

Committee of Permanent Representatives to the
Subcommittee Meeting
Thursday 19 April 2018
9:30 a.m. to 12:30 p.m.
United Nations Office at Nairobi, Gigiri
Conference Room 4

**Note on dates of the meetings of the Open-ended Committee of Permanent Representatives and the
United Nations Environment Assembly**

The Secretariat is pleased to present a note on dates of the meetings of the Open-ended Committee of Permanent Representatives and the UN Environment Assembly to address questions raised by Member States during the Subcommittee meeting of 15 March 2019 and as a background document for the Subcommittee meeting of 19 April 2018.

1. This Note is in reference to the meeting of the Subcommittee of the Committee of Permanent Representatives (“CPR”) on 15 March 2018 at which the following questions were raised by Member States:
 - (a) Do Member States need to change the rules of procedure if they wish to hold the meetings of the Committee of Permanent Representatives and the United Nations Environment Assembly “back-to-back”?
 - (b) Does the Committee of Permanent Representatives have the mandate to change the number of days for the open-ended Committee of Permanent Representatives or the United Nations Environment Assembly?
2. As far as the first question is concerned, there is no legal or procedural barrier to holding the meetings of the open-ended Committee of Permanent Representatives (“OECPR”) and the United Nations Environment Assembly “back-to-back”. The only criteria for the setting of the date of the meetings is contained in rule 2 of the Rules of Procedure (“Rules”) which provides as follows:
 1. “Each regular session of the United Nations Environment Assembly shall be held, subject to the provisions of rule 3, at a date fixed by the United Nations Environment Assembly at its previous session in such a way, if practicable, as to enable the Economic and Social Council and the General Assembly to consider the report of the United Nations Environment Assembly in the same year.”
 2. “When the date for the session of the United Nations Environment Assembly in a given year is being set, the dates of meetings of other relevant bodies, including the High-level Political Forum on Sustainable Development, should be taken into account.”
3. Consequently, the rules of procedure do not preclude sessions of the open-ended Committee of Permanent Representatives and the Assembly from being held “back-to-back”.
4. As far as the second question is concerned, we would recall that the governing bodies of the United Nations Environment Programme have taken legislative decisions on the dates and duration of the meetings of the Committee of Permanent Representatives and the Assembly respectively.
5. Decision 27/2 of the Governing Council on the implementation of paragraph 88 of the outcome document of the United Nations Conference on Sustainable Development (UNEP/GC.27/17) decided that the governing body would convene on a biennial basis, starting in 2014 and that each session will conclude with a two-day high level segment as an “integral part of the governing body.” The Decision also provides that the open-ended Committee of Permanent Representatives (“OECPR”) would be convened “for a period of five days in an even year to contribute to the preparation of the agenda of its governing body, and to provide advice to its governing body on policy matters.” In addition, the sub-committee of the Committee of Permanent Representatives would meet annually for a period of five days.
6. By its Decision 1/2, the first session of the United Nations Environment Assembly (“Assembly”), held from 23 to 27 June 2014 decided to hold the second session of the United Nations Environment Assembly from 23 to 27 May 2016.

7. At its second session, the Assembly adopted resolution 2/22 which decided that the Assembly would hold its regular sessions “in odd-numbered years commencing with its third session in 2017” and that “the above-mentioned cycle shall also apply to the open-ended meetings of the Committee of Permanent Representatives” In addition the Assembly decided “on an exceptional basis” that (i) the third session shall consist of a 3-day meeting without prejudice to the duration and functions of its high-level segment as set out in Governing Council decision 27/2; (ii) that the third session of the OECPR shall consist of a 3-day meeting and will be convened back-to-back with the third session of the Assembly and; (iii) that the fourth meeting of the Subcommittee of the CPR shall take place in 2017. Action was deferred on the date of the third session but on 24 June 2016, the Member States of the Assembly confirmed on the basis of no objection, that the date for the third session would be from 4 to 6 December 2017. (Paragraph 44 of the report of the second session (A/71/25)).
8. At its third session, the Assembly decided in Decision 3/2 to hold its fourth session from 11 to 15 March 2019 and requested “the Committee of Permanent Representatives to deliberate, in consultation with the bureau of the Environment Assembly, and to decide, no later than at its 142nd meeting, on the format and date of the next meeting of the open-ended Committee of Permanent Representatives.” The Assembly further decided “to hold sessions of the Environment Assembly, following the fourth session of the Environment Assembly, during the last week of February, unless otherwise decided by the Environment Assembly, at its headquarters in Nairobi, consistent with rule 4 of the rules of procedure.”

CONCLUSION

9. Rule 2 cited above provides, inter alia, that “each regular session of the United Nations Environment Assembly shall be held, subject to the provisions of rule 3, at a date fixed by the United Nations Environment Assembly **at its previous session**”.
10. As a date, has already been decided by the Assembly for its fourth session, Member States should follow the procedures set out in rule 3 of the Rules should they wish to alter the date, which pursuant to resolution 2/22 should be in 2019.
11. As to the OECPR meetings, decision 3/2 requires any decision on the dates of the meetings to be decided by the CPR no later than at the 142nd meeting. As Decision 27/2 of the Governing Council provides for a 5- day session for the OECPR, any decision for the upcoming OECPR, should also be for a 5-day period. In addition, pursuant to resolution 2/22, the OECPR should be in 2019, following the cycle of the Assembly.
12. Finally, the decision adopted at the Assembly’s second session, i.e. resolution 2/22 to have a 3-day Assembly meeting for the third session and a 3-day OECPR meeting, which was to be convened back-to-back, was expressly limited to the third session and cannot be used as a basis for deciding upon the duration of future sessions/meetings for either the Assembly or the OECPR.