

**OECPR-5.2 Highlights:
Wednesday, 23 February 2022**

On Wednesday, 23 February 2022, delegates attending the resumed fifth session of the Open-ended Committee of Permanent Representatives (OECPR-5.2) found themselves rushing from room-to-room to keep up with multiple discussion streams. They met in plenary, in two working groups, and in several informal-informal groups to make progress on draft resolutions related to plastic pollution, procedural issues, green recovery and circular economy, nature-based solutions (NBS), and chemicals.

Plenary

Stocktaking: CPR Chair Luísa Fragoso acknowledged the need for night sessions to complete outstanding work. Executive Director Inger Andersen, UN Environment Programme (UNEP), urged delegates to make steady progress towards resolutions worth celebrating at UNEP@50. Several delegations registered their concerns regarding the multiple discussion streams running throughout the day and into the night. South Sudan, for the AFRICAN GROUP, and several others, called for limiting the number of parallel negotiations to enable effective participation of all delegations, both onsite and *via* the virtual platform.

Cluster 1 Co-Facilitator Dampthey Bediako Asare (Ghana) reported that the group had completed a first reading of the Co-Facilitators draft but had made limited progress on the draft by India. Cluster 2 Co-Facilitator Dragan Zupanjevac (Serbia) reported progress on three of four resolutions regarding sustainable lake management, animal welfare environment and sustainable development nexus, and on nature-based solutions. Cluster 3 Co-Facilitator Gudi Alkemade (the Netherlands) reported progress on: the draft related to a science-policy panel on chemical wastes and pollution; plans to hold an informal-informal session on sound management of chemicals and waste; and identification of issues for informal consultations on nitrogen management.

Cluster 4 Co-Facilitator Ana Elena Campos Jiménez (Costa Rica) reported progress from late night informal-informals on mineral resource governance and her intention to hold others on green recovery and circular economy. Cluster 5 Marek Rohr-Garztecki (Poland) reported a complete first reading of resolutions on equitable geographical representation and balance in the UNEP Secretariat, and future of the Global Environment Outlook (GEO).

Contributions to the HLPF: Chair Fragoso proposed, and delegates agreed, that inputs to the High-Level Political Forum (HLPF) will be collated for consideration at UNEA5.2.

Preparations for the UNEP@50 special session: Co-Facilitator Saqlain Syedah, Pakistan, reported progress on

informal negotiations on the political declaration, highlighting additional work to be conducted during the day.

Working Group 1

Cluster 1: Co-Facilitators Asare and Robert Bunbury (Canada) proposed considering a “basket of issues” emerging from the Co-Facilitators text, on: scope; concepts emerging from the second operational paragraph (OP2); financing; how to progress on the draft from India; and legal issues. They also asked delegates whether to proceed in sequence or in parallel sessions. Given the hybrid nature of the meeting, and the number of small delegations, many delegations expressed concern regarding effective participation.

Delegates then discussed the timeline for the intergovernmental negotiating committee (INC). The EU, with BRAZIL, CANADA, PERU, and RWANDA, proposed requesting the Executive Director to convene a preparatory meeting in the first half of 2022, and convene the INC in the second half of 2022.

The US, supported by ANTIGUA and BARBUDA, the EU, ZAMBIA, JAPAN, and NORWAY, among others, proposing a firm completion date of 2024. The US preferred not to tie the INC’s conclusion to UNEA-6. BRAZIL suggested that tying the deadline to UNEA-6 may be even more ambitious. CUBA preferred allowing the INC to set its own deadline, and only report its progress to UNEA-6. The RUSSIAN FEDERATION cautioned against setting unrealistic deadlines, stressing that treaty negotiations usually take longer than two years.

ARGENTINA requested clarification from the UNEP Legal Advisor on who the INC would report to at its conclusion, noting that the response to this may necessitate a more flexible deadline. The UNEP Legal Advisor noted that during negotiations leading to the Minamata Convention, the UNEP Governing Council (GC) tasked the Executive Director to report on the INC’s progress to the GC, explaining that there was no direct reporting line between the INC and the GC.

Delegates considered revised text on the establishment of the INC. The UNEP Legal Advisor noted that an explicit end-date of 2024 would not hinder the INC from continuing its work post-2024. BRAZIL, CHILE, SWITZERLAND, and others, while agreeing that the re-drafted paragraph was a good alternative, expressed the view that it still lacked elements on the proposed scope of the INC’s work.

After a lengthy discussion, delegates agreed to request the Executive Director to convene an INC during the second half of 2022 with the ambition of completing its work by the end of 2024.

On the location of the preparatory meeting of the INC, the RUSSIAN FEDERATION, with MEXICO, ALGERIA, COLOMBIA, ERITREA, COSTA RICA, INDONESIA, BRAZIL,

DJIBOUTI, VENEZUELA, SUDAN, SOUTH AFRICA, and CHILE, stressed that it should be held at UNEP Headquarters in Nairobi, as part of the bid to strengthen the role of UNEP as the only UN headquarters in the Global South. This was opposed by RWANDA, who opined that the meetings should not be bound to a particular location. CANADA and the US cautioned against tying the meeting to a specific location, with JAPAN, SWITZERLAND, and the REPUBLIC OF KOREA, noting that the venue is not usually included in INC mandates. ANTIGUA AND BARBUDA preferred holding the meeting at UN Headquarters in New York, where “all countries have diplomatic representation.”

Following advice from the UNEP Legal Advisor, delegates agreed to rename the preparatory meeting to an *ad-hoc* open-ended working group (OEWG). URUGUAY, supported by the RUSSIAN FEDERATION and the DEMOCRATIC REPUBLIC OF CONGO, proposed additional text requesting the Executive Director to ensure necessary support of the UNEP Secretariat to the INC. When cleaning up paragraphs, ANTIGUA AND BARBUDA, ICELAND, and the EU were concerned that text supporting civil society and major groups participation had been lost and suggested including it earlier in the text.

Working Group 2

Cluster 4: Co-Facilitators Jiménez and Firas Khouri (Jordan) resumed discussions on **sustainable and resilient infrastructure**. The EU proposed including reference to environmental assessments to support integration of environmental considerations into decision making. SWITZERLAND, supported by EGYPT and MONGOLIA preferred reference to Environmental Impact Assessments.

On prioritizing investment in natural infrastructure, the US suggested referring to green infrastructure. The EU and UK advocated for nature-based solutions. Several countries including ARGENTINA, BRAZIL, RUSSIAN FEDERATION, SOUTH AFRICA, IRAN and others held reservations until completion of discussions on NBS for sustainable development under cluster 2 of the working group.

Several delegates proposed alternatives to “climate proof” infrastructure, including: climate resilient infrastructure (EGYPT and SOUTH AFRICA), sustainable infrastructure (ARGENTINA and BRAZIL), and environmentally and socially sustainable infrastructure (UK).

Delegates continued consideration of the draft resolution on **mineral resource governance**. Views diverged on establishing an OEWG on mineral resource governance. SOUTH AFRICA, the RUSSIAN FEDERATION, and ALGERIA, opposed by the US, the EU, ZAMBIA, and SWITZERLAND, expressed reservations, questioning whether it is within UNEP’s mandate to prescribe policy options on minerals. They added that the concerns are too broad and complex to be addressed as environmental issues alone. Discussions will continue informally to find common ground.

Cluster 5: Co-Facilitator Marek Rohr-Garztecki (Poland) resumed discussions on a draft resolution on **compliance with the principle of equitable geographical distribution in the composition of the Secretariat of UNEP**.

SWITZERLAND proposed moving a reformulation on ensuring “gender balance” in addition to “geographical distribution” to a preambular paragraph. The EU suggested “as wide a geographical basis as possible while maintaining gender parity.” The RUSSIAN FEDERATION opposed linking gender with geographical distribution, maintaining that the two issues are distinct, inviting the EU and Switzerland to table a separate resolution on gender.

On language relating to the professional composition of the Secretariat, the EU, opposed by the RUSSIAN FEDERATION, BRAZIL and ALGERIA, called for avoiding the inference that UNEP is not implementing the relevant UN Charter articles on geographical balance, preferring “to recognize efforts towards geographical balance.”

Delegates considered language on ensuring that a single regional group of states does not occupy more than one third or 20% of all professional posts by 2025. Opposing this, the UK, supported by SWITZERLAND, said appointments should be made on merit. He proposed alternative language on “increasing the representation of unrepresented and underrepresented states and less represented regional groups as set out in Executive Director’s report...” Opposing this, the US, supported by JAPAN and SWITZERLAND, stated that hiring is on a country-by-country basis and has nothing to do with geographical or regional groups and so it was not appropriate for the CPR to set quotas or reinterpret the UN’s hiring principles. BRAZIL, supported by the RUSSIAN FEDERATION, and IRAN, maintained that introducing a specific target provides a way of monitoring efforts of the Secretariat to implement geographical distribution. The EU, opposed by the RUSSIAN FEDERATION, stated that the matter was within the competence of the General Assembly’s Fifth Committee and outside the purview of the meeting.

The EU, opposed by MALAWI, BRAZIL, SIERRA LEONE, the RUSSIAN FEDERATION, and SOUTH AFRICA, proposed a new paragraph encouraging states, in particular those under-represented among UNEP staff to promote relevant job openings in the UNEP with matching candidates...”

In the Breezeways

Wednesday is sometimes referred to as hump day, in an effort to liven up the drudgery of the workweek. Contrary to this, many delegates arrived in the morning tired but determined, having only put their heads down briefly after a long night of scrambling to get through first readings of the important resolutions before them. “Our text is still a collection of brackets at this point,” lamented one delegate, “but at least we are beginning to see the bigger picture.”

This bigger picture translates into finishing off all the required work in the last remaining days, recognizing that UNEA 5.2 is shaping up to deliver on a number of firsts: the first INC (on plastics) since Mercury; the first INC set up under UNEA; the first INC that deals with the circular economy as part of a legally binding instrument; and the first in-person multilateral process since the successful Glasgow Climate COP 26. Going even further, the envisaged panel on chemicals and wastes looks to fill the gap between science and policy and potentially allow UNEP to facilitate interlinkages between the IPCC, IPBES and the new panel, which potentially presents another first.

There is however, a price to be paid for this ambition. Long drawn out and, at a times, frenetic deliberations. Weary delegations, navigating the complexity of a hybrid negotiating process against the backdrop of a global pandemic. All this compounded by the inconvenience of submitting to a daily COVID-19 testing regime and mandatory mask wearing.

Additionally, many smaller delegations shared that they are “feeling thinly stretched,” as they continue to navigate a plethora of side meetings and informal-informals in addition to the scheduled sessions. “Our eyes are firmly on the prize,” shared one seasoned delegate. The hope is that the midweek madness will drive momentum in the right direction and propel sound concrete draft resolutions towards the finish line on Friday.