

**OECPR-5.2 Highlights:  
Friday, 25 February 2022**

On Friday, 25 February 2022, delegates attending the resumed fifth session of the Open-ended Committee of Permanent Representatives (OECPR-5.2) convened for their final day of official negotiations, engaging in multiple, concurrent discussion streams to try and resolve outstanding issues on plastic pollution, biodiversity and nature-based solutions, chemicals, green recovery and circular economy, and procedural matters. They also met to discuss the ministerial declaration on the commemoration of UNEP@50. In the closing plenary, delegates agreed to forward three resolutions to UNEA for adoption, on: sustainable nitrogen management; the future of the Global Environment Outlook (GEO); and on the animal welfare-environment-sustainable development nexus.

A number of resolutions were forwarded to the UN Environment Assembly (UNEA) for consideration, including on: plastic pollution; sound management of chemicals and waste; sustainable lake management; nature-based solutions; biodiversity and health, and equitable geographical representation and balance in the secretariat of UNEP. The Committee agreed to consult informally over the weekend to reach consensus on these texts.

**UNEP@50 Ministerial Declaration**

Delegates met in an informal session to consider text on the political declaration commemorating UNEP's fiftieth anniversary. In heated discussions, some delegations opposed any reference to the right to a healthy environment. They also spent some time addressing the need to strengthen the environmental rule of law.

**Working Group 1**

**Cluster 1:** Guided by Damptey Badiako Asare (Ghana) and Robert Bunbury (Canada), delegates considered, *inter alia*, language proposed by the EU, and supported by THAILAND, UK, and CANADA, on the design of plastic products as part of a full lifecycle approach, in order to improve their material and chemical composition towards extending product life. INDIA, BRAZIL and JAPAN noted the duplication of text already included in the draft.

On scope, the ALLIANCE OF SMALL ISLAND STATES (AOSIS) and the AFRICAN GROUP, supported by the

EU, proposed that the intergovernmental negotiating committee (INC) develop an instrument on "plastic pollution, including in the marine environment." CHINA preferred allowing the INC to decide on its own scope, calling for deletion of "including in the marine environment." The group finally agreed that the INC would develop an "international legally binding instrument, on plastic pollution, including in the marine environment, which would include both binding and voluntary approaches, taking into account the principles of the Rio Declaration, based on a comprehensive approach that addresses the full lifecycle of plastics." Discussions continued as to whether the comprehensive approach should take into account states' national circumstances and respective capabilities, as proposed by INDIA.

In their discussions on preambular text, CHINA, the US, SINGAPORE, and GHANA favored referring to "the marine and other environments." After some discussion, delegates agreed to note the specific impacts of plastic pollution on the marine environment in a separate paragraph.

Delegates also agreed to text recognizing the contribution made by workers under informal and cooperative settings to collecting, sorting and recycling plastics in many countries, proposed by ARGENTINA.

During the closing plenary, Co-Facilitator Bunbury reported that the group would continue its work to complete this resolution at UNEA-5.2.

**Cluster 3:** Guided by Co-Facilitator Gudi Alkemade (the Netherlands), delegates continued discussions on the omnibus resolution **on the sound management of chemicals and waste**, turning to the operative paragraphs. Regarding the role played by the Global Environment Facility (GEF) in supporting the sound management of chemicals and waste, the US, UK, and SWITZERLAND opposed UNEA making requests to the GEF, noting also that the GEF is not the Basel Convention's financial mechanism. SWITZERLAND proposed welcoming the significant role played by the GEF, and encouraged donors to continue and enhance their support. BRAZIL, supported by URUGUAY, and ARGENTINA, opposed by the US, proposed text related to improving access modalities to developing countries.

Regarding the terms of reference (TOR) for the Special Programme to support institutional strengthening for the sound

management of chemicals at the national level, CHILE suggested amending the text to include support provided to developing countries that have graduated from the OECD Development Assistance Committee. This was supported by MEXICO, COLOMBIA, COSTA RICA, and URUGUAY. The EU and UK expressed reservations, with the UK, noting that this language would go against their development cooperation criteria, and the US adding that they are not prepared to renegotiate the terms of reference at this late stage.

The EU, supported by the UK, BRAZIL, and URUGUAY, proposed an additional paragraph to welcome the manuals on green and sustainable chemistry, and highlighted the crucial importance of environmentally sound innovation.

Delegates debated text requesting the UNEP Executive Director to prepare a summary analysis on potential further action on issues described in the “Assessment Report on Issues of Concern.” The EU, supported by BRAZIL and opposed by the US, called for including reference to the issues identified in the second Global Chemicals Outlook. The US, supported by BRAZIL and others, wanted to replace “summary” with “of comments received” by member states. URUGUAY suggested “summary analysis that includes the views received.” JAPAN, supported by URUGUAY, suggested adding “while ensuring sufficient time for consideration by the member states” for the preparation of the summary.

The EU, supported by NORWAY, and SWITZERLAND, suggested three additional paragraphs regarding: the issue of impacts of pesticides and fertilizers, including highly hazardous pesticides; updating the report on the *State of Science* of endocrine disrupting chemicals; and addressing asbestos contamination. The US questioned the appropriateness of singling out specific chemicals in an omnibus resolution. On pesticides and fertilizers, BRAZIL, the RUSSIAN FEDERATION, and ZAMBIA expressed reservations, with ARGENTINA and the US calling for deletion. On endocrine disrupting chemicals, ARGENTINA, the US, and the RUSSIAN FEDERATION expressed reservations. Regarding asbestos contamination, BRAZIL and ARGENTINA expressed reservations, with the RUSSIAN FEDERATION and US calling for deletion.

The group also considered the draft resolution by Switzerland on a **science-policy panel on chemicals, waste and pollution**. In the interest of initiating the process, SWITZERLAND proposed that UNEA “decides that a science-policy panel is required to support action on pollution and the sound management of chemicals and waste.” The US, supported by NORWAY, and BRAZIL, wanted to replace “is required” with “should be established.” CANADA, URUGUAY, and the EU preferred to retain the former.

Regarding a reference to the scope of the panel, Co-Facilitator Alkemade reminded participants of the suggested addition to the Annex by URUGUAY, which stated that the final name and scope of the panel would be discussed and decided in the OEWG. BRAZIL suggested that instead of referring to “pollution and sound management of chemicals and waste,” throughout the

resolution, this be replaced with “the scope.” Having not reached consensus, the Co-Facilitator decided to move discussions to the next draft resolution.

On the draft resolution on **sustainable nitrogen management**, submitted by Sri Lanka, delegates discussed the outstanding bracketed paragraphs, under the guidance of Co-Facilitator Mapopa Kaunda (Malawi). On the issue of whether to “continue to contribute to significantly reduce nitrogen waste,” following discussions between IRAN, the US, and SRI LANKA, delegates agreed to “accelerate actions to significantly reduce nitrogen waste.”

The EU proposed the addition of text to emphasize that food security is dependent upon the sustainable use of nutrients and decreasing nutrient waste. In a spirit of compromise, SRI LANKA suggested, and delegates agreed, to delete reference to “post-Covid recovery,” in exchange for retaining reference to “offering the potential to save billions of dollars annually.” With this, delegates finalized the draft resolution.

During the closing plenary, Co-Facilitator Alkemade reported on the completed resolution on sustainable nitrogen management. The OECPR forwarded it to UNEA for adoption.

Alkemade noted that the group had made significant progress on the resolutions related to the sound management of chemicals and waste, and on a science-policy panel on chemicals, waste and pollution, but would need more time to address outstanding issues. CPR Chair Luísa Frago (Portugal) suggested that further informal discussions over the weekend to finalize the texts.

## Working Group 2

**Cluster 2: On sustainable lake management**, delegates undertook a second reading of the draft text and were able to make progress. Discussions continued informally during the day to finalize the text.

On **animal welfare**, BRAZIL reiterated reservations over ambiguity relating to the species envisaged by the resolution, as well as the relationship between wildlife and food security, preferring to delete language on this. The UK, with the EU, called for referencing the one health approach, which was opposed by BRAZIL.

Responding to an objection from BRAZIL, but supported by the US, CANADA, SOUTH AFRICA and the UK, ETHIOPIA clarified that the objective of the resolution is to request the Executive Director to prepare a nexus report between animal welfare, the environment and sustainable development. BRAZIL, the US, and ARGENTINA expressed reservations with language requesting the Executive Director to encourage UNEP’s contribution to the extended Tripartite Alliance and bring on UNEP as an equal partner. UNEP provided an update on the status of UNEP joining the Tripartite Alliance (FAO, OIE, WHO), explaining that UNEP is a full member of the One Health High Level Expert Panel, which focuses on zoonotic disease and pandemic prevention, but is only in an advisory role. After further discussions, the group finalized the draft resolution.

During closing plenary, Co-Facilitator Zupanjevac reported that the group had completed discussions on the draft resolution on animal welfare-environment-sustainable development nexus, and were close to completing the resolution on sustainable lake management. He noted good will to continue discussions on the NBS resolution but that more work was required on the resolution on biodiversity and health.

**Cluster 4:** Cluster four met under the guidance of Co-Facilitator Ana Elena Campos Jiménez (Costa Rica) to iron out differences on the draft resolution on **sustainable and resilient infrastructure**.

Debates on whether to refer to “sustainable,” or “green and blue” infrastructure resurfaced, with MONGOLIA clarifying that the original reference to “natural infrastructure” was a broader definition.

CHINA differed with EGYPT on references to “cross-border” in the resolution, preferring focus on national contexts due to the complexities of involving several jurisdictional entities in issues such as impact from infrastructure projects. ETHIOPIA cautioned against text likely to hinder the much-needed infrastructure in developing countries.

Delegates agreed to delete references to addressing “planetary crisis,” suggesting, “interconnected crisis,” (the UK) or “environmental crisis” (BRAZIL and EGYPT).

On aligning infrastructure planning and investment with agenda 2030, and other international agreements, ARGENTINA suggested referring to multilateral environmental agreements (MEAs) and frameworks without including a list, as this would not be conclusive.

On integrating and operationalizing the Ten International Good Practice Principles for Sustainable Infrastructure into national policies, delegates agreed to include the use of “available sustainable infrastructure tools.”

ARGENTINA proposed merging sub-operational paragraphs on sustainable infrastructure and health infrastructure. The EU opposed, noting that the former addresses delivering essential services towards sustainable development, while the latter concerns improved resilience and resource efficiency with environmentally sound management of medical waste. Delegates agreed to maintain these as separate paragraphs.

Delegates also considered a revised draft text on **mineral resource governance**. SOUTH AFRICA requested time to consult with capital on various aspects. The EU sought clarification on the context of “just transition,” and proposed language on “accelerating the alignment of mining practices and investments in line with the 2030 Agenda for Sustainable Development, opposed by the US and CHILE. ALGERIA questioned the appropriateness of the wording “urgently” and “accelerate,” and expressed challenges, in the absence of a collective understanding on the envisaged intergovernmental working group, for analysing the environmental impacts of mining mineral resources.

During the closing plenary, Co-Facilitator Firas Khouri (Jordan) reported that the group needed more time to consider the four

resolutions. He further noted that the draft resolution on mineral resource governance had been renamed the “environmental approach to minerals and metals management.”

**Cluster 5:** Co-Facilitator Marek Rohr-Garztecki (Poland) reopened deliberations on **compliance of equitable geographical representation and balance in the secretariat of UNEP**. The RUSSIAN FEDERATION announced that Pakistan has been added as a co-sponsor of the resolution.

Delegates discussed two alternative titles for the draft resolution: “due regard for the importance of recruiting staff on as wide a geographical basis as possible” proposed by the UK and US; and “due regard to the principle of equitable geographical distribution, in accordance with paragraph 3 of Article 101 of the Charter of the UN.” The RUSSIAN FEDERATION confirmed they would be willing to negotiate based on the EU option, but requested that this discussion be taken up after consensus has been reached on the content.

On preambular text regarding securing the highest standards of efficiency, competence and integrity, and due regard to geographic distribution, delegates debated the EU, US, UK, and SWITZERLAND’s request to add gender parity. ALGERIA, tUK, and SWITZERLAND provided text emphasizing no restrictions to eligibility to participate in any capacity and under condition of equality in the principle and subsidiary organs of the UN.

Delegates agreed to text recognizing that UNEP is a subsidiary of the General Assembly and actions must respect prerogatives of the Fifth Committee.

During the closing plenary, Facilitator Rohr-Garztecki reported that the group had completed discussions on the future of the Global Environment Outlook (GEO). He highlighted that the draft resolution on the date and venue for UNEA-6 had a few outstanding issues. He noted that the draft resolution on compliance of equitable geographical representation and balance in the secretariat of UNEP had been bracketed in its entirety.

In plenary, UKRAINE expressed their strong opposition to the resolution, noting that discussions showed there was no consensus on the content. He said that the Russian Federation’s invasion of Ukraine poses a direct threat to the health of people and the environment across the world, questioning the Federation’s participation in OECPD discussions. In response, the RUSSIAN FEDERATION said that UNEP is not the right place to discuss issues of bilateral concern. He said that the draft resolution had good consensual potential, highlighting the importance of addressing the issue of geographic representation in order to ensure implementation of the SDGs.

The EU said that the draft presented misleading concepts and ideas to undermine UN entities and, supported by the UK, added that the resolution should be dealt with by the Fifth Committee of the UN General Assembly. The US said that the text undermines UNEP’s hiring practices, adding that recruitment complaints should be handled on a country-by-country basis. In response, the RUSSIAN FEDERATION said that the working group had worked in a congenial spirit to build consensus on the draft. He

expressed willingness to withdraw sponsorship from the draft in order for discussions on the important issues raised in the resolution to continue.

### **Plenary**

**Update on the preparations and outcome of the special session of the Environment Assembly to commemorate UNEP@50:** During the closing plenary, Co-Facilitator Ado Lohmus (Estonia) requested more time for further informal consultations on the declaration to agree on contentious issues within the text. CPR Chair Fragoso invited interested delegations to continue informal deliberations on the draft over the weekend.

**Preparation of decisions and outcomes of UNEA-5.2:** Lauding delegates for their efforts during the week, UNEA President Espen Barth Eide (Norway) underlined that in these times of political turmoil, UNEA has a responsibility to deliver on multilateral diplomacy. He welcomed the work done informally on UNEA's draft declaration, noting that the text represented a balance of views and could be forwarded to UNEA for adoption. CPR Chair Fragoso then proposed, and delegates agreed, to forward the political declaration to UNEA for adoption.

CPR Chair Fragoso proposed, and delegates agreed, to forward three draft resolutions to UNEA for adoption, including those on: sustainable management of nitrogen; the future of the Global Environment Outlook (GEO); and animal welfare-environment-sustainable development nexus. She also proposed, and delegates agreed, to forward resolutions to UNEA for further consideration, including those on: an international legally binding instrument on plastic pollution; sustainable lake management; nature-based solutions for supporting sustainable development; biodiversity and health; sound management of chemicals and waste; a science policy panel on chemicals, waste and pollution; sustainable and resilient infrastructure; green recovery; circular economy; environmental approach to minerals and metals management; compliance of equitable geographical representation and balance in the secretariat of UNEP; and date and venue for UNEA-6.

**Adoption of the Meeting Report:** Delegates were informed that the meeting report would be updated to reflect the decisions. SINGAPORE requested for their opening plenary remarks to be reflected in the report.

**Closure of the Meeting:** The EU, US, UK, CANADA, JAPAN, and NEW ZEALAND condemned the RUSSIAN FEDERATION's unprovoked and unjustified military invasion of Ukraine, terming this as a violation of international law and the UN Charter.

A representative for the MAJOR GROUPS AND STAKEHOLDERS welcomed progress on the resolution to establish an INC, as well as the recommendation to develop a nexus report in the animal welfare resolution. On nature-based solutions, she expressed concern that the latest draft could undermine the work of the Convention on Biological Diversity (CBD) on ecosystem-based approaches. She highlighted the goal of halving nitrogen waste by 2030 as a "missed opportunity"

with the new text signifying a water down of ambition. She looked forward to the establishment of a science-policy panel on chemicals and wastes and expressed disappointment with the lack of support for the resolution on mineral resource governance. She finally called for commemorating more than 100 environmental defenders killed in the past ten years.

Acknowledging the complexity of the decisions, UNEP Executive Director Inger Andersen expressed thanks to the Co-Facilitators, colleagues at the UN Office at Nairobi (UNON) and others for their hard work. Reflecting on a "rich and intense meeting," CPR Chair Fragoso, expressed thanks for the hard work, commitment and dedication to prepare for a successful resumed session of UNEA." She closed the meeting at 11:44 pm.

### ***In the Breezeways***

As the curtain falls on the precursor to probably the most anticipated UNEA session to date, delegates will not have much of a respite, given that informal consultations are set to continue well into the weekend. After all the late-night jockeying, positioning and bargaining, only three out of the original sixteen resolutions were finalized ahead of UNEA 5.2. "This isn't how I wanted this week to end," opined one delegate, "there's still so much work outstanding: the INC for plastics is still up in the air and we haven't resolved the science policy panel for chemicals and waste." Another observer remarked, "How do we expect UNEP to play a leading role in battling some of the greatest scourges of modern times, if we're still far apart at this point."

Another delegate also aired his sentiments at the close of plenary, "this is the time to propel UNEP forward, but instead we have to continue working on watered down resolutions on Biodiversity and Health and Mineral Resource Governance, where is the vision?" "We could also have gone so much further with nitrogen waste," lamented another "it's done, yes, but we only agreed to "significantly reduce" rather than "halve." Against the backdrop of ongoing events in Ukraine, the resolution on equitable geographical representation and balance in the secretariat of UNEP, sponsored by the Russian Federation, appeared to have been held hostage. "Not sure if we'll ever get anywhere with this one now," sighed a weary delegate, heading back to her hotel.

UNEA 5.2 will comprise a two-day special session commemorating UNEP's 50th anniversary. This means that the negotiations will be truncated to accommodate the event, hence the scramble to complete outstanding work over the weekend. The UNEP@50 ministerial draft declaration, champions the occasion as "as a historic opportunity to reflect on the past, present and future contribution of UNEP as the leading global environmental authority that sets the global environmental agenda...and serves as an authoritative advocate for the global environment..." The glaring spotlight will be on the main event: UNEA 5.2. No doubt, questions will continue to reverberate there, in terms of what the world wants from UNEP five, ten or even 50 years from now. The stage is set; all eyes are on the players.