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**Sustainable development: report of the Governing
Council of the United Nations Environment Programme
on its ninth special session**

**Universal membership of the Governing Council/Global
Ministerial Environment Forum of the United Nations
Environment Programme**

Report of the Secretary-General

Summary

The present report has been prepared in response to the request of the General Assembly to the Secretary-General, in paragraph 6 of its resolution 59/226 of 22 December 2004, to submit a report on the important but complex issue of establishing universal membership for the Governing Council/Global Ministerial Environment Forum of the United Nations Environment Programme, including its legal, political, institutional, financial and system-wide implications, incorporating the views expressed by Member States, the Governing Council and the relevant bodies of the United Nations system. The report outlines the process undertaken to consider the issue under the auspices of the Council/Forum, presents a concise summary of the views expressed by Member States and recommends to the Assembly to decide on a further process to consider this matter in the light of its consideration on the institutional framework for the environmental activities of the United Nations in follow-up to paragraph 169 of the 2005 World Summit Outcome (General Assembly resolution 60/1).

* A/61/150.



I. Introduction

1. Since its establishment by the General Assembly by its resolution 2997 (XXVII) of 15 December 1972, the United Nations Environment Programme (UNEP) has evolved to meet the growing challenges of global environmental protection. In accordance with that resolution, the Governing Council of UNEP is composed of 58 members elected by the General Assembly and has the following main functions and responsibilities:

(a) To promote international cooperation in the field of the environment and to recommend, as appropriate, policies to this end;

(b) To provide general policy guidance for the direction and coordination of environmental programmes within the United Nations system;

(c) To receive and review the periodic reports of the Executive Director on the implementation of environmental programmes within the United Nations system;

(d) To keep under review the world environmental situation in order to ensure that emerging environmental problems of wide international significance receive appropriate and adequate consideration by Governments;

(e) To promote the contribution of the relevant international scientific and other professional communities to the acquisition, assessment and exchange of environmental knowledge and information, and, as appropriate, to the technical aspects of the formulation and implementation of environmental programmes within the United Nations system;

(f) To maintain under continuing review the impact of national and international environmental policies and measures on developing countries, as well as the problem of additional costs that may be incurred by developing countries in the implementation of environmental programmes and projects, and to ensure that such programmes and projects shall be compatible with the development plans and priorities of those countries;

(g) To review and approve annually the programme of utilization of resources of the Environment Fund.

2. The decisions of the 58-member Governing Council have, among other things, helped to develop a number of multilateral agreements on global environmental issues and catalysed international actions to address emerging global environmental challenges. In ensuing years, the mandate of UNEP has been examined and strengthened in the light of the outcomes of the United Nations Conference on Environment and Development,¹ as well as the decisions taken by the UNEP Governing Council at its nineteenth session, as reflected in the Nairobi Declaration on the Role and Mandate of the United Nations Environment Programme,² reiterated by the General Assembly in its resolutions S-19/2 of 28 June 1997 and 53/187 of 15 December 1998, emphasizing that UNEP is the principal United Nations body in the field of the environment and its role is to be the leading global

¹ See *Report of the United Nations Conference on Environment and Development, Rio de Janeiro, 3-14 June 1992* (United Nations publication, Sales No. E.93.I.8 and corrigenda).

² *Official Records of the General Assembly, Fifty-second Session, Supplement No. 25 (A/52/25)*, annex, decision 19/1, annex.

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.

3. 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 considered the recommendations of the United Nations Task Force on Environment and Human Settlements (see A/53/463, annex) and, by resolution 53/242 of 28 July 1999, 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 met 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 the need to ensure the effective and efficient functioning of the governance mechanisms of UNEP, as well as possible financial implications.

4. The Governing Council, at its sixth special session, 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 Declaration.³ Referring to the then forthcoming preparatory process for the World Summit on Sustainable Development, the Council/Forum emphasized that the 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.

II. International environmental governance process

5. In pursuance of that objective, by its decision 21/21 of 9 February 2001, the UNEP Governing Council established 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 from April to December 2001 to address those issues, the outcome of which was submitted to the Governing Council/Global Ministerial Environment Forum at its seventh special session.

6. 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, which stated:⁴

“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

³ Ibid., *Fifty-fifth Session, Supplement No. 25 (A/55/25)*, annex I, decision SS.VI/1, annex.

⁴ Ibid., *Fifty-seventh Session, Supplement No. 25 (A/57/25)*, annex I, decision SS.VII/1, appendix, para. 11.

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 States Members of the United Nations and members of specialized agencies in the work of the Governing Council/Global Ministerial Environment Forum should be ensured. The question of establishing universal membership for the 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.”

7. The Plan of Implementation of the World Summit on Sustainable Development addresses the strengthening of the institutional framework for sustainable development at the international level and states:⁵

“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.”

8. In paragraphs 3 and 4 of its resolution 57/251 of 20 December 2002, the General Assembly recalled the decision made at the World Summit on Sustainable Development to fully implement the outcomes of the Governing Council's decision on international environmental governance, and invited Member States, the Governing Council and the relevant bodies of the United Nations system to submit to the Secretariat their comments on the important but complex issue of establishing universal membership for the Governing Council/Global Ministerial Environment Forum, including its legal, political, institutional, financial and system-wide implications, and requested the Secretary-General to submit a report incorporating those views to it for its consideration before its sixtieth session. This was also reflected in paragraph 6 of Assembly resolution 58/209 of 23 December 2003.

9. In reviewing the outcome of the World Summit on Sustainable Development and its implications for the work of UNEP, and in pursuance of its decision

⁵ *Report of the World Summit on Sustainable Development, Johannesburg, South Africa, 26 August-4 September 2002* (United Nations publication, Sales No. E.03.II.A.1), chap. I, resolution 2, annex, para. 140 (d).

SS.VII/1, the Governing Council, in its decision 22/17 of 7 February 2003, noted the invitation of the General Assembly referred to above. For its consideration of the question of membership of the Council at its twenty-second session, the Council had before it an issue paper (UNEP/GC.22/INF/36) prepared by UNEP in consultation with the Office of Legal Affairs of the Secretariat and other relevant offices of the United Nations, in which the implications of universal membership were elaborated upon. In the framework of the implementation of paragraph 4 of resolution 57/251, the Governing Council subsequently requested the Executive Director to invite Governments to submit written comments on the subject and to submit a report incorporating those comments from Governments to the Governing Council/Global Ministerial Environment Forum at its eighth special session, in March 2004, for its consideration.

10. In pursuance of General Assembly resolution 57/251 and Governing Council decision 22/17, the Executive Director addressed 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 and was also before the Council/Forum at its eighth special session for consideration. The Council/Forum was also provided with a note by the Executive Director containing a synthesis of views of Governments received in response to the Executive Director's request.

11. At its eighth special session, held in Jeju, Republic of Korea, the Governing Council/Global Ministerial Environment Forum, in its consideration of the implementation of decision SS.VII/1 on international environmental governance, adopted decision SS.VIII/1 on 31 March 2004. In that decision, the Council/Forum noted the variety and divergence of views of Governments on the question of universal membership and as further reflected at the session; took note of the issue paper on the question; requested the Executive Director to continue to invite views on universal membership with a view to conveying the views expressed by Governments to the Secretary-General as an input for his report to the General Assembly, as invited by the Assembly in its resolutions 57/251 and 58/209; and also requested the Executive Director to submit a report on the matter to the Council/Forum at its twenty-third session.

12. In the light of the outcomes of the eighth special session of the Governing Council/Global Ministerial Environment Forum and in accordance with General Assembly resolutions 57/251 and 58/209, the Secretary-General submitted a report (A/59/262) to the General Assembly at its fifty-ninth session, in which he described the status of deliberations on the matter. At that session, the General Assembly considered the matter; the outcome of that consideration is reflected in its resolution 59/226.

13. In that resolution, the General Assembly noted that the matter remained an important but complex issue and that a difference of views still existed. The Assembly further noted that the matter would be considered at the twenty-third session of the Governing Council/Global Ministerial Environment Forum, and requested further views to be submitted for incorporation in a report by the Secretary-General so that the Assembly could consider the matter at its sixty-first session.

14. In pursuance of Governing Council decision SS.VIII/1, the Executive Director invited Governments to provide their further views on the question of universal membership, and submitted another report on the issue to the Council/Forum at its twenty-third session held in February 2005 (UNEP/GC.23/6). The report presented the views of Member States, which had remained divergent on the question of universal membership of the Governing Council/Global Ministerial Environment Forum.⁶

15. The views of the Governments that expressed their support for universal membership of the Governing Council/Global Ministerial Environment Forum may be summarized as follows:

(a) Strengthening international environmental governance should result in a reinforced UNEP; there was a need for better political guidance, which would enhance the ability of UNEP to address emerging issues and provide for more efficient and effective decision-making. Such strengthening should be through a combination or package of measures, based on the outcomes of the seventh special session of the Governing Council/Global Ministerial Environment Forum. Universal membership of UNEP is a crucial element in the process of strengthening UNEP;

(b) Since UNEP is responsible for ensuring environmental well-being on a global scale and for coordinating corresponding activities by countries, logically, its decisions must be based on direct discussions and be adopted with the equal participation of all States Members of the United Nations;

(c) A sense of ownership of UNEP activities is important, and the current system of elected representation in the UNEP Governing Council hinders the full participation of all countries by excluding countries not represented on the Governing Council from effective decision-making;

(d) Universal membership would make decision-making more participatory and more transparent. Full participation by all countries would also lead to the promotion of a greater spirit of democracy. The legitimacy of UNEP decisions relating to its normative and catalytic role would increase, which could strengthen countries' commitment to implementation;

(e) Voting rights would enhance the sense of responsibility of each country for the decisions adopted and the obligations entered into, and would form the basis for more responsible, active and joint participation by all countries in environmental activities on a global scale;

(f) Universal membership might make it necessary to explore other measures for the purpose of improving the efficiency and effectiveness of decision-making. That could be achieved by combining the introduction of universal membership with the creation of an executive board that could function as a programmatic decision-making body meeting on a more regular basis than the Governing Council/Global Ministerial Environment Forum. Consideration should be given to ensuring equitable geographical representation on such a board and also to the relationship of such a board to the Committee of Permanent Representatives.

⁶ A synthesis of those views may be found also in document UNEP/GCSS.VIII/INF/6. An issue paper on the matter is to be found in document UNEP/GCSS.VIII/INF/11. Both documents were submitted to the Governing Council/Global Ministerial Environment Forum at its eighth special session.

16. The views of the Governments against universal membership of the Governing Council/Global Ministerial Environment Forum may be summarized as follows:

(a) Subsidiary bodies of the General Assembly are normally governed by either an Executive Board or an Executive Committee with a limited membership, and very few subsidiary bodies of the General Assembly have universal membership. The limited membership of the UNEP Governing Council/Global Ministerial Environment Forum is therefore in accordance with the rules and practice of subsidiary bodies and programmes of the General Assembly. The lack of universal membership does not prevent entities from carrying out their important work. By creating universal membership, UNEP would be breaking away from established practice in the United Nations system. Giving UNEP universal membership would imply that universal membership should be adopted across the United Nations system;

(b) The proposition that the lack of universal membership reduces UNEP legitimacy and support implies that the decisions of all United Nations bodies of limited membership are illegitimate or lacking support, which is not correct;

(c) Universal membership of UNEP would be likely to lead to significantly higher administrative costs to the organization at the expense of its environmental mandate;

(d) In practice, the current membership of the UNEP Governing Council did not limit decision-making by consensus and very few decisions come to a vote. There seems to be no Governing Council decision that has disadvantaged or ignored the views of a country because it lacked the right to cast a formal vote. Decisions taken by the Governing Council are already extremely open in their nature and fully transparent both to Governments and to non-governmental organizations;

(e) The current system of membership works adequately and there is no need to change it. The current composition of the UNEP Governing Council reflects equitable geographical representation and also provides an adequate balance between developed and developing countries. Introducing universal membership would make the operation of UNEP difficult and efficient administration impossible. Universal membership would allow all Member States to participate in the decision-making process, which would result in divergent opinions and consequently make the coordinated management of the Governing Council difficult;

(f) History shows that universal participation, not universal membership, is important for the functioning of UNEP. All countries, members and non-members alike, benefit from universal participation and have a voice at Governing Council sessions. The establishment of the Global Ministerial Environment Forum further enhanced the political profile and participatory nature of the Governing Council and provided additional opportunities for inclusive multilateral dialogue. All countries' ministers are encouraged to participate actively in the Governing Council/Global Ministerial Environment Forum. Countries with an interest in UNEP activities are given a voice and a role through universal participation. All States Members of the United Nations are entitled to participate in the deliberations of the UNEP Governing Council, and have the right to vote in the General Assembly on the outcomes of UNEP Governing Council sessions.

17. Bearing in mind General Assembly resolution 59/226, and having received the report of the Executive Director on the matter, the Governing Council/Global

Ministerial Environment Forum at its twenty-third session considered the question of universal membership. In paragraphs 10 and 11 of its decision 23/1 (UNEP/GC.23/11), the Council/Forum noted the differences in the views expressed on the important but complex issue of establishing universal membership of the Governing Council/Global Ministerial Environment Forum, and decided to undertake the further review and consideration of the issue of universal membership at its ninth special session, in 2006, during the ministerial consultations, with a view to providing inputs as a contribution to the report of the Secretary-General to the General Assembly at its sixty-first session.

18. Subsequently, at its ninth special session, the Governing Council/Global Ministerial Environment Forum, held in Dubai, United Arab Emirates, from 7 to 9 February 2006, further considered the question of universal membership during the ministerial consultations within the overall context of the follow-up to the 2005 World Summit Outcome. There continued to be different views among member States on the matter, and there was no consensus among them.

19. During the discussions at the ministerial consultations, some representatives supported the introduction of universal membership, as they believed that it would strengthen the decision-making functions of the Governing Council and UNEP as a whole. Others, without expressing their position on the matter, indicated that it deserved further consideration and reflection. Some expressed the view that it was necessary to identify additional value and benefits that might be attained by introducing universal membership and whether it might involve higher administrative costs, in which case a further analysis should be conducted of the costs and benefits that could be expected. Others opposed the introduction of universal membership, stating that the existing structure was adequate. The view was also expressed that the question of universal membership should be addressed by the High-level Panel on United Nations System-wide Coherence in the Areas of Development, Humanitarian Assistance and the Environment, as well as at the relevant consultations to be carried out by the General Assembly.

III. Recommendation

20. The General Assembly may wish to take note of the present report and decide on a further process to consider the question of universal membership of the Governing Council/Global Ministerial Environment Forum in the light of its consideration of the institutional framework for the environmental activities of the United Nations in follow-up to paragraph 169 of the 2005 World Summit Outcome.
