

## STATEMENT EUROPEAN CIVIL SOCIETY FOR GOVERNING COUNCIL UNEP

FEBRUARY 2009 – NAIROBI

### Introduction:

During the Regional Consultation Meeting (RCM) in Europe, held in Geneva (17<sup>th</sup>-18<sup>th</sup> of November 2008), civil society<sup>1</sup> agreed on a common statement. When referred to civil society in this document, these 9 groups are meant, unless specified differently.

They discussed the two items of the upcoming Governing Council, policy issues, and the Programme of Work (PoW) 2010-2011. In this document you will be informed about the outcomes of our meeting.

### I) Globalization and the Environment: Global Crises or National Chaos?

The time is ripe for global change. The various crises (food, energy, financial, ..) give us the opportunity to **rethink our actual system** and policy structures. We want to see those crises as a challenge for fundamental change instead of a threat for the existing system. Civil society is best prepared for facing this challenge, due to their heterogeneity and creativity at local and regional levels. **Transition towards an economy that is positive for people and planet** has to be the main goal for change. We have to guarantee a well being for future generations as well.

The solution to the **current financial crisis** should not be at the expense of environment and society. Existing international financial architecture does not currently meet the challenge of providing and encouraging innovative financing mechanisms that promote a green and equitable global economy. UNEP should work with governments, international financial institutions, economists and stakeholders to initiate thinking and develop recommendations on necessary conditions for a sustainable and solidarity based economy. This means also a **reform of the Bretton Woods Institutions**.

The current financial crisis only reiterates the need for robust and universal corporate social responsibility strategies. It is recommended that UNEP develops a multi-stakeholder platform with business representatives to explore the possibility of a **Convention on Corporate Social and Environmental Responsibility and Accountability**.

---

<sup>1</sup> This statement has been adopted by representatives of 7 major groups: NGOs, Trade Unions, Farmers, Women, Youth, Local Governments, and Indigenous peoples.

At the High Level Event on the **Millennium Development Goals** in September 2008 there was broad consensus on the need for a review of progress on the MDGs in 2010. UNEP should play a key role in ensuring there is a **stronger focus on environment, social equity and sustainable development**.

A **World Summit on sustainable development** in 2012 could offer the opportunity to address the growing crisis in environment, food and energy supply, poverty and sustainable development in general, in relation to the broader development and international finance agenda. It is crucial to raise the international profile of sustainable development ahead of the negotiation of post-2015 Millennium Development Goals: this will help to ensure that **sustainable development, social equity and environment are clearly on the agenda**, and that any post-2015 targets are *sustainable* development goals.

It can also ensure a clear target date for when certain commitments on environment, social equity and sustainable development should be met or initiatives launched. Already **agreed targets for implementation in ongoing programmes of implementation must not be jeopardized** by a next World Summit.

## II) International Environmental Governance and UN reform: Help or Hindrance?

### Policy coherence and interlinkages

**Policy coherence** at all UN-body levels is necessary. Within the UN, but also in relation with other international institutions, exist various contradictory policies.

The **interlinkages** between the existing global challenges and proposed solutions have to be **strengthened**. For example the negative effects of climate change, unsustainable patterns of consumption and production, unequal trade between the North and the South cause huge problems for all vulnerable groups in developing countries and hinder their endogenous development. The gap between rich and poor is increasing, despite the existing aid programs. It is clear that those are not enough.

### Development and Environment Coherence

Whilst Northern countries **should be encouraged to deliver their 0.7% GDP commitment** to development aid, a concomitant assessment of the degree to which existing aid complements international environmental commitments should be undertaken.

UNEP should play a key role in **ensuring that additional funds** for climate-resilient development are made available *alongside* reviewing existing aid commitments and how they can better incorporate environment as a fundamental component of sustainable development.

### Climate Change Finance

The existing finance architecture for climate change is fragmented and confusing. UNEP should play a key role in providing an overview of funds available, whilst also making recommendations on how to **increase coherence and complementarity of existing funds and policies.**

#### Reform of the Global Environment Facility

The **enormous potential of the GEF** for funding environmentally conscious development **is not being met.** Governments are increasingly opting for investment funds outside of the GEF framework. Recipient countries express frustration that there is little opportunity for consultation and that civil society and actors on the ground are not involved. As such there needs to be an open dialogue on the governance structures of the GEF and the need for reform.

#### Towards a green and socially responsible global economy

The **New Green Deal**, proposed by secretary-general Ban ki-Moon offers an opportunity to call for fundamental changes to the international financial system and call for an end to fossil fuel dependency, social exploitation and unsustainable consumption and production patterns. This requires a shift in the current global economic paradigm of infinite growth on a planet with finite resources. UNEP's valuable work on green jobs represents a first step towards a more fundamental transition to a green and socially responsible economy.

### **III) Policy Issues**

#### **On Global Mercury Challenges**

Mercury has been on the agenda of UNEP since 2001. Some progress has taken place since then, both at the political level and on the ground with several projects addressing the mercury crisis. However, it is now high time that a global framework is adopted to coordinate actions to reduce mercury supply, use and emissions of mercury from all global sources of concern. At the latest meeting of the Ad Hoc Open Ended Working Group on Mercury in Nairobi (October 2008), a comprehensive set of elements to be part of a global framework was agreed to by a broad consensus, and this was an important step forward. In addition, an overwhelming majority of countries supported a free-standing legally binding instrument on mercury.

The elements of a global mercury framework related to supply (including storage and trade), emission reductions (through the use of BAT or otherwise), and product/process phase-outs in particular, will require a legal instrument to be effective for a number of reasons including the following:

- It is the only way to control supply and eliminate global mercury trade while minimizing possibility of conflicts with international trade law
- It will ensure the required substantial global coordination and a level playing field in effectively phasing out the use of mercury in products and processes, and otherwise reducing mercury emissions from industrial sources.

- The legal instrument is the most direct and effective vehicle for prohibiting new undesired activities
- It can elevate the importance of mercury as a priority issue in countries and regions, and facilitate implementation of relevant national legislation.

Therefore, we now call on the Governing Council to conclude that a free-standing legally binding instrument (LBI) is needed to address the global mercury challenges.

The provisions of this LBI should include:

A broad scope that includes those human activities which contribute to the global mercury pollution problem, and addresses the entire lifecycle of mercury.

- Tailored mercury control measures to particular sectors and sources of concern.
- Measures which incorporate the Precautionary Principle, the Polluter Pays Principle, and other relevant Rio Principles.
- Recognition of the role and importance of public interest, health and environmental stakeholders.

Accordingly, the Governing Council should request that an International Negotiating Committee (INC) for mercury be formed as quickly as possible, and that this INC should develop an LBI which does the following:

- Reduce mercury supply including the phase-out of primary mercury mining, and the sequestering of mercury from closing or converting chlor-alkali plants.
- Prohibit new uses of mercury, and phase-out its use in products and processes based upon the availability of safe and cost effective alternatives.
- Phase out international trade of mercury and mercury products.
- Minimize anthropogenic atmospheric emissions of mercury where processes or products cannot be phased-out or mercury use is unintentional, through such mechanisms as BAT/BEP requirements.
- Address the environmentally sound management of wastes containing mercury, including environmentally sound storage.
- Enhance the global monitoring of mercury, particularly in the food supplies of humans and wildlife.
- Provide opportunities to facilitate the effective remediation of contaminated sites.
- Ensure sufficient new and additional financial and technical resources including technology transfer, capacity building, and information exchange to enable developing and transition countries to control mercury sources effectively without disrupting poverty reduction goals.
- Public information and awareness-raising especially for women, children, Indigenous Peoples, Fisher Folk, consumers of fish, and the least educated.
- Strong, fair, and balanced mechanisms to support transparency, effective implementation, and compliance with the regime.

In its Decision, the Governing Council should also provide for the possibility that other metals can be added to the mercury LBI at a future time.

#### **On the Montevideo programme IV**

We strongly support the proposed progress of an international legal framework. Guidelines will be written on liability and compensation, and on the development of national legislation on access to information, public participation and access to justice in

environmental matters (A Global Aarhus). Civil society is willing to strengthen the communication and implementation on national and regional level.

### III) The Program of Work (2010-2011)

#### General remark:

The PoW is quite complete and well described. But nevertheless we want to make some general remarks and more detailed ones on strategy and expected accomplishments.

There is a need to be **clear on inter-linkages** between agencies and priorities within the work programme. Sometimes it seems to be too partially in solutions and actions.

In general the indicators for the achievement of the objectives outlined in the Programme of Work 2010-11 are predominantly quantitative. It is suggested that **the development of qualitative indicators** against which achievement can be measured would also be useful to identify whether UNEP is fulfilling its mandate: results-based work also requires an assessment of qualitative changes.

Before implementing the six priority areas of the Programme of Work **an inventory** has to be undertaken **of the potential** that is already there within the major groups, and attention has to be given to the special needs of these groups, and the contribution they are already giving to the priority areas.

Instead of considering the major groups only as policy target groups, which is often the case considering youth and farmers, **UNEP should make use of the Major groups** in the implementation of the six priority areas of the Programme of Work.

#### On communication:

UNEP has limited resources: it **should focus on the development of tools and indicators** that others can use for effective communications rather than trying to run major education and/or information programmes itself. Civil society is willing and better equipped for communication on national, regional and local level.

We see UNEP's **strengths in their technical expertise, ability to develop scenarios, strong knowledge basis and the links with other UN-bodies** and other international agencies. This gives UNEP added value on those capacities, and it would be preferable to use them for their core business. The priority areas should be: Governments, Civil Society (including, among the others, Youth), and mass media (most of this is nationally focused but UNEP can help build skills / knowledge on these issues). There are many relationships between these different groupings. **UNEP should facilitate and enable work**, not attempt to drive it too much due to their limited resources. National committees, and civil society as a whole can have a role here.

In general, UNEP should improve communication of its work to civil society organisations so that such groups are better able to participate in its dissemination – improving the accessibility of the website would be a major step towards achieving this goal.

On partnerships:

Partnerships with civil society organisations and Major Groups to deliver and implement the Programme of Work are welcomed. To this end, UNEP **should analyse existing accredited organisations** and assess what role they might play in programme implementation in addition to policy development. The development of partnerships should be with organisations that can support capacity building and enhance UNEP's work on a country level.

With this in mind, UNEP should make **use of criteria for partnerships**, especially with business (Global Contract), to ensure that partnerships are 'win-win' and that the good name of UNEP is not used for green-washing purposes.

\*\*\*

Subprogramme 1 – Climate Change

**Objective:** Objective needs to be strengthened. We propose that it should be:

*To ensure the integration of climate change responses, for both Mitigation and Adaptation, into national (sustainable) development plans and processes.*

**Strategy and expected accomplishments**

The proposed work plan for 2010 - 2011 needs to recognise **the extreme urgency** for action to tackle climate change and the importance of the 2009 Copenhagen conference, and the work plan should be designed so as to integrate with outcomes of this process. UNEP should stress the important role of major groups in helping countries on climate, both mitigation and adaptation.

The task of tackling climate change is a huge and global one. UNEP needs a stronger **resource base** to enable to do this work effectively.

UNEP should stress in all its work the **principle of global social equity** and in climate change this means working towards global equity in terms of per capita CO2 emissions.

UNEP should address both adaptation and mitigation and identify the synergies between the two. In this context UNEP should develop a role in the **promotion of good practice** at local and national level on climate change activity.

UNEP needs to **take a lead** in supporting, facilitating, monitoring and evaluating **national climate change action plans and/or strategies**.

UNEP needs **to address financial measures** to support moves to a low-carbon economy. This would involve work to set **criteria for CDM funding** to support small scale and appropriate technology projects, and UNEP should engage with the World Bank and other funding agencies as well as governments on this issue.

We welcome UNEP's recognition of the **importance of capacity-building**. This should be extended to include capacity-building around awareness and 'climate literacy' for governments, UN-bodies and other international agencies.

UNEP should look to provide support by the **development of tools** for this purpose. We would ask UNEP, as part of this work, to e.g. come up with a 'glossary' or guide in key languages to cover issues and phrases such as 'carbon neutrality', 'carbon footprint' etc.

Once developed those tools UNEP has **to engage further communication** on climate change issues with governments on various geographical levels and civil society (including, among the others, youth groups, farmers and indigenous people \_

## Subprogramme 2 – Disasters and Conflicts

### **Strategy and expected accomplishments**

The post conflict **funds should be in proportion with damage** to the environment and society. The proposed strategy is satisfying, but we lack the participation of stakeholders in this. UNEP's contribution in post conflict work should be allocated through local and national stakeholders. We give you here some ideas **on which way more stakeholder involvement** will be achieved:

- **National Committees** can **play a bridging role** in countries in helping to identify the key stakeholders that can help in pre and post conflict activities.
- Links between environment and conflicts/disasters – **stakeholders could work in helping** to provide services and help during conflicts/disaster and build capacity for post conflict/disaster reconstruction
- There should be the development with stakeholders in the regions of a **database and resources of relevant sustainable building and construction approaches** and organisations
- There needs to be a clarification within UNEP for stakeholders of **who is the focal point** within a region for a disaster or conflict
- There should be **projects with local and regional authorities** and other relevant stakeholders to help them deal with post conflict/disaster planning
- In countries of conflict there should be the development with stakeholders of **public environmental information centres**.
- There should be **partnership with scientific and other relevant stakeholders** including UN bodies for the collection and assessment of the real costs to the environment of conflicts and post conflict reconstruction.
- Stakeholders should be involved in the development of any **pre disaster remediation planning** coordinated by UNEP in cooperation with other UN bodies
- New **partnership with European intelligence agencies** eg Federal Security Service to ensure pre knowledge of conflicts
- Stakeholders should be invited to support and work with the Environment and Security initiative.

## Subprogramme 3- Ecosystem Management

### **Strategy**

The subprogramme as presented was seen as quite comprehensive, nevertheless some observations were made. Civil Society groups consider **compliance to MEAs and**

**conventions** such as the CBD, very important and UNEP should endeavour to find a mechanism to ensure such compliance.

### **Expected accomplishments**

Enforcement and implementation of the MEAs is very important. UNEP should **encourage major groups to produce and submit shadow/independent reports** on the implementation on relevant MEAs such as CBD, to complement national implementation reports. An indicator for such an output could be the quantity and quality of reports produced by National committees and/or major groups.

With respect to strengthening capacity of countries and regions to realign their environmental programmes and financing to address degradation of selected priority ecosystem services **an additional indicator** was proposed to be added: "the number of countries to conduct studies on the financial value of the services provided by the ecosystems in their countries"

Further to the proposed expected accomplishments, the Ecosystem Management should foresee as an outcome the enhanced capacity of countries and regions **to implement the convention on biodiversity including its biosafety protocol (GMOs etc)**. A concrete indicator for such an output would then be the quality and regularity of national implementation reports/number of countries that are regulating GMOs.

It was further highlighted that **national authorities and major groups' capacity should be enhanced** in the preparation of Environmental Impact Assessments , and Strategic Environmental Assessments.

UNEP should further promote the ecosystem management approach and ensure that this is communicated to governments emphasising that a **cross sectoral approach needs to be taken** if progress is to be made in the application of this approach.

UNEP has **to recognise** the huge problem of **the global threat of water scarcity** and include this important matter into the subprogramme of ecosystem management.

## **Subprogramma 4 – Environmental Governance**

### **Strategy**

In general the indicators for the achievement of the objectives outlined in the Programme of Work 2010-11 are predominantly quantitative. It is suggested that **the development of qualitative indicators** against which achievement can be measured would also be useful to identify whether UNEP is fulfilling its mandate: results-based work also requires an assessment of qualitative changes.

Civil society feels a **lack of transparency** on what UNEP is doing. If more information is available (improving the website) major groups are also able to organise themselves better to achieve a better participation.

### **Expected accomplishments**



(EA a) There currently exist over 700 Multi-lateral Environmental Agreements, making international environmental policy difficult to navigate. It is recommended that UNEP co-ordinates the **clustering of Multi-lateral Environmental Agreements** under relevant thematic areas, also relevant to the UNEP Programme of Work. The following thematic areas are recommended:

- Chemicals, Hazardous Waste and Waste Management
- Biodiversity, Ecosystems and Land
- Marine Environment
- Energy and Climate Change

The clustering of MEAs **should include a human rights-based approach**, so that commitments with human rights implications are easily accessible and usable. A partnership with relevant NGOs and human rights organisations is recommended to complete this work.

MEAs and Conventions have their own distinct stakeholder engagement strategies. This reduces coherence and prevents stakeholders and civil society groups from being able to engage in a number of processes.

(EA b) UNEP **should attempt to increase synergies between stakeholder engagement processes across the MEAs**. A first step in this process would be to conduct **a review of the different processes**, identifying similarities and making recommendations on how to bridge differences. UNEP should conduct this work in partnership with policy-facing NGOs with experience in IEG and stakeholder engagement processes.

We feel the need of a **Central Database and Resource on Country-Level Environmental Commitments**. UNEP should co-ordinate the gathering of all data on country-level environmental commitments – an online resource should be developed that allows users to identify which countries have committed to, signed or ratified which environmental obligations. Analysis of progress on implementation, and access to any existing national reports should be available through such a resource.

A **partnership with relevant NGOs and environmental law organisations** is recommended to complete this work, thus ensuring that the resource is relevant to civil society organisations and strengthens their ability to do their work.

(EA c) UNEP should be consulted and represented in the formulation of **United Nations Development Assistance Frameworks** (UNDAF), and should in collaboration with other UN agencies work to develop a more coherent and homogenous approach to development frameworks, bridging the existing divides or conflicts between National Sustainable Development Strategies (NSDS), Poverty Reduction Strategy Papers (PRSPs), and MDG Strategies, ensuring a consistent consideration of environment. Embedded within this approach should be **a requirement for engagement with all relevant stakeholders and Major Groups**

Partnerships should be developed with NGOs, Development NGOs and Research Institutes to develop innovative thinking around the need for new country-level

development mechanisms that strengthen the environmental and social pillar and as such enhance sustainable development.

In the absence of UNEP country offices, it remains a challenge for UNEP to ensure the mainstreaming of environmental sustainability into country programming processes. It is therefore recommended that the **role of the National Committees in Europe should be enhanced** to assist implementation, and that this model should be considered as a vehicle for implementation in other regions.

## Subprogramme 5 - Harmful substances and Hazardous Waste

### **Strategy**

The subprogramme as presented was seen as quite comprehensive, nevertheless some observations were made. The fact that SAICM has been developed as a coherent approach to coordinate different aspects related to chemicals such as capacity building, is not reflected fully in the Programme of Work. It is therefore wished that **SAICM's special role should be underlined**.

### **Expected accomplishments**

It is necessary that the **role of stakeholders under SAICM is reinforced**. UNEP should therefore actively encourage multistakeholder involvement in the SAICM process.

The strategy on chemicals should also **identify and assess emerging issues** such as chemicals in products, nanotechnology etc.

With respect to the outputs of the policy and control systems for harmful substances **communication and information tools should be developed** and disseminated in partnership with major groups to raise awareness and mobilise action on the environment and health risks of harmful substances and hazardous waste. In this regard, vulnerable groups such as *inter alia* pregnant women should be considered.

### **Partnerships**

Partnerships should also consider **to include the International Trade Union Confederation** in the list of participating organisations.

### **Gender**

The subprogramme should pay particular attention to the **physiological susceptibility** of chemical exposure also **by pregnant women**.

## Subprogramme 6 – Resource Efficiency and Sustainable Consumption and production

**Objective:** The objective is much too meagre and don't make sense. We propose the following main goal:

*Improve the quality of life for everyone (in the world) within the Earth's carrying capacity.*

### **Strategy and expected accomplishments**

In the name of subprogram the word sustainable is mentioned, although the subprogramme is **only focussed on environmental issues**. The **social pillar is totally lacking**.

Considering the new objective, the **main focus has to go to reduction of natural resource use** (instead of efficiency – considering the rebound effect, and considering the fact we are already beyond the Earth's carrying capacity) and **equal share of natural resources between and within all countries** (North and South).

We want to stress that there exist *agreed language* in Agenda 21: it says that we have to **change unsustainable patterns of consumption and production**. This is a much stronger message than only promoting the sustainable ones. So, there is a **need of paradigm shift**; a fundamental transition of our actual economic system and production patterns. The main focus of economic growth leads us, at certain point, to unsustainable development. Other indicators are necessary to measure wellbeing and sustainability.

A lot of work is already done on SCP in Marrakesh process and Agenda 21. There are **tools established**, like:

- Polluter pays principle
- Internalisation of external social and environmental costs
- Reversed burden of proof
- Precaution principle
- Elimination of environmentally and socially destructive subsidies

We ask UNEP to **fully integrate those principles** in their work plan.

*Geneva, 18<sup>th</sup> of November 2008*