



**Governing Council
of the United Nations
Environment Programme**



Distr.
LIMITED

UNEP/GC.21/L.2
6 February 2001

ORIGINAL: ENGLISH

Twenty-first session
Nairobi, 5-9 February 2001
Item 12 of the provisional agenda *

GLOBAL MINISTERIAL ENVIRONMENT FORUM

**DRAFT PROCEEDINGS OF THE GOVERNING COUNCIL
AT ITS TWENTY-FIRST SESSION**

INTRODUCTION

1. The twenty-first session of the Governing Council of the United Nations Environment Programme (UNEP)/Global Ministerial Environment Forum was held at UNEP headquarters, Nairobi, from 5 to 9 February 2001. The Council adopted the present proceedings at the XXth meeting of the session, on 9 February 2001.

I. ORGANIZATION OF THE SESSION

A. Opening of the session

2. The twenty-first session of the Governing Council/Global Ministerial Environment Forum was opened on 5 February 2001 by Mr. László Miklós, President of the Governing Council at its twentieth session. Mr. Miklós spoke briefly after declaring the session open, thanking the Committee of Permanent Representatives and others for their efforts during his presidency and outlining some of the achievements and important events since the twentieth session of the Governing Council in February 1999. He noted in particular the Millennium Declaration of the United Nations General Assembly and the upcoming World

Summit on Sustainable Development and expressed his hope that the current session would constitute an important contribution to the latter event.

3. Mr. Shafqat Kakakhel, Deputy Executive Director of UNEP, read out, on behalf of Mr. Klaus Töpfer, Executive Director of UNEP, a message to the participants at the twenty-first session of the Governing Council from Mr. Kofi Annan, Secretary-General of the United Nations. In his statement the Secretary-General pointed out the inadequacy of current responses to the challenges of sustainability and the urgent need to give such issues higher priority. Environmental sustainability, he said, was everybody's challenge, but the heaviest responsibility fell on those who had accepted positions of leadership, whether in politics, business or civil society. It was his hope that Governments would take advantage of the time remaining before the World Summit on Sustainable Development to revitalize the sustainability debate and to prepare the ground for the adoption of concrete and meaningful actions. Singling out poverty as one of the causes of ecological crises confronting the world today, he said that a strong signal of the world's determination to adopt a new ethic of conservation and stewardship in all environmental actions would be to ensure the implementation of the Kyoto Protocol. While commending the spirit of international solidarity and partnership among States, civil society and the private sector manifested at the first meeting of the Global Ministerial Environment Forum, he stressed the need for a strong, financially secure institutional architecture, through which the world's States and their peoples could develop a coherent international environmental policy.

4. Mr. Francis Nyenze, Minister for Environment and Natural Resources of Kenya, welcomed the participants on behalf of the host Government and encouraged them to get to know his country. He lauded UNEP, describing it as an indispensable catalyst to action, and expressed his Government's commitment to UNEP ideals and activities. Critical problems nevertheless persisted, contributing to an environmental crisis facing the world. To meet the crisis, a spirit of cooperation was essential, and it was vital that the link between poverty and environmental degradation be recognized. The economic progress of developing countries would enhance environmental protection, and developed countries had to take that into account in policy-making. It was therefore vital that the session address matters such as technology transfer, information-sharing, as well as the development of renewable energy as an engine of economic growth in developing countries.

5. The opening meeting was also addressed by Ms. Nanako Misuno from Japan and Mr. Oliver Shalala from Zambia, representing the participants in the retreat organized by UNEP from 30 January to 2 February 2001 for members of its Youth Advisory Council, in preparation for the Governing Council session. They asked why some of the earth's inhabitants enjoyed satisfactory living and environmental conditions while

* UNEP/GC.21/1.

more than 1 billion suffered from many kinds of problems despite the numerous decisions adopted by UNEP over the years. They emphasized the need to move on from decisions to actions, stressing that “time is running out”. They also urged ministers to recognize the link between poverty, overconsumption and the environment, and to press for immediate debt cancellation and the meeting of the 0.7 per cent target for official development assistance. A “green tax” on international trade could provide funding for sustainable development activities, and international financial and trade organizations should move to incorporate environmental considerations into their activities. Overconsumption in the developed countries should be reduced and an economic value should be placed on biodiversity. In addition, UNEP should uphold the commitment set out in chapter 25 of Agenda 21, and assist young people to make their due contribution to sustainable development.

6. Mrs. Anna Kajumulo Tibaijuka, Executive Director, United Nations Centre for Human Settlements (UNCHS) (Habitat), explaining that the Centre was now better positioned and equipped to fulfil its mandate as the United Nations system-wide focal point for the implementation of the Habitat Agenda, stressed that she intended to carry on the revitalization process that Mr. Töpfer had started as interim Executive Director. Since environment and human settlements development issues were closely linked, there was a shared nexus which must engender cooperation between UNEP and UNCHS (Habitat) in the implementation of their separate but closely linked mandates. The importance of the common and overlapping agenda of the two agencies had been reflected in the report of the United Nations Task Force on Environment and Human Settlements and the subsequent General Assembly resolution 53/242, which committed both agencies to a range of individual and joint responsibilities. UNEP and the Centre were already pooling their complementary capabilities in a number of concrete joint initiatives and activities, including the Sustainable Cities Programme, the Disaster Management Programme, the Managing Water for African Cities Programme and the Urban Environment Forum. In conclusion, she stressed the need to continue the close collaboration between the two agencies so that, together, they could help to alleviate the suffering of the poor and dispossessed in all human settlements.

7. Also at the opening meeting, the Council heard a statement from Mr. Klaus Töpfer, Executive Director of UNEP. After outlining the international context in which the meeting was taking place, he highlighted UNEP’s activities in the five areas of concentration which had been identified by the Council: environmental information, assessment and early warning; enhanced coordination of environmental conventions and development of environmental policy instruments; freshwater; technology transfer and industry; and support to Africa. At the institutional level, the major developments since the Council’s twentieth session were the establishment of the Global Ministerial Environment Forum and of the Environmental Management Group. Emerging issues which merited thoroughgoing discussion during the session included globalization, the links between environment, human health security, energy and global environmental governance. The problem of poverty - inextricably linked with environmental policies – was scheduled to be the subject of ministerial consultations on the basis of a background paper prepared by the

secretariat. An issue of key importance which underlay all the discussions was the need to ensure adequate, stable and predictable financial resources for UNEP.

8. The full statement of the Executive Director was circulated under the symbol UNEP/GC.21/8.

B. Attendance

9. The following xxx States members of the Governing Council ^{1/} were represented at the session: (to be completed)

10. The following States not members of the Governing Council but Members of the United Nations or members of a specialized agency or of the International Atomic Energy Agency (IAEA) were represented by observers: (to be completed)

11. The following United Nations bodies, Secretariat units and convention secretariats were represented: (to be completed)

12. The following specialized agencies were represented: (to be completed)

13. The following intergovernmental organizations were also represented: (to be completed)

14. In addition, xx non-governmental organizations were represented by observers.

C. Election of officers

15. At the opening session of the meeting, on 5 February 2001, the Council elected the following officers by acclamation:

President: Mr. David Anderson (Canada)

Vice-Presidents: Ms. Rosa Elena Simeón Negrín (Cuba)
Mr. Tupuk Sutrisno (Indonesia)

^{1/} The membership of the Governing Council was determined by elections held at the 56th plenary meeting of the fifty-second session of the General Assembly, held on 26 November 1997, and the 38th plenary meeting of the fifty-fourth session, held on 25 October 1999 (decisions 52/315 and 54/307).

Mr. Janusz Radziejowski (Poland)

Rapporteur: Mr. Kezimbira Miyingo (Uganda)

16. The incoming President thanked all those who were participating in the meeting, especially the host country and the City of Nairobi, for their exemplary strong involvement in resolving environmental problems. Where some aspects of the environment have become degraded, it was in large part because of human activity, but human activity is now the essential element in promoting positive change in the environment. He mentioned the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES) and the Vienna Convention for the Protection of the Ozone Layer as examples of pioneering efforts of international cooperation to meet common problems. He also cited the recently negotiated treaty on persistent organic pollutants, which would hopefully be adopted soon and enter into force. Globalization had become the dominating phenomenon, which could become a positive force for the environment and its protection. Protection of the environment required influencing economic forces, such as the promotion of wise consumption, a cleaner environment and more liveable cities. An important item on the environment agenda is the World Summit on Sustainable Development to be held in 2002, as well as the preparatory process for that important meeting. Every effort was necessary to make innovative improvements and to find solutions that would capture understanding worldwide. All countries must work together for the common good, and any workable strategy would require the cooperation of the private sector. There was a need, he concluded, to ensure greater compliance and strengthen the role of UNEP and its regional offices, reinforcing links and institutions.

D. Credentials of representatives

17. In accordance with rule 17, paragraph 2, of the rules of procedure, the Bureau examined the credentials of representatives attending the session. The Bureau found the credentials in order and so reported to the Council, which approved the Bureau's report at the XXXth plenary meeting of the session, on xx February 2001.

E. Agenda

18. At the opening meeting of the session, the Council adopted the following agenda for the session on the basis of the provisional agenda approved by the Council at its twentieth session and modified at the Global Ministerial Environment Forum/sixth special session of the Governing Council (UNEP/GC.21/1):

1. Opening of the session/forum.
2. Organization of the session/forum:
 - (a) Election of officers;
 - (b) Adoption of the agenda and organization of the work of the session/forum.
3. Credentials of representatives.
4. Policy issues:
 - (a) State of the environment;
 - (b) Emerging policy issues;
 - (c) Coordination and cooperation within and outside the United Nations, including non-governmental organizations;
 - (d) Governance of the United Nations Environment Programme.
5. Outcome of the first Global Ministerial Environment Forum/sixth special session of the Governing Council.
6. Follow-up of General Assembly resolutions.
7. Linkages among and support to environmental and environment-related conventions.
8. Contribution to future sessions of the Commission on Sustainable Development.
9. Programme, the Environment Fund and administrative and other budgetary matters.
10. Provisional agenda, date and place of:
 - (a) Seventh special session of the Governing Council/Global Ministerial Environment Forum;
 - (b) Twenty-second session of the Governing Council/Global Ministerial Environment Forum.
11. Other matters.

12. Adoption of the report.
13. Closure of the session/forum.

F. Organization of the work of the session

19. At the 1st plenary meeting of the session, the Governing Council considered and approved the organization of the work of the session in the light of the recommendations contained in the annotated agenda and organization of work (UNEP/GC.21/1/Add.1) and the provisional timetable of meetings suggested by the Executive Director.

20. Also at its 1st meeting, the Council decided to establish, in accordance with rule 60 of its rules of procedure, a sessional Committee of the Whole to consider agenda item 9 (Programme, Environment Fund and administrative and other budgetary matters). The Committee of the Whole would meet concurrently with the plenary and was expected to conclude its work on Thursday, 8 February 2001. The Council also decided that all other substantive agenda items would be taken up directly in the plenary.

21. It was further decided at the 1st meeting of the session that the Committee of the Whole would be chaired by Mr. Janusz Radziejowski (Poland), Vice-President of the Council. In addition, the Council decided that Mr. Tupuk Sutrisno (Indonesia), Vice-President of the Council, should assist the President in the performance of his functions, particularly by presiding over plenary meetings on his behalf. It was also decided to establish a drafting group to be chaired by Ms. Rosa Elena Simeón Negrín (Cuba).

II. POLICY ISSUES

22. At the 3rd plenary meeting, a presentation on the non-governmental organizations' forum held at UNEP headquarters on 1 and 2 February 2001 was given by Ms. Mumtaz Khawar, a representative of non-governmental organizations. She said that cooperation between non-governmental organizations, civil society and UNEP had been emphasized by the Executive Director in the course of his address to the forum. Many participants in the forum had expressed the view that the common cause that needed to be advanced was development that was economically and ecologically sustainable and had called on UNEP to integrate the participation of non-governmental organizations and other civil-society organizations into all levels of decision-making. For that reason, perhaps a separate financial mechanism was needed to fund the environmental activities of those organizations, which were committed to holding a special non-governmental forum in connection with the World Summit on Sustainable Development planned for 2002. That would include youth and women's groups, whose voices also needed to be heard. Touching briefly on the Global Compact initiative, she said that concerns had been raised in the forum that the initiative should

be based on transparency, justice, equity, broad participation, and should have a monitoring mechanism, with appropriate safeguards, so that it is funded by Governments and not by purely commercial organizations.

23. A presentation was also made by a representative of the World Business Council for Sustainable Development on the theme "The Global Compact Initiative in Practice", which had been the subject of a workshop held at UNEP headquarters on 1 and 2 February 2001. He said that the Global Compact initiative had been the subject of an official launch on 26 July 2000, organized by the United Nations and relevant agencies (the International Labour Organization (ILO), the Office of the High Commissioner for Human Rights (OHCHR) and UNEP). Nearly 50 transnational companies had publicly supported the initiative, whose nine principles were intended to provide a framework for combining social and environmental concerns into a society-wide consensus. There was a move to engage support for the initiative from non-governmental organizations and the informal sector as well as business people. This was intended to be a more holistic approach that would embody sustainable development and make globalization benefit everyone.

24. In a brief presentation on the same topic of the Global Compact initiative, a representative of the Task Force on Business and Industry said that the workshop had been a multi-stakeholder meeting, in which all the participants had shown wide respect for the values supported by the initiative, particularly the human rights aspects, and the environment and labour standards it proposed. Concerns had, however, been raised about the need for greater clarity: was the initiative a code of conduct, a campaign or simply a tool to raise awareness? Transparency was also an issue: how to inspire mutual trust and respect, to avoid abuses and to monitor performance. It was suggested that the United Nations could move forward a process of reviewing the elements of such a voluntary code of conduct and had the capacity to do so.

25. The Chair of the forthcoming ninth session of the Commission on Sustainable Development also addressed the meeting. He said that while the preparations for the 2002 World Summit on Sustainable Development constituted a main concern for countries, he believed that a successful outcome to the forthcoming session of the Commission was of great importance, since it would be dealing with energy matters of great global importance. In that regard he stressed the need for a sense of urgency in making progress towards a sustainable future, which at times had seemed to be lacking. Environmental problems arising from transportation, for example, in relation to the thematic issues of greenhouse gases and energy, required urgent monitoring and mitigation; to enhance the mobility of people was essential for development. The consideration of those issues by the Commission should result in tangible recommendations to assist national environmental programmes in improving local air quality, avoiding transboundary pollution, and supporting the adaptive capacities of countries. He expected the forthcoming session of the Commission to

give a new impetus to participation at national level, provided countries could have access to information and the appropriate technology; in that respect UNEP was a leader in promoting cleaner production policies. At the international level, he believed that there were two challenges: to find practical ways and means to encourage even closer cooperation between UNEP and convention secretariats, and to strengthen the links between the Commission on Sustainable Development and the Economic and Social Council.

26. As agreed by the Council at the 1st meeting of the session, items 4 (a), 4 (b), 5 and 8 were taken up together.

27. In considering these items at the 2nd, 3rd and 4th plenary meetings of the session, the Council had before it the following documentation:

(a) Under agenda item 4, the policy statement by the Executive Director (UNEP/GC.21/8);

(b) Under item 4 (a) (State of the environment), a document on the state of the environment and contribution of the United Nations Environment Programme in addressing environmental challenges (UNEP/GC.21/2), a paper on the UNEP water policy and strategy (UNEP/GC.21/2/Add.1), the report of the Meeting of Senior Government Officials Expert in Environmental Law to Prepare a Programme for the Development and Periodic Review of Environmental Law for the First Decade of the Twenty-first Century (UNEP/GC.21/INF/3), an information document on the Global Environment Outlook (UNEP/GC.21/INF/8), a report on the implementation of the Global Programme of Action for the Protection of the Marine Environment from Land-based Activities (UNEP/GC.21/INF/9), a report on support for the implementation of the United Nations Convention to Combat Desertification (UNEP/GC.21/INF/10), UNEP's policy on land and soil (UNEP/GC.21/INF/13), the Dublin Declaration on Access to Environmental Information (UNEP/GC.21/INF/17), a report on responding to new challenges in biotechnology (UNEP/GC.21/INF/18), a progress report on the implementation of Governing Council decisions 20/25 and SS.VI/2 (UNEP/GC.21/INF/21) and a report on activities of UNEP in the fields of economics and trade (UNEP/GC.21/INF/22). In addition the Council considered draft decisions submitted by the Committee of Permanent Representatives (UNEP/GC.21/L.1);

(c) Under item 4 (b) (Emerging policy issues), a report on policy responses of UNEP to tackle emerging environmental problems in sustainable development (UNEP/GC.21/3), a report on further improvement of environmental emergency prevention, preparedness, assessment, response and mitigation (UNEP/GC.21/3/Add.1) and a discussion paper on emerging policy issues (UNEP/GC.21/5). In addition the Council had before it draft decisions submitted by the Committee of Permanent Representatives (UNEP/GC.21/L.1);

(d) Under item 5 (Outcome of the first Global Ministerial Environment Forum/sixth special session of the Governing Council), a report on policy responses of UNEP to tackle emerging environmental problems in sustainable development (UNEP/GC.21/3) and draft decisions submitted by the Committee of Permanent Representatives (UNEP/GC.21/L.1);

(e) Under item 8 (Contribution to future sessions of the Commission on Sustainable Development), a report on the state of the global environment and UNEP contribution to addressing environmental challenges (UNEP/GC.21/2) and draft decisions submitted by the Committee of Permanent Representatives (UNEP/GC.21/L.1).

28. Introducing item 4 (a) at the 2nd plenary meeting of the session, the Executive Director gave a brief overview of the state of the environment under various headings. He also dwelt on environmental assessment and information activities, which included the publication of the Global Environment Outlook report, the restructuring of INFOTERRA and the launch of UNEPnet, a global environment information system, to be carried out during the present session of the Council, on 8 February 2001.

29. Following that introduction, the Council heard statements from the representatives of Finland (on behalf of the Arctic Council), India (on behalf of the Group of 77), Indonesia, Iraq, Libyan Arab Jamahiriya, Mexico, Nigeria, Romania, Sweden (on behalf of the European Union), Switzerland and Russian Federation.

30. At its 3rd plenary meeting, the Council heard statements on item 4 (a) from the representatives of Barbados, Botswana, Canada, China, Cuba, Indonesia, Israel, Japan, Jordan, Kenya, Malawi, Morocco, Norway, Palestine, Republic of Korea, Sweden (on behalf of the European Union), Switzerland, Syrian Arab Republic and Zambia.

31. The Council also heard statements from representatives of ECE and CPPS.

32. Agenda item 4 (b) was taken up by the Council at its 4th plenary meeting on 6 February 2001. Issues falling under this item were also considered at ministerial consultations held on 8 and 9 February 2001. The report of those consultations may be found in annex

33. The item was introduced by the Executive Director, who drew attention to the Malmö Ministerial Declaration, which pointed out the major environmental challenges of the twenty-first century, as well as ways in which the international community should address those challenges. He also spoke on the further improvement of environmental emergency prevention, preparedness, assessment, response and mitigation.

34. Further to that introduction, the Council heard statements from the representatives of Algeria, China, Czech Republic, Gambia, Iraq, Kenya, Mongolia, New Zealand, Switzerland, Syrian Arab Republic, Thailand, Turkey and Yugoslavia. Statements were also heard from representatives of the European Community and a non-governmental organization, Environment Liaison Centre International.

35. At its 6th plenary meeting, the Council also held a panel discussion on the chemicals agenda in the form of a dialogue. The panellists were Mr. John Buccini, Chair of the Intergovernmental Negotiating Committee responsible for the negotiation process on persistent organic pollutants (POPs), Mr. Kjell Larssen, Minister of Environment, Sweden, Ms. Lynn R. Goldman, professor, Department of Environmental Health Sciences, John Hopkins University School of Public Health and Mr. Henrique B. Cavalcanti, President, Intergovernmental Forum on Chemical Safety (IFCS).

36. Mr. Buccini outlined the stages of the negotiating process that led up to the approval of a draft convention text at the fifth session of the Intergovernmental Negotiating Committee, held in Johannesburg in December 2000. He pointed out that the draft convention enjoyed broad support from Governments and non-governmental organizations and that it recommended a comprehensive approach to POPs, incorporating both reactive and precautionary measures. He highlighted the three main features of the treaty which were: measures to address the current 12 POPs; measures to address future issues; and technical and financial assistance.

37. Mr. Larssen observed that widespread use of chemicals was a serious threat to the environment and human health. Most affected by chemicals were pregnant women, fetuses and children. He pointed out that many chemicals were normally put on the market without any restrictions and with no knowledge of their properties. This situation constituted a great environmental challenge and, consequently, there was a need to develop a modern chemicals policy to ensure that chemicals provided a real benefit to society taking into account ecological, economic and social aspects. He noted that strengthened international cooperation was necessary for sound management of chemicals and that this could be achieved through the development of a global strategy.

38. Ms. Goldman pointed out that the Convention on the Prior Informed Consent Procedure for Certain Hazardous Chemicals and Pesticides in International Trade (PIC) and the convention on POPs for implementing international action on certain persistent organic pollutants were major steps forward to fulfilling the goals of chemical risk reduction. She observed that from the standpoint of public health, especially the protection of children, Governments should be encouraged to make every effort to ratify the POPs convention, and that its implementation was critical. She emphasized the need for global and regional cooperation in looking for solutions to chemical-related problems.

39. Mr. Cavalcanti pointed out that the overriding goal of IFCS was to ensure the safe and sound manufacture, storage, transportation, use and disposal of an estimated 80,000 chemicals in the market, covering elements, compounds and mixtures, whether inputs or products. The work involved different tasks such as hazard evaluation, risk assessment and specific measures aimed at risk reduction and management. He noted that as a non-binding, non-institutional arrangement established in accordance with a recommendation set out in chapter 19 of Agenda 21, IFCS provided a highly participatory, decentralized environment with a tradition of decision by consensus of participants representing Member States of the United Nations.

40. Following these presentations, the Council heard statements from the representatives of Canada, Czech Republic, Iceland, Morocco, Netherlands, Norway, Senegal, Switzerland and United States of America.

41. It also took note of Canada's contribution of US\$ 20 million to the POPs fund to build capacity in developing countries to deal with POPs.

42. In a brief response to the discussion, the Executive Director said that he very much agreed with the sentiments expressed by several representatives, that Governments should do all possible to ratify the existing conventions dealing with chemicals as a matter of priority. He believed the proposal mooted by two of the representatives, to establish a small open-ended contact group to make recommendations, could prove to be useful and could provide guidance on the best way forward towards a programme of work in the chemical field. He also expressed his appreciation of the offer of \$100,000 made by the representative of the United States for assessment studies on mercury.
