

Committee of Permanent Representatives
Subcommittee Meeting
10 September 2020
2:00 to 6:00 p.m.
Online meeting

Note from the Secretariat: Reference document to the proposals identified under the Process for review by the Committee of Permanent Representatives¹

In this note, the Secretariat has attempted to outline the main rationale behind the proposals identified in the co-facilitator's document "Converging elements of consensus - Process for review by the Committee of Permanent Representatives", and the challenges that they seek to address, as requested by some Member States at the subcommittee meeting on [2 July 2020](#). The note has been developed on the basis of information provided through the [inputs in writing submitted by Member States and stakeholders](#), as well as other background documentation, in support of further consideration of specific proposals identified in the co-facilitator's document.

The note has been updated to reflect the latest proposal (Version VI) of the document.

¹ As mandated in paragraph 9-13 of UNEA decision 4/2.

Reference document to the proposals identified under the Process for review by the Committee of Permanent Representatives

Proposals under sub-section 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))

1. Rationale for paragraph 1 (the UNEA theme): Several delegations have pointed to the fact that past UNEA sessions have experienced a range of different events and initiatives linked to a broad variety of topics, which to some extent may have undermined a more focused and communicable outcome from UNEA. The number of different topics addressed through draft resolutions was also wide-ranging, potentially limiting a clearer political message from UNEA, including for the High-level Political Forum on Sustainable Development. By creating a more coherent focus for UNEA events and initiatives, building on the agreed theme for each UNEA session, the voice and convening power of UNEA may be amplified and strengthened.

2. Rationale for paragraph 2 (timing of the OECPR and ensuring effective intersessional preparation for UNEA): Based on the positive experience of the previous two sessions of UNEA and the OECPR, which took place back-to-back, many delegates have recognized the benefits and savings in terms of expenses and time associated with reduced travel to Nairobi. For this reason, delegations agreed to schedule OECPR-5 back-to-back with UNEA-5 (UNEA decision 4/2, paragraph 2). Some delegations have also recalled the challenges that arose when OECPR took place several months ahead of UNEA, with draft resolutions that had been agreed at the meeting of the OECPR but then reopened at UNEA when a new set of delegates had arrived to finalize the negotiations. At the same time, many delegations have also pointed to the importance of effective intersessional and preparatory work by the CPR, to minimize the work load for both the OECPR and UNEA, and avoid weekend negotiations that may undermine the participation of countries with small delegations.

3. Rationale for paragraph 3 (designation of the meeting of the OECPR): Several delegations have pointed out that the term “Open-Ended Committee of Permanent Representatives” (OECPR) does not offer sufficient insight into the actual role and function of the meeting of the OECPR mandated in Governing Council decision 27/2, leaving some delegates and stakeholders who are unfamiliar with the details of UNEP’s governance, especially those based outside Nairobi or those who have newly arrived, confused about what the meeting is about and how it differs from other meetings of the CPR. When the CPR was established in May 1985 through Governing Council decision 13/2, it was established as “an open-ended Committee of Permanent Representatives, consisting of permanent representatives to the Programme and/or Government-designated officials, to consider and make recommendations to the Council on the matters mentioned in decision 11/2, paragraph 3, and to take action on any other matters specifically entrusted to it by the Council” (paragraph 1). As such, all meetings of the CPR, including its regular quarterly meetings as well as its subcommittee meetings can in principle be considered to be meetings of the open-ended CPR. It has therefore been proposed to clarify that the biennial meeting of the OECPR may be referred to as a Preparatory Committee meeting (PREPCOM) for UNEA, without changing the function, role or mandate of the Committee as referred to in paragraphs 9 and 10 of [Governing Council decision 27/2](#).

4. Rationale for paragraph 4 (recommend close cooperation between the UNEA and CPR Bureaus): Based on previous experiences, and depending on the number of draft resolutions tabled by Member States, the transition of the negotiations of draft resolutions and decisions from OECPR to UNEA have often been logistically challenging. This proposal serves the purpose of encouraging the Bureaus of UNEA and the CRP to work closely together to facilitate this transition, so as to make the negotiation process more efficient.

5. Rationale for paragraph 5 (designation of the meeting of the annual subcommittee): Similar to OECPR, many delegations consider that the designation of the annual subcommittee meeting of the CPR does not adequately convey the weight and main functions of the body, other than to indicate the periodicity with which it convenes. By clarifying the meeting may be referred to as a “Review and Oversight Committee”, without changing the function, role or mandate of the meeting, it may in many cases be easier to explain to other relevant civil servants and stakeholders without detailed knowledge about UNEP’s governing bodies what purpose the meeting of the annual subcommittee serves, based on paragraph 11 in Governing Council decision 27/2, thereby also potentially attracting a higher number of delegates and experts from capital.

6. Rationale for paragraph 6 (ensure political ownership and enable all Member States to participate in the negotiations on UNEA resolutions): Many delegations have pointed out that their delegations to UNEA and the OECPR are limited in size and capacity, which poses a challenge in terms of covering a wide range of often parallel negotiations and events that take place during UNEA. This has potential to sideline some countries and undermine the spirit of universality and joint ownership of UNEA outcomes. In addition, there have been instances where the large number of side events have exhausted room availability at UNON, leading to delays in resolution negotiations. For these reasons and others, several delegations have recommended to organize UNEA sessions in a manner that optimizes the participation of smaller delegations, while also taking into account the limited conference facilities currently available at the UN Office at Nairobi.

7. Rationale for paragraph 7 (strengthen the contributions and active participation of MEAs): Some delegations have suggested that UNEA resolutions and the outcomes adopted at the conferences of the parties to Multilateral Environmental Agreements could be better aligned, to support a more coherent implementation of the environmental dimension of the 2030 Agenda. UNEP hosts 15 global and regional MEAs, and is well placed to put this advantage into action by promoting cooperation and coherence across the global environment agenda. By strengthening the contributions and active participation of MEAs to UNEA, the global community’s messaging and advocacy on environmental issues can be amplified – while at the same time fully respecting and maintaining the independence of the MEAs. This would also reinforce UNEP’s role as the leading global environmental authority that delivers on the environmental dimension of sustainable development. Furthermore, it is fully in line with paragraph 89 of the Rio+20 outcome document, “The future we want”, which encourages parties to MEAs to promote policy coherence at all relevant levels.

8. Rationale for paragraph 8 (strengthen preparations for UNEA at regional level): Subparagraph (g) of paragraph 88 of the Rio+20 outcome document, “The future we want” reads, “Progressively consolidate headquarters functions in Nairobi, as well as strengthen its regional presence, in order to assist countries, upon request, in the implementation of their national environmental policies, collaborating closely with other relevant entities of the United Nations system”. In keeping with this paragraph and in the context of the UN development system reform, many delegations have recommended closer links between UNEA and the institutions of regional environmental governance, such as the regional ministerial environment forums (some of which are organized by UNEP) and the regional forums on sustainable development (organized by the UN regional economic commissions for reporting to the HLPF). Such close links would aim to ensure that the latest environmental findings at regional level inform the work of UNEA, while UNEA in turn provides relevant political and normative guidance to the regions. Similarly, the regional ministerial environment forums can provide critical contributions to the regional forums on sustainable development in support of the environmental dimension of the 2030 Agenda for Sustainable Development.

9. Rationale for paragraph 9 (strengthen the science-policy interface at UNEA): Member States have repeatedly underscored the importance of strengthening the science-policy interface, for example through various UNEA resolutions, as well as through recent CPR consultations on the action plan for paragraph 88 and the informal discovery sessions for the next medium-term strategy. Under the process for review by the

CPR, many delegations have highlighted that UNEA is uniquely positioned to bring cutting-edge science to environmental decision-making, and have suggested that specific briefings on this topic may be useful, and that relevant events and initiatives should be scheduled in a manner that ensures optimal flow of information.

10. Rationale for paragraph 10 (strengthen the participation of and meaningful involvement of representatives from civil society): There has been widespread support among delegations to strengthen the participation and meaningful involvement by Major Groups and Stakeholders in UNEA within the existing Rules of Procedure and without reopening the negotiations on a new UNEP Stakeholder Engagement Policy. Strong stakeholder participation, for example, promotes increased ownership of UNEA outcomes, raises community-level awareness and encourages additional actors that can support the implementation of UNEA outcomes. It has therefore been recommended that the Secretariat continue to seek innovative ways to engage stakeholders so that their diverse knowledge, expertise and experience can enrich and complement the intergovernmental negotiations at UNEA.

11. Rationale for paragraph 11 (identification, formulation and recording of decisions and conclusions from CPR meetings): In connection to the back-to-back organization of OECPR and UNEA (see paragraph 2 above), Member States have requested that the intersessional period be used more effectively, including with respect to advancing draft resolutions for adoption at UNEA. It has been suggested that strategic scheduling of CPR meetings, accompanied by high-quality and timely documentation support from the Secretariat are key factors that enable Member States to effectively discharge their responsibilities in preparing for UNEA while also providing strategic guidance and oversight to UNEP.

12. Rationale for paragraph 12 (broaden ownership and inclusiveness of CPR meetings): Some delegations have noted that many CPR meetings continue to be influenced predominantly by countries with Permanent Missions in Nairobi, and that this poses a challenge to the notion of universality. For non-resident countries, it is often challenging to fully follow the meetings of the CPR, in part also due to differences in time zones. It has therefore been recommended that the Secretariat make sustained efforts to increase the level of engagement from all CPR members, including by enhancing the modalities for remote participation and making relevant documents easily accessible online. UNEP's ongoing work to promote "virtual diplomacy" in the context of the current COVID-19 pandemic is expected to further facilitate and promote remote participation and overcome remaining challenges for example with respect to bridging the digital divide and affording equal opportunities to all countries to contribute meaningfully to UNEP's governance.

13. Rationale for paragraph 13 (encourage Member States to accredit themselves to UNEP): Currently, UNEA membership is universal and consists of all States who are Members of the UN, while the membership of CPR consists of "the representatives of all States Members of the United Nations and members of its specialized agencies, and the European Community, accredited to the United Nations Environment Programme, whether based in Nairobi or outside" (Governing Council decision 19/32, paragraph 8). As of November 2019, 135 member States and the European Union were accredited to UNEP and therefore members of the CPR. Many member delegations have noted the discrepancy between the universal membership of UNEA and the more limited membership of the CPR, and recommended that more member States accredit themselves to the CPR.

Proposals under sub-section 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))

14. Rationale for paragraph 14 (consolidate and clarify the respective roles and responsibilities of the CPR and UNEA Bureaus): Many delegations, including those with elected officers serving in the CPR and UNEA Bureaus, have been requesting to clarify the role and functions for these Bureaus so that they would

have a better understanding of what each officer is expected to deliver individually as well as collectively as Bureau members. Noting that the UNEA Rules of Procedure only provided limited guidance (“The Bureau shall assist the President in the general conduct of business of the United Nations Environment Assembly” - rule 18), and that much of the work carried out by the two Bureaus is based on established practices, the proposed guidance in Annex I could provide further clarity on expectations and prevent potential overlaps.

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

15. Rationale for paragraph 16 (encourage effective and timely submission, consideration and negotiation of draft resolutions): Many delegations have noted that negotiations of resolutions and decisions at UNEA have become increasingly lengthy and complicated in the past years, undermining the principles of transparency and inclusiveness, especially for small delegations who may not be in a position to participate in parallel or extended working groups. It has also been noted that some draft resolutions have been presented late in the UNEA preparatory process, thereby often disrupting agreed pre-session and in-session programme of work. While recognizing the right of member States to present draft resolutions also at a late stage in UNEA deliberations, there is broad support for a guidance that would assist member States in promoting a manageable resolution negotiation process, thereby optimizing the conditions for a successful UNEA. Delegations have also suggested that the meeting of the annual subcommittee is better used to engage in a scoping exercise to identify areas or clusters suitable for the tabling of draft resolutions, and that dedicated working groups should be established at an early stage to consider draft resolutions.

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. Rationale for paragraph 17 (request to the Secretariat to revise its reporting framework and streamline reporting to future UNEA meetings): Many delegations have underlined the importance of effective monitoring and reporting, to allow Member States to better perform their roles related to oversight and accountability of the UNEP Programme of Work. To this end, it has been recommended that the Secretariat improve its reporting framework in particular with regard to the implementation of UNEA resolutions by reviewing the reporting regime to the CPR, including through quarterly and programme performance reports, and the development of an online monitoring and reporting tool. The Secretariat has also been requested to explore options to rationalize and streamline UNEA reporting to consolidate reports into shorter and/or fewer reports.