

2 July 2020

Comments by the European Union and its Member States (track changes)

Converging elements of consensus Process for review by the Committee of Permanent Representatives¹

Developed by the co-facilitators

Version IV, 19 June 2020

*Changes compared to Version III is indicated in **bold**.*

A. Introduction and background

Paragraph 11 of 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.” A [mapping exercise](#) developed by the Secretariat was considered by the CPR at its 146th meeting held on 20 June 2019, and a Secretariat [input paper](#) including specific options based on [inputs in writing submitted by Member States and stakeholders](#), as well as from relevant recommendations included in the “[UNEA-4: Assessment and lessons-learned](#)” paper prepared by the Secretariat and endorsed by the Committee of Permanent Representatives (CPR) in June 2019, was considered at the 6th Annual Subcommittee Meeting of the CPR held on 9 October 2019. At that meeting, two co-facilitators, Mr Marcus Davies of Canada and Mr Mapopa C. Kaunda of Malawi, were appointed to lead consultations under the process for review, and a [roadmap for the consultation process](#) was adopted. So far, four subcommittee meetings have been held under the process for review by the CPR: on [31 October](#) and [26 November](#) 2019, and on [16 January](#), [27 February](#), [12 May](#) and [21 May](#) 2020. Future meetings are planned on 25 June (informal meeting to consider paragraphs 3 and 4 below) [2 July](#), [14 July](#) and [3 September 2020](#), in view of preparing for a 2-day stock-taking meeting during the 7th meeting of the annual subcommittee (12-16 October 2020) as mandated by UNEA decision 4/2.

This document outlines possible converging elements of consensus, as proposed by the co-facilitators of the process for review, emanating from guidance provided by member States at the subcommittee meetings referred to above. It is complemented by two annexes: Annex I, which presents draft terms of references for the Bureau of UNEA and of the CPR; and Annex II which provides guidance to Member States on submission of resolutions to the UN Environment Assembly.

All proposals in this document are, where relevant, subject to the availability of financial resources.

Subject to further consultations and confirmation by the subcommittee, the proposals will be reviewed at the 7th meeting of the annual subcommittee scheduled for 12-16 October 2020, for final consideration at UNEA-5.

¹ As mandated in paragraph 9-13 of [UNEA resolution 4/2](#).

B. Converging elements of consensus

I. The preparation, working arrangements and scheduling of sessions of the UN Environment Assembly and of 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 the CPR. (Decision 4/2, subparagraph 10 (a))

Preliminary conclusions and recommendations:

1. Under the guidance of the UNEA Bureau and the Secretariat, ensure that the UNEA theme provides a framework for political debate at the high-level segment as well as for official UNEA events, including UNEA side events the Major Group and Stakeholder Forum, and the Sustainable Innovation Expo and the Science Policy Business Forum, and that it informs Member States in their preparation of draft UNEA resolutions, while fully respecting Member States' right to table draft resolutions on any subject in accordance with the UNEA Rules of Procedures.
2. Organize, as a general practice and unless otherwise decided by UNEA, meetings of the Open-Ended Committee of Permanent Representatives back-to-back with the UN Environment Assembly, while ensuring effective, participatory and inclusive intersessional preparation, and avoiding ~~formal~~ negotiations during weekends **as far as possible**.
3. Designate the meeting of the Open-Ended Committee of Permanent Representatives as a "Preparatory Committee for the UN Environment Assembly" (UNEA PREPCOM) ~~to be convened under the auspices of the Bureau of the UN Environment Assembly, while keeping its current mandate and chairmanship, as established in paragraph 9 and 10 of UNEP Governing Council decision 27/2, unchanged.~~ Recommend close cooperation between the UNEA and CPR Bureaus ahead of UNEA to ensure an efficient handover of draft resolutions from the PREPCOM to UNEA including nomination of facilitators of contact groups negotiating the resolutions.
4. Designate the Annual Subcommittee meeting as a "Review and Oversight Committee **Meeting**", while keeping its existing mandate, **status** and chairmanship, as established in paragraph 11 of UNEP Governing Council decision 27/2, unchanged, **and taking into account the recommendation in paragraph 16.**
5. Under the guidance of the UNEA Bureau and with the support from the Secretariat, create an optimal balance between political negotiations, the UNEA high-level segment, and official and non-official UNEA events, to ensure political ownership and to enable, as far as possible, all Member States to participate in the negotiations on UNEA resolutions, by:
 - a) **rationalizing** ~~limiting~~ the number of side events and other events,
 - b) **avoiding** ~~minimizing~~ overlaps in the scheduling and structure of UNEA sessions, and
 - c) minimizing to the extent possible the number of formal and informal negotiation groups working in parallel at the OECPR and UNEA.
6. Under the guidance of the UNEA Bureau and with the support from the Secretariat and in close cooperation with the MEA Secretariats, strengthen the contributions and active participation of multilateral environmental agreements (MEAs) to UNEA **to promote coherence between the UNEA resolutions and the MEAs governing bodies' decisions, with a view to promote cooperation, coherence and synergies, while fully respecting their respective mandates and subject to the availability of resources** ~~an standing invitation to take part in UNEA deliberations of a possible~~, by:
 - a) Organizing a "MEA segment" in conjunction or back-to-back with the UNEA high level segment, ~~and~~
 - b) Inviting MEA Secretariats **to provide inputs on draft UNEA resolutions, where relevant.**

- ~~c) Enhancing programmatic cooperation between UNEP and MEAs, including through high level dialogues between UNEP Executive Director and the Executive Secretaries of MEAs, COP Presidents and UNEA President to identify areas of complementary, mutually reinforcing actions that avoid duplication and strengthen coherence and efficiency of international environmental law/governance and effective implementation.~~
- ~~d) Strengthen cooperation/collaboration of the Science-Policy Interfaces of UNEP and MEAs.~~

7. Strengthen preparations for UNEA at regional level, including by encouraging Members of the UNEA Bureau to engage in regional ministerial environmental forums and regional forums on sustainable development, to identify relevant regional contributions and inputs to UNEA sessions.
8. Under guidance of the UNEA Bureau and with the support from the Secretariat, strengthen the science-policy interface at UNEA by:
- Facilitating science-based decision making, where relevant through dedicated briefings and consultations on the theme of UNEA and/or proposed resolutions, **as appropriate**.
 - Strategic scheduling of the Science-Policy-Business Forum and the Sustainable Innovation Expo;
 - Making best use of flagship relevant scientific environmental assessments.
9. In accordance with the UNEA Rules of Procedures and established practices including as outlined in the UNEP Stakeholder Engagement Handbook², strengthen the participation of **and meaningful involvement of** Major Groups representatives at UNEA and its preparatory process, including in the context of selecting the UNEA theme, ~~by encouraging stronger participation from local, indigenous communities and small and medium sized enterprises, and~~ for example by offering Secretariat trainings and briefings on UNEA for stakeholders, **including through virtual meetings**.
10. Under the guidance of the CPR Bureau and with the support from the Secretariat, improve the identification, formulation and recording of decisions and conclusions from CPR meetings, including by:
- strategic and timely scheduling of CPR meetings,
 - high-quality and timely submission of documentation from the Secretariat, such as annotated agendas, background documentation and meeting summaries.
11. Under the guidance of the CPR Bureau and with the support of the Secretariat and subject to the availability of resources, consider how to:
- further broaden ownership and inclusiveness of CPR meetings through the facilitation of remote participation of Member States without representation in Nairobi,
 - improve online access to documents and crucial information on meeting portals and the UNEA website,
 - encourage Member States which have not yet done so to accredit themselves to meeting UNEP.

II. The respective roles and responsibilities of the Bureau of the Environment Assembly and of the Bureau of the Committee of Permanent Representatives, including those related to interactions with their respective constituencies; (Decision 4/2, subparagraph 10 (b))

12. Clarify the respective roles and responsibilities of the CPR and UNEA Bureaus, including with regard to joint meetings, by adopting draft terms of reference for each Bureau, as contained in Annex I.

III. Criteria, modalities and timing for presenting and negotiating draft resolutions and decisions; (Decision 4/2, subparagraph 10 (c))

² <https://www.unenvironment.org/resources/publication/stakeholder-engagement-handbook>

~~13. Without prejudice to Rule 44 of the UNEA Rules of Procedure, Member States and the Secretariat should as far as possible respect the guidance/checklist provided for the criteria, modalities and timing for presenting and negotiating draft resolutions and decisions, as reflected in Annex II.~~

14. To encourage earlier consideration of draft resolutions, ~~and~~ under the guidance of the CPR Bureau and with the support of the Secretariat,

- a) ~~[Devote at least half a day of [the meeting of the annual subcommittee] [Review and Oversight Committee Meeting] in the year preceding a UNEA meeting should be devoted to a scoping exercise to identify areas suitable for the tabling of draft resolutions and decisions.]~~
- b) **Encourage Member States ~~should~~ to announce their intention in writing to submit draft resolutions in advance of that meeting, and to provide information in accordance with section B of Annex II.**
- c) ~~The Secretariat should prepare~~ **Consider** a background document prepared by the Secretariat for the meeting to identify potential resolution “clusters” and possible duplication with relevant existing resolutions and decisions.

15. Under the guidance of the CPR Bureau and with the support of the Secretariat, the CPR should initiate **in-depth** consideration of draft resolutions as soon as possible after the tabling of a draft resolution or decision, **and establish dedicated working groups to this end, as appropriate.**

IV. Monitoring and reporting on the implementation of the programme of work and budget and of the resolutions of the Environment Assembly; (Decision 4/2, subparagraph 10 (d))

16. The Secretariat is requested to revise its reporting framework to:

- a) **include updates on implementation of resolutions in the Quarterly Reports of the Executive Director to the CPR,**
- b) **provide presentations in regular and subcommittee meetings of the CPR and the [Annual Subcommittee meeting][Review and Oversight Committee Meeting],**
- c) **provide updates on implementation of resolutions and the PoW through the Programme Performance Review reports, and**
- d) **develop and implement the online monitoring and reporting tool in accordance with the roadmap ~~implement the actions planned in its note entitled “Options under subparagraphs 10(d)”~~, commensurate with the requirements for the CPR to perform its oversight function and to explore options to rationalize and streamline mandated reporting requirements to future UNEA meetings by consolidating such reports into shorter and/or fewer reports that summarize general progress of implementation while referring more detailed information to the online tool.**

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ANNEX I: Revised draft terms of reference of the Bureaus of the United Nations Environment Assembly and of the Committee of Permanent Representatives

ANNEX II: Draft guidance to Member States on submission of draft resolutions to the UN Environment Assembly