

15 May 2020

**Comments by the Center for International Environmental Law (CIEL):**

## **Converging elements of consensus Process for review by the Committee of Permanent Representatives<sup>1</sup>**

*Developed by the co-facilitators*

*Version III, 5 May 2020*

*Changes compared to Version II is indicated in **bold**.*

### **A. Introduction**

Paragraph 11 of 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.” A [mapping exercise](#) developed by the Secretariat was considered by the CPR at its 146th meeting held on 20 June 2019, and a Secretariat [input paper](#) including specific options based on [inputs in writing submitted by Member States and stakeholders](#), as well as from relevant recommendations included in the “[UNEA-4: Assessment and lessons-learned](#)” paper prepared by the Secretariat and endorsed by the Committee of Permanent Representatives (CPR) in June 2019, was considered at the 6th Annual Subcommittee Meeting of the CPR held on 9 October 2019. At that meeting, two co-facilitators, Mr Marcus Davis of Canada and Mr Mapopa C. Kaunda of Malawi, were appointed to lead consultations under the process for review, and a [roadmap for the consultation process](#) was adopted. So far, four subcommittee meetings have been held under the process for review by the CPR: on [31 October](#) and [26 November](#) 2019, and on [16 January](#) and [27 February](#) 2020. Future meetings are planned on 2 April, 21 May, 2 July and 3 September 2020, in view of preparing for a 2-day stock-taking meeting (12-16 October 2020) as mandated by UNEA decision 4/2.

This document outlines possible converging elements of consensus, as proposed by the co-facilitators of the process for review, emanating from guidance provided by member States at the subcommittee meetings referred to above. It is complemented by two annexes: Annex I, which presents draft terms of references for the Bureau of UNEA and of the CPR; and Annex II which provides guidance to Member States on submission of resolutions to the UN Environment Assembly.

All proposals in this document are, where relevant, subject to the availability of financial resources.

Subject to further consultations and confirmation by the subcommittee, the proposals may be reviewed at the 7th meeting of the Annual Subcommittee scheduled for 12-16 October 2020, for final consideration at UNEA 5.

### **B. Converging elements of consensus**

***I. The preparation, working arrangements and scheduling of sessions of the UN Environment Assembly and of the objectives, preparation, working arrangements and the scheduling of meetings of its subsidiary body, namely the meeting of the Open-ended CPR and the regular and annual meetings of the subcommittee of the CPR. (Decision 4/2, subparagraph 10 (a))***

Preliminary conclusions and recommendations:

<sup>1</sup> As mandated in paragraph 9-13 of UNEA resolution 4/2.

1. Under the guidance of the UNEA Bureau and the Secretariat, ensure that the UNEA theme provides a framework for political debate at the high-level segment as well as for official UNEA events, including UNEA side events **the Major Group and Stakeholder Forum, and** the Sustainable Innovation Expo and the Science-Policy **Business** Forum, and that it informs Member States in their preparation of draft UNEA resolutions, while fully respecting Member States' right to table draft resolutions on any subject in accordance with the UNEA Rules of Procedures.
2. Organize, as a general practice and unless otherwise decided by UNEA, meetings of the Open-Ended Committee of Permanent Representatives back-to-back with the UN Environment Assembly, while ensuring effective, participatory and inclusive intersessional preparation, **and avoiding formal negotiations during weekends.**
3. Designate the **meeting of the** Open-Ended Committee of Permanent Representatives as a "Preparatory Committee for the UN Environment Assembly" (UNEA PREPCOM) ~~to be convened under the auspices of the Bureau of the UN Environment Assembly~~, while keeping its current mandate **and chairmanship**, as established in paragraph 9 and 10 of UNEP Governing Council decision 27/2, unchanged.
4. Designate the Annual Subcommittee meeting as a "Review and Oversight Committee", while keeping its existing mandate and chairmanship, as established in paragraph 11 of UNEP Governing Council decision 27/2, unchanged.
5. Under the guidance of the UNEA Bureau and with the support from the Secretariat, create an optimal balance between political negotiations, the UNEA high-level segment, and official and non-official UNEA events, to ensure political ownership, **transparency and equity**, and to enable, **to the greatest extent feasible, as far as possible**, all Member States to participate in the negotiations on UNEA resolutions, **and to afford robust and effective mechanisms for Major Groups and Stakeholders to provide meaningful input to UNEA processes, regardless of whether such processes are conducted in person or remotely.** This may entail limiting the number of side events and other events, minimizing overlaps in the scheduling and structure of UNEA sessions, as well as minimizing to the extent possible the number of formal and informal negotiation groups working in parallel at the OECPR and UNEA.
6. Under the guidance of the UNEA Bureau and with the support from the Secretariat and in close cooperation with the MEA Secretariats, strengthen the contributions ~~and active participation of~~ multilateral environmental agreements (MEAs) to UNEA with a view to promote cooperation, coherence and synergies, while fully respecting their respective mandates **and subject to the availability of resources**, including through an **standing** invitation to take part in UNEA deliberations of a possible "MEA segment" held in conjunction or back-to-back with the UNEA high level segment, and the involvement of MEA Secretariats in consultations on draft resolutions, where relevant. This may help promote coherence between the UNEA resolutions and the MEAs governing bodies' **decisions.**
7. Strengthen preparations for UNEA at regional level, including by encouraging Members of the UNEA Bureau ~~and Member States without diplomatic representation in Nairobi~~ to engage in regional ministerial environmental forums and regional forums on sustainable development, to identify relevant regional contributions and inputs to UNEA sessions.
8. Under guidance of the UNEA Bureau and with the support from the Secretariat **and the Major Groups Facilitating Committee**, strengthen science-policy interface at UNEA, including by strategic **design and design, programming and** scheduling of the Science-Policy-**Business** Forum and the Sustainable Innovation Expo, by making best use of flagship scientific environmental assessments, and by facilitating science-based decision making, where relevant through dedicated briefings and consultations on the theme of UNEA and/or proposed resolutions.

**Commentato [UdMO1]:** *Rationale:*

The **Major Groups Facilitating Committee** (MGFC) coordinates the engagement of Major Groups with UNEP. It consists of 2 elected Regional Facilitators per region, and 2 elected members per Major Group, including the **Scientific and Technological Community Major Group** and the Business and Industry Major Group. The participation of the MGFC in this process would bring coherence and coordination between stakeholders and strengthen the science-policy interface.

9. In accordance with the UNEA Rules of Procedures and established practices including as outlined in the UNEP Stakeholder Engagement Handbook<sup>2</sup>, ~~the UNEA Bureau and the Secretariat is encouraged to~~ strengthen the **active and meaningful** participation of ~~and contributions from~~ Major Groups representatives at UNEA and its preparatory process, including in the context of selecting the UNEA theme, by encouraging **and facilitating** stronger participation from local, indigenous communities and small and medium-sized enterprises, **by designing agendas and logistics to ensure such participation even when meetings are conducted remotely**, and by offering relevant Secretariat trainings and briefings for stakeholders.
10. Under the guidance of the CPR Bureau and with the support from the Secretariat, improve the identification, formulation and recording of decisions and conclusions from CPR meetings, including through strategic and timely scheduling of CPR meetings and high-quality and timely submission of documentation from the Secretariat, such as annotated agendas, background documentation and meeting summaries.
11. Under the guidance of the CPR Bureau and with the support of the Secretariat and subject to the availability of resources, consider how to further broaden ownership and inclusiveness of CPR meetings through the facilitation of remote participation of Member States **and Major Groups and Stakeholders** without representation in Nairobi, and through improving online access to documents and crucial information on meeting portals and the UNEA website.

**12. Encourage Member States, which have not yet done so, to accredit themselves to UNEP.**

***II. 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; (Decision 4/2, subparagraph 10 (b))***

13. Clarify the respective roles and responsibilities of the CPR and UNEA Bureaus, including with regard to joint meetings, by adopting draft terms of reference for each Bureau, as contained in Annex I.

***III. Criteria, modalities and timing for presenting and negotiating draft resolutions and decisions; (Decision 4/2, subparagraph 10 (c))***

- 14. Without prejudice to Rule 44 of the UNEA Rules of Procedure, Member States and the Secretariat should as far as possible respect the guidance/checklist provided for the criteria, modalities and timing for presenting and negotiating draft resolutions and decisions, as reflected in Annex II.**

- 15. Under the guidance of the CPR Bureau and with the support of the Secretariat, the CPR should initiate consideration of draft resolutions as soon as possible after the tabling of a draft resolution or decision.**

- 16. Under the guidance of the CPR Bureau and with the support of the Secretariat, part of the meeting of the annual subcommittee in the years preceding a UNEA meeting should be devoted to a scoping exercise to identify areas suitable for the tabling of draft resolutions and decisions.**

***IV. Monitoring and reporting on the implementation of the programme of work and budget and of the resolutions of the Environment Assembly; (Decision 4/2, subparagraph 10 (d))***

<sup>2</sup> <https://www.unenvironment.org/resources/publication/stakeholder-engagement-handbook>

*Preliminary conclusions and recommendations to be completed following additional consultations with the CPR, taking into account the proposal from the Secretariat with regard to the implementation of the UNEA resolution 4/22, which was considered and endorsed by the CPR at its meeting on 27 February.*

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- ANNEX I: Revised draft terms of reference of the Bureaus of the United Nations Environment Assembly and of the Committee of Permanent Representatives
- **ANNEX II: Draft guidance to Member States on submission of draft resolutions to the UN Environment Assembly**