

# Informal Consultative Process on the Institutional Framework for the United Nations' Environmental Activities

## Co-Chairs' Options Paper

New York, 14 June 2007

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# 1. Introduction

The Informal Consultative Process on the Institutional Framework for the United Nations' environmental activities is one of the follow-up processes to the 2005 World Summit Outcome Document<sup>1</sup> (WSOD). In paragraph 169 of the WSOD States agreed to explore the possibility of a more coherent institutional framework, including a more integrated structure, for environmental activities in the United Nations system by achieving improvements in the following key areas of concern which are:

- enhanced coordination,
- improved policy advice and guidance,
- strengthened scientific knowledge, assessment and cooperation,
- better treaty compliance, while respecting the legal autonomy of the treaties, and
- better integration of environmental activities in the broader sustainable development framework at the operational level, including through capacity building.

In January 2006 the PGA designated two Co-Chairs of the Informal Consultative Process on the Institutional Framework for the United Nations' environmental activities.

Since then, the Co-Chairs have held a series of consultations in New York, Geneva and Nairobi and have met with numerous delegations individually as well as in groups, members of the UN Secretariat and secretariats of Multilateral Environmental Agreements as well as scientists, business leaders and NGOs.

Between April and June 2006 a first series of consultation meetings in the framework of the GA was held and a first Co-chairs' summary was presented in June 2006<sup>2</sup>. Thereafter, the PGA of the 61<sup>st</sup> GA asked the Co-Chairs to resume their consultations following the issuance of the High Level Panel Report on System-wide Coherence, which recommends that the work of the informal consultations should be continued.

Subsequently, a round of further consultations was held in the framework of the GA in the beginning of 2007. Additionally, the Co-Chairs participated in the 24<sup>th</sup> Session of the Governing Council of UNEP in Nairobi and in the Paris Conference for Global Ecological Governance.

To facilitate a structured discussion on the issue under consideration, the Co-Chairs provided delegations with a list of questions which were general in scope initially, but became more detailed as the consultations evolved.

In their discussions, the Co-Chairs have noted an increasing interest in environmental issues in many countries and institutions. At the international level, at least three distinct but interrelated debates have emerged which demonstrate this interest:

- A science driven discussion on the factors influencing changes in our ecosystems and on the economic cost of environmental degradation, generating an intensified debate on policies and practices to address this problem.

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<sup>1</sup> UN document A/RES/60/1

<sup>2</sup> <http://www.un.org/ga/president/61/follow-up/environment/Letter-Summary-Co-Chairs.pdf>

- An intensified debate has unfolded on policies and practices to address the problem of environmental degradation. This debate in the broader public focused mainly on the issue of climate change and more specifically on new targets to be negotiated for the second commitment period of the Kyoto Protocol and thus to the preparation of negotiations starting within the UNFCCC Conference of the Parties in Bali in December 2007. In policy debates, the discussion turned around adaptation and mitigation strategies, the prospect of new technologies as well as the potential of new financial mechanisms.
- Finally, the Co-Chairs have witnessed an increased interest for the debate on international environmental governance and thus on the question on how the international community should organise the institutional framework which would have to service such intensified demands. This debate was largely driven by the discussion on the report of the High-level Panel on System-wide coherence which touches also on a number of issues related to the International Environmental Governance (IEG). With regard to IEG more specifically, countries expressed their views in the context of the GA informal consultations as well as in the Global Ministerial Environment Forum.

It has become obvious that these discussions are closely intertwined and unlikely to produce immediate political consensus on a comprehensive IEG design: more rapid and more substantive replies to more pressing issues would demand for stronger institutions and financial arrangements while the exact design of such arrangements would largely depend on new policy approaches which were still to be defined.

The focus on environmental issues has given new impetus to the idea of integrating environmental governance into the broader framework of sustainable development. Many delegations, while ready to continue working on environmental governance, expressed their wish that progress in this area should be accompanied by similar progress on issues of development and social equity.

The following chapter presents a brief overview of the shortcomings in international environmental governance based on views of delegations expressed during the consultations. The proposals on how to address these shortcomings are organized in two ensuing chapters:

- chapter 3 presents a set of building blocks and options aimed at improving the IEG
- chapter 4 gives an overview of broader transformation options.

After intensive informal consultations in the plenary and numerous bilateral meetings over the past few months, the Co-Chairs have come to the conclusion that it is too early to expect any final results at this point in time. They would therefore recommend to continue their work by pursuing a phased process, inspired by an ambitious incrementalism. The respective proposals can be found at the end of chapters 3 and 4.

## 2. The current system of International Environmental Governance

The consultations in the framework of the GA over the past few months have confirmed and clarified the views expressed last year and reflected in the Co-Chairs' summary of June 2006. Delegations have offered more detailed views on the disadvantages of fragmentation and the advantages of specificity of the present IEG system. They have debated the extent of duplication, the lack of implementation of previous agreements and the complex roles of and relationships between the main intergovernmental bodies in the IEG system. The informal consultation process in the GA has confirmed key findings with which different fora of environmental experts have already come up in the past few years. It has also shown that the areas mentioned in paragraph 169 of the September 2005 World Summit Outcome Document, section "Environmental activities", are generally seen as the key areas in which rapid improvement should be sought. The consultations have also shown that in many respects there is remarkable convergence between the viewpoints of Member States and the analysis undertaken by the High Level Panel report on System-wide Coherence<sup>3</sup>.

The main shortcomings of international environmental governance as identified by States during the informal consultations are the following:

### Scientific assessments

- Lack of coherent and authoritative scientific advice to decision makers
- Overlaps and ignored interlinkages
- Lack of early warning mechanism

### Institutional complexity and fragmentation within the UN and other multilateral agencies

Some delegations see merit in a fragmented system, arguing that such a system would allow a division of labour and a certain degree of specialisation in dealing with environmental issues. Most delegations, however, have emphasised the disadvantages of institutional fragmentation which become particularly apparent in areas such as scientific assessment, policy advice, implementation, burden on member states and ineffective as well as inefficient use of resources. According to them, fragmentation seriously undermines the system's ability to address sector-specific issues in an efficient and holistic way.

An important number of delegations have mentioned the following problem areas:

- Lack of a single, recognized platform to offer policy advice on environmental issues at the global level
- Lack of an effective and authoritative environmental pillar within the UN system
- Lack of coordination among UN agencies

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<sup>3</sup> UN document A/61/583, chapter 3.

### *Institutional complexity and fragmentation among Multilateral Environmental Agreements (MEAs)*

- Fragmentation and a lack of coherence in the environmental legal framework
- Heavy burden on Member States, particularly in terms of reporting obligations and COP meetings

### *Implementation of existing obligations and commitment*

- Lack of implementation of prior decisions and existing commitments
- Insufficient capacity building and technical assistance

### *Funding*

- Complex and inefficient funding mechanisms
- Complicated funding application and approval procedure of the Global Environment Facility (GEF)
- Unproductive competition for scarce funds
- Insufficient, unstable and unpredictable funding base of UNEP

### *Partnerships*

- Insufficient use of partnerships with civil society, private business and the science and academic community in the UN framework
- Current rules of procedures limiting cooperation between the UN and partners

### 3. Building Blocks for a strengthened International Environmental Governance

The consultations have confirmed broadest support for enhancing IEG in terms of efficiency, effectiveness and impact in order to build a system which has authority and credibility and mirrors enhanced capacity of the multilateral system to respond to the increasing challenges of environmental degradation. While there are a number of different ideas with regard to the priorities and modalities of moving forward, delegations have also mentioned a series of principles, premises and conditions which should guide the process of enhancing IEG. The following elements have been referred to recurrently:

- Place action on IEG in the context of sustainable development
- Maintain the principle of shared but differentiated responsibility in a strengthened IEG system
- Enhance policy coherence and focus on implementation, compliance and capacity-building at the same time
- Build on the strengths of the present system (specificity) while expanding cooperation between the different parts of the system.
- Advance environmental mainstreaming in areas such as trade, development, health, humanitarian action and disaster relief without adding new conditionalities
- Make available sufficient, timely and predictable resources
- Support broad understanding of capacity-building including in the areas of research, science, technology transfer, legal frameworks, policy formulation and operational delivery
- Strengthen environmental governance at national, sub-regional, regional and global level
- Fully implement the Cartagena decisions and the Bali Strategic Plan
- Strengthen good management and good governance efforts in parallel
- Include civil society, science and business communities in the global governance

While delegations have expressed different views as far as the scope and extent of possible changes in IEG are concerned, there has been remarkable unanimity in the consultations that the different functions of the IEG needed improvement, including

- the identification and assessment of the state of the environment
- the normative and policy work of the system
- the implementation at different levels
- as well as the policy assessment and support functions, including capacity-building, technology transfer, information technology, finance, advocacy and partnerships.

In the following, delegations' inputs are clustered around seven areas which have been mentioned most frequently during the consultations as priority areas for renewed inter-governmental attention, intervention and improvement. They include

- strengthening UNEP in key areas
- enhancing cooperation among UN agencies

- strengthening ties among MEAs, UN agencies and the BWI
- improving implementation
- strengthening key support functions.

Each block represents an important element for improving the IEG system and most of them are interrelated. Also, within each building block, a number of different proposals are mentioned; the number of building blocks and the options listed could easily be further expanded and adapted as discussions progress. It represents a flexible framework for debate and decision making. The term building block suggests possible improvements while debate on the overall design might still be in progress. We do not suggest that there is a hierarchical order in these building blocks but rather consider them as different in scope but similar in importance.

## **Building block 1: Scientific assessment, monitoring and early warning capacity**

### Rationale

Make UNEP a leading authority within the UN system for scientific assessment and monitoring on the state of the global environment by strengthening the Programme's capacity and by building a network of scientific activity within the UN system as well as between the UN, the MEAs and the World Bank (WB); strengthen the Programme's capacity to provide Member States with authoritative advice on key aspects of global environmental challenges and early warning.

### Options

Ask GMEF/UNEP to take immediate action to implement the following measures:

- Create the position of a chief scientist at UNEP. While the exact terms of references for this function have to be decided by the GMEF/UNEP, main tasks should include:
  - i. Management of scientific assessment, monitoring and early warning work of UNEP
  - ii. Provision of policy makers/governments with authoritative scientific knowledge on the state of the environment and early warning
  - iii. Interaction with scientific work of MEAs and submission of integrated reports to political decision-making organs
  - iv. Identification of emerging threats and information to the respective UNEP policy bodies, including information relevant for early warning purposes.
- Encourage user-friendly presentations of environmental assessments and policy responses.
- Encourage UNEP to partner systematically with research institutions, academies of science and scientific societies to access research and in-depth expertise.

- Establish the Environment Watch Strategy Vision 2020 as a global information network system to monitor the world's environmental situation. Call upon countries, scientific partners and financial institutions to contribute to the implementation of the Strategy. The Environment Watch Strategy should draw on other available resources such as the scientific work of MEAs, the WB, Earth Watch and resources supported by academic institutions.
- Strengthen connectivity with geographical (national, subregional, regional) and thematic networks in the framework of Environment Watch Strategy and ensure complementarity and coherence of external contributions to the Strategy.
- Connect UNEP scientific capacities to the Global Earth Observation System of Systems (GEOSS).

#### Ask the GA

- To request scientific bodies of multilateral agreements to contribute to and cooperate with the Environment Watch Strategy and to conclude agreements with the UNEP secretariat in order to define the roles and responsibilities of each of the institutions in the network.

## **Building block 2: Coordination and cooperation at the level of agencies**

### Rationale

Strengthen the capacities of UNEP, including through the Environment Management Group (EMG), to cooperate and coordinate with other UN entities and the WB on environmental issues. Enhance the capacities within the UN system to integrate environmental objectives into related areas such as development cooperation, trade, health.

### Options with regard to operational work

Further improve cooperation between UNEP and UNDP by fully implementing the existing Memorandum of Understanding (MoU) between them.

Establish a process in the secretariats of UNEP and UNDP to further clarify the respective roles of both UNDP and UNEP in regard to the implementation of the Bali Strategic Plan for Technology Support and Capacity-building (BSP) as well as the two Programmes' interaction with the International Financial Institutions and MEAs in that regard; amend the existing MoU between UNDP and UNEP accordingly and report to GMEF/GA on the progress achieved.

Elaborate a joint MoU for UNEP, UNDP and WB/GEF clarifying the role of each organisation in the implementation of the BSP.

Establish joint units between UNEP and other UN agencies to deal with issues that require close cooperation and coordination, following the model of the joint OCHA/UNEP unit for disaster preparedness.



Strengthen UNEP's role within undg by tasking UNEP with the chairing of the environmental subgroup of undg.

Involve UNEP in "one UN" pilot countries.

Coordinate activities in UNEP more closely with technical programs through UN Regional Commissions.

#### Options with regard to policy work

Make better use of the Environment Management Group with a view to facilitating better coordination of policy and strategic planning among the EMG members.

Ensure better integration of environmental concerns into economic policy and strategic planning by setting up issue-management groups to deal with specific areas in the EMG.

Where necessary, associate further institutions from within and outside the UN to the work of issue-management groups in the EMG.

Charge the EMG with annually reporting to the GA on its progress in improving cooperation and on the difficulties and obstacles encountered in this endeavour.

Establish EMG as a high level committee on environmental issues of the United Nations System Chief Executive Board for Coordination (CEB). Establish regular reporting obligations on the progress of policy and strategic coordination activities of EMG to CEB.

Task the EMG with keeping a consolidated UN environment calendar in order to reduce scheduling conflicts.

Put particular emphasis on improved coherence among MEAs and between UNEP and the MEAs by urging COPs of MEAs to continuously support existing efforts to cluster activities and to establish a streamlined, cluster-wise reporting system for MEAs by which each cluster should report on its progress to the GA through UNEP.

Coordinate activities in UNEP more closely with technical programs through UN Regional Commissions.

#### Options with regard to mainstreaming capacities

Strengthen cooperation between UNEP and international economic, trade and financial organizations both within and outside the UN system.

Task the EMG with better integrating environmental challenges into economic strategies.

Make UNEP and MEAs formal observers on all the relevant Committees of WTO and vice versa.

## Building block 3: Multilateral Environmental Agreements

### Rationale

Enhance cooperation and coordination amongst MEAs, promote working in clusters and rationalise secretariat activities.

### Options

Improve the work of the joint liaison group that has been convened by the secretariats of the Rio conventions by including UNEP in the group.

Establish a process under the guidance of the General Assembly, and with the assistance of UNEP, to initiate the thematic, programmatic and administrative clustering of Multilateral Environmental Agreements in the following areas:

- Conservation (Biodiversity [CBD; Migratory species, UNCCD]; Forests; in collaboration with Ramsar; CITES and the Whaling Commission)
- Global Atmosphere
- Hazardous substances (Chemicals [PIC, POPs, SAICM, Basel Convention])
- Marine and Oceans

In order to reduce the frequency and duration of MEAs COP meetings, MEAs in each thematic cluster are called upon to coordinate and streamline their meeting schedules and hold the meetings back to back or, where appropriate, jointly or in parallel.

The governing bodies of MEAs taking part in thematic clustering are called upon to design and implement proposals for:

- i. joint institutional structures with joint secretariats
- ii. joint administrative structures with a view to create common legal, financial and conference services and joint reporting to the GA through UNEP.
- iii. joint scientific structures for research, assessment and monitoring, including strategic planning and resource allocation
- iv. joint programmatic structures in the areas of strategic guidelines and planning, implementation, capacity building, technology support and evaluation.

The GA is asked to set a timeframe for the implementation of the thematic clustering and subsequent set up of joint structures.

MEAs are called upon to improve their participation at regional environmental meetings and interaction with UNEP regional offices as well as with regional organizations and relevant UN agencies that have activities on a regional level.

Ensure that all country-related activities of MEAs are coordinated among themselves, with the government of the host country as well as within the UN system.

Ensure that MEAs' support at country level to activities of UNDP, UNEP and the IFIs is consistent with the objectives of the Bali Strategic Plan.

Set up a process to gradually integrate MEA secretariats, with UNEP providing the functions of a secretariat for the MEAs and set a time frame for completion of this process.

Ensure that any savings resulting from improved coordination and cooperation of MEAs are used to increase implementation activities.

## **Building block 4: Regional presence and activities at the regional level**

### Rationale

Use regional offices of UNEP as entry points for scientific activities and capacity-building.

### Options

Strengthen the links between UNEP's regional offices and relevant scientific networks.

Assess and expand ongoing pilot programmes jointly undertaken by UNEP and UNDP to address complex sub-regional environmental challenges.

Strengthen the links between UNEP's regional offices and regional and sub-regional organisations.

Provide UNEP regional offices with a mandate for capacity-building and technology support in regard to the implementation of the BSP.

Use UNEP's regional offices to coordinate environment-related activities with UN Regional Commissions and other regional programmes.

## **Building block 5: Bali Strategic Plan, capacity-building, technology support**

### Rationale

Deepen and broaden capacity-building and technology support throughout the IEG system and foster implementation of the Bali Strategic Plan.

### Options

The Bali Strategic Plan for Technology Support and Capacity-building should serve as the overarching guiding framework for operational activities of MEAs, UN agencies and the International Financial Institutions at country level.

The UNDG should take immediate action to approve policies and procedures related to environmental sustainability and to appropriately integrate them into the Guidelines for UN Country Teams on preparing Common Country Assessments (CCA) and United Nations Development Assistance Frameworks (UNDAF).

Ensure that UNDAFs and PRS adequately reflect the needs expressed by governments in regard to the implementation of the BSP.

Ensure that capacity-building and technology support related to the implementation of the BSP becomes an integral part of national development frameworks.

The Resident Coordinator and the UN Country Team should make full use of the capacities of the UN system, particularly those of UNEP, to respond to the needs of developing countries and countries with economies in transition with regard to the strengthening of the capacities of governments in order to achieve the objectives of the BSP.

Integrate advisors of UNEP in UN country teams, where appropriate.

Promote public-private partnership in the areas of technology support and capacity building.

## **Building block 6: IT, partnerships and advocacy**

### Rationale

Strengthen key support functions relating to IEG such as the use of IT, expanded partnerships and advocacy activities.

### Options

Support clustering of MEAs by making better use of IT. Promote electronic meetings instead of physical gatherings.

Strengthen virtual scientific platforms dedicated to specific environmental issues.

Establish a unified clearing-house mechanism of best practices and lessons learned in all environmental fields, supported through the collaboration of MEAs and other partners, in order to serve as an integrated communication platform on environment, allowing participants to

- exchange up-to-date information on thematic and geographic activities
- exchange advice, lessons learned and best practices
- set up electronic conferences.

Use IT for on-site capacity building through Advanced Distance Learning and build on experiences made with the CSD Learning Center.

Make better use of partnerships with science, civil society and business and adapt UN rules and regulations in order to facilitate such activity.

Encourage UNEP to establish a partnership forum to enhance and promote cooperation.

Develop a common environmental advocacy and information strategy within the UN system and between the UN system and the MEAs.

## **Building block 7: Financing**

### Rationale

Improve financing for the IEG system and for environmental activities through timely and adequate funding.

### Options

Strengthen the financial basis of UNEP through

- better balance between earmarked and non-earmarked resources
- continued application of the indicative scale of assessment
- systematic use of result-based budgeting.

Assess financial needs and, if appropriate, increase the financial basis of global environmental policy implementation and capacity-building through

- a standardized financial tracking system providing a comprehensive overview of environmental expenses in the UN system
- new focal areas, as appropriate, in the GEF and increased replenishments
- a funding structure within UNEP able to receive private donations
- consolidate the accounting infrastructure of similar MEAs.

Make more efficient use of existing resources by

- facilitating cooperation and coordination of environmental activities to avoid duplication of efforts
- ensuring more effective direction of resources into capacity building and technology support (implementation of the BSP, strengthening of regional offices), based on a demand-driven approach
- facilitating cooperation and coordination and utilizing synergies among MEAs
- providing guidance on how to simplify and mainstream reporting procedures
- combining acquisition services of co-located MEA secretariats.

## **Conclusion and proposal**

The abovementioned options to enhance IEG within existing mandates and institutional frameworks are firmly rooted in intergovernmental decisions taken over the past decade, in particular the Cartagena outcome and the Bali Strategic Plan. Although a number of

delegations have expressed doubts during consultations that a better implementation of such decisions would be possible today without changing fundamentally the IEG-system, many delegations who prefer a step-by-step approach to improve IEG would like to give this incremental approach a chance: they refer to the stronger political interest and dynamic for implementation today and see it as a key task of the GA to give political support to those efforts.

The Co-Chairs therefore propose that on the basis of options mentioned in this chapter, the GA should take a decision on strengthening environmental governance during the 62 General Assembly by the end of the year.

The decision on and implementation of some of the above mentioned options might go beyond the purview of the GA, but the GA could give political support for the options, ask COPs of MEAs for stronger cooperation and task the GMEF with engaging in the respective direction.

The GA should also decide to closely monitor its decisions in order to ensure more thorough implementation.

## 4. The broader transformation of the IEG system

A number of delegations have developed farther reaching proposals with regard to the IEG. Such proposals focused on strengthening a global environmental pillar by building a stronger network of institutions beyond the present mandates and on transforming UNEP into an UNEO. Some delegations also raised the issue of the global intergovernmental architecture and the possibilities to enhance and simplify the complexities of the present system and the relationships among intergovernmental bodies.

### *The environmental pillar*

While building on the strengthening of the present system, UNEP should be transformed into a central pillar of the environmental activities of the UN system by

- enhancing its legal status,
- expanding its mandate,
- deciding on the issue of universal membership and the composition of relevant organs
- building-up an institutional structure similar to those of other specialized agencies,
- securing funding for such an upgraded body as well as more stable and sufficient funding for environmental activities and
- transforming GMEF with universal membership into the supreme intergovernmental body to UNEO.

It was argued that such an initiative would have the following advantages:

- it would add political weight to incremental improvements,
- strengthen the ability and the means for better resource mobilization, capacity-building and cooperation with public administrations at regional and national levels,
- it would improve technology support and assistance for the implementation of MEAs.

While few delegations were strongly opposed to such ideas, others expressed an interest in exploring the concept further. Many delegations – while not having a final position - have stressed the importance to remain open-minded on the issue of a broader transformation of the IEG-system in view of the evolving discussions in the international community on scientific findings, new policy orientations and the challenges of operational delivery. Some delegations, while agreeing on the necessity of a broader strengthening of a UN environmental pillar, proposed to explore other organizational models than the creation of a specialized agency: they suggested that a consortium or a network of environmental institutions, serviced by a common and integrated secretariat, might offer better solutions than the creation of an agency.

### *Intergovernmental bodies*

Few delegations have focused on the respective roles of the GA, ECOSOC, CSD, COPs of MEAs, governing bodies of related UN agencies, in particular UNEP, and the World Bank. No proposals have been made to change fundamentally the mandate and function of these bodies within the global IEG system. There is a broad recognition though, that decisions in the aforesaid fora should be better linked to one another and that roles

should be clarified. A more coherent way of addressing some of the pending issues could be found through a multi-year work plan and the development of a common understanding of the different roles and responsibilities of each organ. This idea as well needs further exploration.

In this context the importance of a more sustained engagement of the GA in monitoring the implementation of decisions, in discussing interlinkages between the work of different bodies and in giving policy direction has been mentioned. While some delegations consider the present structures of the GA sufficient, others have proposed that a more specialized body should be created.

Some delegations are of the view that the establishment of a distinct body composed of members of the GA, the ECOSOC, the GMEF and the WB, in analogy to the Peace Building Commission, might help to enhance the effectiveness of the IEG.

Finally, and taking sustainable development as a framework, it was proposed that UNEP, UNDP and GEF should work together through a small, joint structure, with each organization associating its closest partners (e.g. UNEP rallying the MEAs and other environmental organizations). Such a structure could be lead by the heads of the three organizations and supervised by the GA or by a Council of Ministers modeled on the Board of the GEF. It could eventually replace the EMG.

## **Conclusion and proposal**

In order to address aspects of a broader transformation of the IEG and in complementing the proposals for the building blocks, the Co-Chairs propose the following

- To continue the informal consultations of the GA on the need and the possibilities for a more coherent environmental governance system beyond the present structures, legal status, mandates and financial basis.
- To decide not later than by the end of the 62<sup>nd</sup> session of the GA on the terms of reference for formal negotiations on a broader transformation of the IEG system which should start no later than the beginning of the 63<sup>rd</sup> session of the GA.