

Informal consultations of the General Assembly on the institutional framework for the United Nations' environment work

Report

The mandate

The General Assembly - in paragraph 169 of its World Summit Outcome Document (A/RES/60/1) - recognized the need for more efficient environmental activities in the United Nations System, with enhanced coordination, improved policy advice and guidance, strengthened scientific knowledge, assessment and cooperation, better treaty compliance, while respecting the legal autonomy of the treaties, and better integration of environmental activities in the broader sustainable development framework at the operational level, including through capacity-building. It agreed to explore the possibility of a more coherent institutional framework to address this need, including a more integrated structure, building on existing institutions and internationally agreed instruments, as well as the treaty bodies and the specialized agencies.

Based on this decision, on 26 January 2006, the President of the 60th session of the General Assembly appointed Ambassador Enrique Berruga (Mexico) and Ambassador Peter Maurer (Switzerland) as Co-Chairs of the informal consultations of the General Assembly on the institutional framework for the UN's environment work. He also circulated a background note entitled "The institutional framework for the United Nations system's environmental activities", prepared by the Secretariat at his request.

The consultation process

First Stage

In order to have a structured debate, the Co-Chairs decided to engage delegations in an analytical discussion on the basis of a questionnaire relating to the issues mentioned in paragraph 169 of the Outcome Document.

Initial consultations were held in New York in March and April 2006, followed by discussions in Nairobi, from 2 to 5 May 2006, and Geneva on 16 and 17 May 2006, with Delegations, UNEP officials, representatives of Multilateral Environmental Agreements (MEA), civil society and representatives of specialized Agencies.

On 27 June 2006, the Co-Chairs presented a written summary, in which they highlighted the discrepancy between environmental degradation and insufficient efforts to cope with such challenges, as well as a significant gap in finance and a lack of capacity to deliver results. In spite of a lively debate on environmental governance and consensus on some policy issues, little concrete action had resulted in the past years.

Proposals from delegations during these early discussions could be put in two broad categories: a) incremental improvements, based on existing institutions; and b) transformational proposals, looking into a more fundamental overhaul of IEG. Many delegations highlighted the importance

of improving IEG within the broader framework of the sustainable development, and not on its own.

Second Stage

In a letter dated 5 October 2006, the PGA of the 61st session of the General Assembly informed Member States that she had asked the Co-Chairs to resume their consultations following the issuance of the report of the High-level Panel on System-wide Coherence.

On 18 and 23 January 2007, the Co-Chairs held a second round of consultations based on a more detailed set of questions that they had sent to delegations in advance, in order to facilitate a structured discussion.

On 2 and 3 February 2007, the Co-Chairs participated in the Paris Conference for Global Ecological Governance, convened by France. From 5 - 9 February 2007, they took also part in the 24th Session of the Governing Council / Global Ministerial Environment Forum of the United Nations Environment Programme in Nairobi, to brief participants on the process and receive inputs from environmental Ministries.

In a letter dated 24 May 2007, the PGA of the 61st session of the General Assembly announced that she had asked Ambassador Claude Heller, the new Permanent Representative of Mexico to the United Nations, to continue the work of his predecessor.

At this stage of the consultations some common views and persistent messages emerged, while important divergences of opinions endured.

Delegations supported the ideas that environmental degradation needed a stronger institutional UN set-up, improved international environmental governance (IEG), while avoiding duplications, and reinforced activities for capacity-building, partnerships, and scientific research.

However, in addressing these issues, delegations presented different, even divergent views: disagreements were about whether the system suffered from fragmentation or whether it had the advantage of a multiplicity of specialised bodies addressing specific environmental issues; there were also lively debates on the level of financial resources, and the scope of necessary changes.

Taking into account both the common and diverging messages, as well as suggestions for improvement, the Co-Chairs prepared a document entitled "Options Paper", with the aim to present in a schematic way the findings of the consultations, to translate suggestions into concrete proposals for strengthening the current international environmental governance, and to systematize options for decision-making.

On 14 June 2007, the Options Paper was presented to the Membership. It consisted of two parts: one dealt with the strengthening of current institutions, the other with the broader transformation of the system. This two-tier approach was intended to allow the Membership to move forward step-by-step while remaining attentive to longer-term perspectives.

The Co-Chairs remain of the firm opinion that reconciling the short-term and long-term, captured in the notion of "ambitious incrementalism", is the only way to find agreement on a way forward:

small steps that add value to the present IEG system should be taken first, so as to allow for a discussion about broader transformation afterwards.

The Options Paper also offered an analysis of the weaknesses of the system, made proposals structured around seven building blocks with a view of improving the present international environmental governance and addressed the issue of a more fundamental transformation in the future. The seven building blocks take up key issues addressed in previous reform attempts and make proposals for better implementation.

The proposals in the Options Paper were based on a series of principles, premises and conditions highlighted by delegations. They recognized the importance of sustainable development as an overarching concept for the discussion, mainstreaming and financing environmental activities, balancing capacity-building and compliance, and implementing previous decisions.

The proposals contained in the seven building blocks included:

1 Scientific assessment, monitoring and early warning capacity:

- Make UNEP a leading authority within the UN system for scientific assessment and monitoring on the state of the global environment, and create the position of a chief scientist at UNEP.
- Strengthen the Programme's capacity by building a network of scientific activity both within and beyond.
- Strengthen the Programme's capacity to provide Member States with authoritative advice on key aspects of global environmental challenges and early warning.

2 Coordination and cooperation at the level of agencies

- Aim to improve coordination on the operational and the policy levels.
- Strengthen the policy coordination capacities of UNEP and thus its ability to cooperate with other UN entities and the World Bank.
- Enhance the capacities within the UN system to integrate environmental objectives into related areas such as development cooperation, trade, and health.

3 Multilateral Environmental Agreements

- Cluster the MEAs by topics, programmatic and administrative tasks.
- Enhance cooperation and coordination amongst MEAs.
- Rationalise secretariat activities.

4 Regional presence and activities at the regional level

- Use regional offices of UNEP as entry points for scientific activities.
- Strengthen offices with regional organizations outside the UN.

5 Bali Strategic plan, technology support and capacity building

- Deepen and broaden capacity-building and technology support throughout the international environmental governance system.
- Foster implementation of the Bali Strategic Plan.
- Promote the Bali Strategic Plan as reference framework for operational activities.

6 Information Technologies, partnerships and advocacy

- Use Information Technologies for electronic meetings.
- Create a unified clearinghouse of best practices and lessons learned.

- Encourage partnerships with scientific entities, NGOs and business.

7 Funding

- Improve financing for environmental governance and for environmental activities through timely and adequate funding.

With regard to long-term perspectives, the Options Paper proposed to decide not later than by the end of the 62nd session of the General Assembly on the terms of reference for formal negotiations on a broader transformation of the IEG system, negotiations which should start no later than the beginning of the 63rd session of the General Assembly.

Before holding consultations on the Options Paper, the Co-Chairs participated in the “Meeting of Ministers of Foreign Affairs and Environment on Governance for Sustainable Development” in Rio de Janeiro, Brazil, on 3 and 4 September 2007. During the meeting, Ambassador Heller explained the Options Paper and its rationale.

On 10 September and 26 October 2007, the Co-Chairs held a round of consultations in order to receive feedback from Delegations on the Options Paper.

In a letter dated 4 October 2007, the President of the 62nd session of the General Assembly informed Member States that he had asked the Co-Chairs to continue consultations on the strengthening of environmental governance.

Consultations confirmed concurrent analysis and proposals on strengthening UNEP, the linkages between UNEP and UNDP, and better coordination between UNEP and the MEAs. Other issues such as the clustering of MEAs, financing and the transformation of UNEP into a UNEO were discussed controversially. Nevertheless, there was support from Delegations to continue the process.

Third Stage

From 20 – 22 February 2008, the Co-Chairs participated in the 10th Special Session of the Governing Council / Global Ministerial Environment Forum of the United Nations Environment Programme in Monaco, to brief participants on the process and get inputs. On 25 and 26 February, the Co-Chairs also held a series of briefings in the UN Offices in Geneva for Delegations, representatives of UN bodies and of civil society.

On 11 March 2008, the Co-Chairs had a series of exchanges with representatives of the World Bank and the Global Environmental Facility in Washington, DC.

During the consultations, financial issues emerged as of particular importance. In this regard, the Co-Chairs convened a panel on financing environmental activities on 17 March 2008, with the participation of the GEF, UNDP and the Inter-American Development Bank, in order to discuss these issues informally.

Another recurrent issue was capacity-building and a similar panel discussion on capacity-building for environmental governance was held on 24 April 2008, in New York.

Based on the feedback of the previous two years, the Co-Chairs drafted a proposal for a General Assembly resolution that was aimed at translating the Options Paper and the input received in subsequent discussions into legislative language. The draft resolution was presented to the Membership on 2 May 2008. It was modeled after the seven building blocks of the Options Paper, with proposals for:

- Strengthening the authority of UNEP, and giving the Secretary General enhanced leadership on the Environmental Management Group
- Scientific assessment, monitoring and early warning capacity
- Coordination at the level of agencies
- Multilateral Environmental Agreements
- Regional processes
- The Bali Strategic Plan, technology support and capacity-building
- Information Technology and partnerships
- Funding
- Next steps on broader transformation and institutional set-up

A few days after the presentation of the text, the Co-Chairs participated in the "Ministerial Meeting on International Environmental Governance", sponsored by Costa Rica and held in New York on 13 May 2008.

On 21 and 28 May and on 4 June 2008, consultations with Member States on the draft resolution were held. Delegations welcomed the draft resolution as a solid basis for discussion and engaged constructively. Although some of the comments were of general character, there were some recurring comments and suggestions for improving the text in order:

- to better reflect the issue of sustainable development throughout the resolution, in particular on regional presence and activities, the Bali Strategic Plan and financing;
- to better reflect the mandate of UNEP;
- to clarify wording on the relationship between the General Assembly and the Multilateral Environmental Agreements, as well as on the scope and limits of cooperation among them, taking into account the legal autonomy of the MEAs;
- to better explain the role of the Environment Management Group (EMG) and the Chief Executives Board (CEB) in international environmental governance;
- to further define financial proposals.

On the basis of the comments received, the Co-Chairs prepared a revised draft resolution, which was presented to the Membership on 23 July 2008. On 12 September 2008, a first feedback session was held.

The Co-Chairs were re-appointed by the President of the 63rd session of the General Assembly, as stated in his letter dated 7 October 2008.

On 30 October and 25 November 2008, a full and detailed reading of the revised draft resolution was held. At these readings, Delegations proposed specific amendments, additions and deletions to the text.

Observations

The detailed inputs presented were rich and substantive. Although some proposals might have offered opportunities for consensus, others faced more fundamental opposition, thus creating a serious divide.

There was general support for strengthening international environmental governance, but the extent and ambition of that strengthening presented difficult dilemmas:

A group of States advocated giving more weight to sustainable development in general and in particular to the importance of eradicating poverty. Other countries preferred an approach that focused on the environmental pillar of sustainable development and UNEP's role and interaction with other key actors in the UN system. A proposal of one group to better integrate environmental activities in development programmes could not find general support.

The scope and limits of the mandate of UNEP were discussed controversially, and while some States were of the opinion that part of the draft provisions sought to enlarge UNEP's mandate, other States were comfortable with the way the draft resolution reflected the mandate of UNEP.

One group of States explicitly supported the proposals on the EMG, including the idea to integrate the EMG in the framework of the CEB in order to ensure a coordinated approach of the UN system to sustainable development. However, a significant number of countries remained unconvinced of the usefulness of these proposals.

Even though many countries had complained in an earlier stage of the process about the workload that reporting and meeting obligations of an increasing number of MEAs placed on Member States, many delegations met proposals which tried to specify the cooperation expected from MEAs and the nature of their interaction with UNEP with reluctance and often referred to the legal autonomy of the MEAs. In this context, the distinction between recommendations to management and governance responsibility was once again an issue of concern.

Discussions took place on the Bali Strategic Plan for Technology Support and Capacity-building: should it serve as an overall guidance for operational activities of all environmental actors of the UN system or should it guide the work of UNEP only? Member States had diverging views.

Key proposals of the draft resolution, such as UNEP presenting to Member States a biannual consolidated overview of research activities, an annual consolidated appeal with needs, planned activities and estimated funding levels for all environmental capacity-building activities in the UN system as well as a call for a web-based, global environmental financial tracking mechanism were still not well understood and met with reluctance.

Not surprisingly, the issue of funding proved to be difficult. States had different views on whether new and additional resources are needed, but also on how to provide additional funding.

Whereas the proposal to continue discussions in the future to follow up on the implementation of the resolution and decide on additional steps to further strengthen environmental governance was not opposed as such, any attempt to specify the scope and direction of such discussion was met with resistance, and there was no unanimity on the best moment to request a report of the Secretary-General as a basis for continuing the discussions on environmental governance.

Conclusions and recommendations

The Co-Chairs found themselves in a situation, in which the attempt to move to a decision increased the difficulties in finding consensus. While agreement on a consensual resolution might be possible, a consensus document would likely fail to add value to existing decisions or could even risk to fall behind improvements decided in other intergovernmental fora, in particular in the context of UNEP's Governing Council/GMEF.

Given the opposing views on some fundamental issues, the Co-Chairs consider the chance of reaching a substantive decision during the 63rd session of the General Assembly to be very small. The Co-Chairs recommend to all interested parties to make the best use of upcoming intergovernmental meetings to remain seized of the matter.

Among such meetings, the upcoming 25th session of the Governing Council of UNEP would present an important opportunity to take stock and debate the course of action. International environmental governance is an important component of the decision SS.VII/1 from the Governing Council of UNEP, the so-called "Cartagena Package". The Co-Chairs hope that the discussions in Nairobi will allow Ministers of Environment to find a political compromise and entrust their delegations in New York with pragmatic, creative and constructive proposals, which allow improving the current system.

The Co-Chairs do not intend to call consultations, but they will remain available to Delegations for further informal interaction, in order to make a proposal on how best to continue this process during the 64th session of the General Assembly.

The Co-Chairs encourage Member States and interested organizations to offer other informal opportunities for interaction on this important issue.