

OECP-3 HIGHLIGHTS: THURSDAY, 30 NOVEMBER 2017

On its second day, the third meeting of the Open-Ended Committee of Permanent Representatives (OECP-3), convened in contact groups into the evening. Contact groups discussed three draft decisions on procedural matters, and made progress on a number of substantive resolutions. In the evening, consultations on the ministerial outcome document of the third UN Environment Assembly (UNEA-3) also took place.

CONTACT GROUPS

CONTACT GROUP ON OVERALL COORDINATION:

This contact group, facilitated by Committee of Permanent Representatives (CPR) Chair John Moreti (Botswana), met in the morning and discussed three draft decisions prior to embarking on a first reading of draft resolution text on contributions of UNEA to the High Level Political Forum on Sustainable Development (HLPF).

Provisional agenda, date and venue of UNEA-4: Delegates agreed to several paragraphs of this draft decision *ad referendum*. No agreement was reached with regard to the dates of UNEA-4 and OECP-4, with delegates highlighting, *inter alia*: the need for further clarity on meeting dates of multilateral environmental agreements (MEAs); constraints faced by Geneva-based Permanent Representatives to the UN Environment Programme (UNEP), including with regard to meetings of the UN Human Rights Council; support for holding UNEA-4 early in 2019 to take into account the meetings of other relevant bodies, including the HLPF and General Assembly, and ensure alignment with the UN's budgetary cycle; support for a later date, in the first half of the year, to allow regional forums of ministers of environment to meet; and both support for, and concerns about, holding the two meetings back-to-back.

Delegates considered the mandates of different bodies to decide on this item, with the Secretariat clarifying that UNEA-3 must decide the date for its next session; whereas the CPR can decide when the OECP meets.

Draft decision on the extension of the delivery date for the sixth Global Environment Outlook (GEO-6): In the morning, the contact group considered this draft decision text, which is based on recommendations provided by the high-level intergovernmental and stakeholder advisory group to UNEP regarding the extension of the delivery timeline for GEO-6 and its accompanying summary for policy makers. Several developed countries opposed proposals to remove text calling for the decision to be "guided by the principle of quality of the report over speed of delivery," stressing the importance of ensuring the scientific integrity of GEO-6. The group also debated whether the OECP has the mandate to call on the Assembly to "endorse" the report. Delegates eventually agreed to compromise language, requesting the Executive Director to: issue the GEO-6 report "at

least three months before UNEA-4"; schedule the negotiations of the summary for policy makers at least six weeks in advance of UNEA-4; and present the main GEO-6 report and its accompanying summary for policy makers "for consideration of endorsement" by UNEA-4.

Management of trust funds and earmarked contributions: Delegates agreed to the vast majority of paragraphs in the draft decision text. A reservation was placed on proposed changes to the trust funds that support the Basel Convention, and the implementation of the Rotterdam and Stockholm Conventions in developing countries, pending a delegation's consultations on whether these funds should be closed in the near future.

Contributions of UNEA to the HLPF: In their consultations on this Mexico-submitted draft resolution, delegates discussed: whether, how, and where to reference the UN Economic and Social Council (ECOSOC) invitation to the UNEA President to input on UNEA's contribution towards the 2030 Agenda; as well as concerns that the UNEA President was not given the opportunity to make an oral contribution to the 2017 session of the HLPF. They nearly reached agreement on preambular wording on the scope and purpose of the presentation of UNEA outcomes at the HLPF, with a reservation being placed on language that these provide the "key" environmental perspective of sustainable development. Discussions on operative paragraphs will continue on Friday morning.

CONTACT GROUP 1: Marine litter and microplastics:

This group, chaired by CPR Vice-Chair Raza Bashir Tarar (Pakistan) met in the morning. Delegates carried out a first reading of the draft resolution submitted by Norway and Australia, and sponsored by Iraq and Monaco. Among other considerations, they discussed options for appropriately referencing a regional call to action on reducing microbead pollution in the marine environment, taking into account that not all countries have committed themselves to it.

Several delegates defended the need to "welcome" rather than "note" a report assessing the effectiveness of relevant international, regional and sub-regional governance strategies and approaches mandated by UNEA-2, further clarifying that the report can be welcomed without committing to all of its recommendations.

Delegates supported including a new paragraph to recognize the benefits of reducing plastic use while improving design and quality standards in the face of increased production and consumption of plastic.

In several areas of the text, delegates flagged the need to clarify that recommendations should be implemented according to national capacity. On establishing nationally-determined reduction targets while cooperating towards establishing regional reductions targets on marine litter, several delegates voiced concern that an assessment of levels of marine litter and microplastics in the environment would be a necessary precursor to such efforts.

While reviewing requests to the Executive Director to strengthen UNEP capacity in marine litter and microplastics, and considering the unclear future of the Global Partnership on Marine Litter, delegates suggested liaising with the Global Programme of Action for the Protection of the Marine Environment. On the formation of an open-ended *ad hoc* working group to recommend options to strengthen international governance for combatting marine litter for UNEA-4, delegates expressed interest to further clarify, *inter alia*: budgetary implications; opportunities for collaboration with existing instruments; and specific terms of reference. They agreed to convene several informal drafting groups to integrate proposals for consideration by the contact group on Friday morning.

CONTACT GROUP 2: Eliminating exposure to lead paint and promoting environmentally sound management of used lead-acid batteries: This group, chaired by Elizabeth Taylor (Colombia), reconvened on Thursday evening to begin consideration of this merged draft resolution, prepared by the US, the African Group, and Argentina. Delegates agreed to amend the title in order to clarify focus on management of lead-acid batteries “waste,” maintaining consistency with a related UNEP-2 resolution.

Delegates were unable to reach agreement on references to significant human and environmental risks from cadmium, in addition to lead. They also did not agree on new text reflecting that detrimental environmental and health impacts from recycled batteries occur primarily in developing countries, even though the recycled lead is used in both developed and developing countries.

Delegates agreed on amendments to, *inter alia*: reference the Sustainable Development Goals (SDGs) broadly and emphasize the negative impacts of lead exposure on pregnant women. They also agreed to consider a proposal to stress the importance of strengthening national capabilities, especially for developing countries and countries with economies in transition, for the management of lead and remediation of contaminated sites.

Environment and Health: The contact group resumed consideration of this draft resolution, submitted by the EU and co-sponsored by Monaco, in the evening. Some proposals, such as on the inclusion of “circular economy” in one of the operative paragraphs, received unanimous support. Two delegations proposed separate paragraphs on biodiversity, while another called for their discussion instead in the proposed resolution on the topic. Cleaning of the resolution text continued into the night.

CONTACT GROUP 3: Preventing and reducing air pollution to improve air quality globally: In the afternoon, the contact group, chaired by Tarja Fernández (Finland), resumed its second reading of this draft resolution, as proposed by Canada and the African Group and co-sponsored by the EU, Chile, and Monaco. Delegates did not reach agreement on compromise text aiming to provide examples of regional initiatives “to inspire countries to take action to improve air quality and protect human health.” References to the transboundary nature and global impacts of air pollution were consistently opposed by several countries. With various counterproposals offered to detail the types of actions to be taken to reduce air pollution, Fernández invited interested parties to continue informal consultations and reconvene the contact group in the evening.

Pollution prevention and control in countries affected by armed conflicts or terrorism: Resuming discussion of this draft resolution, co-sponsored by Iraq and Norway, many delegates favored a proposal to rename it, “Pollution prevention and control in countries affected by armed conflicts and terrorist acts.” Some delegations expressed reservations on preambular references to adverse impacts of environmental migration or forced displacement, hazardous wastes, and illicit extraction of natural resources and minerals by non-state actors or criminal groups.

With regard to text invoking international humanitarian laws, many delegates pointed to the lack of global agreements covering

terrorist acts and called for its withdrawal. Following an update from the Secretariat on the proposed international convention to combat terrorism and related initiatives, delegates agreed to text requesting the Executive Director to continue interacting with the International Law Commission in its work pertaining to pollution resulting from terrorist acts and armed conflicts. The group also agreed to encourage the Executive Director to continue undertaking field visits to affected areas “upon the invitation of the affected State.” Several delegates rejected references to the prevention of pollution in transboundary waters, including compromise language calling for preventing and controlling pollution to facilitate dialogue, confidence building and “cooperation between divided communities.” Language referring to UNEP support for conflict-affected states in vulnerable situations due to climate change, desertification or food security was also deleted. Welcoming progress on text referring to international law, Fernández encouraged delegates to continue consultations to ensure finalization of the text on Friday.

CONTACT GROUP 4: Draft resolution on investing in innovative environmental solutions for accelerating the implementation of the SDGs: Chaired by Marek Garzdecki (Poland), this group began a first reading of the draft resolution, which was proposed by the African Group. Many delegates expressed their unfamiliarity with the topic and confusion over the resolution’s purpose, which resulted in several discussions on terminology.

Although some delegates initially called for the inclusion of a definition of “innovative environmental solutions” that would also serve as a justification for the resolution, Member States eventually agreed to exclude the definition, as some argued it may convolute the resolution due to its lack of universality within MEAs. Delegates elected to use the “promotion,” rather than “implementation,” of innovative environmental solutions, as one Member State explained that the use of the latter would inhibit the creativity encouraged by the resolution. Expressing concern that new linguistic additions were detracting from the spirit of the resolution, the Chair emphasized that the resolution called for the environment to be treated as an area for new solutions rather than an object of human manipulation. Delegates agreed to reconvene in the evening.

MINISTERIAL OUTCOME DOCUMENT: In the evening, Member States began a second reading of UNEA-3’s draft ministerial outcome document, in discussions chaired by UNEA-3 President Edgar Gutiérrez-Espeleta. Delegates made general comments, including on language related to: means of implementation; the Paris Agreement; armed conflict and the environment; actions to address pollution; and North-South, South-South and triangular cooperation. One delegate suggested linking the document’s text with UNEA-3 resolutions. Gutiérrez-Espeleta explained that new text for a paragraph on the role of environmental ministers in delivering actions to address pollution would be proposed on Friday morning.

IN THE BREEZEWAYS

With procedural pleasantries out of the way, the second day of OECPR-3 was dedicated largely to contact group meetings. In some quarters, the reality of the short timeframe available to complete the bulk of resolutions and decisions began to set in, with late-night contact groups scheduled to resume at 9:00 pm. While delegates in the contact group on overall coordination touched upon the possibility of holding future meetings of the OECPR and UNEA back-to-back – an arrangement initially introduced on an exceptional basis for OECPR and UNEA-3 – others remained unconvinced by this year’s format. When asked about the prospects of completing the meeting’s ambitious agenda, one observer wryly noted: “the knowledge that Member States will be back in the negotiation rooms on Monday makes it easier to kick the can down to UNEA-3.”