

**OECPR-5.2 Highlights:
Thursday, 24 February 2022**

On Thursday, 24 February 2022, delegates attending the resumed fifth session of the Open-ended Committee of Permanent Representatives (OECPR-5.2) engaged in frenetic discussions in an attempt to reach consensus on the resolutions presented to them. In grueling back-to-back meetings, spilling into lunchtime and running late into the night, they tackled issues related to the governance of plastic pollution, chemicals, green recovery and circular economy, and biodiversity and nature-based solutions.

Working Group 1

Cluster 1: Guided by Co-Facilitator Robert Bunbury (Canada), delegates discussed the Co-Facilitators draft on an **international legally binding instrument (LBI) on [marine] plastic pollution**. The RUSSIAN FEDERATION, ALGERIA, and others supported new text proposed by PALESTINE permitting participation of “states members of specialized agencies” in the *ad hoc* open-ended working group and in the intergovernmental negotiating committee (INC). The US and the EU reserved their position on this.

On the nature of the agreement, the US, opposed by the RUSSIAN FEDERATION, suggested that the INC be tasked to develop an international LBI, “with legally-binding and non-binding commitments.” The EU preferred “provisions” to “commitments,” which was supported by the US, BRAZIL, and CHILE. PERU suggested using agreed language from Minamata, that the LBI “could include legally-binding and non-legally binding provisions.” SWITZERLAND, ZAMBIA, NORWAY, DEMOCRATIC REPUBLIC OF CONGO, THAILAND, the RUSSIAN FEDERATION, ERITREA, ICELAND, RWANDA, and URUGUAY favored an international LBI, highlighting that this includes both legally-binding and non-legally binding provisions. INDIA favored the INC negotiating an “international legal instrument.”

On the inclusion of a reference to the Rio Principles, the EU, with CHILE, preferred inserting agreed language from the Governing Council decision on Minamata, by “taking into account, among other things, the principles of the Rio Declaration.” CHINA requested clarification about what “other things” are included in addition to the Rio Principles.

INDIA called to delete reference to “the whole lifecycle of plastic,” opposed by ZAMBIA, NORWAY, URUGUAY, CANADA, REPUBLIC OF KOREA, AUSTRALIA, COSTA RICA, KENYA, UK, SAMOA, and THAILAND.

The EU preferred that the LBI works “to prevent and reduce plastic pollution, including microplastics, in all environmental compartments, especially in the marine environment.” CHILE suggested “environmental ecosystems,” while the UK proposed

“all parts of the environment,” and ERITREA and AUSTRALIA, proposed referring to the environment as a whole.

ANTIGUA AND BARBUDA, with URUGUAY, CHILE, and others, called for including reference to the “elimination” of plastic pollution. The US noted that each word has a connotation for possible implementation actions, preferring to give the INC the latitude to decide which specific measures to “address” plastic pollution, with the UK preferring “tackle.”

ERITREA called to delete “marine litter,” and with ZAMBIA, noted the resolution’s focus on plastic pollution.

INDIA acquiesced to merging their draft resolution on **framework for addressing plastic product pollution including single-use plastic product pollution** with the Co-Facilitator’s draft. Discussions on these issues continued in an informal-informal setting.

Cluster 3: Guided by Co-Facilitator Gudi Alkemade (the Netherlands), delegates continued discussions on the resolution submitted by Sri Lanka on **sustainable nitrogen management**. Discussing operative paragraphs, SRI LANKA, following informal consultations, discussed the deletion of reference to the monetary savings that would result from halving nitrogen waste. She highlighted preference for “halving” nitrogen waste by 2030, with ARGENTINA, US, JAPAN, CANADA, and BRAZIL insisting on the term, “significantly reduce.” With no apparent consensus for “halving,” states agreed on the latter. The US, agreeing to keep reference to “by 2030,” suggested adding “and beyond.”

SRI LANKA proposed, and the group agreed, to retain language related to the reduction of nitrogen waste, and encouraging “member states to share information on national action plans available according to national circumstances.” Regarding a reference to actions by the UNEP Executive Director, the US expressed reservations about supporting the development of national action plans, noting, *inter alia*, financial constraints. In response, SRI LANKA, suggested including “subject to available resources.” Regarding the modalities for the options considered for improved coordination of policies, as requested in UNEA Resolution 4/14, SRI LANKA expressed preference for an intergovernmental coordination mechanism on nitrogen policies. Following discussions between SRI LANKA, EGYPT and ARGENTINA on the best wording, parties agreed on “including among other options.”

In their discussion on the **sound management of chemicals and waste**, guided by Co-Facilitator Mapopa Kaunda (Malawi), delegates agreed to consolidated text proposed by NORWAY and the UK, noting that the Sound Management of Chemicals and Wastes and the International Conference on Chemical Management (ICCM) commits to strengthening and supporting the achievement of the target set by the 2030 Agenda for Sustainable Development on the environmentally sound management of chemicals and all wastes throughout their life cycle. BRAZIL,

CHILE, CUBA, and others opposed deletion of reference to the provision of means of implementation related to the development of an improved enabling framework to address the management of chemicals and waste beyond 2020, proposed by NORWAY and the UK.

CHILDREN AND YOUTH MAJOR GROUP noted that the sound management of chemicals and waste is a cross-cutting issue, and proposed that the resolution also address the identification of toxic chemicals already in circulation.

Working Group 2

Cluster 4: Delegates considered revised, streamlined, preambular text on **sustainable resilient infrastructure**. After several amendments, they were able to agree on text, *inter alia*: regarding the linkage between infrastructure to the sustainable development goals (SDGs). Proposals were made to delete reference to recalling UNEA Resolution 4/5 on sustainable infrastructure, and encouraging states to develop and strengthen national and regional systems-level strategic approaches to infrastructure planning.

Turning to the operative paragraphs, on infrastructure projects, delegates debated how to ensure compliance with relevant national and international laws, and not cause environmental harm. CHINA, opposed by MONGOLIA and EGYPT, called for language on minimizing adverse impacts rather than the phrase “cause no harm.” They debated whether knowledge and capacity building should target economies in transition (BRAZIL) or the poorest and most vulnerable (UK and the EU).

The group reopened discussions on **circular economy**, guided by Co-Facilitator Firas Khouri (Jordan), noting the need to establish a balance between circular economy and sustainable consumption and production. The EU also called for promotion of green public procurement and support for technological transfer to enhance circular economy. The US and ARGENTINA noted that it is unclear how producer responsibility and supply chain legislation can be implemented.

Cluster 2: Co-Facilitated by Dragan Ziupanjevac (Serbia) and Sergio Salazar Alzate (Colombia), delegates met to deliberate an African Group resolution on **biodiversity and health**. On measures to be taken by the Executive Director to assist states, the EU, supported by ARGENTINA and the UK, called for emphasizing the importance of mainstreaming a one health approach both nationally and globally. BRAZIL proposed a one health approach “amongst other holistic approaches,” and the “development of vaccines in accordance with access and benefit sharing obligations.” ARGENTINA supported by the US proposed deleting reference to response measures and the development of vaccines based on genetic resources.

Regarding language on data availability, health surveillance and prompt responses, the EU, supported by NEW ZEALAND and the UK, proposed encouraging actions that have positive benefits on the environment, given the links between human, animals and ecosystems. The UK called for instituting actions to strengthen the availability, quality and timelines of data surveillance “not limited to humans but also animals, livestock and plants.” ARGENTINA, CHINA and BRAZIL expressed reservations with this paragraph, particularly in the context of data availability and health surveillance, which they maintained are not within UNEP’s mandate. The RUSSIAN FEDERATION said the issues should be discussed by the World Health Organization.

Delegates then addressed language encouraging member states to mainstream conservation and the sustainable use of biodiversity, aimed at improving food safety and human health to guard against health pandemics. The EU, opposed by the RUSSIAN FEDERATION, proposed the phrase, “disease outbreaks including those with epidemic and pandemic potential...” ARGENTINA preferred to replace “pandemics” with “risks.” NORWAY and CANADA requested adding reference to animal welfare in

addition to human health. BRAZIL, ARGENTINA, and the RUSSIAN FEDERATION proposed “monitoring invasive alien species.”

On raising the awareness on the linkages between biodiversity loss and prevalence of zoonotic diseases, the US suggested using scientific evidence to clarify the linkages. CANADA proposed the addition of “unsustainable production and consumption practices and markets for live wildlife.” The UK, opposed by CHINA and BRAZIL, proposed referencing the impacts of biodiversity loss from the report on Biodiversity and Pandemics by the Intergovernmental Science-Policy Platform on Biodiversity and Ecosystem Services (IPBES). BRAZIL and ARGENTINA suggested new text to support member states in health-related biotechnology activities, and to enforce benefit-sharing measures and compliance with the access and benefit-sharing (ABS) framework. The UK, CANADA, the EU and US reserved their position on this issue.

Under prevention measures, delegates discussed several options including enhancing provision of ecosystem services related to health (BRAZIL), public health considerations (CANADA and the US), and addressing antimicrobial resistance and reversing biodiversity loss (EU). Addressing public health risks from wildlife trade, EU called for ensuring adequate sanitary controls for consumption of wild meat.

Delegates then addressed preambular paragraphs of the **animal welfare – environment – sustainable development nexus**. BRAZIL proposed a formulation recognizing the importance of protecting wildlife for achieving the 2030 sustainable development agenda. Regarding a reference to the unsustainable use of domestic and wild animals as a key driver of the triple environmental crises, ETHIOPIA preferred to keep the reference to animals as general as possible while BRAZIL, the US, ARGENTINA and the UK called for deletion of this text.

The UK proposed quoting language recognizing the conclusions of the IPBES report on Biodiversity and Pandemics stating that increased contact between human and wildlife and livestock as the result of human activities is increasing the risk of zoonotic disease emergence and spread.

In the Breezeways

The unprecedented repercussions of COVID-19 are still reverberating around the world, more than two years later. As a result, the health consequences of biodiversity loss have come increasingly into sharp focus; often cited as a driver of zoonotic disease emergence. On the other side of the coin, there’s the glaring issue about the extent to which the pandemic has affected biodiversity conservation and ecosystem services. “It’s literally a can of worms,” mused a seasoned observer, as he readied himself for the afternoon deliberations on two resolutions: Biodiversity and Health; and Animal Welfare. “Put it this way,” he enthused, “you have to address a whole range of things, land-use change, the way we produce livestock so intensively, then there’s wildlife trade and climate change.”

Against this context, the working group discussions appeared to fall back on well-worn debates over whether UNEP has the mandate to address health issues and significantly, whether or not to reference the IPBES report on Biodiversity Loss and Pandemics. On the animal welfare front, language on the unsustainable use of domestic and wild animals as a key driver of pandemics didn’t fly. Ultimately, and perhaps more telling, there appeared to be very little appetite to merge the two resolutions by the end of the session. “We are still not quite there yet,” remarked a seasoned observer, “it has to come together eventually though.” Another stressed that tackling COVID-19 (and whatever comes next) “has to include actions aimed at safeguarding biodiversity and ecosystems,” to avoid future pandemics and all the resulting impacts.