Comments by Montenegro

PART B: INPUTS TO SUBPARAGRAPHS 10 a) - c)

Operative Paragraph 10 of decision 4/2 reads as follows: “Decides that the scope of the consideration during the review process will be:

(a) The preparation, working arrangements, and scheduling of sessions of the Environment Assembly and the objectives, preparation, working arrangements and the scheduling of meetings of its subsidiary body, namely the meeting of the Open-ended Committee of Permanent Representatives and the regular and annual meetings of the subcommittee of the Committee of Permanent Representatives;”

Guiding questions for subparagraph 10 (a):

1. How can UNEA and its working arrangements be leveraged to further enhance its ability to take strategic decisions and provide political guidance?
2. What steps can be taken to meaningfully enhance stakeholder engagement, including from the scientific community, at UNEA?
3. Are the designations of the subsidiary intersessional bodies – i.e. OECPR and the annual subcommittee – adequately reflecting their roles and functions?
4. Should the respective roles of the OECPR and the annual subcommittee be further clarified and reinforced? If so, how?
5. Are the timing and duration of the meetings of the different UNEP governing bodies optimal, or should they be reconsidered, including with respect to facilitating meaningful stakeholder participation? If so, how?

Provided inputs:

UNEP/EA.4/2

Guiding questions for subparagraph 10 (a):
1. How can UNEA and its working arrangements be leveraged to further enhance its ability to take strategic decisions and provide political guidance?
2. UN Environment must continue to have a prominent and irreplaceable role in changing our habits and choices in the management of natural, human and social sources, as well as in producing goods and services. The foundation for the short- and long-term improvements of the strategic decision making and providing political guidance should be based on closer interface of the UNEA, CRP and two Bureaux with the actions at national and (sub) regional level to ensure pro-active contribution to implementation of the Programme of Work and resolutions.
Therefore, establishment of sub-regional presence of UN Environment, under supervision and strategic guidance of the regional offices, is necessary step forward to strengthen participation of competent national authorities and experts in implementation of the Programme of Work and resolutions. This level of UN Environment presence would increase its visibility and effective implementation of the resolutions, resulting with measurable results to guide decision making of accredited national representatives in CPR, OECPR and UNEA. Wherever possible capacities of UN offices that are present at national level should have important role in supporting UN Environment interface with national and (sub) regional strategic processes in the field of environment and sustainable development.

2. What steps can be taken to meaningfully enhance stakeholder engagement, including from the scientific community, at UNEA?

2. In line with our suggestions provided with regards to first question, direct interface of the Programme of Work and resolutions ` implementation with actions of the competent national authorities, would also bring an opportunity for intensive participation of the representatives of the scientific communities. All relevant national mechanisms should be considered to generate stronger interrelationship of national authorities with UN Environment, such as present institutional capacities established to support implementation of 2030 UN Agenda for Sustainable Development (e.g. National Councils for Sustainable Development), as well as wherever possible capacities of UN offices that are present at national level.

3. Are the designations of the subsidiary intersessional bodies – i.e. OECPR and the annual subcommittee – adequately reflecting their roles and functions?

4. Should the respective roles of the OECPR and the annual subcommittee be further clarified and reinforced? If so, how?

3. and 4: The role and functions of the OECPR and subcommittees should be further clarified, detailed and reinforced. This would require improved governance mechanisms which also address the following aspects:

- Better defined structure and mandate of sub-committees vs CPR, including the mechanisms to address interrelationship of the informal decision making of the sub-committees with the formal 4 meetings of CPR;
- With the view to our suggestions related to questions 1 and 2, better clarified participation of the representatives of national competent authorities and other stakeholder groups in annual sub-committee meetings should be provided, in close coordination and guidance of national accredited representatives;
- Further detailed mechanisms to strengthen decision making of the CRP Bureau and UNEA Bureau.

5. Are the timing and duration of the meetings of the different UNEP governing bodies optimal,
or should they be reconsidered, including with respect to facilitating meaningful stakeholder participation? If so, how?

5. With regard to the timing of the meetings, especially those related to the UNEA sessions, from the point of view of non-resident Ambassadors whose participation is carried out remotely from Geneva, the UNEA 4 session coincided with the most important, first annual session of the Human Rights Council (HRC) that took place in February/March 2019, which rendered the participation of non-resident Ambassadors from Geneva at the UNEA 4 session very difficult, and which was subsequently reflected in the absence of the representatives of many states, even though the same issue and proposals were presented during the UNEA 3 session. Bearing in mind that the agenda of the meetings in Nairobi is not as intensified as that of Geneva, Montenegro therefore highly recommends that the UNEA sessions take place either prior to or following the first annual HRC session which generally takes place in March each year, or that the same sessions be scheduled to any other stage throughout a year.

As to the duration of the meetings and other related aspects, Montenegro has no further suggestions, and it remains hopeful that the proposals regarding the timing of the meetings will be taken into consideration.

(c) Criteria, modalities and timing for presenting and negotiating draft resolutions and decisions

Guiding questions for paragraph 10 (c):

1. What should be the key criteria and focus for draft UNEA resolutions and decisions, and how should they relate to the theme of the Assembly?
2. How to better ensure that informal deadlines for submitting draft resolutions are respected?
3. How to ensure that resolutions and decisions are complementary and not duplicative to the UNEP programme of work and budget?
4. How can the secretariat better support the chairs of the working groups that negotiate resolutions including through possible submission of proposals for suggested action?

It is difficult to structure responses per each of above listed question. Therefore, below listed suggestions provide our integrated suggestions considering all 4 above listed questions.

The Programme of Work must be the ground for all actions to be implemented in intersessional biannual period. Therefore, all implications related to implementation of the resolutions must be properly addressed in the Programme of Work.

To that effect, period for resolution drafting must precede preparation of the Programme of Work. All resolutions should be timely prepared, at least 2 months before launching drafting of the Programme of Work. To ensure smooth progress, work of the chairs of all sub-groups
should be significantly supported from the Secretariat. This may include provision of all related technical, financial, scientific analysis in support to drafting resolutions/decisions, as well as support from the Secretariat related to the communication/consultation within each sub-group, both during process of drafting and later during phase of negotiation of the resolutions. All modifications of the decisions in the process of their negotiation need to be also addressed in the framework of the negotiation on the Programme of Work. This would require negotiation on the PoW to be launched in two phases, ensuring final decisions and resolutions to be well integrated into PoW during its finalization.

In order to avoid any overlapping between PoW and resolutions and decisions, there is a need to detail nature, content and structure of the resolutions and decisions vs PoW. This would require details on political and technical elements of the resolutions and decisions. Namely, technical aspects of decisions need to be presented in a form of the activities and actions to be integrated into PoW along with appropriate planning of the allocations within budget. In line with that, the resolutions and decisions should be related only to the most important political and policy issues, respectively those issues that need to be also addressed within UN Environment Declaration.

This would impose PoW to be structured in two main parts i.e. thematical and operative parts. The actions aimed at implementation of the decisions and resolutions may constitute thematic part of PoW. The remaining part of PoW should be related to operational issues that should not be subject of any decision and resolution.

(b) The respective roles and responsibilities of the Bureau of the Environment Assembly and of the Bureau of the Committee of Permanent Representatives, including those related to interactions with their respective constituencies;

Guiding questions for subparagraph 10 (b):

1. Should the respective roles and responsibilities of the CPR and UNEA Bureaux and their Chairs be more distinguished and clarified, including with regard to representation of regional constituencies?
2. Should the two Bureaux further strengthen their working relationship? If so, how?
3. How can individual Bureau members contribute to enhancing the visibility of UNEA as the leading global environmental authority in other international fora?

Provided inputs:

UNEP/EA.4/Res.22 (L.26)
Montenegro expresses its appreciation for the work of the Secretariat related to development of three options that are aimed at responding to a request provided in paragraph 5 of UNEP/EA.4/Res.22 (L.26). All three options are proposed considering a need to provide regular comprehensive indicator-based reporting on implementation of the Programme of Work and Budget, as well as to ensure integration of the implementation of the resolutions in the context of the Programme of Work and Budget.

Dully considering comparisons of pro and cons findings for each of three proposed options, Montenegro finds that the Option 2 provides optimal relationship between mandates given in the resolutions and declaration with the activities mandated through the approved Programme and Work and Budget. This option will result with standardized reporting process that in turn will motivate greater feedback and guidance from the Member States. It is particularly important that the Option 2 eliminates any overlap between Programme Performance Reporting and quarterly reports to the regular meetings of the Committee of Permanent Representatives.

If the feedback of the Member States would indicate a risk of increasing reporting burden for the Secretariat, in particular on a medium-term basis, Montenegro recommends implementation of the Option 1 “Improved Status Quo”. In such a manner a clearer monitoring of the resolutions` implementation will be ensured, before optimal conditions for establishment of the option 3 are provided.

Montenegro would like to encourage further efforts aimed at finalization of the monitoring mechanism for resolutions and its submission to the next regular meeting of the Committee of Permanent Representatives.

UNEP/EA.4/2

Guiding questions for subparagraph 10 (a):
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1. UN Environment must continue to have a prominent and irreplaceable role in changing our habits and choices in the management of natural, human and social sources, as well as in producing goods and services. The foundation for the short- and long-term improvements of the strategic decision making and providing political guidance should be based on closer interface of the UNEA, CRP and two Bureaus with the actions at national and (sub) regional level to ensure pro-active contribution to implementation of the Programme of Work and resolutions.

Therefore, establishment of sub-regional presence of UN Environment, under supervision and strategic guidance of the regional offices, is necessary step forward to strengthen participation of competent national authorities and experts in implementation of the Programme of Work and resolutions. This level of UN Environment presence would increase its visibility and effective
implementation of the resolutions, resulting with measurable results to guide decision making of accredited national representatives in CPR, OECPR and UNEA. Wherever possible capacities of UN offices that are present at national level should have important role in supporting UN Environment interface with national and (sub) regional strategic processes in the field of environment and sustainable development.

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(c) Criteria, modalities and timing for presenting and negotiating draft resolutions and decisions

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