

## TECHNICAL ASSESSMENT BY THE SECRETARIAT

### *Draft decision on provisional agenda, date and venue of UNEA-6*

This technical note has been prepared by the UNEP Secretariat to facilitate consultations among Member States within the Committee of Permanent Representatives (CPR) on the draft decision on provisional agenda, date and venue of UNEA-6, for consideration at the resumed session of UNEA-5, as requested in paragraph 31 the [Chair's Summary of the 8<sup>th</sup> meeting of the annual subcommittee of the CPR](#) held 25 - 29 October 2021<sup>1</sup>.

The draft decision on provisional agenda, date and venue of UNEA-6 have been considered at the CPR subcommittee meetings on 9, 11 and 25 November and 15 December 2021. The currently leaves the choice of date open, to allow for further discussion and guidance from Member States on this aspect. To facilitate these discussions, the secretariat has prepared a note entitled "Secretariat note on the implications of rescheduling UNEA-6", and an "implication matrix", which are both annexed to this note. With regard to the choice of date, the draft 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."
- The outcome of the Process for review by the CPR, as agreed at the 8th meeting of the annual subcommittee in October 2021.

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. Additional guidance is available in the annex to this note.

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

The draft also includes proposed paragraphs on the following topics:

- 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](#) (paragraph 8 in the draft decision).
- 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. (paragraph 9 in the draft decision).
- Adjustment of the logo and visual identity of UNEP, in accordance with option 1 in the [background document presented by the Secretariat at the CPR subcommittee meeting on 12 September 2019](#). (paragraph 9 in the draft decision).

<sup>1</sup> "The Chair also suggested that the secretariat will support our upcoming consultations on the draft resolution by providing technical guidance in writing for each draft resolution, with a technical analysis on the following three aspects: i) Relation to UNEPs Medium Term Strategy and Programme of Work; ii) Legal aspects; and iii) Budget implications"

## Annex: 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 27<sup>th</sup> 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):
  - *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.

- *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:

- *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.
- *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.

### **III. Implications of changes to the UNEA cycle and the Quadrennial Comprehensive Policy Review (QCPR)**

15. The Quadrennial Comprehensive Policy Review (QCPR) is the mechanism through which the General Assembly (GA) assesses the effectiveness, efficiency, coherence and impact of UN operational activities for development and establishes system-wide policy orientations for the UN development system. It is the primary policy instrument of the GA to define the way the UN development system operates to support programme countries in their development efforts. As such, it is important to consider the QCPR cycle as it relates to the UNEA cycle and the approval of the MTS and PoW.
16. In December 2020, the General Assembly adopted a new resolution on the QCPR (A/RES/75/233) to cover the period 2021-2024. The next QCPR resolution is expected to be approved by the GA in December 2024 to cover the period 2025-2028. The implications for each of the UNEA cycle scenarios 1-3 are set out below:
  - Scenario 1 - UNEA-7 would be held in February 2025 to approve the new MTS of 2026-2029 and 2026-2027 PoW. Here there would be no implication as the GA would approve the QCPR resolution in December 2024, before UNEA approves the MTS and PoW.
  - Scenario 2 - UNEA-6 would be held in February 2024 to approve the new MTS of 2026-2029 and 2026-2027 PoW. Here the MTS and PoW would not be able to consider the guidance from the QCPR resolution to be approved by the GA in December 2024
  - Scenario 3 - UNEA-6 would be held in February 2025 to approve the new MTS of 2026-2029 and 2026-2027 PoW. Here there would be no implication as the GA would approve the QCPR resolution in December 2024, before UNEA approves the MTS and PoW.
17. From the above, scenario 2 would not allow for the consideration of guidance from the next QCPR resolution to be approved by the GA in December 2024.

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"> <li>• Maintains existing odd year cycle; hence reduces time gap between PoW formulation and implementation</li> <li>• If PoW is extended by one year only, this provides room for changes to the 2024-2025 PoW as necessary</li> <li>• Will not impact the timelines of formal reviews by the GA and advisory bodies</li> </ul>	<ul style="list-style-type: none"> <li>• If PoW extended by 2 years; there is no room for changes to the current PoW in terms of programmatic and budgetary aspects</li> <li>• 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</li> <li>• 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</li> </ul>
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"> <li>• Aligns the PoW with the MTS four-years cycle.</li> <li>• Presidency and bureau: Both UNEA-6 and UNEA-7 will have a two-years cycle</li> <li>• Will not impact the timelines of formal reviews by the GA and advisory bodies</li> </ul>	<ul style="list-style-type: none"> <li>• 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</li> <li>• Gap of at least 2.5 years between the time of the PoW formulation and implementation.</li> <li>• 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)</li> </ul>
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"> <li>• Maintains odd cycle; hence reduce gap between PoW formulation and implementation</li> <li>• Presidency and bureau: UNEA-6 will exceptionally have a three-years cycle and UNEA-7 will go back to a two-years cycle</li> <li>• Will not impact the timelines of formal reviews by GA and advisory bodies</li> </ul>	<ul style="list-style-type: none"> <li>• 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</li> <li>• 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.</li> <li>• 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.</li> </ul>

