

The United States thanks the Kingdom of Morocco for the zero draft of a proposed ministerial declaration of the sixth session of the United Nations Environment Assembly (UNEA-6) and for its engagement with Member States. After initial consideration of the draft, we offer the following preliminary comments:

Our primary criteria for a ministerial declaration are that the document be consensual, high-level, concise, reflective of the agreed outcomes of UNEA, and relevant to UNEP's mandate. In our view, a two-page text should be sufficient to meet these criteria. We welcome the alignment of the draft declaration with the chosen theme of UNEA-6, "Effective, inclusive, and sustainable multilateral actions to tackle climate change, biodiversity loss, and pollution." We similarly welcome the appropriate references to the outcomes of prior UNEA sessions, such as resolution 5/14 and UNEP@50, as well as to the key roles that UNEP plays in strategic foresight and horizon scanning, capacity-building for Member States, and in promoting science-based, collective, and multi-stakeholder responses to existing and emerging environmental challenges. Therefore, a Ministerial Declaration should focus on UNEA's and UNEP's specific mission and mandate, which should constitute a substantive majority of the declaration.

With this in mind, we believe a key gap in the declaration is a reference to air pollution, the leading environmental risk factor for health and a growing challenge throughout the world. We believe the declaration should include language along these lines:

Air pollution is the leading transboundary environmental risk factor for human health and contributes to negative impacts on ecosystems and the environment distinctly across regions. With renewed global attention on its impacts, we are committed to build broader cooperation, including regional cooperation on air quality around the world and to support and promote initiatives for continued action on air quality.

Other elements of the draft, which address processes external to UNEA and to UNEP should be phrased in a manner that respects the independent mandates of those processes and does not pre-judge the outcomes of ongoing negotiations.

We have the following specific changes and suggestions for edit:

- Paragraph 2: The paragraph commingles agreed outcomes of international meetings and non-negotiated reports and should be reworded for accuracy.
- Paragraph 3: The United States supports development of international law on a right to a clean, healthy, and sustainable environment in a manner consistent with international human rights law and with a common understanding as to its content and scope. Therefore, we recommend editing the clause: "while advancing the development of the human right to a clean, healthy, and sustainable environment for all."
- Paragraph 4: This paragraph does not accurately capture the CMA decision on loss and damage funding arrangements. The CMA.4 outcome "establish[ed] new funding arrangements for assisting developing countries that are particularly vulnerable to the adverse effects of climate change," including a fund.

- Paragraph 4: The reference to the twenty-eighth Conference of the Parties to the Paris Agreement and UNCCC should be bracketed and regarded as a placeholder pending the action and evaluation of the twenty-eighth conference.
- Paragraph 4: Strike the phrase “including the Abidjan Call to act on drought, desertification and degradation” because the Abidjan call was not a negotiated outcome of the UNCCD and did not include a substantial majority of UNEA member states.
- Paragraph 4 would therefore, be edited as follows:

We welcome the important outcomes of the twenty-seventh Conference of the Parties to the Paris Agreement and the UNFCCC, including the [add: decision to] establishment of [add: funding arrangements] for loss and damage, [add: including] a Loss and Damage Fund [add: a fund,] to support [add: assist] vulnerable [add: developing] countries [add: that are particularly vulnerable to the adverse effects of climate change in responding to loss and damage,] as well as the Sharm el-Sheikh Implementation Plan; [the twenty-eighth Conference of the Parties to the [add: Paris Agreement and the] UNFCCC], including XXX-; the fifteenth session of the Conference of the Parties to the Convention on Biological Diversity including its adoption of the historic Kunming-Montreal Global Biodiversity Framework, and the fifteenth Conference of the Parties to the UNCCD including the Abidjan Call to act on drought, desertification and land degradation.

- Paragraph 5: Revise the paragraph to “note the adoption of the UN Human Rights Council resolution on the human right a clean, healthy and sustainable environment.” Paragraph 5 would then be edited as follows:

We also welcome with appreciation other important multilateral achievements including the 2022 UN Ocean Conference and the 2023 UN Water Conference, ~~the adoption of the UN Human Rights Council resolution on the human right to a clean, healthy and sustainable environment,~~ and the adoption of the agreement under the UN Convention on the Law of the Sea on the conservation and sustainable use of marine biological diversity of areas beyond national jurisdiction [add:; and note the adoption of the UN Human Rights Council resolution on the human right to a clean, healthy and sustainable environment.]

- Paragraph 5: Reference to “the adoption of the agreement under the UN Convention on the Law of the Sea...” should be bracketed until the agreement is adopted.
- Paragraph 6: The IPCC has found that global net greenhouse gas emissions need to be reduced by 43% from 2019 levels by 2030. The clause should instead read “cut nearly in half.” Alternatively, the sentence could use the actual numbers from the IPCC.
- Paragraph 6: The final clause of the paragraph “while ensuring that the level of support provided to developing countries to mitigate and adapt to climate change remains adequate”

is inappropriate. This is not a finding of the IPCC's 6th Assessment Report, nor is the intention of international support to be fully adequate for developing countries to pursue their mitigation and adaptation objectives. An appropriate alternative, in line with the IPCC's findings, would be "recognizing that there is sufficient global capital to close the global investment gaps but there are barriers to redirecting capital to climate action."

We note that paragraph 8 chapeau uses language to refer to groupings of countries that are not reflected in many of the processes subsequently referenced in that paragraph, including (8c) UNEA 5/14 (and the associated INC process) and ICCM-5. To ensure that these differences do not mischaracterize the intent we would recommend against referring to specific groupings. We would therefore recommend deleting the following clause: "taking into account, the special needs and circumstances of the least greenhouse gas emitters and the most vulnerable, in particular, Small Island Developing States (SIDS), Least Developed Countries (LDCs) and Landlocked Developing Countries (LLDCs), African States, and developing middle-income countries."

- Paragraph 8a: We recommend replacing the word "its" with "the" since the Paris Agreement is not subsidiary to the UNCCC.
- Paragraph 8a: We suggest replacing "the principles of the UNFCCC and the Paris Agreement" with the "objective of the UNFCCC and the goals of the Paris Agreement," to remain consistent with the language with the agreed upon language in the two documents.
- Paragraph 8a: Delete "as well as loss and damage," as this prejudices ongoing negotiations related to funding arrangements for L&D, including a fund.
- Paragraph 8a would therefore be edited as follows:

Deploy sustained global efforts to address climate change in line with the [add: objective] ~~principles~~ of the UNFCCC and [add: the goals of the] ~~its~~ Paris Agreement, including by addressing the urgent need for scaled up action for adaptation and resilience ~~as well as loss and damage~~. We will spare no effort to protect our communities against natural disasters induced or exacerbated by climate change, such as drought, famine, and flooding, recognizing the devastating impacts these phenomena have on societies, economies, and ecosystems.

- Paragraph 8c: The actions in subparagraph 8c do not reflect the substance of UNEA resolution 5/14, and thus the phrase "as resolved in" should be changed to "in line with," which would also make the phrasing of 8c more consistent with the phrasing of 8a and 8b. In addition, the outcome of the INC process is not itself "legally binding," and thus the phrase "legally binding outcome of the INC" should be changed to "legally binding instrument as an outcome of the INC."
- Paragraph 8d: The entirety of this paragraph should be bracketed and regarded as a placeholder pending ICCM-5.

- Paragraph 8e: Replace “ensure” with “advance” at the end of the sentence with respect to sustainable consumption and production.
- Paragraph 11: We would recommend deleting the last half of the paragraph: “while welcoming ongoing efforts to reform the international financial architecture to provide additional funding, in particular concessional finance to support low- and middle-income countries tackle and adapt to climate change, biodiversity loss and pollution.” Such efforts are outside the remit of UNEP and UNEA and are currently under negotiation in other fora.
- Paragraph 14: While we look forward to a successful Summit of the Future, UNEA 6 should not prejudge its exact outcomes, which will not be determined until well after UNEA-6 has concluded. Therefore, we recommend bracketing this entire paragraph and keeping its language as broad as possible.
- Paragraph 15: We would recommend changing the word “transmit” to “include” and “as” to “in” in the first sentence. There may be other outcomes of UNEA-6 that are to the Summit of the Future.