

Will a resolution to strengthen environmental activities be adopted this year?

by Lydia Swart *
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On 30 October, an informal meeting took place on the draft resolution “Strengthening the environmental activities in the United Nations system.” Member States provided feedback on the draft resolution made available on 23 July which was a revision of the 2 May original Chairmen’s version.ⁱ This analysis explores the chances of this resolution being adopted by the end of this year.

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At the 2005 World Summit, Heads of State agreed to the following:

“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.”

In early 2006, informal consultations to strengthen international environmental governance started in the General Assembly, led by the Swiss and Mexican Ambassadors who were appointed by then GA President Jan Eliasson. Now, almost three years later, the Co-chairs (Ambassadors Peter Maurer from Switzerland and Claude Heller from Mexico, who took over from his colleague Enrique Berruga in 2007) hope to have a resolution on this topic adopted before the end of December 2008.ⁱⁱ

The Co-Chairs believe that the draft resolution they presented on 23 July provides small but initial steps towards achieving the aims agreed to at the World Summit. The resolution also proposes a continuing intergovernmental process to strengthen international environmental governance, including a broader transformation such as upgrading UNEP from a Programme to a Specialized Agency.ⁱⁱⁱ

The resolution is divided into the following sections:

- Scientific Assessment, monitoring and early warning capacity
- Coordination and cooperation at the level of agencies
- Multilateral Environmental Agreements
- Regional presence and activities at the regional level

- Capacity Building and Technology Support
- Information technologies, partnerships and advocacy
- Financing
- Further consultations to explore the possibility of a more coherent institutional framework
- Follow-up

On 30 October, Member States provided extensive feedback on the draft resolution. The most prominent voices in this meeting were the delegates from Australia, the Group of 77 and China (G77), and the US who all came with detailed suggestions, including the deletion or bracketing of text. The EU came with a few remarks, as did Canada and Japan.

The G77 and the US agreed in some instances on deleting text which came to the surprise of many. It is obvious, though, that the suggestions of the G77 and the US do not reflect similar substantive thinking on the issues and that in fact entrenched positions from both sides may make agreement on a meaningful resolution very difficult.

One skeptical observer left the meeting thinking that both the G77 and US may actually prefer these negotiations to end without a resolution. The many suggestions for changes and deletions could point in this direction.

The G77, however, have assured us that they hope that a resolution will be adopted.^{iv} But while the Co-Chairs believe that the current draft resolution already fairly reflects two years of consensus-building, the group apparently wants the text of the resolution to be thoroughly negotiated, line by line.

At the 30 October “extensive reading,”^v delegates provided feedback on almost five of the eight pages of the draft resolution. The three-hour morning session saw suggested changes, adding of brackets or deletions in almost every preambular and operative paragraph.

The G77 started by saying that it would want to reflect on the title further and requested the title to be bracketed. In the preambular paragraphs, the group wanted text added from the 2nd Committee on eradicating poverty and more language on technology transfer while the US wanted more stress to be put on avoiding duplication in international environmental governance. These early remarks clearly show the key differences between the G77 and the US. The G77 wants the focus to be on development and capacity building in the South, with additional financing provided, while the US promotes reform to make the UN more cost-effective and efficient while budgets should not increase. Australia, which had not been very vocal in the consultations thus far, appeared to agree with the US.

Discussions about preambular paragraph 11 also seemed very revealing as to the key diverging positions among Member States. This paragraph reads: “Stressing also the necessity of sufficient, timely, predictable, new and additional resources, as well as the responsibility to the efficient use of resources,”

The US stated that all the adjectives after “sufficient” could be deleted while “prioritization of activities” should be added. On the other hand, the G77 preferred to keep all the adjectives and an

addition stating that there should be technology transfer to enhance capacity in the South. Japan, which seeks increased efficiency within existing or with voluntary resources, wanted “new and additional resources” to be deleted. And France, on behalf of the EU, preferred “adequate funding” instead of “new and additional resources.” For regular observers of GA negotiations, especially in the 5th (budget) Committee, these are very predictable positions.

Discussions on other operative paragraphs revealed substantive differences as well. The G77, for instance, wanted to bracket the text which seeks the promotion of Multilateral Environmental Agreements (MEAs) to work in clusters.^{vi} And while the US stressed the independent nature of MEAs, the EU stated that the States Parties of each MEA could and should encourage much more coordination and collaboration.

Ms. Janil Greenaway from Antigua and Barbuda, speaking on behalf of the G77, indicated that she did not have a mandate from the group to discuss the remainder of the resolution and it was therefore decided that the meeting not continue in the afternoon. Not discussed was the section on finances, a subject which, as indicated by the Co-Chairs at their presentation of the resolution in July, might be the most difficult to reach agreement on.

In the current climate at the UN – with many reform efforts stalling or ending, often due to resource issues, differences in priorities, as well as intense mistrust between developed and developing countries – it may be hard to come to agreement on a resolution on international environmental governance. The Co-Chairs – who believe that considerable time and space was provided for the consultations - confirmed that in their view the success of the consultations do not really depend on detail at this stage, but rather on sufficient political will.

The Co-Chairs, who have become impressive experts on ways to improve IEG, would like to see the consultations conclude with a decision. As they frequently stressed at past meetings, IEG suffers from serious problems that are unlikely to go away, such as the lack of coherence and implementation; insufficient capacity-building as well coordination; research; and funding; among many others. The resolution opens five or six avenues to confront those deficiencies and provide concrete tools for improvement.

When asked about the main obstacles in September, the Co-Chairs indicated that a number of delegations are still uncomfortable with strengthening governance on environment if there is not enough progress on development. Other delegations, they said, feel that these issues could be tackled when the climate change negotiations start in Copenhagen. As to the issue of MEAs, they felt that the juxtaposition of their legal autonomy versus cooperation is wrong. In their experience, MEAs have expressed different levels of readiness to collaborate. The less powerful MEAs seem to have more interest in collaboration than the more established ones who tend to say “What is mine is mine and as to yours, we can negotiate.” Similarly, UN agencies claim specific areas as really theirs. Unless Member States or States Parties specify their priorities and send a clear political message, the Co-Chairs observed, collaboration and coordination is unlikely to improve.

According to some sources, the Co-Chairs are not likely to accept a significantly watered-down version of the current resolution. All in all, the adoption of a resolution on IEG faces considerable obstacles.

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Unless attributed to a specific source, all expressions of opinion in this analysis are those of the author. The Center for UN Reform Education does not endorse any particular reform proposals.

ⁱ See the following chart prepared by Emanuel Evans which highlights the main differences between the two draft resolutions of 2 May and 23 July 2008.

ⁱⁱ For reports from the Center on earlier meetings in this process, see www.centerforunreform.org/node/160

ⁱⁱⁱ France, under President Chirac, made a strong push for UNEP's transformation into a UN Environment organization (UNEO). It found support for their efforts from some 50 countries from all regions. The EU as a group supported these efforts. It seems, however, that neither Sarkozy's government – or the EU as a whole – is making a strong push for these efforts at this time.

^{iv} The Group of 77 and China consists of 130 developing countries. Reaching agreement in such a large group is clearly not easy and rather time-consuming even if the majority of countries do not show up at the meetings to help reach common positions. In this process, the G77 made only very general remarks during the first two years of the consultations and did not provide detailed positions until last summer.

^v The Co-Chairs, Ambassadors Maurer and Heller, were not present at this meeting. This may be primarily due to the fact that the President of the General Assembly was holding an interactive dialogue on the financial crisis. In their stead, Heidi Grau from Switzerland and Benito Jimenez from Mexico chaired the meeting.

^{vi} There are some 500 Multilateral Environmental Agreements. Many of these have overlapping mandates. For an analysis on MEAs, see the chapter on this topic in the Center's book *Global Environmental Governance – Perspectives on the Current Debate* by Norichika Kanie (pages 67-86).