

UNEA-6 Postmortem: Environmental Aspects of Minerals and Metals

Authors:

Gyubin Hwang, Global Coordinator, Children and Youth Major Group to UNEP

Jan Morrill, Tailings Campaign Manager, Earthworks

Jodi-Ann Wang, Policy Analyst, Grantham Research Institute on Climate Change and Environment, London School of Economics

Yblin Roman Escobar, Facilitator, Securing Indigenous Peoples' Rights in the Green Economy Coalition (SIRGE)

Introduction

The energy transition is accelerating the global demand for minerals and metals, which in turn is increasing the current and potential environmental and social risks and harms linked to mining. In Nairobi at the [Sixth Session of the United Nations Environment Assembly \(UNEA-6\)](#), The UN Environment Programme (UNEP) and Member States were tasked with analyzing and addressing these challenges.

UNEA-6 adopted [Resolution 6/8 on the environmental aspects of minerals and metals](#) that aims to follow up from two preceding resolutions: [4/19 on mineral resource governance](#) and [5/12 on the environmental aspects of minerals and metals management](#). Regrettably, this resolution failed to take the essential steps to address risks posed by mining and lost much of the policy momentum UNEP had built in the lead up to UNEA-6, to the disappointment of many stakeholder and rights holders groups. In this article, we discuss the factors that have contributed to the lackluster nature of the final text and suggest steps that can be taken to improve environmental governance in the extractive sector.

Background

Resolution 5/12 requested that UNEP “*convene transparent and inclusive **intergovernmental regional consultations**, ... to feed into a **global intergovernmental meeting**, with the aim of developing **non-prescriptive proposals** to enhance the environmental sustainability of minerals and metals along their full life cycle.*”

The [Global Intergovernmental Meeting](#), held on the 7th and 8th of September 2023, hosted a series of discussions on the non-prescriptive proposals (NPPs) that had been previously identified through [regional consultations](#). The [Co-Chairs' Summary](#), as the outcome document of the Intergovernmental Meeting, identified the following key NPPs with broad policy support:

1. Global collection and assessment of existing standards and certification schemes in the mining sector;

2. Capacity building and technical assistance, among others, to improve the management of mining and tailings;
3. The connection of mining governance directly with circular economy, sustainable consumption, and production; and
4. The creation of an open-ended working group/technical group to follow up on and further develop NPPs.

The consultations signaled that the “*mining sector suffers from a legitimacy crisis*” and highlighted social and environmental best practices that could begin to address this trust gap. These best practices include ensuring Free, Prior and Informed Consent (FPIC) for operations on Indigenous Peoples’ territories, addressing health risks posed by mining, increased transparency and access to information, and the precautionary principle with regards to deep-sea mining, among others.

Building on this momentum, Switzerland and Senegal submitted a robust draft resolution for UNEA-6 that outlined a clear way forward in operationalising the outcomes of the 5/12 process.

Expectations vs. Reality - What happened at UNEA?

Despite this general sentiment of support for continued action during the prior consultation processes, delegates remained deeply divided over the course of the negotiations established during the meetings of the Open-Ended Committee of Permanent Representatives (OECPR) and subsequently during UNEA-6. At the closing of the OECPR on the 23rd of February, not a single paragraph had been agreed upon after an entire week of sessions dedicated to reviewing and revising the draft text of the resolution. Delegates were fundamentally far apart on whether and how to build on the outcomes of the previous resolution, 5/12, and how proposed processes could adequately engage states without infringing on sovereignty or legal mandates of other organisations. In addition, geopolitical concerns were on clear display in this cluster of resolutions, which also saw debate on [Ukraine’s resolution on environmental assistance and recovery in areas affected by armed conflict](#).

Some key issues included:

Scope of the proposed global study

Despite the fact that many member states had agreed during the 5/12 consultations that a global study of existing instruments would be of fundamental importance in assessing potential future steps, efforts by some member states at UNEA-6 to dilute the language ultimately succeeded. Rather than a landscape review or analysis which would allow UNEP discretion to provide additional details or analysis, the final language, initially proposed by the delegation from the United States, calls for a “*digital knowledge hub to compile... existing good practices.*” This mandate is significantly weaker and would essentially create a website or list of documents instead of a comprehensive analysis of the environmental impacts of mining.

Remit of the open-ended expert group (OEEG)

Delegates were unconvinced about the need for an expert group and how this proposal would meaningfully drive further development of the NPPs identified through the 5/12 process. Many countries felt that the remit of the OEEG was duplicative of the 5/12 process but simultaneously considered the discussion of “*implementation*” a step too far. Other member states attempted to narrow the scope of the expert group to an “*ad hoc technical group*,” a development that was challenged by the co-proponents and co-sponsors.

Later attempts to come to an agreement on language resulted in a dilution to a “*digital knowledge hub*” for information sharing, rather than knowledge creation (see table below for more details).

UNEP’s mandate to deal with deep sea mining

The discussion around the operative paragraph on deep sea mining/seabed mining proved contentious as expected, with objections largely pointing out potential overlaps with the mandate of the International Seabed Authority (ISA). While the ISA has an exclusive mandate in the field of deep sea mining in “*the seabed and ocean floor and subsoil thereof beyond the limits of national jurisdiction*,” the Secretariat Technical Note highlighted that “*there are opportunities for synergies with the UNEP mandate*.” Delegates recommended that the question of deep sea mining be considered in the draft resolution on oceans, but this language was removed from the final resolution [6/18 on strengthening ocean efforts to tackle climate change, marine biodiversity loss and pollution](#).

After an initial week of negotiations with next to no progress during the OECPR, discussions ran into the weekend with little forward movement. Delegates were mired in frustrating procedural debates over which text to work from and non-substantive alternative language proposals.

As delegates ran out of time towards the closing of the Committee of the Whole on the 28th, they came to an agreement at a closed door unofficial discussion that resulted in a deeply stripped-down text. Stakeholder groups like Children and Youth and NGOs were not allowed in these final discussions, and the rationale behind the changes to the text is not public knowledge.

Overview of key changes and omissions ¹

Key Theme	Rev. 1 Language (9 Feb)	Final Agreed Language (28 Feb)
Human rights /	<i>PP8 Recognizing that human rights, including</i>	<i>PP7 Noting General</i>

¹ PP refers to Preambular Paragraphs in the resolution. OP refers to Operative Paragraphs in the resolution

<p>Indigenous Peoples' rights</p>	<p>General Assembly resolution 76/300 entitled "The human right to a clean, healthy and sustainable environment," as well as <i>Indigenous rights, must be fully respected, including free, prior and informed consent in accordance with the United Nations Declaration on the Rights of Indigenous Peoples</i></p>	<p>Assembly resolution 76/300 entitled "The human right to a clean, healthy and sustainable environment"</p>
<p>Global study and assessment of existing instruments</p>	<p>OP2 Requests the Executive Director of the United Nations Environment Programme to conduct a global study assessing existing voluntary and legally binding instruments relating to the environmental sustainability of minerals and metals along their full life cycle, including their effectiveness and alignment with internationally agreed environmental obligations, targets and goals, in cooperation with Member States, UN regional economic commissions, and secretariats of multilateral environment agreements and relevant initiatives, building on existing work, in order to identify gaps in addressing environmental challenges as well as policy-relevant recommendations for addressing them, for consideration by the Environment Assembly at its seventh session</p>	<p>OP2 Requests the Executive Director... to: (a) Establish a digital knowledge hub to compile, inter alia, existing good practices relevant to the environmental aspects of minerals and metals, and to share, as appropriate, this information with all Member States and stakeholders</p>
<p>Building on the non-prescriptive proposals developed via 5/12 consultations</p>	<p>OP3 Decides to establish an open-ended expert group to further develop and prioritize the non prescriptive proposals and their implementation, with the objective of enhancing the environmental sustainability of minerals and metals along their full life cycle, taking into account social and economic aspects as the cornerstones of a just transition</p>	<p>OP2 Requests the Executive Director... to: (b) Develop capacity-building opportunities...; (c) Support enhanced cooperation among Member States</p>
<p>Reducing material dependence</p>	<p>OP1 Calls on Member States ... to promoting [sic] sustainable consumption in order to reduce dependence on raw materials</p>	<p>No reference</p>
<p>Sand observatory</p>	<p>OP5 Requests the Executive Director to establish a global sand observatory at the Global Resource Information Database – Geneva (GRID-Geneva) ...</p>	<p>No reference</p>
<p>Seabed mining</p>	<p>OP6 Requests the Executive Director to strengthen scientific knowledge with respect to the environmental impacts and risks associated with potential future deep sea</p>	<p>No reference</p>

	<i>mining activities, in line with the precautionary approach, and, within the mandate of the United Nations Environment Programme, to strengthen collaboration with the International Seabed Authority in that respect</i>	
Tailings management	<i>PP9 Welcoming the United Nations Environment Programme report on knowledge gaps in relation to the environmental aspects of tailings management, prepared pursuant to Environment Assembly resolution 5/12, and acknowledging in this regard the framework, guidelines and tools for strengthening mine tailings safety provided by the 1992 Convention on the Transboundary Effects of Industrial Accidents</i>	No reference

Looking ahead

Member States did not meet the challenges of mineral governance with the urgency the world needs to truly ensure a clean, just, and equitable transition away from fossil fuels. Instead, they posed procedural roadblocks, stripped away the strongest provisions, and finally settled on a text that does not propose meaningful outcomes.

However, mining impacted communities, Indigenous Peoples, workers, and civil society, including Children and Youth, have been working to identify a path forward for the mining industry that promotes intergenerational equity, respect for human rights and Indigenous Peoples’ sovereignty, and responsible environmental stewardship. This path will be dependent on reducing the demand for primary raw materials, reducing material intensity and improving material efficiency, and adopting circular economy approaches. A value chain approach must account for water pollution, land degradation, and ecological destruction at a systemic, holistic level.

These issues were raised in the [International Resource Panel's 2024 Global Resources Outlook](#), launched at UNEA-6 amidst ongoing negotiations. The report raises important points regarding the rising trends in global resource consumption and demand, and the need for balanced policy solutions with a stronger demand-side focus. It also highlights the course correction needed to ensure resource efficiency and sufficiency without transgressing planetary boundaries - built environment, mobility, food, and energy represent 90% of the global material demand. Echoing the positions raised by stakeholders during UNEA6 negotiations, the report underscores that a systemic shift is needed to safeguard the future material reality of the planet and the finite resources available for planetary well-being.

UNEP was established to monitor the state of the environment and inform environmental policymaking with scientific evidence. In this regard, it is clear that UNEP has a strong mandate

to convene multi-stakeholder dialogues, strengthen capacities, and encourage global coordination on addressing environmental challenges in the mining sector. Despite the disappointing lack of ambition in the newly adopted resolution, UNEP will continue to play a leading role in initiatives such as the [UN Secretary General's Working Group on Transforming Extractive Industries for Sustainable Development](#) and the [UN Framework on Just Transitions for Critical Energy Transition Minerals](#).

Further Reading

Discussions on best practices in the mining sector can already be found in reports like [Securing Indigenous Peoples' Right To Self-Determination: A Guide On Free, Prior And Informed Consent](#), [Safety First: Guidelines for Responsible Mine Tailings Management](#), and [Reducing New Mining for Electric Vehicle Battery Metals: Responsible sourcing through demand reduction strategies and recycling](#).