

Informal Consultations on UNGA Resolution 73/333
21 – 22 November 2019
CR 9, CR 10
United Nations Office at Nairobi, Gigiri

SUMMARY OF CONSULTATIONS ON UNGA RESOLUTION 73/333

I. Introduction

As requested by the Bureau of the UN Environment Assembly at its meeting of 1 October 2019, the Chair of the CPR and the Representative of the UNEA President consulted on 21 and 22 of November with regional and political groups¹ on the follow-up of UNGA resolution 73/333 entitled “Follow-up to the report of the ad hoc open-ended working group established pursuant to General Assembly resolution 72/277”. The consultations took place on 21-22 November 2019, taking into consideration the discussions held at the 6th Annual Subcommittee meeting, with the aim to report back on this issue at the joint Bureaux meeting scheduled for 3 December 2019.

The Ad-hoc Open-ended working group established pursuant to General Assembly resolution 72/277, “entitled “Towards a Global Pact for the Environment” concluded its work in May 2019 with thirteen substantive recommendations. One of which, notably paragraph (b) of section entitled “further work”, provided as follows:

“Forward these recommendations to the United Nations Environment Assembly for its consideration, and to prepare, at its fifth session, in February 2021, a political declaration for a United Nations high-level meeting, subject to voluntary funding, in the context of the commemoration of the creation of the United Nations Environment Programme by the United Nations Conference on the Human Environment, held in Stockholm from 5 to 16 June 1972, with a view to strengthening the implementation of international environmental law and international environmental governance, in line with paragraph 88 of the outcome document of the United Nations Conference on Sustainable Development, entitled “The future we want””.

The recommendations of the working group were consensually endorsed by General Assembly resolution 73/333 of 30 August 2019. Following its adoption various member States underscored the importance of building a common understanding on how UNEA can adequately operationalize the mandate given by the UN General Assembly.

II. Guiding Questions

The Chair of the CPR and Representative of the UNEA President presented to all regional and political groups 5 guiding questions extracted from the recommendations of the working group for member

¹ Regional and political groups consulted include: Group of African States, Group of Asia-Pacific States, Group of Eastern European States, Group of Latin American and Caribbean States, Group of Western European and Others States, European Union and League of Arab States. *It should be noted that the African Group requested more time to address these issues, and this summary does therefore not adequately reflect their positions.*

States' consideration and reflection during the consultations. The questions are as follows:

1. **The outcome reads: “Forward these recommendations to UNEA for its consideration”.**
 - Under which agenda item would UNEA 5 consider these recommendations?
 - One option being under the inclusion in the already established item 5 of the provisional agenda entitled “International environmental policy and governance issues” or by recommending the establishment of a new item?
2. **The outcome mandates: “to prepare, at its fifth session (...) a political declaration (...):**
 - What level of detail would a text need to have to meet the threshold of being “prepared” at UNEA 5?
 - When would the “preparation of a political declaration” begin?
 - How can member States without representation in Nairobi be involved in the process?
3. **The outcome speaks about “a United Nations high-level meeting, subject to voluntary funding”.**
 - When and where should this event take place?
 - Who is expected to convene it? What would its format be?
4. **The outcome makes reference to “in the context of the commemoration of the creation of UNEP”.**
 - What does “in the context” mean?
5. **The outcome also signals that the objective of the political declaration is “with a view to strengthening the implementation of international environmental law and international environmental governance, in line with paragraph 88 of the outcome document of the United Nations Conference on Sustainable Development, entitled ‘The future we want’”.**
 - Does your delegation has a view at this stage on the elements that should be included in the political declaration?

III. Summary of inputs from member States

Member States in general welcomed the process of consultations and appreciated its informal nature. Member States also expressed appreciation for the idea of presenting a set of guiding questions, which were considered relevant to ensure an adequate follow-up of the mandate given to UNEA through UN General Assembly resolution 73/333.

While member States engaged on various points substantively, they also highlighted the importance of more time to consult with their respective capitals and constituencies. Member States also raised several questions and requested for clarification on the process moving forward; in this connection they requested open-ended consultations involving all member States.

Member States also underscored their support and commitment to a successful fifth session of the UN Environment Assembly which will take place in February 2021.

Member States also provided initial comments on the individual questions.

1. **The outcome reads: “Forward these recommendations to UNEA for its consideration”.**

- Under which agenda item would UNEA 5 consider these recommendations?
- One option being under the inclusion in the already established item 5 of the provisional agenda entitled “International environmental policy and governance issues” or by recommending the establishment of a new item?

Several member States were of the view that the recommendations should be considered at the UN Environment Assembly under a separate agenda item, particularly owing to its the importance accorded to the topic and to the fact that it is an issue submitted by consideration by the UN General Assembly.

Other member States raised concerns about overburdening the already overloaded agenda of the next session of the Assembly and thus considered it to be appropriate to be put within the existing agenda item on international environmental policy where most of the proposals for draft resolutions are considered.

2. The outcome mandates: “to prepare, at its fifth session (...) a political declaration (...):

- What level of detail would a text need to have to meet the threshold of being “prepared” at UNEA 5?
- When would the “preparation of a political declaration” begin?
- How can member States without representation in Nairobi be involved in the process?

Level of detail

Member States which addressed this issue generally converged in the understanding that the “preparation” of a political declaration does not mean its “finalization”.

With regards to the level of detail that a text would need to have to meet the threshold of being “prepared” at the fifth session of the Assembly, several ideas were proposed. These included the development the outline of a declaration or the development of “elements”, which would serve as “building blocks” towards the political declaration.

Timing

Member States generally converged in the understanding that, in order to ensure a successful session of the Assembly and implement the mandate given by the UN General Assembly, preparations should begin ahead of the fifth session of UNEA. Views differed regarding how far in advance such preparations should begin.

Several member States indicated that there would be no need to start consultations immediately, but highlighted the importance of a clear roadmap of the process towards UNEA-5, so as to prepare accordingly. The view was also expressed that the preparations of a political declaration should start once there is clarity regarding the event in which it would be adopted. Some member States suggested that the substantive “preparations” of the political declaration should not start before the 7th Annual Subcommittee Meeting, without prejudice to the definition of a roadmap for the process before that. It was also recalled that the CPR agreed to a work programme to address the mandate contained in para 8 – 10 of decision 2 of UNEA-4 on a review process by the CPR, on the implementation on paragraph 88 of the Rio+20 Outcome Document and on the commemoration of the creation of the United Nations Environment Programme, and that the outcome of these processes could have an impact on the “preparation” of the political declaration.

On the other hand, a group of member States expressed the importance of starting the process as soon as possible and to establish a roadmap that outlines the actions that should be taken, so that elements of a political declaration be agreed at UNEA-5 without overloading its agenda.

While a group of member States suggested that the UNEA Bureau decide on a roadmap at its next meeting, other member States emphasized the role of the Committee of Permanent Representatives.

Involvement of member States without representation in Nairobi

Member States converged in the understanding that arrangements should be put in place to allow the involvement and participation of member States without resident representation in Nairobi in the preparatory process.

One member State expressed a preference for using global or international fora rather than smaller consultation groups in order to benefit from a broader global perspective on the various issues addressed by the Ad-hoc Open-ended working group established pursuant to General Assembly resolution 72/277. Other member State suggested using different alternatives, which could include informal dialogues in the UN headquarters in New York.

3. The outcome speaks about “a United Nations high-level meeting, subject to voluntary funding”.

- When and where should this event take place?
- Who is expected to convene it? What would its format be?

With regards to the location and timing of the high-level meeting, member States had different views. In most instances the contributions from member States built on the following question. To that end the summary is provided below.

4. The outcome makes reference to “in the context of the commemoration of the creation of UNEP”.

- What does “in the context” mean?

Many member States expressed that “in the context” was difficult to define without more clarity on the format of the commemoration.

Many member States stressed the need to first clarify basic aspects of the implementation of the Assembly decision 2 of UNEA-4 which requested “the Executive Director to prepare, in consultation with member States, the commemoration of the creation of the United Nations Environment Programme by the United Nations Conference on the Human Environment held in Stockholm from 5 to 16 June 1972, making use of contributions from relevant stakeholders”.

Some member States expressed appreciation for and requested further clarifications regarding the offer of the Government of Sweden to organize a high-level event to commemorate the United Nations Conference on the Human Environment in Stockholm. Other member States expressed support for such a high-level event to take place in Nairobi. While one member State suggested to consider other forum such as UN General Assembly in New York.

A group of member States was of the view that the optimal aspiration was to organize one single high-level meeting at the highest political level with one political declaration as its main outcome, however the same group expressed that for the time being consultations regarding the commemoration of the creation of the United Nations Environment Programme by the United Nations Conference on the Human Environment held in Stockholm and the implementation General Assembly resolution should continue under separate but mutually reinforcing tracks.

In this context several member States raised concern that to have more than one event would incur more costs, not be good for environment, and create an overload of documents. Also, two events would distract one from the other.

Several member States expressed an understanding that the commemoration of the creation of the United Nations Environment Programme and the **United Nations high-level meeting were distinct events which** should be kept separate, although with possibility of convening these events “back to back”.

Finally some member States emphasized that the commemoration of the creation of the United Nations Environment Programme should be ceremonial in nature.

5. The outcome also signals that the objective of the political declaration is “with a view to strengthening the implementation of international environmental law and international environmental governance, in line with paragraph 88 of the outcome document of the United Nations Conference on Sustainable Development, entitled ‘The future we want’”.

- Does your delegation has a view at this stage on the elements that should be included in the political declaration?

Many member States found it is premature to engage in substance before defining the process first, with many noting that they had not yet given sufficient thought to the elements that should be included in the political declaration. Some member State expressed that the scope of the political declaration should be limited to the UNGA Resolution 73/333. One member State pointed out the need to avoid creating conflicts in any of the relevant instruments when deciding on the elements to be included in the political declaration. One member State stressed that the adjective “political” clearly settled that the declaration is not to be legally binding in any form.

Some member States however, provided initial ideas on the potential elements:

- sustainable development;
- topics that can enhance environmental law and governance without undermining existing instruments;
- environment from a societal perspective;
- elements should emphasize UNEP’s and the global environmental community’s successes over the past 50 years, the continued relevance of UNEP’s mandate, and also address current and future challenges that are normally include in the UNEA ministerial declaration;
- a visionary political document that will strengthen efforts to effectively integrate environmental sustainability in the context of the implementation of the UN 2030 Agenda.