



**Governing Council
of the United Nations
Environment Programme**

Distr.
GENERAL

UNEP/GC.22/INF/36
19 December 2002



ORIGINAL: ENGLISH

**Twenty-second session of the Governing Council/
Global Ministerial Environment Forum**

Nairobi, 3-7 February 2003

Item 4 (e) and 6 of the provisional agenda *

**Policy issues: International environmental governance
Outcome of the World Summit on Sustainable Development**

**ISSUE PAPER CONCERNING THE QUESTION OF UNIVERSAL MEMBERSHIP OF THE
GOVERNING COUNCIL/GLOBAL MINISTERIAL ENVIRONMENT FORUM OF THE
UNITED NATIONS ENVIRONMENT PROGRAMME**

Note by the Executive Director

The Executive Director has the honour to submit in the annex to this note an issue paper concerning the question of universal membership of the Governing Council/Global Ministerial Environment Forum of the United Nations Environment Programme (UNEP). The issue paper has been prepared by the secretariat in consultation with the Office of Legal Affairs and other relevant offices of the United Nations.

* UNEP/GC.22/1

K0263556 201202

Annex

UNIVERSAL MEMBERSHIP OF THE GOVERNING COUNCIL/GLOBAL MINISTERIAL ENVIRONMENT FORUM OF THE UNITED NATIONS ENVIRONMENT PROGRAMME

I. BACKGROUND

1. When founding the United Nations Environment Programme (UNEP), the General Assembly, in its resolution 2997 (XXVII) of 15 December 1972, prompted by its awareness of the “urgent need for a permanent institutional arrangements within the United Nations system for the protection and improvement of the environment”, decided to establish a Governing Council of UNEP, composed of 58 members elected by the General Assembly for three-year terms on the following basis: 16 seats for African States; 13 seats for Asian States; six seats for Eastern European States; 10 seats for Latin American States; and 13 seats for Western European and other States.

2. In the same resolution the General Assembly decided that the Governing Council should report annually to the General Assembly through the Economic and Social Council, so as to enable the Economic and Social Council to transmit to the Assembly such comments on the reports as it might deem necessary, particularly with regard to questions of coordination and to the relationship of environmental policies and programmes within the United Nations system to overall economic and social policies and priorities. This function of the Economic and Social Council is in line with Article 64 of the Charter of the United Nations, in which it is tasked with obtaining regular reports from specialized agencies and directing system-wide coordination and integration of environmental and developmental aspects of United Nations policies and programmes. The relationship between the Governing Council of UNEP and the Economic and Social Council has been further refined by the latter’s decision 1995/207 of 10 February 1995, in which it decided that, “when reviewing at its substantive session of 1995 the report of the Commission on Human Settlements on its fifteenth session and the report of the Governing Council of the United Nations Environment Programme on its eighteenth session, it would not consider new draft proposals, except for specific recommendations contained in those reports that required action by the Council and proposals on matters relating to the coordination aspects of the work of those bodies.” At subsequent sessions, the Economic and Social Council simply took note of the reports of the Governing Council of UNEP without taking any action.

3. Since its establishment, UNEP has evolved to meet the growing challenges of global environmental protection and decisions of the Governing Council have helped bring into life a number of multilateral agreements on global environmental issues. The 1992 United Nations Conference on Environment and Development (Earth Summit) and the global environmental conventions adopted on that occasion and over the succeeding years added, within the context of sustainable development, new elements to the mandate and functions of UNEP.

4. Reflecting such changes, the Governing Council of UNEP, in the Nairobi Declaration on the Role and Mandate of the UNEP¹ adopted by its decision 19/1 of 7 February 1997, declared that the role of UNEP was to be the leading global environmental authority that set the global environmental agenda, that promoted the coherent implementation of the environmental dimension of sustainable development within the United Nations system and that served as an authoritative advocate for the global environment. To that end, the Council decided to improve the governance structure of UNEP and, in that context, emphasized that UNEP should serve as a world policy and decision-making forum for ministers and high-level government officials in charge of environmental matters. The Declaration was endorsed by the General Assembly in its resolution S-19/2 of 28 June 1997, adopted on the occasion of the five-year review of the outcome of the Earth Summit.

5. As part of the United Nations reform initiative, launched by the Secretary-General in 1998 under the slogan “Renewing the United Nations”, the General Assembly, having considered the recommendation of the Secretary-General’s Task Force on Environment and Human Settlements, adopted resolution 53/242 of 28 July 1999. In that resolution, the General Assembly welcomed the proposal to institute an annual, ministerial-level, global environmental forum, with the Governing Council of UNEP constituting the forum

in the years it meets in regular session and, in alternate years, with the forum taking the form of a special session of the Governing Council, in which participants could gather to review important and emerging policy issues in the field of the environment, with due consideration for, among other things, the need to ensure the effective and efficient functioning of the governance mechanisms of UNEP, as well as possible financial implications.

6. The sixth special session of the Governing Council, held in Malmö, Sweden in May 2000, constituted the first Global Ministerial Environment Forum. The Governing Council/Global Ministerial Environment Forum adopted the Malmö Ministerial Declaration² on 31 May 2000. Referring to the then forthcoming preparatory process for the World Summit on Sustainable Development, the Declaration emphasized that the World Summit should 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 had the capacity effectively to address wide-ranging environmental threats in a globalizing world. The role of UNEP in this regard should be strengthened and its financial base broadened and made more predictable.

7. In pursuance of this objective the UNEP Governing Council at its twenty-first session established, by its decision 21/21 of 9 February 2001, the Open-ended Intergovernmental Group of Ministers or Their Representatives on International Environmental Governance to undertake a comprehensive policy-oriented assessment of existing institutional weaknesses as well as future needs and options for strengthened international environmental governance, including the financing of UNEP. The Open-ended Intergovernmental Group held four meetings between April and December 2001 to address these subjects, the outcome of which was submitted to the Governing Council/Global Ministerial Environment at its seventh special session.

8. At its seventh special session, held in Cartagena, Colombia, in February 2002, the Governing Council/Global Ministerial Environment Forum, in its decision SS.VII/1 of 15 February 2002 on international environmental governance, adopted the report of the Open-ended Intergovernmental Group of Ministers or Their Representatives on International Environmental Governance established by its decision 21/21. The report stated:

“The international environmental governance process has highlighted the need for a high-level environment policy forum as one of the cornerstones of an effective system of international environmental governance. To this end, 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, in accordance with paragraphs 2 (a) and 2 (b) of General Assembly resolution 2997 (XXVII). Such an approach should be pursued with full respect for the independent legal status and governance structures of other entities, and would be consistent with the mandate provided to the UNEP Governing Council in General Assembly resolution 2997 (XXVII), which states, in paragraphs 2 (b) and 2 (c), that it should provide general policy guidance for the direction and coordination of environmental programmes within the United Nations system, keep their implementation under review and assess their effectiveness. This approach could be achieved through a series of measures such as those proposed below:

“(a) Universal participation of Member States of the United Nations and members of its specialized agencies in the work of the Governing Council/Global Ministerial Environment Forum should be ensured. The question of establishing universal membership for Governing Council/Global Ministerial Environment Forum is an important but complex issue that should be considered in the broader context of the preparatory process of the World Summit on Sustainable Development and be reviewed at the twenty-second session of the Governing Council/Global Ministerial Environment Forum based on the outcome of the Summit [...]”

9. In its paragraph 140, the Plan of Implementation of the World Summit on Sustainable Development³ addresses the strengthening of the institutional framework for sustainable development at the international level. In its subparagraph (d), the Plan states:

“The international community should [...] fully implement the outcomes of the decision on international environmental governance adopted by the Governing Council of the United Nations Environment Programme at its seventh special session and invite the General Assembly at its fifty-seventh session to consider the important but complex issue of establishing universal membership for the Governing Council/Global Ministerial Environment Forum.”

II. ISSUES

10. The question of establishing universal membership for the Governing Council/Global Ministerial Environment Forum can be viewed from the following perspectives:

(a) **Legality:** Whether it is possible to establish universal membership within the legal framework of the United Nations;

(b) **Legitimacy:** The substantive differences between universally open membership and a limited membership of 58 elected members, where the legitimacy of the procedure and outcome of the decision-making process of the Governing Council/Global Ministerial Environment Forum are concerned;

(c) **Practical and financial implications:** The practical and financial consequences of establishing universal membership.

11. For the purpose of this paper, “universal membership” means membership open to all States Members of the United Nations, members of the specialized agencies or of the International Atomic Energy Agency (IAEA), following the customary practice in the United Nations. For the sake of brevity, references below to the “States Members of the United Nations” will also be understood to include members of the specialized agencies and of IAEA.

A. Legality

12. In its Article 22, the Charter of the United Nations states: “The General Assembly may establish such subsidiary organs as it deems necessary for the performance of its functions.”

13. Similarly, rule 96 of the rules of procedure of the General Assembly states: “The General Assembly may establish such committees as it deems necessary for the performance of its functions.” The main committees of the General Assembly thus established are listed under rule 98. Regarding their membership, rule 100 states: “Each Member may be represented by one person on each Main Committee and on any other committee that may be established upon which all Members have the right to be represented. It may also assign to these committees advisers, technical advisers, experts or persons of similar status.”

14. Rule 161 of the rules of procedure of the General Assembly, having referred to Article 22 of the Charter, states: “The rules relating to the procedure of committees of the General Assembly, as well as rules 45 and 60, shall apply to the procedure of any subsidiary organ unless the Assembly or the subsidiary organ decides otherwise.”

15. In application of these rules, the General Assembly established a number of its subsidiary bodies with universal membership, such as the United Nations Conference on Trade and Development (UNCTAD) and the Disarmament Commission, both of which are subsidiary organs of the General Assembly with universal membership (General Assembly resolution 1995 (XIX) of 30 December 1964 and resolution S-10/2 of 30 June 1978, respectively). The members of UNCTAD are the States Members of the United Nations. The Disarmament Commission is composed of all States Members of the United Nations, and it replaced a

limited-membership body established by the General Assembly by its resolution 502 (VI) of 11 January 1952.

16. As the Governing Council is a subsidiary organ of the General Assembly, there is no legal impediment to its universal membership or to changing the existing membership. Notwithstanding the broad mandate given to UNEP in its resolution 2997 (XXVII), however, the General Assembly limited its membership to 58, apparently viewing it more as an executive body set up to guide the overall directions of activities financed by the Environment Fund, than a representative world forum on global environmental issues. Given the evolution of the role and mandate of UNEP over the past three decades, it might justifiably be stated that there have been fundamental shifts in the basic assumption underlying this earlier notion. In addition, since the creation of the Global Ministerial Environment Forum, which has been legally established to serve as the same entity as the Governing Council, and bearing in mind that member States have expressed the view that the Global Ministerial Environment Forum should have universal participation (as stated in Governing Council decision SS.VII/1, adopted in Cartagena on 15 February 2002), the reconsideration of the formal membership of Governing Council/Global Ministerial Environment Forum as part of the strengthening of international environmental governance has become an important issue.

17. In addition, there have been more recent developments with regard to institutional arrangements within UNEP and those in related fields, such as the United Nations Human Settlements Programme (UN-HABITAT), that have a bearing on this question. Within UNEP, the Committee of Permanent Representatives has been established by the Governing Council as its subsidiary body with universal membership, allowing Member States of the United Nations and members of the specialized agencies to become members. The same applies to UN-HABITAT, where the United Nations Commission on Human Settlements established a Committee of Permanent Representatives as its subsidiary body with universal membership. These committees represent a growing demand for more inclusive, transparent and democratic representation in intergovernmental forums on global environmental matters. In another related field, the United Nations Forum on Forests has been established by the Economic and Social Council as its subsidiary organ with universal membership.

18. It should be noted also that membership of subsidiary bodies of the General Assembly or of the Economic and Social Council reflects the specific circumstances of the respective bodies, including the changes to their functions and mandate, and it is therefore necessary to examine the background of each case. For example, the membership of the Committee on Information, which was originally established by the General Assembly by its resolution 33/115C of 19 December 1978 as the Committee to Review United Nations Public Information Policies and Activities, has increased its membership from 41 member States to 98 member States, given the developments since its establishment. On the other hand, the General Assembly, by its resolution 48/162 of 20 December 1993, transformed the governing bodies of the United Nations Development Programme (UNDP), the United Nations Population Fund (UNFPA) and the United Nations Children's Fund (UNICEF) into executive boards responsible for providing intergovernmental support to and supervision of the activities of each fund or programme, which are subject to the authority of the Economic and Social Council, with 36 members each.

19. The above-mentioned United Nations Forum on Forests, as a subsidiary body of the Economic and Social Council with universal membership, presents another example. In general, as the General Assembly pointed out in its resolution 46/235 of 13 April 1992 concerning the framework of the restructuring and revitalization of the subsidiary machinery in the economic, social and related fields, "no single or uniform approach to restructuring and revitalization is applicable to all subsidiary bodies. Each body must be reviewed on its own merits through an open and thorough process". The issue of universal membership of the UNEP Governing Council/Global Ministerial Environment Forum should be considered on its own merits based on its unique background.

B. Legitimacy

20. Over the past three decades, global environmental issues have become vital components in the domestic political and economic priorities of all countries. Considerably more prominence is now given to environmental issues in discussions in the major organs of the United Nations, including the General Assembly. At the same time, it has been recognized as critically important that these processes should be as broadly representative as possible, and should include democratic, transparent and participatory mechanisms in order to address issues which are of concern to all States. To this end, the General Assembly welcomed the establishment of the Global Ministerial Environment Forum, as constituted by the Governing Council of UNEP. In the Nairobi and Malmö declarations, and also in the five-year review of the outcome of the Earth Summit by the General Assembly and the outcome of the World Summit on Sustainable Development, particular emphasis is placed on the role of UNEP in this process, as the global environmental authority and a world forum on global environmental issues.

21. Recent sessions of the Governing Council/Global Ministerial Environment Forum were actually attended by the representatives of between 120 and 140 States Members of the United Nations – far in excess of the 58 members of the Council. Such “universal participation” has become increasingly common and substantive policy matters are addressed with the active participation of both members and non-members, but the decision-making process is still limited to members. In rule 67 of the rules of procedure of the Governing Council, non-members are not accorded the right to vote. They may submit or sponsor proposals, but only members may request that such proposals be put to the vote. In addition, although the donor base of the Environment Fund has been expanded so that it currently includes contributions from more than 100 States, an anomaly exists through which many of the non-members who have made such contributions do not have the right to vote on matters related to the programme budget of UNEP.

22. With the increase in global environmental conventions during recent years, the enhanced mandate of UNEP, as set forth in chapter 38 of Agenda 21⁴, to undertake coordination among multilateral environmental agreements and between the multilateral environmental agreements and the activities of UNEP, have become much more important. The membership of these global conventions, such as those on climate change, ozone layer protection, biological diversity, desertification and hazardous chemicals and wastes, are open to all States and some even enjoy the participation of almost the entire membership of the United Nations. The Programme for the Further Implementation of Agenda 21⁵, adopted by the General Assembly at its nineteenth special session, pointed out that UNEP, in accordance with the relevant decisions of its Governing Council and in full cooperation with the conferences of the parties to and governing bodies of relevant conventions, should undertake better scientific assessment of ecological linkages between the conventions, identification of programmes that have multiple benefits and enhanced public awareness-raising with respect to the conventions (see para. 119 of the Programme).

23. In its resolution 54/217 of 22 December 1999, recalling the Programme for the Further Implementation of Agenda 21, the General Assembly emphasized the importance of facilitating and supporting the enhancement of linkages and coordination within and among environmental and environment related conventions, including by UNEP, with full respect for the status of the secretariats of the conventions and the autonomous decision-making prerogatives of the conferences of the parties to the conventions concerned. In resolution 55/198 of 20 December 2000, the General Assembly encouraged the conferences of the parties to, and the secretariats of, the United Nations Framework Convention on Climate Change, the Convention on Biological Diversity and the United Nations Convention to Combat Desertification in Those Countries Experiencing Serious Drought and/or Desertification, particularly in Africa, and also other international instruments related to environment and sustainable development, as well as relevant organizations, especially UNEP, including, as appropriate, the involvement of the Environmental Management Group, to continue their work aimed at enhancing complementarities among them with full respect for the status of the secretariats of the conventions and autonomous decision-making prerogatives of the conferences of the parties to the conventions concerned, and to strengthen cooperation with a view to facilitating progress in the implementation of those conventions at the international, regional and national levels and to report thereon to their respective conferences of the parties.

24. As progress in such mutually complementary undertakings depends directly on the political will of States Members of the United Nations and of parties to the relevant conventions, it is desirable to follow the same principle of membership in the respective decision-making forums, thereby ensuring that the decisions carry equal weight and enjoy universal support.

C. Practical and financial implications

25. Such universalization would have certain practical and financial implications, as described in the subsections below.

1. General Assembly

26. As reaffirmed in the United Nations Millennium Declaration, the General Assembly is placed in the central position as the chief deliberative, policy-making and representative organ of the United Nations. In its paragraph 143, the Plan of Implementation of the World Summit on Sustainable Development states:

“The General Assembly of the United Nations should adopt sustainable development as a key element of the overarching framework for United Nations activities, particularly for achieving the internationally agreed development goals, including those contained in the Millennium Declaration, and should give overall political direction to the implementation of Agenda 21 and its review.”

27. Seen in this context, with universal membership the Governing Council/Global Ministerial Environment Forum of UNEP would be assured of wider support and ownership of the decisions it made with a view to addressing environmental issues of global significance and this, in turn, would strengthen the role of the General Assembly.

2. Economic and Social Council

28. In resolution 2997 (XXVII), the General Assembly decided that the Governing Council should report annually to the General Assembly through the Economic and Social Council, which would transmit to the Assembly such comments on the reports as it might deem necessary, particularly with regard to questions of coordination and to the relationship of environmental policies and programmes within the United Nations system to overall economic and social policies and priorities.

29. In its paragraph 144, the Plan of Implementation of the World Summit on Sustainable Development states that, pursuant to the relevant provisions of the Charter of the United Nations and Agenda 21 provisions regarding the Economic and Social Council and General Assembly resolutions 48/162 of 28 December 1993 and 50/227 of 24 May 1996, which reaffirmed the Council as the central mechanism for the coordination of the United Nations system and its specialized agencies and supervision of subsidiary bodies, in particular its functional commissions, and to promote the implementation of Agenda 21 by strengthening system-wide coordination, the Council should, among other measures, increase its role in overseeing system-wide coordination and the balanced integration of economic, social and environmental aspects of United Nations policies and programmes aimed at promoting sustainable development. It should organize periodic consideration of sustainable development themes in regard to the implementation of Agenda 21, including the means of implementation. The Council should make full use of its high-level, coordination and operational activities and the general segments so as to take full account of all relevant aspects of the work of the United Nations on sustainable development. In this context, the Council should encourage the active participation of major groups in its high-level segment and the work of its relevant functional commissions, in accordance with the respective rules of procedure. It should promote greater coordination, complementarities, effectiveness and efficiency of activities of its functional commissions and other subsidiary bodies that are relevant to the implementation of Agenda 21.

30. With universal membership, the Governing Council/Global Ministerial Environment Forum of UNEP would be assured of wider support, the decisions it made in response to environmental issues of global

significance would be more inclusive and its ownership of them more transparent, and its relationship to the other dimensions of sustainable development would be strengthened. This in turn would contribute to the broad coordinating role foreseen for the Economic and Social Council. In addition, there is no limitation on the functional or operational relationship between the Economic and Social Council and any United Nations body with a larger membership than itself (i.e., as is evident in the case of UNCTAD). The existing relationship between the Economic and Social Council and UNEP would therefore not be adversely affected through a change in the latter's membership structure.

3. Commission on Sustainable Development

31. Following the Earth Summit, in its resolution 47/191 of 22 December 1992, the General Assembly requested the Economic and Social Council to set up a high-level commission on sustainable development as a functional commission of the Council, in accordance with Article 68 of the Charter of the United Nations. Consequently, the Economic and Social Council, in its resolution 1993/207 of 12 February 1993, established the Commission on Sustainable Development as a functional commission of the Council with the functions enumerated in paragraphs 3-5 of General Assembly resolution 47/191. The Council, in the same resolution, also decided that the Commission should be composed of 53 members elected from among the States Members of the United Nations and members of the specialized agencies for a term of office of three years according to the allocation of seats as specified in the resolution.

32. The Plan of Implementation of the World Summit on Sustainable Development further states, in its paragraphs 145 and 146:

“The Commission on Sustainable Development should continue to be the high-level commission on sustainable development within the United Nations system and serve as a forum for consideration of issues related to integration of the three dimensions of sustainable development. Although the role, functions and mandate of the Commission as set out in relevant parts of Agenda 21 and adopted in General Assembly resolution 47/191 continue to be relevant, the Commission needs to be strengthened, taking into account the role of relevant institutions and organizations. An enhanced role of the Commission should include reviewing and monitoring progress in the implementation of Agenda 21 and fostering coherence of implementation, initiatives and partnerships.”

“Within that context, the Commission should give more emphasis to actions that enable implementation at all levels, including promoting and facilitating partnerships involving Governments, international organizations and relevant stakeholders for the implementation of Agenda 21.”

33. As the principal United Nations body in the field of environment, UNEP in its work contributes primarily to the environmental dimension of sustainable development. If the views of the Governing Council/Global Ministerial Environment Forum of UNEP were more inclusive and universally representative, this would further contribute to the effective work of the Commission on Sustainable Development through a more universal ownership by the member States of environment-related initiatives and decisions. UNEP and the Commission on Sustainable Development each have clear and distinct intergovernmentally agreed mandates and a functional relationship based on intergovernmental decisions calling on UNEP to provide the environmental dimension to the work of the Commission on Sustainable Development. Whereas UNEP is a subsidiary body of the General Assembly, the Commission on Sustainable Development is a subsidiary body of the Economic and Social Council and their respective membership criteria are not related. As with the Economic and Social Council, a change in the membership of the UNEP Governing Council/Global Ministerial Environment Forum would therefore also have no adverse effect on its relationship with the Commission on Sustainable Development.

4. Financial implications

34. In accordance with General Assembly resolution 2997 (XXVII), the costs of servicing the Governing Council are borne by the regular budget of the United Nations. Since the sessions of the Governing Council had been designed to take into account participation of non-members as well as members, it is not foreseen that the change in membership from 58 to universal membership would increase the costs for servicing the Governing Council/Global Ministerial Environment Forum. These costs would normally relate to the production and distribution of documentation, interpretation, conference facilities, etc. As documentation, in compliance with the rules of procedure of the Governing Council/Global Ministerial Environment Forum, is already being provided to States Members of the United Nations, the volume would remain largely the same and few, if any, additional costs are anticipated. Similarly, meetings of the Governing Council/Global Ministerial Environment Forum have full interpretation services in all United Nations languages and no additional costs should be incurred in this regard. The conference facilities currently used by both UNEP and UN-HABITAT have proved adequate for meetings of such bodies as the conferences of the parties to the Convention on Biological Diversity and the Convention on International Trade in Endangered Species of Wild Fauna and Flora and, accordingly, it is not expected that extension of membership will pose any logistic problems.

35. Financial support for the travel of representatives of developing countries is not obligatory but has in the past been provided from trust funds of UNEP, based on voluntary contributions, and not from the United Nations regular budget. Such extrabudgetary support has been given to ministers and heads of delegations from both members and non-members of the Council. Extension of membership to all States Members of the United Nations thus would not substantially change the existing arrangements regarding support for travel, as all countries requesting such support are already evenly treated in terms of the available extrabudgetary resources. Such support will continue to be provided from voluntary contributions, i.e., extrabudgetary sources.

5. Organization of sessions

36. Currently, in accordance with the rules of procedure of the Governing Council, notifications of sessions of the Governing Council and all official Governing Council documents are formally distributed to all States Members of the United Nations through official channels of communication. Under rule 7 of the rules of procedure, the Executive Director is required to communicate the date of the first meeting of each session of the Governing Council to all States Members of the United Nations. Rule 64 requires the secretariat to distribute to all members of the Governing Council and any others participating in the session the text of resolutions, recommendations and other formal decisions adopted by the Governing Council, its sessional committees and other subsidiary organs, if any. Under the same rule, the secretariat is required to distribute the printed text of such resolutions, recommendations and other formal decisions, as well as the reports of the Governing Council to the General Assembly, after the close of the session, to all States Members of the United Nations. Hence, a change in the membership will not entail any increased load in the distribution of documents.

37. Procedures for taking decisions to hold a special session, or alteration of the date of a session, could remain the same or may be changed by member States if so required. Such changes, if necessary, could be effected when the rules of procedure of the Governing Council are amended to allow for universal membership. All States Members of the United Nations currently enjoy the right to request special sessions and propose items for the agenda of regular sessions under rule 5, paragraph 2 (a), and rule 9.

38. In the run-up to sessions of the Governing Council/Global Ministerial Environment Forum, the Committee of Permanent Representatives, as a subsidiary body of the Governing Council, prepares, pursuant to Governing Council decision 19/32 of 4 April 1997, the draft Governing Council decisions for submission to the Council. Since the membership of the Committee of Permanent Representatives is already open to all States Members of the United Nations, the modalities for the preparation of draft decisions will not be changed.

39. Conference facilities at the United Nations Offices in Nairobi have proved adequate for the regular sessions of the Council, with sufficient seating for all members of the Council as well as for non-members (respectively four and two per delegation). Under universal membership, the only change required would be for all delegations to be provided the same number of seats.

6. Conduct of business

40. The most significant change resulting from universal membership is that each Member State of the United Nations would then also become a member of the Governing Council, with a vote, and would accordingly be able to participate in the decision-making process with full rights. This is a departure from the current procedure, where only the 58 members of the Governing Council are allowed to vote, leaving over two-thirds of all States Members of the United Nations without such rights. Over 100 ministers attended each of the sessions of the Global Ministerial Environment Forum constituted with the Governing Council and they participated in policy debate on global environmental matters. Under current rules, about half of those ministers would not, however, be able to participate in the actual process of taking decisions, making proposals, adopting decisions or voting.

41. Rule 67 of the rules of procedure of the Governing Council permits non-member States to submit proposals, but such proposals may be put to the vote only at the request of members of the Governing Council. This limitation would fall away if all Member States enjoyed equal rights as members of the Council.

42. The introduction of universal membership might require amendments to certain provisions of the rules of procedure of the Governing Council, such as the quorum for meetings. Most of the rules will, however, remain valid.

D. Processes

43. In its Plan of Implementation, the World Summit on Sustainable Development invited the General Assembly at its fifty-seventh session to consider the issue of establishing universal membership for the Governing Council/Global Ministerial Environment Forum.

44. In reviewing the outcome of the World Summit and its implications for the work of UNEP and in pursuance of its decision SS.VII/1 of 15 February 2002, the Governing Council will also be reviewing progress in implementation of the outcome on international environmental governance and may also wish to address the question of its membership in this context.

¹ UNEP/GC.19/1, annex.

² UNEP/GCSS.VI/1, annex.

³ Report of the World Summit on Sustainable Development, Johannesburg, South Africa, 26 August to 4 September 2002 (United Nations publication, Sales No. E.03.II.A.1) chap. I resolution 2, annex.

⁴ Report of the United Nations Conference on Environment and Development, Rio de Janeiro, 3-14 June 1992, A/CONF.151/26/Rev.1 (Vol. I and Vol. I/Corr.1, Vol. II, Vol. III and Vol. III/Corr.1) (United Nations publication, Sales No. E.93.I.8 and corrigenda), Vol. I: Resolutions Adopted by the Conference, resolution 1, annex II.

⁵ S-19/2, annex.