

# 21<sup>st</sup> Session of the Governing Council/ Second Global Ministerial Environment Forum

## Introduction

The 21<sup>st</sup> session of the United Nations Environment Programme (UNEP) Governing Council (GC 21) and Second Global Ministerial Environment Forum took place from 5-9 February 2001, at UNEP headquarters in Nairobi, Kenya.

The Meeting was attended by approximately 900 participants, including ministers and senior government officials from over 100 countries, together with representatives of United Nations agencies, international organisations, non-governmental organisations (NGOs), business and civil society.

The first three days of the meeting dealt with policy issues and administrative matters including UNEP's work programme and budget for the biennium 2002-2003.

Ministerial discussions on the 8 and 9 February focused on issues such as renewable energy, the linkages between environment, health, and poverty, the increased intensity and frequency of natural and man-made disasters, the specific needs of Africa, UNEP's contribution to the second Earth Summit and international environmental governance.

Delegates met in Plenary sessions and a Committee of the Whole (COW) throughout the week.

The Council concluded its work by adopting over 30 decisions on topics including global governance, environ-

mental law, desertification, biosafety, climate and atmosphere. A selection of these is printed on pages 115-121.

## Opening of the Session

The outgoing President, László Miklós (Slovakia), formally opened the meeting. He noted some significant achievements since the Council's 20<sup>th</sup> session in 1999 and said that the decisions adopted there had led to a number of positive resolutions by the UN General Assembly. He added that the Malmö Declaration had made a significant contribution to the UN Millennium Summit on Sustainable Development, scheduled for 2002 in South Africa (see also last issue at page 2).

Shafqat Kakakhel, UNEP Deputy Executive Director, read a message from the UN Secretary-General. The Secretary-General said that the World Summit on Sustainable Development should take concrete action, and urged efforts to achieve ratification of the Kyoto Protocol by 2002. He noted that strong financial support is necessary to address environmental threats, and called for ongoing partnerships among governments, civil society and the private sector.

In his opening address, UNEP Executive Director Klaus Töpfer identified major global environmental challenges, including the loss of cultural diversity, energy concerns in Africa, the debate on genetically-modified organ-



UNEP GC President, David Anderson (right of centre)

Courtesy: WEB

isms, increasing global populations, rural to urban migration patterns and environmental security issues. He expressed the hope that discussions on Africa's renewable energy needs would contribute to the 9<sup>th</sup> session of the UN Commission on Sustainable Development (CSD-9).

Klaus Töpfer highlighted the need for a successful conclusion to current climate negotiations and stressed the importance of addressing international governance issues and the value of co-operation with civil society. He emphasised the need for implementation of existing international agreements and decisions.

David Anderson, Canadian Environment Minister, was elected by acclamation as President; Rosa Elena Simeon Negrin (Cuba), Janusz Radziejowski (Poland) and Tupuk Sutrisno (Indonesia) as Vice Presidents; and Kezimbira Miyingo (Uganda) as Rapporteur.

In addressing delegates, the President underlined the clear link between environment and human health and, noting the negative effects of globalisation, said the challenge is to find ways to influence economic forces to work for the environment.

## Plenary

The Plenary considered a range of policy issues, among which were governance, UNEP's contribution to future sessions of the Commission on Sustainable Development (CSD), follow-up to General Assembly resolutions, and linkages among and support to environmental and environment-related conventions. It also addressed the chemicals agenda.

### State of the Environment

The Executive Director introduced policy issues relating to this item (UNEP/GC.21/2).

The G-77/China called on UNEP to focus on implementing decisions taken over the last three years. The delegate supported, *inter alia*, a balanced and integrated approach to the trade and environment issue; further discussions on environmental governance; an expanded scope for the highly Indebted Poorest Countries' Initiative; a wider donor base for UNEP; and an evaluation of implementation of the commitments given at UNCED (the 1992 UN Conference on Environment and Development), during the preparatory process for the World Summit on Sustainable Development.

The speaker for the European Union outlined UNEP activities the EU considered important, including support to Africa.

The US commended UNEP's substantive achievements, improved administration, and increased transparency in its operations. The delegate announced a contribution of US\$100,000 towards studying the effects of mercury.

The Russian Federation noted UNEP's role in promoting public awareness and providing assistance to governments on nature conservation and development of environmental laws.

### Emerging Issues, Outcome of the Sixth Special Session, and Contribution to the CSD (UNEP/GC.21/3)

Regarding support to Africa, Japan, with the EU and Norway, emphasised UNEP's role in solving Africa's environmental challenges and the need for adequate resources.

Kenya advocated increased UNEP support for implementation of the Convention to Combat Desertification (CCD) and, with Algeria, supported inclusion of desertification as a GEF (Global Environmental Facility) programme area.

India hoped that the recent earthquake in India would encourage discussion on natural disasters.

Barbados said issues relevant to Small Island Developing States (SIDS) deserved special attention in preparations for the Summit, and called for measures to enable full participation of developing countries at environmental meetings.

The UN Economic Commission for Europe, supported by the Czech Republic, noted the importance of the Aarhus Convention in the area of environmental democracy and its usefulness as a model for agreements in other areas.

The European Commission stressed the crucial role UNEP plays in ensuring that international trade and capital markets promote sustainable development, and supported environmental impact assessments of trade agreements and enhancing UNEP's engagement with the private sector.

## Governance

This item was discussed both in Plenary, during the Ministerial Forum, and in contact groups. This was seen as the most heavily charged issue, and the main reason why many ministers attended the Nairobi meetings. It was considered on two levels: global environmental governance and UNEP governance.

The report of the Executive Director on global environmental governance and UNEP (UNEP/GC.21/4) provides a brief report on co-ordination with the United Nations and other intergovernmental and non-governmental bodies, as called for in Governing Council decisions 20/12 and 20/13, respectively.

### International environmental governance

Klaus Töpfer said the World Summit on Sustainable Development should review requirements for strengthened institutional structures for governance.

Canada reported on an informal meeting that had discussed its proposal to establish an eminent experts' panel to provide an analysis of governance and elaborate views and options.

Japan, Egypt and others said consideration of environmental governance must be conducted within the broader context of sustainable development.

Many countries, including the EU, Egypt and Mauritius, opposed establishing any new organisations or institutions on governance. They agreed that international environmental governance should be strengthened, but preferred building on and enhancing existing institutions.

The EU suggested that an *ad hoc* intersessional working group could undertake a review of governance and present proposals on how to strengthen environmental governance, which could contribute to preparations for the World Summit on Sustainable Development, planned for Johannesburg in 2002.

During the Ministerial Forum delegates returned to the issue of international environmental governance. President Anderson circulated his non-paper on the subject, which called for a mechanism to undertake an analysis of institutional weaknesses and an assessment of future needs for strengthening international environmental governance.

The non-paper stated that the mechanism should include balanced representation of governments, utilising UN entities, international financial institutions and experts and institutions outside the UN system.

Japan expressed support for the non-paper. The EU voiced concern with the non-paper and supported a strong open-ended intergovernmental group, and a governance system that would contribute to empowering small and developing nations to participate more effectively.

The G-77/China supported an open-ended, transparent group to address the governance issue in the broader context of sustainable development.

Most delegates supported an intergovernmental group, with many stressing that it should be at the ministerial level. Delegates agreed that UNEP had a central role to play in the process of addressing governance, and many advocated that the role be strengthened.

India said the Executive Director should take the lead

in moving the process forward with the support of the Committee of Permanent Representatives (CPR).

Argentina said work should not be restricted to the CPR, since it is a limited Committee.

India, Colombia and others proposed, and the Forum agreed, that a contact group be established for further discussions. The contact group, chaired by Raúl Estrada (Argentina), worked to reach consensus on the decision that day.

In the Friday evening closing Plenary, Chair Estrada reported the results of the group and introduced the draft decision on international environmental governance, which calls for the establishment of an intergovernmental group to address the issue. He said that effort was required to obtain funds for developing country participation in meetings, and the report of the meeting should note that there must be regional balance.

China said the decision had been put forward hastily, and full consultations were not possible regarding the establishment of the intergovernmental group. The delegate asked that his reservation be placed on the record.

The UK said the first meeting should take place no later than the end of April 2001 and asked that this be included in the report of the meeting.

(For the final decision on international environmental governance, see page 119).

### UNEP governance

The discussion on this topic was held in first in Plenary and then on the following day in the Committee of the Whole. Following this, a contact group was established to discuss the proposed amendments.

In the discussion, many delegates called for strengthening UNEP and also broadening its financial base, calling for more predictable funding.

In the Ministerial Forum, delegates discussed UNEP governance in the broader context of international environmental governance, many stressing that strengthening UNEP would ensure a stronger role for it in international environmental governance.

Many delegates, including the G-77/China, the EU, India, the Czech Republic, Malta, Mexico, New Zealand, Norway, and Austria, reiterated reform based on strengthening UNEP.

In the Committee of the Whole, Raúl Estrada, who also chaired the group on international environmental governance, reported on the results of the contact group. He stated that there was general agreement on the draft decision, but noted deletion of paragraphs requesting the Executive Director to ensure that capacity building and technical assistance remain important components of UNEP's work programme, and to provide official documentation to countries eight weeks ahead of CPR meetings. A paragraph on the Global Compact was also removed, although the EU noted its belief that the Compact is a very useful initiative.

The COW adopted the decision as amended. The decision on UNEP governance and the implementation of UN General Assembly resolution 53/242 is printed on page 118. ■

## Committee of the Whole

The Committee of the Whole met eight times to consider the programme, the Environment Fund, and administrative and other budgetary matters.

The COW established a working group, chaired by Ivo Sieber (Switzerland), to assist its work on budget- and programme-related issues. The Committee also referred many draft decisions to a drafting group, formed to support the Plenary and the COW.

The Committee considered UNEP's seven sub-programme areas of the programme of work for the 2002-2003 biennium (see below). Delegates also started to consider draft decisions relevant to these sub-programmes.

It was agreed that a general discussion would be held on agenda item 9 (Programme, the Environment Fund and administrative and other budgetary matters). Thereafter, the Committee would have more detailed discussion on the following seven sub-programmes contained in the programme of work: environmental assessment and early warning; environmental development and law; environmental policy implementation; technology, industry and economics; regional co-operation and representation; environmental conventions; communications and public information.

The Committee agreed to establish an informal open-ended group on budget. This was to consider and make recommendations to the Committee on draft decisions 21 (The Environment Fund Budgets: proposed biennial programme and support for 2002-2003), 22 (Administrative and other budgetary matters) and 23 (Mercure satellite communications system), as contained in document UNEP/GC.21/L.1; and on the proposed draft decision on construction of additional office accommodation at the UN complex, Nairobi, contained in a conference room paper.

Under the same agenda item, the Committee also considered the following draft decisions submitted by the Committee of Permanent Representatives: implementation of the United Nations Convention to Combat Desertification in those Countries Experiencing Serious Drought and/or Desertification, particularly in Africa; Rotterdam Convention on the Prior Informed Consent Procedure for Certain Hazardous Chemicals and Pesticides in International Trade; Convention for implementing international action on certain persistent organic pollutants; the Global Programme of Action for the Protection of the Marine Environment from Land-based Activities; coral reefs; biosafety; support to Africa; trade and environment; atmosphere (a) the Climate Agenda and the World Climate Impact Assessment and Response Strategies Programme; (b) Intergovernmental Panel on Climate Change; (c) Global Climate Observing System; (d) programmatic support to atmosphere-related conventions; Environmental situation in the occupied Palestinian and other Arab territories; water policy and strategy of the United Nations Environment Programme; implementation of the Malmö Ministerial Declaration; further improvement of the strategic framework on environmental emergency prevention, preparedness, assessment, re-

sponse and mitigation; the Programme for the Development and Periodic Review of Environmental Law for the First Decade of the Twenty-first Century; policy and advisory services in key areas of institution-building; preparation of the draft guidelines on compliance with international environmental agreements and on effective national environmental enforcement and international co-operation and co-ordination in combating environmental crime; status of international conventions and protocols in the field of the environment; establishment of a regional seas programme for the East Central Pacific region; participation of UNEP in the work of the Global Environment Facility; governance of the United Nations Environment Programme and the implementation of General Assembly resolution 53/242; the Environment Fund budgets; proposed biennial programme and support budget for 2002-2003; administrative and other budgetary matters: (a) stable, adequate and predictable funding of UNEP; (b) management of trust funds and counterpart contributions; Mercure satellite communications system; further development and strengthening of regional seas programmes; promoting the conservation and sustainable use of the marine and coastal environment, building partnerships and establishing linkages with multilateral environmental agreements; the implementation of the Northwest Pacific Action Plan; the role of civil society; and mercury assessment.

### The Environment Fund budgets

Introducing the relevant documents (UNEP/GC.21/6 and 21/7), Shafqat Kakahel outlined the sources and amount of UNEP funding, which made clear the need for increased contributions and the importance of UNEP efforts, in accordance with Governing Council decisions, to develop a resource mobilisation strategy.

He noted extensive preparatory and consultative work in preparing the draft budget, outlining UNEP's financial situation, stating that implementing the proposed Environment Fund Programme of US\$119.9 million for 2002-2003 would imply a reduction in Fund resources in real terms, but would require an increase in contributions compared to 1998-1999. He urged governments to provide UNEP with adequate resources to meet its objectives, and noted the need to broaden the donor base.

The working group on budgetary matters considered the proposed biennial programme and support budget for 2002-2003 and agreed to forward a revised text to the Committee.

The final decision approves the proposed biennial programme and support budget for 2002-2003 and appropriations for the Environment Fund of US\$119.9 million. Out of this, US\$100 million is allocated to the programme of work; US\$5 million is allocated to the Fund programme reserve, and US\$14.87 million to the support budget. The decision also, *inter alia*, reconfirms the Executive Director's authority to reallocate resources between programmes by up to 20 per cent, and urges the Executive Director to further increase the level of the financial reserve to US\$20 million as and when carry-over resources become available.

*Administrative and other budgetary matters:* Shafqat Kakahel presented the relevant document, which reports on consultations on achieving stable, adequate and predictable funding, and on management of trust funds and counterpart contributions.

The final decision is divided into two sections, one on stable, adequate and predictable funding, and the other on the management of trust funds and counterpart contributions. Regarding the former, the decision, among other things, expresses concern that the total financial resources for the programme of work have not increased over the last three years, while contributions to the Environment Fund have declined.

With regard to the latter, the decision notes and approves seven new general trust funds established since the Governing Council's 20<sup>th</sup> session, including a fund for Implementing National Biodiversity Strategies and Action Plans

The Deputy Executive Director also described a proposal for which Governing Council approval was sought to advance US\$8 million from the financial reserve to provide for the initial cash flow funding for the expansion of UN facilities in Nairobi. He submitted that the expansion, which had been approved by the UN Secretary General and was strongly supported by the Executive Director, was vital to raise the profile of UNEP, achieve economies of scale and improve the effectiveness of all United Nations operations in Nairobi.

At its third meeting, the Committee took up the draft decisions submitted under agenda item 9. It agreed to forward the following draft decisions to the drafting group for revision, taking into account the comments made during the discussion: Desertification, Global Plan of Action for Protection of the Marine Environment, environmental situation in Palestine, water policy and strategy of UNEP and implementation of the Malmö Declaration.

## Funding discussion

During the discussion, representatives welcomed the Executive Director's report on the budget and work programme and commended the secretariat on the harmonised format, comprehensive layout and the transparency of the preparatory process that had involved collaboration with the Committee of Permanent Representatives. Several speakers considered that stronger prioritisation of the programme was needed, consistent with the available resources.

Several representatives expressed concern at the reduction in contributions to the Environment Fund and at the decline in the number of contributors to the Fund in the past biennium. They wished to see not only an increase in the level of contributions, but also a broadening of the donor base itself to include also middle-income countries and non-traditional donors. Others stressed the importance of predictability in the funding levels and urged countries to pay contributions and make their pledges in a timely manner. It was observed that the proportion of earmarked contributions had increased.

Representatives were informed that the Fund currently represented 59 per cent of all resources available for funding of the activities under the programme of work. In

UNEP's broad financial framework, it represented only 51 per cent. There was a risk that the Environment Fund could lose its role as the main funding vehicle of UNEP.

Several representatives welcomed the comments of the ACABQ report and agreed with its conclusions that the financial projections for the biennium 2001-2003 were overly ambitious and the work programme needed to be adjusted accordingly.

Several representatives expressed appreciation at UNEP's efforts to approach the private sector for funding and believed that partnerships with the private sector should be encouraged and strengthened. However, some cautioned that UNEP's work programme should not be reliant on or influenced by such donations, which should be screened against clear criteria.

With regard to the request for the US\$8 million loan from the financial reserve for new buildings in Nairobi, a number of representatives preferred to reserve comment, pending further study of the issue. One speaker considered the loan to be inappropriate at a time when the Executive Director was calling for the financial reserve to be increased to \$20 million. Several others were concerned that, if such a loan were to be granted, the financial reserve would be left with inadequate resources.

One representative considered that the reporting on the management of trust funds and counterpart contributions should be more transparent. In response, the representative of the UN Office in Nairobi (UNON) pointed out that the complexity of the organisational work on 98 trust funds often made it difficult to report on that work in simpler terms.

Replying to various points raised in the debate, Shafqat Kakahel explained that all the recommendations of OIOS had been implemented.

## Discussion of individual sub-programmes

### Sub-programme 1:

#### Environmental Assessment and Early Warning

In general, representatives praised the sub-programme highly, observing that its functions were important and well executed. A strong consensus was expressed that the sub-programme areas of assessment, information and early warning were core functions for UNEP, and justified the sub-programme's receipt of the lion's share of Environment Fund resources.

Representatives also praised the sub-programme's interaction with the scientific community in the collection and validation of information, but some encouraged further collaboration with other agencies and organisations. Having learned that UNEP was exploring ways to refine its assessment tools, such as the Global Environment Outlook report series, many delegates expressed considerable interest and support.

Several representatives expressed concern that some activities under the sub-programme, such as those relating to draft agreements governing shared water resources, might be outside the scope of the UNEP mandate and were inconsistent with recent revisions of UNEP water policy by the Committee of Permanent Representatives. ➤

The COW discussed a draft decision on the *environmental situation in the occupied Palestinian and other Arab territories* on 6 February. Egypt said it would table alternative text on behalf of the Arab Group. Israel indicated that it supported the existing draft. Egypt presented a final proposal on 9 February, which was supported by several delegates. Opposing, the US and Israel stated that it was a political issue and not under UNEP's mandate. The Chair forwarded the draft decision to the Plenary, which was unable to reach consensus. The US called for a vote, seconded by Egypt, and the draft decision was adopted by a vote of 19-1, with 34 abstentions.

The final decision, among other things, authorises UNEP to assess the environmental repercussions of the recent violations in the occupied Palestinian territories and to assist the Palestinian Authority in its efforts to address the urgent environmental challenges.

Iceland presented a proposal for a *global assessment of the marine environment*. The Chair indicated that the COW would take up the draft on the final day of the session. Several delegates discussed amendments to the draft on the final morning, when consensus was reached and the decision adopted by the Committee.

The final decision authorises further ongoing work to improve the existing knowledge base on the state of the marine environment in co-operation with the Intergovernmental Oceanographic Commission of UNESCO and other UN agencies in consultation with the Environmental Management Group (EMG).

### **Sub-programme 2: Environmental Policy Development and Law**

This sub-programme was introduced by the Deputy Executive Director, who highlighted its overall objectives, strategy and outputs. In the ensuing discussion, there was general endorsement of the sub-programme, although the following specific issues were raised:

Some representatives wanted objective 4 activity (d) *preparation of a draft water basin agreement for shared water resources* to be dropped, since it went beyond the mandate of UNEP. They emphasised the need for UNEP to focus on environmental issues related to water resources.

Another delegate expressed concern about activity (c) (iii) *strengthening the legal basis of the precautionary approach as contained in the Rio Principles*. He felt that it was premature to create a legal basis in support of the precautionary principle, and urged UNEP to move with caution in that respect.

Regarding activity (c) (v), *a global survey on the status of the application of environmental norms by military*

*establishments, developing a concept of international guidelines*, one representative was of the view that such guidelines must be left to individual governments to develop, rather than to UNEP. He was also concerned about activity (f) (iv), *multi-stakeholder forum on legal issues associated with trade and environment*, and believed that such a non-intergovernmental forum could not issue a formal statement on legal aspects of environment and trade to an intergovernmental forum such as the World Trade



In the centre: Parliament Building, Nairobi

Courtesy: WEB

Organisation. Another speaker advised UNEP to work within its mandate.

A representative voiced his concern regarding activity (b) (iii), *analysis of the requirements for a strengthened institutional structure for international environmental governance*, and cautioned UNEP not to pre-empt the Third Global Ministerial Environment Forum in 2002.

A representative from the secretariat thanked the delegates for their constructive comments and pointed out that the four objectives in the sub-programme emanated from General Assembly resolution 2997, Commission on Social Development resolutions and several decisions of the Governing Council. He reiterated that the UNEP programme responded to the requests and desires of governments and drew the Committee's attention to the fact that governments and intergovernmental bodies continued to receive input from UNEP. It was necessary to note that, in cases where governments requested assistance from UNEP, the Organisation was duty-bound to play its part, guided by its mandate and the decisions of the Governing Council.

The Committee considered a draft decision proposed by Iran on the *UN Forum on Forests (UNFF) and enhancing UNEP's role in relation to forest issues*.

Several delegates proposed amendments to the text and following informal consultations, the draft was re-considered and adopted with minor amendments. The final decision, among other things, authorises the Executive Director to support the programme of work of the UNFF and the functioning of its secretariat, as during the International Panel on Forests/International Forest Forum process.

The Committee also considered a draft decision on the *implementation of the Malmö Ministerial Declaration*. This Declaration underscored the linkage between environmental degradation and poverty as a fundamental challenge for the world community to overcome in the twenty-first century.

Several countries in the drafting group expressed concern that the Declaration has superseded the Nairobi Declaration and redefined UNEP's mandate. Others stressed the importance of implementing the Malmö Declaration and the Executive Director's mandate to monitor and report on such implementation.

Following lengthy debate, the draft decision was approved unchanged, with the understanding that the Malmö Declaration has not superseded the Nairobi Declaration or changed UNEP's mandate.

The final decision, *inter alia*, authorises further steps in the implementation of the Malmö Declaration as it relates to UNEP's mandate, including co-ordination with the UN system, through, among other things, the Environmental Management Group.

With regard to the *Programme for the development and periodic review of environmental law for the first decade of the twenty-first century*, the representative from Egypt expressed concerns over the limited representation by developing countries' legal experts on talks regarding the Montevideo III Programme relating to environmental law. She proposed text calling for a review of the implementation of the Programme by 2002, rather than 2005. This was opposed by Canada, the US and Australia, and the COW adopted the decision without amendment.

The final decision mandates the Executive Director to implement the Programme, within available resources, through the UNEP work programme and in close collaboration with States, conferences of the parties and secretariats of multilateral environmental agreements, other international organisations, non-State actors and persons. It also decides to review the implementation of the Programme not later than at its regular session in 2005.

In considering a draft decision on *the role of civil society*, the EU highlighted the significance of civil society partners and Norway proposed the establishment of an ad hoc NGO committee. Some delegates expressed concern that establishing such a committee assumed a foregone conclusion of the consultative process.

The final decision mandates the Executive Director to further the consultative process, including at the regional level, with governments, civil society, the private sector and other major groups on ways and means to enhance the active engagement and participation of civil society in the work of UNEP.

### **Sub-programme 3: Environmental Policy Implementation**

It was noted that this sub-programme and sub-programme 2 were mutually reinforcing. Several representatives noted that this sub-programme was at the heart of UNEP's work, and general comments were positive.

A number of delegates commended the activities relating to compliance and enforcement of international environmental obligations, describing this area as crucial to the success of environmental laws and policies. Several speakers suggested that UNEP should follow a two-track approach, working closely with governments to develop separate policies for compliance on the one hand, and national enforcement of environmental laws, co-operation and co-ordination, on the other.

Many representatives urged UNEP not to take a one-size-fits-all approach to developing guidelines on compliance and enforcement, arguing for the development of a 'tool-kit' adaptable to countries' respective circumstances.

There was support from many representatives for inclusion of environmental emergency response and disaster preparedness activities in the sub-programme, and UNEP was praised for its co-operation in the area with the Office for the Co-ordination of Humanitarian Affairs (OCHA).

Several delegates expressed satisfaction that the sub-programme emphasised land-based sources of marine pollution, and argued strongly for efforts to implement the Global Programme of Action for the Protection of the Marine Environment from Land-based Activities and its clearing-house mechanism. Others questioned how the activities pertaining to the Global Programme of Action would be implemented, since no money had been allocated to these activities.

There was approval from many representatives for the inclusion of capacity-building activities in the sub-programme.

With regard to compliance and enforcement, Donald Kaniaru, Director of the Division for Environmental Policy Implementation, informed the Committee that document UNEP/GC.21/INF/5, paragraph 3, provided information on the UNEP mandate on these issues. He described the process through which UNEP had developed guidelines on compliance and enforcement, emphasising that it had worked closely with governments and experts in developing two sets of guidelines, one on compliance and one on national enforcement. The guidelines were intended to be generic and non-binding and to serve as models that governments and stakeholders could adapt to suit local situations.

Concerning the zero direct cost allocation for the implementation of activities relating to the Global Programme of Action, he explained that the bulk of the budget for implementation of activities would be provided by governments and noted that \$1.7 million had been provided from the Environment Fund for staff to run the GPA Co-ordinating Office for the past two years. ➤

#### **Sub-programme 4: Technology, Industry and Economics**

Under this sub-programme, delegates considered trade and environment, as well as a number of chemicals-related matters. This included the Rotterdam Convention and the Persistent Organic Pollutants (POPs) Convention.

Following discussion in the Committee, the drafting group and informal contact group, these decisions were adopted on 9 February.

#### **Trade and Environment**

Consensus was reached on a decision which recommends, *inter alia*, that the Executive Director should pursue further actions related to this topic, in close co-operation with the World Trade Organisation and the UN Commission on Trade and Development (UNCTAD).

#### **Chemicals**

The Governing Council adopted five decisions on chemicals related to: the Rotterdam Convention, the POPs Convention, assessment of mercury, lead in gasoline, and chemicals management (see page 115-116).

Delegates discussed the issues related to chemicals during a panel discussion in Plenary and in a small working group. The panel discussion on the Chemicals Agenda was followed by a general debate.

Many representatives supported a US proposal for a global assessment of mercury, with some also supporting assessments of other heavy metals of concern. The US said a mercury assessment should not prejudice what actions, if any, should be taken, and pledged US\$100,000 for such a study.

The working group announced that five decisions had been approved:

On mercury assessment, delegates reached consensus on the paragraph stressing the importance of the precautionary principle and preventive action for protecting human health and the environment.

Regarding the Rotterdam Convention, the decision calls, among other things, for a voluntary trust fund on interim arrangements.

Concerning the POPs Convention, the decision, *inter alia*, calls on governments to adopt and sign the Convention at the Diplomatic Conference in Sweden and encourages entry into force by 2004. It requests the Executive Director to invite the GEF to consider ways of implementing relevant resolutions to be taken in Stockholm.

The decision on lead in gasoline calls on governments to eliminate such use of lead and urges governments, inter-governmental organisations, the IFCS and civil society to assist national governments, particularly developing countries, in phasing out lead in gasoline through funding, capacity building, information and technical assistance.

With regard to chemicals management, the decision, *inter alia*, requests the Executive Director to assist in the development of an information exchange network on capacity building for the sound management of chemicals; to examine the need for a strategic approach to international chemicals management and to report to the Global Ministerial Environment Forum in 2002.

#### **Sub-programme 5: Regional Co-operation and Representation**

The Deputy Executive Director introduced the sub-programme and its related draft decision on support to Africa.

The EU supported UNEP's strengthened role in this area, and suggested text linking poverty and the environment. Although delegates agreed on most issues, Morocco and several other developing countries proposed language on additional financial resources relating to developing country preparations for and participation for the seventh Conference of the Parties (COP-7) to the UN Framework Convention on Climate Change (FCCC) and the World Summit on Sustainable Development.

The final decision calls on governments to enhance their financial support to the Global Mechanism for effective implementation of the Desertification Convention and on donors to provide financial support and expertise for the region's successful organisation of FCCC COP-7 and the Summit. Among other things, it requests the Executive Director to support actions to enhance various environmental conventions, promote understanding of the linkages between poverty and environment, and report on progress made to the CPR at the next Governing Council session.

#### **Sub-programme 6: Environmental Conventions**

The Committee considered a number of decisions relevant to this sub-programme. It approved draft decisions on the status of international conventions and protocols in the field of the environment, and on the establishment of a new regional seas programme for the Central-East Pacific region.

Draft decisions on atmosphere and climate issues, coral reefs, biosafety, and strengthening of regional seas programmes were referred to a drafting group for further work. They were subsequently reported back to the Committee and adopted.

*Coral reefs:* This decision, among other things, asks the Executive Director to increase existing collaboration between UNEP and multilateral environmental conventions such as the FCCC, the Convention on Trade in Endangered Species (CITES), the Biodiversity Convention and the Ramsar Convention, as well as with the UN Food and Agriculture Organisation (FAO), the UN Development Programme and UNESCO (the UN Educational, Scientific and Cultural Organisation), with a view to addressing the economic, social and environmental urgency of achieving sustainability in the management and use of coral reefs.

*Biosafety:* The decision requests the Executive Director to mobilise resources to support developing countries and countries with economies in transition for capacity-building and risk-assessment capabilities in the field of biosafety that would facilitate effective implementation of their national biosafety frameworks in the context of the Cartagena Protocol. (See further on page 116.)

*Atmosphere:* Since the EU and others had expressed concern over text on adverse impacts of response meas-



ures under the FCCC and the Kyoto Protocol, given the status of climate negotiations, the issue was referred to the drafting group.

Several drafts were discussed by the group and rejected. The final decision that was approved contains four sections: The Climate Agenda and the World Climate Impact Assessment and Response Strategies Programme; the Intergovernmental Panel on Climate Change; Global Climate Observing System; and programmatic support to atmosphere-related conventions. For details see page 117.

*Status of international conventions in the field of the environment:* The decision, *inter alia*, authorises the Executive Director to transmit a status report to the General Assembly at its 56<sup>th</sup> session, focusing specifically on institutional capacity building.

*Establishment of a regional seas programme for the Central-East Pacific region:* This asks the Executive Director, among other things, to invite multilateral funding institutions to future meetings of the Central-East Pacific Regional Seas Programme.

*Regional seas programmes:* This decision is divided into four sections: continued revitalisation of the regional seas programme; horizontal co-operation among regional seas conventions and action plans; collaboration with global environmental conventions; and partnerships with international organisations.

*Implementation of the Northwest Pacific Plan:* In addition to aspects dealing with implementation, the decision also requests the Executive Director to negotiate with Japan and the Republic of Korea on host country agreements for co-hosting a single Regional Co-ordinating Unit.

### Sub-programme 7: Communications and Public Information

During general discussions in the Committee of the Whole, Plenary and the High-Level Ministerial Forum, a number of speakers highlighted UNEP's role in raising public awareness as a means to mobilise understanding of and action on critical environmental issues.

Canada and the EU submitted a draft decision on youth participation and engagement, drafted by youth representatives attending the meeting.

The final decision decided to discuss at its 22<sup>nd</sup> session ways to engage and involve young people in UNEP's work, and invited the Executive Director to seek extra-budgetary funds to support this work.

### Participation of UNEP in the Work of the GEF

A brief discussion of this issue was followed by a draft decision, which was forwarded to the drafting group. Following some amendments, the final decision requests the Executive Director to keep governments informed on further progress achieved in enhancing the role and mandate of UNEP in the Global Environment Facility.

### High-Level Ministerial Forum

The Forum, which was attended by government ministers and senior officials from over 100 countries, began with an opening ceremony. A roundtable ministerial dialogue to consider implementation and development of the Nairobi and Malmö Declarations followed this. A background paper was provided by the secretariat entitled 'Discussion papers presented by the Executive Director' (UNEO/GC.21/5).

Delegates then discussed environment and poverty issues, in two 'break-out' groups – one on poverty and pollution and the other on poverty and health. The Forum concluded with exchanges of views on the environment's



David Anderson, Environment Minister of Canada and President of UNEP Governing Council with Klaus Töpfer, Executive Director, UNEP

Courtesy: IISD

vulnerability to natural and man-made disasters, which was followed by discussions on governance.

### Roundtable Dialogue

In the context of implementation and development of the Nairobi and Malmö Declarations, the EU supported a global chemicals strategy; enhanced international environmental governance; renewed partnerships; adequate resources; and strengthening the GEF.

The Russian Federation said the trend towards

globalisation and growth of environmental risks demands new approaches to solving environmental problems. The speaker called for a joint group for co-operation in providing assistance to disaster-affected countries and a global network for information exchange.

With regard to environment and poverty issues, Pakistan's former Minister of Finance and Planning and Foreign Affairs discussed linkages between poverty and environment. He recommended, *inter alia*, that UNEP consider establishing a task force on environment and poverty to further explore linkages.

The Chairs of the two break-out groups then gave brief reports of the discussions held in the groups.

The poverty and pollution group was chaired by Dutch Environment Minister Jan Pronk, who posed three questions to the group: is over-consumption causing 'over-pollution' and thereby increasing poverty elements elsewhere; does pollution affect the rich and the poor equally; and should priority be given to anti-pollution measures or to poverty eradication?

Some delegates distinguished between global and local pollution, noting that both are the result of inefficient resource use. Most participants said the poor are most affected because even if the degree of pollution is comparable, the rich have more resources to combat its effects. Many delegates said priority should be given to poverty eradication rather than anti-pollution measures, noting that once people are informed and educated, they are better able to fight pollution.

Renewable energy utilisation, biotechnology, cleaner production and recycling were highlighted as poverty combatants, and a number of delegates opposed single input solutions to poverty. The group suggested international measures, which included regulation of companies; fighting illegal transport of toxic waste and dumping; and debt relief measures to free up resources for both anti-poverty and anti-pollution strategies.

Harry Ian Thompson, Malawi's Minister of Natural Resources and Environmental Affairs, chaired the poverty and health group. The following issues were highlighted for consideration for UNEP's input for the World Summit on Sustainable Development: water, sanitation, pollution and waste management and the impacts on health of mercury, depleted uranium, PCBs, DDT and dioxin. There were differing opinions as to whether UNEP, FAO or the World Health Organisation should provide leadership on these issues.

There was consensus that the outputs of the World Summit should be action-oriented and manageable. They should target rural and urban needs as appropriate, distinguish between developed and developing countries' responsibilities, and enhance synergies.

A ministerial consultation on *environmental vulnerability to natural and man-made disasters* was held on 9 February.

Hartmut Grassl, Director-General of the Max Planck Institute, spoke on anthropogenic climate change, outlining its main characteristics, and redefining the concept of disaster. Michael Glantz, of the US National Centre for

Atmospheric Research, elaborated on an inter-agency study of El Niño in 1998-99 and its impacts, which was conducted in 116 countries to investigate what did and did not work for governments in responding to El Niño, and highlighted the lessons learned.

In the ensuing dialogue, St Lucia said that increasing environmental degradation exacerbates the impact of disasters, called for a holistic approach to disaster management and outlined the elements of a possible disaster management programme.

In his closing remarks, Hartmut Grassl said the Kyoto Protocol and subsequent enforcement Agreements would serve as a kind of insurance policy to lower risks. Michael Glantz noted two important emerging concepts, namely, climate and climate-related flash points and disaster diplomacy.

## Closing Plenary

On the evening of 9 February, delegates adopted the remaining draft decisions and the report of the Meeting (L.22 and Add.1). Delegates adopted a decision on the provisional agenda, date and place of the Governing Council's 7<sup>th</sup> special session and 22<sup>nd</sup> regular session, both of which will also incorporate a session of the Global Ministerial Environment Forum.

This decision requests the Executive Director to consult with member States on the date and venue of the 7<sup>th</sup> special session, and to report on this to the Bureau by 31 July 2001. It also decides to hold the 22<sup>nd</sup> regular session at Nairobi from 3-7 February 2003.

The speakers for the various geographical groups then made concluding remarks.

Bangladesh, on behalf of the Asia Group, highlighted the spirit of collaboration that had contributed to the successful outcome of the session.

Colombia, for the Latin America and Caribbean Group, noted that UNEP had benefited from recent reforms resulting in greater dynamism, depth and efficiency in developing its activities.

The UK, speaking for the Western Europe and Others Group, identified future challenges of feeding Governing Council discussions and outcomes into CSD-9 and contributing to the preparations for the World Summit on Sustainable Development. The EU expressed hope that the Global Ministerial Environmental Forums will continue and adjust as experience is gained. It noted with satisfaction the outcomes of the meeting, including the programme of work, decisions taken on chemicals and water strategies, the new ten-year programme on international environmental law, and the launch of a high-level political preparatory process on international environmental governance.

Morocco, on behalf of the African Group, thanked UNEP's Executive Director for revitalising UNEP and supporting Africa.

Slovakia, on behalf of Central and Eastern Europe, commended President Anderson for the success of the session.

India, on behalf of the G-77/China Nairobi Chapter, noted the session's contribution to raising awareness on key environmental challenges among relevant stakeholders, while stressing that much remains to be done.

Kenya, as host, noted the session's innovations and expressed satisfaction at the positive consideration given to poverty and environment.

In his closing remarks, Executive Director Klaus Töpfer, noting this was the first time a Governing Council and Global Ministerial Environment Forum had met concurrently, said that a thorough analysis of this meeting would be undertaken to eliminate any shortcomings at future sessions.

President Anderson highlighted agreements reached during the session, including the Council's input to the World Summit for Sustainable Development.

Many delegates expressed general satisfaction with the outcome of the session. Many others remarked on the transformation of UNEP from a generally perceived underperforming organisation into a more focused one, acknowl-

edged to date back to two events: the mandate provided by the 1997 Nairobi Declaration and the arrival of Klaus Töpfer as Executive Director.

Some delegates were disappointed at the organisation of the meeting, particularly the Committee of the Whole. Many felt that the process was confusing and that there was a lack of clarity in proceedings – to the extent that at one point it was felt that the heavy workload would be left unfinished.

Although the ministerial session was regarded as being fairly successful, several delegates voiced disappointment at the meagre ministerial input to the process. It was suggested that smaller group meetings and fewer issues under a broader heading might help to focus the proceedings.

Many delegates were aware of the dangers posed by the proliferation of meetings, both financially and with regard to the time element involved. Indeed, New Zealand's Environment Minister said that her travel budget now exceeds her country's contribution to UNEP!

(MJ)

