

Canada's comments

DRAFT BUILDING BLOCKS OF A POLITICAL DECLARATION

General Comments

- We thank the co-facilitators for developing these draft building blocks.
- In accordance with UNGA resolution 73/333 and the recommendations therein, Canada supports the strengthening of international environmental governance and of implementation of MEAs and international environmental law.
- Our comments are based on the assumption that the draft building blocks are not a draft political declaration. As such, we have kept with overall comments as well as general reactions to a number of paragraphs without going into a line-by-line (see below).
- It is important to recall that the content of building blocks, and ultimately the political declaration, should stay within the scope of the recommendations contained in UNGA resolution 73/333. It also needs to take into account and be consistent with Paragraph 88 of the document “The Future We Want”.
- The unresolved question of when and where the political declaration would be adopted, and by who, will have important implications for the operative provisions and terminology of a political declaration, as well as its format. *For example, if the current draft building blocks presented by the co-facilitator were in a political declaration, based on some of the provisions they contain that mandate UNEP or the CPR, the declaration would have to adopted by UNEA or Ministers at UNEA.*
- Some of the draft building blocks raise a number of concerns (see also comments below against specific paragraphs):
 - While UNEA and UNEP can have a role in enhancing synergies, caution is needed regarding respecting the autonomy and independence of the MEAs which are governed by their respective COPs/MOPs.
 - As we forward in our work to support more effective implementation of environmental law at all levels, we need to keep in mind the importance of not undermining the existing MEAs and processes that form global environmental governance.
 - The building blocks include a proposal to expand the mandate of the Committee of Permanent Representatives (CPR), which is not consistent with the scope in resolution 73/333.
 - The discussions of the ad hoc open-ended working group in 2018-19 and those at the 1st informal substantive consultation in 2020, showed there are widely diverging views regarding what an environmental principle is and whether or not specific principles are principles of international law. We should be mindful not to reopen those discussions, which would not be productive in the context of developing the political declaration.
 - The phrase “principles of international environmental law” can be confusing and some may see it as meaning we are discussing legally binding principles. It is important to clarify that not every environmental principle constitutes something that is legally binding.

- On the topic of means of implementation and financing, there is significant overlap between several of the building blocks (paragraphs 26 to 31).
- Lastly, the political declaration will require developing adequate references to inclusivity, and the role of stakeholders, in particular women and girls, as well as Indigenous peoples.

Preamble

1. We the **Insert titles according to the expected level of participation** and high-level representatives, having gathered at X on X 202x together with political, scientific, civil society and private sector leaders, believe that everyone should be able to live in a safe, clean, healthy and sustainable environment and thus recognize the urgent need to reinforce the protection of the environment for present and future generations.
2. We recall General Assembly Resolution 72/277 of 10 May 2018 entitled “Towards a Global Pact for the Environment”, and General Assembly Resolution 73/333 of 30 August 2019 entitled “Follow-up to the report of the ad hoc open-ended working group established pursuant to General Assembly resolution 72/277”.
3. We recall the Declaration of the United Nations Conference on the Human Environment, the Rio Declaration on Environment and Development, Agenda 21, the Programme for the Further Implementation of Agenda 21, the Johannesburg Declaration on Sustainable Development and the Plan of Implementation of the World Summit on Sustainable Development (Johannesburg Plan of Implementation), General Assembly resolution 69/313 of 27 July 2015 entitled “Addis Ababa Action Agenda of the Third International Conference on Financing for Development (Addis Ababa Action Agenda)”, as well as the outcomes of all the major United Nations conferences and summits in the economic, social and environmental fields;
4. We reaffirm the General Assembly resolution 70/1 of 25 September 2015, entitled “Transforming our world: the 2030 Agenda for Sustainable Development”, in which it adopted a comprehensive, far-reaching and people-centered set of universal and transformative Sustainable Development Goals and targets, its commitment to working tirelessly for the full implementation of the Agenda by 2030, its recognition that eradicating poverty in all its forms and dimensions, is the greatest global challenge and an indispensable requirement for sustainable development, its commitment to achieving sustainable development in its three dimensions – economic, social and environmental – in a balanced and integrated manner;
5. We reaffirm all the principles of the Rio Declaration;
6. We recognize the essential role and existing obligations and commitments under international environmental law and its effective implementation in ensuring an environmentally sustainable future for our planet and addressing urgent social, economic and environmental challenges, especially against backdrop of the COVID-19 crisis to reduce pollution and to ensure green recovery and building back better;
7. We are committed to strengthening international environmental governance within the context of the institutional framework for sustainable development in order to promote a balanced integration of the environmental, economic and social dimensions of sustainable development as well as enhancing coordination within the United Nations system in supporting the member states driven processes;
8. We recognize the vital role of private sector, academia and civil society in the protection of the environment;

Strengthening international environmental governance in the context of sustainable development

1. We reaffirm the role of the United Nations Environment Programme (UNEP) 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.
2. We commit to strengthen the UNEP through more reliable funding and more systematic political recognition to enable the programme to better support countries through capacity building, institutional strengthening, information sharing, and inform and support the intergovernmental development and coherence of the international environmental law and its implementation.

CAN comment on para 2: There needs to be consistency with language in Paragraph 88 of “The Future We Want” regarding strengthening UNEP. It is unclear what is meant by: “more systematic political recognition”, as well as “support intergovernmental development and coherence of the international environmental law and its implementation”. In addition, the independence and respective mandates of governing bodies of MEAs are important to bear in mind when speaking of the coherence of international environmental law.

3. We call upon the UNEP to increase its visibility and engagement in international processes and to position itself as a relevant voice in important UN processes, including in the environment, health and trade context, where UNEP can continue to provide its specific environmental expertise in ongoing negotiations of specific sectors and thereby contribute to a more coherent international policy-making.

CAN comment on para 3: we support strengthening UNEP’s role; it is unclear what is “specific sectors” refer to. We need to be mindful that multilateral processes are independent, including those on health and trade and also recall the independence and respective mandates of governing bodies of MEAs.

4. We call upon the UNEP to intensify dialogue with other UN entities and build on its mandate as Chair of the Environment Management Group and to strengthen its efforts to engage the United Nations Specialized Agencies to collaborate more actively in the Environment Management Group as well as within the UN Development Group to implement the environmental dimension of the 2030 Agenda in a coordinated manner.
5. We endorse the role of the United Nations Environment Assembly as the universal highest level decision making body on the environment for enhancing the progress of the comprehensive implementation of the environmental dimension of the 2030 Agenda, including striving for interlinkages between environment, economic and social dimension, and we invite Governments and related organizations to use actively the messages of UNEA in their outreach, collaboration and interventions at different international fora for increasing the influence of UNEA.
6. We recognize the important role of multilateral environmental agreements in the overall framework of international environmental law and governance, and significant contributions to sustainable development and confirm our political support to improve the coordination and promote coherence across the Rio Conventions and multilateral environmental agreements and we emphasize the role of UNEA as an enabler for enhancing synergies in the field of international environmental governance.

CAN comment on para 6: here too, the independence and respective mandates of governing bodies of MEAs are important to bear in mind when speaking of improving coordination and promoting coherence across MEAs.

7. We recognize the importance of addressing global major, acute and emerging environmental issues universally in a coherent manner and we emphasize the need of overarching guidance from UNEA for the global environmental agenda, and we stay fully committed in implementing its outcomes.
8. We emphasize the role of UNEA as a central platform in setting the overarching and crosscutting priorities for international environmental governance and for international environmental law and policies, taking into account the decisions of the governing bodies of multilateral environmental agreements, and we invite the governing bodies of the multilateral environmental agreements to align their decisions with those of UNEA, as we share the political will in doing so as members of the respective governing bodies.

CAN comments on para 8: this language oversteps the authority and independence of MEAs. We need to be careful about building expectations around “aligning decisions”.

9. We empower the Committee of Permanent Representatives of UNEP in ensuring coherent coordination of the international environmental governance and international environmental law development, and as we acknowledge our responsibility to enhance the capacity in the Committee from the national perspective, we call upon all Member States and Members of Specialized Agencies who have not yet done so, to become accredited to the Committee of Permanent Representatives and to actively participate in its activities.

CAN comments on para 9: this proposal to expand the mandate of the CPR is not in line with the scope of the UNGA resolution 73/333 and the mandate given to UNEA-5 to prepare a political declaration.

10. We emphasize UNEP’s coordination mandate within the United Nations system and entrust it with building synergies with the Secretariats of the multilateral environmental agreements, and empower UNEP to lead efforts to formulate United Nations system-wide strategies on implementing the environment dimension in the Agenda 2030.

CAN comments on para 10: regarding entrusting UNEP to build synergies, there is a limit to what UNEP can direct with MEAs secretariats, since they are governed by the COPs/MOPs.

11. We acknowledge with a great appreciation the generosity of the Government of Kenya in hosting the only United Nations Head Quarters in the Global South, and as the members of the governing bodies of the multilateral environmental agreements, we invite the respective bodies to hold their conferences and meetings of the parties in Nairobi on a more regular basis for enhancing synergies in international environmental governance and international environmental law development.

CAN comments on para 11: the independence and respective mandates of governing bodies of MEAs are important to bear in mind.

12. We emphasize the need to strengthen the science policy interface of UNEP for supporting policy decisions to underpin international environmental governance and we invite UNEP’s global environmental assessment processes to continue to collaborate closely with scientific bodies of multilateral environmental agreements and international scientific panels and to maximize multi-disciplinary scientific inputs in order to advance informed decision making.

CAN comments on para 12: UNEP’s collaboration with scientific bodies of MEAs and international scientific panels would require COP decisions instructing subsidiary scientific bodies to collaborate which may not be entirely realistic given some bodies have specific mandates (for example Stockholm Convention’s POPs Review Committee or Rotterdam Convention’s Chemicals Review Committee)

13. We invite the scientific community to further its work on interconnected, cross-cutting and emerging issues by sharing information among decision making bodies, and encourage the scientific, technical

and technological bodies to strengthen cooperation amongst themselves and we invite the Governments and related organizations to make greater use of the assessments and outputs of the scientific community and encourage to invest further in environmental research.

CAN comments on para 13: it is unclear which “decision making bodies” and “scientific, technical, and technological bodies” are referred to. Also cooperation with scientific and other bodies would require COP decisions, if it implicates subsidiary bodies of MEAs, for example.

Environmental law is essential for the protection of our planet

14. We call for the development and adoption of efficient environmental laws, and ensure their effective and fair implementation and enforcement.
15. We invite all Governments to recognize and incorporate agreed principles of international environmental law into their national legal systems in collaboration with the Montevideo Programme for the Development and Periodic Review of Environmental Law, also noting the ongoing work in the International Law Commission on general principles of law.

CAN comments on para 15: in addition to our comments on the principle of international environmental law in the general comments above, where we note in particular that not every principle is legally binding, we note further that not every principle is easily applicable in a domestic law context. Therefore such language would need to be nuanced.

16. We recognize the importance of national, regional, and international courts and tribunals to give full effect to principles of international environmental law, and we invite Governments to cooperate to build and support the capacity of related authorities and regulatory enforcement officials at all levels to implement environmental law.

CAN comments on para 16: like in para 15, such language would need to be nuanced given that not every principle is legally binding and not every principle can be given effect by courts. Language focused on “international environmental law” rather than “principles of international environmental law” might be more appropriate here, as it would include by definition those principles that are binding.

17. We recognize that the violation of environmental law has the potential to undermine sustainable development and the implementation of agreed environmental and sustainable development goals and objectives at all levels and that the rule of law and effective governance play an essential role in reducing such violations.
18. We encourage Governments and relevant organizations to strengthen, where needed, environmental laws, policies and regulatory frameworks at all levels, as well as capacities across all sectors for the effective implementation of international environmental law, while acknowledging the importance of international cooperation in supporting and complementing national actions and further strengthening mechanisms and exploring initiatives for exchanging information and sharing experiences in order to reinforce international, regional and sub-regional cooperation to combat noncompliance with environmental laws.
19. We call upon the UNEP to continue to support national Governments upon their request in the development and implementation of environmental rule of law with attention at all levels to mutually supporting governance features, including sharing information, public participation, implementable and enforceable laws, and implementation and accountability mechanisms.
20. We call upon all Member States and all members of the Specialized Agencies to increase their support to and make full use of the fifth Programme for the Development and Periodic Review of Environmental Law (Montevideo Environmental Law Programme): delivering for people and the

planet, adopted at the fourth session of the United Nations Environment Assembly for the period 2020-2030, in order to foster environmental rule of law and advance the implementation of environmental law at all levels.

Accelerating and facilitating action and implementation at all levels

21. We invite all Governments and related organizations, that have not yet done so, to ratify multilateral environmental agreements and to effectively implement them, and we call upon UNEP and the secretariats of multilateral environmental agreements to continue to provide technical support to Member States and members of Specialized Agencies for capacity building in environmental law and for the implementation of their obligations under multilateral environment agreements.

CAN comments on para 21: this needs to reflect that even in cases where technical assistance is provided/delivered by Secretariats, it is always directed via COPs/governing bodies. Also, some MEAs have finances or capacity to do it, some do not.

22. We encourage Governments to build assessment systems on the status of the environmental policies and regulations and the implementation of the international environmental law.

CAN comments on para 22: it is unclear what is meant by “build assessment systems” in this context.

23. We encourage Governments and related organizations to mainstream the environmental dimension into sectoral policies and programmes at all levels, including into national development and sustainable development plans, in order to ensure coherent and integrated approach in the implementation of the 2030 Agenda.

24. We commit to contribute unearmarked financial resources to UNEP through the Environment Fund, taking into account our national capacities, for strengthening more stable, predictable and adequate funding to the global environmental authority, and we invite UNEP to seek innovative financing without jeopardizing its normative role and in a manner that contributes to implementation of its strategic programme.

CAN comments on para 24: it is unclear whether “strategic programme” refers to the UNEP Medium Term Strategy, the Programme of Work, or potentially the UNEP resources mobilization strategy.

25. We call upon UNEP to increase its participation within the UN country teams, the UN Resident Coordinators system and its contribution into the UN Common Country Analysis (CCA) and the United Nations Sustainable Development Cooperation Framework (UN SDCAF) in order to effectively assist Member States and members of Specialized Agencies in the implementation of their environmental laws and policies as part of the 2030 Agenda.

26. We call upon Member States and members of Specialized Agencies to enhance the ambition of means of implementation, including the provision and mobilization of all types and sources of means of implementation, especially for countries most affected by environmental degradation, consistent with the Addis Ababa Action Agenda of the Third International Conference on Financing for Development and the 2030 Agenda for Sustainable Development.

CAN comments on paras 26 to 31: these paragraphs contains much overlap and would need to be discussed jointly. Moreover, country ownership and resource mobilization from all sources, including innovative financing, are concepts we embrace.

27. We recognize that international public finance plays an important role in complementing the efforts of countries to mobilize public resources and we call upon Member States and members of

Specialized Agencies to make optimal use of existing financial mechanisms and funds for purposes of implementing the international environmental law and improving the status of the global environment.

28. We call upon all Member States and members of Specialized Agencies to design and make full use of Integrated National Financing Frameworks to facilitate implementation of national strategies for 2030 Agenda and to coordinate efforts to mobilize financing and align investments with national sustainable development priorities and the environmental objectives.
29. We commit to promote innovative and multi-actor financial initiatives and introduce environmental components and sustainable financing approaches to traditional financial mechanisms, to support environmental objectives and incentivize investments in sustainable projects through enhanced information sharing requirements regarding environmental impacts.
30. We recognize the utmost importance for enhancing environmental financial resources with supplementary financial support, aimed at promoting more sustainable businesses and life patterns, also we call on the Global Environment Facility for increased efforts to mobilize resources and we consider highlighting in a coordinated manner the focus areas and related resources of official development assistance in relation to the environmental objectives and benefits.

CAN comments on para 30: it may need to consider whether it is relevant for a declaration to call on the GEF to mobilize public resources. UN Members will make the decision whether to provide public resources. Also, if references to the GEF are included, we may consider broadening beyond just the GEF.

31. We commit to exploit the potential for domestic resources through policy reviews such as sustainable fiscal reforms, including environmental taxes, and enhance environmental domestic financial resources to match and reflect the global environmental ambition, by setting a target percentage from GDP by 2030 and explore further innovative financing sources, including enhanced collaboration with private sector.

CAN comments on para 31: we have concerns with the proposal to set a target percentage from GDP.

32. We recognize peoples' right to have access to information, access to public participation and access to justice in environmental matters and as key pillars of sound environmental governance, and we invite all to disseminate and share evidence-based environmental information and raise public awareness on critical as well as emerging environmental issues.
33. We 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 and explore new mechanisms to promote transparency and the effective engagement of civil society, including via digital means.