

USA Remarks
UNEP and Governance Issues
UNGA 73/333
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General Remarks:

Thank you co-facilitators and colleagues for your thoughtful engagement on the strengthening the role and effectiveness of UNEP. Like others, we are committed to strengthening governance and UNEP and welcome the ongoing conversations and practical suggestions for how we can do this.

We continue to be unclear about “synergies” suggestions among existing regimes, and are wary of proposals to create elaborate new mechanisms or processes for joint action by treaty secretariats. We have found that such efforts often, in fact, increase costs rather than create efficiencies, as in the BRS example. Moreover, such approaches often disempower member states in their efforts to address concrete problems by focusing treaty secretariats away from their governing bodies and the priorities identified by member states, and towards external processes. We are concerned that similar distraction could occur if increased collaboration across the scientific bodies is mandated - although we agree that we can improve communication to share best practices and lessons learned and to reduce redundancies. We look forward to the proposals from the GEO-6 Steering Committee discussions.

We are concerned that many elements of questions 10d, 11, and 12 from the co-facilitators misunderstand the actual authority of UNEP. We have heard similar statements from other Member States in this segment. There may be value in exploring the way in which UNEP works with UN country teams, but Member States cannot make that decision in this process.

We recognize that the EMG could be a useful forum, but it is an internal UN coordination mechanism, and does not and is not meant to reflect Member State priorities. Similarly, both the questions and statements from Member States seem to misconstrue UNEP's authority to direct MEAs, to require information from them. Similarly, we do not believe it is necessary for MEAs to welcome UNEA decisions.

Finally, we support comments that UNEP is and should be a normative organization.

Responses to Co-Facilitators' Questions:

(6) Reaffirm the role of the United Nations Environment Programme as the leading global environmental authority that sets the global environmental agenda, promotes the coherent implementation of the environmental dimension of sustainable development within the United Nations system and serves as an authoritative advocate for the global environment, and also reaffirm the role of the United Nations Environment Assembly.

(a) What concrete actions can Member States and members of Specialized Agencies take to strengthen and reaffirm the role of UNEP as the leading global authority, that sets the global environmental agenda and facilitates the implementation of the environmental dimension of the 2030 Agenda within the United Nations system, and also the role of UNEA?

(b) How can the role of UNEP, and also of UNEA, be enhanced in the area of environmental law and environmental governance?

Related to question 6, the United States supports strengthening and reaffirming the role of UNEP and UNEA, but we do not believe that UNEP or UNEA should have authority over legally independent MEAs. We are also unclear by the proposal for UNEP to provide guidance for members of specialized, and in the absence of understanding the purpose, do not see a role for UNEP or UNEA to provide guidance to inform specialized agencies.

UNEP, particularly the Montevideo Programme, has delivered global successes in developing model law that has improved peoples' lives and children's health on the ground. We are concerned that a diffuse or highly theoretical mandate would distract focus and limit future tangible global successes.

(9) Invite the scientific community to further its work on interconnected and cross-cutting issues by sharing information among the leading scientific, technical and technological bodies that inform the work of multilateral environmental agreements and environmental processes, and encourage the scientific, technical and technological bodies to strengthen cooperation among themselves.

(a) How can the scientific research, innovation and cooperation across relevant bodies be encouraged to better inform the work of multilateral environmental agreements and environmental processes?

(b) How can scientific subsidiary bodies of MEAs strengthen their collaboration with each other and with the inter-governmental science-policy platforms, including with UNEP's science-policy interface?

(c) How can Member States and members of Specialized Agencies make greater use of the assessments and outputs of scientific bodies?

Regarding question 9, we are open to hearing proposals for how there could be improved information flow or data sharing across these bodies. UNEP should not try to replicate the work underway in IPBES or IPCC, among others, and should not try to stand up a parallel scientific body. One concern we had during the development of the GEO6 was the potential duplication

of more in-depth processes underway elsewhere. We thought GEO could serve to synthesize these findings, without doing the intensive review itself. Further insight on how Environment Live or the development of the UNEP data strategy are proceeding, and how these efforts inform Resident Coordinator positions in country could be helpful.

(10) Invite the governing bodies of the multilateral environmental agreements, while preserving their independence and respective mandates, to increase their efforts to promote policy coherence across environmental instruments at all relevant levels and to consider identifying and addressing implementation challenges in their regimes, with a view to strengthening implementation at the national and international levels.

(a) What opportunities do Member States and members of Specialized Agencies see for strengthening policy coherence across MEAs?

We continue to doubt the need for policy coherence across the MEAs. Each MEA has been negotiated with a specific scope and specific intent, with conscious design decisions of which issues would be included and excluded. We do not see a role for an external body to tell MEAs what they should do differently or to recommend gap-filling or coherence. We view the implementation at the national and subnational level as where we can identify complementarities across the system.

The United States has three overarching criticisms of the synergies process, using the BRS example.

1. First, the implementation of the synergies process has not respected the legal autonomy of the individual Basel, Rotterdam, and Stockholm Conventions. What began as a largely administrative exercise (merging Secretariats to eliminate redundant costs) has quickly moved into a policy coherence exercise. There are some who believe the synergies process should ensure policy coherence among the three distinct Conventions. We disagree. The three Conventions have complementary but different objectives. They have different Parties. It is therefore logical that each could consider the same policy question and arrive at different conclusions. Trying to undermine these legally distinct processes in the name of synergies, as we have seen, is absolutely not something we support in the Basel, Rotterdam, and Stockholm context nor do we support its extension to Minamata.

2. Second, an early driver behind the synergies process was realizing substantial cost savings that could be redirected to other activities that facilitate implementation of the conventions. Budget documents indicate meaningful savings have not materialized. To the contrary: we regularly see arguments for adding administrative resources to implement synergies (e.g., a request to the 2015 Conferences of the Parties for an additional \$75k for a new synergies website).

3. Third, we believe the synergies process has unnecessarily politicized issues across the BRS Conventions. For example, resistance to establishing a compliance mechanism under Stockholm has bled over into Rotterdam, which should otherwise be without controversy.

(b) How can States, at the national level, integrate MEA implementation and SDG implementation into their sustainable development strategies and action plans? How can MEAs and UNEP collaborate to assist countries through for example, the UN Sustainable Development Framework, the UN Resident Coordinators and country teams?

Not all states have sustainable development plans, strategies or action plans.

We support national implementation, but is this UNEP's role? UNEP is a norm setting body. Parts of UNEP implement GEF projects, but this is not the core mandate or function of UNEP. UNEP could enhance the provision of accurate environmental information to resident coordinators to better integrate environmental factors in UN Common Country Analyses, if this is useful and desired by the Resident Coordinator and country teams.

(c) Would the establishment of forums through UNEP that enable cooperation and coordination among national focal points of the various MEAs on policy development and their implementation be useful?

Conversations on best practices and information sharing could be useful across the Secretariats of the MEAs. We do not see a need to bring together COP presidents, and they do not have the authority to speak for member states/states parties. We do not see the need for a permanent forum. There could be useful sharing of information, or best practices from engagement of country focal points across Ministries within a country.

(d) How can Member States and members of Specialized Agencies encourage an open and inclusive dialogue between regional and global MEAs on the environment including between their secretariats?

There is not a role for UNEP in this space.

(11) Invite the governing bodies and secretariats of multilateral environmental agreements to enhance cooperation and collaboration among themselves within the scope of their respective mandates, as well as between themselves and the United Nations Environment Programme and the United Nations Environment Assembly, building on work already done.

This recommendation specifically invites the governing bodies and secretariats of MEAs, therefore, we do not see UNEP's role in actionizing this recommendation.

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(a) How can Member States and members of Specialized Agencies enhance cooperation and collaboration across all MEAs and between them and UNEP and the UNEA in order to promote policy coherence, coordination and implementation?

(b) For example, should the Governing bodies of MEAs consider welcoming the decisions of UNEA of relevance to their work, adopt corresponding decisions and share information with UNEA on their implementation efforts?

We do not support encouraging MEAs to welcome UNEP decisions. They have their own governance structures.

(c) Should Member States encourage UNEA to take into account the decisions of the Governing bodies of MEAs in developing global environmental policies?

To the extent discussions are underway in MEAs, UNEP should not duplicate those discussions.

(d) To what extent can existing mechanisms for cooperation and coordination among the MEAs be strengthened and can existing mechanisms serve as a model for similar arrangements across other thematic clusters of MEAs?

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This question is unclear- which existing mechanisms does this refer to and what is UNEP's existing role in these mechanisms, if any?

(12) Encourage the governing bodies of multilateral environmental agreements and scientific, technical and technological bodies to exchange information and experiences, including with a view to considering the streamlining of reporting and/or monitoring processes.

(a) What proposals do Member States and members of Specialized Agencies have for enhancing cooperation between the scientific, technical and technological bodies of MEAs and UNEP with a view to enhancing synergies including exchanging information and experiences, mutual data use and developing joint assessments?

The action here is for the relevant bodies and Members of Specialized Agencies to consider, not for UNEP to interpret. Efforts on data compatibility and interoperability are potentially useful, as are efforts aimed at reducing duplication.

(b) Should Parties to MEAs request that joint scientific assessments be conducted by their scientific, technical and technological bodies to ensure a more coherent science policy interface in all areas of environmental policy?

This is up to Parties to MEAs, but in short, no. Scientific assessments fill a particular information gap required by the parties. An external process should not direct them or distract focus from MEA informational needs.

(c) How can Member States and members of Specialized Agencies further support initiatives and fora for MEA Secretariats to exchange information and experiences, such as the United Nations Information Portal on Multilateral Environmental Agreements (InforMEA)?

(d) To which extent could UNEA be the instrument in establishing linkages between scientific and technical bodies of MEAs?

UNEP can offer a voluntary space for these discussions to come together and share experiences, findings, best practices, but we do not see a need for an “instrument” to force cooperation given specific mandates, focus, and priorities (and already high cost).

18) Encourage the United Nations Environment Programme, as chair of the Environment Management Group, in collaboration with the other members of the Group, to continue to strengthen system-wide inter-agency coordination on the environment and to call for the active involvement and support of all members of the Group in the implementation of system-wide strategies on the environment.

(a) How can Member States and members of Specialized Agencies support the implementation of the UN System-Wide Framework of Strategies on the Environment of the Environment Management Group (EMG)?

This is an internal coordination mechanism. We would welcome ED Andersen’s perspective on how she intends to lead this group.

(b) How can UNEP, as the chair of the Environment Management Group, in collaboration with the other members of the Group, strengthen system-wide inter-agency coordination on the environment and the implementation of system-wide strategies on the environment?