

Committee of Permanent Representatives  
Subcommittee Meeting  
Thursday 27 February 2020  
1:30 pm – 4.30 pm  
United Nations Office of Nairobi  
Conference Room 4

### **MEETING SUMMARY**

#### ***Process for review by the Committee of Permanent Representatives***

#### **Agenda item 1: Agenda item (1) Implementation of paragraphs 9-13 of Decision UNEP/EA.4/2 entitled “Provisional agenda, date and venue of the fifth session of the UNEA”.**

##### Terms of reference for the two Bureaus

1. The Co-facilitators, Mr. Marcus Davies of Canada and Mr. Mapopa Kaunda of Malawi, chaired the meeting, which first focused on the [draft terms of reference](#) (TORs) for the UNEA and CPR Bureaus, respectively.
2. Member States indicated willingness to further discuss the TORs at a separate meeting as part of the ongoing CPR review process. It was noted by Member States that there was no desire to amend the rules of procedure and that any recommendation to the working methods of the CPR would necessarily take into account the implication on the rules of procedure for the CPR. To this concern the Chairs noted that the draft TOR for the Bureaus were drafted for declaratory purposes and guidances to assist Member States delineating what rules of procedure were applicable to meetings of the Bureau and listing existing practices that had been developed by the Bureaus to carry out their work with the rules of procedure. It was therefore noted that any recommendation for improvement to the working methods of the CPR would consider how they aligned with the rules of procedure to determine what recommendations should be further considered.
3. The Co-facilitators agreed to revert to the issue of TORs at a later date in a meeting that will be convened specifically to discuss the TORs.
4. The Secretariat was requested to create a dedicated webpage where all relevant documents related to the CPR review process, including the rules of procedure and Governing Council decision 27/2 as well as relevant background documents and member States and stakeholders written inputs, can be accessed.

##### Emerging consensual elements by the co-facilitators

5. The Co-facilitators invited the CPR to consider the document entitled [“Emerging consensual elements by the co-facilitators”](#).
6. Some member States considered that the title of the document was misleading since not all elements enjoyed full consensus. The Co-facilitators confirmed that while the draft document was based on guidance from member States and aimed to formulate concrete options, the elements in the draft do not reflect full consensus and agreed to change the title accordingly.

7. Under paragraph 10(a) on UNEA and CPR organization, the following points emerged:
- a) Member States generally welcomed the new draft as a step in the right direction towards a consensual document, while underlining that further consideration will be necessary.
  - b) The draft should clarify that the Sustainable Innovation Expo and the Science Policy Business Forum are not official UNEA events.
  - c) Renaming the open-ended CPR (OECPR) as “Preparatory Committee of UNEA” (UNEA Prepcom) should not run counter to the current mandates of the CPR, which has an important role to play during the intersessional period in preparing for effective negotiations.
  - d) Connected to the above, it was noted that the text in yellow in paragraph 3 highlighted areas of discussion for which Member States had expressed particularly strong views but not yet agreed on any recommendation for CPR working methods. As such, the highlighted yellow sections of the document were not to be considered bracketed text per se but rather a notification to Member States that the issues highlighted would be revisited later in the review process to determine if agreement could be achieved.
  - e) The potential consequences of renaming the annual subcommittee as “Review and Oversight Committee” was further considered and it was clarified by the Secretariat that the renaming of the Committee did not constitute a change to the rules of procedure or require any amendment to the Rules of Procedure. Rather, a change to the name of the Committee may be intended to convey more clearly what the Committee did in practice as well as why it was convened for outside audiences – but without changing its mandate.
  - f) The Co-facilitators invited member States and stakeholders to provide any further comments in writing.

#### Resolution preparation

8. Under paragraph 10(c) on “Criteria, modalities and timing for presenting and negotiating draft resolutions and decisions”, member States raised the following points:
- a) Many Member States suggested that reducing the number of resolutions, possibly including through clustering, could enable more robust and manageable negotiation process. Some Member States were in favour of longer “omnibus resolutions” covering several issues, while others warned that such resolutions may limit political focus and create fictional links between unrelated issues. The issue of “implementability” of resolutions was also raised.
  - b) Member States agreed that resolution preparation should continue to be a member-State driven process, while also highlighting the important role of the Secretariat to assist the initiation and negotiation process, including by providing expert advice, information on potential legal and financial implications, and analysis of possible duplication with previous decisions/resolutions.
  - c) General support was expressed for the development of appropriate resolution guidance to member States, including a “check-list” of key criteria relevant for tabling of draft resolutions, clear timelines on resolution preparation, negotiation and follow-up, as well as the guiding principles for the development of the ministerial declaration. Many also underlined the need to fully respect the rules of procedure, which formally allows for the consideration of proposals 24 hours before the end of the UNEA session.
  - d) It was again underlined that the intersessional period should be used effectively, including through early consideration by the CPR of draft resolutions, and that weekends should not be used for negotiations.
  - e) It was suggested that the annual subcommittee meeting could, in addition to carrying out its existing programme performance review functions, be used to initiate the resolution process, for example by identifying and recommending a limited number of issues to be addressed in the resolution process,

possibly on the basis of a proposal from the Secretariat, and taking into account the UNEP programme of work and budget as well as relevant background papers for UNEA, etc. The scheduling of the annual subcommittee meeting could if necessary be adapted carry out this task to possibly initiate discussions on resolutions earlier to afford Member States more time to collaborate to possibly jointly prepare resolutions and afford MEA secretariats more opportunity to share information on their work to inform the draft resolution process to improve collaboration between Member States as well as coordination of work by UNEP and by MEA Secretariats taking into account the resolutions adopted at MEA Conference of Party meetings and the programmes of work that they endorse.

- f) It was also proposed that joint bureau meetings could also facilitate early exchange of views on possible resolution topics and provide guidance on the division of labor between member States and the secretariat on the resolution process.
  - g) Information technology should be leveraged to enable more member States to participate in CPR meetings dedicated to the consideration of draft resolutions, including at the annual subcommittee meeting.
  - h) It was also noted that the member States that have not yet accredit themselves to UNEP should be encouraged to do so, so as to enable more countries to engage in the resolution process.
9. The co-facilitators thanked Member States for their guidance and committed to prepare a draft consolidated recommendations for paragraph 10(c) for consideration at the next consultation meeting, and invited member States and stakeholders to provide specific comments in writing.

**Agenda Item 2: Closing of the meeting.**

10. The meeting closed at 4:30 p.m.