

QUESTIONNAIRE

Based upon the input received, the following guiding questions are set out below.

I. Guiding questions concerning the preparatory process

1. The outcome reads: “Forward these recommendations to UNEA for its consideration”.

- a. *Under which agenda item should UNEA 5 consider these recommendations?*
- b. *One option being under the inclusion in the already established item 5 of the provisional agenda entitled “International environmental policy and governance issues” or by recommending the establishment of a new item?*

BRAZIL

Brazil favors that UNEA-5 address this issue under the already existing agenda item 5 of its provisional agenda, entitled "International Environmental Policy and Governance Issues". The "preparation" of a political declaration should not be structured differently from all other expected negotiated substantive outcomes of the Assembly.

2. The outcome mandates: “to prepare, at its fifth session (...) a political declaration (...):

- a. *What level of detail should a text have in order to be considered by UNEA 5?*

BRAZIL

The UN General Assembly mandated UNEA to "prepare" a political declaration. The deliberate choice of this verb clarifies that UNEA is not expected to "adopt", to "conclude" or to "finalize" a political declaration. The identification of elements which could serve as building blocks would meet the threshold of "preparing" a political declaration. The subsequent development of abstract elements into concrete text would take place after UNEA-5, in the lead-up to the "United Nations high-level meeting".

- b. *When should the “preparation of a political declaration” begin and what should be the recommended format, leadership and timeline of the preparatory process before UNEA 5?*

BRAZIL

Considering that the mandate to "prepare" a political declaration is to be fulfilled by identifying the elements upon which the text itself will be drafted after UNEA-5, a four months period between the 7th Annual Subcommittee Meeting (October 2020) and UNEA-5 (February 2021) seems adequate for the convening of consultations. Such a timeline has been consistently applied to the preparation of negotiated outcomes of the Assembly and reflects established practice.

Beginning consultations before the 7th ASC would not benefit from the proper incorporation, in the discussions, of relevant elements emerging either from the CPR-based Review Process (UNEA Decision 4/2, paragraphs 9-13) or from the discussions on possible gaps in the implementation of paragraph 88 of "The Future we Want". Both processes are thematically related to the issues raised in Resolution 73/333, so beginning

consultations on the preparation of a political declaration before deliberations on those other tracks are finalized or well underway would lead to a duplication of efforts.

The responsibility for organizing the preparation of all negotiated substantive outcomes of the Assembly falls on the Committee of Permanent Representatives, as foreseen in Governing Council Decision 19/32, paragraph 7(d), and confirmed by established practice. The CPR might decide to appoint co-facilitators to steer these consultations. Considering the legitimate interest of the UNEA Bureau that all necessary preparatory processes be set in motion in a timely manner, ensuring a successful Assembly, the CPR Chair would regularly brief the UNEA Bureau on this issue.

- c. *How can accredited stakeholders be involved, and member States without representation in Nairobi participate, in the process?*

BRAZIL

It is crucial that Member States without resident representation in Nairobi have a possibility to engage in the process. The circulation of questionnaires, such as the present one, affords equal opportunity for all to convey their points of view. Additionally, the Secretariat should make the arrangements to allow remote connection by non-resident delegations through video or phone conference.

II. Guiding questions related to the a “United Nations high-level meeting [...] in the context of the context of the commemoration of the creation of UNEP

3. **The outcome speaks about “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 (...)”.**
 - a. *What is meant by “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”?*

BRAZIL

The expression "in the context of" indicates that the high-level meeting is to be an element of the wider panorama of the commemoration of the creation of UNEP. At the present moment, however, Member States have not yet reached an understanding on the main aspects of the commemoration itself (number of events, venue, outcome etc.). Since the adoption of the political declaration is an "accessory" to the commemoration, the lack of clarity regarding the latter precludes clarity on the former.

- b. *Who is expected to convene the UN high-level meeting? What should its format be?*

BRAZIL

While pertinent, this question is to be addressed in the context of ongoing consultations in the CPR regarding the commemoration of the creation of UNEP.

III. Guiding questions regarding the content of the political declaration and the support by the UNEP Secretariat

4. The outcome also signals that the objective of the political declaration is “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’”.
- a. *what ‘elements’ or ‘building blocks’ in the objectives guiding the recommendations and in the substantive recommendations contained in the Annex to Resolution 73/333 could be identified for inclusion in the political declaration to achieve the overall objective of “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”?*
 - b. *How should the political declaration relate to the five objectives guiding the recommendations and to the thirteen substantive recommendations of the ad-hoc open-ended working group established pursuant to UN General Assembly resolution 72/277 and endorsed in UN General Assembly resolution 73/333?*
 - c. *Should there be a substantive connection between the political declaration and the commemoration of the creation of the United Nations Environment Programme by the United Nations Conference on the Human Environment?*
 - d. *How should the political declaration be in line with paragraph 88 of the outcome document of the United Nations Conference on Sustainable Development?*
 - e. *What kind of inputs should the Secretariat prepare in order to best assist member States in the preparation of the political declaration?*

BRAZIL (reply to items “a” to “e”)

Brazil considers it premature to engage in discussions on the content of the political declaration while there is lack of clarity regarding the process through which it will be negotiated.

Preliminarily, Brazil recalls that the conscious choice of the adjective "political" to describe "declaration" clearly denotes that, whatever its future content, it is not to be considered legally binding. Furthermore, since it was mandated through Resolution 73/333, it should focus exclusively on the thematic framework ascribed by that text as indicated in the substantive recommendations and guiding objectives contained therein. Also, it cannot undermine in any way the 1992 Rio Declaration or the outcome document "The Future we Want", in particular its paragraph 88.