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Policy issues: emerging policy issues

**Improving the modalities of the Governing Council/Global
Ministerial Environment Forum, particularly ministerial-level
consultations**

Note by the Executive Director

The Executive Director has the honour to present, in the annex to the present note, a paper outlining a possible way forward for improving the modalities of the Governing Council/Global Ministerial Environment Forum, particularly ministerial-level consultations. During the preparation of the paper, a number of Government representatives, including environment ministers, submitted their views on the subject. In addition, members of the Committee of Permanent Representatives, at their consultative meetings with the secretariat of the United Nations Environment Programme (UNEP) held in September and October 2006, expressed their opinions on the subject. Those views and opinions have been reflected in the paper as appropriate. The annex is being issued without formal editing.

* UNEP/GC/24/1.

Annex

Improving the modalities of the Governing Council/Global Ministerial Environment Forum, particularly ministerial-level consultations

Introduction

1. The role of UNEP, as the principal United Nations body in the field of the environment, is to be the leading global environmental authority that sets the global environmental agenda that promotes the coherent implementation of the environmental dimension of sustainable development within the United Nations system and that serves as an authoritative advocate for the global environment.¹ For UNEP to be able to undertake this role in the institutional architecture of international environmental governance and to address a broad range of environmental threats facing the world, the functions of the Governing Council of UNEP - the primary intergovernmental forum within the United Nations system in the field of the environment - should be fully discharged and further strengthened.

2. Among its main functions and responsibilities identified by the General Assembly in its resolution 2997 (XXVII) of 15 December 1972, the Governing Council is to promote international cooperation and recommending relevant policies, provide general policy guidance for the direction and coordination of environmental programmes within the United Nations system and keep under review the world environmental situation to ensure that emerging internationally significant environmental problems receive due consideration by Governments.²

3. In subsequent years, in parallel to the progress in incorporating environmental components into the work of UN system bodies, programmes, funds and agencies as well as the development in multilateral environmental agreements, the respective governing bodies of those organizations and entities started addressing a wide range of environment and environment-related issues, often without coordination among themselves. In order to overcome such fragmented approach to inter-governmental policy making and provide a forum in which high-level debate on global issues is informed by a comprehensive approach to the international environmental agenda, the Global Ministerial Environment Forum was established in accordance with General Assembly resolution 53/242 of 28 July 1999. Under this resolution, the Governing Council of UNEP constitutes an annual, ministerial-level global environmental forum (Global Ministerial Environment Forum) in the years it meets in regular session, and in alternate years, in the form of a special session of the Governing Council.³

4. The function of the Global Ministerial Environment Forum, as set out in that resolution, is to review important and emerging policy issues in the field of the environment, with due consideration for the need to ensure the effective and efficient functioning of the governance mechanisms of UNEP, as well as possible financial implications, and the need to maintain the role of the Commission on Sustainable Development as the main forum for high-level policy debate on sustainable development. Its establishment was direct response to the perception of institutional fragmentation and loss of policy coherence with growth in the number of separate environment-related intergovernmental processes, and was thus intended to begin the process of regaining policy coherence in this field.⁴

¹ The Nairobi Declaration on the Role and Mandate of the United Nations Environment Programme, decision 19/1 of the Governing Council.

² General Assembly resolution 2997 (XXVII), Part I, Paragraphs 2(a), (b) and (d).

³ The Governing Council constitutes the Global Ministerial Environment Forum when it acts like a forum which performs the tasks defined in paragraph 6 of resolution 52/242. The General Assembly did not decide on the establishment of a new organ in that resolution, and GMEF does not have its own independent legal standing or status: it is a forum for discussions and dialogue. The Governing Council, when it acts as the Global Ministerial Environment Forum, should adjust and modify its working methods in a way that should allow it to serve as a forum with universal participation at a ministerial-level to review policy issues in the field of environment. (Legal opinions of the United Nations Legal Counsel/Under-Secretary-General for Legal Affairs as contained in document UNEP/IGM/4/INF/5/Rev.1 of 1 December 2001.)

⁴ Report of the Secretary-General: Environment and human settlements (A/53/463, 6 October 1998), paragraph 24.

5. Given the need for a high-level environment policy forum as one of the cornerstones of an effective system of international environmental governance, the Governing Council/Global Ministerial Environment Forum should be utilized more effectively both in promoting international cooperation in the field of the environment, in providing broad policy advice and guidance, identifying global environmental priorities, and making recommendations.⁵

6. The report of the Informal Consultative Process on the Institutional Framework for the UN's Environmental Activities issued in July 2006 highlighted the importance for ministers attending the Governing Council/Global Ministerial Environment Forum to engage in substantive discussions that would result in decisions – to have a multi year work plan, to monitor multilateral environmental agreements policy development and implementation, and to interact in a meaningful manner with other inter-governmental forums and conferences of parties of multilateral environmental agreements.

7. The Secretary-General's High-level Panel on UN System-wide Coherence in the Areas of Development, Humanitarian Assistance, and the Environment, in its report entitled "Delivering as One", recommended that international environmental governance should be strengthened by upgrading UNEP with a renewed mandate and improved funding, and an upgraded UNEP should have real authority as the "environmental policy pillar" of the UN system, backed by normative and analytical capacity and with broad responsibility to review progress towards improving global environment, and UNEP should provide substantive leadership and guidance on environmental issues.⁶ Without prejudice to future discussions by Member States on those recommendations, these are of direct relevance to the functions of the Governing Council/Global Ministerial Environment Forum.

8. Given this background, the present paper highlights the organizational aspects of the Governing Council/Global Ministerial Environment Forum, in particular ministerial-level consultations, and presents suggestions with a view to improving them.

Agenda setting

9. In order to ensure that the Governing Council/Global Ministerial Environment Forum effectively serves as a global intergovernmental forum to address coherent environmental policies, it is essential that its agenda allow the Council/Forum to carry out its functions and responsibilities identified by General Assembly resolution 2997 (XXVII) and other relevant legislative authorities. The Global Ministerial Environment Forum, taking the form of ministerial-level consultations at the Governing Council, should therefore identify themes for its debate on important and emerging policy issues in the field of the environment bearing in mind the functions and responsibilities of the Governing Council and in general the role of UNEP. Such themes may cover important issues identified against a longer-term strategic direction of global environmental agenda as well as emerging issues that have to be identified based on a high-priority given to such issues in a relatively short time-frame.

10. Selection of themes for discussions at the ministerial-level consultations should be based on a sound and transparent process. In practical terms, possible themes for debate could be identified through the following:

- Proposals submitted by Member States or themes identified by the Governing Council/Global Ministerial Environment Forum for its future consideration;
- Themes arising from the United Nations summits and major conferences (such as the 2005 World Summit Outcome) as well as the General Assembly or other principal bodies of the United Nations;
- Global Environmental Outlook reports and its yearbooks or other assessment reports on specific subjects prepared by the Executive Director;

⁵ GC decision SS.VII/1 on international environmental governance, appendix, paragraph 11.

⁶ The report of the Panel, dated 9 November 2006, is contained in the note by the Secretary-General to the sixty-first session of the General Assembly (A/61/583, 20 November 2006).

- Proposals by the Executive Director to bring certain issues to the attention of the Governing Council/Global Ministerial Environment Forum as mandated by the General Assembly in part II of its resolution 2997 (XXVII).

11. The Governing Council/Global Ministerial Environment Forum should determine its own agenda and themes for discussions at the ministerial level consultations, on the basis of the merits it has identified. It may coincide with the themes identified for sessions of the Commission on Sustainable Development under its multi-year work programme⁷ but the themes of the Commission should be deemed as merely indicative areas from which the Council/Forum could choose for its debate, rather than the mandatory list of issues that defines the scope of the themes for ministerial-level consultations of the Council/Forum.

12. As a priority, the Global Ministerial Environment Forum should focus on topics that urgently need to be addressed and most relevant to the goals of UNEP. There could be a possible strategic theme to guide policy debate at a series of sessions of the Council/Forum for ministerial-level consultations, which could be identified, for instance, in a Global Environment Outlook report issued once every four years. Such a strategic theme could be supplemented by specific sub-themes to provide further focus.

13. In accordance with the functions and responsibilities of the Governing Council, both thematic clusters and cross-cutting issues associated with environmental programmes within and outside of the United Nations system would be of interest to the Global Ministerial Environment Forum. In this context, the Council/Forum may wish to address such issues as may be relevant under multilateral environmental agreements policy development and implementation. Also, with a view to enhancing coherence in environmental policy making, the Council/Forum may wish to interact in a meaningful manner with other inter-governmental forums and conferences of parties of multilateral environmental agreements.

14. An effort should be made to present a single important and emerging issue for ministerial-level consultations. In any event, the number of the themes should be limited to no more than two.

Preparatory process

15. It is important to identify themes for debate at the ministerial consultations well in advance of the session of the Governing Council/Global Ministerial Environment Forum. Background information on the themes, such as the relevant assessments (e.g. a GEO report, other UNEP assessments on thematic issues) or analytical reports should be made available to Governments as early as possible after the decision concerning the themes is made. Ministerial-level consultations at the Council/Forum should be carefully prepared, supported by adequate documentation (e.g. a targeted assessment or analytical reports.)

16. Subject to the themes identified, each Government should undertake inter-ministerial consultations to ensure that the voices of environment ministers represent also the voices of all other relevant ministers.

⁷ The multi-year programme of work of the Commission on Sustainable Development (E/2003/29; E/CN.17/2003/6) is the following:

Thematic cluster:

2004/2005: Water; Sanitation; Human settlements

2006/2007: Energy for sustainable development; Industrial development; Air pollution/Atmosphere; Climate change

2008/2009: Agriculture; Rural development; Land; Drought; Desertification; Africa

2010/2011: Transport; Chemicals; Waste management; Mining; Ten-year framework of programmes on sustainable consumption and production patterns

2012/2013: Forests; Biodiversity; Biotechnology; Tourism; Mountains

Cross-cutting issues, applicable every year in all the cycles under thematic clusters:

Poverty eradication; changing unsustainable patterns of consumption and production; protecting and managing the natural resource base of economic and social development; sustainable development in a globalizing world; health and sustainable development; sustainable development of small island developing States; sustainable development for Africa; other regional initiatives; means of implementation; institutional framework for sustainable development; gender equality; and education.

17. Where regional or sub-regional intergovernmental environmental forums meet prior to the Council/Forum, Governments in such forums should be informed of the themes for debate. In case coordination among Governments is required to address certain themes, those regional or sub-regional forums might provide an opportunity to elaborate on their views.
18. The Committee of Permanent Representatives to UNEP should continue to be kept informed and play an active role throughout the preparatory process leading to ministerial-level consultation as part of the overall process for the preparation of the next session of the Governing Council.
19. The Environmental Management Group should be invited to collect, analyze and submit the views of the organizations within the United Nations system.
20. Regarding inputs from major groups and civil society organizations, regional preparatory processes leading to a Global Civil Society Forum should be further supported.

Format of debate

21. The Global Ministerial Environment Forum, as originally conceived by the United Nations Task Force on Environment and Human Settlements, is designed for high-level consideration of environmental issues through a format that allows for actual debate and fewer statements, more in-depth discussions, more interaction with major groups and structured efforts to produce innovative strategies that can meet tomorrow's challenges.⁸
22. For in-depth debate on high-priority issues, an appropriate modality of discussions is required. As universal participation is encouraged at the ministerial-level consultations, all ministers and heads of delegation present at the Council/Forum would be participating in the debate. Given a large number of ministers and heads of delegation present, and also taking into account the size of each delegation (especially smaller delegation from developing countries), there are pros and cons regarding the plenary round table setting vis-à-vis smaller working group setting. Presently the combination of the two approaches is being introduced. General discussion on a theme in the plenary setting with the participation of all delegations is to be followed by a number of smaller ministerial roundtables for actual debate on the same theme, and each ministerial roundtable group report back to the plenary setting when it is reconvened to wrap up the debate as a whole.
23. The experience gained since the first Global Ministerial Environment Forum held during the sixth special session of the Governing Council in Malmö, Sweden in May 2000 suggests that ministers present at the Council/Forum should become facilitators of debate.

Participation of major groups

24. For the Global Ministerial Environment Forum as a forum for debating important and emerging policy issues, active interaction with major group representatives in the ministerial-level consultations would be of great value and make the Council/Forum the place for airing the critical environmental issues of the time. It should go beyond the current arrangements to transmit the outcomes of the Global Civil Society Forum and a few of its representatives given limited opportunity to present their short statement. A possible way forward for ensuring more active interaction between ministers and heads of delegations and major groups might be to hold an informal dialogue meeting between them.
25. In general, more active interaction between Government representatives and the representatives of major groups and civil society organizations during the Governing Council/Global Ministerial Environment Forum should be sought. A possible way forward to overcome the limitation with respect to the scope of eligible nongovernmental organizations to participate in the Governing Council/Global Ministerial Environment Forum, the Council/Forum may be invited to agree to recognize the Global Civil Society Forum as an in-session arrangement to act as if it were a participating international entity of its own through which nongovernmental organizations, participating in the Global Civil

⁸ Report of the Secretary-General: Environment and Human Settlements (A/53/463) of 6 October 1998, Annex: Report of the United Nations Task Force on Environment and Human Settlements, paragraph 46.

Society Forum would be able to better engage with the Council/Forum. In addition, Governments should consider including in their delegation the representatives of major groups.

Interaction with other UN agencies and other intergovernmental organizations

26. It is important to enhance collaboration between the Council/Forum as the intergovernmental environmental policy forum and relevant inter-agency coordination mechanisms of the United Nations system, especially through the Environment Management Group. For discussions of the themes where there are close relationships between the environment and other subjects on which the major competence lie in other UN organizations (e.g. UNDP for development cooperation, WHO for health, FAO for agriculture, UNESCO for culture and education, IMO for maritime affairs, etc), UNEP should seek their active role in providing relevant inputs both in the preparatory process and at the Council/Forum. Active participation of the executive heads of UN agencies and other intergovernmental organizations, including the conferences of parties or the secretariats of the multilateral environmental agreements, in the ministerial-level consultations discussions would enrich the discussions.

Outcomes

27. A review of important and emerging policies issues by ministers and heads of delegations at the Governing Council/Global Ministerial Environment Forum should generate impact on policies of Governments, United Nations system in the field of the environment (including UNEP), as well as other organizations and stakeholders, by providing guidance or directions from the governing body of UNEP being the leading global environmental authority that sets the global environmental agenda, that promotes the coherent implementation of the environmental dimension of sustainable development within the United Nations system and that serves as an authoritative advocate for the global environment. For this purpose, a focused document should be prepared in advance to assist its deliberations.

28. The outcomes of the debate at the Global Ministerial Environment Forum, taking the form of ministerial-level consultations at the Governing Council, may not need to be always translated into UNEP action, since it could address wider issues than the mandate of UNEP (e.g. Malmö Ministerial Declaration), and in order for the messages to be powerful and authoritative, they should be agreed upon at the Council/Forum. Depending on the subjects and views among delegations, it may or may not involve negotiations.

29. Possible format of the outcomes of the Global Ministerial Environment Forum might take the form of one of the following:

- Decisions of the Governing Council, as a formal way to express a unified voice of the Governing Council on the matter resulted from policy debate in the Global Ministerial Environment Forum;
- A Chair's summary, as agreed at the Forum, indicating agreements or recommendations on certain subject, should there be such agreements or recommendations. A short and sharp political message might be formulated in this manner. Alternatively, such agreements or recommendations may be recorded in the report of the meeting;
- In case the debate was primarily intended to exchange information or ideas, the outcomes reflecting various views of ministers and heads of delegation may be recorded either in a Chair's summary or in the proceedings of the session.

30. In case negotiated outcomes are desired, as was the case at the sixth and seventh special session of the Governing Council/Global Ministerial Environment Forum, government officials may be tasked with developing a negotiated outcome based on recommendations that emanate from the ministerial dialogues. Alternatively ministers could be provided in advance with options for draft decisions.

31. The outcomes of the debate at the ministerial-level consultation could indicate the need for taking actions at a future session of the Council/Forum, which might be accompanied by the instructions to the UNEP secretariat to undertake certain inter-sessional work (such as producing an analytical report or targeted assessment).

32. If there are divergent views on a specific subject at the ministerial-level consultation, it might be recorded in the proceedings or a Chair's summary, as appropriate.

Follow-up process

33. Where the outcomes of the ministerial-level consultations contain agreements or recommendations concluded at the Global Ministerial Environment Forum as a whole, even if it do not take the form of Governing Council decisions, there should be appropriate follow up, supported by action by the UNEP secretariat. Governments, where appropriate, either individually or collectively, may also undertake follow up action. The status of implementation should be reported to the Committee of Permanent Representatives to UNEP, and reviewed by the Council/Forum at its future sessions.
