

I. **Guiding questions concerning the preparatory process**

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

a. *Under which agenda item should UNEA 5 consider these recommendations?*

See response to question 1b.

b. *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?*

To avoid making the UNEA 5 agenda overly cumbersome it may be useful to avoid establishing a new agenda item, and to deal with the recommendations under an existing item. There is potential for any new agenda item to stay open. This should be avoided as UNGA resolution 73/333 does not imagine an ongoing process.

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

a. *What level of detail should a text have in order to be considered by UNEA 5?*

UNEA 5 needs only consider a timeline and modalities for the negotiation of a political declaration. The recommendations endorsed in UNGA resolution 73/333 do not establish that a political declaration must be concluded at UNEA 5. The political declaration is framed as a product for a high-level meeting to be held in the context of the commemoration of the creation of UNEP, which will be in 2022. There will be ample time between UNEA 5 and commemorative events in 2022 to conclude a political declaration (and there is no good reason to finalise a political declaration at UNEA 5 in early 2021 if it will not be used until mid-2022). Settling on a negotiating process at UNEA 5 will enable more careful thinking about how all Member States can be directly involved, as per the response to question 2c below.

b. *When should the “preparation of a political declaration” begin and what should be the recommended format, leadership and timeline of the preparatory process before UNEA 5?*

Preparation of the substantive aspects of the political declaration should begin after UNEA 5. The negotiating workload before and at UNEA 5 will already be busy with a Ministerial Declaration and resolutions. Attempting to negotiate the substantive aspects of the political declaration prior to UNEA 5 would present material risks to the objective of inclusiveness, as it is unlikely that Member States without representation in Nairobi could be actively involved. However New Zealand would be supportive of initial consultation meetings, focused on timeline and modalities, for example as part of the annual sub-committee meeting.

c. *How can accredited stakeholders be involved, and member States without representation in Nairobi participate, in the process?*

To properly address this question we need to know what will be negotiated and when. If the focus for UNEA 5 is on procedural matters for a future negotiation, New Zealand would be comfortable engaging remotely in advance of UNEA 5 and in person during OECPR/UNEA. For negotiations on the political declaration itself there must be opportunities for genuine and active involvement for all Member States, including for written submissions, effective remote participation in meetings (whereby remote participants are able and encouraged, for example, to make interventions), and dedicated consultations with facilitators. It is unclear that an onerous negotiating process is necessary, however, as the scope of issues that could be addressed in the political declaration has already been identified in paragraphs 6-18 of UNGA resolution 73/333 (i.e. the Substantive Recommendations in the Annex).

II. Guiding questions related to the a “United Nations high-level meeting [...] in the context of the context of the commemoration of the creation of UNEP

3. The outcome speaks about “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 (...)”.

- a. *What is meant by “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”?*

This issue should be settled as part of the process established under paragraph 8 of UNEA resolution 4/2. UNGA resolution 73/333 does not call for a standalone high-level meeting, rather it situates the delivery of a political declaration in a yet to be created high-level meeting to be held as part of the process to commemorate the creation of UNEP.

- b. *Who is expected to convene the UN high-level meeting? What should its format be?*

This issue should be settled as part of the process established under paragraph 8 of UNEA resolution 4/2.

III. Guiding questions regarding the content of the political declaration and the support by the UNEP Secretariat

4. 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’”.

- a. *what ‘elements’ or ‘building blocks’ in the objectives guiding the recommendations and in the substantive recommendations contained in the*

Annex to Resolution 73/333 could be identified for inclusion in the political declaration to achieve the overall objective of “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”?

The political declaration should restrict itself to any or all of the elements in the Substantive Recommendations of the Annex in UNGA resolution 73/333 (paragraphs 6-18), with a focus on implementation. These recommendations were subject to careful negotiation and have been endorsed by the UNGA. There is no mandate to take a more expansive approach to elements to be included in the political declaration.

- b. *How should the political declaration relate to the five objectives guiding the recommendations and to the thirteen substantive recommendations of the ad-hoc open-ended working group established pursuant to UN General Assembly resolution 72/277 and endorsed in UN General Assembly resolution 73/333?*

As indicated in the above answer to 4a, the political declaration should have a focus on encouraging action and implementation in relation to the objectives and substantive recommendations.

- c. *Should there be a substantive connection between the political declaration and the commemoration of the creation of the United Nations Environment Programme by the United Nations Conference on the Human Environment?*

UNGA resolution 73/333 already connects the delivery of the political declaration to the high-level meeting to be held as part of the process to commemorate the creation of UNEP. In New Zealand’s view the question of whether the connection should be “substantive” (and on what would constitute “substantive”) is a matter for the process established under paragraph 8 of UNEA resolution 4/2.

- d. *How should the political declaration be in line with paragraph 88 of the outcome document of the United Nations Conference on Sustainable Development?*

No Comment.

- e. *What kind of inputs should the Secretariat prepare in order to best assist member States in the preparation of the political declaration?*

This should be addressed after questions regarding a timeline and modalities for the negotiation of a political declaration are settled.