

**Ad hoc open-ended working group, Third Substantive Session,
Nairobi, 20-22 May 2019**

Towards a Global Pact for the Environment - where do we go from here?

April 11, 2019

Over the past decades, the international community has sought multilateral answers to transboundary conservation concerns. There is indeed little doubt that global challenges require global solutions. Thus, from the 18th to 20th of March 2018, an ad-hoc open-ended working group, established pursuant to General Assembly resolution 72/277 entitled “Towards a Global Pact for the Environment”, convened its second substantive session in Nairobi to discuss the gaps in international environmental law (IEL).

In light of the upcoming third substantive session of the working group, we would like to take this opportunity to submit our comments and suggestions for the way forward. The second substantive session has made evident that diverging outlooks remained, yet there was also a general consensus that the working group should seek to support the strengthening of governance of international environmental law. In particular, the lack of coherence and cooperation between the different instruments was identified as a main contributor to challenges in implementation. In this connection, delegations highlighted the lack of capacity-building, the absence of financial and technical resources and weak compliance and monitoring mechanisms in particular.

Recommendations

- With the discussions of the first and second substantive sessions in mind, OceanCare believes that the third session should recommend to the General Assembly the convening of an intergovernmental conference.
- Among other outcomes, the intergovernmental conference should aim to advance key aspects such as environmental principles and rights.
- The result should be the compiling of existing principles so as to establish consistency and a common understanding, also in respect to implementation.
- A new legally-binding instrument should apply where there is a vacuum of multilateral environmental agreements or regulations without renegotiating or weakening existing ones.
- Existing achievements have been the result of considerable negotiations and this current process should not be understood as an opportunity to undermine such accomplishments.
- The Global Pact should not intend to review the entire governance system of environmental agencies or undermine intentional compromises made by Member States within sectoral or regional agreements. On the contrary, the Global Pact should seek to deal with unintentional gaps that are not addressed by specialised fora and to provide much needed consistency and predictability.

This progress can be driven by a Stockholm+50 process which will provide considerable impetus and ambition to progress in a timely and orderly manner.

In the meantime, however, we believe that certain aspects can already be addressed. These include:

- For example, the United Nations Environment Programme (UNEP) can set out to strengthen the governance of existing instruments by examining both thematic and governance gaps within

existing Multilateral Environmental Agreements (MEAs) and to encourage thorough compliance mechanisms within each specific MEA.

- It also remains an important task to cluster and re-structure environmental agreements so as to develop synergies, effective reporting and monitoring instruments, and to identify aspects that have not yet been covered.
- OceanCare also stresses the importance of biodiversity MEAs and that sufficient means are required for their obligations to be implemented.
- Moreover, increased cooperation and coordination among MEAs should be encouraged by the UNGA and;
- For the Member States who have not already done so to ratify the MEAs and effectively implement them.

We hope that you will take our comments under consideration and remain committed to contributing to an ambitious and favourable outcome for the environment.

For any further information or, if any questions arise, please do not hesitate to contact:

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OceanCare has been committed to marine wildlife protection since 1989. We have witnessed dramatic developments – and have enforced concrete improvements.

Through research and conservation projects, campaigns, environmental education, and involvement in a range of important international committees, **OceanCare** undertakes concrete steps to improve the situation for wildlife in the world's oceans. In 2011, OceanCare was granted Special Consultative Status on marine issues with the Economic and Social Council of the United Nations. OceanCare has also been accredited as a Major Group to the United Nations Environment Assembly (UNEA) in 2015.

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