

# Building a New Governance Model for Environmental Sustainability

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<sup>1</sup> The author has prepared this paper in his personal capacity and the views expressed do not necessarily reflect the views of the Permanent Mission of Mexico to the United Nations. There is no remuneration or honorarium associated with the preparation or publishing of this paper



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*“What might have been is an abstraction remaining a perpetual possibility only in a world of speculation. What might have been and what has been point to one end, which is always present.”*

**T.S. Eliot, Four Quartets (1943)**

## **1. The beginning of a new chapter**

Paragraph 88 of the “The Future We Want”<sup>2</sup> and the United Nations General Assembly (UNGA) resolution 67/213<sup>3</sup> adopted on the 21st December 2012 have closed a long standing chapter of the International Environmental Governance (IEG) debate: The strengthening of the United Nations Environmental Programme (UNEP).

While the compromise achieved in the Rio de Janeiro conference fell short of the expectations of many actors, this paper argues that both instruments contain the potential to transform the governance and capacities of the United Nations Environment Programme (UNEP) and provide opportunities to address in new and innovative ways the nexus between global policy-definition in the field of environment and its integration to sustainable development. The chapter that has been concluded was initiated two years before the World Summit on Sustainable Development 2002 (WSSD) when ministers of environment gathered at the newly established Global Ministerial Environmental Forum (GMEF) invited the Summit to review the requirements for a “greatly strengthened institutional structure at the international level”. They presented for this purpose the outcome of an open-ended intergovernmental group known as the “Cartagena Package”. At the WSSD Summit in Johannesburg delegations —while supportive of the full implementation of the Package— fell short on deciding the establishment of universal membership for the Governing Council (GC) of UNEP. As a compromise they requested the General Assembly to consider at its fifty-seventh session such an “important but complex issue”.<sup>4</sup> However, despite the efforts undertaken in Nairobi and in New York between 2003 and 2011, the question of how to build an inclusive, universal and legitimate environmental decision-making body within the United Nations remained open.

The decisions painstakingly negotiated in Rio and New York have gone beyond incremental reforms and have expanded and adapted to new circumstances the original mandate of UNEP as established in resolution 2997 of 1972. These decisions also provide a strong platform to empower its governing body as *the leading global environmental authority that sets the global environmental agenda* and promotes the coherent implementation of the environmental dimension of sustainable development within the United Nations system.

Delegates and stakeholders that will participate in the first universal session of the Governing Council of UNEP will have a critical responsibility in implementing these decisions and in

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<sup>2</sup> United Nations General Assembly, A/RES/66/288, Annex. United Nations Conference on Sustainable Development (Rio+20)

<sup>3</sup> United Nations General Assembly A/RES/67/213 “Report of the Governing Council of the United Nations Environment Programme on its twelfth special session and on the implementation of section IV.C, entitled “Environmental pillar in the context of sustainable development”, of the outcome document of the United Nations Conference on Sustainable Development”.

<sup>4</sup> 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 and corrigendum), chap. I, resolution 2, annex, para. 140 (d).

setting in motion a new governance model for environmental sustainability. In light of that meeting, the purpose of this paper is to share with its readers, from the personal perspective of an observer and participant, the scope and key elements of paragraph 88 of “The Future We Want” and of the General Assembly resolution 67/213. The paper concludes with a reflection on the future of the Global Ministerial Environment Forum (GMEF).

## **2. The implications of strengthening and upgrading UNEP**

The contents of paragraph 88 of “The Future We Want” were carefully negotiated in an informal setting during the third session of the Preparatory Committee (PrepCom) of the United Nations Conference on Sustainable Development and during the intermediate days between the third PrepCom and the Conference itself. These discussions were often complex, as it gradually became clearer that the proposal to transform UNEP into a specialized agency was not going to be achieved at the Rio+20 Conference. At the same time it was also clear than strengthening or enhancing UNEP through incremental reforms would not be sufficient. Thoughtful leadership was required by the convener of that group, Ambassador Luiz Figueiredo Machado from Brazil, to lay the basis for a new governance model for environmental sustainability reflected by the vision of *strengthening and upgrading* UNEP, which was not previously contemplated among the five options for broader institutional reform. Such compromise charted a pathway for the General Assembly to strengthen and upgrade UNEP’s governing structures, coordination mandate and implementing capacities at the global and national levels, thus essentially providing guidance at the highest-level to several of the key international environmental governance issues. The major challenge now is implementation of the eight functions agreed-to in paragraph 88.

At the outset it should be highlighted that paragraph 88 incorporates innovative governance and functional elements. It also draws from outcomes previously agreed at the ministerial level in particular the Nairobi Declaration of 7 February 1997, the Malmö Ministerial Declaration of 31 May 2000 and the Nusa Dua Declaration of 24 February 2010 and borrows its structure from the objectives and functions identified in 2009 by the Rome-Belgrade outcome.<sup>5</sup> The measures contained in paragraph 88 were also influenced by non-papers and contributions presented in the weeks prior to Rio de Janeiro such as the G77+China “UNEP final coordinator attempt” of May 2012, the Mexican non-paper “An agenda for the Institutional Framework for Sustainable Development” of May 2012 and by paragraph 21 of the European Union submission to the compilation document presented in November 2011.

There were also other influential reports prepared by UNEP and think pieces prepared by specialists which were also influential in the process, amongst which, the “Brief 5: Enhancing Environmental Governance for Sustainable Development: Function-Oriented Options” by John E. Scanlon should be referenced.

Paragraph 88 of “The Future We Want” is essentially an institutional road-map containing eight specific objectives and its corresponding functions, often providing indications on actions that need to be taken, while in other cases also requiring specific follow-up either in the framework of UNEP’s governing body or through existing interagency coordination mechanisms. This section highlights the main understandings behind each of its elements.

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<sup>5</sup> Second meeting of the Consultative Group of Ministers or High-level Representatives on International Environmental Governance Rome, 28 – 29 October 2009.

### **3. Establish universal membership as well as other governance measures**

Paragraph 88 (a) refers to the transformation of UNEP's governing structures. The first important element contained in paragraph 88 (a) is the decision to establish universal membership in the Governing Council of UNEP. This decision is complemented by a mandate to identify other measures to strengthen the governance, responsiveness and accountability to Member States.

While the decision to grant universal membership reflects the commitment to make fully legitimate the decision-making body of UNEP it also clarifies that an efficient, effective and accountable institution will require "other measures". Among these measures there were four specific proposals presented in Rio de Janeiro: the commitment to provide the financial support in order to allow the full participation of developing countries in the processes and activities of the Governing Council of UNEP; the proposal increase the number of countries represented in the Bureau in order to reflect its universal character and to facilitate the Programme's standing governing functions; and the proposal to establish a regionally balanced Executive Board.

#### **Have secure, stable, adequate and increased financial resources**

An improved financing structure for UNEP and the need to create stronger linkages between environmental policy-making and financing have been central elements of the IEG process.<sup>6</sup> While there were a number of important proposals floated in the course of the preparatory process of the conference to increase linkages and coherence between environmental financing and global policy-making, the agreement contained in paragraph 88 (b) centered basically on ensuring *secure, stable, adequate and increased* financial resources for UNEP. By committing to the increase in the allocation of resources for UNEP, "The Future We Want" took a step beyond previous consultative processes which addressed only the need for *sufficient, predictable and coherent* funding.<sup>7</sup>

To achieve in a complimentary and reinforcing manner the four principles spelled-out in paragraph 88 (b) it was felt necessary to include both the voluntary and the assessed contributions by all member states, as the two forms for providing resources for the implementation of paragraph 88 and through the Programme of Work of UNEP. While the reference to the regular budget in paragraph 88 (b) addressed the need for follow-up decisions that correspond to the General Assembly, it also invites member states gathered at the governing body of UNEP to review the implementation of its resource mobilization strategy, to incorporate improved ways to leverage financial resources from innovative sources, to define partnerships with key vertical funds and to assess the effectiveness of the Voluntary Indicative Scale of Contributions (VISC).

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<sup>6</sup> Maria Ivanova, Financing International Environmental Governance. Lessons from the United Nations Environment Programme, Governance and Sustainability Issue Brief Series, 2011, Boston, University of Massachusetts.

<sup>7</sup> Nairobi-Helsinki Outcome. Consultative Group of Ministers or High-level Representatives Set of options for improving international environmental governance.

## Enhance the voice and ability to fulfill its coordination mandate

The provision of general policy guidance for the direction and coordination of environmental activities within the United Nations system has long been one of the founding roles of UNEP. Paragraph, 88 (c) provides new guidance on how to strengthen the coordination of the environmental activities of the different bodies of the United Nations. In Rio de Janeiro it was agreed that rather than adding new interagency coordination mechanisms to an already complex landscape it was preferable to enhance the efficiency of the existing platforms and increase the authority, presence and ability of UNEP to fulfill its coordinating mandate.

Two specific actions are mentioned in paragraph 88 (c). The first one is the decision to strengthen UNEP's engagement in key coordination bodies. The two bodies where it was recognized a need for strengthened presence and increased voice for UNEP were the Environment Management Group (EMG), which has emerged as the key space for developing system-wide environmental and sustainable development strategies, and the United Nations Development Group (UNDG) which has the vital coordinating function of the implementation of operational activities of the UN System at the country-level. While in Rio de Janeiro there were some proposals for a *single* UN system-wide strategic framework for the environment, the conclusion was that there was need to provide some level of flexibility due to UNEP's operational mandate defined in paragraph 88 (f) and (g) as well as by the complexity of environmental issues and activities undertaken by the United Nations entities.

## Promote a strong science-policy interface and raise public awareness

Paragraph 88 (d) and (e) refer to two distinct functions of a renewed UNEP. In paragraph 88 (d) Heads of State and Government reaffirmed UNEP's mission as defined in 1972, of "keeping under review the world environmental situation and promoting the contribution of the international scientific communities to the definition of sound, and evidence-based policies". This paragraph makes reference to international instruments, assessments, panels and information networks which promote a stronger science-policy interface and highlights the Global Environmental Outlook (GEO) as one of its own processes aimed at bringing together information and assessments to support informed decision making.

The formulation of paragraph 88 (d), in particular its reference to *instruments*, reveals a widespread view that UNEP's capacities for developing scientific assessments have a critical role to play in supporting developing countries efforts to implement their commitments to multilateral environmental agreements but have to be undertaken in a synergistic and complimentary manner with regards to the mandates of existing scientific bodies working under the conventions.

The outreach activities of UNEP are on the other hand covered by paragraph by 88 (e). This paragraph advocates for a role in the dissemination of environmental information worldwide; raising awareness on critical environmental issues and achieving a strong and visible advocacy on environmental issues involving major companies and the business world at large.

During the negotiations it was felt that the role of UNEP in raising public awareness on critical and emerging environmental issues was linked to its mandate to serve as an authoritative advocate for the global environment. Hence the distinction made between both UNEP's roles to serve as the leading global environmental authority that sets the global environmental agenda, for all an established function of UNEP, and its role to act as an authoritative advocate

for the global environment which was considered an emerging function which had yet to be better understood by all member states.

### **Provide capacity building and facilitate access to technology**

Paragraph 88 (f) spells out a broad operational mandate for UNEP which is now increasingly called to provide capacity building to countries and to facilitate access to technology. While there was some discussion of inserting a reference to the continued implementation of the Bali Strategic Plan for Technology Support and Capacity-Building adopted by the Governing Council of UNEP in 2004, a consensus emerged to open a wide door for renewed country and regional-level engagement, including through the increased use of partnerships and the development of system-wide strategies that take into account targeted capacity-building and technology transfer needs in developing countries.

### **Consolidate headquarters functions and strengthen regional presence**

Paragraph 88 (g) addresses, in the context of UNEP's new operational mandate, its functions and strategic presence at the regional, national and global levels.

The first priority defined in Rio de Janeiro was the decision to consolidate headquarters functions in Nairobi. While the initial proposal was to consolidate UNEP's subprogrammes, a compromise was reached in a formulation which addresses the need to concentrate in its global headquarters the executive capacity of the organization.

The second priority addressed in paragraph 88 (g) is to strengthen the regional presence of UNEP in order to assist upon countries requests in the implementation of their national environmental policies. The term *regional presence* was chosen to convey the importance of strengthening UNEP's regional and sub regional offices tasked with offering specific capacity building and technical assistance to countries to assist in the process of implementing international environmental norms, standards and guidelines. Furthermore, it was also spelled out that UNEP's operational activities at the country level should be carried-out in close partnership with UN Country Teams and within the UN Country Assessments and Development Assistance Frameworks.

### **Ensure the active participation of all relevant stakeholders**

Paragraph 88 (h) spells out the clear signal that the new governance structures of UNEP have to engage all relevant stakeholders, including civil society, in a proactive manner and expresses the need to review the modalities for non-state actors' engagement by calling to define new mechanisms adapted to UNEP's circumstances.

Based on principle 10 of the Rio Declaration on Environment and Development, the "Cartagena Package" recommended that the design and implementation of environmental policy at all levels required greater involvement and engagement of non-governmental organizations, civil society and the private sector allowing them a meaningful role in intergovernmental policy-making. As a result, in 2002, in its decision VII.5 the Governing Council of UNEP endorsed the initiative of the Executive Director to convene a regionally balanced and representative civil society forum in conjunction with the meetings of the Governing Council. Despite different efforts made by UNEP, the modalities of civil-society engagement within the Governing Council have remained mostly static for the past decade

with the practice of convening a Civil Society Forum on the day before (usually on a Sunday) the opening ceremony of the Governing Council. This situation often impacts on a limited participation by decision-makers and on a limited engagement of civil-society actors in the policy-definition process. Furthermore, the Committee of Permanent Representatives and its permanent working groups based in Nairobi where most of the decisions are prepared rarely offer opportunities for civil-society participation. Paragraph 88 (h) invites member states to make the governance arrangements of UNEP more open and inclusive with regards to civil society.

Furthermore, one of the key lessons drawn from the process of reforming the institutional arrangements for sustainable development is that effective policy-making requires the participation and in many cases the expertise from all those involved in the implementation of decisions. In the case of environmental policy-making the first part of paragraph 88 (h) addresses stakeholders in the broadest sense, which includes the scientific and academic communities, the private sector, the financing and banking industry, civil society and other actors. By adding a further reference to the use of best practices and models from relevant multilateral institutions, paragraph 88 (h), indicates the need to adapt relevant multi-stakeholder engagement experiences such as those developed by the Committee on Food Security of the Food and Agriculture Organization, among others.

#### **4. The priorities for the new chapter of the international environmental governance**

After completion of the Rio+20 Conference there were several questions on how to move the IEG process forward in light of the request to the General Assembly expressed in paragraph 88 to adopt before September 2013 a resolution *strengthening and upgrading* UNEP in the manner spelled-out by its sub-paragraphs a to h. Having considered the scope for such reform for more than a decade, it was clear for all member states that its importance and complexity went beyond the cosmetic change or the formalization of the existing status-quo of universal participation.

By mid-September, almost three months after the Conference, Ambassador Luis Alfonso de Alba of Mexico convened an informal discussion in New York on the implications and outlook for UNEP in light of the Rio+20 agreements. The questions raised at the time were how to achieve a balance between retaining the momentum gained in Rio de Janeiro and avoiding initiating in New York a complex consultative process. It was also felt nevertheless, that in order to ensure the full implementation of the mandates contained in paragraph 88 of “The Future We Want”, the General Assembly had to adopt a number of decisions. Hence the need to build a shared understanding on the overall process leading to the adoption of a resolution by the deadline; to solve the implications posed by the establishment universal membership in the Governing Council of UNEP and to define which mandates contained in paragraph 88 required decisions by the General Assembly.

Instead of advocating for the establishment a consultative process, it was widely understood that the methods of the main committees of the General Assembly were an appropriate space for producing a consensual outcome. Such strategy had one critical advantage: it allowed developing countries, organized within the Group of 77+China, to take the lead on the process and to convene internal consultation on a draft resolution under an existing agenda item of

the General Assembly,<sup>8</sup> which was then delivered to the author who was appointed as facilitator by the Chairperson of the Second Committee.

In the consultations held during the course of November 2012, the General Assembly concentrated its attention in five points: firstly, the decision to upgrade and strengthen UNEP; secondly, the decision to establish universal membership in the Governing Council of and the definition of the necessary provisions for its adequate functioning and the review of its rules of procedure and governing structures; thirdly, the decision to empower the governing body of UNEP to start a process of expeditious implementation of the mandates contained in paragraph 88 of the Rio+20 outcome; fourthly the decision to review the designation of the Governing Council in order to adequately reflect its universal character; and finally the decision to, among other measures, increase the financial resources to UNEP allocated from the regular budget of the United Nations.

Paragraph 4 of the resolution 67/213 considers the first four issues associated to UNEP's strengthening and upgrading and mandates the Governing Council to undertake three tasks as of its first universal session. The first task is to expeditiously initiate the implementation of the provisions contained in paragraph 88 of Rio+20 in its entirety. The second task is to make a recommendation to the General Assembly on its designation to reflect its universal character. The third task is to decide on future arrangements for the Global Ministerial Environment Forum. Paragraph 5 of resolution 67/213 addresses the issue of the financial base for UNEP.

### **Make universality a reality**

The discussions on how to approach the reality of universal membership in the Governing Council were greatly influenced by the view that a body where all member states equally take part in the adoptions of its decisions is endowed with a reinforced sense of legitimacy.

The original vision laid-out in 1972 for the Governing Council was that of a limited, expert-driven body tasked with “ensuring that emerging environmental problems of wide international significance received appropriate and adequate consideration by Governments”. The vision for the Governing Council laid-out in Rio de Janeiro is a different one. It expresses the commitment by all member states to strengthen its role as “the leading global environmental authority that sets the global environmental agenda”..

### **Start a new governance cycle**

Rather than approaching the issue of universal membership in a business-as-usual mode, the General Assembly adopted the following measure to highlight the beginning of a new governance cycle.

First, it specified that the forthcoming session to be held in Nairobi in February 2013 will be the first universal session and not the 27th session of the Governing Council. While the General Assembly did not had sufficient time to provide all the elements to guide the conduct of the business during the first universal session, it is understood that the GA resolution 67/213 requires, through a procedural motion, the review of the decision 26/17 adopted by

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<sup>8</sup> Namely the Report of the Governing Council of UNEP on its twelfth special session



the Governing Council in February 2011 containing a provisional agenda the 27<sup>th</sup> session as well as of the rules of procedure defining the limited composition of the Council.

Secondly, in order to ensure a smoothly conduct of business during the first universal session, the General Assembly requested the Governing Council to use its applicable rules of procedure and applicable rules and practices of the General Assembly as specified in its chapter XVII (Rule 161 governing subsidiary bodies of the General Assembly) and other relevant resolutions. While the General Assembly resolution didn't specified so, it was considered that among the relevant resolutions and practices that the first Universal Session will have to take into consideration are contained in resolution 65/276 on the Participation of the European Union in the work of the United Nations and resolution 67/19 on the Status of Palestine in the United Nations.

Thirdly, resolution 67/213 invites the Governing Council to adopt in 2013 a roadmap for the implementation of paragraph 88 of "The Future We Want" and to gradually build the necessary platforms to associate to such effort all the entities and bodies of the United Nations active in the environmental fields.

In its consultations the General Assembly addressed the process of implementation of the new mandate of UNEP as specified in paragraph 88 of the Rio+20 outcome document. It was decided that the Governing Council, because of its universal membership, had the sufficient authority and legitimacy to implement the provisions contained on sub-paragraphs (a) to (h), with the exclusion of the decisions to adopt universal membership and to decide on matters related to the regular budget of the United Nations allocated to UNEP. It was also felt that the first universal session of the Governing Council in February 2013 was going to be concentrated in defining its new institutional identity, and will be therefore be difficult to expect the full implementation of all the objectives agreed-to in Rio. Therefore a compromise was achieved by calling it to "expeditiously initiate the implementation" of its new mandate.

### **Give a new name that reflect the universal character**

There were extensive discussions at the General Assembly regarding the mandate in resolution 67/213 addressed to the Governing Council "to make a recommendation on its designation to reflect its universal character".

While a majority of participants in the consultations were flexible with proceeding to designate the Governing Council as an Assembly, there was a compromise to ask the Governing Council to identify a new designation in accordance with its membership and to reach a decision concerning a new designation. It was also considered, after reviewing past practice, that a subsidiary body of the General Assembly can't change its official designation on its own. Therefore, delegations opted for following the precedent of change made in 1987 to the designation of the United Nations Population Fund (from its previous United Nations Fund for Population Activities). In that case a "recommendation" to the General Assembly was extended by the Economic and Social Council.<sup>9</sup> Furthermore there were no precedents identified of the General Assembly declining to approve recommendations on these issues extended by its subsidiary bodies.

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<sup>9</sup> Economic and Social Council decision 1987/175 of 8 July 1987 and approved by the General Assembly in a decision 42/430 of 11 December 1987

## **Provide resources for the implementation of a renewed mandate**

Resolution 67/213 provides guidance on how to ensure secure, stable, adequate and increased financial resources to UNEP from the regular budget of the United Nations. It requests the Secretary-General to reflect in the 2014-2015 biennium budget proposal resources that take into account the implementation of the eight functions agreed in paragraph 88 of “The Future We Want” as well as opportunities for increasing the efficient use of resources.

At this stage there are only indicative figures of the amount of resources from the regular budget of the United Nations that will be allocated to implement the new mandate of UNEP. Nevertheless, resolution 67/213 signals a strong commitment by all member states to substantially increase their contributions to UNEP and allows to maintain the resource needs from the regular budget of the United Nations for the United Nations Environment Programme under review, in the light of the implementation of paragraph 88.

## **5. The environmental pillar has to contribute to the integration of sustainable development**

The Rio+20 Conference can become a turning point in the governance of sustainable development. This entails also the change in our way of conceptualizing the IEG debate as a process isolated from the trends taking place in sustainable development governance, in particular those related to the definition of new functions for the High Level Political Forum and the emergence of global sustainable development goals. The first Universal Session of the governing body of UNEP will have the critical responsibility to set in motion a new governance model for environmental sustainability and to address the question of how to build an inclusive and legitimate forum for setting the environmental agenda and to contribute to mainstreaming environmental sustainability into a global development framework.

The decision contained in Paragraphs 248 and 249 the Outcome of the United Conference on Sustainable Development (Rio+20) to establish an inclusive and transparent intergovernmental process on sustainable development goals (SDG) has the potential to deliver an integrated and universal global Post 2015 single development framework including a universal set of goals. However, a global sustainable development agenda can only be possible by realizing the convergence of key intergovernmental process and reforming our development institutional arrangements. The most critical process requiring a convergent approach are the processes to review the Millennium Development Goals and the one to define Sustainable Development Goals; the process to define the modalities of the High Level Political Forum and the process of reforming the Economic and Social Council (ECOSOC) are also processes that will require a mutually convergent approach.

The case for building through the High Level Political Forum a *common and inclusive space* to enhance the integration of the three dimensions of sustainable development and the case for building through UNEP's new institutional arrangements, including the proposed Assembly an inclusive, universal and legitimate forum that sets the global environmental agenda, are fully complimentary endeavors.

To achieve both endeavors it's necessary to look first into the past and recognize that CSD had over the years failed to achieve its core mission, namely to integrate the three pillars of sustainable development. Instead, it gradually became an ineffective locus within the United Nations for environmentally oriented dialogue. This weakness was explained firstly by its subsidiary character of a principal body within the UN System and secondly by the steady and fast erosion of its convening capacity. The option of upgrading the CSD into another subsidiary body, this time of the General Assembly, without addressing the problems of integration and of the differentiation between the environmental agenda and the broader framework of sustainable development is not an option. In this regard, the role and mandate of a new High Level Political Forum can't be fully defined without understanding its role as a bridge between the Economic and Social Council (ECOSOC) and the General Assembly

With regards to the articulation of the environmental pillar, it should be remembered that in 1999 the General Assembly endorsed in its resolution 53/242 the establishment of the Global Ministerial Environmental Forum (GMEF) as an annual, ministerial-level, global environmental forum. This forum was mandated with reviewing important and emerging policy issues in the field of the environment and was considered an appropriate alternative to the limited membership of the Governing Council. While its core mission is still valid, the GMEF needs to conclude its existence in light of the transformation of the Governing Council of UNEP into an Environment Assembly (or any other designation that is chosen) which is likely to have a concluding ministerial segment.

Nevertheless a "common space" or a global conference on the state of the environment could be periodically convened by the Environment Assembly. This space will engage and involve all actors and stakeholders within the environmental pillar, including the treaty bodies and the major specialized agencies. Through a cyclical timing (every three or four years) it could provide a linkage with the High Level Political Forum in order to ensure the environment within the Sustainable Development. The science policy interface could be at the core of this innovative space, which could be articulated to coincide with the development of a reformed Global Environmental Outlook (GEO) and could result in an enhanced summary for policy makers which would be transmitted as the contribution of the environmental pillar to the High Level Political Forum.

## **6. *Post Scriptum* to building a new governance model for environmental sustainability**

The first Universal Session of the Governing Council of UNEP has opened a new chapter in the process of reforming the International Environmental Governance (IEG).

More than 150 delegations arrived in Nairobi prepared to set in motion a new governance model for the United Nations Environmental Programme (UNEP) building-upon its new mandate defined in paragraph 88 of the "The Future We Want" and the United Nations General Assembly (UNGA) resolution 67/213 adopted on the 21st December 2012.

As a first step, ministers agreed, through their decision entitled "Implementation of paragraph 88 of The Future We Want", which was successfully facilitated by Amb. Luis Javier Campuzano of Mexico and Farrukh Khan of Pakistan, that all reforms aimed to strengthen the role of UNEP as the leading global environmental authority that sets the global environmental agenda, promotes the coherent implementation of the environmental dimension of sustainable

development within the UN System and serves as an authoritative advocate for the global environment.

The overarching question was therefore how to build a new, inclusive and legitimate institution capable of fulfilling a renewed mandate?

The first key decision was the recommendation extended to the UN General Assembly to rename the Governing Council as the “United Nations Environment Assembly of the United Nations Environment Programme”.

The second decision was to abandon the existing arrangements for ministerial engagement within UNEP. The Global Ministerial Environmental Forum (GMEF), although useful as a universal space for policy dialogue, was deemed unfit to put ministers in charge.

In Nairobi ministers agreed that each session of the UN Environment Assembly of UNEP will conclude with a two-day high level segment as an integral part of its decision-making process. They also agreed that such a space should allow them to take strategic decisions and provide political guidance. The functions of this new high-level space will be: to set the global environmental agenda; to provide overarching policy guidance and defining policy responses to address emerging environmental challenges; to review successful policies and exchange experiences; to engage with all relevant stakeholder dialogue including through specific dialogues; and finally to foster partnerships for achieving international environmental goals and for resource mobilization.

The ability to ensure the active participation of all relevant stakeholders, particularly those from developing countries was one of the major weaknesses of UNEP's old governance structure.

Last week ministers agreed, with the presence and participation of representatives from civil society, to promote transparency and their effective engagement within UNEP's governance structures. To achieve this endeavor all delegations committed to have ready by 2014 the following deliverables: to develop a process of modalities for stakeholder accreditation and participation that takes into account experiences from relevant United Nations bodies; to define mechanisms for stakeholders expert input and advice; and to review and adapt the working methods of the UN Environment Assembly of UNEP and the Committee of Permanent Representatives (CPR) to allow verbal and written contributions by all relevant stakeholders in the steps leading to the intergovernmental decision-making process.

Finally in response to a recommendation of the participants of UNEP's Civil Society Forum it was agreed to request the Executive Director of UNEP to establish a policy on access to-written information and to report from 2014 to the UN Environment Assembly of UNEP on its implementation.

The promotion of a strong science policy interface was also considered to be a key role of the UN Environment Assembly of UNEP. As a response, ministers committed to identify by 2014 critical gaps in the interface and to enhance and improve the relevance of the Summary for Policy Makers of the Global Environment Outlook (GEO).

Concerning the day to day governance of UNEP, delegations agreed to strengthen the role of the Nairobi-based CPR and decided to expand its current functions to provide advice on policy matters and to contribute to the preparation of the agenda of the UN Environment Assembly

of UNEP; to prepare decisions for adoption and oversee their implementation and to convene thematic and/or programmatic debates.

Two additional measures were adopted to strengthen the role and accountability of the CPR. The first was to convene an open-ended meeting of the CPR, ensuring support to developing countries representatives especially those non-residents in Nairobi, to provide advice and contribute to the preparation of the agenda of the UN Environment Assembly of UNEP. The second decision was to establish a sub-committee of the CPR that will meet annually for a period of 5 days to review and advance the preparation of key programmatic documents such as UNEP's Medium Term Strategy and its Programme of Work & Budget in a manner coherent with the budgetary cycle of the United Nations.

In addition to these measures the decisions adopted in Nairobi also included a road-map aimed at expeditiously implementing the functions agreed-to in Rio in other areas such as the consolidation in Nairobi of the headquarters functions of the organization; the strengthening of UNEP's financing base and its role and implementing capacities at the national and regional levels.

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