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**Second informal substantive consultation meeting on United Nations General Assembly resolution 73/333, entitled “Follow-up to the report of the ad hoc open-ended working group established pursuant to General Assembly resolution 72/277”
(15-17 June 2021)**

General Comments of the European Union and its Member States on the Draft Building Blocks of a Political Declaration

General considerations

We appreciate the draft presented by the cofacilitators, as a basis to seek further input from MS including to identify the level of ambition for the political declaration to be prepared at UNEA-5, as requested by UNGA resolution 73/333 and identifying possible ways forward to follow up on the 13 recommendations of the resolution. We expect that our comments can contribute to further enhancements of the draft building blocks for this political declaration.

In general, the draft text could benefit from being shorter, more focused, concise and action-oriented. It should be better balanced between the three sections and include more actions with regard to the law and implementation section. Some of the paragraphs should be rephrased to contain shorter, clearer messages. In terms of structure, the document may benefit not only from rephrasing paragraphs, but also from grouping them in a more coherent way (e.g. listing paragraphs relating to UNEP jointly). It will be important to translate the content and text of UNGA resolution 73/333 to specific actions and not only to repeat its content and text. (e.g. paragraphs 18, 23 and 33 repeat UNGA res. 73/333).

The EU and its MS consider recognized principles of international environmental law as important building blocks for environmental governance and their effective application, at all levels, is of particular relevance, namely for enhancing clarity, better interpretation, improved coherence and consistency of international environmental law.

The political declaration should underline the need to address, in a comprehensive and coherent manner, the challenges posed by environmental degradation in the context of sustainable development, as stressed in the preamble of resolution 73/333. This can only be done by ensuring the mainstreaming of the environment in all relevant policy areas, and through law, governance, effective implementation at all levels, and through various approaches, including the involvement of

stakeholders, which will contribute to changing consumption and production patterns – the drivers behind environmental deterioration.

We would like to underline the close relation and interlinkages between environmental law and governance, nationally as well as internationally, while some fora have more focus on law, e.g. conventions, others have more focus on governance, with some also addressing law in relation to supporting or initiating negotiations on instruments, e.g. UNEA. Having separate paragraphs, on law and governance respectively, is therefore challenging. We suggest to carefully consider which text is placed under what title. Furthermore, text with adequate language reflecting this should be included.

In line with UNGA resolution 73/333 provisions, we remain convinced that the UNEP@50 high-level commemorative event in March 2022 constitutes the most adequate opportunity to adopt the political declaration resulting from this process, given its wide and comprehensive scope, as well as its goals of strengthening international environmental law and governance and the role of UNEP.

Preamble

- In general, we welcome the elements highlighted in the preamble, including the mention of key outcome documents and the important role of civil society and the private sector.
- Concerning paragraph 1, it should be spelled out that we believe that everyone should be able to live in a safe, clean, and sustainable world and have the right to a healthy environment.
- We suggest to add a reference to our shared duty to reinforce the protection, restoration and sustainable use of the environment for present and future generations and to intergenerational equity.
- The references to the outcome documents mentioned in paragraphs 2, 3 and 4 are welcomed. We suggest to also refer to the World Charter for Nature, the Rio+20 outcome document “The Future We Want” as well as relevant human rights documents, such as the Universal Declaration of Human Rights.
- The reference to “all principles of the Rio declaration” in paragraph 5 is also welcomed given the relevance of not singling out specific principles, as they have to be seen in a joint perspective.
- We welcome the elements in paragraph 6. Acknowledging the role of existing obligations and commitments is paramount – even more so against the backdrop of Covid-19. It is also crucial to recognize that the current environmental degradation poses an undeniable threat to a sustainable future. Furthermore, we are of the view that it is important that leaders highlight the need for a Covid-19 green recovery and building back better, since this is an opportunity the world cannot afford to miss. All these issues are of key importance and should be further reinforced in the text. It is also important to better underline the pivotal role of the private sector and civil society and their involvement, as well as referring to the three elements enshrined in SDG15: Protection, restoration and sustainable use.
- We welcome paragraph 7, which clearly states the need to strengthen international environmental governance. We suggest to move it to the operational part as an introductory paragraph in the “strengthening international environmental governance” section.

- We think that paragraphs 6 and 8 are key paragraphs in the preamble and should be further enhanced, including on ways the private sector, academia and civil society can contribute.

Strengthening international environmental governance in the context of sustainable development

- We suggest to shorten and structure this section: starting from the original preambular paragraph 7 on the relevance for international environmental governance, recognition of the roles of UNEA, MEAs and UNEP and related guidance and commitments, including on science-policy interface.
- Hierarchically, UNEA should be mentioned/reaffirmed before UNEP, so the paragraphs referring to UNEA should be placed at the beginning (see paragraph 5).
- The text should highlight the importance of strengthening international environmental governance, including with a view to supporting ongoing processes, such as the implementation of the 2030 Agenda and its Sustainable Development Goals, the implementation and development of the Rio conventions and other international environmental agreements and similar international environment related obligations and frameworks (including voluntary agreements/initiatives such as Strategic Approach to International Chemicals Management (SAICM). To the extent possible this should build upon the work of existing coordination mechanisms, such as the UN Environment Management Group (EMG).
- In this section, we should also address the important task of mainstreaming the environment in all UN bodies, processes and institutions; however, this cannot be a task of UNEP alone. It needs to be done through collaboration with other UN bodies and organizations, including through the EMG and the UN System Chief Executives Board for Coordination (CEB) and with support by the Member States. In this regard, full use should be made of the UN Reform process.
- Leaders should commit to the full, effective and timely implementation of the 2030 Agenda in all international processes and fora, and UN entities should be urged to contribute to it. The importance of mainstreaming the international environmental dimension into various policies at the global, national and other levels should be highlighted as well.
- The text should underline the considerable potential for improving environmental governance, through enhanced synergies and cooperation between UNEA, UNEP and MEAs and similar international frameworks, while respecting their respective mandates.
- We highly appreciate the generosity of the Government of Kenya in hosting the only United Nations Headquarters in the Global South and while we see merit in having more COPs and intersessional meetings in Nairobi, there should be full recognition of the existing practices that have evolved in various MEAs and similar international frameworks that take into account the idea of regional rotation, the place where the Secretariat is hosted, as well as cost implications.
- Ongoing processes, such as the action plan on the implementation of paragraphs 88 of Rio+20, the CPR-based review and the GEO process should be kept in mind. As such, a specific reference to the commitment to implement these processes could be inserted.

- We welcome paragraph 2, since strengthening UNEP’s financial base is a crucial point. A duplication with paragraph 24 should be avoided. We find it important to address the need of secure, stable and adequate funding of the Environment Fund under this section while addressing implementation-related recommendations in the last section. Additional voluntary contributions supporting UNEP’s related projects should be welcomed as well.
- We welcome paragraphs 6 and 10 on the role of MEAs and see an opportunity to merge these two paragraphs into one as they deal with the same topics.
- We would see merit in merging paragraphs 7 and 8 as their purposes are close to one another. The idea of increasing the synergy between UNEA and MEAs should be kept.
- The role foreseen for the CPR in paragraph 9 goes well beyond the CPR’s task to review and oversight and, therefore, should be adjusted to be in line with its mandate.

Environmental law is essential for the protection of our planet

- The political declaration should galvanize further assistance to enhance the understanding and implementation of international environmental law, namely through the development of comparative studies or other guidance to assist Member States, as well as encouraging national and local governments to invest in legal capacity-building for the benefit of national law-makers, judges and all relevant law enforcers.
- The text should better reflect the importance of improving international, regional and national environmental legal frameworks and to incorporate recognized principles of international environmental law. Paragraph 17 is very general and could better fit at the beginning of this section, as an introductory paragraph.
- On an international level, States should be encouraged to support and to make full use of the Montevideo Programme as well as the existing funding mechanisms established, e.g. by MEAs, GEF and the Trust Fund for the Special Programme.
- In this regard, the new Montevideo Programme V has the potential to be a key frame for capacity building, expert information and exchange of information on successful approaches to implement the recommendations of resolution 73/333.
- On a national level, in what concerns paragraph 20, we should reinforce references to strengthen institutional capacity-building, facilitate education and training in the field of environmental law, recognized principles of international environmental law and of technical assistance.
- Increasing the knowledge of the recognized principles and their application is beneficial, hence the significance of the International Law Commission and its ongoing work on the topic “General Principles of Law“.
- When reaffirming the importance of environmental law as one of the key areas of UNEP’s work, we would like to reiterate the support to the engagement of legal experts, academia and civil society in this area.
- This section should also stress the importance of ensuring access to information, public participation in decision-making and access to justice in environmental matters (see comment related to paragraph 32 in the implementation section).

- We also suggest to move paragraph 21 from the implementation section to this section as ratification usually comes before implementation.

Accelerating and facilitating action and implementation at all levels

- Lack of implementation of commitments accepted under international environmental law constitutes an important gap in environmental protection. The Montevideo programme could help countries apply environmental principles and set up effective and enforceable national regulation and policy. The Montevideo Programme V is however not mentioned in this section, thus, there is no explicit connection between it and the means of implementation (e.g. with capacity building).
- It is important to strengthen the encouragement to the ratification of MEAs and to the participation in similar international frameworks as well as their effective implementation through the reinforcement of language in paragraph 21.
- It is necessary to clarify what type of “assessment systems“ are meant in paragraph 22. Some exist already (e.g. for the 2030 Agenda, OECD countries' environment policies and the EU), as is the case of implementation and compliance mechanisms under MEAs. It should be made clear if these assessment systems are envisaged to be established by UNEP, or regionally/groups of states, nationally or other.
- The paragraphs relating to financing and means of implementation should be grouped and merged into fewer paragraphs.
- Financial resources are essential for the implementation of international environmental law. An integrated approach to financing should be applied including dedicated external financing, mainstreaming and private sector/industry involvement and support. Existing mechanisms should be used, to the extent possible, also in accordance with the Addis Ababa Agenda for Action. Improved coordination in the UN system and other key financial institutions could contribute to leverage financing to help implementation, including from development banks and from innovative financing schemes. In this regard, private finance can play an important role in complementing the public finance efforts.
- We propose to include a specific reference to green recovery from Covid-19 in connection with the means of implementation, in particular concerning green stimulus packages.
- In what concerns paragraph 30, it should be clarified that the GEF Secretariat does not mobilize resources on its own. Rather it is up to the UN member states that constitute the membership of GEF to agree on the level of contribution in the regular replenishment processes of the GEF. Therefore, the paragraph should be revised in order to welcome the GEF-8 replenishment cycle and call on active engagement on this process.
- In what concerns paragraph 32, it is important to underline the importance of public participation in the elaboration of decisions with an impact on the environment, since access to information, public participation and access to justice in environmental matters are key pillars of sound environmental governance. This paragraph fits better in the Environmental Law section.
- We support the discussion of a possible inclusion of a follow-up mechanism focused on implementation aspects, in order to keep strengthening international environmental law and

governance in the future. In this regard, UNEP could be mandated with this task and a timeframe could be agreed upon.

