



SUMMARY OF THE SECOND MEETING OF THE OPEN-ENDED INTERGOVERNMENTAL GROUP OF MINISTERS OR THEIR REPRESENTATIVES ON INTERNATIONAL ENVIRONMENTAL GOVERNANCE: 17 JULY 2001

The second meeting of the Open-Ended Intergovernmental Group of Ministers or Their Representatives on International Environmental Governance met in Beethovenhalle, Bonn, Germany on 17 July 2001. The United Nations Environment Programme (UNEP) organized the meeting pursuant to decision 21/21 of the UNEP Governing Council, which established an Open-ended Intergovernmental Group of Ministers to undertake a comprehensive policy-oriented assessment of weaknesses in existing international environmental institutions, and to examine options for strengthened international environmental governance. Two hundred participants from 75 countries were present, including 21 ministers and deputy ministers, experts, representatives from non-governmental organizations (NGOs), UN-bodies and inter-governmental organizations (IGOs). Delegates met for morning and afternoon plenary sessions and listened to reports on the outcomes of recent consultations of civil society and experts on international environmental governance, and to hear statements by relevant international organizations and national representatives on further issues in international environmental governance.

REPORT OF THE MEETING

Chair Karen Redman (Canada) opened the meeting on behalf of David Anderson, President of the UNEP Governing Council and Chair of the Open-ended Group, who was absent due to injury. The opening statement was made by President Anderson by telephone. He said the purpose of this meeting was to offer the next meeting a basis for substantive deliberation by providing the Governing Council Bureau direction on how to converge issues. He underscored that the first meeting had indicated unanimous support for the strengthening of UNEP, and stressed the need to involve the widest range of interested parties and high level support. He emphasized current weaknesses in the system, including the difficulty to achieve coherence of international environmental efforts, and the fragmentation of international instruments dealing with environment.

REVIEW OF RECENT DEVELOPMENTS IN THE IMPLEMENTATION OF GOVERNING COUNCIL DECISION 21/21

UNEP Executive Director Klaus Töpfer reported that convergences reached in the inter-sessional period include agreement on: the need for an evolutionary approach to international environmental governance; the need to better define dimensions of international environmental governance; and the need to place international environmental governance in the context of sustainable development; involve other ministries at the national level; and address financing. Töpfer put forth questions concerning: the

roles and reform of the Global Ministerial Environment Forum (GMEF) and the Environmental Management Group (EMG); clustering of multilateral environmental agreements (MEAs); financing, status and authority of UNEP and its relationship with other entities dealing with the environment; and how to define international environmental governance in the context of sustainable development.

REPORT OF THE OUTCOME OF THE EXPERT CONSULTATIONS ON INTERNATIONAL ENVIRONMENTAL GOVERNANCE: Rajendra K. Pachauri, Tata Energy and Resources Institute, and Lee A. Kimball, independent consultant of international environmental law, presented a summary of the outcome of the Expert Consultations held in Cambridge, 28-29 May 2001. Pachauri emphasized the discussions on the future role of UNEP in relation to sustainable development, and the present financial constraints that are hindering UNEP from meeting its goals. He noted that any discussion on UNEP being converted into a specialized agency is premature. Kimball identified three topics that were highlighted in Cambridge: clustering of MEAs, the multi-layering of governance, and the need to look beyond environmental governance.

REPORT OF THE OUTCOME OF THE CIVIL SOCIETY CONSULTATIONS ON INTERNATIONAL ENVIRONMENTAL GOVERNANCE: Simone Lovera, Friends of the Earth International, presented observations from the Civil Society Consultations on International Environmental Governance, held in Nairobi, 22-23 May 2001. She expressed concern that the credibility of international environmental governance is at stake if key parties do not ratify the Kyoto Protocol to the UN Framework Convention on Climate Change (UNFCCC). She highlighted the need for meaningful participation by civil society; capacity building; and improving compliance and dispute resolution mechanisms.

Grace Akamu, Climate Network Africa, stressed the importance of the location of UNEP in Nairobi, as it is the only UN agency in a developing country.

CONTRIBUTION OF THE COMMITTEE OF PERMANENT REPRESENTATIVES TO UNEP: The Committee of Permanent Representatives (CPR) to UNEP stressed that UNEP should be placed in the center of international environmental governance in view of its mandate accorded in Agenda 21. They state that the principle expectation is that international environmental governance reforms will lead to fulfillment of the UN target of 0.7% of developed countries' GNP for ODA.

Mohamed T. El-Ashry, CEO and Chairman of the Global Environment Facility (GEF), spoke in his personal capacity. He suggested that the international system of governance could be made more effective by clarifying the environmental roles and mandates of all relevant organizations. He stated that UNEP should maintain its key role in monitoring and assessing the state of the environment and should oversee the environmental activities undertaken by other UN organizations. El-Ashry called on participants to translate the rhetoric of the Nairobi Declaration into



reality. Michael Zammit-Cutajar, Executive Secretary of the UNFCCC, speaking in his personal capacity, highlighted the lack of success by the UN Conference on Environment and Development in linking environment and development. He underscored the potential benefits of co-locating MEAs and meetings, but emphasized the difficulty in addressing the legal distinction among instruments. He said the problem of fragmentation had been initiated by UNEP itself.

IUCN highlighted the importance of transparency and public participation, and noted the need for a common definition for international environmental governance. He announced IUCN's intention to collaborate with UNEP on a communications strategy to improve information dissemination. UNESCO supported an evolutionary process that would involve coordination between different UN organizations working on environmental issues. FAO called for a clear definition of global commons especially with respect to plant and genetic resources.

The BASEL CONVENTION outlined its attempts toward strengthening the partnership between the chemical conventions. She said that the best opportunities for strengthening environmental governance are found at the regional level. RAMSAR indicated that there is a need to look at how MEAs can contribute to poverty alleviation and sustainable development. He questioned the need for the Commission on Sustainable Development (CSD), and proposed changing the name of UNEP to UN "Sustainable Development Programme."

UNDP noted that developing countries negotiate from a position of weakness. He offered to organize regional meetings on international environmental governance between now and the World Summit on Sustainable Development.

STATEMENTS BY MINISTERS OR THEIR REPRESENTATIVES:

IRAN, for the G-77/CHINA, stressed that the concept of sustainable development provide the overriding context and framework within which the international environmental governance process should proceed. He urged that no new international environmental body be created and that better coordination of MEAs be the means for reaching the goals of sustainable development. He also agreed that international environmental governance needs a multi-layered, evolutionary approach and that consensus building be associated with gradualism to benefit all but, in particular, developing countries.

The EU proposed a more coherent and integrated institutional environmental structure, in which all countries can participate on an equal basis. SOUTH AFRICA, as host country for the World Summit on Sustainable Development, underscored his commitment to ensuring that the Summit be an opportunity to significantly strengthen the international environmental governance regime. He proposed guiding principles for a new regime, including: common but differentiated responsibilities; integration of environmental concerns into the economic and social policy arenas including the world trade and financial regimes; and the promotion of environmental, economic, and social justice.

The UNITED KINGDOM outlined the need for sustainable and predictable funding for UNEP. With respect to the open-ended meetings on international environmental governance, he emphasized the importance of monitoring progress toward targets set at previous meetings. The US supported the GMEF process, and emphasized the need to clarify how this forum would differ from the CSD. On the relationship between UNEP and the GEF, the US said that competition for funding provided "healthy tension" thereby strengthening UNEP.

SWITZERLAND highlighted the shortcomings of the present regime, including: insufficient commitment by the States to MEAs; fragmentation of the regime; limited authority of UNEP; and structural/ institutional imbalance between the environmental regime and other regimes. He outlined the general principles and criteria for international environmental governance as: coherence; comprehensiveness; efficiency; and effectiveness. The CZECH REPUBLIC stressed the importance of enforcing UNEP payments by member countries and proposed that voting privileges be withheld for countries in arrears. KENYA called for focusing on

enhancing national capacities in developing countries, and implementing international environmental agreements and national environmental plans.

CHINA's main concerns were how the objectives of international environmental governance were to be realized. He opposed the formation of a new global environmental organization and noted legal obstacles that might interfere with UNEP's role to provide policy guidance to MEAs. He also disagreed with the emphasis on linking trade with environmental technology as this might impact the interests of developing countries and reduce their contribution to the international environmental governance process. BRAZIL noted the need to distinguish between technical and political aspects of environmental issues and stressed the importance of reconciling the role of States with that of civil society in international governance. Responding to the proposal for a systematic approach to coordination of MEAs, BRAZIL had doubts in the usefulness of monitoring the decisions of MEAs and stressed the need to establish criteria for comprehensive reports if they were to be required.

INDONESIA underscored the need to ensure effective mechanisms for technology transfer and financial assistance for developing countries. FRANCE indicated support for transforming UNEP into a specialized agency, suggesting that financing be based on the UN scale as for other agencies.

SWEDEN underscored the importance of secure financing for UNEP and encouraged industrialized and middle-income countries to consider how to provide this. He stressed the importance that assessed or negotiated contributions be supplemented by innovative sources of funding. He suggested that the clustering of chemical conventions could be considered at the next meeting.

SENEGAL mentioned the absence of developing countries at meetings and supported clustering of MEAs to assist developing countries in participating in agreements that they have signed.

CANADA recommended the GMEF as the accepted authority for priority setting, advocated clarifying and optimizing EMG for enhanced coordination, and suggested providing adequate financing through leveraging with domestic finance ministers, using the UN scale to agree to a set contribution.

GERMANY recommended that the World Summit on Sustainable Development could be the starting point for upgrading the status of UNEP, with a long-term view of establishing a world environment organization. JAPAN announced a contribution of US\$50,000 to the review process to strengthen international environmental governance, and underscored the importance of seeking private sector involvement. NORWAY suggested that UNEP be the political platform for international environmental governance, facilitating interaction between all levels of society. She noted that in order to achieve this, UNEP will need to have authority for inter-governmental coordination.

In summary, Chair Redman outlined some common observations and statements made by the participants, and said these would be reflected in a Chair's Summary that would be included in the report of the Executive Director. She highlighted "*inter alia*" the sense that the proliferation of meetings contributed to a loss of policy coherence and a reduced impact of the limited resources available; support for international sustainable development governance; support for a strong role for the EMG; the important role of civil society; and the need to take into account the principle of common but differentiated responsibility. Other issues included interest in some form of MEA clustering and the need for stable funding and the use of the UN system of assessed contributions.

The G-77/CHINA noted that in light of UN General Assembly resolution 53/242, UNEP should avoid involvement in disputes regarding environmental management conflicts and that the ministerial forum should keep with the definition of its mandate.

CLOSURE OF THE MEETING

UNEP urged participants to submit their responses to the questions posed by the Executive Director. He also encouraged delegates to follow Japan's lead and provide financial contributions for the process. Chair Redman thanked participants, the Secretariat, the host city of Bonn, and the interpreters and closed the meeting at 5:20 pm.