



GREENPEACE



To the Environment Ministers of the EU 25
To Commissioner Dimas
Cc: Trade Ministers of the EU 25
Cc: Commissioner Mandelson

Brussels, 31 January 2005

Dear Minister,

Re: Recommendations on International Environmental Governance and Trade and Environment to the European Union for UNEP's 23rd Governing Council, Nairobi, 21st-25th February 2005.

Friends of the Earth Europe (FoEE), Greenpeace and the European Environmental Bureau (EEB) are writing to you today, to offer our recommendations in view of the upcoming UNEP Governing Council (GC) meeting.

We believe that the EU must focus on four key objectives at this year's Governing Council:

1. *Transform UNEP into a UN Environment Organisation (UNEO):*

FoEE, Greenpeace and the EEB urge the EU to ensure the upgrading of UNEP by into a United Nations specialised agency with universal membership as agreed in its Council Conclusions from March 2003)¹.

Governments should mandate UNEP/a UNEO to:

- Provide effective financial, technical and political support for the coherent and coordinated improvement and implementation of existing multilateral environmental agreements (MEAs);
- Ensure effective compliance and dispute settlement with legally binding MEAs, including compliance by governments, international economic institutions and transnational corporations;
- Reaffirm that MEAs, and not the WTO, have primary competence to determine environmental objectives and the necessity of MEA related trade measures;
- Promote and participate in a joint UN review of the impact of existing trade agreements on sustainable development.

2. *Ensure that MEAs are not subordinated to WTO rules:*

- FoEE, Greenpeace and the EEB feel that UNEP is failing to give due consideration to the relationship between the WTO and MEAs and the “chilling effect” of international trade rules on environmental protection.

- As demanded by the European Parliament, the EU must ensure that MEAs are not subordinated to WTO rules.ⁱⁱ
- We therefore urge the EU to work with other countries at the GC to provide UNEP with a mandate to:
 - a) Take the lead in trade and environment discussion by initiating within its own fora a debate on the relationship between WTO rules and MEAs trade-related measures.ⁱⁱⁱ UNEP and the EU should initiate a Joint Working Group of experts from international institutions to represent environmental, trade and development interests and explore ways of establishing general principles and rules on conflict resolution between multilateral trade and environmental provisions.^{iv}
 - b) Explore alternative dispute settlement procedures for environment-related trade disputes - outside of the WTO -.^v

3. *Strengthen and expand UNEP's work programme 2006-2007*

FoEE, Greenpeace and the EEB regret that in UNEP's proposed 2006-7 work-programme very weak commitments are made towards engaging in the debate on the WTO/MEA relationship. We urge the EU to ensure that the following elements are included in the work programme with a view to strengthen UNEP's scientific base on trade and the environment:

- Technical papers on possible alternative trade and environmental related dispute settlement procedures that could be developed in the United Nations Systems;
- A comprehensive review of the impact of ALL existing and proposed trade rules to determine whether they support and promote the development of sustainable societies and to ensure that they are compatible with existing UN Treaties on the environment. UNEP should contribute to the paragraph 51 debate of the Doha Development Agenda. This could also be achieved in partnership with the EU under the recently agreed memorandum of understanding between the European Commission's Directorate General for the Environment and UNEP;
- UNEP should use its central position to develop an "information clearinghouse" for MEA implementation experiences (including information on trade rules related implementation problems in the context of specific MEAs). Examples of best practice and win-win situations should be gathered and publicized with a view of harnessing a UN-based process of establishing clear rules for conflict resolution.

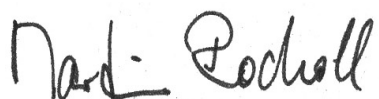
4. *Ensure the continuity and strengthening of the IEG process in light of the United Nations' (UN) Millennium Development Goals (MDGs) review and overall UN Reform.*

- UNEP must develop clear tasks, programs and instruments with a view to mainstream the objective of international environmental governance into the implementation of those MDGs strongly affiliated to the state of the environment (poverty, hunger, mortality...);
- The recently submitted UN report "A more secure world. Our shared responsibility" places the need for UN reform in the context of improving collective security. UNEP has developed an expertise on the linkage tying environmental degradation to violent conflicts. The EU must therefore ensure that this expertise is used and IEG strengthened in light of the MDG review discussions;
- The Governing Council should call on the MDG review summit in September to launch a comprehensive review of the social and environmental consequences of the trade liberalization policies implemented so far.

We trust that you will ensure that the EU supports these key objectives for strengthening the environmental pillar in the global governance system (which are developed in more detail in the attached discussion paper). Doing so will ensure that UNEP's Governing Council will agree an ambitious agenda that will foster our common goal of a strengthened International Environmental Governance.

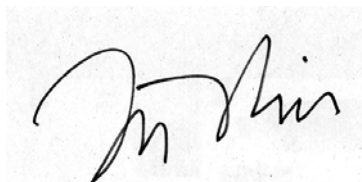
We are looking forward to your active support.

Yours sincerely,



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Notes

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- ⁱ In the EU Council Conclusions from March 2003, part II, section E, paragraph 60, reads: "Bearing in mind the need for overall coherence between its internal and external policies, the European Council underlines that the Union is actively committed to keep its leading role in promoting sustainable development on a global scale by translating into concrete actions the political ambitions agreed in Johannesburg, Doha and Monterrey along the following lines: [...] strengthening international environmental governance, which could lead to the upgrading of UNEP into a specialised UN agency with a broadly-based mandate on environmental matters."
- ⁱⁱ European Parliament reports - by Paul Lannoye and Mihail Papayannakis - on WSSD in Johannesburg, adopted on 16th of May 2002 with high majority votes: Lannoye - 315 votes to 5, 8 abstentions / Papayannakis - 341 votes to 29, 12 abstentions
- ⁱⁱⁱ FoEE/Forum/Greenpeace position paper: <http://www.s2bnetwork.org/WTO-MEA-04-07-2004.pdf>
- ^{iv} Such a working group is already within the mandates of the MEA Secretariats and UNEP – which requires an enhanced cooperation among each other and with other international organisations – and therefore would not require additional authorisation. With a view to ensure political weighting to the deliberations of such a working group, participation could be enlarged to representatives from MEAs secretariats, the WTO, UNCTAD and civil society groups. The working group should be set up with the aim of reaffirming that the environment should not be subordinated to trade rules and that MEAs have the primary competence to interpret environmental objectives and their trade related measures. For an in-depth discussion on this proposal please refer to the discussion paper annexed.
- ^v As the EU made clear in its first submission to the WTO, in relation to the EU-US lawsuit on GMOs, "there is a serious question as whether the WTO is the appropriate international forum for resolving all the GMO issues that the complainants have raised".