

## OECP-4 Highlights Thursday, 7 March 2019

On Thursday, the penultimate day for the fourth Open-Ended Committee of Permanent Representatives (OECP-4) to complete its negotiation of draft resolutions ahead of the fourth session of the UN Environment Assembly (UNEA-4), all five working groups continued their deliberations, and informal discussions took place throughout the day. Delegates also discussed the draft ministerial declaration in the evening, and some groups negotiated late into the night.

### Working Groups

**Cluster 1: Innovative solutions for environmental challenges and sustainable consumption and production (SCP):** The group convened in the afternoon and focused on a draft resolution addressing SCP in a circular economy. They discussed whether to cite figures on global plastics production, chemical sales and resource use from the upcoming Global Resources Outlook 2019 report, with one developing country arguing the report was not “scientific.” They discussed the phase-out of environmentally harmful subsidies, and remained divided on whether to retain the term “environmentally.” They affirmed the importance of SCP to achieve the 2030 Agenda for Sustainable Development, and also approved references to the 10-Year Framework of Programmes on SCP, the cross-sectoral work of the One Planet Network, and the concept of “industrial symbiosis.”

Some countries called for debating key concepts in SCP before discussing operative paragraphs. They introduced preambular text highlighting a variety of policy approaches towards SCP, saying the concept includes but is not limited to circular economy, sustainable materials management, zero waste, 3Rs (reduce, reuse, and recycle), and resource efficiency. Delegates attempted to apply a principle of “no primacy” among these concepts in their drafting. They also agreed on language on decoupling economic growth from environmental degradation, and continued to discuss the meaning of “primary resource consumption.”

### Cluster 2: Resource efficiency, chemicals and waste:

The group reached agreement on the draft sustainable nitrogen management resolution and conducted first readings of draft resolutions on marine plastic litter, and single-use plastics. Two other resolutions – on solid waste management and on chemicals and waste – were the subject of informal discussions.

On sustainable nitrogen management, the proponent, India, announced compromises reached by an informal group, including agreement to call for UNEP to coordinate existing relevant platforms for assessments of the multiple benefits of improved nitrogen management and identify current information gaps.

On marine plastic litter, they agreed to call for immediately strengthening activities relating to scientific and technological knowledge about marine litter, including plastic litter and microplastics. While generally agreeing that one output would be recommending indicators to harmonize monitoring, reporting and assessment, delegates differed on:

- whether it would be overseen by a new body or an enhanced existing body;
- what data the body would compile and assess; and
- whether the body would develop guidance.

They also could not agree on whether UNEP would be asked to coordinate policy advice in support of local, national, regional and global action.

On single-use plastics, the group remained divided on whether to:

- “phase out,” “reduce” or “address” single-use plastics;
- apply the action to all, some, or “most problematic” single-used plastics;
- include a deadline;
- include plastic additives;
- how Member States should work with industry;
- target actions that include the design and production phases; and
- address consumers directly, and if so, what actions to recommend.

Delegates also disagreed on what scientific and technological cooperation to request. The co-facilitators requested an informal group to try to develop compromises on these points.

**Cluster 3: Biodiversity and ecosystems:** The group completed discussions on five draft resolutions in this cluster during the day, and addressed further resolutions in the evening.

On protection of the marine environment from land-based activities, they agreed to note the Global Programme of Action (GPA) on this issue is currently under review. Several changes related to implications for financing, including introduction of “voluntary” in relation to technology transfer and “within existing resources” in relation to technical assistance. Two countries differed over a description of a capacity center, the subject of a previous separate draft resolution on a regional capacity center for clean seas in Indonesia, should be referred to as a “proposal” or an existing “initiative.” They also discussed whether it would be an “independent” or a “national” center, as a neighboring country stressed.

On sustainable coral reefs management, delegates agreed on most paragraphs, including mentioning “potential” negative impacts from reef fisheries, in particular the Live Reef Food Fish Trade. They agreed UNEP should develop guidelines and an overview of funding on coral restoration “where appropriate for maintenance of ecosystem services and functions,” mentioning coastal defense and fish nursery areas as examples.

On sustainable blue economy, discussions stalled over conflicting definitions of the concept: some countries included inland and freshwater bodies, whereas others meant oceans and seas specifically. Delegates agreed to suspend the discussion pending informal talks.

On deforestation and agricultural commodity supply chains, the proponent, the EU, introduced key elements of a revised text, noting the importance of addressing all drivers of deforestation, not only illegal activities. The text now is renamed “Reducing deforestation in supply chains,” excludes any mention of “commodity,” and deletes all references to tropical or subtropical contexts, so as to reflect its universal application. Delegates agreed to review the draft and take up further discussions on Friday.

On rangelands and pastoralism, a few points of contention remained on whether references to indigenous people as stakeholders should be qualified with “as appropriate,” and whether UNEP should be requested to undertake a global assessment on trends in rangelands and pastoralism, with one developed country expressing concern about costs.

On peatlands, they debated whether to cite a UNEP report stating that peatlands occur in more than 180 countries, with one developing country arguing there is a lack of awareness that peatlands occur not only in tropical and sub-tropical regions, while a developed country argued against “cherry-picking” statistics. Discussion of this and other draft resolutions continued into the night.

**Cluster 4: Environmental governance:** In the evening, the group addressed draft resolutions on mineral resource governance, the poverty-environment nexus, and the Montevideo V programme on environmental law. Two other resolutions, on gender and geoenvironment, which were heavily bracketed on Wednesday, were discussed in informal meetings that took place in the afternoon.

On mineral resource governance, delegates discussed what activities should be conducted as part of “due diligence” and capacity building mechanisms, and whether a reference to circular economy was appropriate for this text. They decided that the few remaining contentious elements of the resolution would best be resolved in a separate, informal meeting.

On the poverty-environment nexus, early points of contention included a paragraph explaining the interrelation between poverty and environmental protection: two countries objected to singling out climate change as a key environmental challenge, while others insisted it would be essential to mention it explicitly in a resolution that is focused on vulnerable populations. They also discussed appropriate language to refer to the economic value of natural capital. Discussions continued into the night.

**Cluster 5 on UNEP Programme of Work (POW) and related issues:** The group convened in the morning for a second reading of the draft decision on the POW and budget. They began a first reading of a new resolution on the management of trust funds and earmarked contributions. An informal discussion on a draft decision on the organization of UNEA-5 took place in the afternoon.

While welcoming the principle that management staffing levels must be in proportion with the size of the organization, some considered that capping the number of posts at 30, as proposed, was too prescriptive, with one country noting that lean management is not necessarily effective management.

A developed country argued for placing UN reform and UNEP’s coordination with other UN entities at the country level high on the agenda of the incoming Executive Director, through text proposals calling for UNEP to report on how it has implemented certain General Assembly proposals in the context of the quadrennial comprehensive policy review. He also stressed the

importance of ensuring that UNEP activities at country level are included in the UN Development Assistance Framework as part of the collective UN response to national development priorities.

Remaining points of contention included:

- language emphasizing the positive effect of the Voluntary Indicative Scale of Contributions (VISIC), which one country proposed to delete;
- a new paragraph expressing concern about lack of transparency in some South-South cooperation activities, proposed by a developed country;
- a new paragraph, proposed by a developed country, requesting UNEP to establish a new communication framework with Member States. Several countries questioned how this framework would complement the CPR.

On management of trust funds and earmarked contributions, several delegates suggested the language establishing several trust funds was not sufficiently clear, and recommended amendments.

Delegates agreed to approve the POW and budget for the 2020-2021 biennium, including a USD 200 million budget for the Environment Fund. They stressed the need for UNEP to practice results-based management, improve its reporting on programs, and promote efficiency and transparency in the use of resources.

### *Consultation on the Ministerial Declaration*

In the evening, delegates discussed a revised draft of the Ministerial Declaration, which responded to concerns raised in Wednesday’s consultation. UNEA-4 President Siim Kiisler (Estonia) stressed that this should be considered the last draft before going to Ministers, and invited minor edits. One delegation offered a new proposal on renewable energy, and was told the deadline for new proposals had passed. An initial round of delegate comments suggested broad support, but after one delegation listed four “red lines,” several others did likewise. Issues flagged concerned text on: reduction in single-use plastics; a proposed UNEP environmental data strategy; the approach for international sound management of chemicals and waste beyond 2020; sustainable procurement; low-carbon economies; and technology transfer. Also flagged as concerns were references to: citizen science; indigenous peoples and local communities; and “taking into account national circumstances.”

### *In the Breezeways*

After a long and eventful evening of negotiations on Wednesday, it became clear on Thursday that the evening’s hard work had somewhat paid off, with several delegates observing that the informal meetings had shed light on some remaining knots and possible ways forward. As one delegate put it, “When we’re out of the pressure cooker of formal negotiations, we can actually relax and make deals.”

Even so, some working groups were advised in statistical terms how little concrete progress had been made, and it emerged that the Bureau was considering the need for weekend work in order to get everything ready for UNEA-4. This infused co-facilitators and delegates alike with a new sense of urgency that resulted in the cleaning of several texts and more rapid readings, with difficult tasks farmed out to new informal groups.

Noting ongoing disagreement in several groups over fundamental questions such as the extent of UNEP’s mandate to work in crosscutting areas, one delegate lamented that this represents “a fundamental misunderstanding of how the UN system works,” expressing hope that inter-linkages with the work of other UN entities will be encouraged. Another, working through some heavily bracketed text, confided: “At this point, it is unclear whether we’re stalling because of political tactics or because, simply, of the sheer volume of resolutions we’re juggling.”