



## UNEP GOVERNING COUNCIL HIGHLIGHTS MONDAY, 3 FEBRUARY 2003

The 22nd session of the UNEP Governing Council and fourth Global Ministerial Environment Forum (GMEF) opened on Monday morning, 3 February, at UNEP headquarters in Nairobi, Kenya. Following the opening speeches, election of officers and adoption of the agenda, delegates reconvened in Plenary in the afternoon to consider the state of the environment and emerging policy issues. A Committee of the Whole (COW) also met in the afternoon to take up agenda items on the role of civil society, draft decisions submitted by the Committee of Permanent Representatives (CPR), UNEP's programme of work, and administrative and budgetary matters.

### PLENARY

The opening Plenary began with an audio-visual presentation stressing that, in spite of the many challenges, action to protect our environment can be successful.

**OPENING STATEMENTS:** UNEP Deputy Executive Director Shafqat Kakakhel delivered a message from UN Secretary-General Kofi Annan, highlighting the significance of this session, which is taking place five months after the World Summit on Sustainable Development (WSSD). He stressed UNEP's critical role in developing a programme that contributes to implementing the outcomes of the WSSD.

David Anderson, Canada's Environment Minister and the Governing Council's outgoing President, outlined achievements during his tenure, including the completion of the first global mercury assessment, the Great Apes Survival Project, the adoption of the Stockholm Convention on Persistent Organic Pollutants, and the release of the third Global Environment Outlook (GEO-3) report in 2002. He also reported on efforts to improve international environmental governance (IEG), and linked this to the increased financial support for UNEP from a number of governments. Looking ahead, he said UNEP is uniquely positioned to ensure that the environmental aspects of the WSSD's outcomes are implemented.

Highlighting milestones reached in Monterrey, Doha and Johannesburg, UNEP Executive Director Klaus Töpfer said the Governing Council has an opportunity to strengthen the achievement of sustainable development and the eradication of poverty. He stressed that the Governing Council should aim to implement the WSSD's Plan of Implementation by advising UNEP on the 10-year programme for sustainable consumption and production, improving capacity building, monitoring and assessing global environmental change, promoting the use of new technologies, and ensuring that trade and environment policies are consistent and mutually supportive.

Arthur Chaskalson, Chief Justice of South Africa's Constitutional Court, reported on the recent *Ad Hoc* Meeting of Judges for the Development of a Plan of Work, organized as a follow-up to the Global Judges Symposium held prior to the WSSD. Observing that environmental management involves a chain of actors including the judiciary, he said the manner in which judges discharge their

responsibilities influences attitudes and the enforcement of laws. He outlined the results of recent meetings aimed at increasing judicial capacity building, and reviewed plans to facilitate the further exchange of views and guidance.

Newton Kulundu, Kenya's Minister of the Environment, reported on the new government's domestic policy initiatives and voiced support for the New Partnership for Africa's Development (NEPAD). He commended UNEP's focus on poverty eradication and its cooperation with the Drylands Development Center and the UN Human Settlements Programme (UN-HABITAT). He supported the establishment of a trust fund for the management of environmental emergencies and urged the timely payment of pledges to the Environment Fund, based on the voluntary indicative scale of contributions.

MOROCCO, speaking for the G-77/CHINA, underscored UNEP's role in implementing the environmental aspects of the WSSD's outcomes, and said civil society's participation in UNEP should be encouraged. He called on donor countries to reverse the decline in ODA and meet their commitments on capacity building and technology transfer. He supported strengthening UNEP's work promoting sustainable consumption and production patterns, and drew attention to UNEP's report on the environmental situation in the Occupied Palestinian Territories.

GREECE, on behalf of the EU, said UNEP has an important role in implementing the environmental dimensions of sustainable development and underlined the link between poverty and the environment. He highlighted urgent issues to be addressed by the Governing Council, including: sustainable consumption and production; global mercury assessment; a strategic approach to the safe management of chemicals; IEG, with increased participation of civil society; biodiversity loss; marine transport of hazardous substances; and the regional implementation of WSSD outcomes.

**ORGANIZATIONAL MATTERS:** Delegates elected by acclamation Ruhakana Rugunda, Minister of Water, Lands and Environment of Uganda, as President of the Governing Council. They also elected Suk Jo Lee (Republic of Korea), Juan Pablo Bonilla (Colombia), and Tanya Van Gool (the Netherlands) as Vice-Presidents, and Václav Hubinger (Czech Republic) as Rapporteur. The Governing Council then adopted the agenda for this session (UNEP/GC.22/1) and agreed to the recommendations from UNEP's Executive Director on the organization of work (UNEP/GC.22/1/Add.1/Rev.2).

**POLICY ISSUES: State of the Environment and Emerging Policy Issues:** On Monday afternoon, delegates discussed the state of the environment (UNEP/GC.22/2 & Add.1-7) and emerging policy issues (UNEP/GC.22/3 & Add.2). Executive Director Töpfer highlighted UNEP's environmental assessment and early warning activities, which he described as the "cornerstone of all our work." Delegates were then briefed on the state of the environment by a UNEP representative, who identified problems in many areas, including water policy, food security, land degradation, biodiversity, climate change, and the marine environment.

R.K. Pachauri, Chair of the Intergovernmental Panel on Climate Change (IPCC), outlined the results of the IPCC's Third Assessment Report and the predicted effects of climate change on



agriculture, health, water resources, coastal areas, biodiversity, fisheries, food production, and hydropower generation. He highlighted the environmental and economic benefits of regional assessments, mitigation strategies, and climate change policy making.

On the NEPAD Framework for Action, African Civil Society representative Grace Akumu argued that the principles of the Framework are not sufficiently specific, and noted the inadequate participation of civil society in the process.

The RUSSIAN FEDERATION expressed doubts concerning the introduction of universal membership of the Governing Council. He cautioned against any immediate change to the rules governing civil society involvement in the Council, suggesting that a working group could provide advice on this matter.

BANGLADESH highlighted the need for capacity building, monitoring and assessment, fair trade rules, and entry into force of the Kyoto Protocol. ROMANIA announced that it will ratify the Stockholm POPs Convention and the Rotterdam Convention and stressed the need for better coordination of the compliance and enforcement of MEAs, and the increased exchange of information, technology and expertise.

ICELAND, on behalf of the ARCTIC COUNCIL, highlighted the need for further mercury assessments in the Arctic and initiatives to protect the Arctic marine environment. INDIA said the proposal for an Intergovernmental Panel on Global Environmental Change (IPEC) was duplicative and unnecessary. He suggested that the Governing Council not discuss the Asian Brown Cloud issue, as other matters such as technology transfer, capacity building, and sustainable consumption and production should take priority.

NORWAY said the proposal for an IPEC had merit. SOUTH AFRICA highlighted desertification, marine resources, chemicals management, and biodiversity, particularly access and benefit sharing, as key issues that should be taken up by the Governing Council.

ETHIOPIA emphasized the need for effective biosafety frameworks and for defining access and benefit sharing arrangements from genetic resources, and argued that a voluntary system was inadequate. KENYA and MEXICO stressed the need to preserve biological and cultural diversity and supported the proposal for a world convention on cultural diversity. The US expressed hope that this Council session would initiate a programme based on the mercury assessment and noted concerns about the IPEC proposal, pointing to difficulties in its implementation. The EU supported the establishment of IPEC and said UNEP should cooperate with UNESCO in examining the environmental impacts of large-scale cultural and sports events. UNESCO reported on its various cooperative activities with UNEP, and expressed particular interest in discussions on IPEC and on cultural and biological diversity.

The GLOBAL CIVIL SOCIETY FORUM expressed concern that UNEP is "lagging behind" in its relationships with civil society. He welcomed UNEP's strategic paper on civil society involvement, endorsed the prompt creation of a civil society advisory panel to UNEP's Executive Director, and proposed a UNEP initiative on cultural and biological diversity in partnership with other institutions.

#### **COMMITTEE OF THE WHOLE**

COW Chair Tanya Van Gool and UNEP Deputy Executive Director Shafqat Kakakhel introduced the organization of work, outlining issues relating to: the UNEP Programme, Environment Fund, and administrative and other budgetary matters; follow-up of UNGA resolutions; and UNEP's contribution to future sessions of the CSD. Noting the limited time allocated for budgetary discussions, several delegates requested that a contact group be formed. Chair Van Gool said it could only be established on Tuesday once the relevant documents had been introduced to the COW. Regarding the draft decisions submitted by the Committee of Permanent Representatives (CPR), Chair Van Gool noted that a drafting committee would be established to discuss and elaborate on the CPR's submission (UNEP/GC.22/L.1). Francis Kihumba (Kenya) was elected as COW Rapporteur.

Kakakhel then introduced documentation for discussion by the COW. CPR Chair Juergen Weerth (Germany) presented the draft decisions prepared by the CPR pursuant to the mandate established by the Governing Council (UNEP/GC.22/L/1). He noted that the document covered 30 subject areas and that the CPR had reached agreement on 21 of these. He said divergent views remained on amending Rule 69 of the Council's Rules of Procedure on civil society participation.

Countries made statements on the draft decisions and other relevant UNEP documents. Markandey Rai, President of the Nairobi Staff Union, offered the support of staff in implementing decisions of the Governing Council. SYRIA said the report on the environmental situation in the Occupied Palestinian Territories went beyond the mandate of the UNEP desk study team, and requested that the document be redrafted, deleting specific paragraphs which refer to Israel's role vis-à-vis regional environmental cooperation, particularly regarding desertification (UNEP/GC.22/2/Add.6). Kakakhel replied that the Council President Rugunda will hold consultations to address the issue.

INDIA objected to the study of the Asian Brown Cloud (UNEP/GC.22/INF/32) and opposed the relevant draft decision. The EU highlighted, *inter alia*, its support for establishing IPEC and promoting civil society participation in the Governing Council. IRAN said human-induced fires in a neighboring country had damaged wetlands of international importance and suggested that UNEP prepare an assessment in this regard. IRAQ insisted that the fires had resulted from natural causes.

On support to Africa, ZIMBABWE proposed adding a reference in the relevant report stressing the need to strengthen the capacity of African negotiators (UNEP/GC.22/2/Add.4). The INTERNATIONAL COUNCIL ON ENVIRONMENTAL LAW commented on the report on the implementation of the programme for the development of environmental law (Montevideo Programme III).

#### **IN THE CORRIDORS**

As the first day of the Governing Council's 22nd session drew to a close on Monday evening, several Governing Council veterans were heard commenting on the unexpectedly high turnout at this meeting, while others were discussing the heavy agenda, which at least one delegate felt might be "overly ambitious." With dozens of documents on delegates' desks, the Governing Council wasted little time in getting to grips with its agenda, and the COW and Plenary took up various policy issues in the afternoon.

Looking at the week ahead, observers highlighted several issues that could prove complex or controversial. These include the budget, the IPEC proposal, suggested amendments to the Council's Rules of Procedure on civil society participation, global mercury assessment, the Brown Cloud issue, and the environmental situation in the Occupied Palestinian Territories. Meanwhile, some participants left the afternoon session of the COW apparently confused at the organization of the body's work, with several questioning how the session would proceed.

#### **THINGS TO LOOK FOR TODAY**

**PLENARY:** Plenary will convene in Conference Room 1 at 9:00 am to resume consideration of policy issues, starting with the outcome of the WSSD, followed by linkages among environment-related conventions. Plenary will resume from 3:00-7:00 pm to continue discussions on the WSSD, focusing on the implementation of water-related outcomes.

**COMMITTEE OF THE WHOLE:** The COW will convene at 9:00 am in Conference Room 2. It is expected to consider cooperation within and outside the UN, and programmatic, budgetary and administrative matters.

**DRAFTING COMMITTEE:** A drafting committee is expected to convene at 10:00 am in Conference Room 4 to work on draft decisions forwarded by the CPR.

**CONTACT GROUP ON THE BUDGET:** A contact group on the budget is expected to be formed on Tuesday, with details to be announced following discussion in the COW.