

UNEA-4 Highlights Monday, 11 March 2019

The fourth session of the UN Environment Assembly (UNEA-4) opened in Nairobi, Kenya, on Monday. Delegates established a Committee of the Whole (COW), which convened in the afternoon to continue negotiations on draft resolutions that had not been agreed by the end of the fourth Open-Ended Committee of Permanent Representatives (OECP-4).

Opening plenary

Opening and adoption of agenda: Opening the Assembly, UNEA-4 President Siim Valmar Kiisler (Estonia) invited delegates to observe a minute of silence in honor of the 157 people who perished in the Ethiopian Airlines plane crash on Sunday while *en route* to Nairobi. He stressed the importance of taking stock of the world's collective efforts to address sustainable development. Noting that UNEP will be 50 years old in 2022, he invited all participants to focus on scaling up efforts to find innovative solutions to environmental challenges. He highlighted a proposal in the draft Ministerial Declaration on the development of a UNEP environmental data strategy by 2025, emphasizing that data can be a source of economic benefits.

The Assembly adopted the provisional agenda (UNEP/EA.4/1/Rev.1) without comment. Thereafter, the Assembly established the COW and elected Fernando Coimbra (Brazil), as Chair, and Putera Parthama (Indonesia) as Rapporteur of the COW. Kiisler then invited the COW to take up agenda items 5 (International environmental policy and governance issues) and 10 (Provisional agenda and date of the UNEA-5), and finalize consideration of the outstanding issues.

Joyce Msuya, Acting Executive Director, UNEP, introduced the UNEA-4 theme, "Innovative Solutions for Environmental Challenges and Sustainable Consumption and Production (SCP)." She anticipated the attendance of more than 100 environment ministers from over 170 countries as well as other stakeholders, and invited all to join the #SolveDifferent campaign, which aims at communicating the environmental cost of unsustainable consumption and production models.

Maimunah Mohd Sharif, Executive Director, UN-Habitat and Acting Director-General, United Nations Office at Nairobi (UNON), said innovation is essential to leaving no one behind in an urbanizing world, and spoke of UNON's plans to make the compound more environmentally-friendly.

Keriako Tobiko, Cabinet Secretary, Ministry of Forestry and the Environment, Kenya, described Kenya's various initiatives to move towards a more sustainable economy, including efforts to eliminate single-use plastics, and said that Kenya fully endorses the human right to a healthy environment.

Regional statements: Romania, for the EU, called for UNEA-4 outcomes that will recognize the urgency of addressing the challenges of climate change and plastics, and underlined the importance of sustainable resources management and circular economy.

Ethiopia, for the AFRICAN GROUP, stressed the importance of seeking innovative solutions to environmental challenges, eradicating poverty, and providing means of implementation (MOI) to implement UNEA resolutions.

Oman, for the ASIA-PACIFIC GROUP, highlighted outcomes of environment ministerial meetings within their region and their relevance to the UNEA-4 agenda regarding SCP, plastics, sustainable infrastructure, resource management, food loss and solid waste management.

Argentina, on behalf of the GROUP OF LATIN AMERICA AND CARIBBEAN COUNTRIES (GRULAC), reaffirmed the importance of addressing synergies in implementing the 2030 Agenda for Sustainable Development, in particular on climate change and SCP, highlighting that the region will host the next Conference of Parties to the UN Framework Convention on Climate Change (UNFCCC COP25) in Chile, and the pre-COP25 conference in Costa Rica.

Oman, on behalf of the LEAGUE OF ARAB STATES, welcoming the UNEA-4 theme, reiterated his region's commitment to addressing environmental challenges including the environmental impacts of armed conflict and displacement of persons.

Stakeholder engagement: Khawla Al-Muhannadi, on behalf of MAJOR GROUPS AND OTHER STAKEHOLDERS, reported on views that emerged during the Global Major Groups and Stakeholders Forum the previous Thursday and Friday. She said unsustainable consumption and production is driven by human greed. She called on Member States to embrace the Rio+20 non-regression principle, and expressed support for the draft text under consideration that focuses on human rights defenders and on the nexus between women and the environment.

Report of the Committee of Permanent Representatives (CPR): OECPR Chair Francisca Ashietey-Odunton introduced key outcomes of OECPR-4. She announced the availability of the Chair's Summary of the OECPR on the UNEA portal, and noted that the record number of resolutions and decisions currently being considered was a strong indication that Member States care about the environment.

The EU requested that the Chair's Summary and the report of UNEA-4 both reference the roadmap prepared by the Secretariat outlining steps to a decision on the future of the Global Programme of Action for the Protection of the Marine Environment from Land-based Activities (GPA), to accompany the relevant UNEA-4 document (UNEP/EA.4/INF/14).

Delegates agreed the Assembly's closing plenary would adopt seven draft resolutions and one draft decision on which agreement had been reached at OECPR-4. They agreed to refer all other draft resolutions and decisions to the COW.

Kiisler referred to the forthcoming 30th anniversary of the Basel Convention on the Control of Transboundary Movements of Hazardous Wastes and their Disposal, noting that the Convention had started with a 1987 mandate from the UNEP Governing Council, which, he suggested, should serve as an inspiration to UNEA to be ambitious when addressing challenges such as plastic waste. Rolph Payet, Executive Secretary, Basel, Rotterdam and Stockholm Conventions, outlined some of the achievements of the Basel Convention, explaining how it has evolved and remains relevant today.

Committee of the Whole

COW Chair Fernando Coimbra convened the COW at mid-day, calling on delegates to work in a constructive and transparent manner. Delegates adopted the provisional agenda without amendment and approved the programme of work as outlined by Coimbra (UNEP/COW.4/1 and Add.1), which established two working groups and three contact groups tasked with completing negotiations on the outstanding draft resolutions. On Coimbra's invitation, the co-facilitators of the five OECPR-4 working groups then reported back on the status of draft resolutions.

Coimbra announced that, thanks to the previous weekend's negotiations, an additional four resolutions were ready for endorsement on: sustainable mobility (UNEP/EA.4/L.4); mineral resource governance (UNEP/EA.4/L.23); the Implementation

Plan "Towards a Pollution-Free Planet" (UNEP/EA.4/L.25); and the poverty and environment nexus (UNEP/EA.4/L.22). He then outlined the distribution of work on the remaining resolutions among the two working groups and three contact groups. In response to a question from ROMANIA, he clarified that the contact groups would report directly to the COW.

Coimbra closed the plenary at 1.47 pm and delegates began negotiations in their respective groups. Plenary was scheduled to reconvene at 9:00 pm.

Working Group 1: This group, with co-chairs Koleka Anita Mqulwana (South Africa) and Marcus Davies (Canada), began addressing six draft resolutions on food loss and waste, sustainable business, sustainable infrastructure, solid waste management, sound management of chemicals and waste, and sustainable blue economy.

On food loss and waste, delegates debated language inviting Member States and other organizations including international financial institutions to support developing countries, "in particular those in conflict," in addressing food loss and waste. The proponents referred to the UNEA-3 resolution on pollution mitigation and control in areas affected by armed conflict as a precedent for mentioning this. A developed country objected that mentioning finance was already a compromise, noting that finance had not been mentioned in the UNEA-2 resolution on food waste. Delegates forwarded the draft to UNEA-4 with two remaining paragraphs relating to MOI.

On the business resolution, delegates revisited concerns over the lack of agreed definition of "green business." They agreed on the compromise text on "sustainable business, including but not limited to green business practices." Most paragraphs, including the title, remained bracketed, and delegates continued discussion into the night.

Working Group 2: This group, co-chaired by Julia Pataki (Romania) and Agus Justianto (Indonesia), addressed resolutions on rangelands and pastoralism, deforestation, biodiversity, geoengineering and gender equality.

On rangelands and pastoralism, the group reached agreement after deleting a reference to the Pan African Action Agenda for Ecosystems Restoration; and mentioning "all stakeholders," rather than specific groups.

On deforestation, the group conducted another reading of the text, with several issues remaining, due in part to the ongoing proposal by a developing country to narrow the resolution to "illegal" deforestation.

On biodiversity, some progress was achieved by working through language such as whether to "encourage" or "call upon" Member States to strengthen their commitments. Remaining points of contention included, among others, two operative paragraphs referring to the United Nations Convention to Combat Desertification (UNCCD) and a paragraph attempting to capture

elements of exploitative practices threatening biodiversity, bracketed by a developing country. Proponents were asked to submit a shorter version of the preambular paragraphs by Tuesday.

On gender and the environment, discussions were postponed to Tuesday morning. Proponents said an alternative text would be uploaded in the evening, which would introduce new text emerging from the informal meetings that took place during the day.

On geoengineering, delegates began to work through a heavily bracketed operative paragraph requesting UNEP to work in collaboration with other stakeholders, such as relevant UN and intergovernmental bodies, to prepare a report on the “state of play and potential gaps” in the field. Countries disagreed on which stakeholders should be mentioned and how, as well as on whether such a report should be commissioned.

Contact Group 1: The group, chaired by Tita Korvenoja (Finland), focused on addressing remaining issues in the draft resolution on SCP. Developing countries supported a reference to the Addis Ababa Action Agenda (AAAA), while some developed countries reserved on this. After informal talks, they agreed to “continuing to support developing countries to move towards SCP,” recognizing their commitment to the AAAA. They also debated language stating sustainable resources management “cannot be achieved” in the absence of policies and regulatory frameworks, with some countries pointing to the importance of including voluntary efforts in this context. Delegates continued discussions into the night.

Contact Group 2: The group, chaired by Martin Gronda (Argentina), heard a report-back from bilateral consultations regarding the resolution on single-use plastics and then focused on the resolution on marine plastic litter. Throughout the afternoon the group conducted a first reading of the 13 preambular paragraphs, agreeing on four of them which: note with concern the high and rapidly increasing levels of marine litter, including plastic litter and microplastics; stress the urgent need to strengthen the science-policy interface; recognize the work of the Regional Seas Conventions and Programmes; and recall UNEP’s 1972 mandate. Points of contention remained regarding, *inter alia*: references to impacts of microplastics; whether to stress the existing framework of initiatives is fragmented and/or uncoordinated; how to reference recent developments under the Basel Convention and International Maritime Organization; and what sort of additional data is needed. The group continued into the evening with a first reading of the operative paragraphs.

Contact Group 3: This group, co-chaired by Lori Dando (US) and Lukáš Pokorný (Czech Republic), addressed three remaining drafts on UNEA-5, the Sixth Global Environment Outlook report (GEO-6) in the evening, and the UNEP Programme of Work (POW) and budget.

On UNEA-5, the group discussed intersessional arrangements. A developed country argued for better defining the function and role of the annual subcommittee of the CPR, suggesting this would be the appropriate forum for beginning discussions on the POW and budget. Delegates considered detailed proposals for reviewing and improving the processes of UNEA and its subsidiary bodies, including possibilities of: one developing country representative and one developed country representative to chair the review; submission of written inputs by Member States; preparation of a mapping report; and organization of a possible two-day meeting of the CPR. A group of developing countries reserved on the whole text, and one Member State questioned the need for the decision to be taken at UNEA, rather than being referred to the CPR.

The group took up discussion of GEO-6 in the evening. They debated language referring to UN data repositories and platforms, with one developed country expressing concern about the quality of the UNEPLive platform, and a developing country urging caution with regard to “citizen science.” Discussions continued late into the evening.

In the Breezeways

The crash of the Ethiopian Airlines flight on Sunday, bound for Nairobi, gave more than a tinge of sadness to the start of UNEA-4. Many of those on board the ill-fated flight were UN staff or associates. A town hall meeting of all staff on the UNON campus, in memory of those who had perished, took place before the UNEA-4 opening. Many exited the hall in tears.

As delegates streamed into the opening plenary of UNEA-4, greeting old friends and colleagues, some veteran observers on the sidelines expressed concern over how UNEA is maturing as a process. Delegates today were on notice that all text must be forwarded by 1:00 pm on Wednesday, in order for agreed drafts to be translated and presented for adoption by ministers. But despite a long week of late-night sessions at OECPR-4 the previous week, the negotiating groups still grappled with a large number of text proposals, not all of them well developed. The UNEA-4 schedule for Monday and Tuesday anticipated negotiations running to 1:00 am or later, at the chair’s discretion.

Some observers pointed to shortcomings in the preparatory process, noting the negotiations had begun too late, and that the intersessional process had been inadequate. “The problem is we don’t yet have clear rules of the game,” complained a senior delegate. Related to this issue, an administrative draft decision on the organization of the next UNEA session turned into a forum for discussing how UNEA processes could be improved, with some experienced participants arguing strongly for separating the OECPR and UNEA, rather than convening them back to back, so as to allow time for intersessional consultation on draft resolutions.

“Let’s not repeat the madness we have experienced here,” said one delegate.



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