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Governing Council of the United Nations Environment Programme

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Policy issues: emerging policy issues

Background papers for the ministerial consultations

Universal membership of the United Nations Environment Programme

Discussion paper presented by the Executive Director

Summary

The present paper is intended as a briefing for ministers in connection with the first parallel round-table discussion on the universal membership of the United Nations Environment Programme (UNEP). It covers the following five elements: science-policy interface; responsiveness to country needs; secure, stable, adequate and increased financial resources to fulfil the mandate of UNEP; stakeholder participation; and future ministerial engagement.

^{*} UNEP/GC.27/1.

I. Background

1. The outcome of the 2012 United Nations Conference on Sustainable Development $(Rio+20)^1$ and the resulting resolution adopted by the General Assembly² mark historic steps on the path towards the creation of a more effective governance structure for the environment. In response to the invitation in paragraph 88 (a) of the outcome document, the Assembly established universal membership in the Governing Council of the United Nations Environment Programme (UNEP). According universal membership to the Council strengthens its authority and legitimacy, and enables it more effectively to determine global policies in the area of the environment and thus fulfil its role as the "leading global environmental authority that sets the global environmental agenda".³

2. In this round table, ministers are invited to set the parameters for their future engagement and to discuss the fundamental elements needed to set the global environmental agenda. These have been identified by the Committee of Permanent Representatives as:

- (a) Science-policy interface;
- (b) Responsiveness to country needs;

(c) Secure, stable, adequate and increased financial resources to fulfil the mandate of UNEP;

- (d) Stakeholder participation;
- (e) Future ministerial engagement.

II. Science-policy interface

3. At no time in human history have environmental challenges been so pressing, complex or hard to solve as those which the world faces today. UNEP was established in 1972 to "keep under review the world environmental situation" and to "ensure that emerging environmental problems of wide international significance receive appropriate and adequate consideration by Governments".⁴ The connection, however, between decision-making and scientific findings, information and knowledge has never been well developed. Paragraph 88 (d) offers an opportunity to formalize interactions between science and policy and thereby improve the quality of decisions by policymakers.

A. Status quo

4. The current environmental knowledge infrastructure spans global, regional, national and local dimensions and involves many entities in the United Nations system. A number of multilateral environmental agreements and, in particular, all three Rio conventions,⁵ have prominent intergovernmental scientific and technical advisory bodies. Other examples include the Joint Group of Experts on the Scientific Aspects of Marine Environmental Protection (GESAMP) and the Scientific and Technical Advisory Panel (STAP) of the Global Environment Facility.

5. For its part, however, the UNEP Governing Council has never established any intergovernmental subsidiary technical advisory body which could monitor the technical agenda for keeping the environmental situation under review and ensuring that the different functional elements of the science-policy interface complement one another. The collective capacity to perform this technical oversight function is apparent in the many highly competent regional and national environmental authorities around the world. The following significant gaps may be identified between the body of available science and the policy needs for science at UNEP:

(a) There is an incomplete alignment between policy demands for applied science and the manner in which scientific information is gathered and made available to decision-makers;

 $^{^{1}}$ Rio+20 outcome document, entitled "The future we want", endorsed by the General Assembly in resolution 66/288 of 27 July 2012.

² General Assembly resolution 67/213 of 21 December 2012.

³ "The future we want", para. 88.

⁴ General Assembly resolution 2997 (XXVII) on institutional and financial arrangements for international environmental cooperation, of 15 December 1972.

⁵ The Convention on Biological Diversity, the United Nations Convention to Combat Desertification in Countries Experiencing Serious Drought and/or Desertification, Particularly in Africa and the United Nations Framework Convention on Climate Change.

(b) Science-policy interfaces in UNEP are set up on an ad hoc basis and this frequently leads to a lack of ownership by Governments of their scientific outcomes;

(c) There is a lack of an overarching perspective on science-based policy issues spanning the full range of environmental themes. This means that the many individual scientific assessments are not linked up in any holistic way, resulting in gaps between the assessments and the issues and challenges that they are designed to explore and tackle;

(d) The interest of developing countries in global science processes is inadequately represented. Efforts to fill these gaps have been too sporadic, top-down and disjointed to match the long-term efforts needed to sustain the evolution of national institutional infrastructures.

B. Possibility: science-policy body

6. A permanent science-policy body could be established within UNEP to strengthen the vital connection between policymakers and scientists. It would facilitate interactions involving the demand for and supply of scientific services, determining when and in what form these were required through the conduct of direct assessments and preparation of reports on specific questions as requested by the governing body of UNEP.

1. Functions

7. The body could have the following functions:

(a) To assess the state of scientific knowledge regarding key policy issues and communicate *it to policymakers*. Through this function, policymakers could step up their involvement in the scientific assessments of UNEP. They could, first, provide input to the secretariat regarding the selection of topics for UNEP assessment reports; second, serve as a stakeholder group for UNEP assessments and interact with the scientists and other experts involved in the assessments; and third, provide an important new route for the communication of the assessment results to the broader policy community. The assessments could be conducted on global, regional and national scales. The national assessments could form the basis for country-level support and help build the capacity of countries to establish scientific mechanisms to perform their own permanent scientific review of the national environment. The body could also periodically request the secretariat and the scientific community to provide summaries of the cross-cutting lessons that can be gleaned from the UNEP assessments;

(b) To convene scientists to evaluate actions that can be taken to tackle a policy challenge. Under this function the body could request the secretariat (possibly in cooperation with other United Nations agencies) to commission reports from the scientific community that synthesize science and policy options on a critical topic. Past science-based reports of this type have been *Blue Carbon: The Role of Healthy Oceans in Binding Carbon*,⁶ which summarized knowledge on the climate mitigation capacity of oceans; *Avoiding Future Famines: Strengthening the Ecological Basis of Food Security through Sustainable Food Systems*,⁷ which reviewed the environmental dimensions of food security; and *Near-term Climate Protection and Clean Air Benefits: Actions for Controlling Short-Lived Climate Forcers*, ⁸ which provided an overview for policymakers of the scientific fundamentals and policy options regarding short-lived climate pollutants;

(c) To identify new environmental issues of potential importance to the policy community. The purpose of this function would be to provide guidance to a forward-looking process in UNEP that could be termed a "foresight process". This process would produce regular reports that identify key emerging issues on the global environment requiring the attention of policy-makers. These reports could reflect not only the views of scientists but also of other communities (such as indigenous peoples). The body could also help ensure that results from the foresight process were fed directly into decisions about the programmatic work of UNEP and other United Nations agencies;

(d) To provide an opportunity for policymakers to influence the scientific agenda. Through this function, policymakers would be enabled to exert greater influence on the scientific agenda, thereby ensuring that more scientific capacity was devoted to urgent sustainability issues. For example, it is generally believed that more scientific input is needed to support the assessment and planning of measures to adapt to climate change. Regular meetings could be organized between key scientific and policy constituencies with the aim of influencing the scientific research agenda. A direct link could be established between the body and Future Earth, the new 10-year international research

⁶ Nellemann, C., Corcoran, E., Duarte, C. M., Valdés, L., De Young, C., Fonseca, L. and Grimsditch, G. (eds.), 2009, UNEP, GRID-Arendal, www.grida.no.

⁷ UNEP Synthesis Report, 2012.

⁸ UNEP Synthesis Report, 2011.

initiative for research in global environmental change and transformation towards global sustainability;

(e) To prepare recommendations on the forging of scientific interlinkage with multilateral environmental agreements. To improve the use of cross-cutting scientific knowledge within the multilateral environmental agreements, the body could commission an analysis of the type of knowledge conveyed by each of the science advisory bodies currently serving those agreements. On the basis of this analysis the body could prepare recommendations for sharing scientific knowledge and inputs among the various advisory bodies.

2. Governance structure

8. The science-policy body could:

- (a) Be set up as a subsidiary body under the UNEP universal governing body;
- (b) Consist of policy members from a representative number of countries;

(c) Consist of scientists and experts with international standing, nominated by recognized international peers, and also by countries through a roster system similar to that of the Intergovernmental Panel on Climate Change (IPCC), with particular emphasis on involving developing country scientists;

(d) Meet regularly between sessions of the governing body as required but at intervals that do not place an unnecessary burden on countries;

(e) Work closely with non-governmental scientific institutions and the secretariat to create an additional pool of expertise and capture synergies;

(f) Meet as required by the universal governing body but not be a standing body.

III. Responsiveness to country needs

9. In paragraph 88 (f) of the Rio+20 outcome document, Heads of State and Government called for the strengthening and upgrading of UNEP to provide capacity-building to countries, as well as support, and facilitate access to technology. This should be read in conjunction with paragraph 278, in which they called for the continued and focused implementation of the Bali Strategic Plan for Technology Support and Capacity-building, and the request, in paragraph 273, for relevant United Nations agencies to identify options for a facilitation mechanism that promotes the development, transfer and dissemination of clean and environmentally sound technologies.

10. Paragraph 88 (f) thus gives countries an opportunity to receive better national implementation support and opens up new areas of work to UNEP. While it was not the aim of the Rio+20 conference to transform UNEP into an operational organization, countries recognized that there was an increasing need for the implementation of environmental commitments at the national level. The Bali Strategic Plan gave UNEP the mandate to enhance delivery by UNEP of technology support and capacity-building to developing countries as well as to countries with economies in transition, including by mainstreaming technology support and capacity-building throughout UNEP activities.⁹ The Plan delineates the role played by UNEP in the delivery of capacity-building and technology support at the national level as targeted within the mandate of UNEP¹⁰ or based on its comparative advantage and expertise.¹¹ This mandate has not been operationalized as intended, however, for a variety of reasons – not the least of which is the lack of resources.

A. Current approach to capacity-building and challenges

11. The UNEP strategic presence policy was finalized in January 2009 to provide a mechanism for the effective implementation of the medium-term strategy for 2010–2013. The policy aimed at enhanced capacity-building and technology support by UNEP; effective and coherent implementation of the UNEP programme at the regional and country level; proactive participation of UNEP in regional and country-level United Nations processes (such as the United Nations Development Assistance Frameworks) for the "One United Nations" initiative; strengthening of the UNEP regional offices while maintaining the global substantive expertise of UNEP for the benefit of regions and countries; and enhancing impact through strategic partnerships. Figure I summarizes how the functions of the UNEP regional offices evolved before and after the adoption of the strategic presence policy.

⁹ UNEP/GC.23/6/Add.1, annex, para. 3 (h).

¹⁰ Ibid., para. 3 (a) (i).

¹¹ Ibid., para. 4.

Figure I **Evolution of the functions of the UNEP regional offices** Before the strategic policy presence After the strategic policy presence Representation and outreach Representation and outreach Regional political analysis Regional political analysis Coordination of coherent implementation of all six subprogrammes of the programme of Implementation of divisional regional cooperation subprogramme of the programme work at the regional level, including through the execution of projects of work Partnership-building, including for resource Resource mobilization mobilization Start of engagement in Delivering as One UN Scaling-up of engagment in Delivering as One UN, including through United Nations Development Assistance Frameworks Enhanced capacity-building and technology support

12. A recent review of the needs of the regional offices in assisting countries to mainstream their environmental priorities and in maintaining the strategic presence of UNEP at the national and regional levels indicated that UNEP has made incremental and significant progress in the application of the strategic presence policy. The regional offices are instrumental in ensuring that national needs and priorities are factored into the implementation of the programme of work. This role will be further enhanced in the 2014–2015 programme of work, as that programme is designed, for the first time in the history of UNEP, to reflect explicitly region-based outputs. UNEP support at the regional and national level, in such areas as the mainstreaming of environmental sustainability; the adoption, domestication and customization of global environmental policies, laws and tools; and efforts to scale up those policies, laws and tools, will be anchored and implemented in line with these intended outputs.

B. Challenges to capacity-building and the facilitation of technology transfer

13. There are a number of challenges impeding UNEP in its efforts to support Governments at the country level. Engagement in the United Nations Development Assistance Framework has been severely constrained by limited resources. There is also a need for scientific assessments and enabling science-policy interaction at the national and regional levels, for the strengthened implementation of multilateral environmental agreements, and for the interlinking of environmental sustainability with development strategies and plans.

C. Opportunities and future approaches

14. Subject to the availability of resources, several activities are planned to reorient existing strategic and programmatic approaches to address the above challenges:

(a) Ensuring the most effective matching of UNEP services with country needs and priorities, and optimum synergies and efficiencies. It is proposed to introduce UNEP regional programme frameworks from 2014–2015, integrating all the regional and country components of the subprogrammes. The regional programme frameworks will also facilitate the deeper involvement of UNEP in "One United Nations" processes at regional and country levels, as most other agencies have

regional or country strategies and programmes. Regional programme frameworks will provide more coherence, relevance, cost-effectiveness and flexibility in UNEP delivery modes;

(b) Increasing the coherence, relevance and effectiveness of UNEP work at the country *level*. This will be done by enhancing the dialogue between UNEP headquarters and the regional offices during the programming process, to ensure a better balance between the corporate normative priorities, on the one hand, and regional and country-level needs, on the other;

- (c) Accelerating strategic partnership formation. This may be achieved through:
 - (i) Further strengthening the participation by UNEP in the regional team structures and processes of the United Nations Development Group;
 - Strengthening the capacity of UNEP to engage with relevant regional mechanisms that support and influence national processes such as the regional coordination mechanisms;
 - (iii) Working more closely with the secretariats of the multilateral environmental agreements to facilitate and enhance their engagement and the integration of their activities in national development processes;
 - (iv) Mobilizing complementary resources at the country level where the comparative advantage and implementation capacity of UNEP are assured;
 - (v) Expanding awareness-raising and outreach activities to raise the profile of UNEP by highlighting its commitments, achievements and added value in its response to national needs and priorities.

15. Based on initial assessments of countries' needs, carried out either independently or as part of the United Nations Development Assistance Framework, the work of UNEP would be focused on three strategic priorities:

(a) Implementation of agreed environmental commitments and goals;

(b) Support in integrating environmental sustainability priorities into economic policies and development and poverty-reduction strategies;

(c) Planning and capacity-building in a broader sense.

D. Facilitating access to technology

16. In implementing the Bali Strategic Plan, UNEP has gained experience and developed expertise spanning the full range of issues in the development and the transfer of clean and environmentally sound technologies. This includes assisting countries with their technology needs assessments; managing responses to these needs; providing capacity-building and support for the deployment of technologies; stimulating collaborative technology development and transfer projects; facilitating cooperation networks, partnerships, training and twinning arrangements; developing tools and policies; codifying and sharing best practices; and managing other supporting activities. UNEP experience also extends to the areas of facilitating access to finance, entrepreneur development, technology licensing and intellectual property management, and monitoring and evaluation.

17. Based on UNEP experience in this area, and consistent with paragraph 273 of the Rio+20 outcome document, an inter-agency technology facilitation mechanism could be established with the following aims:

(a) To assist developing countries at their request, consistent with their respective capabilities and national circumstances and priorities, in building or strengthening their capacity to identify technology needs and to facilitate the preparation and implementation of technology projects and strategies that foster sustainable development;

- (b) To stimulate technology cooperation;
- (c) To enhance the development and transfer of technologies.

E. Aligning substantive decision-making with the needs of member States

18. Responsiveness is not only enhanced through structural reform, but also through the type of decisions taken. This means that there must be a stronger linkage between the substance of decisions and the needs of States in the decisions taken. For example, the emphasis on capacity-building in paragraph 88 (f) of the Rio+20 outcome document could be mirrored in the type of decisions that are taken. In this regard, UNEP could make clear and specific recommendations on how better to address

implementation through the identification of gaps, driven by or based on the results of scientific assessments, the setting of priorities in addressing challenges, the identification of effective policy approaches and good practices for solving environmental problems at the regional and national levels, including how best to mainstream environmental issues into policy and law-making in other areas.

IV. Secure, stable, adequate and increased financial resources to fulfil the mandate of UNEP

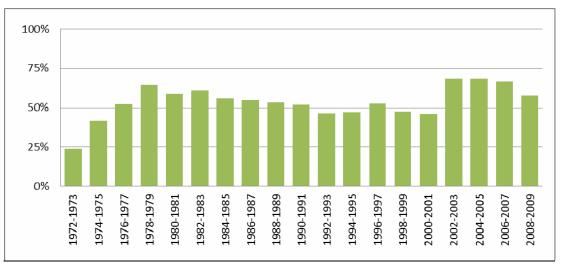
19 In paragraph 88 (b) of the Rio+20 outcome document, Governments agreed to strengthen UNEP by having secure, stable, adequate and increased financial resources from both the regular budget and voluntary contributions. In paragraph 5 of resolution 67/213 of 21 December 2012, the General Assembly recalled the decision to have secure, stable, adequate and increased financial resources from the regular budget of the United Nations and voluntary contributions to fulfil the mandate of the United Nations Environment Programme and (a) requested the Secretary-General, in line with paragraph 88 (b) of the outcome document of the United Nations Conference on Sustainable Development, to reflect in the 2014-2015 biennium budget proposal resources that take into account the proposed revised programme of work of the United Nations Environment Programme and the implementation of paragraph 88, subparagraphs (a) to (h), of the outcome document, as well as opportunities for increasing the efficient use of resources; (b) urged donors to increase voluntary funding to the United Nations Environment Programme, including to the Environment Fund; and (c) requested the Secretary-General 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 of the outcome document, in accordance with United Nations budgetary practices.

20. The issue of the increase in resources from the regular budget will be discussed in detail by the Fifth Committee of the General Assembly. Increasing the contribution to UNEP from the United Nations regular budget will enable the organization to shift its administrative costs from the Environment Fund, which was set up in 1972 to cover environmental activities, to that of the regular budget, thereby releasing substantial resources for more activities.

21. There are two further issues related to voluntary contributions arising from paragraph 88 (b) of the Rio+20 outcome document that ministers may wish to consider. First, they may wish to discuss how to expand the donor base for voluntary contributions. Currently, close to half of the States Members of the United Nations do not contribute to the Environment Fund (see figure II) and, as of 2009, almost 60 per cent of its funding came from one region only, while other donors have steadily reduced their contributions.

Figure II

Countries contributing to the Environment Fund as a percentage of the total number of countries in the United Nations

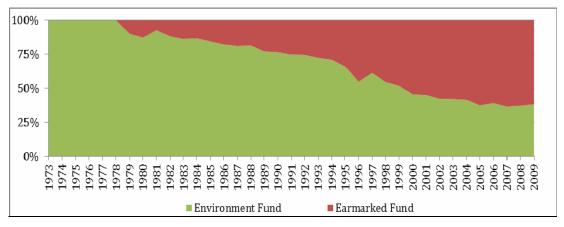


22. The second issue concerns the correlation between earmarked and non-earmarked contributions. Since 1978, when the possibility of earmarked funding was first introduced, there has been a steady increase in the practice of earmarking contributions. As of 2009, more than half of all contributions were made to earmarked trust funds (see fig. III).

23. In order to secure and stabilize resources to implement the UNEP programme of work, it would be more effective to move from earmarked towards non-earmarked contributions. Such a shift has already been observed with some donor Governments. It is also in line with the position taken recently by the international development cooperation community, which has consistently stated that non-earmarked contributions, rather than project-specific funding, represent the most effective approach, in addition to reduced overhead and administrative costs. In addition, the Advisory Committee on Administrative and Budgetary Questions has welcomed this trend. If it persists, it could substantially help in responding to the call by the General Assembly for increased and more stable resources from voluntary contributions. The Global Ministerial Environment Forum may wish to consider ways in which it can encourage this trend and support a more decisive and stable increase in contributions to the Environment Fund. This may include reviewing how the Environment Fund can serve as a more attractive vehicle for donor contributions.

Figure III

Trends in the relative proportions of contributions to the Environment Fund and to earmarked funds, 1973–2009



V. Stakeholder participation

24. In paragraph 88 (h) of the Rio+20 outcome document, UNEP is called upon to ensure the active participation of all relevant stakeholders, drawing on best practices and models from relevant multilateral institutions and exploring new mechanisms to promote transparency and the effective engagement of civil society.

25. This is predicated on the understanding that involving relevant stakeholders in decision-making processes at all levels will not only increase the organization's legitimacy and effectiveness but also strengthen the sense of ownership in society of the outcomes of intergovernmental decision-making. Consequently, it will encourage citizens and civil society to be more active in delivering policy on the ground, in partnership with Governments and other stakeholders. Furthermore, this offers an opportunity to create an organization for the twenty-first century which adequately responds to the diversification of stakeholders, building on best practices and models for public participation and access to information that are applied in international institutions.

26. Ministers may wish to discuss the current role of major groups and stakeholders and related mechanisms for public participation and access to information in UNEP and to reshape the existing model in consultation with those groups and stakeholders. A consultative process has been initiated and the issues will be discussed by the Major Groups and Stakeholders Forum to be held prior to the current session of the Governing Council in February 2013. One option for the reform of the current mechanism could be to establish a formal multi-stakeholder advisory body, which could ensure that the voice and expert input of civil society is formalized and integrated more directly into the decision-making process.

VI. Future ministerial engagement

27. Another key factor in enhancing the authority of UNEP is to ensure that decision-making takes place at the highest possible level, with as much high-level authority behind it as possible. By paragraph 4 (b) of resolution 67/213, the General Assembly specifically mandates the Governing Council, as from its first universal session, to decide on future arrangements of the Global Ministerial Environment Forum. Ministers may wish to consider whether it would be conducive to the increased

authority of the Governing Council in its universal character if the high-level meeting of ministers, held to date in the configuration of the Global Ministerial Environment Forum, was replaced by a high-level segment more closely linked to decision-making in the body with universal membership.

28. A number of international organizations and institutions convoke high-level segments which feed their discussions into the decision-making process of the universal body concerned, rather than holding parallel discussions without decision-making powers. The high-level segment of the universal body could take up issues of high political significance and make its input to those decisions of marked political importance or sensitivity, together with those relating to long-term policies of UNEP.

A. Functions of ministerial segments in other institutions

29. A review of the law and practice of international institutions demonstrates that their ministerial segments contribute to the intergovernmental negotiations in a variety of ways, including the following:

(a) Governments deliver political statements in plenary: Ministerial Conference of the World Trade Organization (WTO), Human Rights Council;

(b) Adoption of a political document that sets out priorities and long-term policies: Organization for Economic Cooperation and Development (OECD);

(c) Drawing attention to specific issues: WTO Ministerial Conference, OECD Ministerial Declaration;

(d) Discussion of current issues of high political importance: OECD, Conference of the Parties to the Convention on Biological Diversity, Food and Agriculture Organization of the United Nations (FAO);

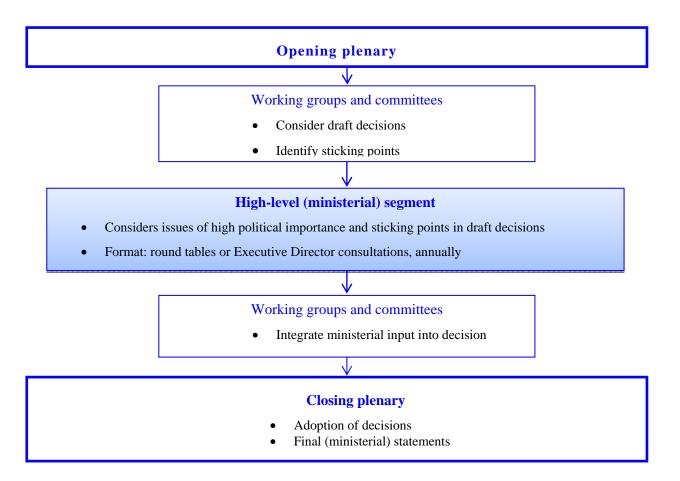
(e) Adoption of all decisions, possible negotiation of sticking points: United Nations Framework Convention on Climate Change.

Option 1: high-level segment in the UNEP governing body

30. The Global Ministerial Environment Forum could be replaced by a high-level segment of the governing body that is closely involved in decision-making, in addition to making high-level statements in the plenary. Working groups and committees would discuss draft decisions and identify political issues and sticking points. The high-level segment, meeting towards the end of the session, would take up political issues and hold informal consultations and negotiations on the issues (possibly in the form of round tables or Executive Director consultations). The working groups and committees would then take up results from the high-level segment and finalize draft decisions accordingly.

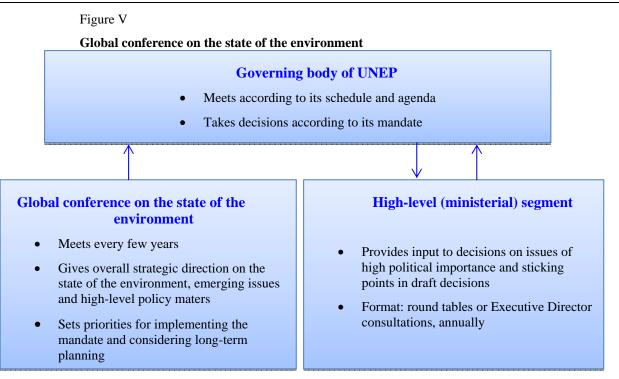
Figure IV

Interaction between governing body working groups and committees and the high-level segment



Option 2: global conference on the state of the environment

31. Alternatively, the Global Ministerial Environment Forum could also be replaced with a global conference on the state of the environment. This would bring together all stakeholders (ministers, the science community, universities, the private sector and others) and would meet every few years. The conference would hold discussions and take decisions at a high level on the state of the environment. The conference itself would not be directly involved in the decision-making process but rather consider the overall strategic direction on the state of the environment, emerging issues and high-level policy matters. A major input into the conference would be provided by the Global Environmental Outlook, which would serve as the basis for discussions by the conference. The conference could set priorities for implementing the mandate of UNEP and could consider long-term planning.



B. Name of the governing body of UNEP

32. Ministers are also invited to consider a name for the new governing body of UNEP which will fully reflect its universality and role. The establishment of universal membership in the governing body of UNEP gives this body a different, more authoritative standing in the United Nations system. Member States have realized that its current name may not adequately reflect its enhanced role and mark its new beginning. In international institutional law, the term "council" commonly refers to a subsidiary organ, not to the highest-level governing body, and often such an organ has only partial membership. Accordingly, by paragraph 4 (b) of resolution 67/213, the General Assembly mandated the Governing Council of UNEP to make a recommendation on its designation to reflect its universal character.

33. Many possibilities for a new name can be envisaged, including: "Governing Body", "Governing Assembly", "General Council", "Assembly", "Environment Conference", "United Nations Environment Assembly", and others. As a guiding principle, member States would need to agree on a name that reflects the inclusive nature of the new universal body, its supremacy within the UNEP institutional structure and its standing as the leading authority on environmental issues in the United Nations system. Given its elevated role in the United Nations system, the names "Environment Assembly" or "Environment Conference" may be more appropriate than "Governing Body", as the former reflect both the universal membership and the breadth of the intergovernmental body's remit. A decision on the name would be recommended to the General Assembly for its consideration.

VII. Questions to stimulate discussions

34. In order to stimulate discussions on the above-mentioned topics, ministers might wish to consider the following questions:

(a) What arrangements are necessary to ensure a functioning science-policy interface?

(b) What decisions need to be taken to enhance the capacity of UNEP to respond to national priorities?

- (c) How can the effective engagement of civil society be promoted?
- (d) What role should ministers have in the new universal governing body of UNEP?

(e) What name for the new universal governing body of UNEP would adequately reflect its character and role?