context, as well as national level coordination of environmental and sustainable development objectives.

On UNEP's role in capacity building, the G-77/China indicated that UNEP's strategic partnership with the GEF must respect "its governance structure," while the US said reference to UNEP's strategic partnership with the GEF should be confined to its existing relationship. The G-77/China said that technology transfer was inadequately incorporated in this section.

Delegates debated details of an intergovernmental strategic plan for implementation support involving UNEP and its partners. The EU said that UNEP should build on the existing strategic partnership with the GEF. The G-77/China called for a concrete deliverable plan on capacity building, while the US called for an assessment of needs and existing capacity building initiatives, and work to identify an appropriate match between ongoing capacity building and country needs. Regarding capacity building and training, the US opposed reference to building on UNEP's "enhanced role" as one of the GEF's implementing agencies. Delegates also discussed a strengthened role for UNEP as a GEF implementing agency, and UNEP's special relationship with UNDP. The G-77/China opposed language on a "strengthened" role for UNEP. The EU responded that UNEP's role should allow for taking initiative.

Responding to the Chair's revised text, the US recalled that reference to the UNEP/GEF Action Plan of Complementarity had been suggested alongside a proposal to delete reference to the "strengthened" role of UNEP.

Enhanced Coordination across the UN System – Role of the Environment Management Group: This section addresses coordination within the UN system, the role of the EMG, and addresses the need to ensure the functionality of the EMG. Several participants highlighted the potential effectiveness of the EMG in coordinating environmental matters within the UN system, but opposed a redefined mandate. The EU noted a need for a clearly defined reporting relationship with the GC/GMEF, as well as with the CSD. Delegates adopted a revised proposal submitted by the Chair, with minor amendments.

Future Perspective: This section recalls the Millennium Declaration and the Malmö Ministerial Declaration and looks forward to the Johannesburg Summit. During the debate, the US called for a more accurate reflection of the Malmö Declaration, which calls for a review of the requirements for a greatly strengthened institutional structure. Regarding language on sustainability, the G-77/China called for reference to the principle of common but differentiated responsibilities.

After debating these various issues, both Chairs returned to their groups in the evening with revised texts, and after some debate, unresolved issues were left for further consideration by the GCSS-7/GMEF-3 on Wednesday.

MINISTERIAL CONSULTATION ON IEG: Opening the first session of the Ministerial Consultation on Wednesday afternoon, President Anderson informed delegations that a report from the final meeting of the IGM contained a number of brackets (UNEP/GCSS.VII/2), and invited the IGM Working Group Chairs to present their reports. In his report from IGM Working Group I, Chair Roch noted that the absence of an opportunity for a true negotiation in earlier sessions had created difficulty. IGM Working Group II Chair Miyingo reported on areas where consensus had been reached in regard to MEAs, capacity building and future perspective. John Ashe, Chair of



the IGM contact group on UNEP financing, reported differences on modalities to strengthen the Environment Fund and on the use of a scale to assess contributions.

For the remainder of Wednesday afternoon and on Thursday morning, delegations were given the opportunity to make general comments on IEG. The G-77/China supported strengthening UNEP within its current mandate and cautioned that proposals on MEAs must respect the autonomy of the COPs. The EU called for universal membership of the GMEF and a fair distribution of the burden of financing UNEP, using the UN scale of assessments. Iran, the Russian Federation and Uganda were among the delegations supporting contributions to UNEP from the private sector.

Environment Ministers Juan Mayr (Colombia) and Michael Meacher (UK) were then invited by President Anderson to convene consultations to discuss how to resolve outstanding issues.

Informal Ministerial-level Consultations on IEG: Mayr and Meacher held preliminary consultations on the modalities of the work they were to undertake on IEG. There was agreement that the sessions would take the form of ministerial-level open informal consultations, with nominated spokespersons for wider interests. The informal consultations convened in three sessions, twice on Thursday evening, 14 February, and once on Friday morning, 15 February.

On a high-level forum for policy dialogue, the US objected to language taking the GC/GMEF in the direction of a world environment organization. On universal membership, the African Group and the G-77/China agreed that the question should be taken up and considered in the broader context of the WSSD preparatory process. Japan flagged its future opposition. The US described a paragraph on clarifying the relationship between the GC/GMEF and COP/MEAs as a recipe for disaster. On proposals to convert UNEP into a specialized agency, the G-77/China, the US and the Russian Federation objected. On capacity building and technology transfer, the EU and the US suggested deleting language stating that technology transfer is a prerequisite for environmental protection. The G-77/China stressed that the GEF-UNEP partnership should not affect the GEF's focus areas. It was agreed that UNEP's role as one of the GEF's three implementing agencies should be fostered.

On GMEF policy advice, guidance and recommendations, the G-77/China made a number of proposals to ensure that these apply "within the UN system." The EU objected that the amendments would prevent the GC/GMEF from making recommendations to organizations such as the GEF and the World Bank. The G-77/China, challenged by the EU, cited General Assembly resolution 2997 (XXVII) on UNEP's mandate, and argued that the programme was mandated only to make recommendations and provide policy guidance within the UN system. He suggested that a future world environment organization established as a separate legal entity might provide guidance to other bodies outside the UN system. The UNEP Secretariat reminded delegations that the WTO and the World Bank were involved at the highest levels of coordination activity at the United Nations and thus formed part of the broader UN system. Delegations agreed to cite General Assembly resolution 2997 (XXVII) paragraphs 2(a) and (b) on the UNEP mandate.

In a related debate on MEAs, the EU proposed a paragraph stating that coordination could be fostered if the GC/GMEF reviewed the progress of COPs of MEAs and reviewed synergies in functional and programme areas where common issues arise. The US defended the merits of MEAs going their own way and offered an alternative

proposal limiting a review function to capacity-building activities. The US said he did not want centralized control, common enforcement or common approaches to compliance. He challenged the EU to state whether plans to address compliance and enforcement were implicit in their proposal. Australia also rejected any attempt to address compliance, enforcement and finance, prompting Switzerland to ask "why are we here?" Japan offered compromise language but withdrew, commenting that it was, perhaps, not sufficiently vague. Agreement emerged around a South African proposal that the review function address the development of synergies "in areas where common issues arise." On Future Perspective, the G-77/China, the US and the Russian Federation strongly opposed a Norwegian proposal to establish the UNEP Executive Director as a High Commissioner for the global environment.

Contact Group on Financing UNEP: On Friday morning, the Chair of the contact group on UNEP financing, John Ashe, introduced "final agreed text" at the informal ministerial consultations. The EU said he had not been mandated to accept elements in Ashe's draft. The US pointed out that some of the finance text in the President's report had not been discussed. Co-Chair Meacher invited further discussion. The EU sought to prioritize a paragraph calling for the establishment of a voluntary indicative scale of contributions (ISC) for the Environment Fund by modifying a consecutive paragraph underlining the voluntary nature of criteria to be used by donors. The G-77/China, supported by the US, preferred to postpone further consideration of funding options. The US insisted that there should be no stigma attached to the use of criteria other than the ISC.

Meacher suggested language on a review of the criteria by the GC/GMEF and the G-77/China suggested that this should form the basis of a new paragraph. Delegations accepted a new paragraph proposed by the EU, which states that UNEP's Executive Director will submit a report to the Governing Council session in 2004 on the implementation of the finance paragraphs agreed to in Cartagena for a review of their effectiveness.

FINAL REPORT OF THE OPEN-ENDED INTERGOVERNMENTAL GROUP OF MINISTERS OR THEIR REPRESENTATIVES ON INTERNATIONAL ENVIRONMENTAL GOVERNANCE:

This report was considered on Friday in the Closing Plenary. The report consists of three parts: a background section; the UNEP Governing Council IEG Initiative; and recommendations of the IGM to the GCSS-7/GMEF-3 of UNEP. The first two parts contain historical information regarding the debate on the issue and a summary of ideas that have been developed during the process. The third part contains six recommendations to the GCSS-7/GMEF-3.

Improved International Environmental Policy Making – The Role and Structure of the GMEF: The recommendation on improved coherence in international environmental policy making – the role and structure of the GC/GMEF determines that the GC/GMEF should be utilized more effectively both in promoting international cooperation in the field of the environment, in providing broad policy advice and guidance, identifying global environmental priorities, and making recommendations. It is recommended that this role could be achieved through a series of measures including the following:

- ensuring universal participation of State members of the UN in the work of GC/GMEF;
- reaffirming and highlighting UNEP's role and mandate contained in the Nairobi Declaration, including, in particular, analyzing the state of the global environment, providing policy advice and



catalyzing and promoting international cooperation, developing international environmental law, and coordinating environmental activities in the UN system;

- keeping under review the world environment situation and developing policy responses, providing general policy guidance for the direction and coordination of environmental programmes;
- identifying ways and means to improve and strengthen its interrelationship with autonomous decision-making bodies;
- promoting meaningful participation of representatives of Major Groups and NGOs;
- having GC/GMEF meet every other year at UNEP headquarters in Nairobi with meetings in alternate years in another UN region;
- instituting a regular dialogue with multilateral financial institutions in order to address the disconnect between policy and funding; and
- enabling ministers to concentrate on policy issues and take the opportunity to promote international cooperation, take policy decisions, identify priorities, provide broad direction and advice and oversee the programmes of work and the UNEP budget.

Strengthening UNEP's Role, Authority and Financial Situation: On strengthening the role and financial situation of UNEP, the report:

- recommends that the UN General Assembly consider making available from its regular budget the amount required to cover all administrative and management costs of UNEP, recognizes an urgent need to improve the financial situation of UNEP's Environment Fund, and calls on countries to contribute financially to UNEP to enable it to implement UN Resolution 2997;
- outlines several steps to address the overall financial situation of UNEP, including, *inter alia*: more predictable funding from UN member States; more efficient use of available resources; a strong focus on agreed UNEP priorities; and greater mobilization of resources from the private sector and other major groups;
- recommends a voluntary ISC for the Environment Fund, taking into account: a minimum indicative rate of 0.001%; a maximum indicative rate of 22%; a maximum indicative rate of the least developed countries of 0.01%; the economic and social circumstances of the member States; and provision to allow any member State to increase its level of contributions over and above its current level;
- encourages countries to contribute to the Fund either on the basis of the ISC or on the basis of any of the following: biennial pledges; UN scale of assessments; historical level of contributions; and any other basis identified by a member State; and
- encourages member States or major groups to make additional and other contributions, and requests the UNEP Executive Director to submit a report on implementation of the suggested contribution system to the GCSS for review in 2004.

Improved Coordination and Coherence Between MEAs: The recommendation on improved coordination among and the effectiveness of MEAs:

- calls on UNEP to continue to enhance the synergies and linkages between MEAs with comparable areas of focus, including: enhancing collaboration among MEA secretariats in specific areas where common issues arise;
- suggests periodic review of the effectiveness of MEAs, including use of non-binding UNEP guidelines on compliance with and

enforcement of MEAs, capacity building, technology transfer and provision of financial resources to developing countries;

- suggests a more coordinated approach to areas such as: scheduling and periodicity of COP meetings; reporting; and scientific assessment on matters of common concern, capacity building, and transfer of technology; and
- requests GC/GMEF to review the progress made by the COPs of MEAs in developing synergies.

Capacity Building, Technology Transfer and Country-Level Coordination: The recommendation on capacity building, technology transfer and country-level coordination for the environment pillar of sustainable development:

- highlights the need to strengthen national institutions, facilitate technology transfer, and support regional and subregional efforts;
- suggests the development of an intergovernmental strategic plan for technology support and capacity building to help developing countries improve the effectiveness of their capacity building and to address the gaps identified by assessments of existing activities and needs;
- calls upon UNEP to endeavor to implement such a plan through enhanced coordination with other bodies such as the GEF and UNDP based on capacity building and training, and national-level coordination of the environmental component of sustainable development;
- calls upon UNEP to cooperate with the GEF on capacity building; and
- stresses that UNEP's strength as one of the three GEF implementing agencies should be fostered.

Enhanced Coordination Across the UN System – Role of the Environment Management Group: The recommendation on enhanced coordination across the UN system – the role of the EMG:

- notes the need to ensure that the functionality of the EMG should be realized as soon as possible;
- highlights the EMG as an instrument at the inter-agency level to enhance policy coordination across the environmental activities of the UN system, with the EMG providing potential to mainstream the environment into relevant activities of the UN system;
- stresses the need for the EMG to support the implementation of a strategic partnership between UNEP and other relevant bodies, including the GEF and UNDP for capacity building; and
- calls for a clearly defined reporting relationship between the EMG and GC/GMEF, the CSD and other fora in the UN system, and senior-level participation by member institutions, transparency in operations and adequate resources to support its functioning and specific activities.

Future Perspective: On future perspective, the report states that some of the proposals could help contribute to the renewed efforts required to be undertaken by all countries. The recommendation recognizes that implementation of Agenda 21 requires improved international governance in all dimensions of sustainable development as a prerequisite for achieving successful protection of environment, economic growth and social equity. It states that the UNEP mandate has placed it in a unique position to provide not only policy guidance and coordination in the environment field, but also to promote international cooperation, while taking into account development perspectives.



FINAL DECISION ON THE IEG REPORT: Delegates also adopted a decision (UNEP/GCSS.VII/L.4) adopting the report of the IGM on IEG, and requesting the GC President to transmit the report to WSSD PrepCom III. It calls for a review of the implementation of the recommendations contained in the report and consideration of further measures for strengthening UNEP at the 22nd session of the UNEP GC, in light of the outcome of the WSSD.

CONTRIBUTION TO THE WSSD

On Thursday afternoon and Friday morning, the GC-22/GMEF-4 convened in Ministerial Consultations to consider UNEP's contribution to the WSSD. On Friday morning, President Anderson circulated a President's Statement, noting that the Statement would be further revised to reflect Friday morning's discussions. On Friday afternoon, delegates adopted a draft decision on UNEP's Contribution to the WSSD (UNEP/GCSS.VII/L.5).

On Thursday, Klaus Töpfer introduced this agenda item (UNEP/GCSS.VII/3) highlighting that the upcoming May 2002 release of the 3rd Global Environment Outlook (GEO-3) report would be a major contribution by UNEP to the WSSD. Emphasizing regionalization, particularly with regard to water, he said GEO reports would be prepared for regions and subregions in using a compatible methodology. Tim Foresman, UNEP's Division of Early Warning and Assessment, introduced the UNEP framework for early warning and assessment, and highlighted challenges related to, *inter alia*, land resources, water, food security and air pollution. The UN Secretary-General's Special Envoy to the WSSD Jan Pronk (Netherlands) described the heightened expectations of the WSSD since the 11 September attack on the World Trade Center in the US. Achim Steiner, IUCN Director General, invited ministers to lay the groundwork for a successful Summit by fulfilling the UNCED promise of burden sharing, prioritizing capacity building, addressing the environment and poverty linkage, and engaging major groups. The Civil Society Forum said democracy was a prerequisite for sustainability.

Many ministers and government representatives intervened, highlighting UNEP activities that would constitute positive contributions to the Summit, new areas where they believed UNEP should get involved, and general priorities and expectations for the Summit.

India said raising public awareness should be a major component of the Summit, while New Zealand stressed knowledge as a prerequisite for behavior change and the media's role. Highlighting support to African countries, Sweden said strategies to improve local environmental conditions must take youth into account. Poland said UNEP could contribute by more actively engaging the young, the aging and civil society in the implementation of Agenda 21. Colombia said civil society's participation helps open eyes to new horizons. Venezuela, with Finland, emphasized that women can become major contributors to sustainable development policy. Kenya cited UNEP's efforts in building capacity in environmental law. Sweden lauded UNEP's progress on anticipating possible scenarios for the next 30 years. China said the WSSD must result in a breakthrough in IEG. Slovenia said UNEP should develop indicators to assist international financial institutions assess the sustainability of their investments. Ecuador said getting bogged down in bureaucracy and process had delayed progress, and suggested ministerial teleconferencing before the Summit as a way to continue dialogue. Armenia requested that UNEP organize international information sources on sustainable development to be adapted for regional purposes.

Bolivia advocated equity and opening of opportunities, cited drugs as a principle pollutant, and, noting benefits of the Heavily Indebted Poor Countries (HIPC) initiative, supported using HIPC in the environmental area. Iran called for a new approach to sustainable development with ethical and spiritual dimensions. Colombia, Brazil and Costa Rica said establishing new ethical principles was essential to promoting sustainable development, and Brazil called for changes in the international economic order. Norway supported giving cultural identity more prominence and moving the global chemicals agenda forward.

Saudi Arabia called for mechanisms to deal with poverty, desertification and water security. Kiribati emphasized the vulnerability of SIDS to climate change and sea level rise, and called for improving international oceans management regimes. The Gambia said waste management should be a priority, and Venezuela said war posed a major threat for the environment.

Finland suggested a division of labor between the CSD and UNEP to avoid duplication of work, with discussions on sectoral issues taking place in the CSD. Uganda said defining which body has the responsibility for the environment would avoid problems. Egypt stressed the multidimensional nature of issues, such as water, and opposed discussing them exclusively in the GC/GMEF.

FINAL DRAFT TEXT ON THE PRESIDENT'S STATEMENT TO THE WSSD PREPARATORY COMMITTEE: The document calls for: efforts to address the root causes of environmental changes such as poverty; democratic decision making at the local, regional and national levels; and a holistic policy approach. It outlines expectations of the Summit, including implementation, concrete action, responsible prosperity for all, and a global coalition for sustainable development as a possible political framework, and states that UNEP must play a central role in defining and contributing content to the programme of action to be agreed at the WSSD. Ministers agreed that concrete action programmes with specific timeframes must be established in the work of the GC/GMEF and UNEP.

The Statement also addresses the following priority areas and UNEP's role:

- assessment and early warning and the GEO-3 report and further strengthening the scientific basis of decision making;
- globalization, with emphasis on: the WTO Ministerial in Doha as a basis for constructive dialogue for the WSSD; the outcome of the International Conference on Financing for Development; the UNEP-UNCTAD Capacity Building Taskforce on Trade and Environment; and addressing structural imbalances in economic power between the north and south;
- poverty and the preservation of environmental services, such as water, energy and biodiversity;
- enhancement of UNEP's role in capacity building in law, technology, institution building and environmental management;
- technology and technology transfer, including clean production and education and training of youth;
- cultural and biological diversity and ethics for sustainable development, including the formulation of a new environmental ethic;
- support to Africa, and the New Partnership for Africa's Development (NEPAD) as a basis for UNEP's work in the region;
- health and environment, including the call for a UNEP Water Policy and ratification of chemicals conventions;
- sustainable energy through Sustainable Energy Networks;
- governance;



- implementation, including enhanced implementation of MEAs and implementation of the UNEP Programme for the Development and Periodic Review of Environmental Law (Montevideo Programme III);
- a regionally based approach and strengthening UNEP's regional offices and partnerships; and
- partnerships with civil society and the private sector as a key element in Johannesburg.

FINAL DECISION ON THE PRESIDENT'S STATEMENT:

The decision (UNEP/GCSS.VII/L.5) recalls the Malmö Ministerial Declaration, GA resolution 55/199 on the WSSD, and the GC decision on WSSD preparations, including further consideration on IEG in the context of sustainable development, and states that the GC take note of the President's Statement, which is contained in the annex to the decision. It also requests: the President to transmit the decision and its annex to WSSD PrepCom III; the Executive Director to transmit his report and policy statement to PrepCom III; and the Executive Director to further contribute to the preparatory process and to take appropriate action within UNEP's mandate.

REVIEW OF THE IMPLEMENTATION OF THE DECISIONS OF THE GC-21/GMEF-2

On Wednesday and Thursday, the COW considered this agenda item. UNEP's Shafqat Kakakhel presented the report (UNEP/GCSS.VII/4), which also contained draft decisions agreed to by the CPR of UNEP in Nairobi. Following preliminary consideration, contact groups were established to consult and redraft decisions on chemicals management, and enhancing civil society participation in UNEP, while informal-informal consultations were conducted on a decision on the environmental situation of the Occupied Palestinian Territories. On Friday, the COW adopted relevant decisions under this agenda item.

CHEMICALS MANAGEMENT: On Wednesday, delegates addressed the proposed strategic approach to international chemicals management (UNEP/GCSS.VII/4). Daniel Biau, UN Habitat, and Louise Fresco, Food and Agriculture Organization, outlined their organizations' partnerships with UNEP on this issue. Fresco noted the need to link chemicals management to development assistance, and Henrique Cavalcanti, Intergovernmental Forum on Chemical Safety (IFCS), supported the proposed strategic approach.

During the debate, the EU supported adoption by the WSSD of a proposed strategic approach, and elaborated additional issues for consideration, including stakeholder involvement. Norway emphasized transparency, and Canada said further information should be solicited by UNEP and IFCS. China, Kenya, the Russian Federation and Senegal called for capacity building. The World Wide Fund for Nature International called for further analysis of chemical impacts on humans and nature. The issue was then deferred to a contact group, chaired by Halldor Thorgeirsson (Iceland).

Final Decision: The decision (UNEP/GCSS.VII/L.3/Add.1) acknowledges the need to further develop a strategic approach to international chemicals management and endorses the IFCS Bahia Declaration and Priorities for Action Beyond 2002 as the foundation of this approach. It requests the Executive Director to: identify actions currently underway or planned; to work within the Inter-Organization Programme for the Sound Management of Chemicals (IOMC) and IFCS, governments and other organizations and stakeholders to identify gaps in the IFCS; and to convene an open-ended consultative meeting to contribute to the further development of the strategic

approach. The decision underlines that the strategic approach should promote the incorporation of chemical safety issues into the development agenda, and identifies concrete proposals for strengthening capacity. It also invites the WSSD to endorse the further development of the strategic approach and the IFCS Bahia Declaration, and calls upon all governments and other relevant actors to take immediate action to implement the identified priority activities.

CIVIL SOCIETY ENGAGEMENT WITH UNEP: On

Wednesday, participants considered this issue. During the discussion Canada, supported by Poland, suggested broadening the scope of civil society with particular emphasis on educators and indigenous people. The US underscored civil society's role in helping UNEP disseminate its work but, with others, opposed setting up a forum of stakeholder representatives, with the Russian Federation stating that it was premature to amend the rules of procedure for the purpose of civil society's participation in UNEP GC meetings.

In further considering the agenda item on Thursday, many developing countries opposed amendments to the rules of procedure and establishing a global forum. Kenya called for capacity building for local civil society and funding to facilitate convening meetings prior to GC sessions. The EU recommended the Århus Convention as a model for civil society participation, which others opposed. Switzerland encouraged UNEP to develop a partnership with civil society. The Civil Society Forum called for meetings with civil society prior to GC/GMEF meetings and for resources to facilitate such engagement. A contact group chaired by Inga Björk-Klevby (Sweden) was established to negotiate a draft decision. The draft decision was discussed and amended during the adoption of the COW report on Friday.

Final Decision: This decision (UNEP/GCSS.VII/L.3/Add.1) contains two parts. The first part requests the UNEP Executive Director to: continue the current practice of convening a civil society forum; develop, review and revise the strategy for engaging civil society in UNEP's activities; review the practices of civil society's engagement in the UN system to achieve constructive partnerships with the business community; and report to the GC-22/GMEF-4 on progress made in enhancing civil society engagement. It also invites the Executive Director to consider the best way to include the views of civil society in the proceedings of GC/GMEF.

The second part of the decision establishes the CPR as a working party to examine the amendment of Rule 69 of the GC Rules of Procedure and to report to the GC-22/GMEF-4. The examination should take into account the following: civil society may designate representatives to sit as observers at public meetings of the GC and its subsidiary bodies; accredited civil society organizations may make brief oral statements on matters within the scope of their activities; and written statements by civil society will be circulated by the Secretariat to members of the GC.

GPA ON THE PROTECTION OF THE MARINE ENVIRONMENT FROM LAND-BASED ACTIVITIES: On

Thursday, delegates heard UNEP's report of the Montréal Meeting that reviewed the GPA (UNEP/GCSS.VII/4/Add.4). During the discussion, South Africa called attention to governance structures on ocean and marine resource management, and supported establishing a stronger compliance system. On the draft decision, the EU, Senegal and Côte d'Ivoire made references to related regional and subregional programmes and actions, particularly those aimed at poverty eradication. The draft decision was approved with these references.



Final Decision: The decision (UNEP/GCSS.VII/L.3/Add.1) endorses the outcomes of the first Intergovernmental Review of the GPA and calls on international and regional financial institutions to facilitate GPA implementation. It also calls on governments, the private sector and the international financial community to enhance the financing and implementation of innovative and sustainable approaches to wastewater management, and endorses the 2002-2006 programme of work with a focus on assisting countries to develop enabling environments for multi-sector partnerships and innovative financial arrangements.

COMPLIANCE WITH AND ENFORCEMENT OF MEAs:

On Wednesday, many delegates expressed support for the guidelines on compliance with and enforcement of MEAs, and the draft decision prepared by the CPR, with some developing countries stressing the voluntary nature of the guidelines. The EU and Norway suggested that UNEP be charged with the task of reviewing and reporting on the implementation of the guidelines, but Australia opposed. Many developing countries highlighted the need for capacity building for compliance with MEAs at the national level, and New Zealand and Australia stated that capacity building should be conducted upon the request of the developing countries. Further discussion of this draft decision was held on Friday and was adopted.

Final Decision: The decision (UNEP/GCSS.VII/L.3/Add.1) adopts the guidelines and requests the Executive Director to disseminate them to governments, convention secretariats and relevant organizations. The decision further requests the Executive Director to facilitate the implementation of the guidelines by advancing capacity building for developing countries and seeking additional extrabudgetary resources. It also urges governments to make financial resources available for this purpose.

ENVIRONMENTAL SITUATION IN THE OCCUPIED

PALESTINIAN TERRITORIES: On Thursday, delegates heard a report prepared by the UNEP Executive Director (UNEP/GCSS.VII/4/Add.3) and an explanation for Executive Director's failure to visit the region. A number of countries proposed a draft decision and it was accepted by consensus with minor revisions.

Final Decision: The decision (UNEP/GCSS.VII/L.3/Add.1) requests the Executive Director to visit the region with a view to establishing a framework and modalities for the study proposed by previous GC sessions. It also requests the Executive Director to designate a team of experts to prepare a desk study on the environmental situation in the affected region and to undertake field studies, as necessary.

OTHER DECISIONS ADOPTED AT GC-21/GMEF-2: On Thursday, the COW considered a number of other decisions. However, following the review, the COW was not required to adopt decisions on these issues.

On implementation of the Malmö Ministerial Declaration, Kenya commended UNEP's work in environmental assessment, supporting conventions and country studies, with The Gambia calling for UNEP's further support for the implementation of the UN Convention to Combat Desertification. The EU underlined the need to transform the declaration into concrete actions at all levels.

On international legal instruments reflecting provisions in Principle 10 of the Rio Declaration, the EU and Senegal encouraged UNEP to continue to develop regional agreements, while others called for awareness raising and the reinforcement of UNCED legal concepts

such as the precautionary principle. The EU indicated that it would submit a draft decision on this issue, which was considered during the adoption of the report on Friday.

On trade and environment, Kenya stressed that policies should reflect economic development priorities in developing countries. The EC particularly emphasized technical assistance to developing countries, and called for cooperation between UNEP and the WTO and dialogue between WTO and parties to MEAs.

On support to Africa, Switzerland commended UNEP's work in helping African countries develop environmental laws, while Senegal called for continuous support to the region and promotion of civil society's participation in environmental decision making. The EU underlined the need to achieve social and economic stability in the region for the sake of environmental protection.

STATUS OF THE ENVIRONMENT FUND AND OTHER

RESOURCES: Delegates heard a report on UNEP's financial situation (UNEP/GCSS.VII/INF/8), which highlights the allocation of resources. New Zealand said that the reallocation of resources by UNEP should not affect the priority allocation areas identified by the GC. There was no further discussion and no decision was prepared on this issue.

ADOPTION OF THE REPORT OF THE COMMITTEE OF THE WHOLE

On Friday morning, the COW met to adopt its report and approve its decisions on: enhancing civil society participation (UNEP/GCSS.VII/CRP.4); strategic approach to international chemicals management (decision 1 of UNEP/GCSS.VII/CW/L.2); compliance with and enforcement of MEAs (decision 2 of UNEP/GCSS.VII/CW/L.2); implementation of the GPA for the protection of the marine environment from land-based activities (decision 3 of UNEP/GCSS.VII/CW/L.2); and the environmental situation in the Occupied Palestinian Territories (decision 5 of UNEP/GCSS.VII/CW/L.2). During this session, only decisions that were deferred for negotiation in contact groups or had not been debated were considered.

Presenting the draft decision on enhancement of civil society participation in the work of UNEP, Contact Group Chair Björk-Klevy said additional work is needed to develop the modalities and strategy for the participation of civil society organizations in UNEP's activities and meetings of the GC/GMEF. An amendment was accepted stating that the CPR, and not civil society, submitted the draft decision. Canada, the EU, Japan, Mexico, Norway, the Philippines and the US welcomed the decision. Egypt drew attention to the use of references to Major Groups instead of civil society in other UN forums, and to an ongoing UN review by the UN General Assembly on the participation of NGOs in the UN, and stated his difficulty with a review that would go beyond that of UNGA. The decision was adopted after the Russian Federation withdrew its objection to the mention of "Rule 69 of the Rules of Procedure," following interventions by several delegates, including the US, who disagreed with the Russian Federation view that the context in which it was used meant the rule would be reviewed.

Contact Group Chair Thorgeirsson presented the decision on chemicals management, urging its careful consideration as a whole, as diverse interests had been involved in the negotiations. Australia, Canada, China, the EU, Japan, Kenya, Oman, Pakistan, Switzerland and the US supported the decision, with many commending the manner in which the Chair conducted the consultations. The COW approved the decision without objection.



The EU presented a draft decision on international legal instruments reflecting provisions in Principle 10 of the Rio Declaration (UNEP/GCSS.VII/CRP.3) calling for further efforts at global, regional and national levels to apply and implement the Principle, taking into account, *inter alia*, the Aarhus Convention, and requesting UNEP to report at the subsequent Governing Council session on the further evolution of the application and implementation of the Principle. Canada, China, Egypt, Indonesia and the US called for withdrawal of the decision, citing late submission of the decision, with some also objecting to references in the decision of regional agreements to which they are not Parties. The EU withdrew its proposed decision.

Rapporteur Franklin McDonald (Jamaica) then presented the COW's report (UNEP/GCSS/VII/CW/L.1), which was adopted without objections. The decisions were approved and transmitted to the GC.

CLOSING PLENARY

Governing Council President Anderson called the closing Plenary to order at 3:15 pm on Friday, 15 February.

CREDENTIALS: President Anderson reported that of the 58 UNEP members, 54 were in attendance and 52 had submitted credentials, which the Bureau found to be in order.

ADOPTION OF THE REPORT OF THE COW: President Anderson invited COW Chair Sutrisno to present the COW's report on the review of implementation of decisions taken at the GC-21/GMEF-2. Sutrisno requested McDonald to present the report. Rapporteur McDonald presented the report (UNEP/GCSS.VII/L.3) and decisions submitted by the COW (UNEP/GCSS.VII/L.3/Add.1).

On enhancing civil society's engagement with UNEP, the GC agreed to include "NGOs" in the reference to Major Groups. Nigeria, with Egypt and South Africa, urged, and delegates agreed, to amend a reference suggesting Major Groups, as referred to in Agenda 21, were part of civil society, stating that in some cases local authorities were part of government, not civil society. On a strategic approach to chemicals, Nigeria proposed changing the reference on the procedure of submitting the decision, transmitting it to the PrepCom instead of the WSSD, and to propose that the PrepCom "consider endorsing" rather than "endorse" the further development of a strategic approach. Delegates adopted the draft decisions.

ADOPTION OF THE REPORT OF GMEF-3: Rapporteur Kezimbira Miyingo (Uganda) introduced the Draft Report of the ministerial consultations (UNEP/GCSS.VII/L.2.), which delegates adopted after minor amendments.

On the IEG draft decision (UNEP/GCSS.VII/L.4), Egypt said recommendations should be reviewed at the 22nd GC, subject to the WSSD's outcome. After other minor amendments, the decision and the IEG report (UNEP/GCSS.VII/L.4/Add.1) were adopted.

On a draft decision on UNEP's contribution to the WSSD (UNEP/GCSS.VII/L.5), Egypt, the US, Australia and Nigeria preferred that the President's Statement on UNEP's contribution be noted, rather than endorsed. The decision was adopted with this amendment.

In closing statements, Spain, on behalf of the EU, expressed satisfaction with the outcomes, and said the Cartagena meeting was a positive event. Venezuela, on behalf of the G-77/China, said the meeting was a landmark on the road to Johannesburg. Speaking for the G-77/China Group of UNEP CPR, Colombia said the meeting was a turning point for WSSD preparations. Libya, on behalf of the African Group, said that without sustainable development, humanity would be mean-

ingless. Colombian Environment Minister Juan Mayr tabled a statement condemning all kinds of terrorist acts that constitute an attack on civil society, the environment and human health. Instead, delegates agreed to express solidarity with Colombia and support for sustainable development for all Colombian people. In a closing speech, Algerian Environment Minister Cherif Rahmani said the IEG agreement would be a starting point for building a new institutional architecture and called for a "new global deal" in harmony with environmental protection. In closing, President Anderson said the state of the environment has been seriously degraded and called for concrete actions. UNEP Executive Director Klaus Töpfer underlined poverty as a pressing problem for the world and called for more investments in developing countries to create social solidarity. The Plenary adjourned at 5:58 pm.

A BRIEF ANALYSIS OF THE MEETING

LESSONS FOR JOHANNESBURG

Viewed against previous United Nations meetings in Cartagena, the seventh special session of the UNEP Governing Council (GC) and the third session of the Global Ministerial Environment Forum (GMEF-3) can be considered a moderate success, despite the lack of clarity among many of the participants regarding where exactly progress was made. This brief analysis will examine some key outputs from the GC/GMEF meeting, particularly the decisions on international environmental governance (IEG) and civil society engagement with UNEP in the context of preparations for the World Summit on Sustainable Development (WSSD). It will conclude with lessons from the GC/GMEF for a successful outcome to the WSSD.

The GC/GMEF meeting was an important staging post on the road to Johannesburg, notably for the environmental pillar of sustainable development. Each of the pillars of sustainable development – environment, economics and social – is championed by different constituencies with varying degrees of enthusiasm, driven chiefly by their particular political interpretation of the problems that have dogged the implementation of UNCED outcomes. For many developing countries and their supporters, the key issue is finance and capacity building. For donor countries, equal, if not more weight, is attached to getting the post-UNCED international environmental governance architecture right. In the words of Nobel Peace Prize Laureate Rigoberta Menchú at the opening of the session, the greatest failings of UNCED lie in the institutional and financial aspects, "which have left the Rio ship at the mercy of the political will of the relevant bodies to bring it safe to port." So the UNEP GC/GMEF agenda was always vulnerable to a coalition of constituencies that, for one reason or another, have little motive to raise the profile and authority of the environmental pillar.

Some developing countries spoke frankly about their suspicions and held back support for the more radical ambitions for UNEP and the GC/GMEF as they weigh the likelihood that the upcoming UN Conference on Financing for Development in Monterrey and the WSSD will compensate for the broken promises on finance that followed UNCED. For others, notably those maintaining the rhetorical positions of the New York-based permanent representatives, who take their cue from their foreign ministries, there was little interest in strengthening the environmental pillar, and ceding influence to environment ministries. For the United States, Japan and Australia, there is little political stomach for ambitious proposals to strengthen the authority and profile of the environmental pillar by enhancing the mandate of the GC/GMEF. The US, in particular, has a strong interest in keeping the locus



of political control over multilateral environmental agreements (MEAs) firmly within the Conferences of the Parties. The fear is that, one day, an empowered GC/GMEF may seize a role on compliance, enforcement, and finance and begin to interfere in areas of responsibility that currently fall to the MEA COPs.

AVOIDING THE MIRE

Questions about procedure permeated every stage of the IEG discussions as the architects of the agenda attempted to steer clear of a traditional negotiation and ensure the survival of the more radical proposals for enhancing the GC/GMEF mandate, rationalization of the post-UNCED architecture of MEAs, and stable, predictable and adequate funding for UNEP. Governing Council President Anderson introduced a non-traditional approach to consensus building by attempting to capture agreement in an evolving “building blocks” paper over the course of the substantive IEG meetings convened since September 2001 in Algeria. This, as it turned out was a bit like “feeding porridge to carnivores.” Delegates wanted a “true negotiation,” to quote his United States detractors. However, even those most critical of Anderson’s approach conceded in the end that he had probably succeeded in bringing delegations further than otherwise would have been possible.

Arriving in Cartagena for the final IEG meeting, it was clear at an early stage that agreement on the key issues and even the credibility of the process in the eyes of over 90 ministers would only be kept intact by continuing informal high-level consultations well into and, as it turned out, right up to the final day of the GC/GMEF. The G-77/China’s determination to reinforce UNEP’s original mandate was an intense source of frustration for those supporting an empowered environmental pillar. They consoled themselves with the knowledge that the negotiating “atmospherics” were positive and a new authority and weight is to be given to UNEP activities, and much of this is due to the renewed political profile brought to the job of Executive Director by Klaus Töpfer.

One of the lessons of the IEG process is that UNEP’s programme activities are highly valued and represent the strongest argument for UNEP’s future development. There may be a renewed focus on programme activities while elements of the heady ambitions to launch a virtual world environmental organization are kicked into the long grass of the savannah for the time being. In the meantime, Töpfer, together with members of his Bureau, has constructed a worldwide network of high-level supporters that will be important in keeping the GC/GMEF outcomes on IEG intact as they enter into the next phase of negotiation as part of the preparatory committee process for the WSSD. Part of the strategy heading into the final preparations for Johannesburg may be the preparation of a UNEP plan of action for Johannesburg, where members of the GC/GMEF Bureau hope that UNEP will be in a position to sign a series of partnership agreements on programmes with key industry sectors such as tourism, oil producers and insurance, underwritten by agreements with the World Bank.

Delivery is the best argument for an enhanced mandate and the architects of the IEG process may have attempted to run too far ahead of popular perceptions of UNEP’s ability to deliver, notwithstanding the finance issue. The forthcoming third Global Environmental Outlook (GEO-3) is an important international platform for UNEP, underlining the Programme’s monitoring and reporting role; the voluntary guidelines for MEA compliance can prepare the ground for future

and more timely attempts to adopt a formal role in rationalizing the MEA system; and the decision on chemicals management reflects the current level of confidence and support available to UNEP activities.

Another sobering lesson from the IEG process may be the misplaced expectation invested in environment ministers and ministries. Indeed, environment ministers are more likely to view the GC/GMEF as a source of leverage for themselves in domestic politics. One European delegate described her resignation to the fact that most environment ministries are relatively weak within national governments, and somewhat limited in their capacity to deliver an enhanced mandate and funding for UNEP. Nevertheless, champions of the IEG process head into the final preparations for the WSSD with some optimism intact, investing their hopes in the knowledge that Heads of State are clearly in a position to inject momentum into the IEG agenda, which will be a relatively attractive deliverable in Johannesburg in response to the pressure for concrete institutional outcomes and a new focus on implementation.

FINANCING FOR UNEP

The discussion on financing for UNEP proved to be among the most contentious at the meeting and a useful barometer for the negotiating atmospherics. Japan, in particular, was subject to a strict mandate from its capital to put the breaks on new funding, having slashed its relevant domestic budget by 10 percent. Proposals to reference the UN scale of assessments were blocked by Australia, Japan, the US and Brazil. And a modest “final text,” brokered by Amb. John Ashe and presented to Ministerial-level consultations on Thursday, unraveled when the EU announced that it had no mandate to agree to elements in the draft text. This draft introduced the notion of an indicative scale of contributions, preserved the voluntary nature of contributions, and, crucially for the EU, contained what came to be regarded as an “opt out” clause providing for the use of alternative criteria to be decided by States themselves. The European Commission has been keen to establish a reference to a scale of assessments, preferably the UN scale, for domestic reasons, too. A scale of assessments can set a clear benchmark for some of the EU’s own members who currently contribute very little to the Environment Fund. Unlike the Nordic countries, such as Finland, which contributes to UNEP at ten times its UN assessed level, a number of southern European countries and candidates for EU membership contribute little or nothing at the moment. An indicative scale of contributions could encourage greater generosity and set a benchmark for UNEP contributions for the first time.

An indicative scale could also help provide cover for generous donors in the European region who, at some point in the future, might face political opposition to the level of their overall contributions to the United Nations. Voluntary donations are the first to be targeted for cuts when domestic opposition to national contributions to the UN emerges.

A clue to the future of funding prospects for UNEP lay buried in Jan Pronk’s intervention at WSSD PrepCom II. In typically frank terms, the Dutch Environment Minister and the UN Secretary-General’s Special Envoy to the WSSD announced that he believes in linking finance to sustainability goals, human needs and public goods, instead of focusing on the input of money before defining the goals. Some in the European Union now believe that the best prospects for the UNEP Environment Fund lie in the generation of funding earmarked for specific activities. Donors are getting increasingly



cautious about making open-ended commitments to “monolithic” organizations, whereas activities linked to the Millennium Declaration Goals are particularly fundable.

CIVIL SOCIETY ENGAGEMENT

As Menchú and others have noted, civil society injected much of the energy and legitimacy into the original UNCED process. In the post-UNCED world, struggling to come to terms with corporate-led globalization and the retreat of government from the civil sphere, the legitimizing role of civil society, particularly NGOs, has accelerated and has become a more generalized phenomenon beyond the UN system. In a paper tabled at the Civil Society Forum, held in parallel to the GC/GMEF, Tariq Banuri describes the growing importance of global public policy networks (GPPN) that have emerged over the last decade in response to widening gaps in policy making created by globalization, trade liberalization and the information revolution. UNEP has been slow to recognize and take full advantage of this trend and the potential contribution of GPPNs in balancing the influence of business with the interests of civil society.

At the Civil Society Forum civil society organizations arrived at an agreement with relative ease on an input to a draft decision on civil society engagement. Supportive governments and NGOs countered arguments from those governments arguing for the imposition of criteria and conditions for civil society engagement and resisting opening up participation to groups other than the international environmental NGOs. Supporters argued that more openness could enhance UNEP's performance and accountability.

Treatment of this issue is tied to the debate on the future role and mandate of UNEP and the GC/GMEF. Some delegations were clearly nervous that enhanced modalities for civil society participation could act as an early proxy – or indicator – for future progress on proposals to enhance the status and mandate the GC/GMEF and UNEP. The ultimate failure to reach agreement on either the establishment of a global forum for civil society or an amendment to the rules of procedure of GC clearly reflected the tensions rooted in this linkage. It is most likely that progress on this front will have to await the conclusion of the mainstream deliberations on civil society within the UN system, which are to be completed in 2003. With such a process in place there was little prospect, for example, of a proposal for NGO access to the GC/GMEF Bureau surviving informal consultations in Cartagena.

CONCLUSION

The GC/GMEF attracted over 90 ministers. The significance of this high-level vote of confidence in UNEP and in preparations for the WSSD was much appreciated by the organizers of the Summit. The GC/GMEF provided the most significant high-level opportunity to date to maximize the ambition of the recommendations before the WSSD. In the interim, these recommendations must enter the formal preparatory process where the competing pressures to prioritize the social and economic pillars of sustainable development will do little to improve the quality of the GC/GMEF outputs. There is a hope that the GC/GMEF did enough to address the core concerns around the social and economic pillars to insulate the environmental recommendations during the forthcoming WSSD PrepComs. UNEP and the GC/GMEF's future is now closely bound to the ability of the WSSD preparatory process to steer a path between the constituencies whose interests have accreted around bits and pieces of the post-UNCED agenda. Efforts on the path to Johannesburg must restore the integrity of all three pillars of

sustainable development. This can only be achieved by acknowledging that poverty disenfranchises entire worldwide constituencies from a stake in a sustainable future and diminishes those who insist on the enjoyment of wealth without responsibility. Such an acknowledgment is also the best guarantee for the future empowerment of the UNEP GC/GMEF and the environmental pillar of sustainable development.

Moreover, Cartagena demonstrated that the level of ambition for the post-UNCED IEG architecture must be pitched in a way that can attract support in a world where governments are increasingly viewed as partners and co-funders with civil society and the private sector. This is also a globalized world of intimate distance where both governments and intergovernmental bodies must take account of global public policy networks in order to address the gaps in their operational, delivery, communication and ethical capacities to mediate between the soulless discipline of corporate-led globalization and the enduring rights and needs of local communities and the environment. This modern message is perhaps best articulated today by custodians of local knowledge systems such as Rigoberta Menchú. With these things in mind there may be an opportunity to learn from the wisdom of the Ecuadorian delegate who warned that there is no greater madness than an attempt to confront old problems with the same solutions in the hope of a different outcome.

THINGS TO LOOK FOR BEFORE THE 22ND GOVERNING COUNCIL

CONSULTATIONS ON SUSTAINABLE DEVELOPMENT GOVERNANCE (SDG): An intersessional informal consultation on SDG is expected to be held at the end of February to facilitate preparation of a discussion paper for consideration at PrepCom III (dates and location to be confirmed). For more information, contact: Andrey Vasilyev, DESA; tel: +1-212-963-5949; fax: +1-212-963-4260; e-mail: vasilyev@un.org; Major groups contact: Zehra Aydin-Sipos, DESA; tel: +1-212-963-8811; fax: +1-212-963-1267; e-mail: aydin@un.org; Internet: <http://www.johannesburgsummit.org/>

SECOND SESSION OF THE UN FORUM ON FORESTS: UNFF-2 will take place at UN headquarters in New York, from 4-15 March 2002. This meeting will include a high-level ministerial segment. For more information, contact: Mia Soderlund, UNFF Secretariat; tel: +1-212-963-3262; fax: +1-212-963-4260; e-mail: unff@un.org; Internet: http://www.un.org/esa/sustdev/unff_2002_ssm.htm

INTERNATIONAL CONFERENCE ON FINANCING FOR DEVELOPMENT: The International Conference on Financing for Development will be held from 18-22 March 2002, in Monterrey, Mexico. It will bring together high-level representatives from governments, the United Nations, and other leading international trade, finance and development-related organizations. For more information, contact: Harris Gleckman, Financing for Development Coordinating Secretariat; tel: +1-212-963-4690; e-mail: gleckman@un.org or Federica Pietracci, tel: +1-212-963-8497; e-mail: pietracci@un.org; Internet: <http://www.un.org/esa/ffd>

UNEP GLOBAL YOUTH FORUM: This meeting will be held in Copenhagen, Denmark, on 22–31 March 2002, and will build on the Youth Conference on Environment and Sustainable Development held in May 2001. For more information, contact: Theodore Oben or Julia



Crause, UNEP; tel: +254-2-623-262/624-026; fax: +254-2-623-927/623-692; e-mail: theodore.oben@unep.org or julia.crause@unep.org; Internet: <http://www.globalyouth2002.org>

WSSD PREPCOM III: This meeting will take place at UN headquarters in New York from 25 March to 5 April 2002. Negotiations will be based on the Chairman's Paper distributed at the end of PrepCom II. For more information, contact: Andrey Vasilyev, DESA; tel: +1-212-963-5949; fax: +1-212-963-4260; e-mail: vasilyev@un.org; Major groups contact: Zehra Aydin-Sipos, DESA; tel: +1-212-963-8811; fax: +1-212-963-1267; e-mail: aydin@un.org; Internet: <http://www.johannesburgsummit.org/>

THE BEIJING FORUM FOR NEW AND EMERGING TECHNOLOGIES AND SUSTAINABLE DEVELOPMENT: This forum will be held from 15-17 April, 2002 in Beijing, China. The purpose of the meeting is to promote role of business-science partnership in utilizing new and emerging technologies for sustainable development. For more information, contact: UN DESA, tel: 1-212-963-8798; e-mail: makk@un.org; website: www.johannesburgsummit.org.

SIXTH MEETING OF THE CONFERENCE OF PARTIES OF THE CONVENTION ON BIOLOGICAL DIVERSITY (COP-6): This meeting is scheduled to take place in The Hague, the Netherlands, from 8-26 April 2002. For more information, contact: CBD Secretariat; tel: +1-514-288-2220; fax: +1-514-288-6588; e-mail: secretariat@biodiv.org; Internet: <http://www.biodiv.org/>

INTERNATIONAL CHILDREN'S CONFERENCE ON THE ENVIRONMENT: The fourth UNEP International Children's Conference on the Environment will take place in Victoria, Canada, from 22-24 May 2002. The conference is expected to bring together 800 children from 10 to 12 years of age from over 115 countries to produce a statement from children to world leaders at WSSD. For more information, contact: Theodore Oben, UNEP; tel: +254-2-623-262; fax: +254-2-623-927; e-mail: theodore.oben@unep.org; Internet: http://www.unep.org/children_youth/

WSSD PREPCOM IV: This meeting will take place from 27 May to 7 June 2002 in Jakarta, Indonesia. It will include Ministerial and Multi-stakeholder Dialogue Segments, and is expected to result in elements for a concise political document to be submitted to the 2002 Summit. For more information, contact: Andrey Vasilyev, DESA; and Zehra Aydin-Sipos for information for Major Groups (see above).

WORLD FOOD SUMMIT – FIVE YEARS LATER: This meeting, which will take place from 10-13 June 2002, in Rome, has been planned to review progress in the implementation of the World Food Summit goal set in 1996 to halve the number of the food insecure by 2015 and consider ways to accelerate the process. For more information, contact: FAO; tel: +39-06-570-55249; fax: +39-06-570-53625; e-mail: food-summit@fao.org; Internet: <http://www.fao.org/worldfoodsummit/>

IMPLEMENTATION CONFERENCE – STAKEHOLDER ACTION FOR OUR COMMON FUTURE: This conference will take place in Johannesburg, South Africa, from 20-23 August 2002, and will bring together leading representatives of the Major Groups in Agenda 21 and other stakeholders to work on key issues and generate action plans. For more information, contact: Stakeholder Forum; tel: +44-20-7839-1784; fax +44-20-7930-5893; e-mail: info@earthsummit2002.org; Internet: <http://www.earthsummit2002.org/ic/>

ENVIROLAW CONFERENCE 2002: This conference will be held from 26-29 August 2002, in Durban, South Africa. It will provide a platform for the international legal community to explore solutions and suggest mechanisms that will interlink international and regional treaties and conventions in order to improve their implementation and enforcement. It will also interact with the WSSD preparatory process. For more information, contact: EnviroLaw Solutions; tel: +27-11-269-7944; fax: +27-11-269-7899; e-mail: info@envirolawsolutions.com; Internet: <http://www.envirolawsolutions.com/>

WORLD SUMMIT ON SUSTAINABLE DEVELOPMENT: The World Summit on Sustainable Development will take place in Johannesburg, South Africa, from 26 August to 4 September 2002. For more information, contact: Andrey Vasilyev, DESA; and Zehra Aydin-Sipos for information for Major Groups (see above).

INTERNATIONAL ECOTOURISM CONFERENCE: This conference will take place from 21-25 October 2002, in Cairns, Australia. It is expected that it will be the final formal event of the International Year of Ecotourism 2002, and will bring together the work carried out throughout the International Year. For more information, contact: Tony Charters, Conference Convenor; tel: +61-7-3535-5493; fax: +61-7-3535-5445; e-mail: tony.charters@tq.com.au; Internet: <http://www.ecotourism-australia.info/conf2002/index.htm>

THIRD MEETING OF THE GLOBAL FORUM ON SUSTAINABLE ENERGY: GFSE-3 will be held in Graz, Austria, from 27-29 November 2002. The meeting will focus on public-private partnerships for rural development. For more information, contact: Irene Freudenschuss-Reichl, UNIDO; tel: +1-212-963-6890; fax: +1-212-963-7904; e-mail: freudenschuss-reichl@un.org

THE 22ND SESSION OF THE UNEP GOVERNING COUNCIL (GC-22): This meeting will be held in February 2003 in Nairobi, Kenya. For more information, contact: Beverly Miller, Secretary for the Governing Council, UNEP; tel: +254-2-623431/623411; fax: +254-2-623929/623748; e-mail: beverly.miller@unep.org; Internet: <http://www.unep.org>



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