



Committee of Permanent Representatives 7th Annual Subcommittee Meeting

14 October 2020

Remarks by Brazil on item 5(ii) Action Plan for the Implementation of Paragraph 88

as delivered by Mr. Patrick Luna,
Deputy Permanent Representative of Brazil to UNEP

Mr. Chairman,

Thank you for giving me the floor. I would like to start by aligning myself to the statement just delivered by the State of Palestine on behalf of the G77/China. Allow me also to express our appreciation to the Secretariat, in particular the colleagues at the Law Division, for their work on this issue throughout the consultations held in the CPR Subcommittee, as well as for preparing a draft Action Plan for the consideration of the 7th Annual Subcommittee Meeting.

Brazil attributes great importance to the Action Plan and takes this opportunity to recall that the implementation of Paragraph 88 is a task we all gave ourselves at the highest level in 2012, at the Rio+20 Conference. Brazil would deem it appropriate to be adopted in a resumed session of UNEA-5 in 2022, as we mark the first decade since the adoption of "The Future We Want". The draft Action Plan provides a very solid basis for our debates, as it incorporates many of the inputs provided by delegations and regional groups in earlier consultations.

Brazil is overall pleased with the direction the process is going, but we understand that some of the issues consistently raised by several delegations in previous rounds of consultations have not found their way into the draft Action Plan, such as equitable geographical representation in the Secretariat and the need to broaden and diversify the set of scientific inputs, including more knowledge produced in developing countries. Rather than indicating the paragraphs Brazil applauds, which are many, I will now focus on the issues that, from our vantage point, require further work.

Mr. Chairman,

On topic 1, entitled "realizing the full potential of universal membership", Brazil reiterates once again the need to include language on the promotion of equitable geographical representation in the Secretariat. This issue is critically important for many delegations and regional groups, and we note that as reported to this ASC, 40% of the staff are nationals of one regional group, an imbalance that reaches 49% if we consider only positions P5 and above. Realizing the full potential of universal membership has to translate into a more representative Secretariat. This not only fosters creativity of the work environment and increases the legitimacy of UNEP, but it also responds to a clear UN Charter obligation, as contained in Article 103.

Still on topic 1, we consider that the point 1.3 is misplaced and that this issue is already dealt with in topic 5. To associate the encouragement to member States to accredit themselves to UNEP with the issue of contributions can, regrettably, amount to a discouragement to universal membership. And let us recall that every single UN member States does contributes financially to UNEP through their contributions to the UN regular budget, even if the programme remains heavily dependent on voluntary contributions.

On items 2.2 and 2.3, that call for the improvement of virtual tools to allow the participation of delegations, it should be made clear that this conceived to facilitate the participation on States that still lack a resident representation in Nairobi, and not to perpetuate as the "new normal" the current virtual working methods developed as an emergency response to a pandemic, whose limitations are evident.

On item 3.2, that deals with the timelines of the distribution of documents, we consider that the language "continue to emphasize" is too weak. There is significant room for further progress in this regard, and Brazil reiterates that achieving universality does not limit itself to achieve a higher number of accreditations to meeting. More often than not, smaller delegations face a challenge of a different nature to actively engage in our conversations: having timely access to sufficient information, so as to prepare themselves for the discussions.

On item 4.5, we would prefer to stick to consensually agreed-upon language and refer solely to the "Voluntary Indicative Scale of Contributions". The expression "fair share" might have use in the Secretariat communications, but "fairness" is very difficult to assess. One could argue, for instance, that VISC is not the only tool to address the fairness challenges associated with historic distributive justice. This comment also applies to item 5.1, which states that "universal membership carries a universal responsibility", a language that would need to be adjusted so that it can be reconciled with the principle of common but differentiated responsibilities. Also, item 5.2 suggests to "make VISC more binding", a contradiction in terms. If more bindingness is envisaged, the path to pursue is the regular budget and the 5th Committee of the GA.

Brazil also wishes to comment on the suggested title for item 5: "secure and stable financial resources: broadening the donor base". We agree that broadening the donor base is indeed important, but that is not the only way to secure stable financial resources. As the language under item 5 indicates, it is also about addressing the trend of earmarking contributions. This trend poses challenges both from programmatic and administrative angles, leading to asymmetry in the distribution of resources across subprogrammes and reinforce a fragmentation trend within the Secretariat, running counter to the SGs call for the UN to "deliver as one".

On item 9.3, Brazil agrees that synergies between UNEP and the MEA Secretariats could be stimulated. At the same time, we cannot turn a blind eye to the fact that the priorities identified by Member States within each governing body might be different, given the different contexts, and this is why we would have to recognize the legal autonomy of each MEA, in line with Article 34 of the Vienna Convention on the Law of Treaties.

On item 10, entitled "Reinforcing the scientific basis of UNEP", Brazil was disappointed not to find a clear reference to the need to broaden and diversify the basis of scientific inputs, with a view to include more knowledge produced in developing countries, a point that was raised by a number of delegations of the G77/China in earlier consultations. This issue also responds to the call for universality in subparagraph (a) of Paragraph 88.

On item 13, entitled "Further improving communication on environmental issues", Brazil recalls that media campaigns undertaken by UNEP are indeed crucial to trigger transformative change in the scale we need, but also recall that it must be aligned with the policy guidance stemming from UNEA as consolidated in agreed language. The Secretariat should not promote expressions that are known to be controversial.

On item 14, entitled "Catalysing support to countries", the text misses the most important issue: the need to mobilize new and additional resources. The most visible gap in environmental law remains the translation of commitments into reality; implementation is the name of the game. This is a challenge for all Member States, of course, but in line with the principle of common but differentiated responsibilities special attention, and resources, must be given to the needs of the developing world. Paragraph 88 will not be fully implemented until the finance and capacity building commitments across the MEAs are fulfilled.

On item 16, "Facilitating access to technology", Brazil notes that the proposed language makes reference only to climate technology, while the variety of environmental challenges faced by member States requires technology of all kinds.

Last, but not least, let me now turn to item 17, on the headquarters functions. First, we note that the title given this item, "reinforcing the role of the UNEP headquarters", disconcertingly departs from the mandate of "progressive consolidation" contained in Paragraph 88. The use of the verb "reinforcing" leads us into the wrong assumption that the main issues relating to the headquarters functions in Nairobi are solved. Not having the Secretariat itself consolidated in one single headquarters is a demonstration of that,

and we note that the current geographic dispersion of the Secretariat is an obstacle for unlocking its own potential and, in normal times, forces a displacement between offices triggering unnecessary carbon footprint. The mild reference to hosting more meetings in Nairobi contained in 17.4 should be transformed into strong call for all MEAs to consider convening their COP/MOPs in Nairobi much more frequently.

Thank you, Mr. Chairman.
