

OCPR-5.2 Highlights:
Tuesday, 22 February 2022

On Tuesday, 22 February 2022, the resumed fifth session of the Open-ended Committee of Permanent Representatives (OCPR-5.2) went into high negotiating gear. Delegates met throughout the day in parallel informal working groups.

Working Group 1

Cluster 1: This Cluster was co-facilitated by Damptey Badiako Asare, Ghana, and Robert Bunbury, Canada. Delegates continued discussions on the Co-Facilitators draft resolution on **an international legally binding instrument (LBI) on [marine] plastic pollution**. Delegates spent a significant amount of time discussing the scope of the proposed intergovernmental negotiating committee (INC). BRAZIL, supported by ARGENTINA, SRI LANKA and CUBA, proposed including reference to the Principles of the Rio Declaration. This was opposed by JAPAN, AUSTRALIA, ECUADOR, NORWAY, and others. CHILE, THAILAND, URUGUAY, COLOMBIA, and others supported an explicit reference to microplastics. This was opposed by BRAZIL, CUBA and the US, with ECUADOR suggesting a general reference to “all types of plastics.” ARGENTINA, BRAZIL, and the US called for deleting the reference to the circular economy, opposed by the EU who recalled ongoing discussions on this matter under UNEA.

THAILAND, supported by SINGAPORE, ECUADOR, AUSTRALIA, ICELAND, and others proposed text to ensure a broad and open scope for INC discussions.

The Group continued discussions late into the night to try and complete a first reading of the draft.

Delegates continued discussing **the framework for addressing plastic product pollution including single-use plastic product pollution**, by India. AUSTRALIA, with RWANDA, PERU, and others underlined that the most comprehensive way to address [marine] plastic pollution was through an LBI, underscoring, with THAILAND, that voluntary measures would not be enough. The EU, with AUSTRALIA and PERU, noted that certain elements of the draft resolution could be discussed as part of wider negotiations on an LBI. THAILAND, with PERU, CHILE, the RUSSIAN FEDERATION, and others requested India to merge their text with the Co-Facilitators’ draft, to address any voluntary approaches included under the LBI. JAPAN noted that certain elements of the resolution are already being addressed under the Global Platform on Marine Litter. The RUSSIAN FEDERATION noted that an INC will take time to negotiate an LBI, suggesting that elements of the Indian draft could be set in motion in parallel to the INC process.

Highlighting the global solidarity to address plastic pollution, INDIA described the difference between collective voluntary

action and voluntary actions by individual states. He stated that an LBI is not the only way to advance on this issue, underlining that progress will be delayed by lengthy treaty negotiations. Co-Facilitator Asare proposed informal consultations with India and other concerned delegations to resolve the impasse.

Cluster 3: This cluster was co-facilitated by Gudi Alkemade, the Netherlands, and Mapopa Kaunda, Malawi. Delegates first considered a draft resolution for a **science-policy panel to support action on chemicals, waste and pollution**, by Burkina Faso, Costa Rica, Ghana, Mali, Niger, Norway, Switzerland, UK, and Uruguay.

SWITZERLAND introduced the draft, explaining that this resolution is motivated by the need to, *inter alia*, engender cooperation with other environmental regimes which have established science-policies interfaces (SPIs), like the Intergovernmental Panel on Climate Change and the Intergovernmental Science-Policy Platform on Biodiversity and Ecosystem Services (IPBES). URUGUAY and COSTA RICA supported the draft, noting its links to the human right to a healthy environment.

THAILAND stressed that an SPI needs to be inclusive and not duplicate existing efforts. BRAZIL proposed language aligning the draft with the Rio+20 Outcome document, “The Future We Want.”

CHILE called for further consideration on how to overcome the challenges faced by other SPIs, including those related to finances, representation of developing country experts and voices, and harmonizing language to avoid contradictions.

The US called for separating pollution from issues under the chemicals and waste cluster of conventions, and prioritizing that the SPI’s scope address pollution more broadly. CHINA and ARGENTINA, among others, opposed an explicit reference to air pollution, suggesting instead “pollution caused by chemicals and waste.” Co-Facilitator Alkemade suggested that interested delegations meet informally to continue to progress on this draft.

The group then considered the draft resolution on the **sound management of chemicals and waste**, by Peru, Switzerland, and Thailand. SWITZERLAND introduced the draft omnibus resolution, highlighting the proposal to extend the mandate of the Special Programme on Chemicals and Waste, and called for further discussions on UNEP’s report on “Making Peace with Nature.” BRAZIL and the RUSSIAN FEDERATION proposed deleting reference to the report. The US strongly suggested only retaining parts of the text related to the Special Programme.

PESTICIDE ACTION NETWORK ASIA-PACIFIC underscored the urgency of addressing the use and impacts of highly hazardous pesticides. INTERNATIONAL COUNCIL OF CHEMICALS ASSOCIATIONS supported the extension of the Special Programme. Discussions will continue.

Working Group 2

Cluster 4: This cluster was co-facilitated by Frias Khouri, Jordan, and Ana Elena Campos Jiménez, Costa Rica. Delegates first considered a draft resolution on **sustainable and resilient infrastructure** by Mongolia. The Secretariat presented the resolution. BRAZIL, supported by SOUTH AFRICA, ARGENTINA, and the RUSSIAN FEDERATION, proposed bracketing all references to nature-based solutions to avoid preempting the outcome of ongoing negotiations under Cluster 2 (biodiversity and nature-based solutions). CANADA, the US and the EU preferred to maintain this reference. BRAZIL, SOUTH AFRICA and others expressed reservations with language on international cooperation to establish common frameworks and mechanisms for financing and implementing resilient infrastructure. ARGENTINA and the RUSSIAN FEDERATION proposed deleting text on operationalizing principles through the use and development of available sustainable infrastructure tools.

Delegates then tackled the **draft resolution on mineral resource governance** by Switzerland, Argentina, Democratic Republic of Congo, Ghana, and Senegal. SWITZERLAND introduced the resolution. SOUTH AFRICA, ALGERIA, and CHILE said the alignment of mining practices with sustainable development should be in the context of a just transition. CHINA proposed including reference to “building forward better” rather than “building back better” after the COVID-19 pandemic, saying the former takes into account a greener and circular recovery. The EU and UK supported retaining agreed language, “building back better and greener.”

On reducing impacts from mineral extraction, several delegations suggested edits including on impacts on water resources (UK), impacts from offsite processing (CHINA and the US), and impacts to human health (ZAMBIA).

Malawi then presented a **draft resolution on the Green Recovery** on behalf of the African group. ARGENTINA proposed bracketing reference to “green” in the title. BRAZIL preferred replacing “green” with “sustainable recovery” while the UK suggested “environmentally sustainable” in lieu of green.

Turning to operative paragraphs, BRAZIL expressed reservations with the use of the term “natural capital,” maintaining that it is not agreed language. He also proposed adding language on mobilizing adequate resources and the means of implementation for developing countries. The US and the EU opposed this maintaining that this resolution is applicable to all countries.

Finally, delegates discussed the draft resolution from Eritrea on behalf of the African Group on **circular economy**. ANGOLA introduced the resolution highlighting the call for rapid solutions, means of implementation, capacity building and technology transfer to address the full life cycle of waste.

BRAZIL proposed strategies and actions plans to promote more sustainable patterns of consumption and production.

The EU called for measures and tools for product design in favour of lifetime extent, repair, reuse and easy recycling, and to guide responsible consumer choices.

CHILDREN AND YOUTH MAJOR GROUP urged for lowering the levels of production and consumption, and an open exchange of knowledge practices. WOMENS’ MAJOR GROUP called for an equitable green recovery through reduced inequalities and catalysing of just transition in support of achieving the SDGs.

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

The EU suggested text welcoming the UNEP report to UNEA 5.2 pertaining to the application of the principle of equitable geographical distribution in its recruitment strategy. CHINA and BRAZIL called for citing UNEP’s recognition of challenges that have hindered progress due to absence of equitable representation.

SWITZERLAND, the EU, and US objected to singling out elements from the report. The UK and US, opposed by BRAZIL, CHINA and the RUSSIAN FEDERATION, proposed deleting language emphasizing the fundamental importance of compliance with the principle of equitable geographic distribution within UNEP to enhance *inter alia* global environmental multilateralism. The US and the UK proposed deletion of the wording “extremely concerned by the deep and persistent imbalance in the geographical distribution of the UNEP Secretariat.” CHINA, BRAZIL, and IRAN supported using “deeply concerned.” The EU then proposed an alternative formulation: “Welcoming the ongoing efforts by the Executive Director to achieve geographical distribution and gender parity in the recruitment of staff for UNEP, while noting the progress achieved over the period 2018-2021 and recognizing that continued efforts will be required to achieve and sustain equitable geographical balance and gender parity.”

The RUSSIAN FEDERATION proposed bracketing “gender parity.” BRAZIL proposed the amendment “... calling upon renewed and sustained efforts to achieve equitable geographical distribution alongside gender parity,” opposed by EU and UK. The UK, US, and SWITZERLAND proposed deleting text referencing the “continuous erosion of multilateralism within UNEP” due to geographical underrepresentation within Secretariats, and in the projects and scientific studies implemented by UNEP. This was opposed by the RUSSIAN FEDERATION, CHINA, and ALGERIA.

Delegates debated text reaffirming that no post should be considered the exclusive preserve of any state or group of states. The UK, EU and the US questioned whether these conditions really existed. The RUSSIAN FEDERATION, supported by BRAZIL, justified that the text is from agreed language from UN General Assembly Resolution 42/220. The EU proposed text recognizing the capacity of states to promote UN vacancies among their nationals, and to support suitable candidates. CHINA, supported by the RUSSIAN FEDERATION said the problem has not been the inability of states to support candidates and, with others, proposed building capacity for competitiveness of underrepresented states for these posts.

In the Breezeways

On Tuesday, negotiations went full throttle, with delegates increasingly aware of the time pressure to break the back of a seemingly insurmountable agenda. Line-by-line textual negotiations in both working groups proved to be slow and arduous. UNEP’s recruitment processes received a great deal of airtime, both inside the conference room and in the adjacent breezeways. While some delegates acknowledged the Secretariat’s willingness to tackle inequalities in geographical distribution of staff, they vociferously maintained that reforms and progress on implementing an equitable recruitment strategy are long overdue and need to be accelerated. “This has always been the elephant in the room,” opined one delegate, “and here we are at last discussing a full-blown draft resolution.”

It wasn’t plain sailing either on the science-policy front, with the proposed panel for chemicals, waste and pollution, particularly its scope, proving to be contentious. The crux of the matter appears to be the need to balance the urgency of addressing new pollution issues, such as those around plastics, with new issues that could be addressed under the Basel, Rotterdam, Stockholm and Minamata conventions which also address elements of pollution. The gulf between these issues, as well as many others under outstanding resolutions, brings into sharp focus the skillful diplomatic maneuvering required to successfully bridge the stark chasms in the remaining days. With the sobering specter of rolling, marathon night-sessions looming, delegates buoyed themselves for choppy waters ahead with the eventual hope of reaching common ground.