

CO-FACILITATORS' DOCUMENT

**INFORMAL CONSULTATIONS UNDER GENERAL
ASSEMBLY RESOLUTION 73/333 OF 30 AUGUST 2019**

JUNE 2020

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(I) Introduction

1. This Document is provided for the benefit of participants to the first substantive informal consultations under General Assembly resolution 73/333 entitled, "Follow-up to the report of the ad hoc open-ended working group established pursuant to General Assembly resolution 72/277".

2. General Assembly resolution 73/333 endorsed the recommendations of the ad hoc open-ended working group established pursuant to General Assembly resolution 72/277 entitled "Towards a Global Pact for the Environment". In those recommendations, and under the heading "Further Work," the United Nations Environment Assembly (UNEA/Environment Assembly) has the responsibility:

"To prepare, at its fifth session, in February 2021, a political declaration for a United Nations high-level meeting, subject to voluntary funding, in the context of the commemoration of the creation of the United Nations Environment Programme by the United Nations Conference on the Human Environment, held in Stockholm from 5 to 16 June 1972, with a view to strengthening the implementation of international environmental law and international environmental governance, in line with paragraph 88 of the outcome document of the United Nations Conference on Sustainable Development, entitled 'The future we want'."

3. The Document provides a set of questions for the consideration of Member States and members of Specialized Agencies on how the substantive recommendations contained in resolution 73/333 can be taken forward. The Co-facilitators hope that this Outline Document and the discussion at the first substantive consultation meeting to be held virtually on 21-23 July 2020 will assist in forming the basis for a second paper that will address the building blocks of the draft political declaration.

4. In addition, the Co-Facilitators are also providing an Information Note that should be seen as complementing the Co-Facilitator's Document. The Information Note provides (i) information on the milestones that are addressed under General Assembly resolutions 72/277 and 73/333 respectively as well as relevant decisions of the UNEP Governing Council and UNEA; and (ii) background information that is relevant to each of the recommendations.

5. As far as the recommendations are concerned, they are divided between five objectives guiding the recommendations and thirteen substantive recommendations.

6. The five objectives guiding the recommendations are to: (1) reinforce the protection of the environment for present and future generations; (2) uphold the respective obligations and commitments under international environmental law of States Members of the United Nations and members of specialized agencies; (3) contribute to the strengthening of the implementation of international environmental law and environment-related instruments; (4) support the full implementation of the 2030 Agenda for Sustainable Development, as well as the outcome document of the United Nations Conference on Sustainable Development, entitled “The future we want”, including paragraphs 88 and 89 thereof; and (5) not undermine existing relevant legal instruments and frameworks and relevant global, regional and sectoral bodies.

7. Consequently, elaboration of the recommendations should be seen against the background of the general guidance that has been set out in the objectives, to strengthen the implementation of international environmental law and environment-related instruments and international environmental governance but without undermining existing relevant legal instruments and frameworks and relevant global, regional and sectoral bodies.

(II) Questions for the consideration of Member States and members of Specialized Agencies on how the substantive recommendations contained in resolution 73/333 can be taken forward.

(6) Reaffirm the role of the United Nations Environment Programme as the leading global environmental authority that sets the global environmental agenda, promotes the coherent implementation of the environmental dimension of sustainable development within the United Nations system and serves as an authoritative advocate for the global environment, and also reaffirm the role of the United Nations Environment Assembly.

(a) What concrete actions can Member States and members of Specialized Agencies take to strengthen and reaffirm the role of UNEP as the leading global authority, that sets the global environmental agenda and facilitates the implementation of the environmental dimension of the 2030 Agenda within the United Nations system, and also the role of UNEA?

(b) How can the role of UNEP, and also of UNEA, be enhanced in the area of environmental law and environmental governance?

(7) Call for renewed efforts at all levels to enhance the implementation of existing obligations and commitments under international environmental law, stressing the importance of enhanced ambition regarding means of implementation, including the

provision and mobilization of all types and sources of means of implementation, consistent with the Addis Ababa Action Agenda of the Third International Conference on Financing for Development and the 2030 Agenda for Sustainable Development.

- (a) What actions can Member States and members of Specialized Agencies take to further strengthen the implementation of international environmental law and environment-related instruments and international environmental governance?
- (b) How can the role of UNEP be enhanced in leading the UN system and supporting national Governments in the development and implementation of environmental law, environmental rule of law, and environmental governance?
- (c) Through what actions can enhanced ambition regarding means of implementation, including the provision and mobilization of all types and sources of means of implementation be realized?
- (d) How can Member States and members of Specialized Agencies make full use of the technical legal assistance from UNEP and MEA Secretariats in order to fulfill the implementation of their obligations under the MEAs?
- (e) How can Member States and members of Specialized Agencies strengthen the financial base of UNEP and the MEAs?
- (f) How can the role of the international financing mechanisms, including the GEF, be increased to mobilize increased resources to further enhance the implementation of environmental law and especially MEAs?
- (g) How can and should other forms of innovative financing be used?

(8) Recognize the role of discussions on principles of international environmental law in enhancing the implementation of international environmental law, also noting the ongoing work in the International Law Commission on general principles of law.

- (a) How can UNEP provide assistance to Member States and members of Specialized Agencies in ongoing discussions on principles of international environmental law, in further developing their understanding and in their implementation?
- (b) How can Member States and members of Specialized Agencies recognize and make use of principles of international environmental law for the purposes of enhancing their implementation of international environmental law, including at the national level?
- (c) How can Member States and members of Specialized Agencies take into account the ongoing work in the International Law Commission on general principles of law?

(9) Invite the scientific community to further its work on interconnected and cross-cutting issues by sharing information among the leading scientific, technical and technological bodies that inform the work of multilateral environmental agreements and environmental

processes, and encourage the scientific, technical and technological bodies to strengthen cooperation among themselves.

- (a) How can the scientific research, innovation and cooperation across relevant bodies be encouraged to better inform the work of multilateral environmental agreements and environmental processes?
- (b) How can scientific subsidiary bodies of MEAs strengthen their collaboration with each other and with the inter-governmental science-policy platforms, including with UNEP's science-policy interface?
- (c) How can Member States and members of Specialized Agencies make greater use of the assessments and outputs of scientific bodies?

(10) Invite the governing bodies of the multilateral environmental agreements, while preserving their independence and respective mandates, to increase their efforts to promote policy coherence across environmental instruments at all relevant levels and to consider identifying and addressing implementation challenges in their regimes, with a view to strengthening implementation at the national and international levels.

- (a) What opportunities do Member States and members of Specialized Agencies see for strengthening policy coherence across MEAs?
- (b) How can States, at the national level, integrate MEA implementation and SDG implementation into their sustainable development strategies and action plans? How can MEAs and UNEP collaborate to assist countries through for example, the UN Sustainable Development Framework, the UN Resident Coordinators and country teams?
- (c) Would the establishment of forums through UNEP that enable cooperation and coordination among national focal points of the various MEAs on policy development and their implementation be useful?
- (d) How can Member States and members of Specialized Agencies encourage an open and inclusive dialogue between regional and global MEAs on the environment including between their secretariats?

(11) Invite the governing bodies and secretariats of multilateral environmental agreements to enhance cooperation and collaboration among themselves within the scope of their respective mandates, as well as between themselves and the United Nations Environment Programme and the United Nations Environment Assembly, building on work already done.

- (a) How can Member States and members of Specialized Agencies enhance cooperation and collaboration across all MEAs and between them and UNEP and the UNEA in order to promote policy coherence, coordination and implementation?

- (b) For example, should the Governing bodies of MEAs consider welcoming the decisions of UNEA of relevance to their work, adopt corresponding decisions and share information with UNEA on their implementation efforts?
- (c) Should Member States encourage UNEA to take into account the decisions of the Governing bodies of MEAs in developing global environmental policies?
- (d) To what extent can existing mechanisms for cooperation and coordination among the MEAs be strengthened and can existing mechanisms serve as a model for similar arrangements across other thematic clusters of MEAs?

(12) Encourage the governing bodies of multilateral environmental agreements and scientific, technical and technological bodies to exchange information and experiences, including with a view to considering the streamlining of reporting and/or monitoring processes.

- (a) What proposals do Member States and members of Specialized Agencies have for enhancing cooperation between the scientific, technical and technological bodies of MEAs and UNEP with a view to enhancing synergies including exchanging information and experiences, mutual data use and developing joint assessments?
- (b) Should Parties to MEAs request that joint scientific assessments be conducted by their scientific, technical and technological bodies to ensure a more coherent science policy interface in all areas of environmental policy?
- (c) How can Member States and members of Specialized Agencies further support initiatives and fora for MEA Secretariats to exchange information and experiences, such as the United Nations Information Portal on Multilateral Environmental Agreements (InforMEA)?
- (d) To which extent could UNEA be the instrument in establishing linkages between scientific and technical bodies of MEAs?

(13) Encourage all that have not yet done so to consider ratifying multilateral environmental agreements and to effectively implement them.

- (a) What are the main challenges at national level in considering ratification and effective implementation of MEAs?
- (b) To what extent can UNEP encourage Member States and members of Specialized Agencies in ratifying MEAs and supporting their effective implementation building on, for example, the UNEP Guidelines on Compliance with and Enforcement of MEAs?

(14) Encourage States Members of the United Nations and all members of the specialized agencies to strengthen, where needed, environmental laws, policies and regulatory frameworks at the national level, as well as capacities across all sectors for the effective

implementation of international environmental law, including in the administrative and justice sectors in accordance with national legal systems, while acknowledging the importance of international cooperation in supporting and complementing national actions.

- (a) How can UNEP support Member States in this effort and promote quality information and data exchange, improve education, capacity-building and technical assistance, including with the aim of strengthening effective national environmental governance systems and improving environmental rule of law?

(15) Encourage States Members of the United Nations and all members of the specialized agencies to mainstream environment into sectoral policies and programmes at all levels, including into national development and sustainable development plans, to enhance the implementation of international environmental law and applicable environment-related instruments.

- (a) How can Member States and members of the Specialized Agencies enhance the implementation of international environmental law and applicable environment-related instruments by mainstreaming the environment into sectoral policies and programmes at all levels, including into national development and sustainable development plans, following national UN Common Country Analysis, the UN Sustainable Development Cooperation Frameworks (UNSDCFs) and relying on support from UN Country Teams?
- (b) How can UNEP and UNEA contribute to the mainstreaming of environment into the UN Common Country Analysis and the UN Sustainable Development Cooperation Frameworks, in support of the UN Country Teams?
- (c) How can Member States and members of the specialized agencies foster integrated approaches at country level, in particular strengthening the reporting on MEAs implementation in the voluntary national reviews delivered at the High-Level Political Forum (HLPF)?

(16) Encourage the active and meaningful engagement of all relevant stakeholders at all levels in the different forums related to the implementation of international environment law and environment-related instruments.

- (a) What actions can be taken to promote access to information and engagement of all relevant stakeholders at all levels in the different forums related to the implementation of international environment law and environment-related instruments?
- (b) How can Governing Bodies continue to support the active and meaningful engagement of all relevant stakeholders?

(17) Encourage the exploration of further ways for States Members of the United Nations and all members of the specialized agencies to support and make full use of the fifth Programme for the Development and Periodic Review of Environmental Law (Montevideo Programme V), adopted at the fourth session of the United Nations Environment Assembly, in order to foster environmental rule of law and advance the implementation of environmental law at all levels.

- (a) How can Member States and members of the Specialized Agencies support the implementation of Montevideo Programme V and its efforts to promote the development and implementation of environmental rule of law, strengthen national-level capacity, advance the implementation of environmental law at all levels and contribute to the implementation of the 2030 Agenda for Sustainable Development?
- (b) How can the network of national focal points designated by Member States, pursuant to UNEA resolution 2/19, be supported and extended for exchanging information and building capacity in order to strengthen the application of Montevideo Programme V?

(18) Encourage the United Nations Environment Programme, as chair of the Environment Management Group, in collaboration with the other members of the Group, to continue to strengthen system-wide inter-agency coordination on the environment and to call for the active involvement and support of all members of the Group in the implementation of system-wide strategies on the environment.

- (a) How can Member States and members of Specialized Agencies support the implementation of the UN System-Wide Framework of Strategies on the Environment of the Environment Management Group (EMG)?
- (b) How can UNEP, as the chair of the Environment Management Group, in collaboration with the other members of the Group, strengthen system-wide inter-agency coordination on the environment and the implementation of system-wide strategies on the environment?