

COMMENTS FROM CANADA - 17 July 2020

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

*Developed by the co-facilitators
Version V, 8 July 2020*

*Changes compared to Version IV are 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 available on the [“one-stop-shop” web portal for the review](#), 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, 21 May](#) and [2 July](#) 2020. Future meetings are planned on [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 negotiations during weekends as far as possible.
3. Clarify that the meeting of the Open-Ended Committee of Permanent Representatives, as mandated by paragraphs 9 and 10 of UNEP Governing Council decision 27/2², may be referred to as a Preparatory Committee meeting (PREPCOM) for UNEA.

3 bis: Recommend close cooperation between the UNEA and CPR Bureaus in advance of UNEA to ensure an efficient transition of the negotiations of draft resolutions and decisions from OECPR/PREPCOM to UNEA, including with regard to the nomination of facilitators for working groups and contact groups.

4. Clarify that the Annual Subcommittee meeting of under the Committee of Permanent Representatives, as mandated in paragraph 11 of UNEP Governing Council decision 27/2, may be referred to a Review and Oversight Committee meeting (ROC) for the UNEP Programme of Work.
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 the number of side events and other events;
 - b) avoiding 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 by:
 - a) Organizing a "MEA segment" in conjunction or back-to-back with the UNEA high-level segment, **that could include a structured dialogue between UNEP Executive Director and**

Commented [C1]: CAN: Suggest deletion. The Annual Subcommittee meeting is addressing more than the UNEP programme of work. So this could be confusing and restricting.

Commented [C2]: CAN: we appreciate the goal of strengthening the active participation of MEAs to promote coherence.
1) In practice, in times of increasing demands and limited resources, it will be important to articulate the immediate value added of the proposals as there could be resource implications for MEAs in particular.
2) focus on those MEAs that pertain to the theme.

Commented [C3]: While an interesting idea, we need to be cognizant that any "structured dialogue" envisaged under Recommendation (a) would not be able to substantively address any new policy issues or anything that could result in implications for the MEA concerned without the secretariats/presidents reporting back to their respective Parties and seeking their guidance.

² Decision 27/2 is available in all UN languages [here](#).

the Executive Secretaries of MEAs and/or Presidents or Bureau representatives of the respective governing bodies;

- b) **Establishing an agenda item entitled “Cooperation with Multilateral Environmental Agreements” in the sessions of UNEA with a view of strengthening dialogue on the theme of the UNEA and to follow-up on previous relevant resolutions and decisions;**
- c) **Providing opportunities for engagement by MEAs in the intersessional period between UNEA sessions by, for example, inviting MEA Secretariats to provide factual information with respect to inputs on draft UNEA resolutions and/or preparing joint UNEP/MEAs briefings on the theme of UNEA;**
- d) **Promoting thematic dialogues between Chairs of scientific advisory bodies or implementation committees, for example to provide a strong science-policy input to UNEA and the High-level Political Forum on Sustainable Development;**
- e) **Promoting the involvement of MEAs in the preparation and implementation of UNEP’s programme of work/medium-term strategy and of relevant resolutions, where appropriate, to enhance coherence and cooperation on the implementation of the environmental dimension of the UN 2030 Agenda;**
- f) **Exploring modalities for MEAs to participate in the process to develop UNEA political declarations.**

Commented [C4]: CAN: We see an opportunity to merge with proposition a).

Commented [C5]: CAN: There is a question of who can speak for an MEA. Technically the Governing bodies while secretariats have more of an administrative function. There could be a sensitivity as Secretariats would need to consult Parties to provide substantial input. We suggest rephrasing as shown.

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:
 - a) Facilitating science-based decision making, where relevant through dedicated briefings and consultations on the theme of UNEA and/or proposed resolutions, as appropriate.
 - b) Strategic scheduling of the Science-Policy-Business Forum and the Sustainable Innovation Expo;
 - c) 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 Handbook³, 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, 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 by:
 - a) strategic and timely scheduling of CPR meetings; and
 - b) 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, further broaden ownership and inclusiveness of CPR meetings, by:
 - a) facilitate remote participation of Member States without representation in Nairobi;
 - b) improve online access to documents and crucial information on meeting portals and the UNEA website.
12. Encourage Member States which have not yet done so to accredit themselves to UNEP.

³ <https://www.unenvironment.org/resources/publication/stakeholder-engagement-handbook>

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))

13. 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))

14. 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 with criteria, modalities and timing for presenting and negotiating draft UNEA resolutions and decisions, as reflected in Annex II.

15. Under the guidance of the CPR Bureau and with the support of the Secretariat, encourage early and, where possible, in-depth consideration of draft resolutions by:

- a) Devoting at least half a day of the meeting of the Annual Subcommittee 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) Encouraging Member States 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 a background document for the meeting to identify **Considering** potential resolution “clusters” and possible duplication with relevant existing resolutions and decisions **at that meeting, on the basis of a background document prepared by the Secretariat;**
- d) **Establishing dedicated working groups to consider the draft resolutions, as appropriate.**

16. Under the guidance of the CPR Bureau and with the support of the Secretariat, the CPR should aim to initiate in depth consideration of draft resolutions and decisions as soon as possible after the tabling of a draft resolution or decision, and establish dedicated working groups to this end, as appropriate.
[DUPLICATION OF PARAGRAPH 15]

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 relevant information on the status of implementation of UNEA resolutions in Programme Performance Review reports and Quarterly Reports of the Executive Director, at annual, regular, and subcommittee meetings of the CPR;**
- b) **Develop and implement the online monitoring and reporting tool to be launched at the 7th meeting of the Annual Sub-Committee** the actions in its note entitled “Options under subparagraphs 10(d); and
- c) 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 and refer 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