

Submission from the NGOs involved in the Res. 73/333 process

15 March 2021

First of all we would like to thank the co-chairs of the working group *“Follow-up to the report of the ad hoc open-ended working group established pursuant to General Assembly resolution 72/277”*, H.E. Ms. Saqlain Syedah and Mr. Ado Löhmus for giving us the opportunity to submit our ideas.

Rationale for our reaction:

This submission focuses on just one message: the importance of raising the level of ambition initiated by the 73/333 process. As currently worded, the Political Declaration reflects little more than the status quo. The Declaration must instead include a firm commitment to establishing an Intergovernmental Negotiation Committee (INC) so as to start an inclusive negotiation process towards a Framework that meaningfully improves and coordinates as well as strengthens International Environmental Law and Governance.

The ambition we all need to seek in the course of the 73/333 process is borne out of urgency. The climate crisis, the loss of biodiversity and pollution are already undermining sustainable development. A Framework for Environmental Law and Governance, underpinned by clear and universal principles, goals, targets and means of implementation, is a vital part of the solution.

We agree that Environmental Law requires consistent implementation and enforcement and the filling of existing gaps. We moreover agree that Multilateral Environmental Agreements (MEAs) are a valuable framework, however these are still not effective enough. Global Environmental Governance has to be improved.

What we need is an ambitious framework on what, how and when.

Economic instruments, and social and technological innovations are important, but more regulation, accountability mechanisms and transparency are crucial. Only UNEP, as “the Global Environmental Parliament” can set the international standards and rules, whereas Member States should play that role on the national levels.

The package for strengthening International Environmental Law and Governance should consist of:

- Principles for the protection of the Environment - Respecting the Human Right for a Safe and Healthy Environment based on the concept of OneHealth and OneWelfare, the principles of Agenda 21 and the Global Pact for the Environment.
- Clear goals and targets, which should include initiatives that strengthen Human Rights Courts and introduce Environmental Courts.

- Means of Implementation - concrete proposals and actions for funding and capacity building for Member States and all relevant Stakeholders (lawyers, judges, public institutions, courts, universities etc.)
- Monitoring schemes (can be integrated in the UPR-review) and implementation for mechanisms for conflicts resolution.
- A clear and measurable timeline

This 2-step approach is possible: and here we would like to refer to the commitment that was made in the Rio+20 outcome (2012), “The Future We Want” where Member States committed to start a process to negotiate a framework for a set of sustainable development goals. And achieved in 2015. **UNEP should do the same!** We all know that Environmental Law needs much more enforcement, that gaps exist, that MEAs are great but still not effective enough and that Environmental Governance needs to be improved in order to achieve the ambition of protecting the environment. We also know that there is a need to stop overexploitation of natural resources and animals and to reduce waste and pollution.

The recent initiative from UNEP and many other UN-institutions to demand the Human Rights Council to integrate better in their work the Right to a Safe and Healthy Environment is great, and should be concretised, **also by UNEP itself.**

When UNEP commits itself, in the Political Declaration to start such a process, it would also be a unique opportunity for UNEP@50 to underline their role in Environmental Law and Governance, and facilitate this important and needed process.

Thank you !

We would also like bring to your attention our submission we sent last year, as all its points remain valid. For your convenience and your consideration this is the link to the document: <https://wedocs.unep.org/bitstream/handle/20.500.11822/33149/Submission%20from%20the%20NGOs%20involved%20in%20the%20Res.pdf?sequence=1&isAllowed=y>

Signed by all NGOs active in the process on the Res73/333 and earlier on the Global Pact for the Environment.

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