

United Nations Environment Assembly (23-27 May 2016)

UNEA-2 broke new grounds and established the UN Environment Assembly as one of the key global international meetings on sustainability. This is measured by the overwhelming response to and participation in UNEA-2, with **close to 170 countries having registered delegates of which 123 were at the ministerial level**; and by the participation of **the heads of over 27 UN Agencies and 15 International Organizations, over 300 accredited organizations of the Major Groups and Stakeholders in the GMGSF alone and over 400 civil society participants throughout the UNEA week, nearly 600 businesses and foundations in the Sustainable Innovation Expo (SIE2016); over 250 top scientists in the Science and Policy Forum and the participation of the leading world media**. For the first time ever, UNEA also emphasized public-private cooperation through SIE2016, which brought together different stakeholders from government, civil society and the private sector to work together to tackle the shared and unprecedented challenges the world is facing and deliver on the environmental dimensions of sustainable development. All such factors strengthen the case for **envisioning UNEA as the global platform** for catalysing action for the environment.

The Members States, or Delegates, who gathered in Nairobi last May, decisively signalled their intention to “own and lead” UNEA by successfully deliberating and deciding upon on key environmental challenges, and thus opening new pathways for action on sustainable finance, oceans and marine ecosystems, data and information, transportation and air pollution, waste management, sustainable urbanization, Natural Capital, land degradation and desertification, and identifying policies to address the health and environment nexus. Member States especially congratulated UNEA for reassuring global cooperation on tackling illegal trade in wildlife and an agreement on the protection of the environment during armed conflict, “an overlooked issue that has links to environmental crime”.

The commitment of Member States was illustrated by the high level of attendance and the hard work of delegations to reach consensus on a diversity of issues. Delegations also concluded in Nairobi a new framework for delivering on the 2030 Agenda for Sustainable Development and for ensuring a long-term engagement between UNEA, the High-Level Political Forum (HLPF) and the system of review and implementation of the new Agenda.

Lessons Learned of Strategic and Political Significance

In a survey conducted by UNEP with over 250 respondents who participated in the meeting, **76% evaluated that UNEA-2 was successful and 79% said that it was effective**. Such figures are supported also by comments of those participating in UNEA. For many, UNEP is regarded as the leading body that coordinates environmental matters within the UN system and UNEA has the responsibility of taking strategic decisions and providing political guidance for the work of UNEP. All stakeholders, including Member States and UNEP, believe there is a compelling case to take bold action to reform and consolidate UNEA as the centerpiece of global environmental governance. However, UNEP is part of this reform process so the shift from preparing, supporting and servicing the Governing Body of UNEP to servicing a United Nations Environment Assembly includes UNEP. UNEA is maturing and UNEP has a significant, if not crucial, role to play.

The Committee of Permanent Representatives’ Bureau agreed that the Secretariat, under the coordination of the Chair, would produce a document on the evaluation of UNEA-2 and recommendations to improve activities, based on inputs from Member States. The evaluation would look into the challenges faced before UNEA and during UNEA itself. The recommendations would be endorsed at the 136th CPR meeting. In general, it was recommended that UNEA-3 should be a more “lean & mean” meeting, and action-oriented with impact.

Member States are generally pleased that UNEA is finding its form and shape and are prepared to actively engage in the preparation of a successful UNEA-3.

Some highlights of the success of the meeting include:

- ✓ The adoption of a record number of 25 resolutions;
- ✓ High levels of participation and involvement of Member States and stakeholders reflecting the universality and democratic nature of the Assembly;
- ✓ The number of registered side events was impressive and informative;
- ✓ The UNEP events application was effective and will be improved for future UNEA sessions;

But there were also a number of **challenges** raised by Member States that will need to be overcome in the run-up to UNEA-3 and which include:

- ✓ Negotiations on the Outcome Document in the High-Level Segment (HLS)-- which was very busy and left little time for informal consultations--could not be finalized;
- ✓ Lack of ownership by the UNEA Bureau and absence of clarity on the mandate of the Secretariat;
- ✓ The Ministerial Dialogue was not interactive;
- ✓ While the inter sessional negotiations in the CPR were useful for receiving clarifications from UNEP and to better understand the positions of Member States regarding some resolutions, it also led to unnecessary bracketing in the absence of experts from capitals;
- ✓ The interpretation of the Rules of Procedure in the final plenary session lacked clarity;
- ✓ There was late transmission of draft resolutions and final documents;
- ✓ There was lack of translation of the negotiated document in all six UN languages;
- ✓ In the debates, the translation was poor in some of the UN languages;
- ✓ The organization of the Committee of the Whole (COW), drafting groups and plenary was not structured efficiently and in good time, which delayed the negotiation process;
- ✓ The appointment of Chairs and Co-chairs for the drafting groups was not transparent and did not reflect equitable geographical representation;
- ✓ Inputs from Non-Resident States were not always reflected in the draft resolutions;
- ✓ There was a disconnect between the CPR and UNEA, as well as the COW and UNEA. This created an artificial divide between capitals and Nairobi affecting decision-making during the UNEA session;
- ✓ A large number of parallel working groups and informal meetings adversely affected the effective participation of small delegations;
- ✓ Interpretation services were inadequate and sometimes inaccurate;
- ✓ There was insufficient time for the work of the COW given the large number of resolutions;
- ✓ The text previously agreed on in the OECPR and the CPR was reopened, slowing down negotiations;
- ✓ There was a failure to adopt the Stakeholder Engagement Policy;
- ✓ There was imbalance between the number of activities and infrastructure, like meeting spaces;
- ✓ Logistical challenges (poor WiFi, access to food late at night, room allocations etc) affected negotiations;
- ✓ Debate on non-environmental issues overtook the general debate affecting negotiations;
- ✓ There were shortcomings on the management of sessions, including managing the time of interventions during the debates;
- ✓ Outcomes and impact of UNEA was not visible globally, especially in the UN system.

Conclusion and key recommendations on the organization of UNEA-3

Management of the inter-sessional period

- ✓ There is a need for stricter deadlines in the Rules of Procedure for submitting resolutions, maybe 8-12 weeks in advance of UNEA, which is in line with other UN processes and ideally before the OECPR in order to ensure availability in all official languages. This needs to be instituted;
- ✓ During the preparatory stages, there needs to be greater involvement of Member States which do not have resident missions in Nairobi through electronic means, like video-conferencing;
- ✓ There needs to be a single online platform for reviewing and updating documents to avoid confusion;
- ✓ There needs to be a handbook for negotiators clarifying rules of procedures, deadlines and processes relevant for UNEA and this needs to be produced in the run-up to UNEA-3;
- ✓ While the inter-sessional informal discussions held by *Friends of the Chairs' Groups*, with support from the UNEP Secretariat, were successful in resolving issues so that UNEA could focus on the remaining core issues, for future UNEA sessions there should be greater distinction on which resolutions need to go to the inter-sessional negotiations and which might be handled better in informal consultations, such as in the informal *Friends of the Chairs' Groups*.
- ✓ An informal working group of the Committee on preparing the third session of the Assembly could support the implementation of several of the key recommendations highlighted in this paper;

Strengthen the procedures and governance of the Assembly

- ✓ The Secretariat should increase its legal and procedural capacity to handle sensible decisions and react to contingencies;
- ✓ The timely distribution and translation of background documents are critical for the preparations of all meetings and for the interactive engagement of high-level participants;
- ✓ There needs to be a review of the Rules of Procedure and clear legal advice on the rules for Member States so as to avoid misinterpretations;
- ✓ The Rules of Procedure should be part of the package received by new Permanent Representatives as part of their orientation;
- ✓ There needs to be enhancement of the CPR's role in preparations for UNEA (OECPR, re-opening of agreed text etc);
- ✓ The UNEA Bureau could be more active in preparing for UNEA-3, and the UNEA-2 agreement on changing the timing of the election of the President and the Bureau will facilitate this part of the preparatory process, as well as strengthen cooperation between UNEA and the CPR Bureau;
- ✓ The COW structure should be consistent with the one used during the inter-sessional period to facilitate the transition from the CPR to UNEA and continuity for delegations.

Transparency, ownership and inclusiveness

- ✓ There is a need for greater transparency and inclusiveness in the selection and appointment of chairs of the COW, sessional working groups and their early involvement in the preparatory work in the inter-sessional period;
- ✓ Regional and Political Groups should coordinate early on the appointment of Chairs and Co-Chairs of the COW, as well as formal and informal working groups. The selected Chairs and Co-Chairs must ensure balanced regional representation;
- ✓ There is a need to clarify the role of Vice-Presidents with a view to ensuring greater ownership by the UNEA Bureau and support to the President;
- ✓ There is a need to enhance cooperation between the CPR and the UNEA Bureau in preparing for and during UNEA sessions;
- ✓ There is a need to propose, consider and agree upon the structure and organization of the work of the COW and working groups well ahead of UNEA through continuous consultations with Regional and Political Groups.

Early consensus on strategic and structural issues

- ✓ Regional coordination meetings should be encouraged to take place early enough to allow for timely input to the outcomes of the UNEA preparatory process;
- ✓ The selection of theme of the High-Level Segment should be done as early as possible on the basis of strong criteria
- ✓ In the coming months, the current UNEA President should continue the efforts of his predecessor regarding the adoption of a Stakeholder Engagement Policy (SEP) and should ensure the active and inclusive participation of all relevant stakeholders;
- ✓ There needs to be transparency and regular consultations with the regional and political groups in negotiations and decision making during the inter-sessional period and UNEA sessions to help build consensus and ensure a successful UNEA. Consultations should not be a last resort in times of crisis;
- ✓ A potential Outcome Document should be linked with the theme of the High-Level Segment and be pre-negotiated during the inter-sessional period and finalised during UNEA, preferably on the first day of the High Level Segment

Resourcing for the meetings of the Assembly

- ✓ Finance remains an issue and there is a need to consider how to mobilize additional resources from the UN regular budget and extra-budgetary resources to finance a universal United Nations Environment Assembly as set out in UNEA resolution 2/22 (paragraph 5);
- ✓ There is a need to encourage the timely regular financial contributions of Member States.

A more effective high-level segment and a stronger UNEA as the voice for the environment

- ✓ In the organization of the work of the High Level Segment of UNEA, the Assembly should borrow a leaf from other meetings such as COP 21 on how to achieve a balance between country statements and interactive debates. Priority should be given to interventions by ministers and there should be an agreement on strict rules for managing time of interventions during debates;
- ✓ Countries also prefer a more interactive setup of the HLS, such as smaller roundtable discussions, to ensure the active participation of ministers/heads of delegations. In addition, background documents, including draft resolutions should be translated and distributed well in advance to optimize the interaction;
- ✓ Criteria for the theme of the High-Level Segment should include: its cross-cutting nature in addressing environmental challenges and building in the integrated nature of Agenda 2030; its potential to provide guidance to UNEP's work while being appealing and communicable to citizens worldwide; its ability to contribute to raise the profile of the Environment Assembly and result in tangible global partnership initiatives;
- ✓ The theme of the High-Level Segment should be supported by an effective communications strategy built around key messages and stories that help raise the profile of the Assembly;
- ✓ Future UNEAs should carefully consider the agenda and the overarching theme of the meeting and seek to have a balance between the integrated nature of Agenda 2030 while ensuring that the outcome of UNEA is meaningful and appealing to the outside world;
- ✓ UNEA should aim to identify global solutions to global environmental issues that can have regional or country-specific conditions
- ✓ Regional ministerial environmental fora and other international processes should communicate to and provide inputs to the High Level Segment;

- ✓ Future UNEAs should focus on coordinating and evaluating the integrated implementation of resolutions, lessons learned and outcomes to build on in improving global environmental policies;
- ✓ The Science Policy Forum and the Sustainable Innovation Expo and thematic side events should be during or after UNEA in future sessions so as to attract more policymakers.