

Committee of Permanent Representatives
Informal Open-ended Working Group meeting
Thursday, 16 February 2017
10:00 a.m. to 12:30 p.m.,
United Nations Office at Nairobi Gigiri,
Conference Room 4

MEETING SUMMARY

Agenda Item 1: Opening of the meeting and adoption of the provisional agenda

1. The Chair of the Committee of Permanent Representatives, H.E. Ms. Julia Pataki, Ambassador and Permanent Representative of Romania, welcomed members to the meeting. She proposed that under Agenda Item 3: Preparations of the 2017 Environment Assembly, the meeting defer discussion on the wording of the title and priority areas. She informed the meeting that the Secretariat had prepared a draft on the title of the theme and informally shared it with members of the Bureau of the Committee of Permanent Representatives. All Member States would receive options of the wording of the title from Regional and Political Groups. The Chair suggested that Regional and Political Groups share feedback on the options and send them to the Secretariat to be discussed during the next meeting. The meeting adopted the agenda.

Agenda Item 2: Briefing on the Rules of Procedure of the United Nations Environment Assembly

2. The Chair welcomed Mr. Stadler Trengove, Senior Legal Officer, Office of the Legal Affairs, New York, who would be stationed in Nairobi for a year starting from April 2017. She invited him to make his presentation on the Rules of Procedure of the United Nations Environment Assembly.
3. Mr. Trengove made a detailed presentation that covered following areas: constitutional and institutional questions; the Bureau; discussion phase; action or voting phase; consensus and quorum: and subsidiary bodies.
4. In the ensuing discussion, Member States raised questions and made comments areas which included: modalities for voting; quorum; translation and interpretation; credentials and; training sessions on the Rules of Procedure.

5. Some delegations requested the Secretariat to prepare a handbook to enhance understanding of the Rules of Procedure. One member was against any legal interpretation of the Rules because in his view, it would cause confusion since different legal experts could have different interpretations. He stressed that the rules should speak for themselves. Another suggested providing non-legally binding document to help Member States clearly identify the practices like the Handbook produced in New York by one of the Permanent Missions.
6. In response, Mr. Trengove highlighted the fact that while the Legal Office provided advice, the final decisions on interpretation of the Rules of Procedure rested with the Member States and cited examples from his experience in New York.
7. Regarding quorum, he said results of voting could not be used to determine quorum. In similar vein, credentials had no bearing on the results of the vote.
8. On the competence of a body to deal with a matter, the final decision lay with the body itself and not with the legal office.
9. Regarding the validity of decisions, he said once the decisions had been gaveled there was no going back. He noted also that it was an established practice to “stop the clock” to allow a body to conclude its deliberations beyond the time allocated for a meeting.
10. He clarified that once voting had started, a member could not call for a vote on whether to vote and only points of order on the actual process of voting could be entertained. Although the UN Environment Rules of Procedure did not currently provide for voting by electronic means, as a Subsidiary Body the Environment Assembly could rely on General Assembly Rules. The Environment Assembly also followed General Assembly decisions on credentials.
11. Responding translation of documents, he said there were three considerations: the mandate of the body; the Rules of Procedure and; the resources available.
12. A representative of a Major Group and Stakeholders recalled they were not given enough opportunities to present their statements during previous session of the Environment Assembly and requested an invitation to a mock session of the Rules of Procedure. The Chair assured her that Major Group and Stakeholders would be invited in their capacity as observers.
13. Mr. Trengove concluded by stressing that the objective of the Rules of Procedure was to facilitate work of delegations and the rules should guarantee openness and transparency. He was of the view that the interpretation of the Rules of Procedure should be simple, logical and straightforward. He underscored that the existing rules of the Assembly were adequate to support the organization of future meetings of the Assembly and indicated that Member States could also look at practices of the General Assembly of the United Nations and other relevant bodies for further guidance.

14. The meeting welcomed the proposal to organize a mock session on decision making during the Fourth Annual Subcommittee meeting. The meeting was informed that the President of the UN Environment Assembly had requested a training session for preparations of the third session of the UN Environment Assembly.
15. The Deputy Executive Director, Mr. Ibrahim Thiaw informed the meeting that the Secretariat would provide further briefings and training sessions to promote better understanding of the Rules of Procedure. With regard to a handbook or compendium on the Rules of Procedure, he was of the view the discussion should continue and added that he would discuss the matter further with the Executive Director. On rules on translation and interpretations, while emphasizing the desire of the Secretariat to comply, he highlighted serious financial constraints for the 2017 Environment Assembly, given the funding gap.
16. In response to the comments of Mr. Thiaw, a representative noted that the budget for the United Nations Environment Programme had been increased and requested the Secretariat to prepare a cost saving paper to be shared with Member States.

Agenda Item 3: Preparations of the 2017 Environment Assembly

17. At the request of the Chair, the Secretary introduced the item. The Secretariat had circulated a note containing two proposed scenarios on organization and structure of the 2017 Environment Assembly. An informal breakfast meeting of the Executive Director with Chairs of the Regional and Political Groups and members of the Bureau of the Committee of Permanent Representatives had been held on 14 February 2017, to exchange views on the preparations of the 2017 Environment Assembly. On the informal meeting, the Secretariat was requested to circulate the meeting summary.
18. In their preliminary comments, many representatives expressed support for Scenario 1 which in their view provided for more efficient time management; better facilitated the work of the Committee of the Whole and; enabled Ministers to work towards delivering their political commitment. Many delegations stressed the need to limit parallel meetings because small delegations would not be able to participate in numerous meetings simultaneously.
19. One member supported Scenario 2 and highlighted the need for innovative ideas and resolutions that would lead to concrete actions. Regarding parallel sessions, he suggested assigning different members of delegations for each session and stressed the need to make better use of the first day of the UN Environment Assembly. Recalling the Joint Bureaux preparatory retreat of the Committee decision, he suggested utilizing social media for Ministers to present their statements and circulating them during the UN Environment Assembly.

20. Delegations welcomed the Leadership Dialogues, which responded to the request from Member States for interactive dialogues that could lead to in-depth discussions on each priority area. Some requested the Secretariat to prepare a preliminary for the structure of the Open-Ended Committee of Permanent Representatives in good time. One member suggested discussion on speakers and topics for the Leadership Dialogues along with discussions on the structure of the Open-Ended Committee of Permanent Representatives. It was proposed that media events be integrated in the structure.
21. One member emphasized that meetings of Regional Fora should serve as significant building blocks to the Environment Assembly and proposed that the space for interventions by the Chairpersons of Regional Fora be provided at the Assembly. Noting that side events promoted solution-oriented approaches to the theme of Pollution and attracted Ministers as well as relevant stakeholders, several representatives wished to see them retained. Side events were critical for Member States and civil societies to discuss specific topics.
22. Regarding resolutions, members underscored the need to limit the number of resolutions and to institute a deadline for presentation of resolutions to ensure effective discussions. Clarification was sought on the suggested pledging session and on whether there would be interpretation for the national statements and leadership dialogues. One member asked when the progress report of the Executive Director would be presented and suggested that it be presented during the Open-Ended Committee of Permanent Representatives.
23. On outcomes of the 2017 Environment Assembly, a representative highlighted the need to agree on the format of the outcome document. Some members supported a concise Global Action Plan for pollution in the form of a ministerial declaration in two parts; the situation and the action points. Other issues were of the view that the outcome document should: be action-oriented; address pollution focusing on its transboundary nature; be linked to the Sustainable Development Goals and provide inputs to High Level Political Forum. A few members did not support a Global Action Plan or pact. One recalled the agreement of the Joint Bureaux Retreat on a President's summary for outcome of the High-Level Segment regardless of any other outcomes.

24. A representative of a Major Group and Stakeholder suggested the theme of Pollution of the

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