

*The Item 4. "Discussion of possible options to address possible gaps in international environmental law and environment-related instruments, as appropriate"* of the Provisional agenda of the second substantive session of the ad hoc open-ended working group established pursuant to General Assembly resolution 72/277

Based on the oral summary by the Co-Chairs of the decision of the ad-hoc open-ended working group (14 - 18 January 2018, Nairobi), the following comments/suggestions might be considered at the next meeting:

- Ad hoc group should not be limited to the findings of the Report alone, but additional relevant aspects should be discussed on both directions: identification of more gaps (if appropriate) and effective ways to address them as well
- According to the Co-chairs summary, clear definition of "gap" in the context of international environmental law and environment-related instruments is needed
- If appropriate, characterize and structuring the gaps at the global, regional and national aspects, that will give a possibility to address them more effectively
- Make a reference to the duplications, among others, in the principles of international environmental law and in the environment-related instruments
- Clear definition of "environment-related instruments", as according to the Co-chairs oral summary, *some delegations understood "environment-related instruments" as covering non-binding environmental instruments, and not as covering those international legal instruments that have an environmental dimension*
- Consider the formulation of general principles on the basis of the study of the International Law Commission on the criteria to define general principles of law
- In line with the paragraph 83 of the Report, more emphasis should be made to the strengthening the governance of international law considering the implementation of MEAs among others and, where appropriate, provide implementation guides or experience sharing from other respective treaties how and at what extent include more effectively non-State actors in the implementation processes of MEAs
- Make a clear picture of synergies between MEAs and other international environmental instruments/processes
- More emphasis to the need for strengthening the countries' capacities for the effective implementation of MEAs