

## Recommendations to the Norwegian delegation to UNEA 5.2 from the Norwegian Forum for Development and Environment

The Norwegian Forum for Development and Environment (ForUM), a network of more than 50 Norwegian NGOs, would like to thank you for the opportunity to share our recommendations for Norway's participation in the UN's fifth environmental assembly (UNEA 5.2).

ForUM encourages Norway to promote and support a negotiation mandate for a legally binding global treaty on plastic pollution that is as strong as possible. The process of such a legally binding treaty could and should be an inspiration for other environmental challenges, and Norway has the potential to be at the forefront of such legal frameworks for all relevant environmental issues. Furthermore, ForUM expects Norway to ensure that human rights are preserved in all agreed outcomes of UNEA 5.2, as well as the rights of indigenous peoples and local communities in regard to nature-based solutions and mineral resource governance.

### **Marine / plastic pollution**

It is increasingly likely that a decision to start formal negotiations will be taken at the resumed session of the (UNEA 5.2). A draft resolution submitted by Peru and Rwanda, to establish an Intergovernmental Negotiating Committee for the negotiation of a legally binding global agreement on plastic pollution, has been co-sponsored by more than 50 UN Member States. Another resolution on the same has been submitted by Japan with three cosponsors. ForUM is in full support of Peru and Rwanda's resolution as a starting point for negotiations.

The decision to start formal negotiations is a critical milestone in the process towards the new treaty and could, to a large extent, determine whether the international community will succeed in addressing plastic pollution. The eventual outcome of the negotiations, a legally binding treaty text, will lay the foundation for actions and activities on all levels for decades to come. It is therefore of utmost importance that the negotiation mandate is clear and unambiguous, and that it allows the negotiating committee to consider all relevant measures.

To make sure States' commitments to tackling the problem are anchored at the highest possible political level, the new global agreement on plastic pollution must be legally binding. It is vital that this is made very clear in the decision to start negotiations. ForUM encourages Norway to ensure that the negotiation mandate specifies that the instrument to be prepared is a "legally binding global agreement". Failing to do so would create ambiguity, which might cause delays in the process further down the line.

The rules, standards and requirements included in the new treaty should be specific and unambiguous, and they should be applicable to all States parties. The mandate must allow States to develop, through the negotiations, a high common standard of action, by considering the full range of possible regulatory measures, throughout the plastic life cycle—from prohibitions on the production, use and/or sale of plastic products to technical requirements for recycling and waste management. Even if some response measures will need to be tailored to national and local circumstances, the mandate must not preclude negotiations on common global rules.

ForUM encourages Norway to ensure that the new treaty sets up a mechanism for monitoring progress and evaluating efforts. It should also specify procedures that allow the regime to be gradually strengthened over time. The mandate must not prevent negotiators from discussing the new regime's mechanisms for gradual strengthening, such as a dedicated scientific panel to continue improving knowledge and corresponding measures. Ideally, the mandate should contain language to promote discussion of such mechanisms as part of the negotiations.

The new treaty should provide a robust structure for promoting participation and compliance, and for supporting States in their implementation of the treaty's core provisions. The decision to start negotiations should ensure legitimacy, by focusing on transboundary aspects of the issue. The

Environmental Assembly should ensure that the mandate promotes consideration of measures to provide positive incentives for all States to participate and minimise long-term grievances.

An effective response to the plastic pollution crisis will require significant changes in the policies and practises of all States. The task ahead is considerable, and the level of ambition contained in a new treaty must reflect that. Importantly, the mandate should not restrict negotiators in their efforts to develop such a treaty; and at UNEA 5.2, Member States must therefore not allow the mandate text to be watered down in the name of compromise. The pace of progress should not be set by the least interested States. It is better to put a strong resolution text to a vote than to accept a weak resolution by consensus.

ForUM encourages Norway to ensure that the new treaty on plastic pollution is binding, ambitious and holds states to a common standard of action. The treaty should contain specific, clear and universally applicable rules and obligations that allow for an effective response to the global plastic pollution crisis. It must include provisions to ensure that those rules can be evaluated and gradually strengthened over time and shaped in a way that promotes equity and incentivizes participation and compliance.

**ForUM recommends that:**

- The new global agreement on plastic pollution must be legally binding;
- Aim to set a high common standard of action;
- Prepare for gradual strengthening;
- Considering incentives for participation and compliance;
- Allowing for the highest level of ambition

**Nature-Based Solutions and biodiversity**

ForUM believes that nature has important functions that are central to our ability to slow down climate change, as well as adapt to the changes that it is already too late to avoid. Nevertheless, it is crucial that nature-based solutions are not seen as an alternative to cutting greenhouse gas emissions. Nature's contribution to addressing the climate crisis is primarily a supplement to extensive emission cuts. ForUM encourages Norway to support the wording in paragraph 2 of the EU's resolution proposal on NBS.

ForUM encourages the Norwegian government to recognize that the value of nature is not primarily founded in the services it gives. ForUM therefore encourages Norway to only refer to nature-based solutions as measures that take nature into consideration, while measures that lead to natural destruction should not be included in a definition of nature-based solutions, as recommended in [ForUMs policy note on nature-based solutions](#).

ForUM believes that measures that facilitate nature's ability to (naturally) store carbon and strengthen nature's resilience in the face of increasing extreme weather while safeguarding and strengthening biodiversity should be given priority. Examples include the protection of intact nature, the restoration of degraded nature, and regulations that make the use of nature more sustainable.

ForUM encourages Norway to support the wording in paragraph 8 of the EU's resolution proposal on NBS, to ensure the protection of both land and marine areas is effective, representative, and implemented in line with human rights and the ILO's core conventions on the rights of indigenous peoples.

Thorough impact assessments, consultations, and consultation rounds in both official and local languages, as well as consent, must form the basis for all land-based renewable energy projects to ensure that they do not compromise the rights of local people. Clear competence requirements must form the basis for all impact assessments, both to safeguard the rights of local people and to provide sufficient professional basis for assessing the natural consequences. The Environment



Assembly must thus address clear requirements for human rights and environmental due diligence.

ForUM urges the Environment Assembly to reject states' reporting on internationally illegal infrastructure development in occupied territories as part of national climate measures, or at a minimum make it clear that national climate measures can only be reported on if they take place within a country's own borders.

**ForUM recommends that:**

- Norway support the wording in paragraph 2 of the EU's resolution proposal on NBS
- Norway support the wording in paragraph 8 of the EU's resolution proposal on NBS
- Nature-Based Solutions is only referred to as measures that take nature into consideration
- Clear requirements for human rights and environmental due diligence must be addressed

**Chemicals and Minerals**

On Switzerland's resolution proposal on Mineral resource governance, ForUM encourages the United Nations Environment Assembly to include the following points:

ForUM urges members states and relevant stakeholders active along the mineral supply chain to promote open access to data and plans linked to mining projects and development : all information deemed directly or indirectly linked to mining development at company and government level need to be made available and easily accessible by Civil Society Organisations.

ForUM believes that member states should adopt international policies and legal instruments that promote independent monitoring of companies and government institutions who should allow and encourage CSOs (possibly even with a mandate of independent agency) to monitor the mining process from planning to operations to ensure that environmental and social safeguards and mitigation/offset are implemented.

ForUM encourages member states to promote an integrated vision and management of landscapes that include mining, through the use of land use plans and Strategic Environmental Assessments (SEAs). The majority of mining impacts are indirect and stem from associated infrastructure development to and from the mine e.g. roads, settlement, agriculture, etc.

**ForUM recommends that:**

- All information linked to mining development at company and government level must be available and easily accessible by Civil Society Organisations
- Independent monitoring of the mining process from planning to operations is allowed and encouraged
- Management of landscapes that include mining, through the use of land use plans and Strategic Environmental Assessments (SEAs) is promoted

**Science-Policy Panel to support action on chemicals, waste and pollution**

On Switzerland's resolution proposal for a Science-Policy Panel to support action on chemicals, waste and pollution, ForUM encourages the United Nations Environment Assembly to adopt the resolution, emphasising its importance in contributing to fill critical gaps in knowledge on the area.

An estimated nine million people lost their lives prematurely due to pollution in 2015 (see: [Lancet Commission](#)), nearly 15 times higher than direct deaths caused by conflicts and war. Chemicals and waste, if poorly managed, cause a wide range of negative effects on health and ecosystems at all levels globally. Despite the growing existence of chemicals there are gaps in governance and knowledge on their scope and consequences (source: [Science](#)).



Pollution caused by wars and armed conflict is a particularly challenging area to research. Impact of war and conflict include the risks to civilians from hazardous materials, ground contamination, deteriorating air quality, pollution of water resources and contaminated ground (see: [CEOBS](#)). Although attention to the seriousness of conflict pollution and toxic remnants of war has increased since 2017, the lack of knowledge still contributes to the lesser attention given to its adverse effects on the environment (see: [Perspectives](#), 2017).

An intergovernmental Science-Policy panel on chemicals, waste and pollution will provide an independent science-mechanism to inform policy-makers and contribute to the mitigation of pollution in all settings. It would also create a focal point for engagement on the same.

**ForUM recommends that:**

- Norway continues its engagement in the establishment of a Science-Policy Panel on chemicals, waste and pollution and take on an active role in the planned open-ended working group
- Norway stresses the importance of the resolution in light of its ongoing engagement on the protection of civilians during war in urban settings and the interconnectedness between human rights, protection of civilians, and the environment