



HLAB

HIGH-LEVEL ADVISORY BOARD ON
EFFECTIVE MULTILATERALISM



Framing Paper

Environment as a Global Public Good



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Introduction

In his landmark 2021 *Our Common Agenda* report, UN Secretary-General António Guterres asserted: “In our biggest shared test since the Second World War, humanity faces a stark and urgent choice: a breakdown or a breakthrough.”¹ He identified the devastating cumulative impact of climate change manifested in famine, floods, fires, and extreme heat as an existential threat to humanity and the planet. Underscoring the fundamental human right to a healthy environment, the Secretary-General called for “a new deal at the global level” to facilitate multilateral cooperation on a variety of issues that must be addressed to safeguard the future of all people and our planet.²

Among those issues, he emphasized urgent action to adapt to and mitigate the adverse impacts of climate change, not least the loss lives, livelihoods, and livable land. He stressed the need for a greater focus on the environment in economic forecasting, taking account of how protection of the environment is intertwined with everything from sustainable food systems to youth empowerment. His clarion call builds on recent momentum at the UN linking human security with a healthy environment, including the 2030 Agenda for Sustainable Development in which approximately half of the 17 Sustainable Development Goals (SDGs) have a direct or indirect focus on environmental conservation and human interaction with the environment.³

The Secretary-General urged fresh thinking on identifying and managing a set of vital global public goods (GPGs), including the environment. 2022 is an opportune year to focus on these issues as it marks 50 years since the UN Conference on the Human Environment in Stockholm, which led to the creation of the UN Environment Programme (UNEP), and 30 years since the Conference on Environment and Development in Rio de Janeiro. With the myriad disruptions wrought by the COVID-19 pandemic over the course of the last two years, 2022 also represents an opportunity to double down on the Decade of Action to advance the SDGs and the Decade on Ecosystem Restoration. This is important especially after the 2021 Climate Change Conference of Parties (COP) summit in Glasgow is seen to have underdelivered in its final outcome document, despite high expectations that it would significantly build on the commitments and aspirations that emerged from the 2015 COP in Paris.⁴

The time is ripe to focus on how to not only address existing and emerging threats but also to advance resilience through innovative partnerships and bold collective action. To that end, a High-Level Advisory Board on Effective Multilateralism (HLAB) could serve as an important mechanism to address the dual and interconnected challenges of better protecting global commons and more equitably delivering GPGs. This framing paper seeks to inform the work of HLAB with a particular focus on the environment. It begins by situating the environment in the conceptualization of global commons and GPGs. The focus of the analysis then shifts to identifying several major subtopics relevant to environmental protection as a GPG, such as climate change and biodiversity, touching on both recent progress and persistent challenges in addressing them and explaining why they warrant the attention of HLAB for the benefit of people and the planet. It then examines debates on global governance of the environment, highlighting existing approaches and proposed reforms or new strategies. Finally, the paper concludes with a brief summary of key points and a set of recommendations for HLAB to consider as it undertakes its efforts in furtherance of the goals articulated in *Our Common Agenda*.

Conceptualizing global commons and global public goods

As *Our Common Agenda* notes, global commons and GPGs are twin concepts. Global commons typically encompass “natural or cultural resources that are shared by and benefit us all.”⁵ In this sense, they are very closely related to GPGs that Inge Kaul, Isabelle Grunberg, and March Stern defined – in a seminal publication in partnership with the UN Development Programme (UNDP) – as based on two core criteria. First, the benefits of GPGs must possess “strong qualities of publicness – that is, they are marked by nonrivalry in consumption and non-excludability.”⁶ Second, GPGs are distinguishable in that they are “quasi universal” covering most, if not all, countries, people, and generations.⁷ As social scientists and legal scholars have noted, the qualities of non-rivalry and non-excludability of GPGs “creates a tension” whereby these goods are at once “under-provided” and yet “efforts to encourage their production through exclusion are inefficient.”⁸ This tension has historically impacted both the effective governance and international legal oversight of GPGs.

During the 1990s, amid rapid globalization, the concept of GPGs gained traction among nations and at the UN, particularly at UNDP.⁹ This occurred in tandem with a growing understanding that the provision of a GPG, such as the reduction of carbon dioxide emissions to limit global warming, by any one country benefits other countries too. However, those countries that actually undertake measures to curb emissions pay for its provision to their own benefit and the benefit of other countries. This problem, commonly referred to as free-riding, in turn poses a challenge for international cooperation and global governance of the environment as a GPG.¹⁰ Moreover, in a polarized world, preferences – between countries and among people – vary significantly for GPGs, which in turn complicates achieving consensus and advancing multilateral action.¹¹

Nevertheless, in recent years, momentum has grown for better defining GPGs and developing approaches to govern them for the good of all people. *Our Common Agenda* described GPGs as “those issues that benefit humanity as a whole and that cannot be managed by any one State or actor alone.”¹² It identifies the climate, the environment, and Earth as “critical global commons that must be protected for all people, now and in the future.”¹³ Proponents of nature as a global common and environmental protection as a GPG argue that constricted and outdated conceptions of sovereignty dominate existing global governance approaches, which are inadequate for catalysing the kind of transformative change necessary to mitigate and overcome existential threats to the planet’s health.¹⁴ A more comprehensive focus on this issue necessitates a clearer understanding of key relevant subtopics, which the next section explores.

Major environmental subtopics and why they matter

Humanity's relationship to the natural environment is a vast and diverse area of research, policy engagement, and grassroots activism that has grown increasingly of interest to private, public, and non-profit stakeholders. There are a variety of topics, many interlinked, that are relevant to conceptualizing and addressing the environment as a GPG. This section focuses on several major ones such as decelerating global warming and mitigating anthropogenic climate change, protecting the ozone layer, conserving biodiversity, replenishing forests and preventing soil erosion, securing clean water, sustaining fisheries, supplying adequate and nutritious food, and generating clean energy. These issues are among those requiring the most urgent attention precisely because of the worrying trends of environmental decline and high-stakes for the socioeconomic well-being and safety of people across the globe.

Climate change, global warming, and clean energy

Climate change is increasingly recognized as far more than an environmental crisis and, indeed, one that encompasses every aspect of life on the planet, from human health to international security. The impacts of climate change are far from uniform between and within countries, with marginalized groups faring the worst due to pre-existing inequalities and disadvantages.¹⁵ For example, as one study notes, those who live in poverty are more likely to be dependent on the land for their livelihood: "Climate change can affect the poor through its impacts on the availability of non-priced goods such as renewable natural resource endowments."¹⁶ Effectively addressing the ongoing climate emergency will require global cooperation to close three critical gaps: the climate solution-action gap, the climate policy gap, and the climate governance gap.¹⁷ In 2021, the Intergovernmental Panel on Climate Change (IPCC) issued an urgent call to action to decelerate global warming through massive and comprehensive actions equivalent to a 45 per cent curtailment of carbon emissions by 2030 and net zero emissions by 2050.¹⁸ Importantly, as some experts have noted, the trajectory of global emissions reduction is as crucial as the end target because "a slow initial decrease will yield much greater cumulative emissions than a steeper one, even if the end year for reaching net zero is the same."¹⁹ Moreover, net zero and absolute zero are not the same. Achieving net zero, while essential, will not entirely eliminate anthropogenic carbon emissions, which is why transparent and diligent monitoring is essential.

The challenge before the international community is not only to significantly reduce further greenhouse gas emissions but also to remove pre-existing carbon from the atmosphere through sequestration, reforestation, and other methods. Correspondingly, the competitiveness of green, low- and zero-carbon technologies need to be exponentially strengthened, including in developing economies, in comparison to that of fossil fuels, which have traditionally been government subsidized in many countries. The potential dividends of transitioning towards low- or zero-carbon, renewable and clean energy systems span both environmental conservation and economic gains, yielding an increase of approximately USD 26 trillion and an increase of more than 65 million new jobs by 2030.²⁰ Globally, more than three-quarters of a billion people continue to lack electricity, relying instead of coal, firewood, kerosene and other such fuels to light their homes, cook their food, and keep themselves warm.²¹ This, in turn, has impacts on virtually every aspect of their life, from education to vocation and from health to democratic representation. Put simply, energy poverty is a major impediment to sustainable development because it holds back communities, adding to their marginalization. It is also closely related to expanding mass access to clean energy and, thereby, fulfilling the pledge of net zero emissions towards better climate change mitigation. As such, HLAB

should consider focusing on improving the global governance of addressing climate change, reducing greenhouse gas emissions, and transitioning to clean energy for all in tandem.

Ozone layer and atmosphere

As understanding of stratospheric ozone depletion started to grow in the 1970s, some countries such as the United States took measures to restrict chlorofluorocarbons (CFCs) to protect the ozone layer. In 1987, the Montreal Protocol was agreed, which required global reduction of CFCs. Over the course of the last couple of decades, the Montreal Protocol and amendments to it have proved very successful for reducing harmful substances in the atmosphere that deplete the ozone layer by a remarkable 99 per cent.²² The effectiveness of the Montreal Protocol stands in contrast to that of the Kyoto Protocol on climate change. Their different trajectories offer important lessons learned about reconciling domestic and international priorities for global governance efforts on the environment as a GPG.²³

Despite some other *ad hoc* initiatives to clean up the atmosphere such as the Climate and Clean Air Coalition (CCAC), which is a 100 member partnership committed to reducing short-lived climate pollutants to help reduce global warming, poor air quality due to pollution remains a persistent challenge throughout many industrialized and developing regions of the globe, especially in large urban areas with a high population density. Data suggests that 90 per cent of the global population breathes in air pollutants that are responsible for a staggering 7 million deaths annually. The costs of this can be measured not only in lives lost but also in economic terms, equivalent to approximately USD 5 trillion per year.²⁴ This is an area that warrants a redoubling of national commitments alongside greater international cooperation. Also, more attention to and action on restricting nitrogen and phosphorous are needed to support clean air and preserve the Earth's atmosphere.²⁵

Biodiversity

The loss of biodiversity is breathtaking considering the current rate of species extinction is up 10 to 100 times greater than it has been in the last 10 million years.²⁶ The current trajectory of global warming suggests an increase of 2.7 degrees Celsius by 2100, which will result in further dramatic biodiversity losses and make many parts of the planet uninhabitable for both humans and animals. To course correct, the warming must be kept to 1.5 degrees Celsius.²⁷ This is important not only for the purposes of environmental conservation and the preservation of nature but also for eradicating poverty. Research suggests a complex relationship whereby, on the one hand, poverty can undermine biodiversity while, on the other hand, loss of biodiversity can worsen poverty. As such, the supposed trade-off that some suggest exists between protecting biodiversity and mitigating poverty is, in fact, false.²⁸ The UNDP-UNEP Poverty and Environment Initiative (PEI) is an environmental governance mechanism that supports policy reform and budgetary planning for protection of natural resources and the eradication of poverty.

For the last 30 years, biodiversity loss has been governed under the auspices of the 1992 Convention on Biological Diversity and its associated 2010 Nagoya Protocol.²⁹ In light of high rates of extinction and accelerating climate change, which further undermines biodiversity, any future efforts relating to the environment as a GPG should focus on this issue and seek to update and improve existing policies and protocols.

Water, fisheries, and marine ecosystems

Access to clean water is vital for life on earth. Yet, millions of people globally continue to live without it in their homes, especially in rural areas of low-income countries, and thus must travel far distance regularly to acquire a limited supply. In the face of global warming and desertification, potable water access has diminished. Moreover, pollution in bodies of water including lakes, rivers, and oceans poses a significant and worsening challenge that threatens to upend marine ecosystems. For example, in the absence of concerted and dramatic efforts across the public and private sectors to transform fisheries, UNEP predicts that there may be more plastic than fish in the world's oceans by 2050.³⁰ Warming and rising seas combined with significant pollution in world's oceans from poor waste management, oil spills, military exercises, and other disasters are also threatening underwater biodiversity. While there is consensus on water scarcity and water pollution, how to address the problem remains a highly contested question with debates persistent on water as a commodity and water as a human right. Some experts strongly favour market-based solutions and others in favour of public approaches to governance of water as a public good at both the domestic and international levels.³¹ Increasingly, it is clear that a cross-section of society must be engaged from civil society as well as the public and private sectors, and refined strategies for multilateral cooperation are needed. For all these reasons and considering the central focus of access to water and protection of bodies of water in the SDGs, HLAB may wish to prioritize this set of issues in their work on the environment as a GPG.

Food production and consumption

The production, consumption, and distribution of food are closely intertwined with the protection of the environment and a healthy planet. As such, any multilateral efforts around the environment as a GPG have to consider how to balance the need for a nutritious diet for all peoples and the need to restore and strengthen nature.³² Food security has been in a steady state of decline for several years, compounded by worsening climate change and an increased frequency of adverse weather events. In 2020, more than 155 million people were acutely food insecure while millions more were experiencing hunger and undernourished.³³ Acute food insecurity in fragile settings, especially humanitarian crises, is a persistent challenge. The majority of the world's 23 countries that have acute food insecure hotspots are also those where conflict is ongoing.³⁴ The COVID-19 pandemic has dramatically exacerbated food insecurity among poor and marginalized communities with reduced or lost wages, inadequate safety nets, and supply chain disruptions amid rising inflation contributing to hunger and malnutrition. Investments in sustainable agriculture combined with expanded access to nutritious and affordable food are part of the broader picture of environmental protection. Relatedly, reducing food loss and waste are also critical to bolstering food security and enhancing other efforts to preserve, protect, and promote a sustainable environment. As such, HLAB's work on the environment as a GPG alongside other public goods would benefit from integrating a cross-cutting focus on food systems and food security.

Forests, soil erosion, and land-use

Responsible and sustainable management of the world's forests, soil, and land are key to preserving biodiversity and maintaining a livable planet. Yet, high rates of deforestation, exacerbating desertification, and rising sea levels are compounding decades of livable land loss alongside long-running unequal and

unsustainable land management. This is deeply intertwined with development challenges as the majority of the world's poor live in rural areas and they are often dependent on the land for their livelihoods in farming and livestock.³⁵ Therefore, future initiatives on the environment as a GPG must not only take into account the impact of changes to land-based public goods provisions on the poor but also engage them as stakeholders so that their needs and interests inform multilateral processes. This is especially important as the world emerges out of the COVID-19 pandemic, which has increased extreme poverty for the first time in decades. The 1971 Ramsar Convention on Wetlands of International Importance and the 1994 UN Convention to Combat Desertification are two primary international legal instruments for the governance of land use.³⁶ Neither, however, possess suitable enforcement mechanisms and both are inadequate to address the current trends of soil erosion and desertification, which threaten communities' livelihoods and have already contributed to migration due to environmental degradation. While there have been some innovative programs such as the UN Reducing Emissions from Deforestation and Forest Degradation (UN-REDD) Programme, a joint initiative of UNEP, UNDP, and the Food and Agriculture Organization (FAO), to reduce emissions from deforestation and degradation in developing countries across the globe, far greater forward thinking and concerted multilateral action are required. HLAB will have a critical role to play in this regard.

Financing

Credible commitments are needed from bilateral donors, philanthropic enterprises, and the financial sector to support innovative solutions and policy reforms to enable effective governance of the environment as a GPG. For example, the Global Environment Facility was created to coincide with the 1992 Rio Earth Summit and has since provided more than USD 20 billion in grants and USD 112 billion in co-financing to support biodiversity conservation, climate change mitigation, protection of water, land, and forests, and hazard waste management.³⁷ Yet, despite the establishment of many funding initiatives to date, one of the key unresolved challenges that has stymied progress on environmental protection, including climate adaptation, is the failure of donors to deliver on many of their promises decades later to support developing economies in dealing with risks and building national and local capacity.³⁸ In 2009, wealthy countries promised some USD 100 billion to low- and middle-income countries by 2020 for climate financing but have overwhelmingly failed to follow through.³⁹ This is despite the fact that low-income countries bear the brunt of worsening anthropogenic climate change for which wealthy and industrialized countries are primarily responsible. Without adequate and consistent financing, any aspirations will remain unrealized, not matter how well intentioned and thought out. This, in turn, will make it impossible to reduce the rate of global warming, reach net zero emissions, foster sustainable development, bolster infrastructure to build community resilience to disasters and extreme weather events, and ultimately ensure a healthy planet. HLAB thus has a key opportunity to advance global governance on this issue alongside multilateral development banks, development finance corporations, and the private sector.⁴⁰

Global governance of the environment

Global governance architectures can vary significantly in their level of fragmentation based on institutional design, norms, and actors. Scholars, policymakers, and practitioners alike have noted the challenge of reaching consensus to advance global governance in the age of globalization, which has impeded multilateral cooperation on a host of cross-border issues affecting the world's population, including not least on environmental protection.⁴¹ For example, research suggests that both social norms and economic interests shape domestic support for global governance to address climate change, with enthusiasm tempered by distributional concerns.⁴² Although recognition of the importance of multilateral governance is emerging, the evidence to date suggests that challenges persist with respect to ambiguity of adaptation, insufficient metrics of progress, and lack of consensus on problem-framing as well as on the suitability of global governance structures for adaptation.⁴³

While perspectives on the most effective modes of global governance vary, there is general consensus that the status quo is neither optimal nor sustainable for advancing a common agenda to correct course on environmental degradation. The marketplace of ideas for rectifying the challenge of global governance over the environment is rich and diverse. Some argue that softer approaches – based on incentives, voluntary actions, and flexible timelines – are more effective for achieving targets than those which are binding, while sceptics argue that non-binding approaches have proved ineffective, calling instead for international legal standards and mandatory approaches with punitive measures to secure accountability.⁴⁴ For example, some experts have called for the creation of an International Court for the Environment to facilitate “balance between environmental protection and economic development.”⁴⁵ However, the feasibility of such an idea is questionable considering the steep barriers to establishing and maintaining enforceable treaty bodies and international legal institutions – as with the Rome Statute and the International Criminal Court.

Others have proposed the establishment of a Global Resilience Council as a complement to the Security Council, which could be tasked with addressing international non-military threats and crises.⁴⁶ Meanwhile, others still have proffered the idea of a Global Environment Agency that would be a supranational, polycentric governance model.⁴⁷ Another proponent of global governance of the environment through polycentricity suggests that it is the most inclusive and efficient for a “critical mass of ambitious and influential actors” to form a multi-level coalition that includes States, business and civil society from both the Global North and the Global South.⁴⁸ A related debate centres on whether and how best to harness existing international mechanisms – everything from the World Trade Organization⁴⁹ and anti-corruption bodies⁵⁰ to the UN Framework Convention on Climate Change (UNFCCC) and COP,⁵¹ from the Security Council⁵² and the Responsibility to Protect framework⁵³ to the UN peacebuilding architecture⁵⁴ – to ensure public and private sector compliance with environmental protection targets.

Some researchers have developed a typology to distinguish between synergistic, cooperative, and conflictive fragmentation.⁵⁵ In the case of global climate governance, over the course of recent decades, there have been elements of synergistic fragmentation (namely the 1992 Rio Convention, articulating core principles that countries have ratified); cooperative fragmentation (including the 1997 Kyoto Protocol at the global level under the auspices of the UN climate regime as well as regional governance arrangements and public-private partnerships); and conflictive fragmentation (for example the 2005 Asia-Pacific Partnership on Clean Development or the 2007 Major Economies Process on Energy Security and Climate Change, which deliberately departed from the UN climate regime.⁵⁶)

In recent years, especially since the promulgation of the 2015 Paris Agreement, the global climate governance architecture has leaned towards what the aforementioned typology classifies as cooperative fragmentation. For example, several initiatives complementary to the UN climate regime have emerged since the Paris COP such as the Kigali Amendment on hydrofluorocarbons. Other examples include the Carbon Offsetting Scheme for International Aviation and the Marine Environment Protection Committee, both of which are based on non-binding, voluntary compliance.⁵⁷ These are promising developments but more needs to be done to forge common goals, agreements, and approaches to strengthen future efforts to not only address climate change but also to govern the environment as a GPG. After all, while “loose ‘coalitions of the willing’,” have helped pioneer some *ad hoc* initiatives for environmental protection in recent decades in response to worsening climate change, they are neither adequately inclusive nor consistently implemented to enable the kind of exponential and transformative action called for in *Our Common Agenda*.⁵⁸ As the Secretary-General asserts: “Multilateralism that is more networked draws together existing institutional capacities, overcoming fragmentation to ensure all are working towards a common goal.”⁵⁹

Alongside the debate of optimal institutional structures and approaches, the Climate Governance Commission identified five vital policy areas that future multilateral efforts should prioritize:

1. Public financing and risk mitigation through investments in innovation and infrastructure to protect the environment.
2. Pricing and competitiveness reforms to remove subsidies on fossil fuels and incentivize low- or zero-carbon energy sources.
3. Regulations to support the development of zero-carbon technology.
4. Targets, roadmaps and monitoring to facilitate transparent progress consistent with ambitious benchmarks.
5. The mitigation of negative social impact and the acceleration of positive socioeconomic development in economically vulnerable places, especially those historically dependent on fossil fuels.⁶⁰

Aside from the need for greater political will and consensus among world leaders, especially in countries with the greatest recorded carbon emissions, institutional and legal challenges have also stymied more effective global governance over the environment.⁶¹ These include, for example, “the lack of coherence between climate goals and international regimes in other policy areas.”⁶² Therefore, an area warranting greater high-level attention is the identification of opportunities and approaches to support climate action and environmental protection across sectors such as peace and security, trade and finance, labour and corruption, and economic development and social impact. This will be critical to break down historically entrenched silos that inhibit cross-sector, cross-border cooperation on environmental protection and other GPGs highlighted in *Our Common Agenda*.

Conclusion and recommendations

If we are to turn the tide on what the Secretary-General has grimly described as an ongoing “suicidal war against nature,” then multilateral cooperation must lead the way to minimize the challenges of fragmentation and enable effective global governance of the environment as a GPG.⁶³ The choice before global leaders is stark: collective action to radically transform environmental protection through improved governance or the increasing likelihood of catastrophic ecological collapse. Mapping, assessing, and narrowing the potential options for multilateral cooperation to advance global governance of the environment to a list of the most promising and practicable warrants far greater high-level, expert attention. HLAB, working in collaboration with the Executive Office of the Secretary-General, other relevant UN offices, and Member States is well positioned for that task.

In accordance with the vision outlined in *Our Common Agenda*, the following set of recommendations is presented to HLAB to support its efforts on the environment:

- HLAB could draw on, facilitate, and strengthen networks of cooperation to ameliorate the challenge of fragmentation and help articulate clear, actionable goals to galvanize action for effective global governance of the environment as a GPG. In this regard, HLAB should recognize that networks of cooperation can complement but not replace core international, multilateral institutions, which remain relevant and necessary even if in need of reform.
- HLAB may wish to focus on financial inclusion and sustainable financing as central to any and all efforts related to the provision of GPGs, including environmental protection as outlined along various dimensions in this paper. Funding pledges should be followed up with timely, efficient, and accessible deployment of financial support, including to underresourced countries and marginalized communities. Global climate mitigation approaches should align with and advance socioeconomic development, especially in climate-vulnerable communities, to eradicate poverty and overcome inequality.
- HLAB should consider leveraging its expertise and authority to help support the promulgation of far more ambitious – and better resourced – national climate change mitigation and adaptation plans to enable the realization of global net zero targets. Connecting domestic and international agendas will be crucial to advancing concerted efforts on the environmental as a global commons.
- HLAB could ally and partner with critical stakeholders in the private and non-profit sector, including a grassroots leaders of affected communities and civil society coalitions across the world that form part of a spreading social movement, to galvanize its work. Cooperation with both like-minded and sceptical individuals and organizations will be important in order to achieve breakthroughs for effective global governance of environmental protection as a GPG.
- HLAB may look to devise conceptualizations of both individual and collective well-being that integrate the environment as a GPG as part of measures to track development alongside more traditional indicators such as gross domestic product (and per capita). This is key to not only meeting the SDGs but also for preventing backsliding and maintaining progress made to date.
- HLAB would benefit from exploring and identify the best regulatory approaches to, on the one hand, better curb carbon emissions and, on the other hand, incentivize adoption of green energy sources at micro- and macro-levels. To that end, HLAB could liaise with national climate advisory boards and councils to learn about national approaches and transmit lessons learned that are applicable for the international level.

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- HLAB should focus on environmental collapse and engage in environmental catastrophe scenario planning for prevention and preparedness, which have been largely overlooked or underemphasized in both *ad hoc* and systematic, binding and non-binding, global governance initiatives to date. Relatedly, an overhaul of current systems of energy production and consumption, industrial processes and manufacturing, and waste management should be on the agenda of policymakers deliberating on the environment as a GPG.

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