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Emerging policy issues: environment in the multilateral system

Background paper for the ministerial consultations

Discussion paper presented by the Executive Director

International environmental governance and sustainable development

Summary

The present document has been prepared to provide a succinct background briefing for ministers on the topic of theme 1 of the ministerial consultations to take place at the eleventh special session of the Governing Council/Global Ministerial Environment Forum: "Environment in the multilateral system: international environmental governance". It is intended to stimulate discussion during the ministerial consultations.

• UNEP/GC/SS.XI/1.

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Introduction

1. Discussions at the ministerial consultations to be held during the eleventh special session of the United Nations Environment Programme (UNEP) Governing Council/Global Ministerial Environment Forum will focus on the theme "Environment in the multilateral system". Under this overarching theme, three interlinked topics of significant importance to the international agenda will be discussed. The first topic will be "International environmental governance and sustainable development". Discussions will build upon the ministerial consultations held at the twenty-fifth session of the Council/Forum, as reflected in the President's summary.¹
2. The consultations will provide the world's environment ministers with the opportunity:
 - (a) To review the inputs from the consultative group of ministers or high-level representatives on international environmental governance reform and to discuss the next steps with regard to the set of options presented by the consultative group to the Council/Forum;
 - (b) To consider the recommendations contained in the report of the Joint Inspection Unit on management review of environmental governance within the United Nations system, including the Secretary-General's response to the General Assembly and the Executive Director's response to the Governing Council;
 - (c) To discuss the outcomes of the first simultaneous extraordinary meetings of the conferences of Parties to the Basel, Rotterdam and Stockholm conventions and the lessons learned for the biodiversity-related conventions;
 - (d) To consider the contribution of UNEP to the United Nations Conference on Sustainable Development, in 2012, in particular with regard to its focus on the institutional framework for sustainable development.
3. The present background paper addresses the outcomes of the consultative group meetings on international environmental governance; the recommendations of the Joint Inspection Unit arising out of the management review of environmental governance within the United Nations system and the responses thereto of the Secretary-General through the United Nations System Chief Executives Board for Coordination and the Executive Director of UNEP; the benefits to Parties emerging from the continuing synergies process of the Basel, Rotterdam and Stockholm conventions; related processes and statements; preparations for the United Nations Conference on Sustainable Development to be held in 2012; the way forward; and possible outcomes of the consultations to be held at the special session.

I. Background

4. In the Malmö Ministerial Declaration, the world's environment ministers expressed their deep concern "that, despite the many successful and continuing efforts of the international community since the Stockholm Conference, and despite some progress having been achieved, the environment and the natural resource base that supports life on Earth continue to deteriorate at an alarming rate".² They therefore called upon the international community to "review [in 2002] the requirements for a greatly strengthened institutional structure for international environmental governance, based on an assessment of future needs for an institutional architecture that has the capacity effectively to address wide-ranging environmental threats in a globalizing world".³ This appeal triggered the development and adoption of decision SS.VII/1 of 15 February 2002, on international environmental governance, which, together with its appendix, is known as the "Cartagena Package".
5. A number of other recent international environmental governance reform initiatives exist within the United Nations, such as the following:

¹ A/64/25, annex II. The President's summary is a reflection of the interactive dialogue that occurred among the ministers and other heads of delegation attending the twenty-fifth session of the Council/Forum. It reflects the ideas presented and discussed rather than a consensus view of all points raised by participants.

² Governing Council decision SS.VI/I, annex.

³ *Ibid.*, para. 24.

(a) Informal consultative process on the institutional framework for United Nations environment work launched by the General Assembly in 2006 in follow-up to the measures set out in paragraph 169 of the World Summit on Sustainable Development outcome document;⁴

(b) Report of the High-level Panel on United Nations System-wide Coherence in the areas of development, humanitarian assistance and the environment;⁵

(c) Management review of environmental governance within the United Nations system undertaken by the Joint Inspection Unit in 2008.⁶

6. In the light of the multiple crises that occurred during 2008, including the food, water, energy and financial crises, in addition to the increased recognition of the realities of climate change and its potential to exacerbate the food, water and energy crises, questions regarding the capacity of the current system of international environmental governance were asked once again by Governments and the international community. That prompted the UNEP Governing Council/Global Ministerial Environment Forum to select international environmental governance as the second main theme for the ministerial consultations during its twenty-fifth session, in February 2009, to complement the first theme, "Globalization and the environment – global crises: national chaos?"⁷

II. Ministerial consultations on international environmental governance at the twenty-fifth session of the UNEP Governing Council/Global Ministerial Environment Forum

7. Representatives of 147 countries, including 110 ministers and deputy ministers, and of 192 major groups and stakeholders took part in high-level consultations on the theme "International environmental governance: help or hindrance? – international environmental governance from a country perspective" during the twenty-fifth session. Based on the discussions, a summary was prepared in which the President of the Council/Forum identified some of the main challenges and opportunities highlighted by ministers, together with clear messages for suggested action to the world's Governments, the United Nations system, civil society and the private sector.

8. Ministers also reflected on the multiple global crises related to food, energy, finance and water, including rapidly rising and falling energy and food prices and increasing water scarcity. They discussed the additional complexity resulting from climate change, which they observed was exacerbating the impact of the other global crises. The effects, they noted, were felt worldwide and could have implications for the attainment of the Millennium Development Goals.

9. It was in this context that the rich and fruitful discussions on international environmental governance took place, further inspired by the keynote speech of the then Minister for Environment and Tourism of South Africa, Mr. Marthinus van Schalkwyk, who stated: "Only once we are clear where we want to go, should we ask the institutional questions relating to format and structure. Form must follow function. If we start with a polarized institutional debate rather than seeking consensus on principles and objectives, we run the risk of yet another inward-looking dialogue and potentially a weaker mandate for the environment and sustainable development across the United Nations system."⁸

10. The interactive dialogue that occurred between the ministers and other heads of delegations attending the twenty-fifth session has been captured in the President's summary, which reflects the ideas presented and discussed rather than a consensus view of all points raised by participants. The summary is provided as an information document for the ministerial consultations of the eleventh special session of the Council/Forum.⁹

4 Adopted by the General Assembly in its resolution 60/1 of 16 September 2005.

5 A/61/583.

6 JIU/REP/2008/3 (reissued as UNEP/GC.25/INF/33).

7 In preparation for these discussions two succinct and thought-provoking background papers (UNEP/GC.25/16 and Add.1) were prepared. They remain highly relevant, as they provide background information on the development and shortcomings of the current system of international environmental governance. International environmental governance was also discussed during the tenth special session of the Council/Forum. See document UNEP/GCSS.XI/10 for further details.

8 Keynote speech, 19 February 2009.

9 UNEP/GCSS.XI/INF/9.

III. Work of the consultative group of ministers or high-level representatives

11. By paragraph 1 of decision 25/4 of 20 February 2009, on international environmental governance, the Governing Council established a regionally representative, consultative group of ministers or high-level representatives, in response to a recommendation contained in the report by the co-chairs of the informal consultations of the General Assembly on the institutional framework for United Nations environment work, dated 10 February 2009, "to all interested parties to make the best use of upcoming intergovernmental meetings to remain seized of the matter", given the difficulties faced in the General Assembly in finding consensus on a resolution to strengthen the current international environmental governance system.¹⁰

12. By paragraph 2 of that decision, the Governing Council requested the group to conclude its work and present a set of options for improving international environmental governance to the Council/Forum at its eleventh special session, with a view to providing inputs to the General Assembly.

13. In accordance with the provisions of the above-mentioned decision, the group convened on 27 and 28 June 2009 in Belgrade and on 28 and 29 October 2009 in Rome. The latter meeting was preceded by a technical meeting of senior officials on 26 and 27 October to pave the way for the political discussions of ministers and high-level representatives. Representatives of 39 and 43 Governments attended the first and second meetings, respectively. The meetings were co-chaired by Ms. Stefania Prestigiacomo, Minister of Environment, Land and Sea of Italy, and Mr. John Njoroge Michuki, Minister of Environment and Mineral Resources of Kenya.

14. In his opening speech at the group's first meeting, Mr. Oliver Dulić, President of the Governing Council and Minister of Environment and Spatial Planning of Serbia, stated:

Given the history of the international environmental governance debate, I am aware of the challenges that lie ahead of us. But I believe that, if there is a right moment to face them, it has come now, for unprecedented challenges also provide unprecedented opportunities. For the first time in many years there is a chance to make headway on international environmental governance as part of the ongoing climate change negotiations and the count-down to a possible Rio + 20 in 2012.

The discussions of the consultative group of ministers or high-level representatives on international environmental governance established under Governing Council decision 25/4 were guided by the following principles:

- Any reform to international environmental governance should be based on the principle that form should follow function.
- Consultations on functions will lead to a discussion on forms that could range from incremental changes to other broader institutional reforms.
- The international environmental governance debate should be addressed in the broader context of environmental sustainability and sustainable development.
- Developing a set of options for improving international environmental governance should follow from a fresh examination of multiple challenges and emerging opportunities.
- Incremental changes to international environmental governance can be considered alongside other more fundamental reforms.
- The group's work should continue to be political in nature.

15. During its first meeting the group determined the structure and format of its work, which was captured in the co-chairs' report entitled "Belgrade Process: moving forward with developing a set of options on international environmental governance".¹¹

¹⁰ UNEP/GC.25/INF/35.

¹¹ For all documentation of the meeting please see <http://www.unep.org/environmental-governance/IEGReform/tabid/2227/language/en-US/Default.aspx>.

16. The group also discussed the six possible core objectives identified by the Executive Director of UNEP in his background paper for the meeting as the basis for articulating key functions for the United Nations system as a whole.¹²

17. By paragraph 17 of the Belgrade Process, the group invited the Executive Director to prepare a paper that drew upon the group's discussions during its first meeting and any subsequent written comments provided by Governments, proposing a number of potential functions and possible forms relating to such functions, and to circulate the document for comments electronically to participating Governments through the co-chairs. The Executive Director would, after receiving comments, prepare a final version of the paper in consultation with the co-chairs to submit at the group's second meeting.

18. In addition, the Executive Director provided the group with a draft information note on environment in the United Nations system. The note illustrates, among other things, how key functional and thematic aspects of international environmental governance have evolved and the extent to which they are integrated and distributed in the United Nations system.

19. On the basis of the Executive Director's paper and following the approach that form should follow function, the group, at the Rome meeting, first discussed the functions that were required from the United Nations system as a whole for achieving the identified objectives.

20. Having identified those functions, the group embarked upon identifying incremental steps that could be taken by the UNEP secretariat and the Governing Council, whether unilaterally or in collaboration with other bodies, including the conferences of the Parties to and the secretariats of multilateral environmental agreements and UNEP partners in the Environment Management Group and the United Nations System Chief Executives Board for Coordination, to improve

The consultative group of ministers or high-level representatives on international environmental governance established under Governing Council decision 25/4 identified the following objectives and corresponding functions for international environmental governance within the United Nations system:

- (a) Creating a strong, credible and accessible science base and policy interface:
 - (i) Acquisition, compilation, analysis and interpretation of data and information;
 - (ii) Information exchange;
 - (iii) Environmental assessment and early warning;
 - (iv) Scientific advice;
 - (v) Science-policy interface.
- (b) Developing a global authoritative and responsive voice for environmental sustainability:
 - (i) Global agenda-setting and policy guidance and advice;
 - (ii) Mainstreaming environment into other relevant policy areas;
 - (iii) Promotion of rule-making, standard-setting and universal principles;
 - (iv) Monitoring, compliance and accountability for agreed commitments and building related capacity;
 - (v) Dispute avoidance and settlement.
- (c) Achieving effectiveness, efficiency and coherence within the United Nations system:
 - (i) Coordination of policies and programmes;
 - (ii) Efficient and effective administration and implementation of multilateral environmental agreements;
 - (iii) Facilitating inter-agency cooperation on the environment.
- (d) Securing sufficient, predictable and coherent funding:
 - (i) Mobilizing and accessing funds for the global environment.
 - (ii) Developing innovative financing mechanisms to complement official funding sources.
 - (iii) Utilizing funding effectively and efficiently in accordance with agreed priorities.
- (e) Ensuring a responsive and cohesive approach to meeting country needs:
 - (i) Human and institutional capacity-building;
 - (ii) Technology transfer and financial support;
 - (iii) Mainstreaming environment into development processes;
 - (iv) Facilitating South-South, North-South and triangular cooperation.

¹² While "facilitating the transition towards a global green economy" was identified by the Executive Director as a core objective, during the group's first meeting it was decided to remove it from the list of core objectives, as it was considered to be more of an overarching objective, which could be attained by achieving the other five objectives.

the current international environmental governance system.

21. The group concluded that, while incremental reforms could assist in meeting the objectives and functions of the international environmental governance system, broader reforms should also be considered alongside immediate improvements to the system, without prejudging the outcomes.¹³

22. The group's discussions were characterized by their openness and constructiveness in identifying options for reforms to the current system to support countries better in meeting today's environmental challenges and capturing opportunities. Reforms were identified in the context of environmental sustainability and sustainable development.

23. Having concluded its work, the group is presenting the outcomes of its discussions through the co-chairs to the Governing Council/Global Ministerial Environment Forum (UNEP/GCSS.XI/4).

IV. Joint Inspection Unit report

24. The Joint Inspection Unit was created by General Assembly resolution 31/192 of 22 December 1976 as a standing subsidiary organ and is responsible to the General Assembly and to the governing bodies of United Nations specialized agencies, funds and programmes. It addresses its reports to one or more organizations concerned, or to all organizations when the subject is of interest to the system as a whole, for consideration by the competent legislative organs of the organizations concerned. In 2008, the Unit undertook a management review of environmental governance within the United Nations system.¹⁴

25. The objective of the review was "to strengthen the governance of and programmatic and administrative support for Multilateral Environmental Agreements (MEAs) by United Nations organizations by identifying measures to promote enhanced coordination, coherence and synergies between MEAs and the United Nations system, thus increasing the United Nations system's contribution towards a more integrated approach to international environmental governance and management at national, regional and international levels".¹⁵

26. In its report, the Unit analysed key areas of environmental governance and management in the United Nations system by focusing on the system-wide provision of programmatic and administrative support for multilateral environmental agreements, in particular common support services. The report covers:¹⁶

(a) Applicable environmental governance principles, policies and frameworks to ensure synergies between multilateral environmental agreements and other organizations engaged in environment-related activities;

(b) Management framework for funding, resource management and inter-agency coordination of environmental activities;

(c) Mainstreaming environmental protection, including through the implementation of multilateral environmental agreements at the country level, particularly in the context of common country assessment and United Nations Development Assistance Framework processes.

27. The report contains 12 recommendations related to coherent decision-making and objective-setting for international environmental policies among various environmental agreements and institutions; institutional architecture to implement and coordinate environmental policies and decisions; management and operationalization of the policies and decisions; and coordination of the effective implementation of international environmental governance decisions at the country level.

28. The Executive Director made the report available to Governments, and provided presentations on its contents, through the Committee of Permanent Representatives and the UNEP Governing Council/Global Ministerial Environment Forum in January 2009 and from 16 to 20 February 2009, respectively. He also invited Mr. Tadanori Inomata, Inspector of the Joint Inspection Unit, to attend the

¹³ All incremental changes and broader reforms identified by the group are enumerated in UNEP/GCSS.XI/4, which forms part of the official documentation for the eleventh special session of the UNEP Governing Council/Global Ministerial Environment Forum.

¹⁴ JIU/REP/2008/3 (reissued as UNEP/GC.25/INF/33).

¹⁵ *Ibid.*, p. iii.

¹⁶ *Ibid.*, para. 5.

session of the Governing Council/Global Ministerial Environment Forum in Nairobi to present the report and his findings. By section I of its decision 25/1, the Governing Council took note of the report.

29. In July 2009, the Economic and Social Council considered the report under its agenda item 13 (e), on economic and environmental questions, during which Member States welcomed its findings and recommendations. In November 2009, the Economic and Financial Committee (Second Committee) of the General Assembly considered the report under its agenda item 53, on sustainable development.

30. In response to the recommendations by the Joint Inspection Unit, the Secretary-General prepared a note,¹⁷ an abridged version of which is reflected in the annex to the present paper.¹⁸ It was prepared by the United Nations System Chief Executives Board for Coordination in consultations with its members. The Executive Director's comments, below, complement the note by the Secretary-General and expand on the issues as they relate specifically to UNEP and its programme.

V. Response of the Executive Director to the recommendations of the Joint Inspection Unit

31. The Executive Director welcomes the comprehensive report produced by the Joint Inspection Unit and acknowledges the considerable research undertaken and the strategic nature of its contents and recommendations. The report provides an independent review and analysis of environmental governance arrangements throughout the United Nations system, which is of immense value to UNEP. Its findings and recommendations add to calls from Member States to improve international environmental governance, calls that have been given added momentum by the report.

32. The Executive Director prepared comments in response to the recommendations made and circulated them among the members of the Committee of Permanent Representatives on 5 November 2009 for their inputs. They have been made available for the information of the Council/Forum as document UNEP/GCSS.XI/5 and are consolidated in tabular form in the annex to the present paper.

33. While many UNEP activities already pertain to the issues raised in the Unit's recommendations, they reflect the piecemeal approach taken in relation to international environmental governance reform. In his response, the Executive Director therefore notes that structural changes may be necessary to implement fully all the recommendations made.

34. The report and the consultative process under Governing Council decision 25/4 of 20 February 2009, on international environmental governance, are independent from each another and will be dealt with separately by the Council/Forum. A number of the recommendations made by the Unit were, however, taken up by the consultative group and are reflected in the incremental and broader reform suggestions that it has made.

VI. Benefits to Parties emerging from the synergies process of the Basel, Rotterdam and Stockholm conventions

35. As recommended by the ad hoc joint working group on enhancing cooperation and coordination among the Basel, Rotterdam and Stockholm conventions, the conferences of the Parties to each of the three conventions adopted substantially identical decisions (known as the "synergies decisions") on enhancing such cooperation and coordination.

36. The overarching objective of the synergies process among the three conventions is to strengthen the implementation of the conventions by Parties at the national, regional and global levels, leading to practical, life-cycle management of chemicals and hazardous waste. The synergies decisions are also intended to enhance efficiency in the provision of support and services to Parties with a view to reducing the administrative burden and maximizing the effective and efficient use of resources at all levels.

37. Simultaneous extraordinary meetings of the conferences of the Parties to the Basel, Rotterdam and Stockholm conventions will be held from 22 to 24 February 2010 in Bali, Indonesia, in conjunction with the eleventh special session of the Governing Council/Global Ministerial Environment Forum.

¹⁷ A/64/83/Add.1-E/2009/83/Add.1.

¹⁸ The responses of the Secretary-General are provided in tabular form together with comments by the Executive Director.

38. Participants at the extraordinary meetings are expected to take identical decisions on joint activities, joint managerial functions, long-term establishment of joint services, synchronization of budget cycles of the three conventions, joint audits of the accounts of the secretariats, and a review mechanism.

39. The synergies process, including the interim period leading up to the extraordinary meetings, has shown that pursuing a more collaborative and coordinated approach in implementing the three conventions has benefits and added value:

(a) Joint planning and delivery of substantive and technical activities through the establishment of inter-secretariat teams on cross-cutting issues are already facilitating the delivery of joint technical assistance activities to Parties by concentrating and sharing expertise and reducing duplication at the regional and national levels. For example, joint workshops being convened at the national and regional levels to deliver a cohesive common message, addressing cross-cutting issues among the three conventions and involving national authorities representing the three conventions are resulting in a more integrated approach to the sound management of chemicals at the national level. Such workshops have been successfully organized in South Africa for the African region and in Uruguay for Latin America and the Caribbean. Additional workshops are planned for 2010 and beyond;

(b) Joint use of the regionally distributed networks of regional centres associated with the work of the three conventions (offices of the Food and Agriculture Organization of the United Nations, regional centres of the Basel and Stockholm conventions and UNEP regional offices) has led to increased participation by these centres and offices in the planning and delivery of capacity-building and technical assistance activities. It has also enhanced the capacities that Parties require at the national and regional levels to develop a more sustainable and independent approach to full implementation of the three conventions;

(c) Implementation of activities has been decentralized, and there is more efficient use of scarce financial resources required to implement activities at the national and regional levels through the organization of joint projects, joint activities and joint workshops;

(d) Use of regional experts associated with regional centres and working across the three conventions contributes to the development of joint national and regional solutions for meeting current and emerging needs;

(e) UNEP has established a network of regional chemicals and wastes cluster coordinators, based in existing UNEP regional offices, who support Parties on issues related to chemicals and wastes by facilitating two-way communication between regional activities, national contact points and activities organized by the three secretariats and by supporting the delivery of capacity-building and technical assistance activities organized jointly by the three convention secretariats;

(f) Joint cooperation with partners and potential donors has put issues related to chemicals and wastes higher on the global environmental agenda, which has resulted in increased support for Parties' work to implement activities associated with the work programmes of the three conventions. Specific examples of joint approaches, representation and inputs into other processes are already being implemented in collaboration with the Commission on Sustainable Development, the World Trade Organization, the World Customs Organization, the Green Customs Initiative and other key partner organizations;

(g) Joint services across the three secretariats have been established to increase efficiency and improve quality in delivering services to Parties. These services, as defined in the synergies decisions, include financial, administrative, legal and information technology services in addition to those involving information and public awareness. By delivering such services jointly in a more coordinated, efficient and effective manner, Parties benefit from a shift of resources from administration to implementation at the national, regional and global levels, which enables more comprehensive and effective support to countries in their efforts to implement the three conventions;

(h) Continuing efforts towards greater cooperation and coordination between the three secretariats through joint services have resulted in more capacity being available to support and service Parties by creating a broader pool of expertise available to the technical staff of the three secretariats; uniformity in the application of procedures and tools to facilitate increased opportunities for joint planning; greater continuity of services through an effective backup system; and more efficient use of the skills and training of staff members.

40. The synergies process to strengthen cooperation and coordination within the chemicals and wastes cluster has increased the visibility and political reorganization of this policy area. The process is also expected to continue to attract financial support for the implementation of the three conventions at the national, regional and global levels.
41. UNEP will draw on the continuing efforts to harness synergies between multilateral environmental agreements within the chemicals and wastes cluster, and will focus on issues dealing with achieving synergies among biodiversity-related multilateral environmental agreements within the coming biennium in a manner consistent with its mandate, while fully recognizing the authority and autonomy of the various conferences of the Parties.

VII. Related processes and statements

42. The Global Environment Facility (GEF) was established to provide “new and additional grant and concessional funding to meet the agreed incremental costs of measures to achieve agreed global environmental benefits”.¹⁹ The authors of a UNEP report on the future direction of GEF point out that “negotiations on the reform of the GEF as well as calls for the ‘upgrading’ of UNEP reflect efforts to bring greater coherence and leadership to IEG. However, when contemplating the respective roles that the GEF and UNEP might play in strengthening IEG it is essential to recall their respective origins, functions and mandates”.²⁰ In the context of international environmental governance, the GEF mandate is “to serve and facilitate, and not to lead.”²¹ The fifth replenishment process, currently under way, will conclude in February 2010.
43. Expressing the general sentiments of leaders attending the summit on climate change on 22 September 2009 in New York, the Secretary-General in his final summary noted that “a climate change response should be placed in the broader context of sustainable development”. He further noted that leaders expressed “the need for an equitable governance structure with balanced representation and respect for the priorities of developing countries”.²²
44. In their open letter to the Secretary-General, the leaders of France and Germany called for “a new institutional architecture ... to be set up to foster the development of international environmental law”; for “the overhauling of environmental governance”; and for use to be made “of the momentum provided by Copenhagen to make further progress towards the creation of a World Environmental Organization”.²³
45. Further calls for the establishment of an international organization were made in November 2009 by the leaders of Brazil and France, who jointly stated:
- Brazil and France concur in the need for the establishment of an international organization devoted to the environment and sustainable development, which would give coherence to the efforts of the international community in these areas. They are convinced that the impetus should be given in Copenhagen in December so that the organization could be established at the Rio + 20 Conference in Rio de Janeiro in 2012.²⁴
46. On 17 November 2009, the President of Kenya, during the meeting of the Committee of Ten Heads of State and Government on Climate Change, in Addis Ababa, urged African leaders to join hands in pushing for the upgrading of UNEP into a fully fledged world environment organization to be based in Nairobi.
47. At the Commonwealth Heads of Government meeting held from 27 to 29 November 2009 in Port of Spain, representatives “supported current efforts to reform international environmental governance arrangements.” In particular, they stated that “such reform should cover all elements of the international system that relate to environmentally sustainable development, integrate environmental

19 *Instrument for the Establishment of the Restructured Global Environment Facility*, GEF, Washington, D.C., 2008, p.12.

20 C. Martin and J. Werksman, *Thoughts on the Future of the GEF*, UNEP, 2009, p. 26.

21 *Ibid.*, p. 27.

22 For the text of the summary see http://www.un.org/wcm/webdav/site/climatechange/shared/Documents/Chair_summary_Final_E.pdf

23 Open letter by President Sarkozy and Chancellor Merkel of 21 September 2009.

24 http://www.elysee.fr/documents/index.php?lang=fr&mode=view&cat_id=8&press_id=3097

and development priorities, and be practically and speedily responsive to the priority needs of small states and least developed states".²⁵

48. In December 2009, the ACP-EU Joint Parliamentary Assembly, comprising parliamentarians of signatories to the Partnership Agreement between the members of the African, Caribbean and Pacific groups of States of the one part, and the European Community and its member States, of the other part (the Cotonou Agreement), adopted a resolution on climate change calling for "the upgrading of the United Nations Environment Programme (UNEP) into a fully fledged World Environment Organisation to be based in Nairobi (Kenya), enhanced with adequate capacity to address the severity of the environmental catastrophe and related challenges in the world".²⁶

49. In a joint appeal during the fifteenth session of the Conference of the Parties to the United Nations Framework Convention on Climate Change, held in December 2009 in Copenhagen, the President of France and the Prime Minister of Ethiopia stated:

The Copenhagen conference offers a historic opportunity to launch a process leading to the establishment of a World Environment Organization. It will ensure that the environment, sustainable development and the fight against climate change remain a top priority in the international agenda beyond [the conference]. And it will be a step forward in adapting international governance to twenty-first-century challenges and realities.²⁷

50. The Copenhagen Accord may have implications for international environmental governance, including in relation to financing and the development and transfer of technology.²⁸

51. In June 2009, several generations of environmental leaders gathered at the Global Environmental Governance Forum, organized by Yale University in Glion, Switzerland, to rediscover the past, analyse the present and imagine the future of global environmental governance. Participants concluded that "concrete, practical and realistic steps are essential to building momentum in the reform process. At the same time, a broad, transformational vision needs to inform all proposals for change".²⁹

VIII. United Nations Conference on Sustainable Development (Rio + 20)

52. By its resolution 64/236 of 24 December 2009, the General Assembly decided to organize a three-day United Nations conference on sustainable development, or what has been termed "Rio + 20" in reference to the twentieth anniversary of the 1992 United Nations Conference on Environment and Development, in 2012. The themes will include: a green economy in the context of sustainable development and poverty eradication and the institutional framework for sustainable development.³⁰ The Conference will result in a focused political document.³¹

53. In the tenth preambular recital of that resolution, the General Assembly noted that challenges remained in achieving the goals of the three pillars of sustainable development, particularly in the context of the current global crises and, in the twelfth preambular recital, reaffirmed that eradicating poverty, changing unsustainable patterns of production and consumption and protecting and managing the natural resource base of economic and social development were overarching objectives of and essential requirements for sustainable development.

54. By paragraph 23 of the resolution, the General Assembly decided that a preparatory committee would be established within the framework of the Commission on Sustainable Development to carry out the preparations for the United Nations Conference on Sustainable Development, which would provide for the full and effective participation of all States Members of the United Nations and members of the specialized agencies, as well as other participants in the Commission.

25 Communiqué.

26 ACP-EU/100.613/09/fin.

27 http://www.elysee.fr/documents/index.php?cat_id=1&lang=fr&mode=view&press_id=3195

28 FCCC/CP/2009/L.7.

29 M. Ivanova, *Global environmental governance in the twenty-first century: way ahead wide open*, Global Environmental Governance Project, June 2009.

30 Para. 20 (a).

31 Para. 20 (b).

55. By paragraph 26, it requested the Secretary-General to provide a report on progress to date and remaining gaps in the implementation of the outcomes of the major summits in the area of sustainable development, as well as an analysis on the themes identified above, to be submitted to the intergovernmental preparatory committee at its first meeting.

IX. Way forward

56. Governments have discussed and recognized the need for action to ensure the sustainability of their countries' environment, not only as an integral component of their national wealth but also, and equally important, as an essential ingredient in their countries' economic and social development. This becomes clear when considering the role that the environment plays in virtually all basic policy sectors of society, including agriculture, health, energy and transport.³²

57. Science has provided sufficient evidence of the negative impacts of environmental change, including climate change, on social and economic development. The origin and scale of the challenges facing countries mandate a global response based on the Rio Principles.

58. In the light of the above, it is clear that environment ministers alone cannot meet today's environmental challenges. One step towards strengthening their standing vis-à-vis other sectors is to strengthen the national governance system.

59. All the above-mentioned governance processes, including the GEF and the United Nations Framework Convention on Climate Change negotiations, are occurring separately. The Governing Council/Global Ministerial Environment Forum is mandated to bring all environmental aspects together and to formulate broad policy advice and guidance.

60. By setting out the objectives and underlying functions of an international environmental governance system that is capable of supporting countries in meeting today's environmental challenges and emerging opportunities, the consultative group of ministers or high-level representatives established under decision 25/4 has laid the groundwork for fruitful discussions on the way forward for international environmental governance reform by the Governing Council, with a view to providing inputs to the General Assembly.

X. Outcomes of the consultations: some possible messages

61. The Governing Council/Global Ministerial Environment Forum is the United Nations high-level environment policy forum and brings the world's environment ministers together to review important and emerging policy issues in the field of the environment. The Council/Forum provides broad policy advice and guidance with the aim, among others, of promoting international cooperation in the field of environment. In so doing, it invites officials of United Nations agencies and heads of multilateral environmental agreement secretariats to participate and interact with ministers at meetings and seeks to promote the meaningful participation of representatives of major groups and non-governmental organizations, including the private sector.

62. It has become the practice for the President of the Council/Forum to prepare a summary of the ministerial consultations that take place at each session. The summary provides an opportunity for environment ministers collectively to send a message to the United Nations system, Governments, civil society and the private sector on their perspective on the topics under discussion.

63. In addition to the summary, the President has proposed that the Council/Forum should also adopt a ministerial declaration, statement or communiqué. A draft has been jointly proposed by the Governments of Indonesia and Serbia.

64. Based on the outcomes of the work of the consultative group under decision 25/4, the Governments of Italy and Kenya have submitted a draft decision on international environmental governance.

³² The role of the environment in sustainable development in the context of the three interdependent and mutually reinforcing pillars was outlined by the Executive Director of UNEP in his background paper for the Rome meeting of the consultative group on international environmental governance.

Annex

Comments by the Executive Director on the recommendations of the Joint Inspection Unit³³

<i>Joint Inspection Unit recommendations</i>	<i>Consolidated response of the Executive Director</i>	<i>Consolidated response of the Secretary-General through the United Nations System Chief Executives Board for Coordination (CEB)</i>
<p>Recommendation 1: The Secretary-General should submit to the General Assembly for its consideration through the UNEP Governing Council/Global Ministerial Environmental, a clear understanding on the division of labour among development agencies, UNEP and the MEAs, outlining their respective areas and types of normative and operational capacity-building activities for environmental protection and sustainable development.</p>	<p>Above and beyond strengthening continuing efforts to tackle the division of labour and the effective integration of environmental considerations into operational development activities of the United Nations through bodies such as EMG, CEB and UNDAF and tools such as CCAs and UNDAFs, the Executive Director suggests that deeper, structural changes may be necessary to tackle this issue effectively. As a step towards this end he suggests that the General Assembly should consider the adoption of the Bali Strategic Plan for Technology Support and Capacity-building as a system-wide plan.</p>	<p>CEB members generally support the intent of the recommendation, yet they suggest that the way to proceed should be cooperative. This would lead to recommendations to the various partners, including multilateral environmental agreements and specialized agencies, on the basis of existing mandates. It should be based on a solid assessment of the respective comparative advantages of the various bodies and their history of successful norm-setting and operational delivery within the framework established by Member States through the Millennium Development Goals and other agreed strategic priorities. Moreover, organizations note that fostering effective and efficient thematic clustering and coordination within the United Nations system could be a more suitable tool for inter-institutional consistency than a strict ruling for the division of labour among development agencies, UNEP and multilateral environmental agreements.</p>
<p>Recommendation 2: The General Assembly should consider adding a system-wide policy orientation for environmental protection and sustainable development of the United Nations system in the United Nations Strategic Framework for the biennium programme plan; and in the event of this decision, should request the Secretary-General to prepare such a system-wide orientation for its approval through the Chief Executives Board.</p> <p>Recommendation 3: The General Assembly should also decide to authorize the UNEP Governing Council/Global Ministerial</p>	<p>The Executive Director welcomes the recommendation for a system-wide policy orientation for the environmental protection aspects of sustainable development; such a measure would also be entirely consistent with the original mandate of UNEP as set out in its constitutive resolution³⁴ in support of resolution 63/311 of 14 September 2009.</p> <p>While the UNEP medium-term strategy for 2010–2013 provides valuable guidance for UNEP itself, it would have to be reframed to serve the needs of the United Nations system at large and become an integral part of the United Nations system strategic framework.</p>	<p>Organizations support the concept of a system-wide policy orientation for the environmental protection element of sustainable development. They remain sceptical, however, that it can be achieved through the strategic framework for the biennium programme budget prepared by the Secretariat and debated by the General Assembly, since it does not cover the entire United Nations system. They note that relevant system-wide planning already occurs through the CEB mechanisms and, on an issue-specific basis, EMG.</p>

³³ The recommendations are reproduced as received from the Joint Inspection Unit, without formal editing. For the full response of the Secretary-General see A/64/83/Add.1–E/2009/83/Add.1, and for that of the Executive Director see UNEP/GCSS.XI/5.

³⁴ General Assembly resolution 2997 (XXVII) of 1972.

<i>Joint Inspection Unit recommendations</i>	<i>Consolidated response of the Executive Director</i>	<i>Consolidated response of the Secretary-General through the United Nations System Chief Executives Board for Coordination (CEB)</i>
Environment Forum to adopt the Medium-Term Strategy of UNEP as a system-wide instrument constituting an integral part of the United Nations Strategic Framework.		
<p>Recommendation 4: The Secretary-General, with the assistance of the Executive Director of UNEP, should propose to the General Assembly – through UNEP Governing Council/Global Ministerial Environment Forum – modalities by which Member States can better formulate and manage MEAs without creating an independent convention secretariat.</p>	<p>Responding to questions on the efficiency of the administration and implementation of multilateral environmental agreements, while respecting their legal independence, has become an issue of concern to many Governments which are facing increasing constraints on their human and financial resources, in particular developing countries. The Executive Director therefore supports the recommendation to establish modalities through the General Assembly that would manage the constitution and operationalization of future agreements, including the current negotiations for a mercury instrument. In the light of these findings and the outcomes of a recent study by the International Institute for Sustainable Development that highlight the considerable overhead costs faced by Governments, he further suggests that the current synergies process for the chemicals and waste conventions should be closely observed and the lessons learned applied to the mercury negotiations and communicated to the biodiversity-related conventions both through their respective conferences of the Parties and through the UNEP Governing Council.</p>	<p>CEB members broadly agree with the intent of the recommendation as it applies to future multilateral environmental agreements, regarding the formulation and management of the relevant standard modalities to be stipulated. The recommendation does not, however, take into account that there may be overriding substantive reasons for creating independent treaty secretariats. Taking such reasons into account could inspire changes in the functioning of existing multilateral environmental agreements. In cases where substantive responsibilities and areas of work are sufficiently close, jointly managed multilateral environmental agreements and increased synergies between their reporting requirements and capacity-building activities could increase the possibility of ensuring implementation at the country level, including through the CCA/UNDAF system based on country priorities. Modalities for this would probably benefit from being prepared by EMG, where the multilateral environmental agreements are also represented, or by more specialized coordination mechanisms, such as the liaison group of the biodiversity-related conventions or the Joint Liaison Group of the Rio conventions.</p>

<i>Joint Inspection Unit recommendations</i>	<i>Consolidated response of the Executive Director</i>	<i>Consolidated response of the Secretary-General through the United Nations System Chief Executives Board for Coordination (CEB)</i>
<p>Recommendation 5: The General Assembly should provide the UNEP Governing Council/Global Ministerial Environment Forum with adequate support through activating its own regular review of the reports of MEAs to enhance GC/GMEF's capacity to fulfil its mandate to review and evaluate, on a regular basis, the implementation of all MEAs administered within the United Nations system, with a view to ensuring coordination and coherence between them in accordance with decision SS.VII/1 and keep the Assembly informed of progress made.</p>	<p>While this matter already falls within the purview of UNEP on the basis of existing mandates, the strengthening of the role and status of GC/GMEF as the global authority for the environment is central to UNEP playing such a role. There are opportunities to enhance the role played by GC/GMEF in fulfilling its mandate through increasingly working on such issues between sessions.</p> <p>However, progress in this regard depends, among other factors, on the General Assembly addressing the important issue of expanding the composition of the Governing Council from the current 58 members to universal membership.³⁵ The issue of universal membership has been on the agenda for more than 10 years and the Secretary-General submitted two reports – A/59/262 in August 2004 and A/61/322 in August 2006 – on “this complex issue”³⁶ to the General Assembly for its consideration.</p> <p>The General Assembly at its sixty-fourth session is expected to address this issue, and its decision would help to give direction to the UNEP secretariat in this matter.</p> <p>The Executive Director further stresses the potential for supporting the work of both UNEP GC/GMEF and the conferences of the Parties by suggesting that the General Assembly, through the Second Committee, should introduce a standing agenda item to discuss strategic issues related to agreement implementation, in addition to an environment sub-item under which all items with direct relevance to environmental sustainability in the context of Millennium Development Goal 7 could be discussed comprehensively.</p> <p>Respecting the principle of subsidiarity, the General Assembly could also, through the Second Committee, support the work of both GC/GMEF and the conferences of the Parties by</p>	<p>Organizations agree with the recommendation and note that the matter may already fall within the purview of UNEP, on the basis of existing mandates. The validity of such an exercise would also be influenced by any final decisions on universal membership of the UNEP Governing Council, given the underlying rationale for the recommendation.</p>

35 See Governing Council decision SS.VII/1, the Johannesburg Plan of Implementation and General Assembly resolution 58/209 of 23 December 2003, which requests comments on universal membership by Member States, the Governing Council and relevant bodies of the United Nations system to be made to the General Assembly for its consideration at its sixtieth session.

36 A/59/262.

<i>Joint Inspection Unit recommendations</i>	<i>Consolidated response of the Executive Director</i>	<i>Consolidated response of the Secretary-General through the United Nations System Chief Executives Board for Coordination (CEB)</i>
	introducing a standing agenda item to discuss strategic issues related to implementation. The role of the General Assembly would need to be informed by the status of its members as parties to various agreements, since not all Member States are parties to all multilateral environmental agreements.	
<p>Recommendation 6: The Secretary-General – on the basis of a proposal of the Executive Director of UNEP and consultations with MEA secretariats – should submit to the General Assembly, for its consideration and approval, guidelines on the establishment of national and, where appropriate, regional platforms on environmental protection and sustainable development policies which can integrate the implementation of MEAs into the CCA and UNDAF processes.</p>	<p>In the light of countries' needs for support at the national and regional levels, the Executive Director welcomes this recommendation. Moreover, he suggests that the national and regional platforms that have been recommended should not be limited to CCA and UNDAF processes but also include other relevant processes in both developed and developing countries.</p>	<p>CEB members agree with the need to set up regional or national platforms that can facilitate the integration of environmental protection and sustainable development policies, including implementation of multilateral environmental agreements, into the CCA and UNDAF processes, based on national priorities within a sustainable development framework. Such platforms should be set up within the one United Nations/Resident Coordinator system through a process that would ensure the necessary ownership and buy-in from key parts of the United Nations system. The UNEP secretariat is working with the undg and the System Staff College on the integration of environmental sustainability into the UNDAF-related processes, including the work of multilateral environmental agreements. There are currently no budget provisions for such platforms. Hence it is proposed that, based on input from EMG and undg, the final design, along with the decision on the funding necessary to sustain the platforms, should be left to the competent bodies. Before such national and regional platforms are created, an analysis should be undertaken of existing platforms, as it would be better to build upon those rather than create new ones.</p>
<p>Recommendation 7: The Secretary-General as Chairman of the Chief Executive Board should encourage the executive heads of the organizations and the MEAs:</p> <p>(a) To develop a joint system-wide planning framework for the management and coordination of environmental activities, drawing on the results-based management framework endorsed by General Assembly</p>	<p>The Executive Director recognizes the importance of this recommendation and its close relationship with recommendations 2 and 3. In realizing this recommendation he suggests to build upon existing General Assembly resolutions, including resolution 3437 (XXX) of 9 December 1975, and resolutions 37/217 and 37/219 of 20 December 1982, which provide the foundation required to develop a joint system-wide planning framework for the management and coordination of</p>	<p>CEB members support, and are already implementing, the recommendation within CEB and the EMG framework, with the latter including multilateral environmental agreements as members. Organizations intend to make greater use of expert advice and guidelines from EMG and UNEP, including in planning their procurement or other activities so as to reduce their impact on the environment. A results-based joint planning framework would</p>

<i>Joint Inspection Unit recommendations</i>	<i>Consolidated response of the Executive Director</i>	<i>Consolidated response of the Secretary-General through the United Nations System Chief Executives Board for Coordination (CEB)</i>
<p>resolution 60/257, and to this end,</p> <p>(b) To draw up an indicative planning document serving for joint programming of their activities in the environment sphere.</p>	<p>environmental activities, and to draw up an indicative planning document for joint programming of activities in the environmental sphere.</p>	<p>require for its development a policy orientation and a strategy agreed and adopted by an intergovernmental process, which in turn would require a clear division of labour agreed upon prior to developing the joint framework (see recommendation 1 above), as well as an analysis of the incentives and modalities of cooperation (see also comments under recommendations 2 and 3 above).</p>
<p>Recommendation 8: The Secretary-General should undertake, in consultation with the MEAs and relevant United Nations system organizations, a review of the adequacy and effectiveness of funding environmental activities focusing on the concept of incremental costs and submit a report thereon to the General Assembly through the relevant intergovernmental bodies.</p> <p>Recommendation 9: The General Assembly, upon receipt of the above Secretary-General's report and the views on it of the intergovernmental bodies concerned, should redefine the concept of incremental cost funding applicable to the existing financial mechanisms.</p>	<p>Increased funding for implementation is required throughout the international environmental governance system. In comparison with other regimes, mobilization of funds and related governance arrangements in the environmental field is extremely scattered, with bodies continuously competing for funds, implying, at the aggregate level, inefficient transactions and high overhead costs. As a result of the scattered financing system, there is also an increased risk of duplication on the one hand and oversight of funding gaps on the other.</p> <p>GEF, which was created to provide new and additional grant and concessional funding to meet the agreed incremental costs of measures to achieve agreed global environmental benefits, has reported that the funding needs with regard to global environmental issues in the GEF mandate were increasing dramatically.</p> <p>GEF has recommended that funding levels for global environmental issues be raised substantially to tackle increasingly urgent problems.</p> <p>In the light of the increasing funding needs of developing countries to meet global environmental obligations, the Executive Director considers that a United Nations system-wide review of the adequacy and effectiveness of funding environmental activities is critical to understanding gaps in order to meet these challenges. It would, however, be too narrow to focus only on the concept of incremental costs. The UNEP secretariat is ready to support any initiative that would look broadly at the funding challenges of international environmental governance.</p>	<p>CEB members expressed concern with the recommendation and pointed to the fact that the concept of incremental costs applied to GEF funding, but not to other environmental funding provided by the United Nations system, the international financing institutions or bilateral donors. Organizations note a more fundamental concern, which is that environmental spending does not always follow the priorities established by the relevant governing bodies, including the governing bodies of the multilateral environmental agreements, and suggest that the General Assembly should consider establishing instead a system of financial tracking for environmental purposes along the lines of the tracking system established in the humanitarian field, considering the possible role of EMG in undertaking such an exercise.</p>

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	The Executive Director therefore supports the recommendations in so far as they relate to a review of existing financial mechanisms, noting General Assembly resolution 62/208 of 19 December 2007.	
<p>Recommendation 10: The Secretary-General, on the basis of a proposal of the Executive Director of UNEP and consultation with UNEP-administered MEA secretariats, should:</p> <p>(a) Develop and/or review the delegation of authority, division of roles and responsibilities of the entities providing administrative, financial and human resources management services to the Conferences of Parties; and</p> <p>(b) Draw up a clear service level agreement defining the level and type of services to be delivered by the United Nations offices in Nairobi and Geneva to MEA secretariats.</p>	<p>The Executive Director supports this recommendation and is undertaking a review of the existing administrative arrangements between UNEP and the secretariats of the multilateral environmental agreements. Based on this review, the relevant decisions of the conferences of the Parties and lessons learned from the delegation of authority in UNEP, delegations of authority are being developed for the secretariats.</p> <p>The UNEP secretariat Corporate Services Section is currently reviewing administrative arrangements, including Human Resource Management Service requirements in all UNEP offices, including the secretariats. This exercise is expected to establish a clear division of roles and responsibilities of entities providing administrative, financial and human resource services to UNEP multilateral environmental agreements.</p> <p>The UNEP secretariat provides administrative support to the secretariats. This support function is outsourced to UNON and UNOG for a variety of services, and service-level agreements have been drawn up for each group of services. UNEP is, however, reviewing the agreements with a view to improving administrative support to UNEP and defining the same for the multilateral environmental agreements.</p>	CEB members support the recommendation and note that work is already in progress regarding the proposed service-level agreements.
<p>Recommendation 11: The Secretary-General, with the assistance of the Executive Director of UNEP and in consultation with the MEA secretariats, should undertake a review of UNEP and UNON practices concerning the recruitment of staff for MEA secretariats, and propose steps to improve the staffing situation and geographical distribution of staff.</p>	<p>The staffing complement is approved by their respective conferences of the Parties and the selection process is handled through the United Nations recruitment system. The Executive Director of UNEP has appointed a focal point for coordination to improve coordination with staffing and administration.</p> <p>The staffing situation and geographical distribution are being further improved on a number of fronts, including</p>	CEB members support the recommendation on the understanding that, as in the case of recommendation 10, it applies to UNEP-administered multilateral environmental agreements, and note that work is already under way.

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	<p>executive controls for timely recruitment in line with targets established by the human resources action plan and those set in the Executive Director's compact with the Secretary-General.</p>	
<p>Recommendation 12: The Secretary-General should:</p> <p>(a) Increase transparency in the use of the programme-support cost resources on an actual cost basis and in the services delivered to MEAs administered by the United Nations and UNEP, and to this end ensure that programme-support costs charged for such services are budgeted and applied against actual expenditures incurred;</p> <p>(b) Instruct the United Nations Controller to undertake consultations with United Nations entities that deliver administrative services to the Conferences of the Parties and on the basis thereof submit to the General Assembly for its adoption proposals for setting up a common budget for administrative support services provided to MEAs and inform each CoP on the administrative and budgetary implications arising from this arrangement.</p>	<p>The Executive Director supports recommendation (a) in principle and is currently completing an internal study on programme support costs. The implementation of this recommendation will take into consideration the CEB agreements on the definition and use of programme support costs, particularly those costs defined as "indirect" (CEB/2005/HLCM/R.22, p. 2). It will also take appropriate account of administrative instruction ST/AI/286 of 3 March 1982, which is the United Nations policy governing the use of programme support cost revenue.</p> <p>The Executive Director does not, however, support recommendation (b) as it is written. Controlling the number and proliferation of independent secretariats needs to be addressed before settling for a fall-back strategy. This point is made in recommendation 4. Recommendation (b) also needs to recognize the assignment of responsibility to the Executive Director, GC/GMEF and the conferences of the Parties.</p>	<p>Organizations support recommendation (a) and note that an internal study on programme support costs is currently being undertaken by the UNEP secretariat. On recommendation (b), CEB members suggest that, given the autonomous policy, working authority and financing arrangements of the conference of the Parties of each multilateral environmental agreement, a review of the feasibility of establishing a common budget for the administrative support services provided to multilateral environmental agreements may have to be initiated by the conferences of the Parties themselves. Such a review may address the issue of the management structure and the criteria for accessing a common budget, in addition to whether it will lead to economies. Only after such a review would it be possible to provide an informed recommendation to the General Assembly for approval (see also relevant comment under recommendation 4 above).</p>