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## **United Nations Environment Assembly of the United Nations Environment Programme**

### **149<sup>th</sup> meeting of the Committee of Permanent Representatives to the United Nations Environment Programme**

Nairobi, 18 February 2020  
Conference Room 1  
9:00 – 12:00, 13:30 – 16:30

### **Agenda Item 6: Implementation of General Assembly resolution 73/333**

This document serves as a background document for Agenda Item 6, entitled Implementation of General Assembly resolution 73/333.

It provides a summary of inputs received from States, regional/political groups and stakeholders on the questionnaire to guide the way forward on UN General Assembly Resolution 73/333, entitled “Follow-up to the report of the ad hoc open-ended working group established pursuant to General Assembly resolution 72/277”.

The note is complimented by the following annexes:

- UNEP/CPR/149/5/ADD.1 Questionnaire to guide the way forward on UN General Assembly Resolution 73/333. The Questionnaire was distributed to States and stakeholders on 18 December 2019, with a deadline for submission of inputs in writing set to 27 January 2020.
- UNEP/CPR/149/5/ADD.2 Roadmap for consultations on follow-up of UN General Assembly resolution 73/333.

States are invited to consider with view to adopting the draft consultation roadmap on the matter, which has been developed by the Secretariat and endorsed by the President of the UN Environment Assembly and Chair of the Committee of Permanent Representatives, for consideration and possible adoption by the Committee of Permanent Representatives at its 149th meeting. The draft was also considered by the Bureau of the Committee of Permanent Representatives at its meeting on 30 January 2020.

# SUMMARY OF THE SUBMISSIONS RECEIVED TO GUIDE THE WAY FORWARD ON UNGA RESOLUTION 73/333

## **I. Introduction**

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The Bureau of the UN Environment Assembly (UNEA) at its meeting on 1 October 2019 requested the Chair of the Committee of Permanent Representatives (CPR) and the Representative of the UNEA President to consult with regional and political groups on the follow-up of UN General Assembly resolution 73/333 (resolution 73/333) on 21 and 22 November 2019. 1. A summary of those consultations can be found [here](#).

On 3 December 2019, members of the Bureau of UNEA and of the CPR to the UN Environment Programme (UNEP) agreed at a Joint Bureau meeting on a way forward regarding the follow-up on resolution 73/333 entitled “Follow-up to the report of the ad hoc open-ended working group established pursuant to General Assembly resolution 72/277”.

It was agreed to continue the process of consultations on the follow-up to resolution 73/333 on the following basis:

- States and stakeholders will be invited to express their views in writing on the relevant aspects related to the way forward regarding resolution 73/333, based on a questionnaire, using the previous questions for the consultations with the regional and political groups as a basis.
- Bearing in mind the contextual relevance of the consultations in the CPR regarding the commemoration of the creation of UNEP, a similar and coordinated invitation will be sent to States and stakeholders to allow States to approach both processes in a coordinated manner.
- Considering the heavy workload ahead, the Secretariat was requested to identify possible dates for meetings to allow States to further consider resolution 73/333. This would allow for an open and inclusive consultation in the CPR during the first quarter of 2020, based on the written inputs which should result in a clear roadmap leading to UNEA-5.
- In the meantime, the UNEA President, through his representative in Nairobi, and the Chair of the CPR will continue to consult with States on the best way forward to ensure open and inclusive consultations on this matter.

On 18 December 2019, the Secretariat, on behalf of the President of UNEA and the Chair of the CPR, shared with States and accredited stakeholders a note and a questionnaire on the implementation of resolution 73/333. States and accredited stakeholders were invited to complete the questionnaire and send their submissions by 27 January 2020.

The Secretariat received twenty- six inputs from States, and regional/political groups. It received nine inputs from stakeholders and major groups. All inputs are available on this [link](#).

This Note provides a summary of the main submissions provided. It is without prejudice to the content of each individual submission and does not necessarily reflect any views of the UNEP Secretariat.

## **II. Summary of the submissions received as of 7 February 2020**

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### **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?*

Most States and a regional/political group favoured that UNEA-5 address this issue under Agenda Item 5 of the provisional agenda as it would avoid a further delay of the process, and it would be a practical, time-effective and efficient approach. One State specified that the recommendations should be addressed under Agenda Item 5 because the “preparation” of a political declaration should not be structured differently from all other expected negotiated substantive outcomes of UNEA.

A number of States favoured addressing this issue under an existing Agenda Item but did not specify which Agenda Item and one of them raised concerns about overburdening the provisional agenda.

One State suggested considering the recommendations under Agenda Item 9 entitled “High- Level Segment”.

One regional/political group suggested considering the recommendations under Agenda Item 11 that is entitled, “Adoption of resolutions, decisions and outcome documents of the session.”

Some stakeholders favoured that UNEA-5 address this issue under Agenda Item 5 of the provisional agenda. However, other stakeholders considered that the issue should go under a separate Agenda Item to provide enough time for discussion, keeping in mind that the new item should not overburden the Secretariat and participants as there is already a heavy agenda.

## **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?*

States generally converged in the understanding that the “preparation” of a political declaration does not mean its “adoption”, “conclusion” or “finalization”.

One regional/political group suggested that the text should contain core elements or building blocks of the declaration, in response to the recommendations by the working group as endorsed by resolution 73/333, to be adopted at a UN high-level meeting, and that this text should be concluded as far as possible by UNEA-5.

One State considered that the simplest approach would be to address the mandate of resolution 73/333 through the Ministerial Declaration of UNEA-5, which would be a separate exercise from Stockholm+50 preparations.

Regarding the level of detail that a text would need to have to meet the threshold of being “prepared” at UNEA-5, States and a regional/political group had different views. Some of their views were the following: a) to prepare suggestions for discussion and review by an open-ended working group of the CPR; b) a text general in its nature, avoiding technical details, and sending a positive and inspirational message; c) an outcome-oriented, short and straight-forward text; d) provision of policy guidance in the text; d) identification of elements which could serve as building blocks; (e) these elements could build upon the recommendations of the working group that were adopted by consensus and endorsed by resolution 73/333; (e) the development of a timeline, outline, and modalities for the negotiation of the political declaration.

Some States and a regional/political group identified in more detail the content of the proposed text and the importance of raising the ambition for the work that lies ahead. However, it was not clear from some submissions whether reference was being made to the text to be prepared by UNEA-5 or to the final declaration to be adopted by the United Nations high-level meeting referred to in 73/333. States and a regional/political group who provided submissions had various proposals that included the following: The text should contain a preamble and/or “general introduction” that sets out the context of the text; that the text identify specific objectives, address implementation including in the context of the implementation of international

environmental law; address activities to be implemented by different stakeholders; and address international collaboration; and address financial support for implementation and implementation mechanisms.

Stakeholders had different views regarding the level of detail needed. One stakeholder considered that the declaration should be very detailed. Another stakeholder suggested having a text of no more than 2 pages. One stakeholder suggested a declaration that is easy to read, and that considers certain essential elements such as an objective, the building blocks, a call for action, and way forward. Another stakeholder suggested preparing an outline of the declaration before UNEA-5 that would delineate the actions that should be taken. Another stakeholder considered that at least a second draft of the final declaration should be developed before UNEA-5.

*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?*

States and a regional/political group converged on the understanding that preparations should begin ahead of UNEA-5. Views differed regarding how far in advance such preparations should begin. Certain States and a regional/political group stressed the need to have a clear roadmap of the process towards UNEA-5, to prepare accordingly.

Although most States and regional/political groups expressed the importance of starting the process as soon as possible and at least during the second half of 2020, other States suggested that the preparation of the substantive aspects of the declaration should begin after UNEA-5. One State suggested that consultations begin after the 7<sup>th</sup> Annual Subcommittee Meeting. Another State considered that preparations should begin once it had been established that the “voluntary funding” is sufficient. Other States suggested starting preparations once consensus is reached on the format of the high-level meeting that will commemorate UNEP’s creation.

Regarding the format and leadership, several States and a regional/political group expressed the need to have an inclusive, transparent and CPR-based process. A proposed format could be the election of two facilitators to lead the process (one permanent representative from a developed country, the other from a developing country). One State proposed the establishment of a preparatory committee to make recommendations to UNEA-5. Another State proposed that a task force of representatives should meet in Nairobi, led by UNEP, to work on a timeline, format, and terms of reference of the negotiation process. High-level officers from capitals could meet in a workshop one or two days before UNEA-5 to make final decisions.

Two States expressed the view that the process should follow the usual preparation and negotiation of a UNEA Ministerial Declaration.

Most stakeholders favoured starting the process as soon as possible, and the preparation of a roadmap. Opinions varied on the format and leadership. One stakeholder suggested the leadership of a joint committee of the UNEA Bureau and the CPR; another stakeholder suggested the leadership of co-chairs; and another stakeholder suggested the establishment of an advisory committee composed by States and relevant stakeholders.

One stakeholder suggested scheduling CPR meetings inviting stakeholders, including non-accredited to UNEP stakeholders who attended previous meetings on the Global Pact.

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

States and a regional/political group converged on the understanding that arrangements should be put in place to allow the involvement and participation of States without resident representation in Nairobi and accredited stakeholders, for example by way of written consultations, video conferences and informal consultations, as well as through outreach activities from co-facilitators appointed by States to lead the process. Some of the proposals included financial support for States without permanent representation in Nairobi, participation through regional representatives, invitations to share written inputs, and participation remotely.

Some States and one stakeholder suggested conducting the process in a broader forum, such as UN headquarters in New York. One State suggested to hold an initial coordination meeting at UN headquarters in New York, and then hold subsequent substantive meetings in Nairobi. Two States considered that before addressing this question there must be clarity on what will be negotiated and when.

Stakeholders converged on the understanding that arrangements should be put in place to allow the involvement and participation of States without resident representation in Nairobi and accredited stakeholders including using remote participation tools and the possibility of providing written inputs. Two stakeholders considered that all stakeholders should be given the possibility to provide inputs, whether they are accredited or not.

## **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”?*

Several States interpreted the reference to a “high-level meeting” as requiring Ministerial attendance. For one State the reference would mean attendance of Heads of State. Many States also welcomed the offer by the government of Sweden to host a UN high-level meeting in Stockholm for the commemoration of the 1972 Stockholm Conference.

One regional/political group advocated for no more than one UN high level meeting in 2022, and suggested that this meeting should commemorate Stockholm 1972 and the creation of UNEP in Stockholm. That group also considered that such a meeting would provide an excellent opportunity to raise the visibility of the environmental agenda, to celebrate UNEP+50 and Stockholm+50 and to adopt the high-level political declaration as outlined in the UN General Assembly resolution 73/333, while not excluding other ceremonial celebration events organised to commemorate the creation of UNEP for example in Nairobi. Format and modalities for the UN high-level meeting should be decided by the UN General Assembly (UNGA).

One State interpreted the reference to a “high-level meeting” as a reference to UNEA-5 itself, in the context of the commemoration of the creation of UNEP. One State interpreted it as a reference to the High-level segment of UNEA-5, which will serve as the platform to commemorate the creation of UNEP (UNEP+50) and as the place to agree and conclude the political declaration. The political declaration would be an input for the Conference to be held in Sweden (Stockholm+50).

One State considered that the “high-level meeting” is a commemorative meeting for the Stockholm conference that should be a country-led initiative with support and participation of the United Nations and that it should have one outcome – the political declaration approved by UNEA-5.

Some States recalled UNEA resolution 4/2 which requested “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”.

Several States and a regional/political group expressed different views on whether one standalone high-level meeting should be organized or not. Some States noted that resolution 73/333 does not call for a standalone

high-level meeting, rather it situates the delivery of a political declaration in a yet to be created high-level meeting to be held as part of the process to commemorate the creation of UNEP.

Some States and a regional/political group supported the high-level meeting being the celebration of UNEP's creation, i.e. UNEP +50 or Stockholm+50.

One State considered that this section of the questionnaire goes beyond UNEA's mandate as UNEA is mandated to prepare a draft political declaration and not to interpret or to make a decision on the nature, timing, hosting or substantive content of the UN "high-level meeting". Such parameters are for UNGA to decide upon.

Some States and a regional/political group sought further clarification regarding the offer of the Government of Sweden to organize a high-level event to commemorate the 50 year of the 1972 Stockholm Conference and the main aspects of the commemoration itself.

One State stressed that UNEA should define the format of the meeting, and suggested the following options: (i) to hold a special session under UNEA-5; (ii) to celebrate the high-level meeting under the 77th UNGA, (iii) to hold the meeting alone with the commemorative event of the creation of UNEP and adoption of the Stockholm Declaration; (iv) to celebrate the high-level meeting on the margins of the Rio+30 Summit in 2022; or (v) to hold a high-level event that a particular Government may choose to host in commemoration of the Stockholm Conference.

Some stakeholders supported the high-level meeting being the celebration of UNEP's creation. Other stakeholders considered that the high-level meeting and the commemoration of UNEP's creation should be two different events.

Regarding the venue, stakeholders had different views and supported holding the high-level meeting in either Stockholm or Nairobi or at United Nations Headquarters in New York.

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

Several States expressed the view that it should be UNGA that convenes the high-level meeting. These States had different views regarding the format of the meeting e.g. roundtable discussions and exhibit hall; a general debate with a list of speakers; an opening ceremony, a plenary session and parallel round tables with interactive discussions.

Some States expressed the view that the meeting should be convened by UNEP.

One regional/political group considered that the UN high-level meeting should commemorate Stockholm 1972 and the creation of UNEP in Stockholm.

One State considered that the meeting should be convened by the UN Secretary-General and suggested that it should be organized back to back with the general debate at the 76<sup>th</sup> UNGA.

One State suggested that the meeting should be convened by Sweden, and Kenya, as host country for UNEP.

One State indicated that the meeting should be convened by UNEA-5 and supported by the UN Secretary-General in coordination with the Executive Director of UNEP.

One State supported any offers from States to convene the meeting, including proposals for joint hosting.

Some States considered this question should be addressed in the context of ongoing consultations in the CPR regarding the commemoration of the creation of UNEP.

Two States considered that the high-level session should be under the leadership of the UNEA Presidency.

### 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”?*

Some States indicated that the scope of elements to be captured in the political declaration is already defined in the annex to resolution 73/333. Thus, the declaration should restrict itself to the elements of the substantive recommendations.

One State considered that all the mechanisms for strengthening the implementation of international environmental law and international environmental governance in line with paragraph 88 are already in UNEP’s mandate. Thus, UNEP’s mandate should be the main element of the declaration.

Some States provided ideas on the potential elements, identifying specific objective and recommendations to the annex to resolution 73/333 that should be prioritized as well as other elements such as sustainable development and adherence to the rule of law.

One regional/political group indicated that the declaration needs to be both ambitious and concise. It should also provide concrete and actionable responses to the recommendations of the ad hoc open-ended working group that were endorsed by General Assembly resolution 73/333.

One State considered the political declaration must set out a vision towards the future and identify the additional actions that both States and agencies must take, considering the insufficient level of compliance with international commitments. The declaration should also solidify UNEP’s role as the international environmental authority.

One State considered that the recommendations should be considered by UNEA-5 in preparing a declaration, being premature at this stage to single out any particular “element” or “building blocks” among the recommendations.

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

Stakeholders had different views regarding which elements should be included e.g. sustainable development and successes and challenges highlighted during UNEA Ministerial Declarations.

- 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? (the objectives and the recommendations)*

States and a regional/political group generally converged on the understanding that there should be a link between the declaration and the objectives and recommendations of the working group that were endorsed by resolution 73/333, e.g. to base the declaration on those objectives and recommendations or including in the declaration a clear statement referring to the objectives and recommendations; to reaffirm resolution 73/333 and the outcome of the 1992 UN Conference on Environment and Development in the declaration.

States expressed different views on how the declaration should relate to the objectives and the recommendations of the working group endorsed by resolution 73/333. Some of those views included the following: (i) using the objectives and recommendations as guiding principles for the declaration, (ii) to summarizing them in the declaration and if not feasible to incorporate them as an annex to the declaration, and (iii) to include the objectives in the preamble and the recommendations in the operative part of the declaration.

One State stressed that the declaration may consider the recommendations but it should not seek to renegotiate them or exceed them.

- 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?*

A group of States expressed the view that there is a substantive connection between the political declaration and the commemoration of the creation of UNEP. However, one regional/political group considered the two, i.e. the high-level event under resolution 73/333 and the commemoration of the creation of UNEP, as separate processes.

Another State expressed the view that preparation of the political declaration should not be unnecessarily influenced or prejudiced by a perceived requirement for there to be a ‘substantive connection’ between the political declaration and the commemoration.

One State highlighted that resolution 73/333 already connects the delivery of the political declaration to the high-level meeting to be held as part of the process to commemorate the creation of UNEP. This State considered that the question of whether the connection should be “substantive” (and on what would constitute “substantive”) is a matter for the process established under UNEA resolution 4/2.

Some stakeholders were of the view that there should be a substantive connection between the political declaration and the commemoration of the creation of UNEP. One stakeholder is of the view that the connection is symbiotic.

- d. *How should the political declaration be in line with paragraph 88 of the outcome document of the United Nations Conference on Sustainable Development?*

Some States considered that the political declaration should take into consideration paragraph 88 of the outcome document of the UN Conference on Sustainable Development “The future we want” (paragraph 88).

One regional/political group recognized that paragraph 88 focuses on strengthening UNEP’s role and mandate. However, it noted the reinforcement of UNEP’s mandate is not the only element for a political declaration in the context of the high-level meeting.

One State considered that the declaration could empower UNEP in line with paragraph 88.

One State recognized that paragraph 88 is thematically broader than the scope of the political declaration and would encourage a political declaration that is complementary to paragraph 88.

One State suggested using the Sustainable Development Goals as a starting point, or source for the political declaration.

One State referred to the important role that UNGA resolution 67/213 entitled “Report of the Governing Council of the United Nations Environment Programme on its twelfth special session and the implementation of section IV.C, entitled “Environmental pillar in the context of sustainable development”, of the outcome document of the United Nations Conference on Sustainable Development” plays in revitalizing UNEP’s mandate, which should be highlighted in the declaration.



One State suggested the declaration should include necessary elements that are pertaining to those particular sub-paragraphs of paragraph 88 that merit further action, e.g. stakeholder engagement. The UNEP Executive Director's report under UNEA resolution 4/2 would provide guidance in this respect.

One State considered that the adoption of the declaration can serve as a binding, universal "umbrella text" synthesizing the principles outlined in the Rio Declaration, the "Earth Charter", the "World Charter for Nature", and other instruments shaping environmental governance.

One stakeholder considered that the primary focus of the declaration should be on identifying specific areas in which international environmental law needs to be strengthened. Another stakeholder highlighted the need for strong environmental advocacy messages at each paragraph, creating a signal to States and stakeholders. Other stakeholders suggested to focus the declaration on, among others, build upon and strengthen the role of civil society organizations and youth.

*e. What kind of inputs should the Secretariat prepare in order to best assist member States in the preparation of the political declaration?*

Several States and one regional/political group suggested that the Secretariat assist in the form of standard administrative support to States e.g. circulation of discussion papers and background documents, coordination of consultation exercises, ensuring communication and collaboration.

Some States and a regional/political group suggested that the Secretariat provide substantive input e.g. on a certain number of key scientific developments, on how UNEP's role can be enhanced, recalling some of the inputs presented in the preparation of the sessions of the working group, and highlighting which "new" elements should be introduced.

Some States considered that this question should be addressed after questions regarding a timeline and modalities for the negotiation of a political declaration are settled.

Some stakeholders suggested that the Secretariat provide substantive input e.g. analysing information, providing background papers. One stakeholder considered that this question should be broadened to include inputs to assist the full array of stakeholders to participate in the preparation of the declaration.

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