

## **Norwegian written inputs to the review process (Decision 2 from UNEA-4)**

The chapeau of paragraph 9 is clear that the objective of the review is to **improve the efficiency and functioning of the Environment Assembly and its subsidiary bodies**. In order to allow the Committee of Permanent Representatives (CPR) to identify concrete proposals for consideration at the fifth session of the United Nations Environment Assembly in 2021, Norway welcomes the discussions that are taking place. Identifying proposals that are likely to attract consensus requires a process that allows sufficient space for different views and understandings of the existing mandate and practices to be considered, including in capitals and by those who do not have representation in Nairobi. Norway believes that consensus will be achieved through patient dialogue and exchange of views in Nairobi where positions can develop in response to ongoing debate.

Given linkages between sub-paragraphs, it will not be possible to conclude anything until all the sub-paragraphs are all "fully matured". This includes, clarifying the functions of the CPR, the Open-Ended CPR, and the Annual Sub-Committee with respect to UNEA, such as with terms of reference for the CPR and UNEA bureaux, as well as with any concrete proposals regarding resolutions.

### ***Consensual elements: paragraph 3***

Norway believes that it is useful to clarify the role and the mandate of the Open-Ended CPR, as opposed to what could be called the "regular" CPR. While Decision 27/2 para. 10 refers to an "open-ended meeting" of the CPR, it is worth noting that it has become practice to refer to the "Open-Ended CPR" and that this has become distinct meeting, as was clearly the intention, from the "regular" CPR.

From the Norwegian side we understand this to mean a "**CPR-plus**" format. The "regular" and "open-ended" formats of the CPR have different functions. The OECPR has been the key negotiating forum for resolutions, while the CPR has laid the groundwork for these negotiations in different ways in the run up to the OECPR. The decision to shift the OECPR to be back to back with the UNEA at UNEA-3 and the decision to maintain this until UNEA otherwise decides clearly underscored these different functions/roles.

The OECPR, which as per paragraph 10 of Decision 27/2 specifies that this format must enable the participation of capital-based delegates as well as stakeholders for a period of five days in preparation of UNEA, as well as to provide guidance to UNEA on policy matters.

Furthermore, we cannot see that the mandate in paragraph 10 in any way has any bearing or supersedes the mandate in paragraph 10 in Decision 19/32, which mandates "four regular meetings a year". **In other words, a five-day open-ended meeting of the OECPR was created in addition to the regular CPR meetings, to specifically allow for participation of capitals, including non-resident members, and stakeholders in preparation for UNEA.**

**Such meetings to include participation from capital and beyond are the norm within the UN and multilaterally, and as such if the intention is strengthen UNEP to be the "leading global environment authority that sets the global environmental agenda, that promotes**

**the coherent implementation of the environmental dimension of sustainable development within the United Nations system and that serves as the authoritative advocate for the global environment", (Para. 88 from Rio+20 Outcome document, The Future we want) then it is incumbent on us to ensure a process which allows for this.**

As such, Norway believes there is merit in the proposal to change the name of the OECPR to that of "UNEA Prepcom". This will provide useful clarity as to the particular role and mandate of this preparatory "CPR-plus" meeting.

We do however see merit in further exploring a clearer relationship between the "OECPR/Prepcom" and UNEA itself in terms of bureau guidance. In light of the decision to hold the OECPR/Prepcom back to back with the governing body meeting, it does make sense to have greater continuity between the guidance and organization of these meetings. At the same time we would note that given the high level of ministerial representation in the UNEA bureau, we question whether ministers have the opportunity to participate in a two week meeting, and would invite member States who have experience in this regard to provide their views on this question of ensuring continuity and coherence guidance.

**Norway believes it would be useful to consider how we can ensure the best balance of inputs from Nairobi-based representatives in the CPR, capital participation to contribute to strong substantive inputs which have been appropriately embedded in line departments and the political guidance from ministers in the UNEA bureau. We also support considering how to use the Annual Sub-Committee meeting in even years as a key component of the broader preparatory process, without detracting from its particular mandate.**

#### ***Enhancing capital participation***

Norway believes that in order to improve the efficiency and functioning of the UN Environment Assembly, including the preparation, working arrangements and scheduling sessions of UNEA and its subsidiary bodies, as well as the discussion on criteria, modalities and timing for presenting and negotiating draft resolutions and decisions, we must avoid creating an artificial dichotomy between the contribution of the CPR and of capital officials. Given the broad mandate of UNEP on environment, and that UNEA itself includes a high level segment, it is critical that the process allows for capitals to participate appropriately, and conduct consultations in line with national practices and provide clear mandates to negotiators. There is likely to be different practices in member states, but it would be important to promote good practices in this respect.

In order to achieve this, while ensuring that the CPR also fulfils the rest of its mandate, including that which is otherwise contained in paragraph 7 of Decision 19/32, Norway believes that **we must consider how we can make better use of the two years between Environment Assemblies**. There are existing mandates and limitations on number of meetings within the UN which must be respected, but we do not see that this prevents us from considering how to use the inter-sessional period more effectively. This will enable consolidated and appropriate inputs from capital and will allow for effective use of the time of the CPR as well.

### ***Comment on the terms of reference***

In considering the draft terms of reference and inputs from member states and stakeholders, we note that there appears to be little appetite to consider amending the current structure of the two bureaux. Norway believes there would be merit in discussing the unique nature of the UNEA bureau, which includes a high proportion of ministerial participation. This is a long-standing practice and Norway believes we should consider the roles and functions of the two bureaux in light of this so as to maximise the contribution of both bureaux.

### ***Process for resolutions***

One positive effect of universal membership of UNEP/UNEA has been to increase ownership and engagement of all member states and also among Major Groups and stakeholders above previous levels (even if there is definitely room for improvement in this respect, in Norway's view). The enhanced participation has resulted in resolutions being a process driven almost entirely by member states, as opposed to the secretariat, which was the case before. There have been several benefits to this, but there has also been a downside.

There is little doubt that fewer and more action-oriented resolutions would be more impactful, and that a clearer timeline would allow the CPR to make a more consolidated contribution to the process, both in terms of process and also on substance. Secretariat as well as member state delegations' time and resources should also be more equitably allocated to the preparation of each resolution. Norway believes the process should remain member state driven, but it should be supplemented with a clearer role for and support from the secretariat.

Norway believes one option could be to develop a kind of "checklist"<sup>[1]</sup>. Such a list should include administrative, legal and practical criteria which will help us better ensure that the Environment Assembly is the correct forum for the resolution. The basis document should be a concept note, which would be developed into a proposal for final consideration of the OECPR by working through the "checklist". Items could include, for example:

1. Are there other member states, especially from several regions wherever possible, who are interested in this issue and will co-operate on submitting the resolution,
2. How does the issue relate to UNEP's Medium-Term Strategy, Programme of Work and budget?
3. Is the issue covered by any other forum? If so, what action has been taken? What action is wished from UNEP? What action should UNEA invite member states or other organizations to take?
4. Strengthening the science-policy interface: are there any relevant scientific reports on the issue? (UNEP or otherwise) What policy action has been taken and by whom? Have any gaps been identified?
5. How does the issue relate to the 2030 Agenda and the SDGs?

Working through the checklist would be a task for the CPR, in close cooperation with the secretariat. Member states wishing to forward resolutions would be encouraged to consult

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<sup>[1]</sup> Such a list can be called anything, for convenience, we use the term "checklist", but the name is largely irrelevant, it the function of this "list" which should be the focus of discussions.

closely with the secretariat from the outset. The secretariat could also, at the first stage, provide inputs as to which issues they identify which require or could benefit from follow up.

There could also be elements on the checklist which allow also for what could be called the political functions to be appropriately considered. The goal should be to consider resolutions that enable UNEP to be the "environmental authority that sets the global environmental agenda, promotes the coherent implementation of the environmental dimension of sustainable development with the UN system and serves as the authoritative advocate for the global environment". This would include the flexibility to pick up emerging issues. This flexibility is what has enabled the Assembly to put issues, such as, marine litter and mainstreaming biodiversity to mitigate pollution, on the global environmental agenda.

Norway supports the proposal to consider omnibus resolutions where these are appropriate. However, we should also consider whether omnibus resolutions could serve to "bury" the political function of resolutions – making it more difficult to bring an issue to the attention of the world. It would be useful if a "checklist" approach could help us balance such objectives.

Nothing prevents member states from exercising self-discipline now with regard to keeping to proposed timelines etc. Last minute decisions and proposals are likely arise in response to gaps identified or other considerations which may arise during the course of negotiating other resolutions or decisions. Achieving a thorough and constructive cooperation and preparation process could lessen the need for such last minute resolutions, and can therefore be a common goal for the preparatory phase.