

**LETTER TO EUROPEAN MINISTERS OF ENVIRONMENT WHO WILL BE PRESENT AT
THE UNEP GLOBAL MINISTERIAL ENVIRONMENT FORUM, 16-20 FEBRUARY 2009**

During the UNEP European Regional Consultation Meeting (RCM), held in Geneva (17th and 18th of November) representatives of the civil society¹ agreed on a common statement, which we send you hereby as a separate document.

At the moment the world is confronted with crises on food, energy and finances, which challenge world leaders to rethink our actual system. As Minister of Environment you have a leading position in the transition towards a system which is profitable for the planet and its people. We hope the outcomes of the Governing Council of UNEP will strengthen UNEP's role in the UN-debates and reform to achieve that goal.

The statement is divided in four chapters, following the GC/GMEF agenda:

- I) Globalization and the Environment: Global crises or national Chaos
- II) International Environmental Governance and UN reform: Help or Hindrance ?
- III) Policy issues
- IV) Programme of Work (2010-2011)

We hope this statement will inspire you in your discussions and agreements. Civil society is always willing to support the work of UNEP in a constructive way and to disseminate their actions on national, regional and local level.

With kind regards.

¹ Representatives of seven Major Groups : NGOs, Trade Unions, Farmers, Women, Youth, Local Governments, and Indigenous peoples.

STATEMENT EUROPEAN CIVIL SOCIETY FOR GOVERNING COUNCIL UNEP

FEBRUARY 2009 – NAIROBI

Introduction:

The UNEP Regional Consultation Meeting (RCM) for Europe was held in Geneva on 17th-18th of November 2008. Civil society was represented through eight major groups: NGOs, trade unions, farmers, women, youth, business and industry, local governments and indigenous people. This document is a joint statement of those major groups, except business and industry. When referred to civil society in this document, these 9 groups are meant, unless specified differently. The issues discussed were:

- V) Globalization and the Environment: Global crises or national Chaos
- VI) International Environmental Governance and UN reform: Help of Hindrance ?
- VII) Policy issues
- VIII) Programme of Work (2010-2011)

This document summarises the outcomes of the meeting.

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

The time is ripe for global change. The world is **facing crises** that include climate change, financial disorder and food and oil prices instability. In every case, the roots are the same: a lack of commitment to regulation, a push forward towards “small government” and free market economics, and an international system that had underperformed in exercising governance of globalisation. There is no justification for governments to back away from **bold action**.

This is a time to take the opportunity **to rethink our core systems and policy structures**. These crises are a challenge and an opportunity for fundamental change rather than a threat for the existing system. **Civil society is well prepared** to face this challenge, due to its diversity 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 also have to guarantee well being for future generations.

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 the necessary conditions for a sustainable and solidarity based economy. This entails a **reform of the Bretton Woods Institutions**.

The current financial crisis makes clear the need for robust and universal corporate social responsibility strategies. We recommend 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**.

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 key commitments on environment, social equity and sustainable development should be met or initiatives launched. Targets that have already been agreed for implementation of ongoing programmes 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 within all UN-body levels is necessary. There are still various contradictory policies within the UN, and in relation to other international institutions.

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 these 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 these 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 between existing funds and policies.**

Reform of the Global Environment Facility

The **enormous potential of the GEF** for funding environmentally conscious development **is not being delivered.** 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.

Participation and communication with Major Groups

Communication and interaction between civil society and UNEP is continually improving. The establishment of the **Major Groups Facilitating Committee** is a point in case. The MGFC is charged with a number of tasks according to the guidelines

adopted at the UNEP GMEF in Monaco in 2008. As the cooperation between UNEP and the Major Groups evolves and deepens, further tasks may be identified.

The Major Groups **welcome the opportunity** to see and discuss the Programme of Work including other central UNEP documents. But to be able to make a significant contribution to such a large document, the Major Groups **need to have time** to disseminate and discuss the content to their large UNEP accredited memberships. Time is also needed to respect a number of critical sensitivities pertaining to Major Groups, participation, transparency and accountability being among the central ones.

Based on the discussion in Geneva at the UNEP ROE Major Groups meeting, we would therefore ask UNEP's Major Groups Unit in Nairobi to **explore opportunities for a person representing the MGFC** to be present and observe meetings of the CPR and be made privy to and receive a copy of central documents on par with such distribution to the members of the CPR. Only then may central UNEP documents, as was the case with the PoW, be sent to the accredited members of the Major Groups in a timely fashion, and only then will discussions taking place at the regional major groups meetings be allowed to present optimal outcomes.

The role of the representative is strictly one of observer status, and is not meant for participation in the official deliberations at the CPR. The designated person cannot be randomly chosen and must be appointed by the Major Groups Facilitating Committee at one of its central meetings.

III) Policy Issues

At the European Regional Consultation Meeting, NGOs, Women, Youth, Workers and Trade Unions, Local Governments, Farmers, and Indigenous people organisations endorsed the following statement:

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 comprehensive and well developed. But we would like to make some general remarks and more detailed ones on strategy and expected accomplishments.

There is a need to be **clear on the inter-linkages** between agencies and priorities within the work programme. Too often solutions and actions are not linked and miss out on possible synergies.

The measures 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 should be undertaken of the potential that is already there within the major groups. Attention should be given to the special needs of these groups, and to 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 as including technical expertise, ability to develop scenarios, a strong knowledge base and the links with other UN bodies and other international agencies. This gives UNEP an especially valuable role in this work, and these strengths should be developed as part of UNEP's core business. The priority areas should be: **Governments, Civil Society** (including, among 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** and not attempt to drive it too much due to the limited resources. National committees and civil society as a whole can play 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 have clear **criteria for partnerships**, especially with business (Global Compact), to ensure that partnerships lead to a real improvement for the environment at the core business of the industry which is engaged in a partnership with UNEP, so that the good reputation of UNEP is not abused or misused for 'green-washing' purposes.

Subprogramme 1 – Climate Change

Objective: This 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 development (and 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. The work plan should be designed so as to integrate with the outcomes of this process. UNEP should stress the important role of major groups in helping nations act on climate, both in 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. to help tackle the confusion that too often exists. Once these tools are developed UNEP should **engage in 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 to 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 set out 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
- In cooperation with stakeholders in the regions a database should be developed with resources of relevant sustainable building and construction approaches and organisations
- In any specific region affected by a disaster or conflict UNEP should make clear **the focal point** (first point of contact) for all stakeholders
- 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
- 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, but it could be further developed. 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. Measures for such outputs 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, 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 that there is a **lack of transparency** in 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

a) There currently exist over 700 Multilateral Environmental Agreements, making international environmental policy difficult to navigate. It is recommended that UNEP co-ordinates the **clustering of Multilateral 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.

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.

There is a need for 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.

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. These observations are to supplement this. 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 important that **SAICM's special role should be underlined**.

Expected accomplishments

The **role of stakeholders under SAICM should be 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 different **physiological susceptibility** of exposure to hazardous chemicals also **by women and girls**. (often it is already too late, exposure should be avoided also many months before pregnancy, as many of these hazardous chemicals are persistent)

Subprogramme 6 – Resource Efficiency and Sustainable Consumption and Production

Objective: The objective is much too limited and will not lead to any meaningful change. We propose the following overarching objective:

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

This means developing a wider vision of welfare, within a truly global context, where sufficiency and the satisfaction of **needs**, rather than production and consumption as a mechanism for economic growth, is the aim. Sustainability requires acknowledging the need for, and accepting the responsibility of prioritizing respect and care for the greater community of life. This would need to take account of '**equal rights**' for '**environmental space**' and development possibilities for developing countries.

Strategy and expected accomplishments

The subprogramme is **only focussed on environmental issues**. The **social pillar is completely lacking**. A more holistic approach, that takes full account of the social dimensions, is required.

Adoption of the new objective would mean that the **main focus has to be on the reduction of natural resource use** instead of on efficiency (considering the rebound effect and considering the fact we are already beyond the Earth's carrying capacity) and on **equal sharing of natural resources between and within all countries** (North and South). Moreover, specific attention has to be given to the areas of consumption/production with the highest environmental relevance: **housing, food and mobility**. There is a general recognition and consensus that these areas should have priority as they have the greatest impact on the environment.

We want to stress that there exists *agreed language* in Agenda 21 on consumption and production. Agenda 21 states that we have to **change unsustainable patterns of consumption and production**. This is a much stronger and more far-reaching message than one that limits itself to ensuring that natural resources are produced, processed and consumed in a more environmentally sustainable way and that aims to *promote* sustainable consumption and production patterns. It means there is a **need for a paradigm shift**; a fundamental transition of our current economic system and production patterns. A main focus on economic growth only will lead us, at a certain point, to unsustainable development. Other indicators are necessary to measure wellbeing and sustainability.

A lot of work has already been done on SCP within the framework of the Marrakesh process and in follow up to Agenda 21. Some of the well **established tools and principles are:**

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

We strongly call upon UNEP to **fully integrate those principles** and tools in the further development and implementation of their work plan.

25th of November 2008