

Note from the Secretariat for the 2nd consultation meeting on the Process for review by the Committee of Permanent Representatives: Options under subparagraph 10 (b)

Written submission by the EU and its Member States

Subparagraphs 7.1 – 7.5

7.1 Clarify the respective roles and responsibilities of the CPR and UNEA Bureaus, possibly by developing draft terms of reference for the Bureaus, for consideration and possible adoption by Member States through a consultative process.

With regard to **CPR bureau** the EU and its MS are of the view that CPR should remain the intersessional body for its main oversight function (the implementation of the MTS and PoW), as well as for the substantive preparations for UNEA, if required, focusing on follow up to UNEA resolutions and decisions requiring action by the upcoming UNEA. The CPR bureau would be responsible for ensuring good preparation and planning of the meetings: for its oversight function and on how to conduct the substantive discussions in UNEA preparations, if required.

With regard to **UNEA bureau**, the EU and its MS stress that its key role is to ensure smooth preparations for UNEA and prepare for a UNEA that is politically and substantially relevant for ministers, officials and key stakeholders, to increase the relevance of UNEA and maximising its action for a healthy environment and sustainable development

Finalization of ToRs is a prerequisite for clarification of different roles that the two bureaux carry, taking into account that UNEA preparations are presided by UNEA bureau.

7.2 Clarify the need for and objectives of joint Bureaux meetings.

The practice of the UNEA president and the CPR chair being observers in the relevant bureau meetings should be continued. Rather than debating the need, discussions should focus on the frequency and concrete objectives of such meetings, particularly considering that no decisions shall be taken at joint bureaux meetings. Collaboration between the bureaux on areas of shared concern and competence is desirable, but it should not distract the two bureaux from the specific responsibilities they have (UNEA bureau preparing and maximising the impact of the UNEA and CPR providing regular guidance and oversight to UNEP's work).

7.3 Explore the possibility of merging the two Bureaux into one central Bureau to oversee the work of all UNEP governing bodies in a consistent and coherent manner.

The EU and its MS are not in favour of merging the two bureaux, but highlight the importance of good co-operation between the bureaux and therefore see merit in strengthening/consolidating the consultations between the bureau members, in particular the participation of the UNEA president and the CPR chair in the respective meetings of the other bureau.

7.4 Strengthen the consultation mechanism between members of the two Bureaux and their respective regional groups and present emerging regional positions at Bureau meetings, as well as report back to the regional groups on the outcomes of the Bureau meetings.

The bureau members and their links and consultations with their regional groups could be strengthened, in the understanding that not all groups coordinate politically regional positions and therefore this cannot automatically be expected as part of bureau working methods. Bureau members could be encouraged to seek and express the views of their constituencies as well as report back from the Bureau meetings to their regional groups.

Ultimately, it will be up to the different regional groups to decide how they structure their internal processes. It could be worth considering whether an exchange among the regional groups on procedures currently utilised might be helpful in identifying opportunities for better tapping into the potential of regional groups.

7.5 Consider ways in which Bureau members can help increase the visibility, relevance and impact of UNEA at national, regional and international levels, for example, by incorporating key messages relating to UNEA outcomes in public statements delivered at national and regional events and meetings as well as at the High-level Political Forum on Sustainable Development.

The UNEA bureau members and in particular the UNEA President play an important role as representatives of UNEA in different events and meetings and should therefore be encouraged to convey UNEA's key messages in different fora, including the High Level Political Forum and other key summits. MS should consider whether the TOR should provide a further description of the specific tasks of the UNEA President.

The members are expected to use their distinguished position as a bureau member to enhance visibility of UNEA in their respective regions. It could be useful to consider some sort of guidance manual for new UNEA Bureau members. Here, UNEA Bureau members could be encouraged to contribute to the enhancement of visibility of UNEA.

It is important to discuss what the most important elements of such messaging would be. To the EU and its MS it seems that the respective UNEA Bureau, in terms of substantive messaging, would largely convey and reiterate key messages related the outcomes of the preceding UNEA session. When it comes to messaging related to upcoming UNEA sessions, bureau members should encourage participation of MS in UNEA, advertise for UNEA as the main intergovernmental environmental body and identify important issues/developments that might be relevant for discussions at UNEA.

Individual bureau members, like any member state representatives, could actively include UNEA and its results in their national statements in other international meetings. Also, member states (incl. bureau members) could bring up linkages between issues discussed in UNEA and other fora in the preparations of other relevant international meetings such as MEA COPs, FAO and WHO and similar meetings.

I. DRAFT TERMS OF REFERENCE OF THE BUREAU OF THE UNITED NATIONS ENVIRONMENT ASSEMBLY

Election and composition of the Bureau

1. During the final meeting of a regular session, the United Nations Environment Assembly shall elect a President, eight Vice-Presidents and a Rapporteur from among its members who shall constitute the Bureau. The Bureau shall assist the President in the general conduct of business of the United Nations Environment Assembly. The chairpersons of sessional committees or working parties shall be invited to participate in Bureau meetings. In electing its officers, the United Nations Environment Assembly shall ensure that each of the five regions¹ is represented by two members. The Offices of President and Rapporteur shall normally be subject to rotation among the five regions.²

Replacement of a Bureau member

2. During a session of the Assembly, if a Bureau member, except the President, is unable to permanently carry out any of her or his functions, the Assembly may elect an alternate upon appointment by a Member State or by the regional group to which that member belongs. During the intersessional period, if a Bureau member resigns or is unable to exercise her or his functions, the Member State or the regional group to which that Member belongs shall nominate a replacement for the remainder of the term. The Executive Director shall inform all members of the Assembly of the nomination in writing. If within one month no objections are received in writing, the nominee is elected. If a Member State objects, the nominee is elected if a majority of member States responding support the nominee.³

Term of Office

3. The President, the Vice-Presidents and the Rapporteur shall hold office until their successors are elected. They shall commence their terms of office at the closure of the session at which they are elected and remain in office until closure of the next regular session. They are eligible for re-election.⁴

Meetings of the Bureau

4. The Bureau shall meet ~~as at least times required, upon the request by the President~~ annually. Depending on the agenda, the President may invite observers to attend Bureau meetings. The President may also invite other individuals or organizations as observers if they have qualifications with regard to matters on the agenda. The Invitations for the meeting should be sent 14 days in advance of the meeting and the related documents should be available 10 days in advance.

Quorum

5. The President may declare a meeting open when at least on third of the members of the Bureau that have been elected by the Environment Assembly to the Bureau are present. The present of a majority of members shall be required for any decision to be taken.

Joint Bureau Meetings

6. Joint Bureau meetings may be held between the Bureau of the Environment Assembly and the Bureau of the Committee of Permanent Representatives. The Chairs of both Bureaus may alternate in chairing a joint meeting. Joint meetings shall be convened for the purpose of conducting consultations between the Bureaus and shall not take decisions, which should be adopted separately by each Bureau.

¹ The five regions are Africa; Asia; Eastern Europe; Latin America; Western European or other States;

² Rule 18 of the Rules of Procedure

³ Rule 19 of the Rules of Procedure

⁴ Rule 20 of the Rules of Procedure

Functions of the Bureau

7. The Bureau with the support of the Secretariat shall:

- a) Carry out the tasks entrusted to it by the Environment Assembly;
- a bis) EU and its MS support the USA suggestion to add language on consultations with members of regional groups, to ensure their views are taken into account in the Bureau meetings;
- b) Assist the President in the general conduct of business of the Assembly, including the review of credentials⁵;
- c) Prepare for the sessions of the Assembly, including by providing guidance on the selection of an overarching theme for the Assembly, advising and providing input on the preparation of the provisional agenda, meeting documents, the draft programme of work and the scheduling of items for the Assembly;
- d) Consider and facilitate the negotiation of draft resolutions and decisions for consideration by the Assembly;
- di) EU and its MS support the US suggestion: "Evaluating potential resolutions and decisions, drawing on consensually-agreed criteria (including, inter alia, relevancy to the UNEA team, length, timeliness, broad applicability and support), to guide the negotiation schedule and maintain a manageable UNEA workload;" and suggest adding "and to set the timelines for submission of resolutions;"
- e) Recommend the allocation of items to subsidiary bodies of the Assembly;
- f) Provide guidance on relevant meetings of an informal nature related to the Assembly;
- g) Ensure that there is coherence and complementarity between the work of the Committee of Permanent Representatives and the Environment Assembly.
- h) Convey the Environment Assembly's key messages in different fora, including via the President's attendance at the High Level Political Forum".

8. The Bureau shall perform its functions in a manner that is without prejudice to the role and mandate of the Open-Ended Committee of Permanent Representatives, which is the subsidiary inter-sessional body of the governing body of the United Nations Environment Programme.

Final provisions

9. The Bureau shall conduct its business in English.

These Terms of Reference were adopted by the UNEA Bureau on _____ and may be amended by UNEA decision with the agreement of all the members of the Bureau.

Additional EU and its MS comments:

The EU and its MS agree with the suggestion by the Secretariat made at the meeting of 16/1 to consider adding a paragraph on the tasks of the UNEA President and we request the Secretariat to come forward with a proposal for further discussion.

The EU and its MS do not agree with US suggestion under 7dii) as it does not contribute to clarification of the respective roles of the two bureaux.

The EU and its MS suggest adding a paragraph about *ex officio* attendance in order to clarify the role of the *ex officio* member: "The Chairs of both Bureaux may be invited to attend the respective meetings of the other Bureau *ex officio* as an observer for the purpose of strengthening consultations between the two Bureaux. (At the meeting, the Chair attending *ex officio* may be consulted by the respective Bureau and shall not take part in the decision making of the respective Bureau.)"

II. DRAFT TERMS OF REFERENCE OF THE BUREAU OF THE COMMITTEE OF

PERMANENT REPRESENTATIVES

Election and composition of the Bureau

1. The Committee of Permanent Representatives ("Committee") shall elect a Chair, three Vice Chairs and a Rapporteur from among its members who shall constitute the Bureau. The Bureau shall assist the Chair in the general conduct of business of the Committee. In electing its officers, the Committee shall ensure that each of the five regions is represented. The Chair shall normally be subject to rotation among the five regions⁶.

Replacement of a Bureau member

2. During a meeting of the Committee, if a Bureau member, except the Chair, is unable to permanently carry out any of her or his functions, the Committee may elect an alternate upon appointment by a Member State or by the regional group to which that member belongs. In cases where the Committee is not meeting and a Bureau member resigns or is unable to exercise her or his functions, the Member State or the regional group to which that Member belongs shall nominate a replacement for the remainder of the term. The Executive Director shall inform all members of the Committee of the nomination in writing. If within one month no objections are received in writing, the nominee is elected. If a Member State objects, the nominee is elected if a majority of member States responding support the nominee⁷.

Term of Office

3. The Chair, the Vice-Presidents and the Rapporteur shall, as a matter of practice, be elected for a term of two years, commencing 1 July every odd year. They are eligible for re-election.

Meetings of the Bureau

4. The Bureau shall meet as required, upon the request ~~of~~ by the Chair. Depending on the agenda, the Chair of the Bureau may invite observers to attend Bureau meetings. The Chair may also invite other individuals or organizations as observers if they have qualifications with regard to matters on the agenda. The Invitations for the meeting should be sent 14 days in advance of the meeting and the related documents should be available 10 days in advance.

Quorum

5. Notwithstanding the provisions of the rules of procedure, the Chair may only declare a meeting open and allow decisions to be taken when a majority of Bureau members are present.

Joint Bureau Meetings

6. Joint Bureau meetings may be held between the Bureau of the Committee of Permanent Representatives and the Bureau of the Environment Assembly. The Chairs of both Bureaus may alternate in chairing a joint meeting. Joint meetings shall be convened for the purpose of conducting consultations between the Bureaus and shall not take decisions, which should be adopted separately by each Bureau.

Functions of the Bureau

7. The Bureau with the support of the Secretariat shall:

a) Carry out the tasks entrusted to it by the Committee;

⁶ Rule 18 of the Rules of Procedure as applicable to the Committee of Permanent Representatives

⁷ Rule 19 of the Rules of Procedure, as applicable to the Committee of Permanent Representatives

a bis) EU and its MS support the USA suggestion to add language on consultations with members of regional groups, to ensure their views are taken into account in the Bureau meetings;

- b) Assist the Chair in the general conduct of business of the Committee;
- c) Prepare for the meetings of the Committee, including by providing guidance on the dates of meetings, advising and providing input on the preparation of the provisional agenda, meeting documents, the draft programme of work and the scheduling of items for the meetings of the Committee;
- d) ~~Consider and~~Facilitate the negotiation of draft resolutions and decisions for consideration by the Committee;
- e) Ensure that there is coherence and complementarity between the work of the Committee of Permanent Representatives and the Environment Assembly.

Final provisions

98. The Bureau shall conduct its business in English.

These Terms of Reference were adopted by the UNEA Bureau on _____ and may be amended ~~with~~by ~~the agreement of all the members of the~~ UNEA decision ~~Bureau~~.

Additional EU and its MS comments:

The EU and its MS do not agree with the US suggestion made under 7 f) as it does not contribute to clarification of the respective roles of the two bureaux.

The EU and its MS suggest adding a paragraph about *ex officio* attendance in order to clarify the role of the *ex officio* member: “The Chairs of both Bureaux may be invited to attend the respective meetings of the other Bureau *ex officio* as an observer for the purpose of strengthening consultations between the two Bureaux. (At the meeting, the Chair attending *ex officio* may be consulted by the respective Bureau and shall not take part in the decision making of the respective Bureau.) “