OEPR-4 Highlights
Friday – Sunday, 8 – 10 March 2019

On Friday, delegates at the fourth Open-Ended Committee of Permanent Representatives (OEPR-4) sought to complete negotiations on all draft resolutions and forward clean text for adoption at the fourth session of the UN Environment Assembly (UNEA-4). The closing plenary in the evening agreed to forward eight draft resolutions and decisions to UNEA-4, and mandated the five working groups to continue in open-ended discussions over the weekend on the remaining 21 drafts. Negotiations continued over Saturday and Sunday, agreeing on further drafts.

On Sunday afternoon, the working groups paused their work briefly for an announcement of the Ethiopian Airlines plane crash while en route from Addis Ababa to Nairobi, and awaited further news. Negotiations ran late on Sunday night.

Working Groups
Cluster 1: Innovative solutions for environmental challenges and sustainable consumption and production (SCP): The group forwarded agreed text on sustainable mobility and bracketed text on SCP by the end of the weekend. On other draft resolutions, discussions continued late on Sunday night.

On mobility, the group focused on proposed amendments by the proponents, Argentina, Chile, Peru and Costa Rica on Friday. Delegates agreed to refer to “sustainable mobility” in the title, and to preambular text referring to examples of sustainable mobility. Some countries preferred to avoid references to specific agreements on e-mobility and the “decarbonizing” of transport initiatives. A developed country signaled a “red line” on climate financing for sustainable mobility in developing countries. On Saturday, they further discussed the meaning of “lifecycle approaches” and “full lifecycle assessment” in promoting sustainable mobility. Parties reached full agreement on "sustainable mobility” on Saturday afternoon.

On sustainable infrastructure, on Friday the group debated whether to refer to “mobilizing” or “promoting domestic policies for mobilizing” international and national investment towards sustainable infrastructure projects. They also considered whether to request UNEP to prepare a report on best practices and knowledge gaps regarding sustainable infrastructure by UNEA-6. On Friday evening, the group agreed to a “silence procedure” regarding the text on finance, pending further consultation with donors. Excerpts from the Sustainable Development (IFDD). The opinions expressed in the Sustainable Development (IFDD). The opinions expressed in the

On food loss, on Friday the proponents, the League of Arab States and Sri Lanka, affirmed agreement among delegates to refer to food loss in “hot and other climates,” on the basis that this language could be deleted in later paragraphs. On Sunday, the group continued discussions on whether to:

- reference the Kigali Amendment to the Montreal Protocol in text on innovative post-harvest technologies, including “sustainable cooling technologies;”
- include language on “diverse environmental conditions, such as in high ambient temperature countries” instead of “in hot and other climates;” and
- develop guidelines on food loss and waste, within UNEP’s mandate.

On green business, proposed by the African Group, delegates continued negotiations on Saturday. Points of contention included:

- whether to refer to “green” or “sustainable” business in all instances;
- whether to describe sustainable business as enhancing resource efficiency while addressing climate change; and
- whether “low-carbon” or “cleaner production” is a fundamental driver of sustainable business.

Discussions on these points continued informally. On Sunday, the group considered revised text on remaining issues. They discussed whether to refer to “green bonds,” and one developed country opposed language on technology transfer with reference to upscaling sustainable business practices.

On SCP in a circular economy, delegates agreed on Friday to acknowledge “a more circular economy” as an example of a sustainable economic model, and to mention the role of governments at all levels in promoting pathways to SCP through sustainable public procurement. They differed over language suggesting that a more circular economy can contribute to “a no-waste economy.” On Saturday, they debated issues including whether to designate a “World Circular Economy and Resource Efficiency Day,” or consider establishing this as a theme for a forthcoming World Environment Day. They also discussed whether to request UNEP to submit a report on “best” or “good” practices related to “eco” or “sustainable” design. On Sunday, the remaining points of contention included: the definition of “sustainable finance” in relation to environmental, social, and governance considerations; and a proposal to create a task group comprising the International Resource Panel and members of the One Planet Network to fill knowledge gaps on SCP, without duplicating existing work. Delegates agreed to forward the draft with some remaining issues to UNEA-4.

Cluster 2: Resource efficiency, chemicals and waste:
The group addressed the four resolutions outstanding on: the environmentally solid management of waste; the sound management of chemicals and wastes; single-use plastics; and marine litter and microplastics. None of these were fully agreed.

On single-use plastics, the group agreed to:

- invite Member States to work together with industry to encourage the private sector to innovate and find affordable and environmentally friendly alternatives;
• encourage governments and the private sector to promote more resource-efficient design, production, use and sound management of plastics across their lifecycle;  
• encourage Member States to take comprehensive action regarding single-use plastics; and  
• and invite Member States, intergovernmental organizations, the scientific community, NGOs, the private sector and other stakeholders to enhance cooperation in scientific research and the development of environmentally sound alternatives.

Still not resolved are the paragraphs calling for reduction or phase-out, and the article requesting specific tasks of UNEP. After informal talks, delegations requested time to consult their capitals before agreeing to possible compromise formulations, so the resolution will be forwarded to UNEA-4 with the bracketed text.

On marine litter and microplastics, on Saturday the group agreed four paragraphs on what would be requested of UNEP: serving as a repository for related assessments, guidance materials and guidelines; raising global awareness of the issue; establishing and maintaining a database of related technical and scientific information; and promoting action in Regional Seas Conventions and Programmes. Delegates disagreed on whether this would be done as a clearinghouse or part of a multi-stakeholder platform. Informal discussions on Sunday afternoon and group deliberations on Sunday evening attempted to work out compromises regarding the many brackets throughout the rest of the resolution.

On the environmentally sound management of waste, the group agreed to all text, except for references to circular economy. The draft resolution includes a list of suggested measures for Member States covering, inter alia, waste prevention, stakeholder engagement, economic incentives, indicators, technology assessments, and innovative policies and financing. The draft resolution calls on UNEP to:

- strengthen the International Environment Technology Centre;  
- maintain inventories of environmentally sound waste management technologies and practices;  
- assist Member States in the use of best available technologies and best environmental practice in solid waste management;  
- foster sharing experiences, lessons learned and success stories; and  
- assist countries through regional waste management outlooks.

To assist in implementation of the resolution, the draft resolution calls on Member States in a position to do so, international organizations and international financial institutions to provide developing countries and countries with economies in transition with financial assistance, capacity building and technology transfer based on mutually agreed terms.

On sound management of chemicals and waste, the group agreed on all provisions, except a reference to circular economy that awaits a compromise formulation that will be used in all resolutions. Among the compromises agreed were:

- the sharing of services between the Minamata and Basel, Rotterdam and Stockholm (BRS) Conventions secretariats;  
- the synthesis of best practices in sustainable chemistry into manuals on green and sustainable chemistry;  
- the preparation, by 30 April 2020, of a report on relevant issues where emerging evidence indicates a risk to human health and the environment identified by the Strategic Approach to International Chemicals Management (SAICM) and the Global Chemicals Outlook (GCO), including an analysis of existing regulatory and policy frameworks and their ability to address these issues toward the achievement of the 2020 goal on sound management of chemicals, in particular regarding lead and cadmium.

Cluster 3: Biodiversity and ecosystems: On Friday, the group was able to remove all remaining brackets on four draft resolutions, regarding: protection of the marine environment, coral reefs, peatlands and mangroves, and forested these for adoption.

On protection of the marine environment, delegates agreed to refer to “the ongoing initiative by Indonesia to establish an independent regional capacity centre.”

On sustainable coral reef management, a developed country agreed to accept text referring to “benefits to promoting integrated conservation policies and practices to sustainably manage coral reef ecosystems,” replacing earlier language on the need to reduce coral reef-related policy space fragmentation and weaknesses.

On peatlands, they changed the title of the draft resolution from “Sustainable peatlands management to tackle climate change” to “Conservation and sustainable management of peatlands.” They agreed to refer only to “degraded peatlands, caused by multiple activities, instead of “the draining, clearing and burning of peatlands,” and also deleted mention of air quality deterioration.

A developed country opposed references to various multilateral environment agreements, including the Paris Agreement, saying that these processes do not necessarily reference peatlands, and that valuable work takes place at all levels, not only the global. A coalition of developed countries highlighted their commitment to regional approaches, and stressed that there are co-benefits and synergies with other processes and conventions.

On sustainable management for global health of mangroves, they agreed to refer to “ecosystem-based approaches,” and to delete mention of the precautionary principle. They debated whether it would be appropriate to refer to the importance of mangrove ecosystems for reaching the National Determined Contribution (NDCs) targets under the UN Framework Convention on Climate Change (UNFCCC), with one developing country arguing that it would be important for each country to make an additional effort toward mitigation targets, beyond what the ecosystem would naturally provide, while a developed country encouraged acknowledgement that some countries have included mangroves in their NDCs.

The remaining four resolutions were further discussed on Saturday and Sunday, one of them only informally.

On rangelands and pastoralism, delegates discussed on Saturday whether UNEP should undertake a “global” or “regional” assessment of status and trends, taking into account the recent gap analysis report. A group of developing countries explained that a regional approach is appropriate because of the absence of boundaries across rangelands in his region. A developed country requested deleting text referring to promoting “conflict-sensitive development interventions,” and a group of developing countries explained its relevance, pointing to issues of resource scarcity and cultural differences between farmers and pastoralists.

On innovative solutions for biodiversity, on Saturday they debated a reference to “mainstreaming biodiversity” in relation to the post-2020 global biodiversity framework, with some countries stressing that the current failure to achieve the Aichi Biodiversity Targets stemmed from a failure to recognize the relevance of biodiversity to many sectors, for example, food security.

They also debated a call for strengthening and developing national and regional biodiversity data centers of excellence, including sharing of global datasets for biodiversity management and monitoring of soil and land degradation. A developing country stressed that access and utilization of biodiversity data should be in accordance with the Nagoya Protocol on Access and Benefit-Sharing.
Delegates considered the scope of the terms “wildlife-compatible economies” and “sustainable wildlife-based economies,” including whether or not to provide examples, such as ecotourism, and whether the latter term includes hunting. The group deferred some issues to informal discussions.

On deforestation in agricultural supply chains, on Sunday delegates considered but did not agree on the alternative title, “Preventing deforestation through SCP.” A developing country called for adding the qualifier “illegal” to “deforestation” in various points in the text, and another noted that agriculture is not the only driver of deforestation.

A developing country proposed text referring to the need to end hunger and achieve food security through the widespread promotion of sustainable agriculture, and the need for increased investment through international cooperation.

Delegates also debated how much detail should be included in the text with regard to references to specific Sustainable Development Goals (SDGs) and targets, and various multilateral programmes, plans or initiatives.

Other sticking points included whether to mention, *inter alia*:
- the principle of common but differentiated responsibilities;
- action by companies to eliminate deforestation from products and operations across their supply chains;
- agricultural commodities such as palm oil, soy, paper and beef;
- harmful impacts of agricultural subsidies on the environment; and
- evaluating financial mechanisms to compensate producers holding native vegetation in order to stimulate preservation in farms.

On sustainable blue economy, various texts were discussed informally.

**Cluster 4: Environmental governance:** The working group forwarded three resolutions with no remaining issues to UNEA-4 on the Montevideo V programme, mineral resource governance, and the poverty-environment nexus. They forwarded two draft resolutions with remaining issues, on gender, and the governance of geoengineering, with the latter remaining heavily bracketed.

On Montevideo V, the delegates agreed on the resolution on Friday with no further comments.

On mineral resources, the group addressed remaining points of contention on Friday, including:
- whether a quote from the ‘Global Resource Outlook 2019: Natural Resources for the Future We Want’ report, which refers to the impact of resource extraction and processing on biodiversity and climate change, among other issues, should be included;
- whether the resolution should “take into account” or “take note” of two UNEP reports on mine tailings storage, and the environmental challenges associated with the sand industry;
- possible establishment of an expert group and what it would be tasked to do;
- whether it would be premature to recommend various forms of collaboration with the working group to be established by the draft resolution on SCP; and
- a paragraph detailing the pathways to promote “sustainable mining and sourcing of raw materials.”

After informal meetings, the resolution was agreed on Saturday morning to be forwarded to UNEA-4.

On the poverty-environment nexus, delegates discussed remaining disagreements on Friday, such as whether a paragraph on “pro-poor” environmental sustainability should be qualified with “as appropriate,” and two new paragraphs proposed by a regional grouping on UNEA’s role in addressing the nexus. Contentious points included:
- what goals are pursued by developing “sustainable financing mechanisms”;
- a new paragraph, proposed by a developed country, inviting Member States to include consideration as a key component of the post-2020 global biodiversity framework;
- whether it was appropriate to mention the concept of common but differentiated responsibilities, and to refer to climate change in several paragraphs; and
- the correct wording for a subtitle on “Environmentally-Induced Migration and Displacement.”

On Saturday and Sunday, the group moved closer to finding agreement by: removing some of the language referring to climate change and a reference to the governance of extractive industries, objected to by a developing country; and adding “voluntary” to the transfer of environmentally sound technologies. On Sunday, delegates discussed means of implementation, referring to SDG 17, ultimately agreeing to delete this reference on the insistence of a developing country. They also agreed to withdraw a new reference to natural capital accounting systems. The group agreed to forward the text to UNEA-4, with no remaining brackets.

On geoengineering, the resolution remained problematic. On Friday, an update was provided on the work done in informal meetings, and the group considered new text introduced by the proponent, Switzerland, in which the draft resolution called for a “report” rather than an “assessment.” Delegates were invited to send further comments, and discussed the text briefly on Sunday. The two delegations still reserving the entire resolution recommended it should not be forwarded to UNEA-4, saying that no compromise would be found. In response, the proponents stated that the resolution had many co-sponsors, and the text was forwarded to UNEA-4.

On gender, a developing country reserved the entire draft resolution on Friday, claiming it had been “hijacked” by a group of countries pushing for the human rights agenda at UNEP. A regional group later endorsed this reservation, preferring to halt further negotiations on this draft. Several countries expressed their disappointment, given previous compromises, such as the removal of several mentions of “human rights defenders.” At the request of the proponents, negotiations did continue. Several contentious issues remained, including whether Member States should “protect,” “consider” or “fulfill” their human rights obligations. On Sunday, several countries commended the proponents on all the progress achieved, and said they hoped to see compromise on remaining sensitive issues in coming days.

**Cluster 5 on UNEP Programme of Work (POW) and related issues:** The group completed work on three draft resolutions and decisions: the draft resolution on implementation and follow up of UNEA resolutions, the draft decision on trust funds, and the draft resolution on the Implementation Plan “Towards a Pollution-free Planet.” In discussions on Saturday and Sunday, the group concentrated on the draft decision on the proposed POW and budget for 2020-2021, while informal consultations took place on the draft decision on agenda, date and venue of UNEA-5, and the draft resolution on the Sixth Global Environment Outlook report (GEO-6).

On the Implementation Plan “Towards a Pollution-Free Planet,” the group agreed on text welcoming the development of the plan and recognizing it as the vehicle to implement the objectives of
the UNEA-3 Ministerial Declaration, relevant UNEA resolutions, as well as voluntary commitments. It would request UNEP to coordinate and monitor the implementation of the plan and to leverage the capacity of UNEP’s regional and sub-regional offices and UNEP’s partnerships with other UN bodies and partners in contributing to its delivery.

On implementation and follow-up of UNEA resolutions, delegates agreed to delete the word “equitable” in a paragraph describing how the environmental dimension of the SDGs is to be achieved. They also agreed to the addition of a new paragraph, suggested by a regional grouping, requesting UNEP to report on the implementation of this resolution at the next UNEA.

On management of trust funds, the group agreed to the resolution after resolving a disagreement on the correct wording to describe a trust fund for a “capacity building initiative for transparency.”

On the POW and budget, the group agreed on Sunday to delete a paragraph requesting the Executive Director to report back to donor countries, at their request, on projects and programmes these have funded. They also agreed on, inter alia:

- the importance of “early, extensive and transparent” consultations between UNEP, Member States and the CPR;
- language pointing to a “funding gap in financing” of UNEA “since its first session;”
- capping overall staffing of the executive office at 30 posts unless otherwise authorized by the CPR;
- a paragraph requiring UNEP to ensure country-level activities are aligned with and included in the UN Development Assistance Framework (UNDAF), where applicable, and reported to the UN Resident Coordinator and the CPR;
- a paragraph calling on UNEP to take UN reforms into account in its Medium-Term Strategy, POW and future planning documents; and
- a paragraph requesting UNEP to continue implementing the POW and budget at regional and sub-regional levels, including through support for regional ministerial conferences and fora to which UNEP serves as secretariat.

Closing Plenary

On Friday evening, OECPR Chair Francisca Ashietey-Odunton (Ghana) commended all delegates for their collaborative efforts and “burning the midnight oil” toward a successful UNEA-4. She proposed that OECPR-4 should:

- endorse the agreed resolutions and recommend their adoption without further discussion in the Committee of the Whole (COW), subject to a decision by UNEA-4;
- mandate the working group co-facilitators to continue open-ended negotiations on Saturday and Sunday to reach agreement on the remaining resolutions, and report back to the first meeting of the COW; and
- decide to take no further action on draft resolutions that have been integrated into the agreed draft resolutions.

Agenda item 4: Budget and Programme Performance (continued): Ashietey-Odunton invited delegates to take note of a report on the structure and sequence of documentation of the OECPR (UNEP/EA.4/INF/12), and of the revised package of reports regarding the marine environment (UNEP/EA.4/11, 4/12, INF/6, INF/7 and INF/14) and GEO-6 key messages (UNEP/EA.4/ INF/18), in view of revisions responding to comments from the Monday and Tuesday plenaries.

Agenda item 8: Draft Ministerial Declaration: UNEA President Siim Kiisler (Estonia) advised delegates that a revised draft of the ministerial declaration was available, noting that sincere efforts had been made to accommodate all concerns, while maintaining the action-oriented nature of the document. The US and China welcomed the document and looked forward to further discussion. The OECPR-4 endorsed the draft as circulated, without prejudice to the rights of Member States to make further improvements.

Agenda item 9: Preparation of draft resolutions for transmission: Responding to the invitation of Ashietey-Odunton, the plenary recommended that the OECPR-4 should forward the agreed resolutions and decisions to UNEA-4 for adoption. These were on: protection of the marine environment from land-based activities, mangroves, coral reefs, peatland, nitrogen management, and Montevideo V. They also forwarded draft decisions on implementation and follow-up of UNEA resolutions, and on the management of trust funds.

Agenda item 10: Other matters: The Secretariat proposed a working group schedule for the weekend.

Agenda item 11: Closing: Joyce Msuya, Acting Executive Director, UNEP, anticipated a “record-breaking” UNEA, with more than 4,000 participants arriving from 170 countries UNEA-4. She commended the leadership of the OECPR-4 Chair and UNEA-4 President, and contributions from all the delegates and the UNEP Secretariat. Member States expressed appreciation for the constructive consultations and the work of the Secretariat, and Ashietey-Odunton gavelled the meeting to a close at 10:00 pm.

In the Breezeways

Weary negotiators did not get much of a chance to catch up on sleep over the weekend, as working groups struggled to complete their labors before their mandate expired at midnight on Sunday. Throughout Saturday and Sunday, the impending UNEA-4 could be felt in the air, with events round the UN campus moving into higher gear, and white tents and marquees sprouting in the grounds, ahead of the arrival of six heads of state, more than 80 environmental ministers, and around 3,000 participants on Monday.

In its fourth iteration, UNEA has become “crazy big,” in the words of one observer. Besides the current negotiations, which many would see as the heart of UNEA’s work, there are multiple events taking place in conjunction with UNEA – not least the One Planet Summit convened by the Heads of State of Kenya and France. The demanding schedule, according to a UN staffer, reflects high expectations of Member States on the support structure that the UN provides, and could mean a risk of not being able to deliver. Meanwhile, discussions in the working groups have highlighted current pressures, such as the lack of dedicated budget to fund UNEA biennial meetings, and some donor countries reminding Member States that any new requests for UNEP to undertake new studies and partnerships must be considered in view of budget implications.

Another observer, however, saw the collaborative drafting efforts in many small informal groups as indications that countries do increasingly own the negotiation process, and that this bodes well for the success of UNEA-4. Nevertheless, the intensity of negotiations once again highlighted the demand on the UN’s aging facilities. As negotiations ran later than scheduled, delegates were often obliged to vacate their allocated meeting rooms for the next group to use, and to squeeze into other, inadequate spaces. “We’re just full up everywhere,” said one hapless staffer. “I’m even surrendering my own office.”