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**International environmental policy and governance  
issues: relationship between the United Nations  
Environment Programme and multilateral environmental  
agreements**

**Relationship between the United Nations Environment  
Programme and the multilateral environmental agreements**

**Report of the Executive Director**

*Summary*

The present report, submitted pursuant to paragraph 3 of resolution 1/12 of the United Nations Environment Assembly, summarizes the work of the task team established by the Executive Director as a consultative mechanism to carry out a joint review of the recommendations emerging from consultations between the United Nations Environment Programme (UNEP) and the secretariats of multilateral environmental agreements for which UNEP provides the secretariat or performs secretariat functions, follow-up to those recommendations, and the current state and level of effectiveness of administrative arrangements and programmatic cooperation, in the light of pertinent new United Nations system-wide and Secretariat-wide administrative requirements, and of the desire to continuously improve the results-based delivery of UNEP. The summary is followed by an analysis by UNEP and its recommendations on means of improving the effectiveness of cooperation between UNEP and the multilateral environmental agreements in the areas of institutional frameworks and accountability, administrative and financial frameworks, and programmatic cooperation. Further information on the subject appears in document UNEP/EA.2/11/Add.1.

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\* UNEP/EA.2/1.

## I. Introduction

1. The institutional architecture for international environmental governance comprises a complex, wide-reaching web of multilateral institutions, agreements, processes and consultative mechanisms that address environmental and environment-related matters. These institutions, agreements, processes and mechanisms should be considered against the backdrop of the institutional frameworks for sustainable development. Among them, as mandated by the General Assembly in resolution 53/187 of 15 December 1998, the United Nations Environment Programme (UNEP) serves 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 United Nations system and acts as an authoritative advocate for the global environment.

2. As part of its additional mandate to catalyse international action on emerging environmental issues of concerns to the international community and to support international cooperation in the field of the environment, since its very inception, UNEP has been supporting Governments in their efforts to develop and implement the multilateral environmental agreements, in particular through its Montevideo Programme for the Development and Periodic Review of Environmental Law. UNEP also provided institutional support to the secretariat for the negotiation of the United Nations Framework Convention on Climate Change and, at the regional level, has supported Governments in the respective regions in their endeavours to develop regional agreements in the field of the environment, including a number of regional seas conventions and protocols, such as those for the Mediterranean (Barcelona Convention), the Caribbean (Cartagena Convention), the eastern African regional seas (Nairobi Convention) and the western and central African regional seas (Abidjan Convention).

3. Multilateral environmental agreements are independent international legal entities, and are legally distinct from the organizations of the United Nations system, even if they are institutionally linked to them. They are governed by their respective parties, including through their governing bodies, such as conferences of the parties, and operated in accordance with the provisions of those agreements and the decisions of those bodies. The policy and financial decisions of the governing bodies of multilateral environmental agreements guide their implementation and related programmes of work and provide policy direction to the secretariats on all substantive issues. In principle, funds for the implementation of the agreements are provided by the parties to the respective agreements. A number of multilateral environmental agreements concluded since the 1970s have established ad hoc institutional arrangements for that purpose. Specific provisions contained in each convention have stipulated the key functions, prerogatives and responsibilities of the relevant governing bodies and secretariats for the operationalization of the agreements. The entities tasked with the provision of their secretariats are required to ensure that decisions of the parties are implemented effectively, within the funds provided, and that parties' requests are met.

4. The UNEP Executive Director has been entrusted with providing secretariat functions for a number of multilateral environmental agreements, as specified in the provisions of those agreements or as mandated by the decisions of the respective conferences of the parties pursuant to the relevant provisions of such agreements. These arrangements have been approved by the governing body of UNEP (formerly the Governing Council, now transformed into the United Nations Environment Assembly of UNEP), which entrusted the Executive Director to carry out such functions. The multilateral environmental agreements enjoying such arrangements are listed in annex I to document UNEP/EA.2/11/Add.1. Although UNEP has been entrusted with providing the secretariats for these conventions, UNEP and the conventions have their own independent governance structures, decision-making bodies and procedures.

5. Member States and parties to the respective multilateral environmental agreements have requested an analysis of the institutional arrangements governing the relationship between UNEP and the agreements and, in particular, of the effectiveness of the secretariat services provided by UNEP. In this regard, the relationship between UNEP and the agreements has been brought to the attention of the respective governing bodies and the governing body of UNEP on a number of occasions over the past few years, including at the twenty-sixth session of the Governing Council in 2011. A list of relevant decisions and resolutions is provided in annex II to document UNEP/EA.2/11/Add.1.

6. It is against this background that, in February 2014, the UNEP Executive Director established a task team as a consultative mechanism designed to carry out a joint review of the recommendations provided by past consultations between UNEP and the secretariats of those multilateral environmental agreements for which the Programme provides the secretariat (referred to as the "convention secretariats"), their follow-up, and the current state and level of effectiveness of the administrative arrangements and programmatic cooperation, in the light of pertinent new United Nations system-wide

and Secretariat-wide administrative requirements and in response to the desire for a continuous improvement in the results-based delivery of UNEP.

## **II. Work of the task team on the effectiveness of administrative arrangements and programmatic cooperation between UNEP and those multilateral environmental agreements for which UNEP provides the secretariat or performs secretariat functions**

### **A. Establishment of the task team**

7. The task team comprised representatives of the convention secretariats and the relevant offices of UNEP and was chaired by the Deputy Executive Director. The Executive Secretary of the Convention on the Conservation of Migratory Species of Wild Animals served as Vice-Chair.

8. The first objective of the task team was to provide the Executive Director with recommendations for more cost-efficient, effective, and quality-driven administrative arrangements between UNEP, the United Nations Office at Nairobi, the United Nations Office at Geneva and the convention secretariats. The team's second objective was to provide the Executive Director with recommendations for strengthened programmatic cooperation between UNEP and the convention secretariats. The team commenced its consultations on 3 February 2014 and met thereafter six times, between July 2014 and June 2015. At its first meeting, it established two working groups – one on administrative arrangements and the other on programmatic cooperation. They were chaired by representatives of the secretariats of the Convention on International Trade in Endangered Species of Wild Fauna and Flora and the Convention on Biological Diversity, respectively.

9. The task team and its two working groups considered a number of relevant processes and documents in their deliberations, as reviewed in annex III to document UNEP/EA.2/11/Add.1. During the period of the task team's activities, a number of multilateral environmental agreements convened sessions of their conferences or meetings of the parties, at which updates were provided on the task team's work in accordance with resolution 1/12 of the United Nations Environment Assembly. Updates on the team's work were also provided to the Committee of Permanent Representatives to UNEP.

### **B. Working group on administrative arrangements**

10. The working group on administrative arrangements included members from UNEP, the United Nations Office at Nairobi and the secretariats of the following multilateral environmental agreements: the Basel Convention on the Control of Transboundary Movements of Hazardous Wastes and Their Disposal; the Rotterdam Convention on the Prior Informed Consent Procedure for Certain Hazardous Chemicals and Pesticides in International Trade; the Stockholm Convention on Persistent Organic Pollutants; the Convention on Biological Diversity; the Convention on Migratory Species; the Vienna Convention for the Protection of the Ozone Layer, and the Montreal Protocol on Substances that Deplete the Ozone Layer, together with the Multilateral Fund for Implementation of the Montreal Protocol; the regional seas conventions and action plans; the Framework Convention on the Protection and Sustainable Development of the Carpathians (Carpathian Convention); and the Framework Convention for the Protection of the Marine Environment of the Caspian Sea (Tehran Convention).

11. A draft report was prepared by the chair of the working group and submitted to the chair of the task team on 5 June 2015 and, following completion of the necessary validation process, a final version of the report was submitted on 31 August 2015. The working group on administrative arrangements was requested to consider the following aspects of the task team's terms of reference:

(a) Clarifying the administrative relationship between UNEP, the United Nations Office at Nairobi, the United Nations Office at Geneva and the convention secretariats;

(b) Identifying the range of administrative services required by the convention secretariats and indicating whether they are all currently being provided;

(c) Identifying the respective service providers for specific services and the necessary funding sources;

(d) Reviewing the quality and cost-efficiency of administrative services currently provided by UNEP, the United Nations Office at Nairobi and the United Nations Office at Geneva to the convention secretariats;

(e) Identifying the new United Nations system-wide administrative requirements, namely the adoption of the international public sector accounting standards (IPSAS) and the new Secretariat-wide enterprise resource-planning system (Umoja), together with the options for the implementation of these requirements and the associated implications for the convention secretariats;

(f) Developing a draft framework for determining the roles and responsibilities of different service providers in providing effective and efficient administrative support through UNEP to the convention secretariats, including the roles and responsibilities of the UNEP Office for Operations and Corporate Services, the roles and responsibilities of the UNEP substantive divisions, and the roles and responsibilities of United Nations service providers (in particular, the United Nations Office at Nairobi and the United Nations Office at Geneva).

### **C. Working group on programmatic cooperation**

12. The working group on programmatic cooperation was chaired by a representative of the Secretariat of the Convention on Biological Diversity and included representatives of UNEP and of the secretariats of the following multilateral environmental agreements: the Convention on International Trade in Endangered Species; the Convention on Migratory Species; the Convention on Biological Diversity; the Vienna Convention and the Montreal Protocol; and the Basel, Rotterdam and Stockholm conventions. In some cases, recommendations relevant to the Minamata Convention on Mercury and the regional seas conventions and action plans were also formulated.

13. The working group completed its work and submitted its final report to the chair of the task team on 24 February 2015. It was requested to consider the following aspects of the task team's terms of reference:

(a) Identifying priority areas for programmatic cooperation;

(b) Clarifying directions from governing bodies, such as decisions of the conferences of the parties and the UNEP governing body, and other strategic and planning documents, such as medium-term strategies, programmes of work, etc.;

(c) Clarifying and reaffirming resolutions and recommendations of a global nature, such as the outcomes of the United Nations Conference on Sustainable Development, and reports from United Nations internal oversight bodies, such as reports by the Joint Inspection Unit on the management review of environmental governance within the United Nations system and relevant audits by the Office of Internal Oversight Services;

(d) Developing a framework for better programmatic cooperation between UNEP and the convention secretariats, including the identification of thematic and functional areas for potentially greater synergies and programmatic cooperation, in the light of their respective general and specific mandates.

### **D. Summary of deliberations and overarching recommendations**

14. The relationship between UNEP and the convention secretariats has been the subject of numerous consultations in the past. These consultations have primarily focused on administrative arrangements, although some have also addressed programmatic cooperation. Such consultations have also considered the role and function of service providers for the respective convention secretariats, such as the United Nations Office at Nairobi, the United Nations Office at Geneva and the United Nations Office at Vienna, and their interrelationship with UNEP.

15. The task team found that a significant amount of fruitful programmatic cooperation was already taking place between UNEP and the conventions. Such cooperation should be further pursued and strengthened at various levels and on numerous issues. Possible areas for renewed and strengthened cooperation – with mutual benefits for UNEP and the conventions in the future – include: timely coordination on programmatic matters, including preparation of work programmes, support for Governments and technical assistance at the national level, regional delivery, and communications and outreach. Given possible cost and staffing implications, future joint consultations should evaluate cost-effective actions and priority-setting in these areas. Moreover, any activities undertaken by UNEP and the conventions must be within their respective mandates and priorities, which may change over time. The administrative and programmatic relationships between UNEP and the conventions are separate and distinct and the administrative relationship does not give rise to automatic implications for the programmatic relationship.

16. In assessing how to improve programmatic cooperation, the task team also considered the different mandates and roles of UNEP and the conventions. UNEP and the conventions differ in their legal nature and their functions. UNEP is the leading global environmental authority that sets the

global environmental agenda, promotes the coherent implementation of the environmental dimension of sustainable development within the United Nations system, and serves as an authoritative advocate for the global environment. Its secretariat is headed by the Executive Director. For their part, the multilateral environmental agreements are legally binding instruments that make significant contributions to sustainable development and that coordinate and cooperate with each other and with the United Nations system. The roles and functions of the convention secretariats are set out in the provisions of the respective conventions, and also through resolutions and decisions of the parties. Each convention secretariat has an executive head. The role of UNEP or its Executive Director in connection with the provision of the convention secretariats is also set out in the provisions of the conventions, resolutions and decisions by the parties and related decisions of the governing body of UNEP. The roles and functions of the convention secretariats vary quite considerably, but common to all of them is assisting their parties in achieving and implementing the objectives and commitments contained in the respective agreements. Generally speaking, the role of the convention secretariats is to convene meetings under the authority of the governing bodies of the convention in question and provide other kinds of support (technical, policy, etc.) to parties in their efforts to achieve their commitments, although some of the convention secretariats also play an active role in monitoring and assisting compliance, reviewing implementation, drawing matters to the attention of the parties, and commenting on draft amendments, resolutions and decisions. While specific activities may change, the overarching programmatic goals remain the same, although the role of some secretariats has evolved considerably over time.

17. UNEP and various other United Nations bodies and other entities work as partners with the various convention secretariats to support countries in meeting their obligations under multilateral environmental agreements. These partners may be environment-related bodies, but in many cases they may also have very different types of mandates and expertise, dealing with development, natural resources or trade. UNEP serves as one of the executing agencies of the Global Environment Facility (GEF) and also as one of the implementing agencies of the Multilateral Fund for the Implementation of the Montreal Protocol. In that role, UNEP assists parties to multilateral environmental agreements in implementing their treaty obligations, where they fall under GEF or the Multilateral Fund. By contrast, the conventions are not generally set to assist UNEP in implementing its programme of work but may have goals and interests which are shared with UNEP and have thereby assisted UNEP in achieving its mandate through actions within the area of their specialized expertise.

18. One of the most important actions that could be taken to improve programmatic cooperation would be for UNEP to incorporate the priorities of the conventions into its own programme of work, insofar as they relate to the mandate of UNEP. A process for determining these priorities, and for facilitating consideration by UNEP of these priorities, in order to build them into its medium-term strategy and programme of work, would make possible better alignment between convergent priorities. UNEP and the conventions, through their secretariats, should each bring to this discussion what they see as relevant priorities and projects, through an open and transparent process that allows both sets of entities to build stronger and more aligned cooperation.

19. Where administrative arrangements are concerned, UNEP and the convention secretariats need to consult one another regularly. Written and agreed administrative arrangements with the relevant governing bodies, and delegations of authority between the Executive Director and the executive heads of the convention secretariats, help to clarify the administrative relationship between them. More work should be undertaken, however, to clearly outline the administrative relationship between UNEP, the United Nations Office at Nairobi, the United Nations Office Geneva, the United Nations Office at Vienna and the conventions, in particular in the light of the changeover to Umoja.

20. The task team also reported that, while UNEP provides the secretariats for a number of multilateral environmental agreements, the primary accountability of the convention secretariats is to the governing bodies of their respective conventions. UNEP and each secretariat should work together to develop custom-fit arrangements for the delivery of needed administrative services in line with United Nations regulations, rules, and core values, and with the accountability requirements of both UNEP and the multilateral environmental agreements (noting that written agreements are in place between some conventions and UNEP). Such joint efforts should involve a review of the nature and sufficiency of existing service agreement frameworks which affect the ability of convention secretariats to serve their respective parties.

21. Overall, the task team recommended that, for its efforts to result in a change in organizational culture, there must first be a change in the business processes of UNEP and the convention secretariats in terms of how they interact with one another. Building on the significant progress that has already been made in recent years – and noting the administrative delays and transaction costs caused by the transition to Umoja – an iterative, consultative process should be established to ensure that areas and

activities for more effective administrative arrangements and strengthened programmatic cooperation will be further discussed, developed and prioritized.

22. The task team recommended the implementation of certain time-sensitive items amongst its recommendations as a matter of priority, and agreed on the following areas as needing urgent attention:

(a) *Programme*: development of the new UNEP medium-term strategy for 2018–2021 with inputs from UNEP and the convention secretariats on shared priorities, and the provision of inputs, including shared priorities, to the UNEP programme of work for 2018–2019 and related projects with the involvement of the convention secretariats where relevant;

(b) *Administration*: assessing and addressing the implications of Umoja and ensuring the effective and efficient provision of custom-fit administrative services to the convention secretariats, including with the aim of better informing the relevant parties about any specific implications which Umoja will have for the operations and work of the convention secretariats; and, at the most opportune time, restoring the delegation of authority to managers that had been temporarily suspended for the purpose of the ramp-down and launch of Umoja.

23. In addition, the task team noted the importance of strengthening cooperation at the regional and subregional levels. Finally, highlighting the productive and consultative process leading to the task team's report and to ensure that its recommendations are heeded and acted upon, the task team recommended that UNEP maintain a mechanism for ongoing consultation between UNEP and the convention secretariats, which would be long-term in nature. Such a consultative mechanism could, as a priority, monitor the implementation of agreed recommendations, including through the continued assessment of ways to improve the effectiveness of administrative arrangements and programmatic cooperation.

### **III. Progress in the implementation of certain key recommendations**

#### **A. General coordination**

24. The Executive Director and heads of convention secretariats agreed to restore the multilateral environmental agreements management team as an appropriate coordination mechanism between UNEP and the convention secretariats. The management team should meet regularly (on a quarterly basis) to discuss, among other matters, strategic cooperation and administrative matters. The team's first meeting took place in Vienna on 19 June 2015 and the second, held by teleconference, on 5 October 2015.

25. On 1 July 2015, the Executive Director appointed two key multilateral environmental agreement focal points within the UNEP secretariat: a focal point for supporting and strengthening programmatic collaboration with multilateral environmental agreements, based in the Division of Environmental Law and Conventions; and a focal point for operational and administrative support to convention secretariats, based in the Office for Operations. The two focal points will support the work and meetings of the management team and ensure that UNEP provides consolidated, appropriate and timely inputs in preparation for conferences and meetings of the parties. The designation of the focal points on programmatic and administrative issues responds to the call for more streamlined processes that will lead to greater accountability, responsibility and responsiveness and enable us to track progress, bottlenecks and challenges.

26. Working in close consultation with the convention secretariats, UNEP is preparing timely reports and inputs to and participates in the deliberation of the governing bodies of multilateral environmental agreements. This should help to enhance consultative arrangements between UNEP and the multilateral environmental agreements, such as regional ministerial consultations, effective use of communication opportunities, and early identification of emerging issues.

#### **B. Programme**

27. Relevant offices within UNEP held intensive consultations with the convention secretariats during the development of the new draft UNEP medium-term strategy for 2018–2021 and the related 2018–2019 programme of work, to ensure that the conventions' programmatic priorities were integrated into the programmatic planning processes of UNEP. The priorities have been incorporated into the draft strategy, and also into the individual subprogrammes.

28. In 2015, in order to strengthen its regional and subregional support for programmatic cooperation with convention secretariats, UNEP established new subregional offices, which are now fully operational. Starting on 1 January 2016, the posts of regional subprogramme coordinators, most

of which are funded from the United Nations regular budget, are to be created, to provide support for regional and country implementation of the goals of the relevant multilateral environmental agreements.

### **C. Administration**

29. With effect from 2 June 2015 and in accordance with General Assembly resolution 60/283, to harmonize the way in which the United Nations works and to increase transparency and accountability, the United Nations, including UNEP and the convention secretariats, has begun working within the operating framework provided by the new enterprise resource planning system, Umoja.

30. Since the deployment of Umoja, a number of challenges have been faced by UNEP and, in particular, its offices away from headquarters – including the convention secretariats, primarily at the operational level. These challenges include issues relating to the workflows for travel, payments and user access to data in Umoja. In particular, the reporting function in the Umoja business intelligence system remains incomplete and UNEP users currently do not have full access to the data that they require to produce various reports for the purposes of internal decision-making and communication with UNEP donors.

31. Problems have arisen too with Umoja financial functionalities and this is likely to cause delays in the preparation of the Organization's annual financial statements to June 2016. UNEP expects a delay, currently estimated at two months, in its financial reporting. UNEP has been working together with the United Nations Secretariat to identify the root cause of the problems and is acting swiftly to remedy them. UNEP is confident that, once the system is stabilized, Umoja will provide donors with enhanced insight into UNEP operations, streamline processes and improve cost-efficiency and service delivery.

## **IV. UNEP analysis and recommendations**

### **A. Institutional framework and accountability**

#### **1. Analysis**

32. The functions of the convention secretariats are defined by the relevant provisions of the conventions and further determined by their parties through decisions of the conferences of the parties or other governing bodies of the conventions. The multilateral environmental agreements are independent international legal entities and are not subsidiary bodies of any organs of the United Nations. Each such agreement or convention operates with full autonomy and is governed by its own provisions and by its parties through its respective governing body.

33. The structure of the convention secretariats is normally determined though the budget approved by their governing bodies. The conventions' operational funds, including financial resources for the functioning of their secretariats, are to be provided by the parties to the convention.

34. A number of conventions include specific provisions requesting the Executive Director of UNEP to provide the secretariat for their convention or to perform secretariat functions; in other instances, their conferences of the parties, pursuant to the relevant provisions of the conventions concerned, have decided to designate UNEP as the entity providing secretariat functions. The UNEP governing body has consented to these arrangements and authorized the Executive Director to provide the secretariat functions in question; these may therefore be considered the result of a concurrence between the multilateral environmental agreements and their respective conferences of the parties on one side and the UNEP governing body on the other.

35. While each agreement defines the functions of its secretariat, and its governing body (such as the conference of the parties) determines the structure of the secretariat through its budget, the Executive Director is ultimately accountable to the governing bodies of the respective agreement for ensuring the effective functioning of its secretariat and is responsible for making necessary arrangements for the secretariat or the performance of secretariat functions within the institutional structure of the UNEP secretariat. For that purpose, the Executive Director has established the secretariats as dedicated structures, each of which enjoys functional autonomy within a work programme and budget approved by the governing bodies of the respective convention, follows UNEP rules and regulations, and is accountable to the Executive Director of UNEP for its performance and for compliance with administrative and financial requirements, while remaining accountable to the parties to the convention and their governing bodies for matters of programme delivery.

36. The executive head and staff of each secretariat are UNEP staff members who are accountable to the Executive Director in the performance of their duties as international civil servants of the United Nations appointed within the UNEP secretariat. The functions, grade and number of those staff are determined in accordance with the structure of the convention secretariat, as determined by its respective governing body through the approved budget. The appointment of the staff members is governed by the relevant regulations and rules of the United Nations as applicable to UNEP.

37. Within the United Nations, the relationship between the Executive Director and the heads of the secretariats of the relevant multilateral environmental agreements is described by the Secretary-General as follows:

While the convention secretariats are accountable to their respective conference of the parties for programme delivery, the chief executive officers of those conventions administered by UNEP (variously denominated as Executive Secretary, Secretary-General, Chief Officer or Coordinator) are accountable to the Executive Director. They operate with sufficient autonomy to discharge the functions that the various independent intergovernmental conferences of parties to the conventions have reposed in the Executive Director.<sup>1</sup>

## 2. Recommendations

38. Overall, since UNEP is an integral part of the United Nations Secretariat,<sup>2</sup> any institutional arrangements for the Executive Director to provide the secretariat or secretariat functions for the relevant multilateral environmental agreements must be consistent with the principles, rules and procedures of the United Nations, and in compliance with the administrative and financial regulations and rules of the United Nations as applied to UNEP.

39. UNEP has found itself in an increasingly ambiguous role as the entity selected to provide the conventions' secretariats, in terms of defining the respective roles and responsibilities of the Executive Director and the head of a given convention secretariat in the provision of secretariat services and functions. In providing the secretariat or performing secretariat functions for multilateral environmental agreements, however, UNEP has a duty and responsibility to serve the broader strategic and programmatic interests of the conventions and not to be increasingly driven by the limited and contingent administrative challenges that may emerge from time to time in the context of a specific multilateral environmental agreement. Any recommendation regarding institutional hosting should not be based on a perceived dichotomy between the fiduciary responsibility of UNEP to provide a secretariat and its ability to maintain a focus on more programmatic and strategic issues, but, instead, would benefit from an endeavour to ensure that solutions to possible management or administrative challenges form part of an integrated services package made available efficiently and effectively to the convention in question.

40. Where the role and responsibility of the Executive Director to provide a secretariat or perform secretariat functions for a multilateral environmental agreement are concerned, the relevant institutional arrangements concerning the convention secretariat are defined on the basis of concurrence between the authorities of the multilateral environmental agreement (namely, the parties to the agreement and its governing body) and UNEP (namely, the Executive Director, as authorized by the governing body of UNEP). The respective roles and responsibilities of the Executive Director and the head of the convention secretariat in the provision of secretariat services and functions may be understood on that basis: while the Executive Director has overall responsibility for the provision of the convention secretariat or secretariat functions, the specific role and responsibilities of the head of the convention secretariat may be defined through specific arrangements as agreed between the parties

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