

Submission from the NGOs involved in the Res. 73/333 process (before on Res. 72/277 - Global Pact for the Environment)

17 July 2020

THE URGENCY IS CALLING US TO ACT:

Over the past several decades the Earth's global temperature has gotten hotter and hotter during each successive decade; and the past 5 years have been the hottest on record - resulting in an increasing number of catastrophic storms, floods, droughts, wildfires, hurricanes, landslides and tsunamis. And now we have been hit with a major world-wide epidemic causing one of the worst health and economic disasters ever faced by our increasingly global community - most likely directly caused by the damage we have done, and continue to do, to nature. It has gotten so bad now, that we have to ask ourselves, when will this ever stop.

We, all of humanity, have begun to realize that we are facing not a Global Emergency; but multiple Global Emergencies. And each of them is compounded and made worse by the others. For example, FAO has suggested that if we do not change our agricultural practices almost all of the top soil will be gone within another 50 years. We have already far exceeded the carrying capacity of the earth and crossed over a growing number of planetary boundaries. If all of the world's people lived like those in the developed world we would need 3 - 5 planets to provide the needed resources for everyone.

60 percent of the world's people are facing looming water shortages. Two million hectares of land have been significantly degraded, an area as large as all of South America. 39% percent of the old growth forests have been cut down and lost. There are more than 500 dead zones extending well into the ocean at the mouths of the Earth's major rivers - caused by the herbicides, pesticides and fertilizers that were supposed to be making our soils richer and more productive but are instead stripping it of life. 90% of the wastewater flows back into the watershed untreated in the developing world. And we are facing a sixth mass extinction of wildlife and biodiversity,

Truly humanity is facing a global Armageddon of our own making; and this must be stopped and reversed as quickly and as assuredly as possible. There is no more time left for weak political declarations that do not lead to wholesale commitment and dedicated action.

We know, and all can see, that neither humanity, nor our governments, have been taking sufficient action to stem the tide on this catastrophic situation nor have we fulfilled most of the global treaties, conventions, commitments, and international agreements that have made over the past 50 years since the Stockholm Declaration was signed.

We are now starting into the Fifth round of the Montevideo Programme to strengthen and upgrade environmental legislation and law. But still today many if not most governments and countries have not put in place the rule of law, regulations, legislation and programmes that would be, and are still, needed to take sufficient

action to reverse the negative consequences of our consumption and production patterns and to return to living sustainably on our planet home.

It is thus essential that the United Nations and our representative Member States agree on the most substantive and ambitious Global Political Declaration possible - one that is fit for purpose and will play an essential role in reversing this egregious situation. It is imperative that we, the international community - including governments at all levels along with all other stakeholder groups, develop and implement a Political Declaration, which is action oriented, and contains political commitments, targets and timelines. All That is necessary to deal adequately with all of these problems and challenges in a fully integrated, holistic and systemic manner.

Overall: the current pandemic COVID-19 shows again clearly that we put too much pressure on our ecosystems. UNEP recognises this in their reaction on COVID-19: *“Human activity has altered virtually every corner of our planet, from land to ocean. And as we continue to relentlessly encroach on nature and degrade ecosystems, we endanger human health. In fact, seventy-five percent of all emerging infectious diseases are zoonotic, i.e. viruses originating from the transfer from animals, whether domesticated or wild, to humans”*.

It is therefore getting more urgent that strong measures are taken to stop this. Strengthening environmental law and governance is crucial. This is a rallying call for all people, governments and businesses to join together in effective strategies and policies, together with urgent actions to save and protect ecosystems and nature.

ENVIRONMENTAL LAW AND GOVERNANCE

Already since 1992 (Agenda 21) there has been strong language agreed on the need for implementing environmental law and regulations. One of the Human Rights is the *right to a healthy environment*, 151 countries do mention this right in their Constitution but with weak or no implementation. Under the auspices of UNEP, many MEA's (Multilateral Environmental Agreements) were established. Nevertheless we are facing a huge lack of compliance. Many corporations and governments are not really motivated and are not held accountable for the damage they cause and still cause in regard to the environment like climate change, land- and air pollution, deforestation, plastic soup in the oceans, ...

As Civil Society groups, we applauded and supported the initiative and the call to develop a Global Pact for the Environment. On the same level as the Declaration of Human Rights, it is necessary to agree globally on a set of principles for environmental rights, along with the recognition of universal responsibilities. At the same time, it is necessary to encompass our legal systems with the functioning of our Planet establishing a systemic approach in our legal and institutional frameworks.

The present pandemic is providing more insights into the imperative of and need for a Global Pact for the Environment, the benefits of which were unfortunately not sufficiently recognized by a majority of countries. We now have the opportunity to remedy this by clearly planning a two-step approach: the Declaration in 2021 and the possible decision to develop and adopt a Global Pact for the Environment in 2022.

We need to start with a strong declaration with bold principles (most of them already in Agenda 21, complemented with the 16 Framework Principles that the special

rapporteur for Human Rights and Environment drafted in 2018) ..) and then give UNEP the mandate to start a process to come up with something more substantive (cfr: SDG process, with goals, targets, timeline and indicators), where you create ownership of MS and civil society and with concrete commitments and where possible legally binding targets.

Such a Global Pact should come with a whole package of modalities and increased capability: capacity building for judges, lawyers, civil society in the Global South, but also in the North. (Montevideo program) and means of implementation. It is also necessary to build capacity in administrative bodies and devote economic resources to monitoring authorities.

Merge this process with UNGA (New York) and OHCHR (Geneva) initiatives that are currently taking place in putting more emphasis on the Human Right for a Healthy and Safe Environment. UNEP could develop, put forward, and promote a better wording based upon and coming from the draft GPE:

Article 1

Right to an ecologically sound environment: Every person has the right to live in an ecologically sound environment adequate for their health, well-being, dignity, culture and fulfilment.

Article 2

Duty to take care of the environment: Every State or international institution, every person, natural or legal, public or private, has the duty to take care of the environment. To this end, everyone contributes at their own levels to the conservation, protection and restoration of the integrity of the Earth's ecosystem.

POLITICAL DECLARATION: BUILDING BLOCKS:

What should be in a strong political declaration, that can both consolidate the leadership role of UNEP and can enable the Declaration to become a motivational force for the adoption later of a Global Pact for the Environment with UNEP in a central role.

- A unifying and positive call to action, e.g. Covid 19 provides a rallying call for all people everywhere to draw on our rich diversity to resolve the threats to human life and livelihoods and Nature as a whole.
- We need the Global Environmental Declaration to be strong and visionary and agreed by consensus if possible. This will open hearts and minds to the positive repercussions for all that a possible Global Pact for the Environment can have.
- Recognition of planetary boundaries and the unity of the Earth System as a single unit - one whole system highly interconnected and interdependent.
- A Global Pact to address our urgent Planetary Emergency and the multiple interrelated causes, aspects and consequences, need not be binding from the start. What came out of Rio was not binding but it gave the MEAs a big boost, nevertheless: Principles in and of themselves are important and necessary and should be integrated in law where possible (precautionary principle, polluter pays principle. So too the Universal HR Declaration has become traditional international law and was followed by the legally binding Covenants of Economic and Social Rights and Civil Political Rights etc.)

- More than the discussion about the binding standard, for one Universal Declaration, the most important is to open a new systemic approach to the environmental law - using as basis the new knowledge about the functioning of the Earth System.
- The Human Right to a Healthy and Safe Environment should be one of the basic elements
- The call for an International Court of Justice for the Environment. It is possible to build on the work already done in this respect. (It is bound to be in the UN's archives.)
- UNEP should be tasked with reaching out with regard to the MEAs to develop more and better cooperation and collaboration. UNEP is uniquely positioned to provide strong motivation: It is the agency that focuses on nature and environment which is integral to all we are and do as human beings, and it provides the basic resources for our economies. Covid 19 has emphasized that Nature is the great equalizer. These facts can be touched on in the Declaration and used as powerful motivational forces to encourage Member States to agree to a strong and comprehensive Declaration and to integrate their efforts to achieve all in a cohesive manner, including their SDG strategies and plans
- Integrate commitments for the implementation of the MEAs.
- Build on what has already been done in the various other areas of law and human rights to leverage strong environmental agreements and compliance procedures.
- Launch of a tracking system for compliance with the MEAs. This should be in the public domain and easily accessible to all. This should be accompanied by a list of clearly formulated advantages to all if these are implemented and the dire consequences to all if they are not.
- Revisit the gap analysis: compliance of existing law, filling in the gaps and couple this with the carefully spelled out consequences positive and negative of filling or not filling each of the gaps.

ANNEX:

Responding to the questions raised in the co-facilitators paper you'll find the NGO input in blue

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

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’.”

This 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.

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

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.

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- 1. 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?

NGO-INPUT:

- Member States and Specialised Agencies should put more funding into UNEP to fulfil that role. Increasing levels of finance and staff should be provided to UNEP so that it can more effectively support the Strategies on Sustainable Consumption and Production, on Ecosystem Services, and on the UN Decade on Ecosystem Restoration, etc.
- In the Review of the HLPF: stronger mandate should be given to UN programs, funds and specialised agencies that should be held politically accountable of the progress made in their sector (FAO, UNEP, UNDP, WHO, ..).
- The role of UNEA should be significantly strengthened, for example by agreeing to adopt actionable and/or binding and enforceable resolutions, and follow-up mechanisms. These agreements or resolutions should be developed and agreed upon using some type of a qualified majority or 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.
- Give UNEP a strong central role in One Health/One Welfare cooperation.
- Authority is something you earn by being a visionary leader and taking your responsibility - UNEP and their scientific bodies should do that.
- This means also: Strengthen the role of science, and the science evidence base, through improved support and funding.
- 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.

2. 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?

NGO-INPUT:

- Better coordination of all MEA would already decrease the administrative burden for MS to implement them.
- Capacity building of the legal institutions and lawyers is necessary.
- Provide training courses to judges and create specialized courts
- Provide budgets to create monitoring and control administrative bodies
- Build an assessment system for member states on the status of their environmental policies, laws and implementation. Link to international development assistance, with UNEP being funded to both assess, and to capacity build. The World Organisation for Animal Health (OIE) has a system for veterinary services (PVS pathway), which could be used as reference (although far from perfect!).
- “Building Back Better” post-Covid-19 should be used to focus recovery funding on key environmental objectives (climate change, biodiversity loss, pollution) and prevention of future pandemics. Member States could bring UNEP into this picture, supporting and capacity building interventions - with funding. [Problem - [UNEP’s new report on preventing future pandemics](#) is good on causes (giving 7 main drivers), but weak on corresponding actions for prevention].
- MEAs must establish compliance committees open to public submissions following the example of the Aarhus Convention. Those having compliance committees must open them to submissions by the public.
- Develop an on-going process to support and encourage governments and UNGA to strengthen National and Intl ELL 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, that protects government whistle-blowers and civil society earth stewards and environmental defenders, etc

- Implement 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 consumption and production 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.
- 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 well-resourced legal department and/or further empower its legal department to support and assist states on this.
- 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.
- UNDP should be mandated to work with UN Member States to develop a set of guidelines and tools to support governments in implementing 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; publicise such efforts through UNEA, UNGA, and HLPF. and issue an open invitation for all interested parties that do not have “vested interests”
- 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.

3) 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?

NGO-INPUT:

- An International Court for the Environment; and make 'ecocide' an international crime, on a par with war crimes and genocide, prosecutable under the International Criminal Court
- UNEP Law Division should follow (and engage with) the work of the International Law Commission and advise Member States of areas of relevance/importance. Where work has a significant environmental component, such as in the current ILC topics 'General principles of law' and 'Protection of the environment in relation to armed conflicts', UNEP should coordinate views.
- 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.
- Making ecocide a crime against peace.
- UNEA should urge States to endorse the work of the ILC pertaining to international environmental law.
- Recognition of the work of the International Law Commission (ILC) to codify principles, although relevant, may not be sufficient to meet the specificities of international environmental law (IEL). Indeed, ILC report A / 72/10 refers only to "general principles of law", and not a single word is devoted to IEL. The specificity of the IEL and its object, including the relevance of protecting the environment to ensure the continuity of life on the planet, justify an effort to approach the IEL as an independent subject. It is therefore important to continue the discussions for the adoption of a Global Pact for the Environment.

4) 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 intergovernmental 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?

NGO-INPUT:

- Rule that UN bodies (specialized agencies, programs, funds) and MEAs must consult on any relevant policy recommendations contained in (commissioned) scientific reports, and prepare an explanation for any not actioned as recommended (risk assessment, cost-benefit analyses etc.).
- Work on coordinating principles across MEAs and the work of UNEP.
- 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
- Bring the scientific community evidences to the legal level such as planetary boundaries
- 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 and other pollution from industrial agriculture
 - Air borne pollution and pollutants
 - etc.
- Along with the benefits that can come from transitioning to:
 - Regenerative Agriculture
 - Dietary transition
 - A circular economy
 - Environmentally friendly green chemicals
 - Composting and biological waste processing
 - Biomimicry
 - Ecosystem restoration in all types of environments and habitats
- Bring Traditional Knowledge and Science together

4) 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?

NGO-INPUT:

- Invite Member States and members of Specialized Agencies and governing bodies of MEAs to set in place an online integrated tracking system that shows linkages, links challenges with implementation and identifies windows for reinforcement and
- Invite governing bodies of MEAs to work in collaboration with regional and national governments to build capacity to use the online tracking system.
- Invite member states to recognize the critical role of governing bodies of the multilateral environmental agreements in promoting the rule of law in environmental matters.
- Achieve coherence of public policies and legislative frameworks in environmental matters.
- Insist on clarifying the degree of "enforcement" (level of obligation) and "normativity" (normative value) of the provisions relating to the protection of the environment.
- Clarify the status of "international law" at the national level: how to take it into account, what level of integration or hierarchy obligation: and this, in terms of its application by the courts but also in terms of legislative production.
- MEAs must be put in the service for the achievement of all SDGs
- The set-up of new legal indicators to be able to measure the progress of states in implementing environmental law, as it has been asked by the "environmental rule of law" report of 2019 by UN environment.
- Establish a "voluntary" reporting and rating system for environmental protection performance indicators.
- work with member states and stakeholders to develop UN System-Wide Action Plan for coherent implementation of MEAs
- In the monitoring reports added to the existing indicators an overview should be made on the enforcement of existing environmental laws and gaps.
- In UPR reporting (OHCHR) a chapter on environmental human rights should be included.

- UNEP should be given the mandate of coordination, and the capacity of submitting governance recommendations for enhanced implementation and greater consistency.
- 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 quite useful if and only if civil society is given an active and truly meaningful role and is welcomed to participate in the process.

5) 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?

NGO-INPUT:

- Perhaps more effective to have a better-defined relationship, including this in UNEP's mandate (whilst keeping their own mandates/governance)?
- Start some joint work in key areas. For example, collaboration on priority issues such as avoiding future pandemics and transforming food and agricultural systems (from an environmental lens) - working across mandates, and building common understanding and vision.
- Undertake a system-wide review of the purpose, function and thus structure of MEAs, individually and together some of which are now seriously dated and no longer fit for purpose in a very different 21st century world eg. CITES.

6) 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?

NGO-INPUT:

- Member States should support joint scientific assessment, uncluttered by MEA's ingrained "cultures" and objectives.
- Study best practice in reporting and implementation mechanisms, with a view to rolling out across MEAs and UNEP programmes.
- Promote access to information held by scientific, technical and technological bodies in usable form and language.
- Promote the improvement of scientific knowledge of ecosystems and the impact of human activities.
- Cooperate through exchanges of scientific and technological knowledge and by enhancing the development, adaptation, dissemination and transfer of technologies respectful of the environment, including innovative technologies

7) 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?

NGO-INPUT:

- Lack of political will is the major challenge to ratification and implementation.
- Environment Ministries not afforded the political importance or resources.
- In some countries, lack of knowledge, capacity and awareness.
- Bring pressure to bear on countries to ramp up the importance and resources of MEAs,
- CSOs in the national level lobby their national governments' parliamentarians, agencies, by creating campaign initiatives.
- Consider a public database of countries and their ratification status of MEAs/environmental measures. Plus regular - preferably public - sessions on why certain countries have not done so.

8) 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?

NGO-INPUT:

- See suggestion at 2 above.
- It is crucial to strengthen the role of science through improved support and funding for, inter alia, the World Environment Situation Room digital platform; in addition, build the necessary strong capability to track, monitor and refute science that is not based on scientific evidence.

9) Encourage States Members of the United Nations and all members of the specialized agencies to mainstream the 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)?

NGO-INPUT:

- VNRs should have some obligatory and standard reporting categories - including on the environment.
- In “developing” countries, development assistance could be conditional upon progress with implementing environmental agreements, and incorporating into national development planning.

10) 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?

NGO-INPUT:

- Formulate standard protocols for stakeholder engagement.
- Budget allocations should also include MGS coordination
- Efforts should be taken to establish a MGS liaison office in Nairobi, and MGS coordination units/focus points at each MEA.
- Build significant online engagement platforms for stakeholder engagement and collaboration, also ensuring that those groups without digital access are fully catered for.
- There must be a real political will to remove stakeholders from the current role of "spectator" to that of "actor", by offering them, following the model of the World Labour Organization (ILO), " a deliberative voice " within UNEP and all international environmental institutions.
- Allow non-state actors to be able to directly bring requests within the control mechanisms of multilateral agreements.
- Measures should also include the strengthening of coordination of environmental networks in national and subnational levels and to work on producing a national environmental forum with environmental CSOs, government and private sectors (Whole-of-society approach).

11) 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?

NGO-INPUT:

- Efforts need to be taken to disseminate the M. Programme V to various national bodies and to plan the necessary instruments and means (human, financial, strategic means) for its implementation.
- Undertake measures to include the objectives of Program V in their national strategies on major environmental themes.
- Integrating the objectives of the program into public policies to support research and education. Scientific projects funded or co-funded by the State must refer to the Montevideo Program and the achievement of the objectives of the Program must constitute an evaluation criterion for the selection of projects.
- Take measures to mobilize national authorities, starting with the Ministries, but also public bodies, independent authorities, etc. responsible at one level or another for the implementation of environmental law, on the objectives of Program V.
- Precisely define the missions of the national focal point to ensure good knowledge of the program and the involvement of all stakeholders at the national level.

12) 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?

NGO-INPUT:

- See Para 2 above.
- Develop strategic objectives and outcomes for improved environmental governance for the EMG to catalyse, implement, measure and report on.

This document is a result of a consultation process, led by Stakeholder Forum (SF), with the many NGOs that were engaged in the earlier process on Res 72/277 (GPE), and new NGOs that started to be involved just now. SF organised a webinar as capacity building for the new-comers, and after that a consultation meeting to discuss a coordinated position as NGOs. Financial support was given by the Global Pact Coalition and Stakeholder Forum. For more info: Leida.Rijnhout@stakeholderforum.org