

Nairobi, Kenya 18 July 2019

Comments of the Permanent Mission of Mexico to UNEP on the Process for review by the Committee of Permanent Representatives (CPR) on subparagraphs 10 a) – c) on Decision 4/2 adopted by UNEA 4.

General comments

The experience of at least the last two UNEAs demonstrates that the intersessional period between UNEAs has not been used to prepare resolutions and decisions to be submitted to the next UNEA, especially resolutions and decisions presented, many of them, with sufficient time by state members. They are only presented by their authors.

By doing that, the first reading of resolutions and decisions take place in the framework of the open-ended CPR and the UNEA concentrating all the burden of negotiation in the last back to back sessions of the open-ended CPR and the UNEA, as it happened in the 4th UNEA. This situation causes the following undesirable situations:

- Impedes the participation of small delegations in the discussion and negotiation of resolutions due to the numerous negotiating meetings that take place simultaneously during the open-ended CPR and the UNEA. This happens notwithstanding previous agreements reached by the Bureaus (CPR and open-ended CPR) not to hold more than two meetings simultaneously.
- Regrettably, delegations, due to the excessive concentration of resolutions to be negotiated in the framework of those two mechanisms, are obliged to hold meetings on weekends (even up to 4 meetings simultaneously) when the use of weekends is not approved in the agreed program of work.
- The mentioned postponement or concentration of the consideration of resolutions and decisions, leaves most small delegations out of the negotiating process. This practice does not favor a transparent and participatory process since it does not allow most countries to present inputs that could enrich the content of resolutions and decisions.

The holding of the open-ended CPR and of the UNEA back to back was only agreed as a temporary measure in order to facilitate the change of cycle of the UNEAs. As experienced in the preparation process of the UNEA 2, the holding of the open-ended CPR detached or separated from the UNEA, allowed delegations to participate in a constructive way in the discussions and negotiation of resolutions and decisions. This experience responded more to the universal character of the UNEAs and a more participatory process.

10. Decides that the scope of the consideration during the review process will be:

(a) The preparation, working arrangements, and scheduling of meetings of its subsidiary body, namely the Open-ended Committee of the permanent

Representatives and the regular annual meetings of the Subcommittee of the Committee of the Permanent Representatives;

Proposals

- Taking into consideration the above-mentioned general comments, the CPR should agree to make the most of the intersessional period between UNEAs by starting discussion and negotiation of resolutions and decisions as soon as they are presented in order to ensure opportune and, as much as possible, democratic participation of delegations.
- The holding of the open-ended CPR back to back to the UNEAs, as a permanent measure, could be an attractive measure with the condition to use the intersessional in an efficient way as referred to in the previous bullet.
- In relations to the preceding paragraph, it is appropriate to take into consideration that it was agreed in UNEA 4, by resolution UNEP/EA.4/L.29, that the next Open ended CPR will take place from “...15 to 19 February 2021, without prejudice to decisions on further meetings of the Open-ended CPR, and requests the CPR to discuss, in consultation with the Bureau of the UNEA, and decide, on the format and agenda of the meeting.”

(b) 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.

Proposals

- Considering the regional representation of the integration of the bureaus, the membership in those mechanisms should strictly represent the agreed consensus position of their respective regional group.
- Topics under consideration not agreed upon in the framework of the bureaus should be brought back for further consideration to their respective group and, immediately after, to the CPR.
- In order to facilitate that, and for the purpose of transparency, the bureaus should produce a list of agreements-disagreements and/or minutes of the meetings in order for the membership to consider them in the framework of their respective regional groups and, afterwards, in the CPR. This would contribute to have a more transparent and participatory process for the preparation of the open ended CPRs and the UNEAs.
- Even if the note circulated by the Secretariat on the “Role and expectations of the UNEA Bureau“ on 12 June 2019 suggests that the President of the Assembly may invite observers to attend Bureau meetings, the Bureau is not an open ended body, therefore the participation in their meetings have to respect this rule as a principle. In case some flexibility is desired by the bureaus, delegations should be informed in order for them to consider their participation. The observance of this measure is indispensable to respect the principle of equitable participation in a mechanism

clearly defined by member countries of the CPR and, therefore, should help to avoid preeminence or preference to any particular vision and/or positions of countries. In any case, countries contribution to topics and/or matters discussed in any of the bureaus shall be submitted to the full membership of the CPR.

(c) Criteria, modalities and timing for presenting and negotiating draft resolutions;

Proposals

- Resolutions and decisions should be presented as soon as possible in order to have enough time to discuss them during the intersessional period between UNEAs. A desirable deadline could be suggested. However, this shall not hinder delegations to present draft resolutions in accordance with rules of procedure.
- Ideally, resolutions should relate to the topic or team of the assembly. However, there should be flexibility for countries to present resolutions on other topics.
- Negotiation of resolutions and decisions was dealt with extensively in prior sections of this document.
- The evaluation presented by UNEP of the UNEAs (see document of UNEA 4 Assessment and Lessons Learned of 26 June 2019) should not only take into consideration aspects related to the UNEA itself, but also on the work of its preparation in order to know the level of participation of delegations in the preparatory process, in particular the discussions and negotiation of resolutions and decisions. This is important to measure, to the extent possible, the effective level of participation of delegations in a process that should be, as much as possible, universal.