

Note on the Mandate of the Committee of Permanent Representatives (CPR)

16 September 2024

I. Introduction

1. On 10 September 2024, the subcommittee of the Committee of Permanent Representatives (CPR), recalling earlier discussions during the 11th Annual CPR Sub-Committee (ASC) meeting, that was held from 8 to 12 July 2024, considered draft recommendations for further consideration by the CPR at its 167th quarterly meeting.
2. On 12 September 2024, the CPR “request[ed] the Secretariat to prepare and present, at a subsequent meeting of the Subcommittee and prior to the 168th meeting of the CPR, a note on the mandate of the Committee”.¹
3. The present note clarifies the mandate of the CPR and its authority to take decisions within the framework established by the United Nations Environment Assembly (UNEA or “the Assembly”) and its predecessor, the Governing Council (GC or “the Council”). Specifically, this opinion examines the legal framework governing the CPR’s activities, with particular focus on the mandates conferred by GC Decision 19/32 and GC Decision 27/2.

II. Creation and Mandate of the Committee of Permanent Representatives (CPR)

a. The CPR

4. The CPR was established by the Council through Decision 13/2² in 1985. This decision mandated the creation of “an open-ended Committee of Permanent Representatives, consisting of permanent representatives to the Programme and/or Government-designated officials”.³
5. The initial mandate of the CPR, as outlined in GC Decision 13/2, was to “consider and make recommendations on the matters mentioned in Decision 11/2,⁴ paragraph 3”—to consider administrative and budgetary and programme matters, and to review progress in the implementations of the programme and GC decisions, as well as specific issues proposed by the permanent representatives or the Executive Director—“and to take action on any other matters specifically entrusted to it by the Council”.⁵
6. The mandate of the CPR was subsequently revised by GC Decision 19/32.⁶ Paragraph 7 of the Decision states that the CPR “shall have henceforth the following mandate: (a) Within the policy and budgetary framework provided by the Governing Council, to review, monitor and assess the implementation of decisions of the Council on administrative, budgetary and programme matters; (b) To review the draft programme of work and budget during their preparation by the Secretariat; (c) To review reports requested of the Secretariat by the Governing Council on the effectiveness, efficiency and transparency of the functions and work of the Secretariat and to make recommendations thereon to the Governing Council; and (d) To prepare draft decisions for consideration by the Governing Council based on inputs from the Secretariat and on the results of the functions specified above.”⁷ This decision expanded the CPR’s responsibilities, requiring it to hold four regular meetings annually⁸ and to submit reports on its work at each session of the Governing Council.⁹ Additionally, the CPR is required to elect a Bureau composed of a Chairperson, three

¹ ‘Decision on improving identification, formulation and recording of decisions and conclusions from the meetings of the Committee of Permanent Representatives adoption by the CPR at its 167th quarterly meeting’ (UNEP/CPR/167/9/Rev.1), 12 September 2024, OP 1.

² UNEP/GC.13/2.

³ Ibid., OP 1.

⁴ UNEP/GC.11/2.

⁵ UNEP/GC.13/2, OP 1.

⁶ UNEP/GC.19/32.

⁷ Ibid., OP 7.

⁸ Ibid., OP 10.

⁹ Ibid., OP 11.

Vice-Chairpersons, and a Rapporteur, for a period of two years, taking into account the principles of rotation and equitable geographical representation.¹⁰ GC Decision 19/32 also states that the Committee may establish subcommittees, working groups and task forces as deemed appropriate to carry out its mandate.¹¹

7. In addition, GC Decision 27/2, paragraph 9, expanded the CPR's mandate, stating that “*in addition to its mandate [GC decision 19/32, paragraph 7] and in open and transparent manner, [it] will perform the following functions: (a) Contributing to the preparation of the agenda of its governing body; (b) Providing advice to its governing body on policy matters; (c) Preparing decisions for adoption by its governing body and overseeing their implementation; (d) Convening thematic and/or programmatic debates; (e) Promoting effective ways and means to facilitate participation of the non-resident members of the Committee, particularly from developing countries; and (f) Performing any other functions delegated to it by its governing body.*”¹²
8. The CPR is, in accordance with GC Decision 27/2, paragraph 12, allowed to “*consider the frequency, schedule and programmatic focus of its meetings to enhance its efficiency and effectiveness and will improve on its working methods*”.¹³
9. In summary, the CPR's mandate can be understood as encompassing four primary functions:
 - Monitoring and reviewing UNEP's implementation of decisions and ensuring the accountability of the Secretariat;
 - Conducting intersessional work, such as convening thematic and/or programmatic debates, and reviewing the Medium-Term Strategy (MTS) and Programme of Work (POW) and Budget;
 - Facilitating the work of UNEA by preparing its agenda, providing advice on policy matters, and preparing draft decisions for consideration by the Assembly. While the CPR is empowered to advise UNEA on policy matters (as outlined in GC Decision 27/2, paragraph 9(b)), UNEA, as the governing body, retains ultimate authority for making policy decisions.
 - Taking decisions on the organization of its own work.

b. The CPR's Subcommittee, OECPR, and ASC

10. In addition to the CPR's primary mandate as outlined above, the Subcommittee, the Open-Ended Committee of Permanent Representatives (OECPR), and the Annual Subcommittee (ASC) convene to address specific aspects of their mandates.
11. Firstly, the Subcommittee of the CPR, established in accordance with paragraph 10 of GC Decision 19/32, meets regularly to support the CPR in fulfilling its mandate. According to the ‘Guidance on the Organization of Work for the CPR’ (“Guidance Document”), endorsed by the CPR at its resumed 162nd meeting, held on 31 October 2023, the Subcommittee's primary objectives are twofold:
 - 1) “*To prepare for the quarterly meetings of the CPR, in particular with regard to the management of UNEP, the implementation of UNEP's Programme of Work and UNEA resolutions; and*
 - 2) *To keep Member States informed about important developments of Multilateral Environmental Agreements and other relevant environment-related intergovernmental processes and trends. **The subcommittee may, as appropriate, prepare draft decisions or recommendations to be included in the report of the subcommittee for consideration at the quarterly meetings of the Committee.***”¹⁴ (Emphasis added).

¹⁰ Ibid., OP 9.

¹¹ Ibid., OP 10.

¹² UNEP/GC.27/2, OP 9.

¹³ Ibid., OP 12.

¹⁴ ‘Guidance on the work of the Committee of Permanent Representatives (CPR) endorsed by the CPR at its resumed 162nd meeting, held on 31 October 2023’, *Implementation of paragraph 41 (j) of the Chair's Summary of the 9th annual subcommittee meeting of the Committee of Permanent Representatives*, para. 2.

12. Secondly, the Council, through GC Decision 27/2, paragraph 10, decided to convene an **open-ended meeting of the Committee of Permanent Representatives (OECPR)**, which meets every second year for five days. Chaired by the Chair of the CPR, the OECPR meets immediately before the Assembly session *“to contribute to the preparation of the agenda of its governing body, and to provide advice to its governing body on policy matters”*.¹⁵
13. Thirdly, the Council, through GC Decision 27/2, paragraph 11, established a **subcommittee of the CPR that meets annually** (the **Annual Subcommittee (ASC)**) for five consecutive days *“to review, with the support of the Secretariat, the medium-term strategy and programme of work and budget, in a manner coherent with the budgetary cycle of the UN, to be endorsed by the CPR and for the governing body’s approval, and to oversee the implementation and accountability of the Secretariat”*.¹⁶
14. The Guidance Document also stipulates that *“the Secretariat is requested to capture relevant draft decisions or recommendations deriving from the subcommittee meetings in the summary of those meetings, and in the report of the subcommittee to be considered under item 7 in the standing agenda of the quarterly CPR meetings. When the report of the subcommittee is adopted under item 7, the decisions and recommendations therein would also be considered adopted by the Committee.”*¹⁷
15. Pursuant to UNEA Decision 4/2¹⁸, a **Consensual Review Process** was initiated to review the efficiency and effectiveness of the CPR. This review culminated in the Final Outcome of the Consensual Review Process, which reaffirmed the CPR’s aforementioned mandate and *“underlined its oversight role of UNEP and its role in the preparatory process of UNEA meetings, including the preparation of draft resolutions and decisions, as well as the monitoring of their implementation.”*¹⁹ This involves *“the preparation of draft resolutions and decisions”*, the *“monitoring of their implementation and the implementation of the Programme of Work and Budget”*, and, as a result, *“involves convening, in addition to the regular quarterly meetings of the CPR and meetings of the CPR subcommittee, a dedicated biennial open ended CPR meeting for preparations of UNEA meetings”*.²⁰
16. The Final Outcome of the Consensual Review Process represents practical guidelines on the discharge of the CPR’s mandate without proposing any alteration to the existing mandate and responsibilities of the CPR.

III. The Rules of Procedure Governing the Committee of Permanent Representatives

17. The CPR was established as a subsidiary organ by the Governing Council through Decision 13/2, in accordance with Rule 62 of the GC’s Rules of Procedure.²¹ Specifically, the Decision, in paragraph 4, requests the Executive Director to take the necessary measures for the implementation of the decisions, *“in accordance with Rule 62, article 3 of its rules of procedure”*.²² When UNEA replaced the Governing Council, Rule 62 became synonymous with Rule 63 of UNEA’s Rules of Procedure, which now governs the CPR.
18. **Rule 63(3) of the UNEA Rules of Procedure** explicitly states that *“the rules of procedure of subsidiary organs shall be those of the United Nations Environment Assembly, as appropriate, subject to such modifications as the United Nations Environment Assembly may decide upon in the light of proposals by the subsidiary organs concerned”*.²³ To date, no such proposals have been made by the CPR, and as such, the UNEA rules of procedure governing the CPR are to be applied *mutatis mutandis*.

¹⁵ UNEP/GC.27/2, OP 10.

¹⁶ Ibid., OP. 11.

¹⁷ Guidance Document (n 18), para. 6.

¹⁸ UNEP/EA.4/2.

¹⁹ ‘Final Outcome of the Consensual Process for Review by the Committee of Permanent Representatives’, as mandated by UNEA Decision 4/2 and as agreed at the 8th annual meeting of the subcommittee of the Permanent Representatives to the United Nations Environment Programme, 25-29 October 2021, para. 3.

²⁰ Ibid., para. 3.

²¹ UNEP/GC.13/2.

²² Ibid., OP 4.

²³ Rule 63, paragraph 3, UNEA Rules of Procedure.

19. In terms of taking decisions, the UNEA rules of procedure provide in Rule 44 that proposals and amendments shall normally be introduced in writing and submitted to the Executive Director, who shall circulate copies to the members in all the official languages of UNEA. Pursuant to Rule 49 and except where the rules provide otherwise, decisions are made by a majority of the members present and voting. However, the overwhelming practice is for decisions of the CPR and UNEA on both procedural and substantive matters to be adopted by consensus.

IV. Decisions adopted by the Committee of Permanent Representative (CPR)

20. The CPR, while responsible for various subjects,²⁴ has a more narrowly defined scope of action. Under GC decision 19/32, paragraph 7(a)-(c), the CPR's functions are limited to "reviewing", "monitoring", and "assessing" the implementation of UNEA decisions, UNEP reports, and programmes, and preparing draft decisions for UNEA's consideration, as outlined in paragraph 7(d). GC Decision 27/2, paragraph 9(a)-(f), further expanded the CPR's mandate, adding additional responsibilities. The Committee, when acting, does so under the rules of procedure through the adoption of decisions, whether substantive or procedural, pertaining to the functions assigned by its Governing Body. The term "decisions" must be interpreted broadly, encompassing actions by which the CPR fulfils its mandate, including, *inter alia*, the election of officers and the review, assessment, monitoring, endorsement, adoption, approval (etc.) of reports, recommendations or similar.
21. The CPR's decision-making powers, whether on substantive or procedural matters, must align with the specific tasks assigned to it by its Governing Body. These decisions are limited to the functions it is tasked with, as described in Section II. Examples of decisions adopted by the CPR since UNEA-1 in this respect include, *inter alia*, the following categories:
- (a) Decisions to submit draft proposals for adoption by UNEA,²⁵ in accordance with paragraph 7(d) of Decision 19/32;
 - (b) Procedural decisions concerning the organization of the CPR's work, such as the adoption of meeting agendas,²⁶ the election of Bureau members,²⁷ the adoption of the CPR Review Process,²⁸ and the adoption of minutes from previous sessions;²⁹
 - (c) Decisions endorsing reports from the ASC³⁰ or the OECPR;³¹

²⁴ By virtue of decision 19/32, the CPR may prepare draft decisions for consideration by the Governing Council on any topic related to UNEA's mandate; according to decision 27/2, paragraph 9 the CPR can convene thematic and/or programmatic debates related to the universal environmental agenda (ibid. (d)) or perform any other functions delegated to it by its governing body (ibid. (f)).

²⁵ UNEP/EA.5/INF/2/REV.1, Report from the Committee of Permanent Representatives. Note by the secretariat (27 February 2022); or UNEP/OECPR.4/3*, Draft Chair's summary of the fourth meeting of the Open-ended Committee of Permanent Representatives (11 March 2019), para. 23.

²⁶ Chair's Summary of the 166th Meeting of the Committee of Permanent Representatives (21 June 2024), para. 3; Chair's Summary of the 154th Meeting of the Committee of Permanent Representatives (28 May 2021), para. 3; or Chair's Summary of the 146th Meeting of the Committee of Permanent Representatives (25 June 2019), para. 3.

²⁷ Chair's Summary of the 162nd Meeting of the Committee of Permanent Representatives (13 July 2023), paras. 4-22; UNEP/CPR/148/2, Draft minutes of the 147th meeting of the Committee of Permanent Representatives to the United Nations Environment Programme, held on 11 October 2019 (15 November 2019), paras. 31-32; or UNEP/CPR/137/2, Draft minutes of the 136th meeting of the Committee of Permanent Representatives to the United Nations Environment Programme, held on 29 September 2016 (2 November 2016), paras. 7-8.

²⁸ Chair's Summary of the Resumed 162nd Meeting of the Committee of Permanent Representatives (7 November 2023), para. 8.

²⁹ Chair's Summary of the 164th Meeting of the Committee of Permanent Representatives (30 January 2024), paras. 3-4; Chair's Summary of the 155th Meeting of the Committee of Permanent Representatives (29 September 2021, Rev. 11 October 2021), para. 4; or UNEP/CPR/144/2, Draft minutes of the 143rd meeting of the Committee of Permanent Representatives to the United Nations Environment Programme, held on 28 September 2018 (13 December 2018), para. 7.

³⁰ Chair's Summary of the 164th Meeting of the Committee of Permanent Representatives (30 January 2024), para. 5; Chair's Summary of the 156th Meeting of the Committee of Permanent Representatives (9 December 2021), para. 5; or UNEP/CPR/148/2, Draft minutes of the 147th meeting of the Committee of Permanent Representatives to the United Nations Environment Programme, held on 11 October 2019 (15 November 2019), para. 27.

³¹ Chair's Summary of the 146th Meeting of the Committee of Permanent Representatives (25 June 2019), para. 10 or UNEP/CPR/142/2, Draft minutes of the 141st meeting of the Committee of Permanent Representatives to the United Nations Environment Programme, held on 20 February 2018 (28 February 2018), para. 10.

- (d) Decisions endorsing reports from the Secretariat,³² including draft Medium-Term Strategies or Draft Programmes of Work and Budget, as prepared by the Secretariat, in accordance with paragraph 7(d) of GC Decision 19/32;³³
- (e) Decisions to convene programmatic debates and to endorse their outcomes;³⁴ and
- (f) Other decisions as necessitated by circumstances.³⁵

³² Chair's Summary of the 158th Meeting of the Committee of Permanent Representatives (5 June 2022), para. 19; or Chair's Summary of the 152nd Meeting of the Committee of Permanent Representatives (22 November 2020), para. 8.

³³ UNEP/OECPR/5/3, Draft Chair's summary of the fifth meeting of the Open-ended Committee of Permanent Representatives (19 February 2021), para. 26.

³⁴ See the thematic debate on "UNEA in the UN system" (based on background note UNEP/CPR/126/4) during the OECPR meeting that was held on 27 March 2014.

³⁵ "the Committee agreed to submit the fifth revised version of the document [...]" in Chair's Summary of 150th meeting of the Committee of Permanent Representatives to the United Nations Environment Programme (5 May 2020), para. 20; "the Committee agreed to request the Secretariat to include as items on the agenda for its 146th meeting [...] in UNEP/OECPR.4/2, Draft minutes of the 145th meeting of the Committee of Permanent Representatives to the United Nations Environment Programme, held on 19 February 2019 (4 June 2019), para. 73; or "The Committee agreed to establish an informal working group [...]" in UNEP/CPR/137/2, Draft minutes of the 136th meeting of the Committee of Permanent Representatives to the United Nations Environment Programme, held on 29 September 2016 (2 November 2016), para. 58.