

# **Response to the Co-Facilitator's Questions re UNGA Resolution 73/333**

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**(II) Agencies on how the substantive recommendations contained in resolution 73/333 can be taken forward.**

**Question 6a) 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?**

The role of UNEA should be significantly strengthened, for example by agreeing to adopt actionable and/or binding and enforceable resolutions. These agreements or resolutions should be developed and agreed upon using some type of a qualified majority or modified consensus process where the will of the majority should supersede the resistance by a few. Thus the will of the great majority should take precedence over the reservations raised by a few. In instances where there is a question about this it could be resolved by a vote which would require perhaps 2/3rds or 3/4ths of those voting agreeing; however in all cases the Member States should be expected to continue to strive for consensus when possible.

Funding for UNEP should be significantly scaled up. Increasing levels of finance and staff should be provided to UNEP so that it can more effectively support the Strategies and Action Plans on Sustainable Consumption and Production, on Ecosystem Services, and on the UN Decade on Ecosystem Restoration, etc.

**6b) How can the role of UNEP, and also of UNEA, be enhanced in the area of**

## **environmental law and environmental governance?**

Ensure that the UNEA resolutions and directives are forwarded to and carried out by all other departments and agencies within governments. Ensure that all countries recognize their environmental departments as the lead agencies in regards to environmental policies and upholding of environmental principles, legislation and law; adopt a resolution encouraging this and authorizing UNEP, in partnership with the UN Law Commission and UNDESA, to work with governments to ensure that this happens.

UNEP should be mandated and authorized to support all countries at the national and sub-national levels to significantly strengthen their national and international environmental legislation, regulations, and laws.

### **7a) 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?**

Make this a key recommendation associated with the Stockholm +50 process and have the Member States and Specialized Agencies report at either a UNGA or UNEA summit meeting as to what is and has been done in this regards. Do an assessment of what is being provided in regards to financing as compared with what would be required and needed.

Develop an on-going process to support and encourage governments and UNGA to strengthen National and International Legislation and Law through **developing a draft legal framework that could be used as a template by national, state, and local governments to either strengthen or further implement environmental regulations, legislation, and the rule of law.** Include in this framework guidelines and examples of best practices. **Include a legal framework that describes the establishment and use of judicial processes and that contributes to eliminating corruption, and that protects government whistleblowers and civil society earth stewards and environmental defenders, etc**

Develop and put in place a strategy and plan of action to prevent and end

illegal mining, fisheries, logging, etc.

**Implementing the precautionary principle:** action needs to be taken at all levels of government to respond more ambitiously to the need to regulate and safeguard humanity from the harmful effects and impacts coming from our unsustainable consumption and production practices along with the usage and consumption of plastics, toxic materials and chemicals, fireworks, accumulation of toxic substances in the human body, and products and chemicals that have not yet been tested for their potential toxicity.

Similarly either a resolution and/or the outcome document ought to call for all countries to implement an ambitious program and plan of action to support recycling and composting, to transition to a fully circular economy, end pollution coming from agricultural activities, climate change, nuclear power, and fossil fuels, etc. and that will provide incentives and investments for renewable transit systems, etc. **Each country should be encouraged to set priority issue areas in which it intends to strengthen national and international environmental legislation and laws in a transparent and fully participatory manner.**

**b) 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?**

Member States and members of Specialized Agencies should take action to address cross boundary pollution, further establish environmental courts of law and the setting of precedents, and UNEP needs to either establish a much better resourced legal department and/or further empower its legal department to support and assist states on this. Policies should be adopted to respond to and end both biodiversity loss and ecocide.

**c) 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?**

UNEP ought to be mandated to consult with all stakeholder groups and to

develop a detailed set of guidelines for how governments can best develop and implement environmental law, environmental rule of law, and environmental governance. In addition UNEP should be tasked with the role of supporting governments, other UN agencies, and law making bodies in order to implement such policies. These guidelines should include the need to address such things as are mentioned below:

- Judicial processes that support the implementation of the environmental rule of law
- Transboundary management, fair and equitable use, and dispute avoidance and resolution
- Application of the Rio Declaration and other such environmental and sustainable development principles
- Subsidy policies and incentives
- The need to transition as rapidly as possible to a fully circular economy
- Extended producer responsibility
- All elements of the workstream being carried out by UNEP's Resources Committee
- Addressing the negative lifecycle impacts arising from the consumption and production of plastics and the need to take action to first minimize and then eliminate them

**d) 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?**

Ongoing discussions and review processes should be carried out in association with UNEA, HLPF, and the UN General Assembly that includes all of those countries that wish to make a serious commitment to upgrading and improving their national, and efforts to support and implement international environmental legislation and laws, through the Montevideo Programme V.

UNEP should be mandated to work with UN Member States to develop a dedicated set of guidelines and tools to support governments in doing this.

**e) 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?**

In order for the Member States and Specialized Agencies to make full use of the technical legal assistance from UNEP and MEA Secretariats, they should consult and work closely with civil society organizations, the scientific community, and the courts; publicize such efforts through UNEA, UNGA, and HLPF. and issue an open invitation for all interested parties that do not have “vested interests” to do so, and including in particular those participating in VNR processes or that have been producing shadow reports.

**How can Member States and members of Specialized Agencies strengthen the financial base of UNEP and the MEAs?**

Members states and the specialized agencies should launch an ongoing international financing and policy development drive, beginning by developing a listing of potential new funding sources that are willing to support governments in strengthening their environmental legislation and laws, and work with civil society and supportive governments such as the Leading Group of countries on promoting the drive and campaign.

**(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?**

International financing mechanisms should be included and scaled up as a part of the Drive & Campaign - The secretariat should be mandated to draft a report on what GEF has accomplished with the limited amount of resources that it has had vs what might be possible if it was more fully funded. In the Report the cost of the GEF funding should be compared with other societal expenditures on such things as schooling, healthcare, infrastructure development, pet food, alcohol, snack foods, military, and social programs etc in order to demonstrate how under funded GEF has been and the extent to which the funding for it ought to be increased.

**(g) How can and should other forms of innovative financing be used?**

Innovative taxation policies should be applied at both the national and

international level including the use of taxes, fees and surcharges on the use and abuse of nature and natural resources, and land value taxation. A primary focus on the use of such policies should be on internalizing the externalities and ensuring that humanity lives within the carrying capacity of the earth and returns to living within and avoids exceeding planetary boundaries.

The Commons Cluster of the NGO Major Group drafted 3 reports on implementing all 17 of the SDGs using a Nature Approach and Nature Based Solutions. These reports include numerous examples of beneficial financing strategies and techniques, many of which address the need to put much needed incentives in place, that should be considered. See: <http://allwinnetwork.net>

**(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?**

Draft and distribute a report on best practices in responding to the Principles focusing on the best examples being implemented at all levels of governance. Develop a process to welcome input and determine the ways in which upholding and respecting the Principles of international environmental law are essential for dealing adequately with our rapidly increasing and urgent local to global environmental challenges.

**(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?**

The scientific community and scientific subsidiary bodies should be called upon to do definitive studies and report on such matters as the problems that are occurring due to:

- Food borne pathogens and disease
- The use of genetically modified organisms
- Pesticides, herbicides and fertilizers
- Usage of potentially toxic chemicals that have not been tested
- Dispersion of plastics in the natural environment
- Solid waste streams
- Impact of human and other wastes flowing back into the watershed untreated
  - Agricultural run-off
  - Air borne pollution and pollutants
  - etc.

Along with the benefits that can come from transitioning to:

- Regenerative Agriculture
- A circular economy
- Environmentally friendly green chemicals
- Composting and biological waste processing
- Biomimcry
- Ecosystem restoration in all types of environments and habitats
- etc.

Scientific analysis, reports and presentations should inform national and sub-national sustainable development commissions and processes

Scientific information should be discussed and forwarded to governments through national science and educational councils and associations

Governments should make good use of holding public hearings and

consulting with all stakeholder groups when determining policy and drafting legislation

**(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.**

**(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?**

Yes, if civil society is also included in the process and given a seat at the table

**(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.**

Member States and members of Specialized Agencies should be encouraged to enhance cooperation and collaboration across all MEAs and between them and UNEP, along with the UNEA in order to promote policy coherence, coordination and implementation. This should be seen as an important element of all efforts to achieve the UN's Sustainable Development Goals and all other international agreements and treaties and at all levels of governance.

**The Governing bodies of the MEAs should be encouraged to welcome the decisions of UNEA of relevance to their work, adopt corresponding decisions and share information with UNEA on their implementation efforts; and UNEP should be tasked with inviting them to do so. It would be best if this could be done well before the Stockholm+50 Commemorative Event so that the processes for cooperation and collaboration are well in place before then.**



UNEA should agree to take into account the decisions of the Governing bodies of MEAs in developing global environmental policies in part as a means for encouraging cooperation and collaboration and to set a good example for the individual Member States.

**(12) Encourage the governing bodies of multilateral environmental agreements and scientific, technical and technological bodies to exchange information and experiences**

Parties to the MEAs should also be encouraged to 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; and UNEP should be mandated to work with the Secretariats of the MEAs to establish 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.**

Among the main challenges at the national level in considering ratification and effective implementation of MEAs is a lack of political will stemming in part from the influence of those with special or vested interests, but also due to the influence stemming from political beliefs that are developed and promoted by those that oppose such international agreements and the value and many benefits that they can and do provide.

UNEP should be mandated to work with and support 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 and more specifically as an important means for helping to achieve the SDGs.

Member States should also be encouraged to ratify and implement the MEAs as a part of the proceedings during the opening sessions of the UNGA, the UNEA, the HLPF and for the Stockholm Commemoration.

**(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?**

Workshops, informal and formal sessions of UNEA 5 should be dedicated to developing a strategy for how this could best be accomplished with the full participation of all stakeholder groups during said meetings.

**(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, etc. and (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?**

UNEP should be tasked with developing guidelines and recommendations for this in consultation with the UN Member States, OECD, the Commonwealth, Regional Assemblies, and all other stakeholder groups. A special informal session(s) and/or workshop(s) should be held during UNEA 5 in order to respond to these questions and to have a truly interactive dialogue in response to them.

It is essential that all countries be encouraged to, and supported in, integrating all areas of sustainable development both vertically and horizontally in all planning and implementation processes - thus across all levels of government and across all sectors of the economy and society along with all 17 of the SDGs. Member States should also be encouraged to develop multi- and cross-sectoral committees and working groups to give input to and provide guidance on sustainable development at all levels of governance and within all commission processes. States should be encouraged to report on their inclusion of such processes in their VNRs and civil society should be asked to include such information as well in their shadow reports.

**(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?**

UNEP should be asked and encouraged to develop a set of guidelines and recommendations for promoting and ensuring access to information and engagement with all relevant stakeholders in all relevant fora in consultation with civil society, supportive governments, and the Environmental Management Group. A review should be undertaken, in consultation with Stakeholder Forum and the HLPF Major Groups, in order to determine which practices and processes have been the most productive and effective in various sustainable development processes. The Member States should again reaffirm and commit themselves to independently and collectively review the extent to which they are fulfilling Principle 10 from the Rio Declaration on Access to Information.

**(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?**

Member States should make the commitment in the Political Declaration to take whatever actions would be required and necessary to ensure that we return to and live within all of the planetary boundaries and the natural carrying capacity of the Earth.

UNEP should be tasked with developing a report that describes the extent to which each country and region has developed and put sufficient environmental legislation and regulations in place in order to be able to meet each of the Rio Conventions and all of the other MEAs and the SDGs. The results from such a study and report should be posted on the Montevideo website within the Law and Environment Assistance Platform. UNEP should also be tasked with upgrading and updating the Platform and all of the UN Member States should commit to providing current information on the state of their environmental legislation and law.

All countries should be encouraged, and make a commitment, to include current contact information for their country focal points including emails, phone numbers and web links to the departments they are associated with, along with an overview and links to all of their country's primary environmental legislation and regulations. This should include a listing of, and links to, their primary environmental agencies or departments and to the primary information on their administrative actions on environmental matters. Contact information for these agencies should be included as well, along with that for their primary parliamentary committees that deal with environmental issues and matters as well.

Only if the Member States post and make such information easily accessible are we likely to be able to significantly strengthen and implement national

and international environmental legislation and law so as to be able to meet the many urgent commitments that our governments have made, on behalf of all of the world's people, to date.

**(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.**

Responses to these questions will be provided at a later date.