Follow-up of the UNEA-4 – Implementation of decision UNEP/EA.4/2 – CPR based review process

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?

There are a number of areas how UNEA and its working arrangements could be leveraged. The following elements can be highlighted, and further, the recommendations of the ad-hoc open-ended working group on a global pact for the environment should be considered:

a) Improving preparation, negotiation and follow-up of resolutions and the Ministerial Declaration

UNEP - in collaboration with MS - should develop guidance manual (or similar) for member states to improve preparation, negotiation and follow-up of resolutions. That guidance should also include guidance for UNEP for follow-up of resolutions (see also responses to 10.c.1.).

A certain degree of self-discipline by MS should be part of the guidance, especially when it comes to the respect of deadlines for tabling concept papers and resolutions. More thought should be given on how ministerial engagement and ‘political ownership’ of the outcomes of UNEA can be ensured/improved, including considering involvement of ministers in the negotiations for Ministerial Declarations and for some strategic resolutions, while avoiding giving to politicians a role which should be reserved for expert/technical government officials. From the regional point of view, an important element is the inclusion of matters related to UNEA to the regional ministerial fora (such as the UNECE Environment for Europe Conferences / EU ministerial Councils).

Further consideration should be given to the respective merits of the sequence of events: having the ministerial session first or last at UNEA.

Consideration could also be given to the possibility of focusing the discussions around the UNEA theme during the high-level segment, while being aware that ministers will still wish to address their main concerns. A broader scope of action/discussion will then be given to the OECPR and the non-ministerial segment of UNEA, hence allowing for a wide range of environmental challenges to be dealt with.

b) Enhancing system-wide collaboration:

One area where UNEA could strengthen its leverage is through closer collaboration with MEAs, their governing bodies and their secretariats, as well as with other relevant international organisations (e.g. FAO, WHO, UNDP). In order to enhance the implementation of paragraphs 88 and 89 of the Rio+20 outcome document “The Future we want”, UNEA could be used as a platform for the discussion of the most urgent environmental and crosscutting issues (such as biodiversity-chemicals-climate change interfaces). A good example from the regional level is the practice in the Committee of the Environmental Policy (CEP), where bureau members (usually chairs) are present at each session of CEP. They either present general progress in their respective MEAs or speak on a concrete topic, such as – most recently – implementation of ASD2030. This, in addition to the regular segment at the UNECE environmental ministerial conferences, has proved effective in drawing attention to the achievements of MEAs. MEAs could be invited to suggest elements to contribute to the elaboration of UNEA resolutions on mutually relevant, strategically important issues. That would help bring synergies, avoid duplications and increase efficiencies for both, if developed in a strategic manner.

MEAs could also be invited to play a role in follow-up of resolutions. The suggestion to involve MEAs could be one element to be included in the guidance to be developed for resolution preparation and follow-up.
Also the identification of linkages between MEAs’ and UNEP’s Programmes of Work could be enhanced for implementation of resolutions.

An important element of strengthening of UNEA is that its key relevant messages are also being heard and taken into account in other international fora, such as the HLPF and the MEA COPs. In this regard also think about ways to further strengthening UNEA’s role in the thematic SDG review processes at the HLPF. Further integration or interaction should also be achieved with governing bodies of other UN organizations and agencies on mutually relevant issues. (see also 10.b.3.)

c) Increasing efficiency of UNEP’s and UNEA’s governing bodies (see 10.a.4.)

d) Enhancing stakeholder involvement, including the scientific community (see 10.a.2.)

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

Involving stakeholders and the scientific community should be one element to be included in the guidance manual to be developed for resolution preparation (see also 10.c.1.). At the moment science does not adequately feed into resolution formulation/decision-making, which remains a separate workstream. UNEP’s scientific basis is very strong yet the science-policy interface in UNEP is still rather weak.

We encourage dialogue at the national level during the preparation phase, as well as the participation of stakeholders to national delegations. It should be highly recommended to consult the scientific community and stakeholders during the resolution preparation phase. Recent scientific reports (such as GEO, IPCC, IPBES, IRP etc) should be used as background material guiding selection of themes for UNEA and the resolutions. These should be made available early enough and their key findings be advocated by their authors/co-chairs etc. and UNEP, where appropriate.

Also the following actions for increasing scientific community engagement could be considered:
- Analyze options for institutionalizing the input by the scientific community into UNEA and consider the need and potential modalities for a subsidiary scientific mechanism to integrate scientific findings into the policy process, including to provide better responses to data needs for implementation of SDGs and to monitor progress in implementing the medium-term strategy.
- Increase political participation in science-policy discussions at UNEA, including at the High Level sessions
- Integrate follow up to the scientific findings of main global environmental assessments coherently in the programme of work.
- Convene/connect heads of global environmental assessments and relevant subsidiary scientific bodies of MEAs to enhance collaboration and synergies.

For increasing civil society engagement e.g. following options could be considered:
- Consider how priorities and suggestions from civil society groups can be conveyed to governments at an early stage in the consideration and preparation of resolutions
- In a longer-term consider the feasibility of an official policy for stakeholder engagement that updates rules of procedure for civil society participation and facilitates access to information, including new modalities and strategies.
- Consider a minimum budgetary threshold for adequate stakeholder engagement and allocate resources from the Environment Fund accordingly, with priority for LDC civil society representatives.
- Encourage voluntary support from member states to increase stakeholder participation.
- Encourage governments to include stakeholders in their national delegations, and prepare guidelines to facilitate such activity.
- Eventually, consider the feasibility of updating UNEA rules of procedure to reflect current practices, focusing only for very limited issues.

Regarding the stakeholders’ participation in the different sessions of UNEA, all MS representatives co-chairing sessions in UNEA should be aware of the current Handbook on Stakeholder Engagement. The secretariat could provide a one-pager for the co-chairs in the meeting rooms, summarizing the role and rights of stakeholders in different types of sessions, based on current practice in the absence of official RoP.

Stakeholders could be more systematically involved in the commenting of resolutions and ministerial outcome document, through an established feedback process.

Wider participation of stakeholders at UNEA might require innovative funding mechanisms, beyond the traditional and limited contributions from MS, so that financially weaker stakeholders’ organisations, including youth representatives, can participate effectively being present in situ. A system of sponsoring, whereby financially stronger institutions could help weaker ones could be considered. UNEP’s private partnerships could possibly integrate this type of considerations.

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

See 10.a.4

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

These roles should be clarified, including the change of the names.
In practice, the OECPR has become a Preparatory Committee for UNEA. It should be thus led by the UNEA President and this should be stated in the OECPR ROP. The sequencing of this meeting should be decided by its function, i.e. having less resolutions and more meaningful resolutions.
Other models, such as UNFCCC and CBD, with their SBSTTA might provide clarification on how the OECPR could function as a PrepCom, with more technical and scientific input.

The role and mandate of the Annual Subcommittee should be further defined, i.e. if it has/should have a consultative or decision-making mandate. With regard to the AsC preparing the coming POW/B, important to have enough consultative sessions in advance to ensure AsC will be able to sign off on a final version. Also look into how to ensure a higher degree of participation from Member States.
All changes would require a detailed estimate of overall budgetary implications.

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?

To be considered at a later stage.

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?
The roles and tasks of the UNEA and CPR Bureaux should be clearer. The CPR Bureau should have a written mandate to clarify the role of the body. This is also a matter of transparency – the work of the CPR is easier to follow for those delegates, who are not present in Nairobi, if the mandates of each body are clearly defined. The new proposed TORs for the bureaux may help provide more clarity in this regard. The mandate for the UNEA bureau should clearly indicate the leadership role in the preparations for UNEAs, whereas the CPR should focus especially on preparation and follow-up of the Programme of Work and Budget as well as follow-up of resolutions and decisions. It should also not be allowed to nominate the same persons to both bureaux.

2. Should the two Bureaus further strengthen their working relationship? If so, how?

The roles should rather be more clearly differentiated, to avoid confusion. The practice of the UNEA president and the CPR chair being observers in the relevant bureau meetings should be continued. The practice of joint bureau meetings has been a useful tool as there is no clarity on the respective roles of the bureaux. However, this also adds to the confusion. Collaboration between the bureaus on areas of shared concern and competence is desirable, but it should not distract the two bureaus from the specific responsibilities they have (UNEA bureau preparing and maximising the impact of the UNEA and CPR providing regular guidance and oversight to UNEP’s work).

3. How can individual Bureau members contribute to enhancing the visibility of UNEA as the leading global environmental authority in other international fora?

This is a crucial role of each of the bureau members. The members should use their distinguished position as a bureau member to enhance visibility of UNEA in their respective regions. It could be useful to consider some sort of guidance manual for new UNEA Bureau members. Here, UNEA Bureau members could be encouraged to contribute to the enhancement of visibility of UNEA.

Individual bureau members, like any member state representatives, could actively include UNEA and its results in their national statements in other international meetings, such as the HLPF and thereby help contributing to increased visibility and appreciation for UNEA. Also member states (incl. bureau members) could bring up linkages between issues discussed in UNEA and other fora in the preparations of other relevant international meetings such as MEA COPs, FAO and WHO and similar meetings.

The UNEA Bureau could engage in greater division and delegation of labour, so that each bureau member is responsible for some aspects of the UNEA organization (e.g. stakeholder engagement, etc.), this would increase ownership and relieve the burden on the UNEA president and the Secretariat. Bureau members should also make sure to regularly consult with their regions and make sure they represent their regional concerns in the meetings of the bureau as much as possible (and thus make member states feel, that they are spoken for in the bureau). Otherwise, the large size of the bureau actually becomes a disadvantage and does not add value.

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?

There is a need to develop guidance for member states for drafting resolutions. The key criteria and focus for draft resolutions should be clearly communicated to MS by the UNEA Bureau in good time before the next UNEA. The criteria could be presented in a positive manner as characteristics of successful resolutions – in the form of a manual or similar guidance (see 10.a.1) E.g. short preambulas and clear action points should be encouraged. We could consider in the guidance e.g. that a resolution would preferably be tabled by a group of countries (for example 3), and from different regions. This could help in finding a consensus
on more meaningful resolutions. Optimally, and where feasible, the resolutions should be linked with the
POW and budget.

There is a need to delineate the role, and status of resolutions, including their relationship to MEAs, SDGs
and contribution to international environmental governance. The respective roles of UNEP and member
states in their implementation need to be clearly communicated.

The resolutions should address important and strategic issues, bridge existing gaps or provide new
guidance for existing processes. They should either 1) be clearly linked to the overall theme for UNEA or 2)
address urgent and/or new issues that need global policy guidance and action. Due to the 2-year cycle,
there may sometimes be a need to address most emerging issues that go beyond the theme. Also some
issues may require follow-up from previous UNEAs. The resolutions should also guide the Member States,
not only UNEP. Link of resolutions to national implementation should be clarified.

Once the theme of UNEA is selected, the secretariat could provide, as a part of the background report (as
provided for example by the ED at UNEA 3, “Background Report - Towards a Pollution-Free Planet”)
suggestions on possible gaps and emerging issues under the theme, based on scientific evidence, as well as
issues pending from previous resolutions (esp. to avoid repetitions). MS could be encouraged to consider
the findings of the background report while drafting their resolutions. The aim of the background report
would not be to decide the topics or content of the resolutions, but to convey knowledge and inspire and
provide initial suggestions on topics. One option would be to have a standing resolution on emerging
issues, based on the Frontiers report of UNEP. This would bridge science and policymaking.

Analysis from the best practices from other UN bodies, carried out by UNEP at a later stage will be very
helpful to define the most adequate process for negotiating resolutions and decisions.

2. How to better ensure that informal deadlines for submitting draft resolutions are respected?

We should establish a formal deadline for resolutions in the RoPs of the Assembly. In the event of urgent
issues arising just before the UNEA, these could be addressed by incorporating them into other resolutions
or by other means, such as in a declaration etc.

3. How to ensure that resolutions and decisions are complementary and not duplicative to the UNEP
programme of work and budget?

There should be a criteria that all draft resolutions should have a link to PoW – either to complement or
guide it. An assessment on the programme budget implication, an established practice for UN resolutions in
New York, is crucial to include in the negotiation process. A PBI is a statement detailing the administrative,
financial and programmatic changes that the adoption of a draft resolution would entail.

If the role of the annual subcommittee of CPR is strengthened, MS could better convey their priorities
there. This might decrease the burden of submitting several resolutions in UNEA, which often leads to the
duplication of the POW.

Proposals for resolutions on issues which have been already subject of resolutions in past UNEAs should
undergo a “novelty/add value and PoWB feasibility” test before being tabled, albeit leaving room for a
continuously high political priority for certain issues and the necessity to therefore table multiple
resolutions. Implementation of past resolutions on these issues should also be scrutinized before accepting
new commitments to be tabled.

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?
Where feasible and not placing too much burden on secretariat, the secretariat could prepare analytical background papers to support the negotiations, including internal insights on potential ongoing activities within the organization, as well as known activities in other fora, and challenges and opportunities related to them. This could also help identify overlapping or contradictory requests across resolutions. Alternatively, or in addition, the secretariat could give short presentations about the mentioned issues in the CPR when the resolutions are presented there.

The secretariat could better support the chairs by:

a) Having staff working in the respective subprogrammes present, which can provide guidance for content-related questions when needed

b) Having colleagues from the legal council and the secretariat of governing bodies present

c) Providing an adequate briefing to the chairs

d) Identifying as early as possible the colleagues, who will be responsible to facilitate the negotiations.

See also 10 a) 1