

**OECPR-5.2 Highlights:
Monday, 21 February 2022**

On Monday, 21 February 2022, the resumed fifth session of the Open-ended Committee of Permanent Representatives (OECPR-5.2) opened in Nairobi, Kenya. Delegates made general statements and discussed organizational matters before breaking into two parallel informal working groups. Working Group 1 (WG1) began discussions on plastic pollution related draft resolutions. Working Group 2 (WG2) focused on the future of the Global Environment Outlook and on equitable geographic distribution in the composition of the UNEP Secretariat. In the evening, delegates also met to discuss the UNEA ministerial declaration.

Plenary

Opening: CPR Chair Luísa Fragoso, Ambassador and Permanent Representative of Portugal, opened the meeting, lauding delegates for their willingness to engage in a hybrid meeting that would tackle substantive issues.

UNEP Executive Director Inger Andersen called for solidarity in delivering solutions to address the triple planetary crisis of climate, nature, and pollution. She urged focus on ambitious outcomes that zero in on urgent and priority issues, adding that when it comes to resolutions, “more is not necessarily better.” She emphasized that a global treaty on plastic pollution from UNEA-5.2 is likely to be the most significant global environment agreement since the Paris Agreement of 2015. On resource mobilization she called on member states to support the UNEP PoW and budget.

Organizational matters: Chair Fragoso introduced the meeting’s agenda (UNEP/OECPR.5/1) and delegates adopted it without comment. Delegates agreed to defer the adoption of the minutes of the 157th CPR meeting to the next meeting of the CPR.

Chair Fragoso introduced the Organization of Work (UNEP/OECPR.5/1), including the establishment of two working groups to negotiate draft resolutions and decisions, grouped in five clusters. After a brief discussion, delegates approved the Organization of Work.

General statements: The EU stressed that current projections of plastic pollution shows that voluntary initiatives are insufficient and urged states to support a legally binding instrument (LBI) addressing the entire lifecycle of plastics and adopt a circular economy approach. She also underlined the need to “listen to the science,” upscale implementation, and enhance funding for nature-based solutions.

Chile, on behalf of the Group of Latin America and Caribbean Countries (GRULAC), highlighted that UNEA 5.2 resolutions will set the stage for the Assembly to remain a crucial platform for addressing the environmental crises. She highlighted plastics

pollution as a key priority for the region, stressing the need for global cooperation.

Colombia, on behalf of the G-77 and China (G-77/CHINA), welcomed efforts to address plastic pollution, and reaffirmed the principle of common but differentiated responsibilities as enshrined in the Rio Declaration, highlighting the need to take into considering different national circumstances.

South Sudan, on behalf of the AFRICAN GROUP, noted that outcomes of UNEA 5.2 must recognize that countries are at different starting points in the realization of global goals.

SINGAPORE stated that the report, “Sand and Sustainability: Finding New Solutions for Environmental Governance of Global Sand Resources,” cited in the draft resolution on mineral resource governance does not reflect the country in a fair and constructive manner, adding that his country does not condone the illegal trade and obstruction of sand.

KENYA called for: a political declaration to tackle the triple planetary crises; a LBI on plastic pollution, recognizing its transboundary nature; and for strengthening UNEP in Nairobi as the leading global authority on the environment.

EGYPT called for a political declaration with ambitious yet realistic messages, including a reference to a conference on the Midterm Comprehensive Review of Implementation of the Objectives of the International Decade for Action, to be convened in 2023.

NORWAY anticipated a LBI on plastic pollution, and called for demonstrating the instrumental role of a strengthened UNEP for ensuring multilateral cooperation.

INDONESIA highlighted the draft resolution on sustainable lake management, which could serve as an avenue to secure a better future for lake ecosystems.

JAPAN and BRAZIL supported the establishment of an intergovernmental negotiating committee (INC) towards a LBI on marine plastic pollution. On nature-based solutions, BRAZIL expressed concern that the draft resolutions pre-empt discussion that should take place under relevant MEAs, particularly the Rio Conventions.

Recalling the Youth Assembly’s call to states to address environmental concerns with a sense of urgency, MALAWI highlighted the importance of adequate means of implementation for decisions agreed upon. YEMEN prioritized a LBI on marine pollution, noting the need to take into account developing country circumstances.

Calling on delegates to borrow from the spirit of the just concluded Winter Olympics and “present the best of ourselves” at this meeting, CHINA highlighted national efforts to enhance environmental protection, including through hosting the fifteen Conference of the Parties to the Convention on Biological Diversity and in protecting the ocean.

PERU drew attention to her country's joint draft resolution with Rwanda on establishing an INC to negotiate an LBI on plastic pollution, noting it should address the entire lifecycle of plastic and promote a circular economy.

Speaking for MAJOR GROUPS AND STAKEHOLDERS, the Women's Major Group, outlined, among others, the need: to shift from economic expansion to restorative actions; for an LBI on plastic pollution; and to support rights-based conservation as well as cut carbon emissions. The CHILDREN AND YOUTH MAJOR GROUP supported, *inter alia*: discussions on strengthening UNEP, environmental law and youth participation in decision making, and a LBI on plastic pollution.

Budget and Programme Performance: Sonja Leighton-Kone, Acting UNEP Deputy Executive Director, introduced three budget reports:

- Nature at the Heart of Sustainable Development, with sub-themes for action on: nature for human and ecosystem health; nature for jobs, poverty eradication and economic prosperity; nature for climate; and nature for sustainable food systems.
- An update on the progress of implementation on the principle of equitable geographical distribution in UNEP's recruitment strategy; and
- Options for the future of the Global Environment Outlooks (GEO), including on: the type of governance structure or body to oversee future GEOs; the type of assessments future GEOs prioritize; and future financing and resourcing for the Outlooks.

Update on the preparations and outcome of the special session commemorating UNEP@50: On the consultations on the political declaration, Chair Fragoso proposed, and delegates agreed, that the co-facilitators Ado Lohmus, Estonia, and Saqlain Syedah, Pakistan, conduct informal consultations. Lohmus and Syedah both noted the need to "smooth out the creases" to reach consensus. ALGERIA noted that the provisional agenda had been agreed, expressing hope that the meeting would be successful despite the challenging situation presented by the COVID-19 pandemic.

Administrative and budgetary issues: Chair Fragoso noted that this item had been addressed at UNEA-5.1.

Preparation of decisions and outcomes for UNEA 5.2: Chair Fragoso said that the OECPR would consider 16 resolutions and one draft resolution. She then established two working groups to negotiate the draft resolutions cluster by cluster, adjourning plenary until Wednesday.

Working Group 1

Cluster 1: This cluster was co-facilitated by Dampthey Bediako Asare (Ghana) and Robert Bunbury (Canada). Delegates considered the Co-Facilitators draft resolution on an international LBI on [marine] plastic pollution, which reflected the merging of the draft resolutions submitted by Peru and Rwanda, and Japan, which had both been considered during the intersessional period.

The group discussed the scope of the proposed instrument, unable to converge on: whether a future instrument would be legally binding, voluntary or both; whether the instrument would address marine plastic pollution or plastic pollution more generally; and whether it would include marine litter. There was also no convergence on the timeframe for the INC, with debate around whether the INC could feasibly conclude before UNEA-6.

Regarding the draft resolution by India on single-use plastics pollution, one delegation noted that the draft falls short of addressing the overall problem of plastics pollution. Highlighting that the *Ad Hoc* Expert Group on marine litter and microplastics had stressed that voluntary commitments were not sufficient to

solve the issue, he emphasized the importance of the discussions on a LBI. Another said that they were not in favor of establishing another framework for voluntary action. India preferred retaining the draft as a stand-alone text. He noted that the draft resolution highlights and is based upon the collective consciousness and willingness of states to urgently address the issue.

Working Group 2

Cluster 5: This cluster was facilitated by Marek Rohr-Garztecki (Poland), and Saqlain Syedah (Pakistan). Regarding the draft resolution on the future of GEOs, delegates agreed, among others, to text recognizing the establishment of Steering Committee on the topic. One delegation expressed reservations on text recognizing the role of relevant and legitimate expert-led dialogues to support decision making to achieve transformation to sustainable future consistent with towards Agenda 2030 and SDGs. On the GEO process and flagship reports, some requested three parts: with one on the GEO's role; a second on contributions of experts worldwide to the reports; and a third on outcomes of consultations expressing strong support for continuation of the GEO process.

On the core function of the future GEO process, a few proposed deleting language on supplementing intergovernmental and expert-led assessments, where needed, with other relevant international assessments. There were differing opinions on whether to keep reference to a synthesis of global assessments as part of the process. Other delegations supported language on the outputs of the GEO process being based on transparent and inclusive clearance and scoping procedure through an intergovernmental review process.

Delegates agreed that the GEO will require core funding for its process and core functions, noting that extrabudgetary fund mobilization cannot be discussed before establishing the other functions and activities.

On a draft resolution on compliance with the principle of equitable geographic distribution in the composition of the UNEP Secretariat, one delegation proposed rephrasing the title to reflect the importance of "recruiting staff on as wide geographic basis as possible." On language recalling article 101 of the UN charter, on the necessity of ensuring the highest standards of efficiency, one delegation proposed deletion of reference to "the necessity of ensuring highest standards of efficiency, competence and integrity and due regard to equitable distribution...." Discussions will continue on Tuesday.

In the breezeways

As delegates convened in Nairobi for Day 1 of OECPR-5.2, they were greeted at the entrance by an arresting sculpture fashioned from single use plastic bottles, setting the tone for the deliberations. UNEP Executive Director Inger Andersen laid down the gauntlet, when she opined that "a treaty on plastic pollution will be the most important instrument since the Paris Agreement." After months of working virtually, many of those attending the meeting in-person were excited to be able to share their views at long last "in the breezeways" and perhaps make progress on this issue. But fundamental sticking points persist, even after almost four years of talks on marine litter and microplastics. Will the instrument be legally binding, or not? Will it cover the full lifecycle of plastics or will it be limited to addressing marine plastic pollution? With technological glitches ending their first three-hour session prematurely, delegates left the Working Group still carrying the weight of a plastics pollution fueled dystopia on their shoulders, without a clear path forward in both procedural and substantive terms. "But it is early days yet," as one seasoned veteran reflected with optimistic caution.