

**OECP-6 Highlights:**  
**Thursday, 22 February 2024**

On the fourth day of the Open-ended Committee of Permanent Representatives (OECP-6) delegates had at one point to contend with three parallel sessions, with most draft resolutions still containing a significant amount of bracketed text. The Secretariat consequently had to take up the difficult task of appeasing overtired delegates and come up with a miracle solution that will allow for a judicious organization of work while ensuring OECP-6's completion of work before the commencement of the sixth UN Environment Assembly (UNEA-6) next week.

**Working Group I**

**Cluster A:** Co-Facilitator Yume Yorita (Japan) welcomed delegates to the afternoon session dedicated to addressing the following resolutions: highly hazardous pesticides (HHPs) (L.9), solar radiation modification (SRM) (L.14), sound management of chemicals and waste (L.13). She explained that, in light of the many edits left to do in the resolutions, delegations with new text additions are welcome to submit revised text in a separate document in the portal for discussion on Friday morning. Some delegations responded with alarm wondering if the submission of new text the day before the end of OECP-6 is a prudent choice. However, the Secretariat and the Co-Facilitators explained that this group will consider the current text in parallel to any online submissions with a view to produce final language that is as measured as possible.

On HHPs, delegates debated the operative paragraph on participation in the Global Alliance on Highly Hazardous Pesticides, with some differing views on which aspects of the text of the Global Framework on Chemicals (GFC) to incorporate, in particular with regards to vulnerable groups. Some parties urged against deviating from the previously negotiated GFC text. Major Groups emphasized that the agricultural sector is the main source of employment for women in Africa and South-East Asia, exposing them to HHPs, and called for including GFC agreed language on vulnerable groups.

Delegates then proceeded to consider draft resolutions on SRM and sound management of chemicals and waste later into the day.

**Cluster B:** Co-facilitated by Rohit Vadhwana (India) and Gudi Alkemade (Netherlands), in the morning this group discussed resolutions on land degradation (L.6) and on ocean and seas governance (L.20). On land degradation, Co-Facilitator Alkemade suggested to proceed with general comments on the draft resolution centered around actors addressed in the text - Member States, UNEP, or non-state actors, as well as any specific concerns. The Co-Facilitators will then help streamline the text in the operative paragraphs, based on the comments, while the proponent will streamline preambular ones; parties welcomed this approach.

In the following discussion, a few topics of concern emerged: how to both effectively build on the cooperation among multilateral environmental agreements (MEAs) and at the same time respect mandates of separate conventions in relation to UNEP, especially when it comes to UN Convention on Combating Desertification (UNCCD) and other Rio Conventions; how to navigate issues that overlap with mandates of other international organizations – in particular the World Trade Organization (WTO), and the World Health Organization (WHO). Some parties insisted on redirecting public funds towards sustainable agriculture, which was concerning for others as agriculture subsidies are not in compliance with the WTO regulations. Others flagged international cooperation and capacity-building support as an important issue.

On the draft resolution on ocean and seas governance, parties also discussed the operative paragraphs. Following the suggested insertion of one party to add text related to the Sustainable Development Goals (SDGs) and international obligations, some questioned the relevance of the latter with the achievement of the SDGs.

Parties debated language on multiple other issues, including how to address the vulnerable situation of small island developing states (SIDS), on elimination of harmful subsidies, and on addressing ocean acidification. Views diverged on how best to capture climate change aspects of the resolution, as well as on the call for signing and ratification of the London Convention on the Prevention of Marine Pollution by Dumping of Wastes and Other Matter. Some parties voiced concern that global processes and forums are not always applicable depending on the location of the seas, and requested it be reflected in the text.

**Working Group II**

**Cluster C:** In the afternoon, Co-Facilitator Alejandro Montero (Chile) reported on the informal informals regarding the draft climate justice resolution (L.4), where the proponent had explained that the main objective of the resolution was to address the impacts of climate change on vulnerable countries without duplication of work. Others had raised concerns about: overlap with the UN Framework Convention on Climate Change (UNFCCC) mandate and work; lack of a definition of climate justice and of clarity throughout the draft resolution; and lack of detail about the composition and financing of the proposed new forum. The proponent in turn invited input and worked on wording to avoid duplication. In response to questions about how this work fits into UNEP's mandate to work on climate action, the Secretariat explained the scope of its work.

Noting the mandate to start negotiating the draft resolution, Co-Facilitator Montero opened discussions of the operative provision and its chapeau where requests to UNEP are articulated; and the following subparagraph invites Member States to take a collective

position and action towards innovative and transformative approaches that will contribute to building long-term resilience to climate change.

A number of delegates reserved their position asking for clarification of what is meant by: a collective position with some pointing to common but differentiated responsibilities instead; and transformative approaches, with one proposing to refer to innovation instead. Many welcomed an alternative formulation inviting Member States to contribute to the ongoing work undertaken under the UNFCCC related to the relevant environmental dimension of enhancing adaptive capacity and building resilience for developing countries, through the development of technical inputs to the global goal of adaptation through the UAE Belem work programme, where relevant and as applicable. Delegates continued to discuss this draft resolution and the one on synergistic approaches (L.12).

**Cluster D:** This group was co-facilitated by Felista Rugambwa (Tanzania) and Robert Bunburry (Canada). Co-Facilitator Rugambwa opened discussion on the armed conflicts draft resolution and invited delegates to review the operational paragraphs.

Regarding the first two operative paragraphs, a robust debate ensued about adding the word “international” before armed conflict as requested by one delegation; many parties maintained that this is not language recognized by the International Law Commission (ILC) and would further change the scope of armed conflict. Upon request by a party, a UNEP Legal representative confirmed that the understanding of ILC-accepted language is indeed correct. In the second operative paragraph, parties were similarly unable to come to an agreement regarding how to treat text reference to UN General Assembly resolution 77/104 on protection of the environment in relation to armed conflicts. Some cautioned that this resolution is not legally binding therefore UNEA would need to reference it accordingly. Without a clear path forward on how to proceed, the Co-Facilitator suggested the issues are parked for further discussion at a later point.

Regarding the operative paragraph encouraging Member States, one delegation proposed an alternative formulation to consider how MEAs within their respective mandates could address the environmental consequences of armed conflicts in fragile or conflict affected states. Many delegates expressed concern about the reference to “fragile” states and the proposal by another state to refer to “fragility” instead. Delegates sought clarification from the Secretariat if the UN has a definition of fragility and they confirmed that the UN did not. One delegation, supported by others, asked to include a reference to “people under domination or occupation,” that was opposed by a state asking to instead add a reference to terrorism, that was also opposed by others.

In response to a request to UNEP to prepare a report on common barriers to effective environmental assistance and recovery in relation to armed conflict, one delegation, supported by others, asked to add desk studies and environmental assessments to the list of barriers. Some asked for clarification about these elements and were told that such documents are often required by UNEP.

Discussion of draft resolutions under Cluster D continued with the draft resolution on the sugar cane agroindustry (L.21) followed by the draft resolution on environmental aspects of minerals and metals (L.15), and the one on the circular economy (L.12). Discussions ran late into the evening. A common thread across deliberations was whether to refer to the triple planetary challenge or environmental challenges, with many delegations indicating their previous positions and some urging that this issue be addressed in an overarching manner.

**Cluster E:** This cluster on draft resolutions and draft decisions relating to procedural, budgetary, and administrative matters is co-facilitated by Tobias Ogweno (Kenya) and Nader Al-Tarawneh (Jordan).

Regarding the draft decision on management of trust funds and earmarked contributions (L.1), the most controversial issue surrounded the establishment of new trust funds, especially a general trust fund for climate stability with no fixed expiry date. One delegation indicated that they were not sure they could support the establishment of such a trust fund, since it could lead to duplication and enquired about the procedure for establishment of a new trust fund. The Secretariat pointed to UNEA-5 resolution that refers to the climate fund; one delegation indicated that according to the rules set out, this still required approval by Member States.

A number of delegates requested further clarification about the governance and oversight of trust funds. The Secretariat indicated that the trust funds are set up so the UNEP Executive Director can receive voluntary contributions for specific issues and that more details are set out under the respective funding agreements with individual donors, suggesting that there are many additional controls beyond the establishment of the funds. In order to be able to complete the review of all the other provisions in the draft decision, the provision on establishment of new trust funds was bracketed, while all other provisions were agreed to in principle.

On GEF resolution (L.22), parties are aiming to decide on GEF as a financial mechanism for UN Biodiversity of Areas Beyond National Jurisdiction Treaty (BBNJ), with UNEP as an implementing agency. The central point of discussion was around the desire of some parties to include a reference to the impact of unilateral measures that prevent access to funds, which other parties opposed urging adoption of the short and concise resolution to allow swift operationalization of BBNJ financial mechanism.

On UNEA-7 agenda, date, and venue decision (L.2), the discussion centered around the date for the next Assembly: some parties want UNEA-7 to happen at the end of 2025 to better align with the UN cycle and more efficient budgeting, while others insisted on early 2026 to allow for a full two-year presidency cycle. Discussions on the exact dates were complicated by consideration of meeting dates under other UN processes, like climate COP30, as well as national and religious holidays. Discussions on the matter continued into the evening.

### *In the Breezeways*

As UNEP headquarters gets ready to accommodate many more delegates with the start of UNEA-6 on Monday, the positive presence of the Children and Youth Major Group was already noted at OECPR-6. Having made UNEA their home the previous weekend for the 2024 Global Youth Environment Assembly, many youth representatives put in the important work in the lead-up and carried this momentum into many of the substantive negotiations this week. Delivering eloquent but succinct interventions on the substance, Youth also put pressure on the Member States when it comes to procedural matters: as one seasoned negotiator noted, draft resolutions like the one on climate justice could have been sidelined with procedural motions had it not been for the strong support and accountability demanded by youth representatives, who ensured that it proceeded to substantive negotiations. The calls of the Children and Youth Major Group for inter-generational equity swept through the breezeways today alongside reminders that these are not “novel issues” but rather important principles deeply rooted in Indigenous and ancestral knowledge systems.