

GC-25/GMEF HIGHLIGHTS: THURSDAY, 19 FEBRUARY 2009

On Thursday morning, GC-25/GMEF delegates convened in ministerial consultations, the Committee of the Whole (COW) and in an informal group on support to Africa. In the afternoon, deliberations continued in the COW, and in three parallel roundtable discussions on “IEG-Help or hindrance? – IEG from a country perspective.” The drafting group and the chemicals management contact group also met throughout the day.

MINISTERIAL CONSULTATIONS

This session consisted of a keynote presentation and a panel discussion on IEG from a country perspective.

KEYNOTE PRESENTATION: Marthinus Van Schalkwyk, Minister of Environmental Affairs and Tourism, South Africa, expressed frustration with the “lack of fundamental reform or even incremental progress” on IEG and emphasized that maintaining the present IEG status quo was untenable.

He said questions relating to form and structure must follow function to avoid an inward-looking dialogue and weaker UNEP mandate. Van Schalkwyk emphasized the need to set clear milestones over the next three years, and for a political declaration to come out of the next GC special session to guide further work in the run-up to Rio+20.

PANEL DISCUSSION: Andreas Carlgren, Minister for the Environment, Sweden, discussed the lack of trust between developing and developed countries regarding delivering on commitments. He called for a new flexible governance mechanism and enhanced coordination of the UN system.

Faumuita Liuga, Minister of Natural Resources and Environment, Samoa, said the challenge for the GC/GMEF is to promote environmental sustainability as a basis for economic recovery and financial growth. He called for UNEP regional offices to be upgraded and for more authority to be delegated to them.

John Michuki, Minister of Environment and Natural Resources, Kenya, observed that IEG should ensure full consideration of developing country needs and challenges and should not place unrealistic demands on governments and the UN system. He called on developed countries to honor ODA commitments and to provide new and additional financial resources.

Roberto Dobles Mora, Minister of Environment, Energy and Telecommunications, Costa Rica, acknowledged agreement to strengthen UNEP but divergence on the degree of transformation and specific actions to be taken.

Ana Maria Sampaio Fernandes, Brazil, called for a solution that helps countries to implement sustainable development and action that integrates environmental, social and economic pillars.

Kevin Conrad, Coalition for Rainforest Nations, emphasized that it is “time to reframe environmental theory before talking about governance” and to “consider environmental incentives before restrictions.” He underscored that the environment cannot be protected until it is correctly valued.

During the ensuing discussion many delegates drew attention to the lack of coherence in environmental governance. They pointed to the need to strengthen UNEP in order to improve implementation and for enhanced coordination and synergistic approaches at the institutional level.

COMMITTEE OF THE WHOLE

POLICY ISSUES: State of the environment: JAPAN tabled a draft decision inviting governments and relevant organizations to participate in activities to commemorate the International Year of Biodiversity in 2010 and calling on UNEP to coordinate such efforts. BRAZIL, supported by the EU, COLOMBIA, CANADA, MEXICO, INDONESIA and NORWAY, welcomed the opportunity to refocus attention on the Convention on Biological Diversity (CBD), further noting that the decision should reflect agreed WSSD language on an international regime on fair and equitable benefit-sharing by 2010. KAZAKHSTAN called for reference to economies in transition. Chair Uosukainen invited interested delegations to submit additional proposals to the drafting group for discussion in the afternoon.

Waste management: Delegates agreed the revised decision submitted by the informal working group.

South-South cooperation: The G-77/CHINA and the EU reported that they had agreed compromise language referring to “necessary adequate resources.”

IPBES: The draft decision as amended by the drafting group was accepted.

Environmental Situation in the Gaza Strip: Algeria, on behalf of the ARAB STATES, presented the draft decision which the COW approved.

Support to Africa: Delegates accepted the revised text submitted by the informal working group.

Chemicals management including mercury: The COW approved the draft decision submitted by the Contact Group on Chemicals Management.

Environmental Law: The COW considered the draft decision submitted by the drafting group, which was accepted after deleting a reference to the EU law on environmental liability.

INTERNATIONAL ENVIRONMENTAL GOVERNANCE: The COW briefly discussed the draft but referred it to an informal group for further consideration.

PROGRAMME OF WORK AND BUDGET: The COW agreed the three decisions prepared by the Contact Group on the Programme of work and budget as amended.

DATE AND VENUE OF FUTURE SESSIONS: Introducing this draft decision the UNEP Secretariat noted that the dates and venue of the 11th special session of the GC/GMEF in 2010, and the dates of the 26th GC/GMEF in Nairobi in 2011, would be decided in consultation with the Bureau and CPR. The decision was agreed.

DRAFTING GROUP

The group revisited draft decisions on IEG, environmental law and the world environment situation, and reviewed Japan's proposed decision on the International Year of Biodiversity. Regarding IEG, consensus was finally reached and the draft decision forwarded to the COW.

On the world environment situation, the group debated convening an intergovernmental meeting, but some delegates said the proposed meeting would duplicate the tasks of the already-operational second intergovernmental and multi-stakeholder consultative forum. The draft decision was eventually agreed and, with the draft decision on environmental law, was forwarded to the COW.

Regarding Japan's draft decision on the International Year of Biodiversity, discussion centered on making reference to the CBD. Following extensive consultations the group agreed to a compromise draft to be forwarded to the COW.

CONTACT AND INFORMAL GROUPS

CHEMICALS: The Friends of the Chair Group convened overnight on Wednesday and resolved several contentious issues, including: agreement to elaborate a legally-binding instrument on mercury; commencing the work of the first intergovernmental negotiating committee (INC) in 2010, with the goal of completing work by 2013; and that the INC would address anthropogenic sources of mercury.

The contact group consulted informally on the outstanding issues of references to the Rio Principles, and to leaving the door "faintly open" or "closed" to other chemicals of global concern. Informal consultations continued throughout the afternoon and delegates eventually agreed to a "faint hint" of an open door, by recognizing the mandate of the INC may be supplemented by further decisions of the GC.

Regarding the Rio Principles, delegates agreed to a reference to Principle 7 on common but differentiated responsibilities, but removed language on the INC specifying principles underpinning the instrument.

On mandating the INC to specify arrangements for capacity building, technical and financial assistance, views differed over an Indian proposal to include reference to "committed financial assistance," which the EU rejected. After lengthy consultations, delegates agreed to recognize that the ability of developing countries and countries with economies in transition to implement some legal obligations effectively under a legally binding instrument is dependent on the availability of capacity building, and technical and adequate financial assistance.

Regarding SAICM, delegates agreed that the ICCM will discuss ways to promote further progress in implementation of SAICM as well as approaches for mid- and long-term financing.

On lead and cadmium, delegates agreed to delete a reference to the 2006 Budapest Statement on Mercury, Lead and Cadmium. The decision on chemicals management was forwarded to the COW.

SUPPORT TO AFRICA: During informal consultations chaired by Agnes Kalibbala, delegates proposed language stating that UNEP should provide technical support to the African climate policy center, "once established." On follow-up to *Africa: Atlas of our Changing Environment*, delegates agreed that the Atlas should be updated "as appropriate." Language was agreed calling on UNEP to seek extrabudgetary funds for implementing the MTS in "a more coordinated and coherent manner for greater impact in Africa." SOUTH AFRICA proposed, and delegates accepted, a preambular reference to the New Partnership for Africa's Development (NEPAD) and a regional dialogue on climate change. The decision was forwarded to the COW.

IN THE BREEZEWAYS I

A sleepless night failed to dampen delegates' enthusiasm for the finalization of the decision on mercury. Several said the agreement ushered in a new dawn for international environmental policy. A resurgence of goodwill and hope was palpable, as delegates applauded the spirit of compromise shown by all countries, and commended the dedication and unflinching support of the UNEP Chemicals team and the Co-Chairs. Noting everyone was stretched to their limits, one delegate said some "will go home with a tear in their eye, as well as a smile on their face," knowing that they had agreed to work towards reducing the global risk of mercury to human health and the environment through a legally binding instrument.

IN THE BREEZEWAYS II

There appeared to be a lingering feeling among various African delegations, that with ministerial discussions dominated by developed countries showcasing 21st century "green economy" innovations, the disconnect with the political and institutional reality "back home" was all too apparent. One delegate opined the "extreme difficulty" in obtaining political buy-in for the necessary changes in a deregulated developing country context, and questioned how UNEP's effort to become a leader in a crises-ridden world could benefit developing countries.

ENB SUMMARY AND ANALYSIS: The *Earth Negotiations Bulletin* summary and analysis of GC-25/GMEF will be available on Monday, 23 February 2009, online at: <http://www.iisd.ca/unepgc/25unepgc/>