

OECP-6 Highlights:

Wednesday, 21 February 2024

On Wednesday, the sixth session of the Open-ended Committee of Permanent Representatives (OECP-6) started with a stocktaking plenary to review progress made in the Working Groups (WGs). Overall, Co-Facilitators were pleased with the advancements on draft resolutions, but there was nevertheless a tone of exasperation in interventions made about the high concentration of work under the clusters making the pace too slow for the given timeframe. Further complexities have arisen due to limited delegation capacities of developing countries and overlapping thematic discussions in parallel WGs, making scheduling quite challenging for the Secretariat. This culminated in significant pushback against adding a belatedly introduced resolution to an already hefty workload, forcing work to be resumed in the WGs until the late hours of the night.

Plenary

Ambassador Firas Khouri (Jordan), Chair of the Committee of Permanent Representatives, opened the resumed plenary and presented the organization of work for parties to consider. A number of parties expressed support for the proposed way forward for the working groups to review operational paragraphs and commencement of informal meetings. However, a number of countries strongly requested the Chair to allocate more time for negotiation of the Ministerial Declaration, which they felt, based on its current draft, demands more discussion if it is to be signed by their respective Ministers. The Chair responded by agreeing to extend the time for discussion of the Ministerial Declaration.

Palestine, on behalf of the ASIA PACIFIC GROUP, drew attention to the fact that many delegations are limited in human resources so to ensure parity in country representation in the working groups, suggested that the Chair propose an end time for each working group at the beginning of each day in plenary.

Chair Khouri invited Bolivia to formally introduce the resolution Living Well in balance and harmony with Mother Earth and Mother Earth Centric Actions (L.23).

BOLIVIA stressed that it is critical for UNEA to build on different ontological and epistemological approaches to better the relationship between humans and the environment, and that the proposal provides a counterbalance to the current dominant anthropocentric approach. He noted that language related to Living Well and Mother Earth was already introduced and reflected in documents of international fora, including UNEA decision 1/10 and in the Intergovernmental Science-Policy Platform on Biodiversity and Ecosystem Services (IPBES) methodology. He stressed the important role this resolution would play in empowering Indigenous knowledge systems, non-market centered approaches and nature-based solutions. Chair Khouri suggested the resolution is considered under Cluster B.

CANADA responded that while the resolution covers important issues like Indigenous knowledge systems and prior informed

consent of Indigenous Peoples, it contains several new concepts and it was introduced too late for constructive engagement on such novel approaches. Noting the heavy workload of Cluster B, he suggested Bolivia table this at UNEA-7.

The UK suggested a lack of multicultural approaches in the text which are crucial for UNEA. He stressed that the UK cannot accept the concept of nature rights as nature cannot have legal personhood under UK's national legal system, and asked that the resolution is deferred to after the 2028 release of the IPBES 2nd Global Assessment Report, which will have a chapter on Living Well.

The US recognized the importance of the issue but asked the resolution to be deferred until after the IPBES Report, and if introduced at UNEA-7, it is submitted early to allow for sufficient review.

The EU pointed out that there is no technical note available, and without it negotiations are deemed impossible. She also suggested that this resolution is re-submitted for consideration at UNEA-7.

Chair Khouri responded that the Secretariat cannot provide a technical note now due to time constraints and said he will consult with Bureau on a way forward. He then invited Co-facilitators to provide updates on progress in their respective clusters.

On Cluster A, Co-Facilitators Yume Yorita (Japan) and Nana Ama Owusua Afriyie Kankam (Ghana) reported that the 4 resolutions preambles were discussed line by line except for the solar radiation modification (SRM) where discussion remains on the level of general support or opposition.

On Cluster B, Gudi Alkemade (Netherlands) reported that resolutions on cascade systems and water policies have been merged, and that progress has been made on the first few preambular paragraphs of the resolutions.

Cluster C Co-Facilitators Karin Snellman (Sweden) and Alejandro Montero (Chile) noted that there has been substantive progress, since the resolution on regional forums (L.8) was reviewed in full, and for the resolution on increased cooperation (L.7), parties completed review of all preambular paragraphs. They reported informal informals to take place to determine a way forward regarding climate justice.

Cluster D Co-Facilitator Felista Rugambwa (Tanzania) reported that the group convened the first time on Tuesday working until 11:35 p.m., initiating work on 4 out of 5 draft resolutions assigned to it, only completing a review of all preambular paragraphs in the one on sustainable lifestyles (L.11). Co-Facilitator Robert Bunbury (Canada) said they will start working on the draft resolution on the low-carbon sugar cane agroindustry (L.21) at the next session, and predicted late night negotiations due to the slow progress and urged focusing on operative paragraphs.

Cluster E Co-Facilitator Tobias Ogweno (Kenya) reported that the group convened twice and would at least need one more session. Regarding the draft resolution on the amendments to the instrument for the establishment of the restructured Global

Environment Facility (GEF) (L.22) he said they had reached consensus on most operative paragraphs. On the draft decision on management of trust funds and earmarked contributions (L.1) they required additional information to conclude discussions. On the draft decision on Dates and provisional Agenda for UNEA-7 and OECPR-7 (L.2) he said consensus was starting to build around a date in late 2025.

CPR Chair Khouri opened the floor for comments. There were a number of interventions requesting the Chair to organize the cluster discussions in a manner that did not compromise participation of experts due to parallel thematic sessions.

Working Group I

Cluster A: In the morning, delegates started discussing operative paragraphs of resolutions on sand and dust storms and highly hazardous pesticides (HHPs), with discussions on other resolutions in this cluster continuing in the evening until midnight.

On sand and dust storms (L.13), the main issue of divergence was language on gender: some parties wanted to include multiple references to women and gender-based approaches, while others strongly opposed that. Additionally, parties had varying views on the aspects of cooperation among Member States, specifically on establishing regional centers and a regional fund for Africa and Asia. Many had reservations and sought clarification, while others suggested to add more specifics like stating that regional centers are to be financed through GEF and UNFCCC trust funds, and that the regional fund would be subject to voluntary contributions and would not prejudice other regions to be included at a later stage. There was also a suggestion to build capacity on early-warning systems. Many parties asked for clarification on the consideration to develop a new international legal instrument on the matter.

On HHPs (L.9), parties debated language on vulnerable communities: while many suggested including such reference and a list of vulnerable groups, aligning the resolution with the Fifth International Conference on Chemicals Management (ICCM5), others expressed preference for a more generic “people and environment.” Parties also debated whether to manage or eliminate risks from HHPs and to introduce a ban on export of HHPs. Major groups supported eliminating risks and called for ban on exports, citing double standards of some countries that banned national use but continue export of HHPs.

Cluster B: Delegates debated two resolutions: nature-based solutions (NBS) and water policies.

On the NBS resolution (L.10), debates centered around the proposal to establish an *ad hoc* open-ended working group (OEWG) to work on criteria, norms, standards, and guidelines for implementation of NBS. Overarching deliberations were on whether an OEWG is an appropriate way to address concerns regarding details of NBS implementation, with alternative proposals being a technical expert group, workshop, or UNEP taking on the task. A few parties questioned if there is even a need for such work, as they deemed UNEA 5/5 resolution on NBS suffice with specifics of implementation determined at the national level. Major groups stressed that NBS are currently open to interpretation and are subject to misuse and called for a working group to include an expert nominated by major groups.

On the water policy resolution (L.24), some concern was expressed that language in certain operative paragraphs was becoming too broad. Delegates consequently introduced multiple changes to the text.

Working Group II

Cluster C: The cluster was co-facilitated by Karin Snellman (Sweden) and Alejandro Montero (Chile). Co-Facilitator Snellman welcomed delegates’ comments on operative paragraphs of the

revised draft resolution on fostering national action to address global environmental challenges through increased cooperation between UNEA, UNEP, and multilateral environmental agreements (MEAs) (L.7).

The first operative paragraph contains a request to UNEP Executive Director.

On the request for an analysis on the level of coherence between decisions and resolutions adopted at UNEA and those of the governing bodies of selected MEAs, several countries asked for deletion of this paragraph in its entirety, since MEAs function with autonomy from UNEA and their mandate is driven by Member States.

Regarding a request to strengthen cooperation between UNEP and UN Country Teams, several delegations asked to clarify that any related initiatives should be Member State driven and in line with national circumstances and priorities.

Some delegations asked to delete language on support to Member States and other MEA Secretariats in enhancing synergies, especially for reporting, but the proponent stressed that this provision is important to lessen reporting burdens.

The request on mobilization of resources prompted a debate whether to list who they should be addressed to, namely Member States or developed countries; donors and others; with one delegation suggesting to mobilize resources from all sources.

Cluster D: Co-Facilitator Robert Burnbury opened discussion on the draft resolution on circularity of a resilient, low-carbon sugar cane argo-industry (L.21). In an effort to streamline review of text, he suggested that the proponents of this resolution explain recent changes to text in the preambular paragraphs. Some delegations expressed concern that this resolution is very narrow in scope and therefore acceptance of this type of specificity in issue may set a precedent at UNEA which many parties wish to avoid. Several parties could not accept language on water and food safety that is not multilaterally agreed upon while disagreement persisted between the level of ambition delegations wished to see reflected in the text.

Delegates then considered the revised draft resolution on circular economies (L.19) focusing on the operative paragraphs. Issues regarding whether to refer to circular economies or circular approaches resurfaced. Some delegates asked to delete references to decoupling economic growth from environmental degradation and primary resource consumption, while others urged to retain the language noting that it had been agreed at UNEA-4.

In the Breezeways

In the mid-week point of OECPR-6, a tone of exasperation emerged when plenary resumed in the morning after a one-day break to allow sole focus on the working groups. In fora such as this, one will often hear in moments of tension that ‘nothing is agreed upon until everything is agreed upon.’ This commitment to consensus-building across countries and regions has been the hallmark of the UN. Conversely, the oftentimes bemoaned bureaucratic rules of procedure have been seen less as a virtue like the latter and more of a vice. In plenary, as interventions noted with marked frustration that a draft resolution did not respect timeframes for sufficient review and consideration of balancing workload, one could not help but reflect on the merit of gatekeeping by continually ensuring the rules of procedure are upheld before frustration takes hold. Whether the fact that resolutions prompting significant challenges are authored by proponents who are participating virtually also merits some reflection. In the race to keep up with the times, the reality of hybrid participation is frequently promoted, but today’s plenary gave pause that maybe the old rulebook shouldn’t be discarded just yet.