

USA Draft Response to co-facilitators' UNGA 73/333 building blocks

The United States offers the following comments and suggestions to H.E. Ms. Saqlain Syedah, High Commissioner and Permanent Representative of Pakistan and Mr. Ado Lohmus, Permanent Representative of Estonia regarding the draft building blocks under UNGA 73/333.

At the July 2020 consultation session, the United States expressed serious reservations in our opening remarks about the co-facilitators intention to “actionize” the UNGA 72/277 Working Group’s recommendations. We noted that there was, and is, no mandate to actionize the working group’s recommendations. We also expressed our skepticism that there was any political space to make further progress on the 72/277 Working Group recommendations given how difficult it was to arrive at consensus on those recommendations. In listening to all the interventions delivered at the July 2020 meeting, we heard much disagreement and very few instances of convergence.

In our estimation, the co-chairs’ summary of the July 2020 UNGA 73/333 consultations provided an accurate summary of the meetings: there was disagreement on nearly all issues. The United States is struck by the poor correlation between the wide divergence of views expressed by Member States through many hours of discussion and the proposals put forward in the building blocks document. We are left with the impression that the building blocks’ authors had pre-drafted certain recommendations following an independent agenda and without regard for member states’ input. The building blocks simply do not concur with the debate or co-chairs’ summary.

For this reason, we believe the draft building blocks do not set the stage for success for any future negotiations.

All recommendations that come of this process should be grounded in the few areas of consensus that emerged from previous discussions, hewing closely to the substantive recommendations developed by the 72/277 Working Group and endorsed in UNGA 73/333. The draft building blocks prepared by the co-facilitators go well beyond those areas of consensus and impinge upon the competencies and mandates of legally independent bodies, including MEA COPs. Rather than supporting member states’ efforts to strengthen implementation of international environmental agreements, the proposed building blocks confuse lines of authority in ways that would weaken the implementation of these agreements.

Specific Problems:

UNEP Mandate Expansion: Many paragraphs propose increasing UNEP or its governing bodies mandates which is beyond the scope of the substantive recommendations endorsed by UNGA 73/333.

Illustrative Paragraphs:

- Part II, Para 3: UNEP can be invited to provide input to other organizations' processes – it should be up to those organizations to invite UNEP to participate when relevant, as recognized in the substantive recommendations endorsed by UNGA 73/333. We will not insert UNEP into WHO or WTO matters. The governing bodies of those organizations are responsible for inviting UNEP.
- Part II, Para 6: UNEA and UNEP do not have an agreed mandate to coordinate or synergize MEAs. The independent legal status of MEAs was *repeatedly* acknowledged in consultations.
- Part II, Para 8: UNEA does not have a mandate or role to “set overarching and cross-cutting priorities for international environmental governance....” The independent legal status of MEAs was *repeatedly* acknowledged in consultations.
- Part II, Para 9: The recommendations endorsed by UNGA 73/333 do not call for changes to the CPR's mandate. The CPR is responsible for following UNEP's implementation of its program of work. It is not responsible for all the independent COPs and MEAs.
- Part II, Para 10: We should not try to reinterpret Para 88 (c)
- Part II, Para 11: The location of UNEP or COP meeting locations has nothing to do with UNGA 73/333.
- Part IV, Para 21: The independent legal status of MEAs was *repeatedly* acknowledged in consultations.

UNGA 73/333 Does Not Endorse a Pledging Conference. As noted in the co-chairs summary, "new streams of financial resources are not necessary if current resources can be used, monitored, and tracked..." Yet the building blocks clearly do not take on this issue in a neutral fashion.

Illustrative Paragraphs:

- Part IV, Para 24: The Environment Fund is for all of UNEP's workstreams and every session of UNEA has weighed-in on the Fund. Any language on funding should relate to the UNGA 73/333 endorsed recommendations.

- Part IV, Para 26: There is clearly no consensus to “enhance the ambition of means of implementation” and there is no appetite for yet another call for resources. The Addis Ababa Action Agenda can be recognized in preambular paragraphs.
- Part IV. Paras 28-30: These paragraphs have no connection to the UNGA 73/333 endorsed recommendations or even to UNEP. These paragraphs are completely outside the scope of this process.

The United States suggests that the co-facilitators revisit the 72/277 Working Group’s recommendations to find inspiration for the next round of building blocks that embraces consensus-based concepts. We fully acknowledge that doing so may not be as ambitious as some delegations would like but we must also recognize the limits of multilateralism on this issue.

Moreover, we must also keep in mind that UNEP alone will be hosting or supporting numerous high-level environmental events in the coming year including UNEA 5.2, UNEP@50, and Stockholm+50. We must recognize that our political leaders have limited capacity to engage in “high-level” events and we must choose carefully how to direct our political ambitions among those events to ensure that energy is not wasted on processes that have lost momentum. Considering these limitations, we look forward to substantive conclusion of this mandate by no later than UNEP@50.