

Committee of Permanent Representatives
Subcommittee Meeting
Tuesday 9 November 2021
10:00 - 13:00; 15:00 – 18:00
Conference Room 1, United Nations Office of Nairobi
Hybrid Meeting (GoTo meeting platform)

Agenda Item 2: Consultations on draft decisions for the resumed session of UNEA-5.

a) Draft decision on provisional agenda, date and venue of UNEA-6

This note serves as a background document for consideration of Agenda Item 2 a): *Consultations on draft decisions for the resumed session of UNEA-5 - draft decision on provisional agenda, date and venue of UNEA-6.*

It contains a draft decision on provisional agenda, date and venue of UNEA-6, accompanied by a note entitled “Secretariat note on the implications of rescheduling UNEA-6”, and an “implication matrix”.

The draft is based on previous UNEA decisions on the same subject. It currently leaves the choice of date open, to allow for further discussion and guidance from Member States. The draft also takes into account the following guidance from previous UNEA and CPR decisions:

- Operative paragraph 1 in decision 2/22 decided “*to hold its regular sessions in odd numbered years commencing with its third session in 2017.*”
- Operative paragraph 3 of Decision 3/2 decided “*to hold the sessions of the United Nations Environment Assembly, following the fourth session of the Environment Assembly, during the last week of February, unless otherwise decided by the Environment Assembly, at its headquarters in Nairobi, consistent with rule 4 of the rules of procedure.*”
- Operative paragraph 6 of the Decision of the Extraordinary meeting of the Committee of Permanent Representatives to the United Nations Environment Programme Nairobi, 23 June 2021, decided to recommend “*to the fifth session of the Assembly to decide that, on an exceptional basis and without creating a precedent, its sixth session shall be held no earlier than February 2024 to ensure a full two-year term for the Presidency of the sixth session.*”

It should be noted that the choice of date for UNEA-6 will have consequences of the scheduling of future UNEA sessions (e.g. with regard to the 2-year period between sessions and whether or not future UNEA sessions should continue to be held in odd numbered years). It will also have consequences for the approval of future UNEP Programmes of Work and Medium-Term Strategies. See annex for further details.

The draft also includes a paragraph on the endorsement of the Process for review by the CPR, as referred to in paragraphs 9-13 of [UNEA decision 4/2](#) and in line with the recent agreement as reflected in paragraphs 24-26 of the [Chair’s Summary of the 8th meeting of the annual subcommittee](#).

It further includes a draft paragraph, in brackets, on the [action plan for the implementation of paragraph 88 of the outcome document of the United Nations Conference on Sustainable Development](#), as prepared by the secretariat following the request outlined in paragraph 14 of UNEA decisions 4/2. The proposed paragraph may be considered as a starting point for further discussions among delegations on if and how to take action on this matter at the resumed session of UNEA-5.

With regard to the action0 plan, delegations may wish to recall that the plan as prepared by the secretariat builds on a process of extensive consultations under the CPR, to review the progress of and identify remaining gaps in the implementation of paragraph 88. CPR meetings on this subject were held on 23 January, 5 March, 2 April and 2 July 2020, based on an agreed [roadmap](#) which was considered at the 148th meeting of the CPR. On this basis, a comprehensive draft of the action plan was presented and considered at the [7th meeting of the annual subcommittee](#), held online 12-16 October 2020, as reflected in paragraphs 29-32 of the [Chair's Summary](#) of that meeting. When finalizing the action plan, the secretariat took into account the guidance provided by delegations at the 7th annual subcommittee, and submitted the plan in advance of the online session of UNEA-5 as an official working document (UNEP/EA.5/23).

In this context, reference is also made to paragraph 3 in the action plan, which states that *“Given the aspirational nature of paragraph 88, which seeks to upgrade and strengthen UNEP and reinforce its mandate as the leading global environmental authority, the implementation of the action plan is expected to be a continuous process, with commitment by Member States to supporting and guiding the UNEP secretariat an essential ingredient. As several representatives noted at the seventh annual subcommittee meeting, elements of the plan will be mainstreamed into future UNEP medium-term strategies and programmes of work and closely monitored for impact.”*

Delegations are invited to consider and amend the draft decision in view of possible finalization and adoption at the resumed session of UNEA-5.

DECISION X: PROVISIONAL AGENDA, DATE AND VENUE OF THE SIXTH SESSION OF THE UNITED NATIONS ENVIRONMENT ASSEMBLY

The United Nations Environmental Assembly,

Recalling General Assembly resolutions 2997 (XXVII) of 15 December 1972, 66/288 of 27 July 2012, 67/213 of 21 December 2012, 67/251 of 13 March 2013, 68/215 of 20 December 2013, 69/223 of 19 December 2014, 71/231 of 21 December 2016 and 73/260 of 22 December 2018;

Recalling also General Assembly resolutions 47/202 A (para. 17) of 22 December 1992, 54/248 of 23 December 1999, 56/242 of 24 December 2001, 57/283 B (paras. 9-11 of section II) of 15 April 2003, 61/236 (para. 9 of section II A) of 22 December 2006, 62/225 (para. 9 of section II A) of 22 December 2007, 63/248 (para. 9 of section II A) of 24 December 2008, 64/230 (para. 9 of section II A) of 22 December 2009, 65/245 (para. 10 of section II A) of 24 December 2010, 67/237 (para. 13 of section II A) of 28 January 2013, 71/262 (para. 27 of section II and para. 102 of section V) of 23 December 2016, 73/270 (para. 29 of section II) of 22 December 2018;

Considering Governing Council decisions 27/1 and 27/2 of 22 February 2013, as well as United Nations Environment Assembly resolutions 1/2 of 27 June 2014 and 2/22 of 27 May 2016 and decision 3/2 of 6 December 2017;

Recognizing the importance of the implementation of paragraph 88 of the outcome document of the United Nations Conference on Sustainable Development entitled “The future we want”, welcoming progress made, including the establishment of the United Nations Environment Assembly, and stressing the importance of continued action;

Emphasizing that improving the effectiveness and efficiency of the existing governing bodies of the United Nations Environment Programme plays an important role in delivering on the environmental dimension of the 2030 Agenda for Sustainable Development;

1. *Decides* to hold the sixth session of the United Nations Environment Assembly at its headquarters in Nairobi from **XX to XX February 202X**, in accordance with paragraph 3 of its decision 3/2 of 6 December 2017¹;

2. *Also decides* that, in accordance with paragraph 10 of Governing Council decision 27/2 of 22 February 2013, the sixth meeting of the Open-ended Committee of Permanent Representatives will take place from **XX to XX February 202X**, without prejudice to decisions on further meetings of the Open-ended Committee of Permanent Representatives, and requests the Committee of Permanent Representatives to discuss, in consultation with the Bureau of the United Nations Environment Assembly, and decide on the format and agenda of the meeting;

3. *Recalls* that the decision to hold the sixth session of the United Nations Environment Assembly and the sixth meeting of the Open-ended Committee of Permanent Representatives shall be without prejudice to decision 2/22 that decided that the regular sessions of the United Nations Environment Assembly and the open-ended meetings of the Committee of Permanent Representatives shall be held in odd numbered years commencing with its third session in 2017;

4. *Approves* the provisional agenda for the sixth session as follows:

1. Opening of the session
2. Adoption of the agenda and organization of work
3. Credentials of representatives
4. Report of the Committee of Permanent Representatives
5. International environmental policy and governance issues
6. Programme of work and budget, and other administrative and budgetary issues
7. Stakeholder engagement
8. Contributions to the meetings of the high-level political forum on sustainable development and implementation of the environmental dimension of the 2030 Agenda for Sustainable Development

¹ Operative paragraph 3 of Decision 3/2 decided “to hold the sessions of the United Nations Environment Assembly, following the fourth session of the Environment Assembly, during the last week of February, unless otherwise decided by the Environment Assembly, at its headquarters in Nairobi, consistent with rule 4 of the rules of procedure.”

9. High-level segment
10. Provisional agenda, date and venue of the seventh session of the Environment Assembly
11. Adoption of the resolutions, decisions and outcome document of the session
12. Election of officers
13. Other matters
14. Adoption of the report
15. Closure of the session

5. *Requests* the Committee of Permanent Representatives, in consultation with the Bureau of the United Nations Environment Assembly, to contribute to the preparation of the annotations to the provisional agenda set out in paragraph 4 above;

6. *Requests* the Bureau of the United Nations Environment Assembly, in consultation with the Committee of Permanent Representatives, to define a theme for the Environment Assembly no later than **X**;

7. *Strongly encourages* Member States to submit draft resolutions for consideration by the United Nations Environment Assembly at its sixth session preferably at least **ten** weeks in advance of the fifth meeting of the Open-ended Committee of Permanent Representatives, taking into account the theme of the sixth session of the Environment Assembly and the limited time and resources available for the negotiation of the resolutions during the sixth meeting of the Open-ended Committee of Permanent Representatives and the sixth session of the Environment Assembly, without prejudice to the rules of procedure, in particular rule 44;

8. *Endorses* the outcome of the stock-taking meeting for the Process for review by the Committee of Permanent Representatives;

[9. *Welcomes* the action plan for the implementation of sub-paragraphs (a)-(h) of paragraph 88 of the outcome document of the United Nations Conference on Sustainable Development and *notes* that the Executive Director will mainstream elements of the plan into future UNEP medium-term strategies and programmes of work which shall be closely monitored for impact.]

Annex to the draft decision on provisional agenda, date and venue of UNEA-6: Secretariat note on the implications of rescheduling the sixth session of the United Nations Environment Assembly

I. Background

1. At the online session of the fifth session of the United Nations Environment Assembly (UNEA), Member States decided, in [UNEA decision 5/3](#) (paragraph 1) to “*adjourn the fifth session of the United Nations Environment Assembly, and to resume the session by convening at its headquarters in Nairobi from 28 February to 2 March 2022 to conclude the consideration of its agenda;*”
2. At the [extraordinary meeting of the Committee of Permanent Representatives on 23 June 2021](#), the Committee of Permanent Representatives recommended that “*the fifth session of the Assembly to decide that, on an exceptional basis and without creating a precedent, its sixth session shall be held no earlier than February 2024 to ensure a full two year term for the Presidency of the sixth session.*”
3. The Governing Council of the United Nations Environment Programme (UNEP) originally convened every two years in odd numbered years. This was changed in February 2013, when the Governing Council decided, at its 27th session, that UNEP’s governing body would convene its sessions in Nairobi on a biennial basis, starting in 2014. UNEA then decided at its second session in 2016 to change back to odd numbered years, commencing with its third session in 2017. Since 2017, UNEA has met in odd numbered years. However, there is no legal reason why the cycle cannot change back to even numbered years, should UNEA decide to do so.
4. Rule 1 of the [UNEA rules of procedure](#) provides that UNEA shall “*normally hold one regular session every two years.*” (emphasis added). Rule 2 provides that the date of the opening of the session shall be “*fixed by the United Nations Environment Assembly at its previous session in such a way, if practicable, as to enable the Economic and Social Council and the General Assembly to consider the report of the United Nations Environment Assembly in the same year.*” Rule 2 also provides that “*when the date for the session of the United Nations Environment Assembly in a given year is being set, the dates of meetings of other relevant bodies, including the High-level Political Forum on Sustainable Development, should be taken into account.*” Any change in the cycle of reporting to the General Assembly would also require a change to the provisional agenda of the General Assembly. The use of the word “*normally*” in Rule 1 indicates that the holding sessions of UNEA every two years is not an absolute requirement.
5. To allow for an informed discussion among Member States on the implications of different dates for UNEA-6, the Committee of Permanent Representatives requested the Secretariat to provide options for scheduling UNEA-6 and to explain the consequences for each option, including with regard to programme planning and budgeting for UNEP. This note has been updated to consider the decision of the CPR at its extraordinary session on 23 June 2021. The note assesses the following three alternative scenarios:
 - A. Scenario 1: UNEA-6 takes place in February 2024 and UNEA-7 in February 2025; the odd year cycle will be maintained
 - B. Scenario 2: UNEA-6 takes place in February 2024 and UNEA-7 in February 2026; the cycle will shift back to even years
 - C. Scenario 3: UNEA-6 will take place in February 2025 and UNEA-7 in February 2027; the odd year cycle will be maintained

II. Scenario Analysis

A. Scenario 1: UNEA 6 takes place in February 2024 and UNEA-7 in February 2025; the odd year cycle will be maintained

6. In line with the CPR recommendation referred to above, UNEA 6 would take place in February 2024 without creating a precedent. Subsequent UNEA sessions may then still take place in odd years. The following decisions would be expected relating to UNEAP’s Programme of Work (POW) and Medium-Term Strategy (MTS):
 - a. *UNEA 5.2*: Since UNEP is required to have an approved budget by January 2024, a decision is needed to formally extend the current 2022-2023 PoW by one year up to end of 2024, or alternatively by 2 years up to end of 2025.

- b. *UNEA-6*: An annual POW covering the year 2025 would need to be approved to cover the 2022-2025 MTS period, unless *UNEA-5* extends the 2022-2023 POW by two years, in which case this would not be necessary. *UNEA-7* would be held in February 2025 to approve the new MTS of 2026-2029 and 2026-2027 PoW.
7. The sequence of formal reviews by the UN General Assembly advisory bodies (ACABQ and CPC) will not be impacted. The 2024 annual regular budget proposal would be supported by the *UNEA5.2* decision to extend the current POW up till the end of December 2024. The implication mainly includes having an exceptional annual POW for the year 2025 as compared to a biennial one. On the other hand, this scenario requires a one-time exceptional shift of *UNEA* regular budget resources, emanating from the General Assembly resolutions 73/260 and 67/251, from 2023 (odd year) to 2024 (even year).
- B. Scenario 2: *UNEA 6* takes place in February 2024 and *UNEA-7* in February 2026; the cycle will shift back to even years**
8. Should it be decided that *UNEA 6* takes place in February 2024 but to also shift the future *UNEA* sessions to even years, the following decisions would be expected:
 - a. *UNEA 5.2*: Since *UNEP* is required to have an approved budget by January 2024, and the fact that there will be no session in February 2025, a decision is needed to formally extend the current 2022-2023 PoW by two years up to end of 2025.
 - b. *UNEA-6*: Since the next *UNEA* session would be expected in the following even year of 2026, *UNEA 6* would be expected to approve the 2026-2029 MTS and the 2026-2027 PoW.
9. This option implies an approximate time gap of two and half years between the time of the PoW formulation the time it is implemented. For example, under this option, the 2026-2029 MTS and 2026-2027 PoW formulation process would start by mid-2023 for the Annual Sub-Committee review and approval of *UNEA* in 2024, while its implementation will start in January 2026.
10. While this option will not impact the timelines of formal reviews by the UN General Assembly advisory bodies (ACABQ and CPC), it does not align with the spirit of the UN reform process that changes the regular budget from biennial to annual cycles in order to be more efficiently and effectively responsive to the demands of a fast-changing world. In this context, *UNEP* notes that this option presents challenges as to timely, programmatic and strategic relevance in terms being responsive to Member States' priorities, as well as to emerging issues, in that the programme would be defined a full 2.5 years prior to the initiation of its implementation.
11. In addition, this option requires shifting regular budget resources in support of the organization of *UNEA* sessions, emanating from the General Assembly resolutions 73/260 and 67/251, from odd to even years.
- C. Scenario 3: *UNEA 6* will take place in February 2025 and *UNEA-7* in February 2027; the odd year cycle will be maintained**
12. Under this scenario, *UNEA* sessions would be maintained during odd years. Should it be decided to hold *UNEA-6* in February 2025, and since *UNEP* is required to have an approved budget by January 2024 and 2025, *UNEA-5.2* would need to extend the current 2022-2023 PoW by two years up to end of 2025 or provide the mandate to the CPR to exceptionally approve adjustments to the PoW for the period 2024-2025 provided that these remain in line with the approved MTS. During the February 2025 session, *UNEA-6* would approve the new MTS of 2026-2029 and 2026-2027 PoW.
13. This scenario will not impact the timelines of formal reviews by the UN General Assembly advisory bodies (ACABQ and CPC), since the 2024 and 2025 regular budget proposals would be supported by a *UNEA5.2* decision to extend the current PoW up till the end of Dec 2025. However, *UNEP* will not be able to request for the additional resources, emanating from the General Assembly resolutions 73/260 and 67/251, in 2023 or 2024 since the *UNEA* session will not be held during these years.
14. The implication of this scenario mainly relates to the programmatic and budgetary elements of the current PoW that will remain static up till end of 2025 unless otherwise decided by *UNEA*.

Addendum: Implication Matrix for Rescheduling *UNEA-6*

Implication Matrix for Rescheduling UNEA-6						
Scenario number	UNEA timing	Cycle	UNEA-5.2 necessary decisions	UNEA-6 /UNEA-7 necessary decisions	Pros	Cons
1	UNEA-6 in Feb 2024 UNEA-7 in Feb 2025	Odd years	Extend 2022-2023 PoW by one year up to 2024; <i>Alternatively:</i> Extend 2022-2023 PoW by two years up to 2025	UNEA-6 to approve 2025 PoW UNEA-7 to approve 2026-29 MTS and 2026-27 PoW <i>Alternatively:</i> UNEA-7 <u>only</u> to approve 2026-29 MTS and 2026-27 Pow	<ul style="list-style-type: none"> • Maintains existing odd year cycle; hence reduces time gap between PoW formulation and implementation • If PoW is extended by one year only, this provides room for changes to the 2024-2025 PoW as necessary • Will not impact the timelines of formal reviews by the GA and advisory bodies 	<ul style="list-style-type: none"> • If PoW extended by 2 years; there is no room for changes to the current PoW in terms of programmatic and budgetary aspects • Need for General Assembly decision to exceptionally shift additional RB resources, brought by resolution 73/260, as well as those of UNON, from 2023 (odd year) to 2024 (even year), for one cycle only • Presidency and bureau: UNEA-6 Bureau will have a two-year cycle but the UNEA-7 Bureau will have one year cycle between Feb 2024 and Feb 2025
2	UNEA-6 in Feb 2024 UNEA-7 in Feb 2026	Even years	Extend 2022-2023 PoW by two years up to 2025	UNEA 6 to approve 2026-29 MTS and 2026-27 Pow	<ul style="list-style-type: none"> • Aligns the PoW with the MTS four-years cycle. • Presidency and bureau: Both UNEA-6 and UNEA-7 will have a two-years cycle • Will not impact the timelines of formal reviews by the GA and advisory bodies 	<ul style="list-style-type: none"> • Existing PoW is extended for 2 years; therefore, there is no room for changes to the current PoW in terms of programmatic and budgetary aspects • Gap of at least 2.5 years between the time of the PoW formulation and implementation. • Need for General Assembly decision to permanently shift additional RB resources, brought by resolution 73/260, as well as those of UNON, from 2023 (odd year) to 2024 (even year)
3	UNEA 6 in Feb 2025 UNEA-7 in Feb 2027	Odd years	Extend 2022-2023 Pow by two years up to 2025	UNEA-6 to approve 2026-29 MTS and 2026-27 Pow	<ul style="list-style-type: none"> • Maintains odd cycle; hence reduce gap between PoW formulation and implementation • Presidency and bureau: UNEA-6 will exceptionally have a three-years cycle and UNEA-7 will go back to a two-years cycle • Will not impact the timelines of formal reviews by GA and advisory bodies 	<ul style="list-style-type: none"> • Existing PoW is extended for 2 years; therefore there is no room for changes to the current PoW in terms of programmatic and budgetary aspects • Exceptionally and for one time only, UNEP and UNON will not receive additional RB resources in 2023 or 2024, as UNEA is not organized. Provisions will be requested in 2025 and every odd year thereafter. • Does not align with the UN reform spirit which entails a change in the regular budget from biennial to annual cycles in order to have a more efficient and effective responsive to the demands of a changing world.

