

Committee of Permanent Representatives
Subcommittee Meeting
Thursday, 27 February 2020
1:30 to 4:30 p.m.
United Nations Office at Nairobi
Conference Room 4

**Note from the Secretariat for the consultation meeting on the CPR-based review:
Options under subparagraph 10 (c)**

This note is developed in support of the process for review by the Committee of Permanent Representatives (CPR) of the United Nations Environment Assembly (UNEA) and its subsidiary bodies, as mandated by paragraphs 9 –13 of UNEA decision 4/2.

At the meeting on 27 February, member States are invited to consider concrete options related to subparagraph 10 (c), to enhance the “**Criteria, modalities and timing for presenting and negotiating draft resolutions and decisions**”.

The document builds on Section III of document UNEP/CPR/SC2019/6 entitled “Note on the implementation of UNEA decision 4/2: Provisional agenda, date and venue of the fifth session of UNEA” and the discussions at the 6th meeting of the Annual Subcommittee of CPR, held in Nairobi from 7 to 11 October 2019. It also reflects written inputs received from Member States in writing after the third consultation meeting held on 16 January 2020.¹

¹ First consultation meeting was held on 31 October 2019, followed by consultation meetings on 26 November 2019 and 16 January 2020

Note from the Secretariat in support of consultations on the process for review by the Committee of Permanent Representatives: Options under subparagraph 10 (c)

I. Introduction

1. Paragraph 11 of [UNEA decision 4/2](#) requests the Executive Director to “conduct a mapping exercise and provide an input paper on the topics specified in paragraph 10 of the present decision at least 3 weeks ahead of the 6th annual subcommittee meeting.” (paragraph 11).
2. On the basis of a Secretariat [mapping exercise](#), the Committee of Permanent Representatives first considered this matter at its 146th meeting held on 20 June 2019.
3. Following the 146th meeting of the CPR, member States and stakeholders were invited to submit written inputs and proposals to the Secretariat, which were made available on a dedicated [website](#).
4. Based on the submissions to the Secretariat, the Secretariat developed an [input paper](#) with specific options for the review, for consideration at the [6th meeting of the Annual Subcommittee](#) of the CPR on 9 October 2019. At that meeting, member States agreed on a [“Consolidated proposal for a consensual process for review by the CPR of the United Nations Environment Assembly and its subsidiary bodies as set out in and covering paragraph 9-13 of UNEA decision 4/2”](#), including the appointment of two co-facilitators to lead the process, a roadmap of meetings, and a list of background documents. Member States also emphasized the importance of ensuring remote participation by interested parties without representation in Nairobi.
5. To date, three consultation meetings have been held under the leadership of the co-facilitators – on [31 October 2019](#), [26 November 2019](#) and [16 January 2020](#), respectively – focusing on subparagraphs 10 (a) and (b):
 - (a) *The preparation, working arrangements, and scheduling of sessions of the Environment Assembly and the objectives, preparation, working arrangements and the scheduling of meetings of its subsidiary body, namely the meeting of the Open-ended CPR and the regular and annual meetings of the subcommittee of CPR;*
 - (b) *The respective roles and responsibilities of the Bureau of the Environment Assembly and of the Bureau of CPR, including those related to interactions with their respective constituencies;*
6. In accordance with the agreed roadmap, this meeting will focus on **subparagraph 10 (c) of UNEA decision 4/2**, which reads “Criteria, modalities and timing for presenting and negotiating draft resolutions and decisions”.

II. Options related to subparagraph 10 (C) on draft resolutions and decisions

7. The subsequent paragraphs present challenges and options, as identified by member States and stakeholders on the resolution/decision preparation process. The same options are to a large extent listed in the Secretariat [input paper](#) for the 6th Annual Subcommittee meeting. Additional options formulated based on submissions received after the meeting on 16 January are also included, in *italics*.
8. Challenges detected from the UNEA 4 resolution/decision making process:
 - 8.1. Too many resolutions were tabled, some at a very late stage in the process, which left little time for constructive negotiation.
 - 8.2. Some resolutions duplicated previously adopted by UNEA resolutions, while others ventured into issues under the purview of other regimes, such as the UN Forum on Forest or the UN Framework Convention on Climate Change; yet others have lacked a convincing rationale for deliberation at UNEA.

8.3. There was a lack of shared understanding on what UNEA resolutions seeks to achieve collectively; and negotiations became highly time-consuming, sometimes unnecessarily spilling over to weekend.

9. Possible options to rationalize and streamline the resolution process include:

9.1. Rethink current practice of having only the member States table the resolutions; the UNEA Bureau could be entrusted with the task of presenting omnibus resolutions on specific topics.

9.2. While retaining the right to table resolutions as specified in the rules of procedure,² set strict criteria for accepting resolutions for consideration by the UNEP governing bodies, for example: proposals should be sponsored by member States from at least two different regions; compliance with submission deadline (except for last minute proposals due to urgent and extraordinary events); proposals pertain to substantive global environmental issues, etc.

9.3. Member States to exercise “self-discipline” in submitting resolutions, including by meeting the deadline, and ensuring value added to UNEA.

9.4. Focus of UNEA resolutions should not be limited to UNEA theme but retain the flexibility to address emerging issues.

9.5. The UNEA or CPR Bureau, or another intergovernmental committee appointed by the CPR, could be mandated to enforce agreed procedures for tabling resolutions and review and express opinions on draft resolutions.

9.6. The Secretariat could be requested to provide opinions on draft resolutions from both a legal and financial perspective, provided draft resolutions are tabled in a timely manner.

9.7. Consider practices to ensure that resolutions and the programme of work are mutually reinforcing.

9.8. Both Member States and the Secretariat should consult more actively with the multilateral environmental agreements (MEAs) and other international organizations with a view to foster better policy coherence and cooperation.

9.9. MEAs should be encouraged to share ideas for resolutions at UNEA and contribute to the implementation process.

9.10. The Secretariat could be requested to develop a comprehensive guidance manual for Member States on resolution preparation, negotiation and follow-up, as well as a separate manual for cofacilitators of the working groups would be useful, possibly based on an ex-post meeting with UNEA co-facilitators to identify common challenges and identify lessons-learned.

9.11. The Secretariat could provide opinions on draft resolutions from a legal and financial perspectives, including on their added value vis-à-vis the programme of work.

9.12. Collect best/relevant practices from other intergovernmental fora on the role of the secretariat as a “penholder” during resolution/decision negotiations as well as measures in place to ensure active ministerial involvement and ownership.

9.13 Consider developing guiding principles for ministerial outcome document, both on process and content.

9.14 Consider developing a mechanism through which to filter proposed resolutions/decisions that seek to address issues previously captured in the past resolutions, to ensure that only priority *issues*

² Rule 44

Proposals and amendments shall normally be introduced in writing and submitted to the Executive Director, who shall circulate copies to the members in all the official languages of the United Nations Environment Assembly. As a general rule, no proposal shall be discussed or put to the vote at any meeting of the United Nations Environment Assembly unless copies of it have been circulated to all members not later than the day preceding the meeting. Subject to the consent of the United Nations Environment Assembly, the President may, however, permit the discussion and consideration of proposals or amendments even though these proposals or amendments have not been circulated or have only been circulated the same day.

could be adopted as new resolutions. This would in parallel require rigorous resolution implementation and monitoring.

III. Relevant lessons-learned from UNEA-4

10. Consideration of subparagraph 10 b) may also benefit from the following relevant recommendations included in the “[UNEA-4: Assessment and lessons-learned](#)” paper prepared by the Secretariat and endorsed by the CPR at its 146th meeting on 20 June 2019, pertaining to Lesson #3:

Draft resolutions tabled for consideration at future Assemblies should contribute to tangible progress, be complementary to the UNEP Programme of Work, and either be clearly linked to the theme of the Assembly or address urgent emerging issues. To make the UNEA-5 workload manageable, member states should seek co-sponsorship from other countries before tabling resolutions; resolutions which combine several similar initiatives should, where possible, be merged into larger “omnibus” resolutions; and the preparatory intersessional process should be fully utilized and better tailored to allow for all delegations, including those without permanent representation in Nairobi, to take part in negotiations.

IV. Compilation of practices in other governing bodies that could offer insights for the CPR review process

11. As part of the mapping exercise, the Secretariat administered a questionnaire to the network of governing bodies of international organizations and MEAs, to solicit information on the workings of other governing bodies. Many of the responding secretariats³ indicated that they too looked at ways and means to improve their internal governance, and some of them have recently undertaken governance reforms. The discussion on subparagraph 10 c) may in particular benefit from the following inputs from other governing bodies.

- a. The deadline for contributions from Member States is 3 months prior to the opening of the Conference, although there is also a firm deadline of 21 calendar days, which is the date most Member States retain. The Conference could accept proposals received after that date. The deadline for proposals to modify the Constitution or Convention is 6 months prior.
- b. Ad hoc resolutions can emerge on shorter notice.

³ Governing bodies that have responded to the questionnaire whose collective results form the basis of this compilation:

1. Agreement on the Conservation of Populations of European Bats (UNEP-administered)
2. Basel, Rotterdam and Stockholm Conventions (UNEP-administered)
3. Convention on International Trade in Endangered Species of Wild Fauna and Flora
4. Coordinating Body on the Seas of East Asia
5. European Space Agency
6. International Labour Organization
7. International Telecommunication Union
8. Convention for the Protection of the Marine Environment and the Coastal Region of the Mediterranean (UNEP-administered)
9. Minamata Convention on Mercury (UNEP-administered)
10. Organisation for Economic Co-operation and Development
11. Vienna Convention for the Protection of the Ozone Layer and the Montreal Protocol on Substances that Deplete the Ozone Layer (UNEP-administered)
12. UN Women
13. UN High Commissioner for Refugees
14. World Bank Group

- c. The secretariat usually drafts the decision it presents for adoption, but Member State are free to propose changes and modify the proposal. Typically, the draft decision is attached to a thematic conference room paper that explains the subject matter.
- d. Draft resolutions are sent to Governors for voting with a lead time of 6 weeks. The lead time can be extended based on special circumstances.
- e. Board members may want to continue the practice of starting the negotiations on the draft decisions one day before the start of each session.
- f. The Rules of Procedure and “Chair’s Manual”, as well as Resolutions on Governance provide general guidance for meeting preparation.
- g. Guiding principles further state that “documents tabled for decision distributed less than seven days in advance will be rescheduled for a succeeding Council session or decided by written procedure if Council so determines.”
- h. Once the text is considered mature by the working party, the draft act is examined by the substantive committee which (if satisfied) agrees to its submission to the Council. The Executive Committee then examines the draft and (if satisfied) transmits it to the Council for adoption (usually without debate). While technical experts in working parties/committees define the scope and content of a draft recommendation, the Executive Committee and Council examine it from a whole-of-government/political perspective.
- i. Decision 2018/7 paragraph 3: “Requests the UN-Women Executive Board Secretariat to circulate draft decisions at least 2 weeks prior to the session so that the draft decisions are available at the pre-session, and strongly encourages the President to appoint, at that time, the facilitators for the respective draft decisions, in full respect to equitable regional representation, and in this regard strongly encourages Member States to provide their comments on draft decisions, if possible, prior to the first information consultations, with a view to starting informal consultations on the draft decisions a working day in advance of the session”.
- j. Recently, Member States have requested a more comprehensive data base of all resolutions and decisions, including those included in summary records. It was been agreed to implement this suggestion, and the secretariat is researching ways to do so.
- k. The Board has different instruments to monitor the implementation of its decisions. There are quarterly operations update and a corporate score card.
- l. The text of any draft resolution, draft decision or other document must also be submitted 150 days in advance of the Conference of the Parties (Resolution Conf. 4.6 (Rev. COP18)). However, the Secretariat (before the meeting) or the Bureau (during the meeting) may also allow consideration of urgent draft resolutions/decisions and other documents after the deadline, provided that certain criteria are met (COP Rules of Procedure, Rule 22).
- m. When adopting a resolution and decision, the COP may also determine any monitoring and reporting required on its execution.

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