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European Union

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NOTE

From: General Secretariat of the Council
To: Délégations

Subject: Resumed Fifth session of the United Nations Environment Assembly
(UNEA-5.2) and the Special of the Assembly to commemorate the
50th anniversary of UNEP (UNEP@50)
(Nairobi, 28 February – 04 March 2022)
- Information from the Presidency and the Commission

Delegations will find in the Annex an information note from the Presidency and the Commission on the above subject, to be dealt with under "Any other business" at the Council (Environment) meeting on 17 March 2022.

Resumed Fifth session of the United Nations Environment Assembly (UNEA-5.2) and the Special of the Assembly to commemorate the 50th anniversary of UNEP (UNEP@50) (Nairobi, 28 February – 04 March 2022)

- Information from the Presidency and the Commission -

With the package of ambitious outcomes, the United Nations Environment Assembly fulfilled all the objectives set up by the EU for this year’s meeting and contributed significantly to a global dimension of the European Green Deal in all its three main priorities: circular economy, biodiversity and zero pollution. A landmark resolution paving the way for a global legally binding agreement on plastic pollution was adopted. Countries came together and agreed on a definition of nature-based solutions. And a new science-policy panel on the sound management of chemicals, waste, and pollution was agreed - amongst others.

The resumed fifth session of the United Nations Environment Assembly (UNEA-5.2) took place from 28 February to 02 March 2022 in Nairobi, Kenya, and online, under the theme of “Strengthening UNEP for the implementation of the environmental dimension of the 2030 Agenda for Sustainable Development”.

Preceding UNEA, the third round of informal consultations on the Political Declaration pursuant to United Nations General Assembly resolution 73/333 took place from 16 to 18 February 2022. The Open-ended Committee of Permanent Representatives (OECPR), formally convened from 21 to 25 February to consider the resolutions and Ministerial Declaration proposed for UNEA. Negotiations were prolonged over the weekend and beyond on many of the draft resolutions, enabling their unanimous adoption by the UNEA Committee of the Whole and Plenary.

Despite the global sanitary context, UNEA-5.2 received an outstanding attendance of representatives and delegations (3,000 in-person and 1,500 online attendants from 175 UN Member States, including 79 ministers and 17 high-level officials.). The EU and its Member States were very well represented with around 200 delegates overall. The high level segment of the Assembly included plenary sessions, leadership dialogues and a multi-stakeholder dialogue. Various side events took place concurrently, including the Ministerial Breakfast organised by the EU (Theme: “Mobilising for an ambitious and transformative post 2020 Global Biodiversity Framework”) on 2nd March.

UNEA-5.2 was followed by a commemorative event to celebrate the 50th anniversary of UNEP (UNEP@50), under the theme “Strengthening UNEP for the implementation of the environmental dimension of the 2030 Agenda for Sustainable Development.” The two-day special session lasted from 3-4 March 2022 and celebrated UNEP’s accomplishments over the past 50 years with the adoption of a significant political declaration affirming UNEA as the ‘intergovernmental decision-making body providing overarching policy guidance, and strengthening international environmental governance and implementation of the global environmental agenda’ and recognizing the adoption of the right to a clean, healthy and sustainable environment by the UN Human Rights Council.

Other events that took place in conjunction with UNEA-5.2 included: the Global Major Groups and Stakeholders Forum; the Youth Assembly Forum, and the UNEA Cities and Regions Summit.

From the EU perspective, UNEA-5.2 can be considered an unprecedented success. The negotiations took place in a positive and constructive spirit. The splitting of this UNEA-5 between 2021 and 2022 paved the way for fruitful talks as it allowed Regional Groups and Member States to refine their positions and resolutions projects. The cohesion and solid preparation of the EU and its Member States allowed for the European positions to be well reflected and for ambitious approaches to be pushed forward, including during the most disputed phases of the negotiations.

This session of UNEA-5.2 was, however, affected by the tense geopolitical context, resulting from Russian Federation's invasion of Ukraine. The European Union and its Member States actively engaged in supporting Ukraine while containing the politicisation of the negotiations. In that light, the statements delivered during the plenaries of UNEA-5.2 and UNEP@50 by European Commissioner Virginijus Sinkevičius, by Ms Bérangère Abba, French Secretary of State for Biodiversity, and by Ms Florika Fink-Hooijer, Director-General of the European Commission's Directorate-General for Environment, were instrumental to voice the European support to Ukraine. These statements were strongly supported by many delegations.

The Assembly adopted a Ministerial Declaration, fourteen Resolutions and one decision, addressing shared and emerging global environmental issues. The Assembly elected Ms Leila Benali, Minister of Energy, Transition, and Sustainable Development of Morocco, as its President for its sixth session. Mr João Pedro Matos Fernandes, Minister of Environment and Energy Transition of Portugal and Mr Ján Budaj, Minister of Environment of Slovakia were elected as Vice-Presidents and members of the UNEA-6 Bureau. The special session UNEA@50, which already took place guided by the UNEA-6 Bureau, adopted a Political Declaration.

The sixth session of the UNEA will take place in Nairobi in 2024. The possibility for UNEA to revert back to odd-years will be considered for the UNEA-7 session to be aligned with UNEP's Strategic and budgetary framework as well as the Quadrennial Comprehensive Policy Review cycle.

The UNEA-5.2 and UNEP@50 sessions adopted two declarations:

- UNEA-5 Ministerial declaration

The consultations on the UNEA-5 Ministerial declaration were skilfully facilitated by the Norwegian presidency.. The final declaration is satisfactory for the European Union and its Member States. The content of the declaration is more ambitious than expected and its adoption by UNEA constitutes a strong testimony to Member States' determination to address the major environmental issues that the Assembly had not been able to discuss for the last three years due to the COVID-19 pandemic.

The declaration includes references to most of the issues covered by the draft resolutions submitted to UNEA-5.2 . It calls for an ambitious and transformational Global Biodiversity Framework , recalls the climate challenges dealt with by COP 26, refers to plastic pollution, Nature-Based Solutions, One-Health, the sound management of chemicals and waste, the right to clean environment, environmental crime or water resources management are also highlighted, among other key issues.

- Political declaration of the Special Session of the United Nations Environment Assembly to commemorate the fiftieth anniversary of the establishment of the United Nations Environment Programme

The adoption of this political declaration marks the end of a process launched by the adoption of the United Nations General Assembly resolutions 73/333 and 72/277. The negotiations displayed diverging views between the European Union and its Member States, as well as like-minded countries, on the one hand, and developing countries, on the other. However, under the leadership of the Estonian co-facilitator, Mr Ado Lohmus, consensus was achieved and the final declaration includes strong references to the environmental rule of law, including by noting the adoption of the UNHCR resolution entitled “The human right to a clean, healthy and sustainable environment’ and by making an indirect reference to the principle of non-regression. It reiterates the prominent role of UNEP as the leading authority on environmental issues within the UN system. The Declaration also affirms, for the first time in an inter-governmentally negotiated universal document, UNEA as “the intergovernmental decision-making body (...) providing overarching policy guidance, and strengthening international environmental governance and implementation of the global environmental agenda”.

UNEA-5.2 achieved positive outcomes on EU and Member States main priorities. The adoption of the following resolutions can be regarded as major achievements in which the European Union and its Member States played a crucial role to foster ambition:

- Resolution to End plastic pollution: Towards an international legally binding instrument

The issue of plastic pollution and the ways to tackle it was a matter of prime concern at UNEA-5.2. Three draft resolutions focusing on plastic pollution were presented by Peru and Rwanda, by Japan, and by India.

The co-facilitators decided to merge the more ambitious Peru-Rwanda and Japan draft resolutions as a basis for the negotiations. This paved the way for the adoption of a landmark resolution that marks a historical move forward in addressing the issue of plastic proliferation into the environment. The adopted resolution decides to set-up an intergovernmental negotiation committee which will have two years and a half to draft a legally binding agreement on plastic pollution. This agreement will cover the full life cycle of plastics and address their dispersion into the environment, including marine ecosystems. These provisions reflect the ambitions of the EU and its Member States, and were accepted in exchange for recognising the need of financial and technical support to be given to developing countries in order to meet the objectives that will be set by this agreement.

After a preparatory meeting to be held in May 2022, the first meetings of the INC will take place in the fall of 2022. Senegal proposed to host the preparatory meeting, and several countries already offered to host some of the INC meetings (Peru, Rwanda, Japan).

- Resolution on Nature-based Solutions for Supporting Sustainable Development

As the only proposal submitted by the EU and its Member States, the resolution on Nature-based solutions (NbS) was a major European priority. It sought to propose a consensual and intergovernmental definition of this concept, to facilitate its implementation and to avoid its misuse. Although this draft resolution faced resolute opposition from Brazil, Argentina, and South Africa during the first reading, the discussions moved forward as those countries constructively engaged in the later stages of the negotiations.

This final draft resolution sets out a common definition of NbS, based upon the one agreed by the IUCN, together with a further description of the contexts in which NbS are to be used. The mention of bio-sourced products, along with related safeguards and guarantees, was added to the text as a concession to Brazil.

- Science-Policy Panel to contribute further to the sound management of chemicals and waste and to prevent pollution

This draft resolution presented by Switzerland aimed at creating a science-policy panel focusing on chemicals, waste and pollution. The process leading to the creation of this panel, as well as its perimeter, was widely discussed throughout the negotiations. The adopted draft of the resolution sets up an open-ended working group, which will have two years, from 2022 to 2024, to discuss the concrete design, governance and scope of this panel. This resolution largely reflects the European priorities, leading the European Union and its Member States to co-sponsor the resolution.

The other resolutions adopted, for which the European Union adopted the most relevant position, are: Sustainable Lake Management, Animal welfare, Biodiversity and Health, Sustainable Nitrogen Management, Sound Management of Chemicals and Waste, Sustainable and Resilient Infrastructure, COVID-19 Recovery, Circular Economy, Minerals and Metal Management, equitable geographic distribution, and the future of Global Environment Outlook.
