

Roundtable on international environmental governance

**17 January 2007, 9:00-13:00
International Environment House
Geneva, Switzerland**

Chairman's Summary



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The Geneva Environment Network and the UNEP Economics and Trade Branch organized a roundtable on international environmental governance, on 17 January 2007 at the International Environment House in Geneva.

The roundtable focussed on two issues that would receive special attention at the upcoming 24th Session of the UNEP Governing Council / Global Ministerial Environment Forum, to be held in Nairobi from 5-9 February. These issues were environment in the UN Reform process, and globalization and bridging environmental and trade governance.

The roundtable was chaired by Franz Perrez, Deputy Head of International Affairs Division, Head of Global Affairs, Swiss Federal Office for the Environment, and was prefaced by an introduction by Kilaparti Ramakrishna, Policy Advisor to the Executive Director of UNEP.

The session on UN reform featured Panel presentations by Nik Kiddle, Deputy Permanent Representative, Permanent Mission of New Zealand in Geneva, Julia Marton-Lefèvre, Director General of the IUCN, Janos Pasztor, incoming Chief of the Environmental Management Group Secretariat, and Paul Garnier, Counsellor at the Permanent Mission of Switzerland in Geneva

The session on globalization and the environment featured presentations by Gordon Shepherd, Director of Global Policy, WWF International, Vesile Kulaçoglu, Director of Trade and Environment at the World Trade Organization, and Prof. Laurence Boisson de Chazournes of the Law Faculty of the University of Geneva.

Through these presentations and the general discussion that followed, the roundtable provided the 140 participants from the international and environmental communities in Geneva with updated information on the latest environmental policy developments, and a forum for informal exchange for those preparing for the Governing Council.

The following note summarizes the issues that were raised during the presentations and discussion. It does not ascribe statements to any individual; and nor should it be viewed as reflecting any consensus at the roundtable.

Chairman's Summary

UN reform

The realization that environmental challenges require global solutions has led to a proliferation of international instruments and processes to address them. In spite of this there has been continuing environmental degradation. During the current process of sweeping reform within the UN, there is a need to increase effectiveness, coherence and synergies among these instruments and processes, and also improve coordination to ensure environmental sustainability, both across the UN system and at the country level.

There is scope for increased effectiveness through strengthening coordination among multilateral environmental agreements. Both developed and developing country Parties to the conventions often lack the capacity to implement them effectively. Individual reporting requirements can be onerous. Secretariats themselves sometimes have difficulty in securing funding for their own operation and for capacity building for Parties to fulfil their convention commitments.

The Basel, Rotterdam and Stockholm Conventions - or chemicals and waste cluster – are excellent candidates for enhanced synergies owing both to their common mandate to manage the production, consumption and final disposal and / or trade in certain hazardous substances, and also their co-location in Geneva. Further, implementation of these conventions at country level requires similar capacity building and implementation measures, such as border controls, certification, prior informed consent, or outright prohibition.

A Joint Working Group for these three conventions has been tasked with developing ways of improving effectiveness, for consideration by their Conference of Parties. Joint approaches and enhanced cooperation could help improve public visibility and awareness and regional outreach. There may also be scope for greater harmonization of reports, collaboration on administrative and financial matters, joint legal services, coordination of meeting schedules, and joint resource mobilization and eventually even a joint head for the three secretariats. If successful, the clustering approach could be extended to biodiversity, oceans, forests / deserts / freshwater, or even climate and energy.

While the Conference of Parties of multilateral environmental agreements is the competent governance structure for each convention, in some cases, there is a need for overarching broad policy advice and guidance. This function should be provided by the UNEP Governing Council / Global Ministerial Environment Forum. Moreover, there is also a need to engage partners within the UN system in implementation. This should take place informally but also through formal structures such as the Environmental Management Group. The latter could contribute through substantive assessments of interlinked issues, improving organizational coherence, and enhancing delivery at the country level.

A stronger environmental pillar within the UN system would also help civil society address environmental challenges. Links between environmental policy-makers and the scientific community need to be strengthened. The "One UN" approach is valid not only for the UN system, but also to major civil society organizations. Improved international environmental governance and greater efficiency and credibility would also encourage private sector partners to engage with public institutions.

Globalization

Environmental assessments show that the rate of consumption of resources is outpacing their replenishment. International trade – if unsustainable – can contribute to environmental degradation. However, the international trade regime and the WTO can also offer opportunities for finding solutions.

The interdependencies and linkages between the trade and environment regimes should be recognized. For this, it is important that the polluter pays principle and precaution are implemented effectively. Recognizing the true value of environmental goods and services will be instrumental. A strengthened UNEP and greater MEA cohesion is not enough – it should be coupled with renewed discussion of subsidies within the WTO. And, rather than taking a negative look at the trade-environment relationship, it is important to continue to further clarify the more constructive approach that the relationship between the trade and environment regime should be based on the principles of no hierarchy, mutual supportiveness and deference.

The outlook is improving for a resumption of the negotiations in the WTO. The scope exists in this forum for bridging trade and environment governance, since the WTO Marrakech meeting included, as one of its main objectives, sustainable development, the optimal use of the world's resources and environmental protection. The WTO rules also include provision for protecting the environment. Indeed, periodically, trade-related environmental issues arise in the WTO's Technical Barriers to Trade and Phytosanitary Committees.

While the trade and environment debate has been polarized in the past, in recent years, there has also been progress and useful discussions on environmental goods and services. Positive interactions include finding win-win-win solutions for trade, environment and development, containing subsidies on fisheries and agriculture, and opening up markets in environmental goods and services. At the same time, the balance between trade and non-trade values should be maintained, as should safeguards against protectionist measures.

There are also significant differences in trade and environmental governance from the perspective of the dispute settlement mechanisms that are in place in the WTO and in MEAs. While the WTO dispute settlement mechanism has typically been viewed as strong, the mechanisms in MEAs also have the "strengths" of being forward-looking, collective and facilitative, and embodying the spirit of their conventions.

Nevertheless, efforts should also be made to enhance mutual supportiveness in dispute settlement. For example, in cases of disputes brought to the WTO, there could be scope for institutional cooperation between the WTO and MEA secretariats, on more systematic use of the exchange of relevant information from external actors, and the development of a roster of environmental experts who could be consulted by the WTO Panels or Appellate Body.

A further innovation could be the establishment of an environmental advisory body within the WTO dispute settlement mechanism with a conciliatory function. Lastly, in cases of potential trade and environment conflict, avenues should be explored for avoiding WTO disputes altogether by using other fora, for example, by using the facilitative and conciliatory approaches contained in some of the MEAs.



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International Environment House II, ground floor

When environment ministers arrive in Nairobi for the UNEP Governing Council in early February, they will focus on how best to improve international environmental governance (IEG). Today's roundtable, organized by the UNEP Economics and Trade Branch and the Geneva Environment Network, will explore two of the central policy issues defining the IEG debate: environmental coherence within the UN system and the relationship between environment and the global trade regime.

8:30 Coffee

9:00 - Welcome by Gaetano Leone, Deputy Director, UNEP Regional Office for Europe
- Introduction by the moderator, Franz Perrez, Head of Global Affairs, Swiss Federal Office for the Environment
- Presentation by Kilaparti Ramakrishna, Policy Advisor to the Executive Director of UNEP

9:20 Session 1: Strengthening environmental coherence in the UN

Key documents on the table in Nairobi will include the recent report of the Secretary General's High-Level Panel on UN System-Wide Coherence in the Areas of Development, Humanitarian Assistance and Environment and the report by the Ambassadors of Mexico and Switzerland on the institutional framework of environmental activities in the UN system. How should the ministers respond to the call for "Delivering as One" and its emphasis on strengthening synergies, collaboration and efficiency?

Presentations by the Panel members, followed by discussion:

- Nik Kiddle, Deputy Permanent Representative, Permanent Mission of New Zealand
- Julia Marton-Lefèvre, Director General, The World Conservation Union (IUCN)
- Janos Pasztor, Officer-in-Charge, Project-based Mechanisms, Climate Change secretariat and incoming Chief, Environmental Management Group Secretariat

10:45 Coffee break

**11:15 Session 2: Globalization: Bridging environmental and trade governance**

The trade and the environmental communities both have a strong stake in minimizing any potential tensions between the WTO and the multilateral environmental agreements (MEAs). In an era marked by increasing globalization and complexity, we need an international governance system that is consistent, transparent and integrated. How can the trade and environment regimes remain mutually supportive in today's rapidly evolving world?

Presentations by the panel members, followed by discussion:

- Gordon Shepherd, Director of Global Policy, WWF International
- Vesile Kulaçoğlu, Director, Trade and Environment, World Trade Organization
- Laurence Boisson de Chazournes, Professor of International Law and Director of the Department of Public International Law and International Organization, Law Faculty, University of Geneva

12:50 Wrap-up by the moderator

13:00 Close



Speaker biographies for roundtable on international environmental governance (IEG)

Laurence Boisson de Chazournes is a professor and Director of the Department of Public International Law and International Organization at the University of Geneva. She is also a Visiting Professor at the Graduate Institute of International Studies (Geneva). Ms. Boisson de Chazournes serves as a consultant and an expert with, among others, the World Bank, WHO, WTO, UNDP and the GEF, and she is the author and editor of 14 books and many other publications.

Nik Kiddle has served as New Zealand's Deputy Permanent Representative to the UN in Geneva since 2004. In addition to participating in the World Summit on Sustainable Development and the UNEP Governing Council, he has led New Zealand's delegations to the meetings of the Stockholm, Rotterdam, and Basel Conventions as well as the Montreal Protocol and other MEAs. Mr. Kiddle is currently President of the Stockholm Convention.

Vesile Kulaçoglu has served as Director of the Trade and Environment Division of the World Trade Organization since 2003. Before this she acted as GATT/WTO Secretary to the Committees on Technical Barriers to Trade, Government Procurement, Balance of Payments, Regional Trade Arrangements, Customs Valuation and Import Licensing as well as the Legal Drafting Group for the WTO Agreements.

Gaetano Leone was recently appointed Deputy Director of UNEP's Regional Office for Europe (ROE). His 18 years of experience with the UN have included assignments in various African countries as well as the headquarters of UNDP, UNICEF, UN-Habitat, the World Bank and UNEP. Mr. Leone has a background in international affairs and development cooperation.

Julia Marton-Lefèvre joined the World Conservation Union (IUCN) as Director General at the beginning of this year. Her previous high-level appointments have included Rector of the University of Peace in Costa Rica, Executive Director of LEAD International and Executive Director of the International Council for Science (ICSU). Ms. Marton-Lefevre has also worked as a university teacher in Thailand and a Peace Corps Volunteer.

Janos Pasztor is responsible for the "Project-based Mechanisms Programme" at the secretariat of the Climate Change Convention. He has over 25 years of experience on sustainable development issues, especially related to energy and climate change, in various intergovernmental and non-governmental organizations. He will shortly join UNEP as Chief of the Secretariat of the Environmental Management Group (EMG).

Franz Xaver Perrez is Head of Section, Global Affairs in the International Division of the Federal Office for the Environment of the Swiss Confederation. He was formerly legal advisor in the WTO Division of the State Secretariat for Economic Affairs and legal counsel to the Department of Public International Law in the Swiss Department of Foreign Affairs.



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Kilaparti Ramakrishna, previously UNEP's Deputy Director in the Division of Policy Development and Law and Chief of Cross-sectoral Environmental Issues, now holds the position of Policy Advisor in the Office of the Executive Director. Mr. Ramakrishna served as Special Advisor to the UN in drafting the Convention on Climate Change and assisted the Intergovernmental Negotiating Committee of the Convention on Biological Diversity. Before joining UNEP, he was Deputy Director of the Woods Hole Research Center.

Gordon Shepherd is Director of Policy at WWF International. He joined the organization in 1986 as Director of Information and Education and has led WWF's work on International Environmental Treaties and global policy since 1990. Mr. Shephard previously worked on policy and communications issues for the British Prime Minister's office at 10 Downing Street, the Overseas Development Administration and other offices.