

Committee of Permanent Representatives
Subcommittee Meeting
Thursday 1 October 2020
2:00 p.m. – 5:00 p.m. (EAT)
Online Meeting

MEETING SUMMARY

Agenda Item 1: Opening of the meeting and adoption of the agenda.

1. H.E. Mr. Fernando Coimbra, Chair of the Committee of Permanent Representative, Ambassador and Permanent Representative of Brazil, opened the meeting.
2. The meeting [agenda](#) was adopted. The agenda as well as the background documents and contributions submitted in writing from member States and stakeholders after the meeting are available on the [meeting portal](#).

Agenda Item 2: Consultation on the timing and format of UNEA-5 in view of COVID-19.

3. Ms. Inger Andersen, Executive Director of UNEP, welcomed and thanked member States providing guidance on the options for the timing and format of UNEA-5. She recalled that the joint meeting of the Bureaux of UNEA and of the CPR on 11 September 2020 considered the matter on the basis of an [options paper](#) prepared by the Secretariat, which also served as the background paper for this meeting. The Executive Director also referred to a Secretariat overview of virtual/hybrid intergovernmental decision-making processes and meetings during the COVID-19 pandemic, and noted that quite a number of such meetings have taken place, either in a fully virtual format or in “hybrid” format, and that the recently concluded general debate of the 75th session of the UN General Assembly was successfully held in virtual mode. She also acknowledged that there are significant challenges and limitations with regard to holding UN meetings in a virtual space, also taking into account the digital divide, and committed to continued support for UNEA-5 in whichever format and timing it will take place, including with regard to inclusive participation. She also underlined the importance of the timely adoption of UNEP’s new Medium-Term Strategy and Programme of Work.
4. The Chair thanked the Executive Director for her remarks and asked for additional information and clarification on the procedural requirements to change the dates or format of UNEA-5.
5. UNEP’s Legal Advisor informed the meeting that UNEA Decision 4.2 sets out both the agenda and the dates of UNEA-5, and that the dates for UNEA-5 can only be changed by applying Rule 3 of the Rules of Procedure which reads as follows: “*Five members of the United Nations Environment Assembly or the Executive Director of the United Nations Environment Programme may request*”

an alteration of the date of a regular session. In either case, the Executive Director shall forthwith communicate the request to the other members of the United Nations Environment Assembly, together with appropriate observations, including financial implications, if any. If within twenty-one days of the inquiry a majority of the members of the United Nations Environment Assembly explicitly concurs in the request, the Executive Director shall convene the United Nations Environment Assembly accordingly.” The provisional agenda set out in decision 4/2 may be changed by the meeting itself on the basis of Rule 12, and Rule 15 provides for possible revision of the agenda during a regular session.

6. The representative of the UNEA Presidency thanked the Executive Director and Secretariat for the background documents, and considered that while COVID-19 has created an unprecedented and exceptional situation, the work of UNEA is too important to halt or postpone, and that the theme for UNEA-5 remains fully relevant, especially as there are strong connections between the pandemic and our interactions with nature. She underlined the need for a timely decision on the time and format for UNEA-5, and proposed that UNEA be conducted in two separate parts, as follows:
 - UNEA-5 would commence on 22 February 2021 in virtual format, and was proposed to include a high-level segment where ministers of environment could provide statements and consider a ministerial declaration with a strong, clear political message that may contribute to greater resilience towards the current and future pandemics. The virtual meeting would also be an opportunity to adopt decisions that are crucial to ensure that UNEP remains operational, such as the Medium Term Strategy and the Programme of Work and Budget.
 - An adjournment of a part of UNEA-5 could be considered, to reconvene for an in-person meeting in February 2022 to consider substantive resolutions and any other remaining issues from the first part of the meeting, and provide an additional opportunity to commemorate UNEP@50.

The Secretariat was invited to identify which decisions would be necessary to consider at the first part of the meeting, and which could be referred to the resumed session.

7. Delegations expressed appreciation for the background documents and for the intervention from the Executive Director and the representative of the UNEA Presidency, welcomed the opportunity to discuss the matter in an inclusive and transparent manner, and provided the following guidance:
 - Many delegations welcomed the proposal of the UNEA President for a “two-step approach” as a possible compromise between holding a 5-day UNEA-5 in a virtual or “hybrid” manner in February 2021, and a reconvened session, noting that the restrictions related to the COVID-19 do not allow for an in-person meeting in February 2021. Many of these delegations also agreed that the virtual meeting in February 2021 should only consider decisions of an administrative and procedural nature that need urgent attention, with some also mentioning other outcomes stemming from ongoing processes, such as the process for review by the CPR and the informal consultations under UN General Assembly resolution 73/333. Several delegations expressed a strong preference for a high-level segment at the virtual meeting where a strong political message would be adopted. Delegations also called on the Secretariat to indicate which decisions need to be adopted in early 2021 and which decisions could be deferred to a later date.

- Some of these delegations, while supporting the Presidency proposal in principle, expressed a preference to reconvene the second part of UNEA-5 in late 2021 rather than in early 2022, with one delegation proposing that it could be combined with the 8th annual subcommittee in October 2021.
 - Several other delegations, however, expressed reservation with the idea of organizing any part of UNEA-5 as a virtual meeting, with a preference to postpone UNEA 5 in its entirety to 2022, possibly combining it with the 50-year commemoration of UNEP. These delegations emphasized the importance of adhering to core principles such as ensuring equal opportunities for the participation of all member States, including in the preparatory process, taking into account different time zones, and allowing for interpretation in all 6 UN languages. Some delegations were of the view that virtual meetings are particularly challenging for developing countries due to technical and connectivity issues, which adversely impact participation and undermine universality and inclusiveness. With regard to a possible hybrid meeting, it was further considered that delegations without representation in Nairobi would be at a disadvantage and may not be aligned with the Rules of Procedure. Many delegations felt that all these shortcomings may negatively impact effective and fair negotiations of decisions and resolutions. Holding UNEA-5 in 2022 would further allow for contributions from other processes such as the biodiversity and climate change conventions, and facilitate UNEP@50.
 - The host country Kenya supported the 2-step approach proposed by the President, and clarified that it is cautiously reviewing the restrictions which were put in place early this year to stem the spread of COVID-19 in Kenya, including a ban on international meetings, conferences and events.
 - Some member States supported a hybrid format for UNEA-5 in February 2021, with the aim to demonstrate a strong commitment to multilateralism and sustainable development in the era of COVID-19, and argued that a postponement might undermine the authority of UNEA. In case of a shortened session, there was a need to urgently agree upon a priority list of matters for consideration at UNEA-5. The Secretariat was asked to provide further clarity on the maximum number of delegates that may attend a hybrid session.
 - Some member States expressed concerns about the proposal to seek adoption of a ministerial declaration at a virtual session, underlining the challenges innate to online consultations.
 - Several stakeholders expressed support for either a hybrid format or the “two-step approach,” and iterated the need to ensure meaningful participation from major group and stakeholders, whether UNEA-5 will be held virtually or physically. One stakeholder emphasized the importance to engage young people in UNEA and to support a virtual youth component ahead of UNEA-5.
8. The UNEP Executive Director thanked member States for their guidance and noted that while there is no consensus yet on the issue, there appears to be room for a compromise, possibly entailing a two step approach, with the understanding that a fully virtual UNEA-5 may not be feasible. She took note of the request to develop a list of possible decisions that would need to be taken at an early stage, and reassured the meeting that efforts are underway to also ensure full interpretation for relevant virtual meetings, as well as facilitating connectivity for all delegations including through close cooperation with UNDP to allow access to UNDP office facilities. The Executive Director also re-emphasized that in order for UNEP to stay in business, it would be vital to adopt a

Programme of Work and Budget in early 2021 and called on Member States to support her to this end.

9. In response to a question, the Legal Advisor concluded that the proposed “two-part” UNEA is in accordance with of the rules of procedure, and referred to Rule 8, which states that “*The United Nations Environment Assembly may decide at any session to adjourn temporarily and resume its meetings at a later date.*”. He also clarified that while the rules of procedure do not specifically address a virtual or a hybrid meeting, such meetings can be organized without compromising the rules of procedure, provided that all relevant conditions are fulfilled, such as translation of documents to all 6 UN languages, interpretation is made available, that quorum can be monitored, that credentials are submitted, that the right of member States to make proposals is maintained, and that decisions can be taken by consensus or by voting through a roll-call.
10. The representative of the UNEA Presidency expressed appreciation for the support expressed for the “two-part approach” and informed delegations that a zero draft of the ministerial declaration will be shared shortly with member States for consultation.
11. The Chair thanked member States for their inputs and, while concurring with the understanding that a consensual option had not yet been fully identified, noted that there was a wide support for the 2-step approach proposed by the UNEA President, even if outstanding issues would still need to be addressed. The Chair also noted that some delegations preferred a postponement of UNEA-5 to 2022. He also noted that there is broad agreement on the need to avoid negotiations on substantive outcomes until in-person meetings can resume, due to challenges relating to inclusivity, transparency and equal participation in virtual or hybrid meetings. He requested the Secretariat to provide in writing additional clarification regarding the feasibility of these approaches in light of the Rules of Procedure, well ahead of the meeting of the UNEA Bureau scheduled for 8 October, with a view to support the Bureau in its further deliberations on the matter.

Agenda Item 3: Other matters.

12. No other matters were raised.

Agenda Item 4: Closing of the meeting.

13. The meeting closed at 5:15 p.m.