

SUMMARY OF WORKSHOP 2G: COMPLIANCE WITH AND ENFORCEMENT OF MULTILATERAL ENVIRONMENTAL AGREEMENTS

Facilitators: Elizabeth Mrema, United Nations Environment Programme
Carl Bruch, United Nations Environment Programme

Rapporteurs: Joseph Freedman, Environmental Protection Agency, United States
Carl Bruch, United Nations Environment Programme

GOALS

This workshop had three primary goals. First, it sought to raise awareness of the UNEP Guidelines and Manual designed to facilitate implementation of multilateral environmental agreements (MEAs). Second, the workshop sought to identify additional best practices and case studies for the Manual. Finally, the workshop provided a forum in which to discuss the next steps for improving compliance with and enforcement of MEAs.

1 INTRODUCTION

In this workshop, UNEP introduced Guidelines and a draft Manual on Compliance with and Enforcement of Multilateral Environmental Agreements. The Guidelines and Manual are designed to assist countries in implementing, complying with, and enforcing multilateral environmental agreements. The workshop showed participants how to use the checklists, case studies, explanatory text, and annexes to enhance compliance and enforcement. Participants were also invited to share their own experiences of compliance with and enforcement of MEAs and provide feedback to UNEP for improving the Manual.

Following an introduction to the Manual, UNEP facilitated a discussion of the Manual. The facilitators sought specific examples and considerations relating to implementation of MEAs in the areas of:

- cost-benefit analysis on becoming a Party to an MEA;
- public-private partnerships; and
- technology transfer.

In addition, the facilitators opened the discussion for other aspects of negotiating, implementing, and enforcing MEAs.

2 DISCUSSION SUMMARY

While the workshop discussions focused on the three themes (cost-benefit analysis, partnerships, and technology transfer), participants raised a broad series of issues and experiences that addressed the entire life cycle of MEAs.

Discussions highlighted the importance of involving a broad range of sectors and interests in negotiating MEAs. Future implementation may depend on many entities in order to be effective and successful. By involving these entities in preparing for negotiations or during the actual negotiations, participants noted that it was possible to broaden the constituency supporting a particular MEA. One sector that the Manual could highlight more is the private sector. Private sector representatives have been incorporated into national delegations for various MEAs, including the Basel Convention, the Stockholm Convention, the Rotterdam Convention, and the Montreal Protocol. Involving the private sector can add technical expertise to the delegation, access additional information on production aspects (e.g., of a potentially regulated substance or commodity), highlight availability and feasibility of technology, and

build support of the regulated community for the MEA. Notwithstanding the potential benefits of including non-state actors, there is still much concern about involving them in negotiations.

Examples of involving the public in developing and implementing legislation and policies were also highlighted. For example, in 2004, Tanzania created the National Environmental Advisory Committee, which includes governmental representatives (who chair the Committee) as well as representatives from civil society, the private sector, and institutions of higher learning. It meets twice a year and provides recommendations to the government on different issues. In addition, there is a requirement to consult civil society and the private sector before submitting bills to Parliament.

If a country has a federal system, coordination between the national (federal) authorities and sub-national (state or provincial) authorities becomes much more important. Such coordination can take place in negotiations – for example by including sub-national authorities on official delegations – as well as during the implementation phase. Depending on the country, capacity building at the sub-national level might be done by federal institutions, or it might be more effective to develop approaches in which sub-national institutions train sub-national government officials.

In trying to determine whether to become a party to a particular MEA, many countries are interested in how to conduct cost-benefit analyses. Countries are particularly interested in the financial consequences of becoming a party, particularly for compliance and implementation. This has been done in specific instances following adoption of the Montreal Protocol (discussion highlighted an instance where the costs had been estimated at an erroneously high level, which may be contrasted with more objective recent examples), the UN Framework Convention on Climate Change, and the Kyoto Protocol. To meet these needs, the Basel Convention Secre-

tariat and the Ozone Secretariat have developed cost-benefit booklets.

As cost-benefit analysis may be perceived as examining a narrower set of considerations (often those most easily given a financial value), one alternative would be to consider a risk benefit analysis, which considers a broader range of non-economic values.

The discussion noted a number of experiences in technology transfer. The Multilateral Fund of the Montreal Protocol has been particularly successful in this regard. Ozone technology highlighted one of the challenges for technology transfer: while most of the control technology for ozone depleting substances is in the public domain (and thus transfer is fairly straightforward), production technology tends to be heavily protected and controversial. The Manual could better highlight these sensitivities. Other examples of technology transfer include under the UNECE Heavy Metals Protocol, the Basel Convention, the Rotterdam Convention, the Stockholm Convention, the Climate MEAs, and technology transfer through private foundations. The Multilateral Fund and UNEP's Division of Technology, Industries and Economics, among other institutions, have sought to highlight available technologies by cataloguing the technologies and placing this information on the Internet.

Discussions also highlighted a variety of ways to improve the usability of the Manual. Participants suggested that the Manual be distributed in a CD-ROM format, as well as a print version, with a ten- to fifteen-minute tutorial on how to use the Manual. Participants also suggested that the index could be made electronically searchable by word.

3 CONCLUSIONS

In conclusion, the group applauded the development of the UNEP Guidelines and the draft Manual as useful tools. The workshop also provided considerations, approaches, and examples for developing, implementing, and enforcing MEAs. These

suggestions were offered to strengthen the Manual in discrete ways. Following the workshop, UNEP will revise the draft Manual on Compliance with and Enforcement of MEAs to take into account the suggestions from this workshop and from other sessions of the INECE Conference, as well as suggestions received through events convened by UNEP.

The group also asked UNEP to consider other, non-textual ways to enhance the usability of the Manual. Finally, some participants highlighted some specific ways that UNEP could promote compliance with and enforcement of MEAs in particular countries or contexts. UNEP is reviewing those requests and will follow up, as appropriate.