

Committee of Permanent Representatives  
Bureau Meeting 9 January 2024  
10:00 - 12:00 (GMT+3)  
Conference room 10 and online

**Agenda item 3: Preparations for the consultations on draft UNEA resolutions and decisions for the sixth session of the United Nations Environment Assembly.**

This note, entitled “*Draft guidance on the process of informal consultations on the draft resolutions and draft decisions to be adopted by the United Nations Environment Assembly at its sixth session (UNEA-6)*”, has been developed by the Secretariat for consideration under agenda item 3 of the meeting of the Bureau of the Committee of Permanent Representatives.

The CPR Bureau may wish to endorse the document.

## **DRAFT GUIDANCE ON THE PROCESS OF INFORMAL CONSULTATIONS ON THE DRAFT RESOLUTIONS AND DRAFT DECISIONS TO BE ADOPTED BY THE UNITED NATIONS ENVIRONMENT ASSEMBLY AT ITS SIXTH SESSION (UNEA-6)**

### **Introduction**

1. In accordance with established practice, the Committee of Permanent Representatives (CPR) will conduct informal consultations on the draft resolutions and decisions for adoption by the United Nations Environment Assembly (UNEA) at its sixth session; negotiations will continue during the meeting of the Open-ended CPR (OECPR) with a view to finalizing the draft resolutions and decisions. At the opening of UNEA, the Chair of the OECPR will introduce his report, and those draft resolutions and decisions upon which agreement has been reached will be referred to the final meeting of UNEA 6 for adoption, while those that require further work will be referred to the Committee of the Whole, a subsidiary body of UNEA set up for the sole purpose of negotiating and finalizing resolutions and decisions. Upon completion of its work, the Chair of the Committee of the Whole will report back to the UNEA plenary and recommend the draft resolutions and decisions negotiated in the Committee to the plenary for final adoption.
2. The Bureau of the CPR and the Bureau of the UNEA will identify the clusters within which draft decisions and resolutions are negotiated. The latest clustering, including the proposed division of work for the co-facilitators, will be made available on the [UNEA-6 website](#) and the [UNEA Resolutions portal](#).
3. [In accordance with the Guidance to Member States\) endorsed by the joint Bureaux](#) "7. [f]ollowing the submission of the draft resolutions and decisions, the Bureaux of the Environment Assembly and the Committee of Permanent Representatives will, in consultation with the regional groups, appoint Nairobi-based delegates as co-facilitators to lead the informal consultations, consider possible clustering of similar or related drafts, and propose a schedule of CPR subcommittee meetings for the consultations in the leadup to sixth meeting of the Open-ended CPR."

### **Consultation process for draft resolutions and decisions during the intersession period**

4. During the CPR subcommittee meetings to be held on 11 and 16 January 2024, the Chair of the CPR is expected to invite the proponents/main sponsor(s) of draft resolutions and decision to introduce their proposals, followed by a session of questions and answers with Member States, observers and Stakeholders. The order of the presentations is expected to be done cluster by cluster, starting with Cluster A through Cluster E. The presentation and questions and answers sessions are anticipated to continue, as required, at subsequent meetings of the subcommittee scheduled for 18 and 23 January 2024.
5. It is further expected that the Committee will take stock of progress made at its regular meeting on 25 January 2024 **and will recommend that the consultations on draft resolutions/decisions continue under the guidance of the appointed co-facilitators.**

### **Mandate and responsibilities of the co-facilitators**

6. Following the formal introductions of draft resolutions and decisions and 1-2 rounds of questions and answers, the co-facilitators are expected to convene open, inclusive and transparent informal consultations held in-person and online.
7. The co-facilitators are expected to convene such informal consultations at the end of January 2024 and – subject to confirmation by the OECPR - continue until the end of the OECPR or until consensus has been found on individual drafts through *ad ref* agreement.
8. The co-facilitators may plan and prepare informal meetings with proponents/main sponsor(s) of draft resolutions and decisions; interested delegations and representatives from regional and political groups; informal consultations under the subcommittee of the CPR; and informal negotiations under the OECPR.
9. The informal consultations will normally be held under the auspices of the subcommittee of the CPR during January and early February 2024, as announced through the online [roadmap of the UNEP Governing Bodies](#).
10. At the informal consultations, the co-facilitators listen to delegations' views on the draft resolutions/decisions and can, at the request of the membership, engage in actual text-based negotiations, namely, paragraph-by-paragraph or line-by-line negotiations of a draft resolution/decision.
11. To that end, the Secretariat will make available screen editors so that textual proposals can be made to the draft resolution or decision on the screen in the conference room.
12. Agreements on the text are often marked as “[agreed ad ref]”, after each paragraph. In cases where agreement cannot be reached on the text, the text should, with the support of the secretariat, be bracketed with the respective positions of delegations clearly identified.

### **Support from the Secretariat**

13. Throughout their mandate, the co-facilitators will be provided technical, procedural and substantive support from the Secretariat, which includes:
  - i. Advice on the conduct and facilitation of the meetings based on established practice and past precedent.
  - ii. Preparation of technical notes for all delegations with 1) information on how the draft resolutions or decisions relate to UNEP's medium-term strategy and programme of work, 2) a legal assessment, and 3) budgetary considerations.
  - iii. Screen editing and editorial review of draft resolutions and decisions. The Secretariat, through its screen editors, will keep track of the textual proposals to the drafts.
  - iv. Provision of conference support staff in order to ensure that the online meeting platform works, which also includes the booking of rooms and announcement of meetings.
  - v. Support from the relevant/appropriate Division providing support on the substance of the draft resolution.
  - vi. Legal support, including on whether the draft resolutions or decisions 1) relate to mandates of the United Nations, the United Nations Environment Programme or Multilateral Environmental Agreements, 2) are in conformity with international

standards, including the law and practice of the United Nations, 3) align, contrast or overlap with existing legal instruments, such as previous GC or UNEA Resolutions and decisions, MEAs and others.

#### **Format of informal consultations**

14. Consultations on draft decisions and resolutions led by the co-facilitators are informal in nature and will be conducted in a **hybrid format** to allow for both Nairobi as well as capital-based delegates to connect and actively contribute.

15. Representatives from Member States, members of the specialized agencies<sup>1</sup> (Observer States) and the European Union should be given the floor in the order of inscription, with priority given to regional and political groups. In the unlikely event that the online platform fails or ends prematurely, the meeting may be suspended until the online connection is restored. It is also important that any screen editing is visible to those participants joining online. Observers and representatives of accredited Major Groups and Stakeholders may also be given the floor, normally after the interventions by Member States, Observer States and the European Union.

#### **Language of informal consultations**

16. Given their informal nature, meetings led by the co-facilitators are conducted in English only.

#### **Applicability of the rules of procedure of the United Nations Environment Assembly**

17. Rules of procedure of the Environment Assembly do not apply to the informal consultations on the draft resolutions and decisions. However, the rules can nevertheless serve as a guide to the co-facilitators.

18. In addition, the co-facilitators should rely on the [guidance to Member States on the submission of draft resolutions and decisions to UNEA-6](#) as endorsed by the UNEA and CPR Bureaux.

#### ***Participation of UNEA accredited intergovernmental/international organizations***

19. Intergovernmental/international organizations, multilateral environmental agreements and regional environmental agreements accredited to the Environment Assembly can provide technical advice on the wording of the draft resolutions and decisions, as well as information on their work, to the extent that it is relevant for the discussion of a draft resolution/decision. They can also be invited to make general statements.

#### ***Participation of Major Groups and Stakeholders accredited to UNEP and its governing bodies***

20. At the discretion of the Chair and the co-facilitators, and subject to agreement by Member States, representatives of Major Groups and Stakeholders accredited to UNEP and its governing bodies may attend and listen to the proceedings and at the discretion of the co-facilitators may also be allowed to make general statements at the end of the meeting.

21. Major Groups and Stakeholders do not make textual proposals but can listen to the proceedings and may, at the discretion of the co-facilitators, make general statements at the end of the meeting. Should a Major Group and/or Stakeholder wish to make a textual proposal, the representative should be encouraged to do so through a Member State.

22. As recommended [during the tenth annual subcommittee meeting of the CPR](#), the co-facilitators are encouraged to organize, as appropriate, early consultations with Major Groups and Stakeholders to collect views and positions on draft resolutions for possible consideration by Member States and proponents/main sponsor(s) of draft resolutions and decisions are encouraged to engage with the Major Groups and Stakeholders Facilitating Committee, with the support of the secretariat.

#### **Written contributions**

23. The co-facilitators should strongly encourage delegations to provide their contributions and comments on draft resolutions and decisions made from the floor during the negotiations in writing.

24. General statements relating to draft resolutions or decisions submitted to the Secretariat will be posted on the subcommittee meeting portal and may be uploaded by the Member State directly through the “submit written contributions” form on the [UNEA-6 resolution portal](#).

25. Proposed textual amendments can be submitted to the Secretariat for uploading on the UNEA-6 resolution portal, or be uploaded directly by the Member State on the [UNEA-6 resolution portal through the](#) “submit written contributions” form.

#### **Merging of draft resolutions and draft decisions**

26. Where two or more draft resolutions or decisions relate to the same or similar topic, the Co-facilitators may work with the sponsors of the drafts, with the technical support of the Secretariat and with the consent of those participating in the discussions, in order to merge the texts with a view to arriving at one single proposal, avoiding duplication of work.

#### **Withdrawal of draft resolutions and draft decisions**

27. The main sponsor of a draft resolution/decision may at any time withdraw its proposal unless another Member State wishes to assume responsibility for that same proposal, usually in an amended form.

#### **Follow-up to the informal consultations**

28. All draft resolutions, as well as any comments submitted in writing by Member States, Observer States, the European Union, other observers and stakeholders on the draft resolutions/decisions, will be made available online by the Secretariat on a dedicated password-protected resolutions portal (“[UNEA-6 resolution portal](#)”). The portal is open to Member States, Observer States, the European Union accredited intergovernmental/international organizations and Major Groups and Stakeholders. However, it is easy to create a profile using a dedicated login form, which will be assessed and approved by the secretariat.

29. The outcome of each facilitation session, for example, in the form of an amended version of the draft, or compromise texts, will be uploaded by the secretariat to this resolution portal.

30. The purpose of the UNEA resolutions portal is to capture all relevant information related to the draft resolutions, including all versions of the drafts, dates of submission, relevant contact information, concept notes, secretariat technical notes, delegation positions and proposed amendments, and other relevant background information.

#### **Report on the work of the co-facilitators**

31. The co-facilitators are expected to regularly report on progress with respect to their work to the Chair or the Bureau of the CPR. The Chair will then report on the progress to relevant CPR meetings.

32. In this regard, the co-facilitators of each cluster may be requested to brief the membership on the progress of the consultations on the draft resolutions and decisions, highlight outstanding questions, points of difference as well as convergence, and possible merging of text.

#### **“Informal informal” consultations**

33. “Informal informal” consultations may take place outside the CPR meetings to allow the Co-facilitators to consult with Member States in a more informal setting, often in smaller meeting rooms, in order to discuss particularly challenging proposals and to move the discussion of draft resolution or decision forward. Delegates who wish to do so should be able to join such meetings online.

#### **Outcomes**

##### *Outcomes of informal consultations*

34. Once consensus has been reached on a draft resolution or decision, the co-facilitators should submit the agreed outcome to the Chair and Bureau of the CPR, who will submit it to the Secretariat for issuance as a document of the OECPR. Should consensus not be reached, then the document can be issued with bracketed text.

##### *Outcomes of the meeting of the OECPR*

35. Once consensus has been reached on a draft resolution or decision during the meeting of the OECPR, the Committee will make a decision to transmit the draft to the UNEA for adoption. The OECPR will also transmit any draft resolutions or decisions that require additional consultations to reach a consensus to UNEA for final consideration. Depending on the outcome of the negotiations, the Committee of the Whole, which may be established by UNEA, may submit a clean version of the draft resolution or decision to UNEA-6 for adoption.

##### *Adoption at UNEA-6*

36. If possible, draft resolutions and decisions will be edited and translated by the United Nations Office at Nairobi into the six official languages of the United Nations prior to formal adoption. Final versions ready for adoption will be available on the UNEA-6 Resolutions portal. Once adopted, they will also be made available on the UNEA-6 website.