

**THE INFORMAL CONSULTATIVE PROCESS ON
THE INSTITUTIONAL FRAMEWORK FOR
THE UN'S ENVIRONMENTAL ACTIVITIES –
CO-CHAIRS SUMMARY**

Introduction by Enrique Berruga and Peter Maurer

World leaders at the 2005 Summit recognized the need for more efficient environmental activities in the UN system, with enhanced coordination and improved normative and operational capacity, and agreed “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 specialized agencies” (A/RES/60/1 of 16 September 2005, paragraph 169). Based on this mandate, the President of the 60th General Assembly, Jan Eliasson, launched a process of informal consultations in early 2006. He entrusted us, the Permanent Representatives of Mexico and Switzerland, with the co-chairmanship of that process.

As Co-Chairs, we held a series of consultation meetings during April and June 2006. In a first round of consultations we asked the UN Member States to specify where they locate the major problems and challenges of the UN system in its environmental work, specifically with regard to the needs identified in paragraph 169 of the outcome document and how the institutional framework should be structured in order to address these major problems and challenges in a more coherent way. A second round of meetings was dedicated to discussions of a refined set of questions based on the views expressed by Member States during the first consultation round.

During the entire process we remained in close contact with the Secretary General's High-level Panel on System-wide Coherence to ensure that the two processes were mutually supportive and complementary.

The informal consultations proved to be instrumental in identifying key areas of common ground. They also helped deepen the understanding with respect to issues requiring more work in the future. The following summary reflects the discussions during the first phase of the informal consultation process as factually and objectively as possible.

The President of the 61 General Assembly, Sheikha Haya Rashed Al Khalifa, informed the Member States in October 2006 that she had asked the two Co-Chairs to resume the consultations on environmental governance following the issuance of the report on System-wide Coherence.

For background documentation and updates related to the informal consultations see:

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

and

<http://www.un.org/ga/president/61/follow-up/environmentalgovernance.shtml>

CO-CHAIRS' SUMMARY OF THE INFORMAL CONSULTATIVE
PROCESS ON THE INSTITUTIONAL FRAMEWORK FOR THE UN'S
ENVIRONMENTAL ACTIVITIES

June 2006

Introduction

In his letter of 26 January 2006 the President of the General Assembly announced that he had asked us to co-chair an informal consultative process in follow up to paragraph 169 of the September 2005 World Summit Outcome Document (WSOD). The President of the General Assembly also attached to his letter a factual background paper prepared by the Secretariat containing information on the current institutional framework of the UN's environment work.

In our letter of 26 March 2006 we suggested the areas that were to be considered in the informal consultative process. The first round of meetings, on respectively 19 and 25 April 2006, covered these broad areas:

- enhanced coordination
- improved policy advice and guidance
- strengthened scientific knowledge, assessment and cooperation
- better treaty compliance, while respecting the legal autonomy of the treaties
- better integration of environmental activities in the broader sustainable development framework at the operational level, including through capacity building.

During the early part of May we travelled to Nairobi and Geneva to consult with Member States as well as with UN representatives, convention secretariat staff and NGOs. We reported on our visits during our third meeting on 24 May 2006 (the notes we used for our introductory statement to that meeting were circulated on 30 May 2006). At that meeting we circulated a letter with a proposed outline for further discussions. The outline and specific questions that we posed were based on views expressed by Member States during the first round of consultations. Follow up meetings to address these questions were held on 13 and 20 June, with a final wrap up meeting on 27 June 2006.

A web link was established through the Office of the President of the General Assembly, with relevant background documents, inter-governmental decisions and resolutions pertaining to the work of the informal consultative process. During the past months we remained in close contact with the Secretary-General's High level Panel on UN System-wide Coherence in the Areas of Development, Humanitarian Assistance and the Environment. As we stated at the meeting held on 24 May, while the scope, timing and character of the two processes are different, they both are based on the WSOD and should be mutually reinforcing.

The present co-chairmen's summary represents our attempt to capture the various comments and views provided by delegations in the course of the consultations. We have tried to reflect such comments and views as factually and objectively as possible.

The content of the summary is structured along the main areas contained in paragraph 169 of the WSOD, as outlined in our letter of 24 May 2006.

Overview

A number of central messages were repeatedly provided by many Delegations through out the consultative process and form, in our view, a good basis for further discussions on specific proposals to improve the institutional framework for the UN's environment work.

Persistence of environmental degradation

- Despite a steady increase in policy guidance, meetings, reports, actors and resources as well as some isolated successes, our natural resource base continues to be unsustainably utilized and deterioration of environmental conditions persists unabatedly. This represents a challenge for all countries.

Fragmentation

- The large number of bodies involved with environmental work has allowed specific issues to be addressed effectively and successfully, but has also increased fragmentation and resulted in uncoordinated approaches in both policy development and implementation. It has further placed a heavy burden on all countries in terms of participation in multilateral environmental processes, compliance to and effective implementation of legal instruments, reporting requirements and national level coordination.

From policy-making to implementation

- The focus of attention and action is shifting from the development of norms and policies to implementation thereof in all countries.
- Whereas a large body of policy work has been developed and continues to expand, a growing gap remains between normative and analytical work and the operational level. In that respect capacity-building at all levels, especially in developing countries is of key importance.

Environment as part of Sustainable Development

- Environment should not be treated in isolation, but as part of sustainable development.
- Environmental concerns are not adequately integrated into the UN's developmental activities.
- Much more focus is required in terms of bringing the environment into economic planning processes and providing sound scientific advice to decision makers.

- Environmental issues are also increasingly linked to the health, agriculture and trade areas.

Issues of capacity-building, technology transfer, financial support

- Capacity-building, technology transfer and increased financial support for environmental activities are key factors for treaty compliance and implementation.
- The implementation of the Bali Strategic Plan for Technology Support and Capacity-Building as well as a strengthened cooperation between UNEP and UNDP based on their respective comparative advantages and the implementation of their MoU would significantly contribute to progress in these areas.
- The Global Environmental Facility (GEF) and the private sector are called upon to play a more active role in these areas.
- Concern was expressed that UNEP continues to rely on a funding base that is neither stable nor predictable for this impedes its ability to fulfill its mandate effectively.

Levels of activity

- While there is broad agreement that improvements are needed in the environmental work at the global, regional and national levels, further work needs to be done so as to design the appropriate linkages between them.

Role of various bodies, including GA, ECOSOC, CSD and UNEP

- The General Assembly, the Economic and Social Council and the Commission on Sustainable Development should remain at the core of the sustainable development agenda as articulated in Rio and Johannesburg. UNEP, for its part, should have a clear environmental profile, thereby contributing to a better articulated sustainable development discussion and decreasing the tendency of bodies such as the CSD to do environmental work.

Institutional aspects

- There is wide recognition of the need and the possibility to improve environmental governance in areas such as quality and coherence of normative/policy work, capacity building, technology transfer and financial mechanisms, scientific knowledge and its relevance for policy making, and lessons-learned exchanges, and of the key role of the UN in that respect. Such improvements have to stand the real-life test and

ultimately contribute to stopping and reversing environmental degradation and to a more effective and efficient system of international environmental governance. They also have to take into account the role of UNEP as the principal UN body in the field of environment.

- Several options have been offered on how to achieve such improvements. In terms of the institutional structure, both an approach based on incremental steps – i.e. building on existing structures by enhancing efficiencies - and one based on the transformation of UNEP into a UNEO have been suggested. In this context, network and umbrella formats to enhance the coherence of the environmental system were also mentioned. It was also suggested that the various approaches could be realized sequentially.
- Many delegations stressed the need to better coordinate the vast array of MEAs, for example through clustering in areas such as chemicals and waste as well as biodiversity, while respecting the legal autonomy of the instruments.
- Concerns were expressed so as to make sure that a strengthened system of international environmental governance does not lead to new trade barriers, divert attention from poverty eradication and development, or erode the comprehensive sustainable development framework.
- On the other hand, the view was expressed that a strengthened system of environmental international governance should contribute to the realization of the MDGs and not be merely understood as a cost-cutting exercise but as a way to channel new funds into sustainable development.

Enhanced Coordination

Many Delegations stressed that environmental issues should not be discussed in isolation and should form part of the agenda of inter-governmental forums on development issues. They emphasized that this should be done by mainstreaming environmental concerns in development planning, financing and execution. Additionally, other Delegations highlighted that coordination should not only be strengthened at the international level, but that the national level deserved particular attention and required improved capacity building, scientific support and sharing of best practices, particularly for developing countries.

There was broad support for strengthening UNEP and its role in coordinating environmental issues. All Delegations expressed support for the full implementation of the Cartagena outcome on international environmental governance, which could provide gains in this area. In terms of the Cartagena outcome a number of suggestions were made, like the promotion of inter-agency cooperation and coordination at policy level.

Many Delegations said that the Environment Management Group (EMG) has not yet reached its full potential. The EMG could be better utilized in the inter-agency context and its role should be strengthened in order to provide a coherent environmental input across the UN system, they said. A closer relationship between the EMG and the United Nations Development Group (UNDG), so as to provide a stronger link between the normative/analytical work and operational activities, was also suggested.

In terms of the UNEP Global Ministerial Environment Forum (GMEF), which has universal participation, many Delegations view it as the most prominent forum for Environment Ministers to discuss emerging environmental challenges and broad policy options. A number of Delegations were of the view that the GMEF should do more to enhance cooperation. Suggestions were made that the Forum should refrain from issuing general summaries. Instead, it should engage in substantive discussions that would result in decisions with practical orientation. Some proposals for the GMEF were: to have a multi year work plan, to monitor MEAs policy development and implementation, and to interact in a meaningful manner with other inter-governmental forums and conferences of parties (COP's).

Improved Policy Advice and Guidance

Delegations put forward a number of proposals on improving the effectiveness of the UNEP's GMEF (as enumerated above). Some of these related to the possible policy coordination role that the GMEF could play in terms of coordinating programmatic activities, long term strategies, and budgetary planning of the MEAs. Such suggestions need to be weighed against the autonomy of other inter-governmental forums and COP's. All Delegations reiterated the need to preserve the legal autonomy of the MEAs.

Many Delegations supported enhanced scientific assessment and the need to take steps to improve scientific cooperation so that expertise is not overlooked by, or remains unknown to, decision makers. In terms of

dissemination, the possible role of UNEP to act as a clearing house was proposed by some Delegations.

A number of Delegations called for the strengthening of the EMG and that it should not only improve coordination among its members, but also with other inter-agency mechanism such as the UNDG. It was also said that the EMG could provide a vehicle for coordination and information exchange on normative aspects, and on the scientific knowledge, across the system.

Better Integration of Environment Activities in the Broader Sustainable Development Framework at the Operational Level, including through Capacity Building

The full implementation of the UNEP's Bali Strategic Plan on Technology Support and Capacity Building, in cooperation with UNDP, was stressed by many Delegations. Similarly, many Delegations called upon UNEP and UNDP to increase their cooperation in accordance with the recently concluded MoU and with respect to their management practices. In this regard, many Delegations requested that UNEP regional offices endeavor to work more closely with the UNDP country offices. The importance of regional cooperation for strengthening national capacity building was also underscored by a number of Delegations.

Some Delegations pointed to the key importance of coordination at the national level in the context of environmental activities. Capacities in this regard would need to be enhanced. There was broad support for the need to integrate environmental concerns in development assistance frameworks and country assessments, and to enable developing countries to mainstream environmental sustainability in their own planning processes. The Bali Strategic Plan could provide a valuable tool in this regard.

Better treaty compliance, while respecting the legal autonomy of the treaties

Despite some value in specificity, there was widespread support for a much more coherent system dealing with the multitude of environmental issues currently under discussion. Many Delegations pointed to the material limitations to attend and participate meaningfully in a multitude of meetings as well as the administrative costs and heavy reporting burden. This burden also extended to capacities required to implement legal agreements, affecting the legitimacy of such instruments and thus

reinforcing the argument that enhanced capacity building is essential, especially for developing countries. On compliance, there were different perspectives: some argued in favor of improved monitoring and compliance mechanisms, while others preferred to rely on capacity building. Other proposals, like the establishment of a voluntary peer-review mechanism on compliance; having qualitative rather than quantitative policy guidance; and using the Bali Plan to provide assistance in implementing MEAs at the national level were also presented.

A number of proposals were made in terms of improved cooperation among MEAs and between MEAs and UNEP. Some proposals related to a functional clustering, i.e. on issues related to chemicals and biodiversity. Others favored administrative and secretariat capacities being merged. Similar suggestions were made in terms of joint capacity building programmes. Other proposals were: having back to back meetings; deciding to have fewer meetings; enhancing synergies among the MEAs; and that the GMEF should have a stronger coordinating role in the normative areas, among others. On reporting, some Delegations supported the consolidation of reporting obligations, while others argued against a unified reporting method. All these proposals were presented in terms of respecting the legal status or autonomy of international environmental treaties and agreements, and addressed the support structures underpinning the instruments and their effective implementation at national level.

Strengthened Scientific Knowledge, Assessment and Cooperation

Although Delegations said that a wide variety of scientific expertise is available, many pointed out that there is a need to collect and present it in a coherent and sound way to decision makers. Some efforts that might be needed were mentioned: establishing a clearing house mechanism, streamlining existing institutions, engaging private sector, academia and NGOs, networking scientific expertise, among others. There was support for strengthening UNEP's scientific capacity and particularly its assessment and early warning activities. A number of Delegations mentioned that a lack of sufficient funding may have hampered UNEP's potential in this area. The development of the Environmental Watch framework, UNEP's Global Environmental Outlook and the workings of the IPCC deserve further consideration.

References were also made to the scientific bodies functioning under the auspices of the MEA's and how this body of knowledge could be better utilized and coordinated, including as a tool for technology transfer.

Conclusion

There is wide recognition that we have so far been unable to stop and reverse environmental degradation and that the current environmental system is fragmented, duplicitous and lacks coherence, thereby reducing its capacity and efficiency. The linkage between environmental sustainability and sustainable development was also a central theme addressed by all Delegations.

The areas mentioned in paragraph 169 of the September 2005 World Summit Outcome Document, section “Environmental activities”, are generally seen as the key areas in which to seek improvements. Moreover, several delegations mentioned the necessity to look into enhanced financial support and mechanisms, and linkages with the IFIs, in particular the World Bank, as well as to include the activities and views of science communities, business and civil society.

A number of practical proposals were made in all these areas. These practical proposals, some of which are referred to in the summary, require further reflection and analysis.

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.