The Third Consultative Meeting of the MEA Secretariats on International Environmental Governance

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A POLICY PAPER FOR IMPROVING INTERNATIONAL ENVIRONMENTAL GOVERNANCE AMONG MULTILATERAL ENVIRONMENTAL AGREEMENTS:

NEGOTIABLE TERMS FOR FURTHER DISCUSSION
A Policy Paper for Improving International Environmental Governance
among Multilateral Environmental Agreements:
Negotiable Terms for Further Discussion

I. Introduction

1. The single most important theme running through the dialogue on international environmental governance (IEG) is the need for policy coherence through enhanced coordination among the various intergovernmental organizations (IGOs) and Multilateral Environmental Agreements (MEAs).

2. The rationale for enhanced coordination among MEAs is apparent: efficient use of collective resources—information, financial and expertise; reduction of duplication and overlaps; emphasis on policy coherence; and averting fragmented sectoral initiatives. At the national level, the concerns are for reduction of governments’ burden of reporting under different MEAs; assisting governments in establishing priorities and allocating resources in an era of shrinking budgets; and supporting governments in coordinating preparations/monitoring to reinforce decisions taken under various MEAs and intergovernmental processes. The case for enhanced coordination is also strengthened by the requirements for a coherent global and regional environmental management in face of an expanding global trade regime.

3. There is now considerable international and national support and consensus among major stakeholders including MEAs for this position, deriving from the increasing number of MEAs and the lessons learned from experience. The convergence of various developments, including chapter 38 of Agenda 21, decisions of UNEP's Governing Council (17/25, 18/9, 19/9c, 20/18B, 21/21), the recommendations of the United Nations Task Force on the Environment and Human Settlements, the United Nations Secretary-General's report to the Millennium Assembly, the Nairobi and Malmo Declarations, the meetings on coordination of environmental conventions (convened under the aegis of UNEP), and the current debate on international environmental governance, have driven the calls for enhanced coordination among MEAs and IGOs to improve the impact of their actions.

4. Effective mechanisms are not always in place to facilitate this coordination. Coordinated implementation of MEAs is likely to require horizontal structures for consultation and cooperation.

5. The primary objective of this paper is to propose a translation of the dialogue at the general level into a policy paper and a strategy with a set of concrete actions. The paper thus aims to further develop a strategic approach to coordination and to move from vision to action. The paper proposes the elements for systematic cooperation that encompasses UN inter-agency cooperation, scientific and technical assessment linkages and implementation at the national level.

6. The paper takes into account the fact that coordination cannot take place at the cost of diversity and that coordination itself has costs. It is understood that the most significant coordination efforts will emerge from the bottom-up rather than top-down approach, decentralized rather than imposed from the center.

II. Defining International Environmental Governance

7. The First Open-ended Meeting of Ministers and Their Representatives on IEG (New York, 18 April 2001) felt that there was the need for a better definition of international environmental governance. The follow-up MEAs Meeting at the same venue on 18 April also agreed and decided to tackle this issue with a view to facilitating the on-going discussions on how to improve governance, particularly within the context of MEAs.

8. “Governance” and “government” are both defined as “the act or manner of governing”.\(^1\) While simple in its definition, the word governance is broad in scope, encompassing both the decision- and

9. With this in mind, the MEAs Meeting agreed that the structure of IEG has 4 layers. The top layer is the realm of governance, which is the international decision-making process. When looking to improve IEG, we are looking at the improvement of coordination of the decision making process, so there is no contradiction between what MEAs are trying to achieve. The second layer is the international institutional architecture. When policy decisions are taken, they must be implemented through an institutional structure. Actual implementation at the international level is the third layer: management or operationalization of the policies and decisions. Finally, there is a fourth layer: the coordination of the implementation of international environmental governance decisions at the national level.

10. At this particular point, the proposals for improving IEG as regards MEAs are not yet complete, and are presented as preliminary proposals, focusing on the first, third and fourth layers described in the definition contained in the preceding paragraph.

III. Concrete Short-term Actions for Enhancing Coordination among MEAs

11. The key to signaling the resolve to move forward will be the adoption of a series of concrete actions that can be taken in the short term. Small incremental steps through concrete actions could be taken to enhance MEA coordination as part of the overall effort to improve international environmental governance. Based on discussions among the MEAs and UNEP, the actions proposed here for implementation are presented below. The proposals in sections A through C correspond to the international decision-making layer, with those in D and E corresponding to the management and national implementation layers respectively.

A. Coordination at the policy-making level through regular meetings of the Bureaux of the Conference of Parties

12. It is strongly recommended that the Bureaux of the Conference of the Parties meet regularly, preferably once a year to consider in an integrated manner the priorities of their programmes of work and linkages with other MEAs and IGO processes.

13. The Agenda for these meetings could encompass objectives such as:

- Promotion of cooperation and complementarity at the policy level;
- Joint efforts in responding to basic human needs such as poverty alleviation, food security, access to clean water and energy demands, among others;
- Building synergies at the programmatic, scientific and technical levels;
- Avoiding potential inconsistencies among decisions adopted by the COPs of the MEAs.

14. When decision-making is not integrated, the risks of duplication and conflicts are greater, which would increase the need for formal coordination. Often the commitments in MEAs appear to conflict with commitments in other agreements. Coordination either before or after the conclusion of such agreements reduces these conflicts and leads to a more integrated and effective system for international environmental governance.

15. As appropriate, these meetings could be organized at the global level or at the cluster level (for example, the biodiversity-related conventions, the chemicals and hazardous wastes conventions). UNEP could be asked to be the convener and secretariat of these meetings. The recommendations of these
meetings would subsequently be presented to the respective COPs by the Chairpersons of the Bureaux.

16. This is not a new proposal. What is new is the articulation of the four objectives for these meetings. If this is agreed to by the Global Ministerial Environmental Forum, a programme of work should be prepared to make this a reality rather than an attractive concept.

17. At the Second consultative meeting of the MEAs on IEG on 18 April in New York, there was strong support for clustering of the MEAs not only at the programmatic sectoral level but also at the functional level. For example, it has been pointed out that there are close similarities in approach between the Rotterdam Convention's Prior Informed Consent Procedure and the Cartagena Protocol on Biosafety's Advanced Informed Agreement. There was also support at this meeting for clustering at the regional level encompassing issues such as the pooling of resources, capacity building, compliance and enforcement and complementary national legislation.

B. Regular meetings of the subsidiary bodies on scientific and technical aspects (SBSTAs) of the MEAs and collaboration among assessment bodies

18. Scientific and technical assessments are vital to the effective implementation of MEAs. So far these assessments are organized to support particular agreements and negotiations. A more coordinated approach could lead to more effective system of assessments. It must be noted that scientific and technical assessments are most useful when they are driven by policy-relevant questions. Certainly there is information that is common across assessments, which would suggest the need for coordination amongst the MEAs to exploit particular linkages.

19. Annual or periodic meetings of the SBSTAs of the MEAs including the STAP of GEF could go a long way in aiding this process of coordination. As indicated in Protecting Our Planet--Securing Our Future: Linkages among Global Environmental Issues and Human Needs (1998),

The importance of global environmental issues--such as climate change, loss of biological diversity, stratospheric ozone depletion, deforestation, and water degradation--to poverty alleviation and development is now becoming more fully recognized. However, these global environmental issues are, to a large extent, normally thought of as isolated issues by both the scientific and policy communities. As a result, they often fail to adequately recognize that there are strong scientific and policy interlinkages among the global environmental issues, between global environmental issues and local and regional environmental issues, and between environmental issues and basic human needs--adequate food, clean water, energy services, and a healthy environment. If these global environmental issues are to be addressed within a more holistic and synergistic policy framework, it is essential to gain an improved understanding of the scientific and policy interlinkages among them and how they influence our ability to meet basic human needs.

20. In this context, the 9th Meeting on Coordination of Conventions convened by UNEP in Nairobi from 11 to 12 February 2001 noted the value of holding periodic meetings of the Chairs of assessment panels of different conventions and protocols to maximize the benefits of limited human and financial resources. Another suggestion at the same meeting was that a comprehensive biennial report could be prepared providing a synopsis of the reports of the panels of different but related MEAs which could also help promote interlinkages and synergies at the scientific and technical level.

C. Establishment of a mechanism for monitoring the decisions of MEAs with a view to identifying inconsistencies

21. The issue of inconsistencies and even contradictions among the decisions of different MEAs has gained salience over the years. Perhaps the best example was the decision of the Montreal Protocol to phase-out the production and consumption of ozone depleting substances with substitutes such as
hydrochlorofluorocarbons (HCFCs) that have a high global warming potential. Many such inconsistencies are going undetected. At the 18 April MEAs meeting concern was expressed that some species could be addressed differently and in an inconsistent manner by as many as four or five MEAs, throwing compliance at the national level into a state of confusion. What is needed here is a mechanism for monitoring the decisions of MEAs with a view to identifying inconsistencies, decisions that are out of sync, as well as opportunities for synergies.

22. Ideally, UNEP can play this role. Upon identifying inconsistencies and potential conflicts, as well as opportunities for cooperation and synergies, UNEP would bring these to the attention of the concerned COPs and their secretariats.

D. Establishment of the Intergency Coordination Group for Supporting the Implementation of Environmental Conventions and Agreements

23. The expansion of MEAs has important implications for coordination and collaboration among United Nations agencies. As indicated in UNEP/IGM/1/INF/3 entitled "International Environmental Governance: Multilateral Environmental Agreements", there are six principal United Nations organizations--UNEP, IMO, ILO, FAO, IAEA and the UN General Secretariat--that are involved with the implementation of programs and policies that support or influence major global and regional environmental agreements and conventions of relevance to the environment.

24. One common form of inter-agency linkage is the Memorandum of understanding that typically runs between MEA secretariats. These MOUs have tended to be brief and formalistic documents, memorializing a spirit of cooperation between agencies. They provide for regular exchange of information, as well as inviting "reciprocal representation " of agencies at each other's intergovernmental meetings.

25. More formal links have been negotiated when at, the request of governments, tasks and responsibilities have been divided between independent agencies. The network of inner linkages that was designed to bring together various MEAs and implementing agencies in the operation of GEF is the leading example of formalized inter-agency cooperation on the global environment. These agreements set out the divisions of labour and chains of accountability between the COPs to the UNFCCC and CBD, the GEF Council and between and among UNEP, UNDP and the World Bank.

26. To bring more coherence and cooperation among the 140 major conventions relevant to the environment, including regional agreements of global relevance such as the 17 regional seas conventions and action plans and the 30 regional fisheries bodies, consideration should be given to the establishment of the Intergency Coordination Group for Supporting the Implementation of Environmental Conventions and Agreements.

27. The benefits of interagency coordination are many. They include:

* Avoiding duplication of effort.
* Identifying gaps in research.
* Identifying opportunities for collaboration.
* Developing mechanisms for collaboration.
* Promoting synergy through combined resources.
* Sharing information and activities and research findings in order to build a more systematic and cohesive effort.
* Providing an identifiable entity that can disperse information to the policy makers about UN wide activities.

28. UNEP can act as the Secretariat of the Group, the costs of operating this interagency group can be assumed by the participating organizations themselves.

E. Coordination at the national level through the establishment of National Coordination
Committees

29. The conventions place a significant burden on countries, especially developing countries, both in terms of planning implementation and reporting. These requirements amount to a formidable burden for many countries, which are already suffering from severe human and institutional capacity constraints. Unless they are fully integrated in existing national planning processes, the conventions may simply generate just another set of plans. To date, indications are that the conventions are not yet mainstreamed as part of national planning processes and that the national focal points responsible for the Conventions are isolated from mainstream policy making and sectoral planning processes and from each other.

30. An integrated national perspective will provide a sound basis for coordination among the MEAs. A national discussion allows countries to consider the need for common approaches and how different conventions may help realize them. It may help them agree on policies and programs they will pursue in global fora.

31. The benefit of establishing national coordination committees is that they will be a policy making structure which deals with the strategic planning, implementation and legislative requirements for successful implementation of the instruments and other related activities. Other benefits of a national coordination committee will include engaging a wider group of experts, policy makers and stakeholders than would be possible at the global level and identifying where joint initiatives would be beneficial and cost-effective, for example in information resources management or capacity building.

32. UNEP in collaboration with MEAs could be given the role of facilitating, perhaps in coordination with UNDP, FAO and the World Bank, the establishment of national coordination committees on MEAs, as well as providing advice on issues to be addressed. The support of the Interagency Coordination Group for Supporting the Implementation of Conventions and Agreements of Environmental Relevance could be enlisted to support this process. This bottom-up approach would contribute greatly to the harmonization of the decision-making process and the integrated implementation of MEAs at the global level.

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