

CONCLUDING REMARKS BY KENYA – GLOBAL PACT ON ENVIRONMENT

Co-Chairpersons,

Distinguished Delegates, and Dear Colleagues,

- **The Government of Kenya reiterates that the on – going efforts to explore negotiation of a possible instrument should not undermine the existing multilateral environmental agreements (MEA) and instead build on them, and should be based on the principle of common and differentiated responsibility and permanent sovereignty over natural resources.**
- **The ongoing efforts should seek to strengthen UNEP as was decided in the Rio +20 conference outcome document ‘The Future we want’, so that it can coordinate and ensure cooperation amongst various secretariats of Multilateral Environmental Agreements, and build synergy based either on cluster or thematic areas of the MEA, similar to synergy being witnessed between Basel, Rotterdam and Stockholm Conventions.**

- **It should also strengthen UNEP by consolidating reporting mechanism, supervision, coordination and cooperation amongst UN environmental treaty instruments under UNEP.**

- **We reiterate that fragmentation in international environmental law has been necessitated by the fact that different aspects of environment require, specific –tailored made multilateral environmental agreement since “*one size fit all approach*” cannot work in the field of International Environmental Law.** Moreover, legal tools exists in Article 31 to 33 of the Vienna Convention on the Law of Treaties on how to interpret treaties even in incident of fragmentation. The aforementioned provisions have now become customary international law. Moreover, International Law Commission in its report of 2006 entitled “*Fragmentation of international law: difficulties arising from diversification and expansion of international law*” adopted by UN General Assembly in December 2006 provides guidelines on how to resolve problems associated with fragmentation in international law.

- **Any supposed “gap” or “deficiency” in Multilateral Environmental Treaty identified should be**

addressed through that treaty mechanism by state parties therein only, and not through an external process which involve non-state parties.

- **Developing and Least Developed Countries (LDCs) facing challenges in fulfilling their national commitments on various Multilateral Environmental Agreement , due to technical, financial and technological challenges should be assisted as was agreed in the *Addis Ababa Action Agenda on Financing for Development of 2015* and the *Montevideo Program on Environmental Law* respectively.**

17th January 2019

NAIROBI