

Meeting of the Bureau of the Environment Assembly  
Tuesday 1 October, 4.00 p.m. to 6:00 p.m.  
Executive Boardroom  
NOF Block 1 Level 3 South Wing  
United Nations Office at Nairobi, Gigiri

Agenda Item 3

**Note on possible follow-up action on the relevant recommendations endorsed through General Assembly resolution 73/333, in particular as they relate to the preparations for UNEA-5**

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This note provides background information and possible options for agenda item 3, in support of the discussion on the recommendations from the third substantive session of the ad hoc open-ended working group on the Global Pact for the Environment, which were endorsed by the General Assembly in its resolution 73/333, in particular with subparagraph (b) in section three of the recommendations, entitled “Further work”.

The note recommends that the Environment Assembly Bureau and the Committee of Permanent Representatives and its Bureau organize time-bound consultations amongst member States in Nairobi on the implementation of Decision 4.2 and General Assembly resolution 73/333 and to do so in consultation with the Executive Director and in accordance with the relevant mandates set out in UNEA Decision 4.2 entitled, “Provisional agenda, date and venue of the fifth session of the United Nations Environment Assembly.”

The Bureau may wish to reflect on options for appropriate follow-up action with regard to the relevant recommendations in General Assembly resolution 73/333, in particular as they relate to the preparations for UNEA-5.

Members of the Bureau are reminded that all relevant documentation related to the ad hoc open-ended working group on the Global Pact for the Environment is available in the following link <https://www.unenvironment.org/events/conference/towards-global-pact-environment>

**Possible follow-up action on the relevant recommendations endorsed through General Assembly resolution 73/333, in particular as they relate to the preparations for UNEA-5**

**Background and relevant mandates**

1. At the Fourth Session of the United Nations Environment Assembly (UNEA) the Assembly adopted [UNEA Decision 4.2](#) entitled, “Provisional agenda, date and venue of the fifth session of the United Nations Environment Assembly.” Paragraph 8 of that Decision provides as follows:

“Requests the Executive Director to prepare, in consultation with Member States, the commemoration of the creation of the United Nations Environment Programme by the United Nations Conference on the Human Environment held in Stockholm from 5 to 16 June 1972, making use of contributions from relevant stakeholders.”

2. Subsequent to the adoption of this Decision the ad hoc open-ended working group established pursuant to [General Assembly resolution 72/277](#), “entitled “Towards a Global Pact for the Environment” concluded its work in May 2019 with thirteen substantive recommendations, that inter alia, addressed the strengthening the implementation of environmental law. One of the working groups recommendations provided as follows:

“Forward these recommendations to the United Nations Environment Assembly for its consideration, and to prepare, at its fifth session, in February 2021, a political declaration for a United Nations high-level meeting, subject to voluntary funding, in the context of the commemoration of the creation of the United Nations Environment Programme by the United Nations Conference on the Human Environment, held in Stockholm from 5 to 16 June 1972, with a view to strengthening the implementation of international environmental law and international environmental governance, in line with paragraph 88 of the outcome document of the United Nations Conference on Sustainable Development, entitled ‘The future we want’”.

3. The recommendations of the working group were subsequently endorsed by [General Assembly resolution 73/333](#) of 30 August 2019.
4. Following the adoption of General Assembly resolution 73/333, questions have been raised concerning the relationship between UNEA Decision 4.2 and the above-mentioned recommendation of the working group. Each Decision has been adopted under a different process, but both address the commemoration of the creation of UNEP by the 1972 United Nations Conference on the Human Environment held in Stockholm.
5. The request set out in UNEA Decision 4.2 is addressed to the Executive Director and is organizational in nature, i.e. to make preparations for the commemoration of the creation of UNEP in consultation with Member States. The decision thus sets out a consultative process with Member States and stakeholders.

6. The recommendation of the working group is to prepare, at UNEA 5, a political declaration for a United Nations high-level meeting. However, the General Assembly has in resolution 73/333 not provided any further guidance to UNEA on the implementation of the working group's recommendations or requested that UNEA report back to the Assembly. Furthermore, there is no follow-up provision whereby the General Assembly would consider the implementation of the recommendations at its 74<sup>th</sup> session.
7. It therefore safe to conclude that the implementation of both Decision 4.2 and General Assembly resolution 73/333 falls within the purview of the UNEA and, by extension, of its inter-sessional subsidiary organ (the Committee of Permanent Representatives) to deliberate on how it will implement and carry forward these two Decisions.
- 8. The UNEP Secretariat thus recommends that the Environment Assembly Bureau and the Committee of Permanent Representatives and its Bureau organizes time-bound consultations amongst member States in Nairobi on the implementation of Decision 4.2 and General Assembly resolution 73/333 and to do so in consultation with the Executive Director.**
9. Such consultations could take place between October 2019 and February 2020 in Nairobi focusing, within that timeframe, mainly on organizational and process orientated questions. The consultations would further allow member States to seek a holistic view of other relevant processes, that includes not only the commemoration of the establishment of the United Nations Environment Programme, but also the action plan for the implementation of subparagraphs (a)–(h) of paragraph 88 of the outcome document of the United Nations Conference on Sustainable Development, in accordance with paragraph 14 of UNEA Decision 4.2.
10. Once these consultations have concluded, the President of UNEA could, in consultation with the Executive Director, send a communication to the President of the General Assembly outlining the outcome of those consultations, including recommendations regarding the implementation of resolution 73/333 and Decision 4.2 and possible inter-linkages between the two. This could, if deemed appropriate, also include proposed recommended action to be taken by UNEA and/or the General Assembly.
11. In conducting their deliberations, Member States may wish to reflect on the following aspects:
- 12. Organizational preparations for the commemoration of the creation of UNEP:** Under Decision 4.2 the Executive Director is requested to prepare, in consultation with Member States, the commemoration of the creation of UNEP, making use of contributions from relevant stakeholders. In the absence of more specific guidance in the Decision, the consultative process described above may oversee and guide this process and ensure that the contributions from relevant stakeholders are considered.

13. **Substantive preparations of a political declaration:** The recommendation of the working group includes a substantive mandate for the UNEA; namely that UNEA 5 should “prepare” a political declaration “with a view to strengthening the implementation of international environmental law and international environmental governance, in line with paragraph 88 of the outcome document of the United Nations Conference on Sustainable Development, entitled ‘The future we want’”.
- This could be interpreted as preparing and possibly finalizing a political declaration to be submitted for the consideration of a United Nations high-level meeting.
  - Another interpretation is that the word “prepare” does not impose the requirement of finalizing the declaration. Under these circumstances, UNEA 5 could for example, agree on (i) an outline; (ii) or elements of a declaration; or (iii) a draft declaration with bracketed text. UNEA 5 could also agree on a combination of these alternatives.
  - In either circumstance, the Committee of Permanent Representatives is well positioned to recommend to UNEA an appropriate course of action on the negotiation of the declaration (such as for example the appointment of Facilitators) as well as its content and scope.
  - The time bound consultations proposed above may provide an opportunity to consider the preparations of the declaration at an early stage. In considering such preparations reflection may also be given to the relevant sources to be considered.
14. **A common understanding of the modalities of the United Nations high-level meeting:** The working group decided that a declaration should be prepared for “a United Nations high-level meeting [...] in the context of the commemoration of the creation of the United Nations Environment Programme”.
- The General Assembly may wish to consider the modalities and organizational arrangements of the UN high level meeting before UNEA 5, which will take in Nairobi 22-26 February 2021.
  - In doing so it would be advisable that the General Assembly take into account the outcome of the above proposed time-bound consultations regarding the organizational arrangements of the commemoration of the establishment of the United Nations Environment Programme mandated by UNEA decision 4.2, to be communicated by the President of UNEA to the President of the General Assembly.
  - Another alternative would be that the General Assembly considers the modalities of the UN high level meeting after UNEA 5, on the basis of recommendations from UNEA 5 to be elaborated by Member States when preparing the political declaration at UNEA 5, taking into account the context, object and purpose of that declaration.
  - The latter alternative would entail that full clarity on such modalities of the UN high level meeting may only be available 6-18 months in advance of that meeting, depending on when the General Assembly will consider the matter in 2021.
  - In this context, the General Assembly may after UNEA 5 for example recommend (I) that the UN high level meeting be a part of the commemorative events, or (II) may consider the UN high level meeting as a separate event from the commemoration of the establishment of UNEP.