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International environmental governance

**Synthesis of views of Governments concerning the question of
universal membership of the Governing Council/Global Ministerial
Environment Forum**

Note by the Executive Director

The annex to the present note contains a synthesis of views of Governments concerning the question of universal membership of the Governing Council/Global Ministerial Environment Forum.

* UNEP/GCSS.VIII/1/Rev.1.

Annex

Synthesis of views of Governments concerning the question of universal membership of the Governing Council/Global Ministerial Environment Forum

I. Introduction

1. In pursuance of General Assembly resolution 57/251 and Governing Council decision 22/17, part I, the Executive Director sent a letter on 16 June 2003 to all Governments inviting them to submit by 31 October 2003 their views on the question of universal membership of the Governing Council/Global Ministerial Environment Forum. An updated issue paper was enclosed with the letter for information (UNEP/IEG/UM/1/1), and is also before the Council/Forum at this session for consideration in document UNEP/GCSS.VIII/INF/11.

2. As of 1 March 2004, the UNEP secretariat had received written comments from the following Governments: Barbados, Canada, Chile, China, Georgia, Italy (on behalf of the 25 members and acceding States of the European Union), Malaysia, Mexico, Monaco, New Zealand, Norway, Philippines, Russian Federation, Slovenia, Switzerland, Syrian Arab Republic, Turkey, United States of America, Venezuela.

3. Of the 19 replies above (including the one representing the members and acceding States of a regional economic integration organization), 13 Governments expressed their support for universal membership, three were opposed, two others had not decided their positions and needed more time to consider the issue, and one indicated that the matter was being positively pursued.

4. In their respective replies, the Governments provided several reasons both in support of universal membership and against it, or observations pending their positions on this matter.

5. The following sections present views and comments of Governments focusing on the subjects addressed in the issue paper presented by the Executive Director, namely:

- (a) Legality;
- (b) Legitimacy; and
- (c) Practical and financial implications.

Other relevant comments or observations are also presented after those sections.

II. Legality

6. Those Governments that were in support of universal membership stated as follows:

(a) There are no legal, institutional or financial barriers to establishing universal membership of the Governing Council/Global Ministerial Environment Forum. The example of the United Nations Forum on Forests clearly shows that there are no institutional barriers;

(b) The rules of procedure of the General Assembly regarding main committees and subsidiary bodies justify that every Member State has the right to be represented in those bodies, which in turn support universal representation in its subsidiary body (such as the Governing Council).

7. The Governments that were against universal membership stated as follows:

- (a) Very few subsidiary bodies of the General Assembly have universal membership;

(b) It would be unjustified to consider universalizing the UNEP Governing Council separately from the other United Nations bodies with a limited membership without taking into account possible consequences of the precedent. There are concerns that giving UNEP universal membership would imply that universal membership should be adopted across the United Nations system.

8. Regarding the point above, a Government that was in support of universal membership stated that: “Establishing universal membership of the Governing Council should not be perceived as a precedent for altering the institutional framework of other decision-making bodies within the United Nations system.”

III. Legitimacy

A. Structures of international environmental governance to address global environmental problems

9. Those Governments that were in support of universal membership stated as follows:

(a) The continuing trend of environmental degradation and the related challenges for human well-being raise a strong need for universal environmental policy debate and guidance. The overarching goal should be the achievement of coherent, comprehensive, effective and efficient international environmental governance. The natural environment is universal, and many of the environmental problems that we face are universal. Each country is directly concerned by these global challenges. Therefore, the Governing Council/Global Ministerial Environment Forum, as the main international forum for policy guidance and review in environmental matters, needs to be universal too;

(b) Given the global or transboundary nature of environmental problems, the participation of countries in the overall management of UNEP should be universal and not limited to a group of countries. The decision-making process at UNEP, the leading global environmental authority, should be equally open to all countries, that is, fully universal;

(c) Universal membership could be an important step forward in strengthening international environmental governance and UNEP in particular.

10. The Governments that were against universal membership stated as follows:

(a) It is not understood what would be the aggregated value of establishing universal membership and why such status should be granted to a United Nations programme;

(b) History shows that universal participation, not universal membership, is important for the functioning of UNEP. Universal membership is a costly solution to a problem that does not exist.

B. Evolving mandate of UNEP

11. Those Governments in support of universal membership stated as follows:

(a) The fulfilment of the UNEP mandate to serve as the leading global environmental authority, setting the global environmental agenda, promoting the coherent implementation of the environmental dimension of sustainable development and serving as an authoritative advocate for the global environment requires that its membership be universal;

(b) The current membership of the Governing Council was based on the assumption that the main task of the Governing Council was to provide an executive body to guide the overall activities financed by the Environment Fund. It was not so much to be a representative world forum on global environment. The evolution of the role and mandate of UNEP over the past three decades justifies that those basic assumptions be reconsidered.

C. Broad based, transparent, inclusive decision-making and democratic representation

12. Those Governments that were in support of universal membership stated as follows:

(a) Universal membership would allow all United Nations Member States to participate in the decision-making process with full right and would facilitate and legitimize the decision-making process on global environmental matters;

(b) There is a growing demand for more inclusive, transparent and democratic representation in intergovernmental forums on global environmental matters in order to address issues of concern of all States;

(c) While universal participation of Governments in the Governing Council/Global Ministerial Environment Forum has been established, the decision-making process is still limited to 58 members, which might have a negative impact on the perception of universal ownership by States of environmental initiatives and decisions made by the Governing Council/Global Ministerial Environment Forum. Legal steps should now be taken to establish universal membership;

(d) Policy matters are broadly discussed among both members and non-members of the Governing Council. However, the decision making process, including the possibility to submit formal proposals, is limited to members. This shortcoming must be remedied. Only with universal membership can the Governing Council/Global Ministerial Environment Forum effectively fulfil its role and be a representative world forum on global environmental issues;

(e) Environment ministers agreed in Governing Council decision SS.VII/1 on international environmental governance that the Governing Council/Global Ministerial Environment Forum should provide necessary overarching policy guidance. This requires that all members of relevant multilateral environmental agreements and processes also be members of the Governing Council/Global Ministerial Environment Forum and thus be directly involved in the formal decision-making process;

(f) A fuller, more transparent governance structure of the Governing Council/Global Ministerial Environment Forum, with universal membership, is especially important for small island developing States, many of which are not represented at the Committee of Permanent Representatives to UNEP.

13. A Government supporting universal membership stated that the Government was consistent in its traditional support for the principle of universal membership in all United Nations organizations to facilitate broad-based, inclusive decision-making, and it was also consistent with the outcomes of the intergovernmental process on international environmental governance.

14. Those Governments that were against universal membership pointed out as follows:

(a) A universal composition already exists within the UNEP Governing Council, which has been working adequately. It is important to recognize the open nature of the decisions of the Governing Council. In fact, the only restriction to countries that are not members of the latter is that they cannot participate in its voting sessions; and these only take place very occasionally, bearing in mind that most of the decisions are taken by consensus;¹

(b) Methods and practices exist within the Governing Council that are substantially or sufficiently democratic to ensure an adequate record of opinions both of Governing Council members as well as of the other United Nations Member States and partners, including representatives of civil society;

¹ In addition, non-members cannot become officials of the Bureau of the Governing Council, although this point was not raised in the comment.

(c) All countries, members and non-members alike, benefit from universal participation at UNEP. All countries' ministers are encouraged to participate actively at the Governing Council/Global Ministerial Environment Forum and many do so. Countries with an interest in UNEP activities are given a voice and a role through universal participation;

(d) In practice, the Governing Council of UNEP takes almost every decision by consensus. No example is known of any Governing Council decision that disadvantaged or ignored the view of a country because it lacked the right to cast a formal vote.

D. Sense of ownership

15. Those Governments that were in support of universal membership pointed out that universal membership would ensure wider support and stronger ownership by Governments of the Governing Council/Global Ministerial Environment Forum and its decisions.

E. Relationship with global environmental conventions

16. Some Governments that were in support of universal membership stated that: "UNEP has an important role in relation to coordination of environmental activities in the United Nations system, including the need to improve coordination among multilateral environmental agreements that have universal membership," and that "consideration should be made on the need to follow the same principle of membership in the respective decision-making forums in order to ensure that decisions carry equal weight and enjoy universal support."

17. A Government that was against universal membership was of the view that: "If universal membership seeks to achieve a higher harmonization among different multilateral environmental agreements, such a process has already been happening within the respective multilateral environmental agreements. Such coordination process should be undertaken by the conferences of parties to multilateral environmental agreements and the respective secretariats."

F. Environmental pillar of sustainable development and other United Nations bodies, funds and programme

18. Some Governments that were in support of universal membership stated as follows: "If the Governing Council/Global Ministerial Environment Forum would be strengthened through universal membership, other dimensions and institutions of sustainable development within the United Nations system would profit likewise. Since the work and activities of the different United Nations institutions are interlinked, strengthening of one pillar of sustainable development will result in strengthening other pillars too."

19. Some other Governments that were against universal membership stated as follows:

(a) If universal membership seeks to contribute to the environmental dimension of sustainable development and to the work of the Commission on Sustainable Development, such intention is already materialized at the Commission on Sustainable Development;

(b) It was noted that the lack of universal membership does not prevent entities such as the Commission on Sustainable Development, the United Nations Development Programme (UNDP), the United Nations Population Fund (UNFPA), the United Nations Children's Fund (UNICEF) and the United Nations Human Settlements Programme (UN-HABITAT) from carrying out their important work. By creating universal membership, UNEP would be breaking away from established practice in the United Nations system.

IV. Practical and financial implications

A. Practical implications

20. The Government of a developing country that was in support of universal membership pointed out that a greater number of countries would be required to have effective capacity for decision-making and, for that purpose, there would be a substantial increase in demand for financial and technical resources as well as training and other resources.

21. A Government that was against universal membership stated that: "There is a possibility that the realization of the formally democratic idea of universal membership in practice will result in a more complicated decision-making process within UNEP and lead to changes of a structural and financial nature."

B. Financial implications

22. A Government that was in support of universal membership stated that its support for the Governing Council with universal membership was based on the understanding that conference service costs would be provided for by the United Nations regular budget without any increase in contributions.

23. Another Government, expressing its support for universal membership, stressed the importance of securing predictable financial resources that would guarantee the participation in the Governing Council/Global Ministerial Environment Forum of at least one representative per country.

24. The Governments that were against universal membership stated as follows:

(a) Universal membership of the Governing Council/Global Ministerial Environment Forum would imply an important increase in UNEP financial costs, especially regarding financial support to the adequate and balanced participation of developing countries. Travel of ministers would demand a proportional mobilization of political, diplomatic and technical personnel from developing countries comparable to that from developed countries. This cannot be accomplished by developing countries and it is not known whether voluntary contributions could satisfy this basic need of equity in the negotiations;

(b) The adoption of universal membership would be likely to lead to significantly higher administrative costs to the organization, and the likelihood that conferences would be larger and longer. Since additional travel and conference costs would come out of core resources, less money would be available for programming.

C. Further aspects

25. A Government stated in support of universal membership that: "There are several areas that need more consideration if universal membership is accepted. These include whether there is a need to establish a more limited executive board, to supplement a universal assembly, in line with the governance structure of most specialized agencies."

V. Other comments or observations

A. General observations

26. Those Governments that were positively to consider this issue further also provided their comments, including the following:

(a) They firmly support a stronger role by UNEP in the international environmental agenda;

(b) The reform of the UNEP Governing Council should be considered in coordination with reforms of other economic and social institutions of the United Nations system, taking into account cross-cutting issues;

- (c) The discussion on establishing universal membership for the Governing Council/Global Ministerial Environment Forum is very important;
- (d) Their priorities include transparency, clarity of procedures and governance and conference formats that correspond to best practice;
- (e) More time is needed to reflect further on the legality, legitimacy and practical and financial implications of establishing universal membership of the Governing Council/Global Ministerial Environment Forum;
- (f) They welcome the issue paper of the Executive Director (UNEP/IEG/UM/1/1) as a positive contribution to the debate at the General Assembly, which was found very useful in presenting a comprehensive overview of issues. The analysis contained in the issue paper was found to be well balanced and clear in its treatment of the issues. The issue paper would serve as the basis for advice on policy formulation;
- (g) They welcome the invitation of the General Assembly to Member States, the Governing Council of UNEP and relevant bodies of the United Nations system to submit to the Secretariat their comments on the important but complex issue of establishing universal membership of the Governing Council/Global Ministerial Environment Forum, including its legal, political, institutional, financial and system-wide implications and its request to the Secretary-General to submit a report incorporating those views to the General Assembly for consideration before its sixtieth session;
- (h) They reaffirm the need to strengthen the institutional framework for sustainable development at the international level, as highlighted in the Johannesburg Plan of Implementation of the World Summit on Sustainable Development, which underlined also that a vibrant and effective United Nations system is fundamental for the promotion of international cooperation for sustainable development and for a global economic system that works for all;
- (i) They reaffirm the importance of strengthening international environmental governance as part of broader efforts to strengthen the overall institutional structure for sustainable development;
- (j) Deliberations on improved international environmental governance should result in a strengthened UNEP, where all countries are entitled to participate on an equal basis.

27. One Government, representing members and acceding States of a regional economic integration organization, emphasized that they would actively pursue the issue of universal membership. It stated also that international environmental governance should be strengthened, building on existing structures, in particular UNEP. This could lead to the upgrading of UNEP into a United Nations specialized agency with a broadly based mandate on environmental matters. They were prepared to engage constructively in unprejudiced discussion on this prospect while fully supporting the role of UNEP as the leading global environmental authority, which include promoting the coherent implementation of the environmental dimension of sustainable development within the United Nations system, and acting as an authoritative advocate for the global environment.

B. Preparation of a report of the Secretary-General

28. One Government stated its expectation that the Secretary-General's report to the General Assembly, which incorporated countries' views on the issue, would be largely based on document UNEP/IEG/UM/1/1, complemented, where necessary, with additional observations from countries.