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Policy issues: emerging policy issues

Background paper for the ministerial consultations

Submitted by the Executive Director

Addendum

**Report of the Secretary-General's High-level Panel on
System-wide Coherence in the Areas of Development,
Humanitarian Assistance and the Environment and the
Co-Chairs' summary of the informal consultative process on the
institutional framework of the United Nations' environmental
activities**

Summary

The present document summarizes the work of the United Nations Environment Programme (UNEP) on international environmental governance and the findings of the report of the High-level Panel on System-wide Coherence commissioned by the Secretary General of the United Nations and the informal consultative process initiated by the President of the United Nations General Assembly on the institutional framework of the United Nations' environmental activities. Issues covered in the report of the High-level Panel and by the informal consultative process have been central to many of the discussions of the UNEP Governing Council/Global Ministerial Environment Forum on the theme of international environmental governance. The present document places the report and the consultations on this subject in the context of work undertaken by UNEP in the past and highlights a number of issues for discussion during the ministerial consultations.

* UNEP/GC.24/1.

I. Introduction: United Nations reform process

1. The 2005 World Summit Outcome document,¹ in its paragraph 169, calls, among other things, for enhanced coordination, strengthened scientific knowledge, assessment and cooperation and better integration of environmental activities in the broader sustainable development framework at the operational level, including through capacity-building. In follow-up to that paragraph, the General Assembly launched an informal consultative process on the institutional framework of the environmental activities of the United Nations. The first round of consultations under the process concluded in June 2006 and work was reconvened in January 2007. In addition, the Secretary-General established a High-level Panel on United Nations System-wide Coherence in the Areas of Development, Humanitarian Assistance and the Environment. On 9 November 2006, the Panel issued a report, entitled "Delivering as one",² which contained recommendations that the General Assembly is expected to consider in early 2007.
2. The work carried out under both processes has underscored that, while there has been a steady increase in policy guidance and some successes, the world's natural resource base continues to be unsustainably used and the deterioration of environmental conditions persists unabatedly. In addition, a growing gap is evident in both normative and analytical work and at the operational level. In this respect, resources are not being used efficiently and capacity-building efforts, at all levels, are not being undertaken with optimum effect. In this context, environmental concerns need to be integrated more fully not only into the developmental activities of the United Nations, but also into national economic planning processes and in the provision of sound scientific advice to decision makers. Mainstreaming the environment is a theme strongly emphasized by the Panel in its recommendations.
3. The Co-Chairs' summary of the informal consultative process on the institutional framework for the environmental activities of the United Nations, issued in July 2006, identifies a number of key areas where improvements can be made. While the large number of bodies involved with environmental work has led to valuable initiatives and programmes in specific areas, it has also resulted in fragmentation and uncoordinated approaches in terms of policy development and implementation. Developing countries in particular face many difficulties with regard to participation in multilateral environmental processes, compliance with and the effective implementation of legal instruments, reporting requirements and national level coordination. Capacity-building, technology transfer and increased financial support for environmental activities are key to treaty compliance and implementation.
4. The informal consultative process also highlighted the important role that ministers attending the Global Ministerial Environment Forum could play by engaging in substantive discussions resulting in decisions with practical orientation, developing a multi-year workplan, monitoring policy development and the implementation of multilateral environmental agreements and interacting in a meaningful manner with other intergovernmental forums and the conferences of the parties of multilateral environmental agreements.
5. Broad support has also been expressed for UNEP to be strengthened and to play a more visible role in the coordination of environmental issues. Measures to mainstream environmental sustainability, in collaboration particularly with the United Nations Development Programme (UNDP), and to improve the scientific and assessment and early warning capacities of UNEP have been advocated by many Member States.
6. In its report, the High-level Panel calls for UNEP to be upgraded to enable it to perform more authoritatively as the environment policy pillar of the United Nations system. The Panel also calls for better coordination at normative levels, increased efficiencies and coordination among the multilateral environmental agreements, greater funding for UNEP and more effective use of the Global Environment Facility by the implementing agencies.
7. A discussion on this topic will further the current efforts of UNEP to implement the Bali Strategic Plan for Technology Support and Capacity-building and sharpen the focus of UNEP on building partnerships with other United Nations agencies and relevant stakeholders.

¹ Adopted by the General Assembly in resolution 60/1 of 16 September 2005.
² A/61/583.

II. Legislative mandate

8. The Malmö Ministerial Declaration, adopted by the Governing Council at its sixth special session, held in Malmö, Sweden, in May 2000, identified the need to review 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 to address effectively wide-ranging environmental threats in a globalizing world. The need to strengthen the role of UNEP in this regard and broaden and make more predictable its financial base were also underscored. In dealing with those issues, decision SS.VII/1 on international environmental governance, adopted by the Governing Council at its seventh special session, in Cartagena, Colombia, in February 2002, identified a set of intergovernmentally agreed recommendations, calling, among other things, for:

- (a) Improved coherence in international environmental policy-making, by strengthening the role and structure of the Governing Council/Global Ministerial Environment Forum, addressing the question of its universal membership and strengthening the scientific base of UNEP;
- (b) Strengthening the role and financial situation of UNEP;
- (c) Improved coordination among and effectiveness of multilateral environmental agreements;
- (d) Capacity-building, technology transfer and country-level coordination for the environment pillar of sustainable development;
- (e) Enhanced coordination across the United Nations system by strengthening the role of the Environment Management Group.

9. The Plan of Implementation of the World Summit on Sustainable Development (Johannesburg Plan of Implementation) stressed that Governing Council decision SS.VII/1 should be fully implemented. The adoption of the Bali Strategic Plan for Technology Support and Capacity-building is among the more recent developments in the implementation of that decision. All the issues addressed in that decision remain relevant in the current consideration of the United Nations reform process, as highlighted in the 2005 World Summit Outcome document.

10. The Governing Council, in its decision 23/1 of 9 February 2005, emphasized that all components of the recommendations on international environmental governance, as contained in decision SS.VII/1, should be fully implemented. In the same decision, the Council adopted the Bali Strategic Plan for Technology Support and Capacity-building and requested its full implementation and addressed also the other components of its decision SS.VII/1. The General Assembly, in its resolution 61/205 of 20 December 2006, noted the continued discussions on international environmental governance at the Governing Council at its twenty-fourth session. In the same resolution, the General Assembly emphasized the need to advance further and fully implement the Bali Strategic Plan for Technology Support and Capacity-building and the need to enhance further coordination and cooperation among relevant United Nations organizations in the promotion of the environmental dimension of sustainable development. The Assembly also recognized the need to strengthen the scientific base of UNEP and reiterated the need for stable, adequate and predictable financial resources for UNEP. The Assembly also decided to consider at its sixty-fourth session, if necessary, the issue of universal membership of the Council/Forum.

III. International environmental governance

11. In the appendix to decision SS.VII/1 on international environmental governance, which was endorsed by the World Summit on Sustainable Development in the Johannesburg Plan of Implementation, the Governing Council points out that the current debate on the requirements for a more coherent and more effective international environmental governance regime is a continuation of international efforts over the past decade to develop institutional responses to underpin international action to confront the increase of environmental threats faced by all countries. The growing body of scientific evidence as to the seriousness of environmental degradation has led to a proliferation of legal and institutional arrangements for international cooperation aimed at addressing specific environmental problems. As a result, the international community has become increasingly concerned with not only establishing a strengthened framework for coordinated international action but also ensuring that the limited resources available are deployed in the best possible manner for optimal effect.

12. In the appendix, the Council further notes that the context within which international environmental policy formulation takes place has also evolved. Increasingly, environmental objectives are being pursued in the broader context of sustainable development as is evident in the work programmes of the recent mechanisms that have been established. Agenda 21 reaffirmed the role of UNEP as the principal body within the United Nations system in the field of the environment but also added that it should take into account the development aspects of environmental questions.

13. As emphasized in the Malmö Ministerial Declaration, there is a need to review 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. That structure should include a stronger role for UNEP, supported by a broadened and more predictable financial base. In response to that need, at its twenty-first session, in February 2001, the Governing Council embarked on an intergovernmental consultative process on international environmental governance, which was to be supplemented by inputs from other United Nations agencies and intergovernmental bodies, civil-society organizations, expert institutions and relevant stakeholders.

14. A new model of international environmental governance, as highlighted by the Executive Director in his report to the Governing Council at its seventh special session, must be predicated on the need for sustainable development that meets social, economic and environmental requirements. The environmental problems of today can no longer be dealt with in isolation since most of them are transboundary in nature and interrelated. The linkages between environmental issues and economic development are clear and would need to be considered holistically in any forward-looking approach dealing with the challenges of the next century. Any approach to strengthening and streamlining international environmental governance will need to respond to the following:

(a) Credibility – reformed institutional structures must command the universal commitment of all States, and also of all ministries in their Governments, and be based on transparency, fairness and confidence, ensuring that they are fully independent and have the capacity to advise and adjudicate on environmental issues;

(b) Authority – the reform process must ensure the development of an institutional mandate that is not challenged and provides a clear framework for the delineation of responsibility and accountability;

(c) Financing – adequate and stable financial resources linked to broader sustainable development objectives are a precondition for effective governance; and

(d) Participation of all stakeholders - given the importance of the environmental consequences of the actions of major groups, ways must be found of incorporating their views in decision-making because the incorporation of the viewpoints of major groups both enriches the environmental agenda and broadens its ownership.

15. Decision SS.VII/1 on international environmental governance of the Governing Council presents a set of recommendations as agreed by Governments. Those recommendations, aimed at making international environmental governance more coherent and effective, are increasingly becoming more relevant in the present United Nations reform process, including the follow up to the 2005 World Summit Outcome. Among the components of decision SS.VII/1, further attention should be given to the following:

(a) More effective use of the Governing Council/Global Ministerial Environment Forum, being which, in its capacity as a high-level environment policy forum, represents one of the cornerstones of an effective system of international environmental governance, in promoting international cooperation in the field of the environment, in providing broad policy advice and guidance, identifying global environmental priorities, and making recommendations, in accordance with paragraphs 2 (a) and 2 (b) of General Assembly resolution 2997 (XXVII) of 15 December 1972, supported by efforts to strengthen the scientific base of UNEP;

(b) Efforts by the Governing Council/Global Ministerial Environment Forum to identify ways and means of improving and strengthening its interrelationship with autonomous decision-making bodies, such as conferences of the parties to multilateral environmental agreements, with a view to enhancing coherent decision-making on global environmental issues of common interest to such bodies;

(c) Full and effective implementation of the Bali Strategic Plan for Technology Support and Capacity-building, not only as a strategic policy framework for UNEP to strengthen its services in

countries but also as a vehicle for enhancing coherence and coordination with Governments and other relevant organizations in providing capacity-building and technology support in the field of the environment;

(d) Increased funding for UNEP;

(e) Further enhancement of the role of UNEP in promoting cooperation in environmental programmes of the United Nations system, supported by efforts to strengthen the coordinating function of the Environment Management Group.

IV. Report of the High-level Panel on United Nations System-wide Coherence: “Delivering as One”

16. The United Nations reform process accorded a great deal of attention to the environment. At the 2005 World Summit, global leaders agreed on the need for renewed United Nations reform efforts to achieve greater system-wide coherence across the various United Nations agencies, funds and programmes. They specifically asked the Secretary-General to strengthen the management and coordination of United Nations operational activities, giving priority to maximizing the United Nations contribution to achieving internationally agreed development goals such as the Millennium Development Goals and to improving United Nations effectiveness, coherence and performance in the three key areas of development, environment and humanitarian assistance.

17. In the issues note prepared for the environment consultations in the context of the United Nations reform initiatives, the High-Level Panel on United Nations System-wide Coherence highlighted the need for better integration of the environment perspective within the broad principle of sustainable development in United Nations country-level activities. In the issues note, the Panel suggests that the best way to manage environment in the context of United Nations system country operations might include strengthening linkages between the normative system of the United Nations and its operational activities, enhancing the participation of non-resident agencies in United Nations country-level development activities and boosting the role of the United Nations resident coordinator system.

18. In addition, the Panel draws attention to the need to identify the challenges and constraints, particularly those encountered by UNEP, relating to the mainstreaming of environment in development decision-making.

19. Where the strengthening of the United Nations institutional framework on environment is concerned, the Panel states in the issues note that “the current system is characterized by fragmentation and a lack of coherence, including between the normative and operational aspects, hampering effectiveness and efficiency”.

20. The Panel’s report contains a number of recommendations of relevance to UNEP, including the following:

(a) International environmental governance should be strengthened and made more coherent, by upgrading UNEP with a renewed mandate and improved funding;

(b) UNEP should have real authority as the environmental policy pillar of the United Nations system, backed by normative and analytical capacity and with responsibility to review progress towards improving the global environment;

(c) The technical and scientific capacity of UNEP should be strengthened;

(d) Capacity should be built to promote the implementation of international commitments, the Bali Strategic Plan should be strategically implemented and, where necessary, UNEP should participate in United Nations country teams through the resident coordinator system;

(e) UNEP should take the lead in assisting countries in the two-step process of quantifying environmental costs and benefits and incorporating them into mainstream policymaking;

(f) United Nations agencies, programmes and funds with responsibilities in the area of the environment should cooperate more effectively on a thematic basis and through partnerships with a dedicated agency at the centre;

(g) A stronger partnership between UNEP (normative) and UNDP (operational) should build on their complementarities; and

(h) The Secretary General should commission an independent and authoritative assessment of the current United Nations system of international environmental governance.

21. In his note transmitting the Panel's report to the General Assembly, The Secretary-General indicated that, while the General Assembly would play "a critical role in the consultation and decision-making process related to the critical recommendations of the report", he had also requested the executive heads of the United Nations specialized agencies, funds and programmes to transmit the report to their individual governing bodies for their consideration.

V. General Assembly process

22. Regarding the General Assembly informal consultative process in follow up to paragraph 169 of the 2005 World Summit Outcome, the co-chairs' summary issued on 27 June 2006 referred to the views expressed by many delegations which, in the view of the co-chairs, would form a good basis for further discussions on specific proposals to improve the institutional framework for United Nations environment work. Their key conclusions and proposals include the following:

(a) Despite a steady increase in policy guidance, the world's natural resource base continues to be unsustainably used and the deterioration of environmental conditions persists unabatedly;

(b) The large number of bodies involved with environmental work has allowed specific issues to be addressed effectively and successfully, but has also increased fragmentation and resulted in uncoordinated approaches in both policy development and implementation;

(c) Whereas a large body of policy work has been developed and continues to expand, a growing gap remains between normative and analytical work and the operational level;

(d) Environmental concerns are not adequately integrated into United Nations development activities;

(e) Implementation of Bali Strategic Plan and strengthened cooperation between UNEP and UNDP based on their respective comparative advantages would significantly contribute to progress in these areas;

(f) UNEP continues to rely on a funding base that is neither stable nor predictable, which impedes its ability to fulfil its mandate effectively.

(g) The Governing Council/Global Ministerial Environment Forum might exercise a policy coordination role in terms of programmatic activities, long term strategies and budgetary planning of the multilateral environmental agreements; and

(h) The Environment Management Group should not only improve coordination among its members, but also with other inter-agency mechanisms such as the United Nations Development Group.

VI. Questions for discussion

23. As part of the informal consultative process, the General Assembly recently circulated a questionnaire to Member States, which is reproduced in the annex to the present document. Ministers might wish to take the questions into consideration in their deliberations. In considering the questions, ministers might also wish to look at the underlying questions of what should be done to make environmental governance more effective and efficient in tackling global environmental challenges and what should be the role of UNEP in such governance, with regard to its Governing Council and secretariat and their relationship with multilateral environmental agreements and other agencies, with particular focus on the role of the ministries of environment.

Annex

Questionnaire circulated to Member States by the General Assembly as part of the informal consultative process

A. Implementation at the country level

1. What are the strengths and weaknesses of international agencies involved in the area of the environment (UNEP, UNDP, other United Nations entities, the World Bank and the multilateral environmental agreements) in supporting environmental objectives in your country or your area of activity in terms of scientific knowledge, normative and policy advice and operational support?
2. According to your national priorities, what activities should be developed in your country regarding scientific knowledge, normative and policy advice and operational support?
3. How can interaction between your country and the different entities, and also among these entities, be improved at the country level?
4. What is your assessment of the advancement of the implementation of the Bali Strategic Plan and other elements of the Cartagena outcome and how can implementation be improved?
5. How can countries be better supported in their efforts to integrate environmental objectives into development planning and operations, and also into economic policies? How can environmental objectives be better addressed in situations of natural disasters and complex emergencies?

B. Enhancement of global governance: recommendations for the different actors at a global level

6. What are your conclusions, in the light of experiences at country level, with regard to the cooperation of UNEP and UNDP, UNEP and the multilateral environmental agreements, the multilateral environmental agreements among themselves, UNEP and other United Nations entities, UNEP and the World Bank?
7. How can cooperation and coordination mechanisms be improved within the United Nations system and globally?
8. Can a strengthened UNEP effectively fulfil its mandate as the environmental pillar of the United Nations system?
9. What practical measures within existing mandates could be implemented in order to enhance the effectiveness of United Nations activities on the environment? Are changes in the mandates of the different entities necessary?

C. Funding

10. What are the strengths and weaknesses of present funding schemes in terms of the timely availability of sufficient funds?
11. How can improvements in funding be achieved?

D. Partnerships

12. How can partnerships of the global environmental governance system with civil society, business and science communities be strengthened?
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