

Committee of Permanent Representatives
Subcommittee Meeting
Thursday 16 January 2020
9:00 a.m. to 12.00 p.m. and 1:30 p.m. to 4:30 p.m.
United Nations Office at Nairobi, Gigiri
Conference Room 4

**Note from the Secretariat for the consultation meeting on the CPR-based review:
Options under subparagraph 10 (b)**

This note is developed in support of the Process for review by the Committee of Permanent Representatives of the United Nations Environment Assembly and its subsidiary bodies, as mandated by paragraphs 9 –13 of UNEA decision 4/2.

At the meeting on 16 January, member States are invited to consider subparagraph 10 (b) of that decision, which reads “**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**”.

The document builds on Section III of document UNEP/CPR/SC2019/6 entitled “Note on the implementation of UNEA decision 4/2: Provisional agenda, date and venue of the fifth session of the United Nations Environment Assembly”, and has been updated on the basis of the discussions at the 6th meeting of the Annual Subcommittee of the Committee of Permanent Representatives held in Nairobi 7 –11 October 2019.

The note also includes as an annex draft Terms of Reference for the Bureau of the fourth session of the UN Environment Assembly and for the Bureau of the Committee of Permanent Representatives, which were developed by the Secretariat following a request at the Joint meeting of the Bureaux on 20 November 2018. The drafts were considered by the Bureaux at subsequent meetings; albeit no specific action was taken.

Member States are invited to provide guidance to the co-facilitators on the various options outlined in the note and on the draft Terms of Reference, with a view to identifying concrete proposals for further consideration at the 7th meeting of the Annual Subcommittee and subsequently at UNEA 5.

Note from the Secretariat for the 2nd consultation meeting on the Process for review by the Committee of Permanent Representatives: Options under subparagraph 10 (b)

I. Introduction

1. Paragraph 11 of [UNEA 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.” (paragraph 11).
2. On the basis of a Secretariat [mapping exercise](#), the Committee of Permanent Representatives first considered this matter at its 146th meeting held on 20 June 2019.
3. Following the 146th meeting of the CPR, member States and stakeholders were invited to submit written inputs and proposals to the Secretariat, which were made available on a dedicated [website](#).
4. Based on the submissions to the Secretariat, the Secretariat developed an [input paper](#) with specific options for the review, for consideration at the [6th meeting of the Annual Subcommittee](#) of the CPR on 9 October 2019. At that meeting, member States agreed on a [“Consolidated proposal for a consensual process for review by the CPR of the United Nations Environment Assembly and its subsidiary bodies as set out in and covering paragraph 9-13 of UNEA decision 4/2”](#), including the appointment of two co-facilitators to lead the process, a roadmap of meetings, and a list of background documents. Member States also emphasized the importance of ensuring remote participation by interested parties without representation in Nairobi.
5. To date, two consultation meetings have been held under the leadership of the co-facilitators; on 31 October and on 26 November. Both of these meetings focused on subparagraph 10 a), which reads “The preparation, working arrangements, and scheduling of sessions of the Environment Assembly and the objectives, preparation, working arrangements and the scheduling of meetings of its subsidiary body, namely the meeting of the Open-ended Committee of Permanent Representatives and the regular and annual meetings of the subcommittee of the Committee of Permanent Representatives.” The agenda and meeting summaries from these two meetings are available [here](#) and [here](#).
6. In accordance with the agreed roadmap, this meeting will focus on **subparagraph 10 b) of UNEA Decision 4/2**, which reads “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”.

II. Options related to the CPR and UNEA Bureaus

7. The subsequent paragraphs list the options submitted by member States and stakeholders to the Secretariat relevant to paragraph 10 b). The same options are listed in the Secretariat [input paper](#) for the 6th Annual Subcommittee meeting.
 - 7.1 Clarify the respective roles and responsibilities of the CPR and UNEA Bureaus, possibly by developing draft terms of reference for the Bureaus, for consideration and possible adoption by Member States through a consultative process.

BRAZIL: To “clarify” does not mean to “reformulate”. While there could be added value in drafting “terms of reference” so as to codify established practice, it should not amount to amending the existing guidance regarding the roles and responsibilities of the Bureaux in the UNEA Rules of Procedure (Rule 18, paragraph 1) and the relevant Governing Council decisions (especially GC Decisions 19/32, paragraph 7, and 27/2, paragraph 9).

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7.2 Clarify the need for and objectives of joint Bureau meetings.

BRAZIL: Brazil recognizes the importance and usefulness of holding joint Bureaux meetings.

7.3 Explore the possibility of merging the two Bureaus into one central Bureau to oversee the work of all UNEP governing bodies in a consistent and coherent manner.

BRAZIL: The possibility of merging the two Bureaux received no support in the consultations.

7.4 Strengthen the consultation mechanism between members of the two Bureaus and their respective regional groups and present emerging regional positions at Bureau meetings, as well as report back to the regional groups on the outcomes of the Bureau meetings.

BRAZIL: Our assessment of the discussions under this issue is that each regional group has its own dynamics. While the internal coordination of the regional groups could arguably be improved, the actual measures to achieve this do not fall within the purview of the CPR-based review process. What the CPR-based review process could do is to highlight that improved coordination within regional groups contributes to the improved overall governance of UNEP.

7.5 Consider ways in which Bureau members can help increase the visibility, relevance and impact of UNEA at national, regional and international levels, for example, by incorporating key messages relating to UNEA outcomes in public statements delivered at national and regional events and meetings as well as at the High-level Political Forum on Sustainable Development.

BRAZIL: The language should reflect that the preparation of statements falls clearly within the sovereign rights of each Member State. The CPR-based review process could encourage UNEA-related messages to be included in such statements, but it cannot be mandatory.

III. Relevant lessons-learned from UNEA-4

8 Consideration of subparagraph 10 b) may also benefit from the following relevant recommendations included in the “[UNEA-4: Assessment and lessons-learned](#)” paper prepared by the Secretariat and endorsed by the CPR at its 146th meeting on 20 June 2019, pertaining to Lesson #3:

- 8.1. *Member States and Major Groups and Stakeholders are invited to take the present Lessons Learned and recommendations into account in the context of the CPR-based review of the efficiency of UN Environment’s policy-making organs to be initiated at the 6th Annual Subcommittee meeting scheduled for October 2019, in accordance with UNEA Decision 4/2, paragraph 10 a)–c), including with regard to:*
- *The preparation, working arrangements, and scheduling of meetings;*
 - *The respective roles and responsibilities of the Bureaus of the Environment Assembly and the CPR;*
 - *Criteria, modalities and timing for presenting and negotiating draft resolutions and decisions.*
- 8.2. *The UNEA President and Bureau are invited to provide clear guidance to member States on the process for the tabling of draft resolutions for consideration by the Assembly, including on, for example, length, timeliness, broad applicability and support, and relevancy to the UNEA theme, building on and feeding into the CPR-based review referred to above and without prejudice to the Rules of Procedure.*

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BRAZIL: Firstly, it should be recalled that the preparation of draft resolutions during the intersessional period is a competence that falls within the purview of the CPR (GC Decision 19/32, paragraph 7d; GC Decision 27/2, paragraph 9c). Regarding the preparation of draft resolutions, the role of UNEA Bureau starts with the "handover" from the OECPR to the Assembly itself. This is, of course, without prejudice to the convenience of holding joint Bureaux meetings in the lead-up to the Assembly, with a view to keep UNEA Bureau members entirely abreast of the negotiating processes. Secondly, Brazil wishes to reiterate a proposal made in its initial submission to the CPR-based review process: "in order to enhance its ability to provide political guidance, UNEA could consider negotiating a few omnibus resolutions (possibly one for each thematic cluster), rather than a proliferation of individual resolutions, which have sometimes proven to be repetitive and prolonged unnecessarily the negotiating exercise". The negotiation of such omnibus resolutions could begin during the intersessional period.

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IV. Compilation of practices in other governing bodies that could offer insights for the CPR review process

9. As part of the mapping exercise, the Secretariat administered a questionnaire to the network of governing bodies of international organizations, to solicit information on the workings of other governing bodies. Many of the responding secretariats indicated that they too looked at ways and means to improve their internal governance, and some of them have recently undertaken governance reforms. The discussion on subparagraph 10 b) may in particular benefit from the following inputs from these governing bodies Secretariats.
 - 9.1. *The Officers assist the respective President/Chairs in the general conduct of business.*
 - 9.2. *The Chairs shall lead the debates in a neutral manner. They have the responsibility to keep the discussions on topic. Vice-chairs are to assist their Chairs in any manner deemed necessary by the Chair.*
 - 9.3. *Stressing the importance of continuity and smooth transition between outgoing and incoming bureaus, the Core Group converged on strongly recommending that, whenever possible, the Vice President for the regional group which is expected to assume the Presidency in the following year be selected as President of the Executive Board.*
 - 9.4. *At the end of each plenary session, the 1st Vice Chair becomes Chair, the 2nd Vice Chair becomes the 1st Vice Chair and a new 2nd Vice Chair and Rapporteur are elected. This ensures continuity between the successive Bureaus (total 4 members in the Bureau).*
 - 9.5. *Each formal session is prepared by the Bureau in accordance with the Rules of Procedure, including "preparation and organization of Board meetings, facilitation of transparent decision-making and promotion of dialogue. The Bureau shall brief the Board on its deliberations and shall not have the authority to make decisions on any substantive matters".*
 - 9.6. *As part of internal reform process, one Secretariat prioritized "Fostering a degree of transparency in Bureau and Board meetings, and identifying new and novel ways for members of regional groups to be briefed on Bureau proceedings".*
 - 9.7. *The Bureaus interact with their respective groups through the regional coordinators and groups' secretariats.*

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Annex: Draft Terms of Reference for the Bureau of the fourth session of the UN Environment Assembly and for the Bureau of the Committee of Permanent Representatives.

I. DRAFT TERMS OF REFERENCE OF THE BUREAU OF THE UNITED NATIONS ENVIRONMENT ASSEMBLY

Election and composition of the Bureau

1. During the final meeting of a regular session, the United Nations Environment Assembly shall elect a President, eight Vice-Presidents and a Rapporteur from among its members who shall constitute the Bureau. The Bureau shall assist the President in the general conduct of business of the United Nations Environment Assembly. The chairpersons of sessional committees or working parties shall be invited to participate in Bureau meetings. In electing its officers, the United Nations Environment Assembly shall ensure that each of the five regions¹ is represented by two members. The Offices of President and Rapporteur shall normally be subject to rotation among the five regions. *Additionally, the Chair of the Committee of Permanent Representatives is an ex officio member of the Bureau (BRA).*²

Replacement of a Bureau member

2. During a session of the Assembly, if a Bureau member, except the President, is unable to permanently carry out any of her or his functions, the Assembly may elect an alternate upon appointment by a Member State or by the regional group to which that member belongs. During the intersessional period, if a Bureau member resigns or is unable to exercise her or his functions, the Member State or the regional group to which that Member belongs shall nominate a replacement for the remainder of the term. The Executive Director shall inform all members of the Assembly of the nomination in writing. If within one month no objections are received in writing, the nominee is elected. If a Member State objects, the nominee is elected if a majority of member States responding support the nominee.³

Term of Office

3. The President, the Vice-Presidents and the Rapporteur shall hold office until their successors are elected. They shall commence their terms of office at the closure of the session at which they are elected and remain in office until closure of the next regular session. They are eligible for re-election.⁴

Meetings of the Bureau

4. The Bureau shall meet at least _____ times annually. Depending on the agenda, the President may invite observers to attend Bureau meetings. The President may also invite other individuals or organizations as observers if they have qualifications with regard to matters on the agenda.

Quorum

5. The President may declare a meeting open when at least on third of the members of the Bureau that have

¹ The five regions are Africa; Asia; Eastern Europe; Latin America; Western European or other States;

² Rule 18 of the Rules of Procedure

³ Rule 19 of the Rules of Procedure

⁴ Rule 20 of the Rules of Procedure

been elected by the Environment Assembly to the Bureau are present. The present of a majority of members shall be required for any decision to be taken.

Joint Bureau Meetings

6. Joint Bureau meetings may be held between the Bureau of the Environment Assembly and the Bureau of the Committee of Permanent Representatives. The Chairs of both Bureaus may alternate in chairing a joint meeting. Joint meetings shall be convened for the purpose of conducting consultations between the Bureaus and shall not take decisions, which should be adopted separately by each Bureau.

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Functions of the Bureau

7. The Bureau with the support of the Secretariat shall:

- a) Carry out the tasks entrusted to it by the Environment Assembly;
- b) Assist the President in the general conduct of business of the Assembly, including the review of credentials⁵;
- c) Prepare for the sessions of the Assembly, including by providing guidance on the selection of an over-arching theme for the Assembly, advising and providing input on the preparation of the provisional agenda, the draft programme of work and the scheduling of items for the Assembly;
- d) during the sessions of the Assembly, (BRA) Consider and facilitate the negotiation of draft resolutions and decisions for consideration by the Assembly;
- e) Recommend the allocation of items to subsidiary bodies of the Assembly;
- f) Provide guidance on relevant meetings of an informal nature related to the Assembly;
- g) Ensure that there is coherence and complementarity between the work of the Committee of Permanent Representatives and the Environment Assembly
- h) the President of the Assembly might consider proposing a draft Ministerial Declaration, which would be prepared under his authority: (BRA).

8. The Bureau shall perform its functions in a manner that is without prejudice to the role and mandate of the Open-Ended Committee of Permanent Representatives, which is the subsidiary inter-sessional body of the governing body of the United Nations Environment Programme with a mandate to, inter alia, prepare draft resolutions and decisions for adoption of the Assembly during the intersessional period (BRA, v. GC Decisions 19/32 paragraph 7d; 27/2, paragraph 9c).

Final provisions

9. The Bureau shall conduct its business in English.

These Terms of Reference were adopted by the Bureau on _____ and may be amended with the agreement of all the members of the Bureau.

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⁵ Rule 17 of the Rules of Procedure

II. DRAFT TERMS OF REFERENCE OF THE BUREAU OF THE COMMITTEE OF PERMANENT REPRESENTATIVES

Election and composition of the Bureau

1. The Committee of Permanent Representatives ("Committee") shall elect a Chair, three Vice Chairs and a Rapporteur from among its members who shall constitute the Bureau. The Bureau shall assist the Chair in the general conduct of business of the Committee. In electing its officers, the Committee shall ensure that each of the five regions is represented. The Chair shall normally be subject to rotation among the five regions⁶. Additionally, the President of the Assembly is an ex officio member of the Bureau.

Replacement of a Bureau member

2. During a meeting of the Committee, if a Bureau member, except the Chair, is unable to permanently carry out any of her or his functions, the Committee may elect an alternate upon appointment by a Member State or by the regional group to which that member belongs. In cases where the Committee is not meeting and a Bureau member resigns or is unable to exercise her or his functions, the Member State or the regional group to which that Member belongs shall nominate a replacement for the remainder of the term. The Executive Director shall inform all members of the Committee of the nomination in writing. If within one month no objections are received in writing, the nominee is elected. If a Member State objects, the nominee is elected if a majority of member States responding support the nominee⁷

Term of Office

3. The Chair, the Vice-Presidents and the Rapporteur shall, as a matter of practice, be elected for a term of two years, commencing 1 July every odd year. They are eligible for re-election.

Meetings of the Bureau

4. The Bureau shall meet as required, upon the request of the Chair. Depending on the agenda, the Chair of the Bureau may invite observers to attend Bureau meetings. The Chair may also invite other individuals or organizations as observers if they have qualifications with regard to matters on the agenda.

Quorum

5. Notwithstanding the provisions of the rules of procedure, the Chair may only declare a meeting open and allow decisions to be taken when a majority of Bureau members are present.

Joint Bureau Meetings

6. Joint Bureau meetings may be held between the Bureau of the Committee of Permanent Representatives and the Bureau of the Environment Assembly. The Chairs of both Bureaus may alternate in chairing a joint meeting. Joint meetings shall be convened for the purpose of

⁶ Rule 18 of the Rules of Procedure as applicable to the Committee of Permanent Representatives

⁷ Rule 19 of the Rules of Procedure, as applicable to the Committee of Permanent Representatives

conducting consultations between the Bureaus and shall not take decisions, which should be adopted separately by each Bureau.

Functions of the Bureau

7. The Bureau with the support of the Secretariat shall:

- a) Carry out the tasks entrusted to it by the Committee;
- b) Assist the Chair in the general conduct of business of the Committee;
- c) Prepare for the meetings of the Committee, including by providing guidance on the dates of meetings, advising and providing input on the preparation of the provisional agenda, the draft programme of work and the scheduling of items for the meetings of the Committee;
- d) Consider and facilitate the negotiation of draft resolutions and decisions for consideration by the Committee;
- e) Consider and facilitate the negotiation of draft resolutions and decisions for consideration by the Assembly, until the beginning of its session;
- f) Ensure that there is coherence and complementarity between the work of the Committee of Permanent Representatives and the Environment Assembly.

Final provisions

9. The Bureau shall conduct its business in English.

These Terms of Reference were adopted by the Bureau on _____ and may be amended with the agreement of all the members of the Bureau.