



## U.N. REFORM WATCH no. 24

*Analyses from Associates of CENTER FOR U.N. REFORM EDUCATION*

The Center does not endorse any particular reform proposal and has no affiliation with any governments. All expressions of opinion contained in its publications are the sole responsibility of the author or authors.

### **Consultations at UNGA on Environmental Activities Reach Critical Stage**

by Lydia Swart  
January 30, 2007

*Now that the informal consultations at the General Assembly (UNGA) on the UN's environmental activities are moving to the formulation of an Options Paper, it will become more evident whether there is sufficient political will to strengthen environmental governance at the global level.*

Separate processes are currently taking place at the UN Headquarters in New York with the aim of strengthening the UN's environmental activities. Informal consultations are being held in the General Assembly, co-chaired by Mexican Ambassador Enrique Berruga and Swiss Ambassador Peter Maurer. In addition, the High-level Panel on System-wide Coherence, established by Kofi Annan, has made a number of recommendations on environmental governance in its report "Delivering as One." The Co-Chairs and the High-level panel reportedly have been in close contact to ensure that the two processes are mutually supportive and complementary.<sup>1</sup>

When forwarding the Panel's report to States Parties on 20 November 2006, Kofi Annan stated that he was also: "transmitting the Panel's report to my successor, Ban Ki-moon, to enable him to formulate specific proposals on how the Panel's recommendations should be taken forward." To our knowledge, the new Secretary-General has not yet acted in this regard and it is unclear what shape the follow-up to the recommendations of the Panel will take.

The informal consultations chaired by the Mexican and Swiss ambassadors constitute a follow-up process to the recommendations in paragraph 169 of the September 2005 World Summit Outcome Document which reads, *inter alia*:

#### *Environmental activities*

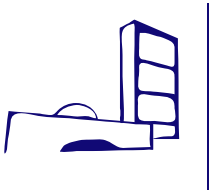
Recognizing the need for more efficient environmental activities in the United Nations system, with enhanced coordination, improved policy advice and guidance, strengthened scientific knowledge, assessment and cooperation, better treaty compliance, while respecting the legal autonomy of the treaties, and better integration of environmental activities in the broader sustainable development framework at the operational level, including through capacity building, we agree to explore the possibility of a more coherent institutional framework to address this need, including a more integrated structure, building on existing institutions and internationally agreed instruments, as well as the treaty bodies and the specialized agencies.

On 27 June 2006, the co-chairs published a summary<sup>2</sup> of the informal consultations held in April and June 2006. The areas covered by the consultations were:

- Enhanced coordination;
- Improved policy advice and guidance;
- Strengthened scientific knowledge, assessment and cooperation;

<sup>1</sup> Berruga and Maurer 2007 – Introduction to the informal consultations to be published in the upcoming book on Global Environmental Governance from the Center for UN Reform Education.

<sup>2</sup> See <http://www.un.org/ga/president/60/summitfollowup/enviro.html>



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- Better treaty compliance, while respecting the legal autonomy of the treaties; and
- Better integration of environmental activities in the framework of sustainable development and improving capacity building.

The summary provides an excellent overview of the differing positions of UN member states without listing specific states or groupings, which is customary when reporting on informal consultations. It is very clear to anyone close to current negotiations at the UN, however, who the originators are of some of the key differences of opinion raised in the final paragraph of the summary:

“There is wide recognition that efforts to create a more coherent institutional framework for the UN’s environmental activities should start by strengthening and building upon existing structures and better implementing past agreements. Some delegations claimed that these steps would be sufficient. Other delegations expressed doubts that the challenges can be met within the present institutional framework and are therefore asking for more fundamental institutional changes. Either way, all efforts should be premised on the basis that strengthening the environmental dimension should benefit the broader sustainable development agenda.”

The current US administration seems to favor an à la carte approach to environmental governance which is facilitated by the current system of hundreds of Multilateral Environmental Agreements (MEAs) focusing on single issues such as ozone, biodiversity, or desertification. Many MEAs do not set specific targets, timetables, nor do they contain strong measures with regards to implementation and compliance. The US clearly does not favor creating a new “supranational” environmental organization or restructuring the United Nations Environment Program (UNEP) into such an agency, which many other Member States feel is required to counter the current fragmentation, duplication, and lack of coherence in environmental governance. The US position on these issues was clearly enunciated in a statement made to the UNGA’s Second Committee on Sustainable Development in October of 2006:

“While the United States supports incorporating environmental concerns into development work, we share with other governments the belief that a new environment institution is not needed. Major structural changes will lead to a divisive and time-consuming debate and distract the UN from making valuable progress in areas where a clear consensus exists. We have focused in the UN Environment Program (UNEP) on a package of measures – adopted several years ago – aimed at improving coordination, efficiency and funding. Recently, we have seen some very positive developments in UNEP, such as the adoption of the Bali Strategic Plan for Capacity Building, which is in the process of being implemented. These new policies should be given the time and opportunity to succeed.

We strongly believe that the existing system of multilateral environmental agreements (MEAs) reflects a good balance of coordination and decentralization. A supranational authority must not interfere with the good work of the MEAs by exercising control over them or adding additional bureaucratic layers. We remain firm in our view that the principal responsibility for environmental governance should lay with national governments, not with a supranational authority.”

The Group of 77 and China apparently remain committed to a more coherent institutional framework to deal with environmental problems as proposed at the 2005 World Summit but also continue to stress that environmental protection should not be dealt with separately and to the detriment of economic and social development, the other pillars of sustainable development.<sup>3</sup> Some interpret this

<sup>3</sup> See <http://www.g77.org/Speeches/011807.html>



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stress on sustainable development to mean that if this negotiation process will not lead to specific commitments regarding development or capacity-building issues, the G77 may delay negotiations.

In its latest statement, the European Union unequivocally favors creating a stronger and more coherent institutional framework by upgrading UNEP into a UN Environmental Organization that would be on an equal footing with other UN agencies and stresses that it should be provided with sufficient and more stable funding.<sup>4</sup>

The second round of consultations started on 18 January 2007 after the President of the General Assembly, Haya Al-Khalifa, requested the co-chairs to resume their consultations following the issuance of the report of the High-level Panel on System-wide Coherence. In order to provide more structure to the consultations, the co-chairs asked Member States to respond to a set of 11 questions<sup>5</sup> dealing with implementation at the country level, enhancement of global governance, funding, and partnerships.

The G77 and China apparently have sought clarifications about the questionnaire, wondering whether focusing on the implementation at the local level did not constitute a change of the mandate provided by the World Summit Outcome Document, which focused on activities at the global level. They also wondered why the issue of partnerships with civil society, business and science communities was introduced. In addition they asked whether some of the questions were not being dealt with in other fora.

On 22 January, the consultations continued with additional Member States responding to the questionnaire. Though a full day of meetings was anticipated, along with the possibility of continuing on 25 January, statements from New Zealand, Iran, Morocco, USA, China, Mexico, Japan, Australia, as well as the World Conservation Union/IUCN, only took up the morning session. At the close of the morning session, there appeared to be general agreement that for the process to continue, it would be helpful if the Co-Chairs would produce an Options Paper.

To ensure that the consultations effectively interact with other relevant meetings taking place at the international level, the Co-Chairs informed Member States that they will brief the environmental ministers on the informal consultations when they gather at UNEP's twenty-fourth session of the Governing Council/Global Ministerial Environment Forum which is taking place in Nairobi from 5 to 9 February. International Environmental Governance is one of the key agenda items at this meeting. The informal consultations at the UN will then resume around the 15<sup>th</sup> of February.

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<sup>4</sup> See the EU's statement on environmental reform made on 18 January 2007 at [www.new-york-un.diplo.de/Vertretung/newyorkvn/en/Statement\\_20Graf\\_20190107.html](http://www.new-york-un.diplo.de/Vertretung/newyorkvn/en/Statement_20Graf_20190107.html)

<sup>5</sup> See the ReformtheUN.org website at <http://www.reformtheun.org/index.php/issues/2061?theme=alt4>