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H.E. Ms. Saqlain Syedah
Vice Chair of the CPR, High
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Representative of Pakistan

And

Mr. Ado Lohmus
Vice President of the Bureau of UNEA
and Permanent Representative of
Environment of the Republic of Estonia

15 March 2021

Subject: The informal substantive consultation on UN General Assembly Resolution 73/333

Dear Co-Facilitators,

I refer to your letter of 19 January 2021 entitled: "Letter to Member States and Members of Specialized Agencies and Accredited Stakeholders from the Co-Facilitators on the roadmap for implementation of UN General Assembly resolution 73/333", in which you request comments by 15 March 2021 on the draft building blocks of the Political Declaration.

As Director-General of IUCN, I am pleased to share with you and through you with others involved in the informal consultations these Comments on the draft building blocks, consisting of: (i) an executive summary; (ii) general comments; (iii) a line-by-line textual commentary on the draft building blocks document kindly shared by yourselves.

We look forward to continuing to engage with you and other partners in discussions aimed at crafting an ambitious, forward-looking, science-based, and solution-oriented Declaration for consideration at UNEA-5's resumed session in February 2022.

Please accept assurances of my highest regards,

A handwritten signature in blue ink, appearing to read 'B. Oberle', with a long horizontal line extending to the right.

Dr. Bruno Oberle
Director General

Attachments: IUCN Comments on Building Blocks document

Cc:

Cc: H.E. Mr. Khalil-ur-Rahman Hashmi, Ambassador Extraordinary and Plenipotentiary, Permanent Representative, Permanent Mission of the Islamic Republic of Pakistan to the United Nations Office and other international organizations in Geneva

H.E. Mrs. Katrin Saarsalu-Layachi, Ambassador Extraordinary and Plenipotentiary, Permanent Representative, Permanent Mission of the Republic of Estonia to the United Nations Office and other international organizations in Geneva

IUCN comments on the “Draft Building Blocks of a Political Declaration” and the process toward the adoption of a political declaration in 2022

15 March 2021

EXECUTIVE SUMMARY

The International Union for Conservation of Nature (IUCN) offers both general comments on the scope and substance of the “Draft Building Blocks” document, as well as specific comments on the text.

The process called for in UNGA Resolutions 72/277 and 73/333 toward a political declaration in 2022 comes at a critical juncture for environmental law.

As such, IUCN emphasizes that the declaration must:

- Be ***ambitious, forward-looking, and solution-oriented***, reflecting the recommendations of the UN General Assembly and the legacy of the 1972 Stockholm and 1992 Rio Declarations
- Be ***science-based***, reflecting the latest scientific understanding of global environmental crises, including climate change and biodiversity loss
- Afford ***justice to future generations***, and
- Provide an important tool for decision-makers, judges, and civil society in advancing the ***environmental rule of law*** and the ***implementation, compliance, and enforcement*** of environmental law at international, regional, national, and local levels.

IUCN further recommends that the declaration:

- Recognize both the need for transformative change to respond to environmental crises as well as the essential role of environmental law in bringing about this change
- Make an urgent call for effective implementation, compliance, and enforcement of existing international environmental law as well as national and local environmental laws, regulations, and policies
- Address fragmentation of environmental law and governance in international, national, and local institutions, and support coordination with and among different areas of law
- Recognize the critical role of the environmental rule of law in protecting, conserving, and restoring the environment and in ensuring the full enjoyment of human rights
- Recognize the right to a clean and healthy environment, as reflected in the majority of national constitutions and in a growing number of international and regional legal instruments
- Reaffirm the principles in the 1972 Stockholm and 1992 Rio Declarations
- Recognize new and emerging principles of environmental law, including, *inter alia*, those articulated in the 2016 IUCN World Declaration on the Environmental Rule of Law, such as:
 - Non-regression
 - Progression
 - *In dubio pro natura*
 - The ecological functions of property
- Recognize the importance of and support protection for environmental defenders and the enjoyment of procedural and substantive human rights in the promotion of environmental justice

IUCN further recommends specific changes and additions to the “Draft Building Blocks” document to reflect these ideas, to advance the environmental rule of law, and demonstrate the IUCN’s commitment to a “just world that values and conserves nature.”

I. GENERAL COMMENTS

The Political Declaration Comes at a Critical Juncture and Must be Ambitious and Forward-Looking

First, IUCN emphasizes that the process laid out in UNGA Resolutions 72/277 and 73/333 toward a political declaration in 2022 comes at a critical juncture for environmental law and for the state of the planet. The declaration must be **ambitious** and **forward-looking**, in the legacy of the Stockholm Declaration of 1972 and the Rio Declaration of 1992, to meet the needs of the present moment and the next 50 years.

Scientific studies in the past several years have shown very clearly that the state of the environment is **critical**. We face **multiple global environmental crises**, including climate change and biodiversity loss, that threaten the stability of planetary ecosystems and the well-being of all people on Earth.

We still have the opportunity to respond to these crises, but doing so will require unprecedented, fundamental, **transformative changes** in law and across all sectors of society.

- “Pathways limiting global warming to 1.5°C [...] require rapid and far-reaching **transitions** in energy, land, urban, infrastructure [...] and industrial systems. **These systems transitions are unprecedented** in terms of scale...” (IPCC, 2018, SPM, C.2)
- “Goals for conserving and sustainably using nature and achieving sustainability cannot be met by current trajectories and goals for 2030 (i.e. Paris Agreement, SDGs) and beyond may only be achieved through **transformative changes** across economic, social, political and technological factors.” (IPBES, 2019, SFP, C.)

We have a very limited window of time. It is **urgent** to act now. Major steps must be taken now and must be in place by 2030 in order to bring about needed changes by 2050.

This Declaration (and the global recovery in the face of the Covid-19 pandemic) is an **opportunity** – perhaps the last one – for compelling states into action to avoid the worst consequences of global environmental crises.

The Declaration therefore should:

- **Be bold and ambitious, recognizing the gravity of the problem,**
- **Be science-based,**
- **Be forward-looking (visionary) and solution-oriented,**
- **Afford justice to future generations, and**
- **Provide an important tool for decision-makers, judges, and civil society, as well as for capacity-building and strengthening stakeholders in advancing the environmental rule of law and the implementation of environmental law at all levels**

Recommendations for Possible Content for Inclusion in the ‘Draft Building Blocks’ for the Declaration

IUCN offers **7 major recommendations** of content for inclusion in the Political Declaration envisioned in UNGA Resolution 73/333.

1. Recognize the need for transformative change in this “crucial decade” (until 2030)
 - a. Transformative change of human systems (technological, economic, and social) is necessary to develop a “safe operating space for humanity” within planetary boundaries
 - b. Environmental law and governance are essential in bringing about this change

2. Make an urgent call for effective implementation, compliance, and enforcement of existing international treaties, agreements, and other instruments, as well as national and local environmental laws, regulations, and policies
 - a. Many treaties, laws, and regulations are in place at all levels of government, covering nearly every aspect of environmental law; however, many are not effectively implemented and lack adequate measure for compliance and enforcement
 - b. States must apply their best efforts toward environmental protection and toward the effective implementation of existing laws
3. Address fragmentation of environmental law and governance
 - a. All UN treaties, bodies, committees, and other institutions should work to support transformative change to support environmental sustainability, regardless of their subject matter (e.g., human rights, security, etc.)
 - b. Environmental law at international, regional, and domestic levels requires better coordination with and among different areas of law, including trade, investment, and other relevant fields. This includes developing and implementing regulation of the financial, trade, investment, and other sectors to ensure harmony with sustainable development
4. Recognize the environmental rule of law
 - a. Strengthening the environmental rule of law is critical to the protection, conservation, and restoration of the environment and to the enjoyment of human rights, and should be at the forefront of efforts to improve environmental governance at all levels
 - b. We urge international institutions, treaty bodies, regional organizations, and States to support the development of clear, strict, enforceable, and effective environmental laws, regulations, and policies at all levels to address environmental issues
 - c. We urge support for and strengthening the effective implementation of existing international environmental law, not only at the international level, but within regional systems and at the national and local level. We also urge support for and strengthening the effective implementation of existing domestic and local environmental laws.
5. Recognize the right to a clean and healthy environment
 - a. A right to a clean and healthy environment is recognized by over 150 nations in their national legal systems and in international and regional law, agreements, and related instruments
 - b. Rights-based approaches can be effective and equitable means to ensure a high quality of the environment, which is integral to the full enjoyment of a wide range of (other) human rights
6. Reaffirm the Principles in the 1972 Stockholm and 1992 Rio Declarations, along with consideration of new and emerging principles, including, *inter alia*, the following ones articulated in the 2016 IUCN World Declaration on the Environmental Rule of Law:
 - a. **Non-Regression.** Economic recovery from shocks (e.g., pandemics, social unrest, or natural disasters) must not lead to or be used as a justification for lowering environmental standards or other environmental legal protections (no backsliding) or for limiting access to environmental justice
 - b. **Progression.** International institutions, treaty bodies, and States must undertake regular reviews of existing laws and regulations with a view toward enhancing the level of ambition and effectiveness
 - c. ***In dubio pro natura.*** In cases of doubt, courts, administrative agencies, and other decision-makers must resolve matters before them in a way most likely to favor the protection and conservation of the environment
 - d. **Ecological functions of property.** The possession or control of land, water, or other resources carries with it a duty to maintain the essential ecological functions associated with those resources

7. Recognize the importance of environmental defenders
 - a. Environmental defenders, whistleblowers, and other stakeholders play an important role in ensuring the effective implementation, compliance, and enforcement of environmental laws
 - b. States and international bodies must prioritize the protection of environmental defenders and the promotion of environmental justice

II. SPECIFIC COMMENTS ON THE DRAFT BUILDING BLOCKS OF A POLITICAL DECLARATION

IUCN's specific, paragraph-by-paragraph comments on the Draft are provided in red below.

DRAFT BUILDING BLOCKS OF A POLITICAL DECLARATION

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 **has the right ~~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.

Suggested input:

Since the 1972 Stockholm Declaration, nearly every national-level constitution that has been adopted has included some form of right and/or duty with regard to the environment. International commitment to a human right to live in a safe, clean, healthy and sustainable environment should reflect the ambition of the majority of UN Member States' constitutions.

The 2016 IUCN World Declaration on the Environmental Rule of Law includes a list of principles for promoting and achieving environmental justice through the environmental rule of law. Principles 1 and 3 are enumerated here, addressing obligations and rights with regard to the environment:

Principle 1 Obligation to Protect Nature Each State, public or private entity, and individual has the obligation to care for and promote the well-being of nature, regardless of its worth to humans, and to place limits on its use and exploitation.

Principle 3 Right to Environment. Each human, present and future, has the right to a safe, clean, healthy, and sustainable environment.

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 **1972 Stockholm Declaration and the 1992 Rio Declaration**;

Suggested input:

Consistent with paragraph 3 above, which recalls the Declaration of the United Nations Conference on the Human Environment (Stockholm Declaration), this declaration should also reaffirm the principles therein.

For example, some of the principles in the Stockholm Declaration should be reiterated, using gender-neutral language, such as the statement from Principle 1 regarding “[humans’] solemn responsibility to protect and improve the environment for present and future generations.”

6. We recognize **and affirm** 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 **prevent reduce** pollution, **protect and preserve biodiversity**, and to ensure green recovery and building back better;

Suggested input:

It is important not only to recognize but also to reaffirm existing multilateral environmental agreements and other obligations and commitments under international environmental law.

7. We are committed to strengthening **the environmental rule of law and** 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;

Suggested input:

The 2016 IUCN World Declaration on the Environmental Rule provides the following statement on “Foundations of the Environmental Rule of Law”:

“The environmental rule of law is understood as the legal framework of procedural and substantive rights and obligations that incorporates the principles of ecologically sustainable development in the rule of law. Strengthening the environmental rule of law is the key to protection, conservation, and restoration of environmental integrity. Without it, environmental governance and the enforcement of rights and obligations may be arbitrary, subjective, and unpredictable.”

Amplifying the concept of environmental rule of law signals support for the effective implementation, compliance, and enforcement of environmental laws, not only at the international level, but within regional, national, and local systems as well, in order to improve environmental governance.

8. We recognize the vital role of private sector, academia and civil society in the protection of the environment;

Strengthening ~~international~~ the environmental rule of law and environmental governance in the context of sustainable development

Suggested input:

This brings additional focus to the environmental rule of law as important to environmental governance not only at the international level but also at regional, national, and local levels.

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 inter-governmental development and coherence of the international environmental law and its implementation.
3. We call upon the UNEP to increase its visibility and engagement in international processes ~~as a key stakeholder 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 **law and** policy-making.
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 ~~strengthen improve~~ the coordination and promote coherence across the Rio Conventions and ~~other~~ multilateral environmental agreements ~~and related instruments~~ and we emphasize the role of UNEA as an enabler for enhancing synergies in the field of international environmental governance.

Suggested input:

This would broaden the reach of the paragraph to ensure inclusion of additional international environmental agreements and instruments.

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 cross-cutting priorities for international environmental governance and for international environmental law and policies, ~~taking into account~~ while recognizing the ~~specific mandates~~ and decisions of the governing bodies of multilateral environmental agreements. ~~and we~~ We invite the governing bodies of the multilateral environmental agreements, ~~where appropriate~~, to ~~align~~ harmonize their decisions with those of UNEA, as we share the political will in doing so as members of the respective governing bodies.

Suggested input:

We think it is important to recognize that multilateral environmental agreements and their governing bodies have specific mandates derived from treaties and conventions that must be fulfilled under international law. Overall, MEAs may have opportunities to coordinate efforts with UNEP and UNEA, but the language of treaties and conventions may not always fit with every UNEA decision.

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.

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.
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.
12. We emphasize the need to strengthen the science-policy-law 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 decisionmaking.
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.

Environmental law is essential for the protection of our planet

14. We **commit to ~~call for~~ the development and adoption of clear, strict, enforceable, and effective ~~efficient~~ environmental laws, regulations, and policies, and to ensuring** their effective ~~and fair~~ implementation and enforcement **through fair and inclusive processes.**

Suggested new paragraph: We commit to strengthening the implementation of international and regional environmental agreements at national and local levels, including effective enforcement of these agreements and ensuring the necessary capacity and resources to accomplish this.

Suggested input:

Consistent with prior declarations, this declaration should include more robust language of commitment on the part of the drafters/signing Parties. In addition, we suggest emphasizing the characteristics of environmental laws, regulations, and policies that are most likely to achieve the highest standards of environmental quality in a just manner, including respect for and inclusion of all.

The IUCN World Declaration on the Environmental Rule of Law provides:

- “The environmental rule of law is premised on key governance elements including, but not limited to:*
- a. Development, enactment, and implementation of clear, strict, enforceable, and effective laws,*

- regulations, and policies that are efficiently administered through fair and inclusive processes to achieve the highest standards of environmental quality;*
- b. Respect for human rights, including the right to a safe, clean, healthy, and sustainable environment;*
 - c. Measures to ensure effective compliance with laws, regulations, and policies, including adequate criminal, civil, and administrative enforcement, liability for environmental damage, and mechanisms for timely, impartial, and independent dispute resolution;*
 - d. Effective rules on equal access to information, public participation in decision-making, and access to justice;*
 - e. Environmental auditing and reporting, together with other effective accountability, transparency, ethics, integrity and anti-corruption mechanisms; and*
 - f. Use of best-available scientific knowledge.”*

15. We ~~invite~~ **urge** all Governments to recognize and incorporate agreed principles of international environmental law **in the 1972 Stockholm Declaration, 1992 Rio Declaration, MEAs, treaties, conventions, and other instruments and state practices** 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.

Suggested input:

We suggest clarification as to the source of the “agreed principles” in this paragraph, to include all relevant sources of international environmental law.

16. We recognize the importance of national, regional, and international courts and tribunals to give full effect to **obligations under international and regional agreements, national laws, and principles of international environmental law**, and we invite Governments to cooperate to **strengthen the independence and capacity of courts and to build and support the capacity of ~~related authorities and prosecutors~~, regulatory enforcement officials, inspectors, auditors, and other related authorities** at all levels to implement and ensure compliance with environmental law. **Consistent with the environmental rule of law, we call on courts, administrative agencies, and other decision-makers, in cases of doubt, to resolve all matters in a way most likely to favor the protection and conservation of the environment.**

Suggested input:

We suggest adding specific recognition of both international/regional and national laws and urge support for both the independence of the judiciary and for building capacity of all actors involved in the implementation, oversight, compliance, and enforcement of environmental law.

We further suggest adding a call for courts, administrative agencies, and other decision-makers to adopt the principle in dubio pro natura, as described in the 2016 IUCN World Declaration on the Environmental Rule of Law – resolving any doubt in favor of environmental protection, with preference given to alternatives that are least harmful to the environment.

17. We recognize **the essential role of a strong system of compliance and enforcement at all levels in order to ensure the environmental rule of law—~~that~~** We further recognize 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 **protecting environmental, social, and cultural values and by reducing and preventing** such violations.

The IUCN World Declaration on the Environmental Rule of Law declares that:

“Strengthening the rule of law is critical to protecting environmental, social, and cultural values and to achieving ecologically sustainable development,

Without the environmental rule of law and the enforcement of legal rights and obligations, environmental governance, conservation, and protection may be arbitrary, subjective, and unpredictable,

The environmental rule of law and robust institutions are essential to respond to increasing environmental pressures that threaten the ecological integrity of the Earth, in a way that respects fundamental rights and principles of justice and fairness,

The environmental rule of law should thus serve as the legal foundation for promoting environmental ethics and achieving environmental justice, global ecological integrity, and a sustainable future for all, including for future generations, at local, national, sub-national, regional, and international levels.”

18. We **encourage urge** 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 urge** 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.

22. We encourage Governments to **establish systems to periodically and regularly assess ~~build assessment systems on~~** the status of **their** environmental policies and regulations and the implementation of the international environmental law.
23. We encourage Governments and related organizations to mainstream **the** environmental **protection 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.
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 SDCF) 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.
27. We recognize that international public finance plays an important role in complimenting 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.
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.
32. We recognize, **consistent with the Rio Declaration and applicable international and regional agreements, that everyone has the peoples'** right to have access to information, access to public participation and **effective** 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.

Suggested input:

This paragraph should reflect that the recognition of these rights is found in Principle 10 of the Rio Declaration and has been enhanced by regional agreements, including the Aarhus Convention and the Escazú Agreement. Consistent with the environmental rule of law, access to justice must be effective in order to fulfill these rights.

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.

Additional input:

The 2016 IUCN World Declaration on the Environmental Rule of Law lists several principles and means of implementation for guaranteeing the environmental rule of law. These principles and mechanisms stand in support of just and effective implementation of existing international environmental law and multilateral environmental agreements. The full declaration is attached here as an annex.

We highlight, for example, several emerging principles, as well as means of implementation of the environmental rule of law, as recommendations for inclusion:

Principle 5 In Dubio Pro Natura

In cases of doubt, all matters before courts, administrative agencies, and other decision-makers shall be resolved in a way most likely to favour the protection and conservation of the environment, with preference to be given to alternatives that are least harmful to the environment. Actions shall not be undertaken when their potential adverse impacts on the environment are disproportionate or excessive in relation to the benefits derived therefrom.

Principle 6 Ecological Functions of Property

The possession or control of land, water, or other resources carries with it a duty to maintain the essential ecological functions associated with those resources.

Principle 12 Non-regression

States, sub-national entities, and regional integration organisations shall not allow or pursue actions that have the net effect of diminishing the legal protection of the environment or of access to environmental justice.

Principle 13 Progression

In order to achieve the progressive development and enforcement of the environmental rule of law, States, sub-national entities, and regional integration organisations shall regularly revise and enhance laws and policies in order to protect, conserve, restore, and ameliorate the environment, based on the most recent scientific knowledge and policy developments.

Means of Implementation of the Environmental Rule of Law

Effective implementation is fundamental to achieving the environmental rule of law. Mechanisms to add procedural strength and help build the procedural and substantive components of the environmental rule of law at national, sub-national, regional, and international levels include, inter alia,

- a) Monitoring and reporting systems that enable accurate assessments of the state of the environment and the pressures on it,*
- b) Anti-corruption measures, including those that address unethical conduct and oversight,*
- c) Legally supported environmental management systems that take due consideration of environmental risk and the vulnerability of social and economic systems in the face of ecological deterioration,*
- d) Environmental assessment, incorporating multidimensional, polycentric perspectives and the complexity of social-ecological relationships,*
- e) Quantitative and qualitative modelling and visioning tools that enable planning based on best-available science and environmental ethics, enabling strategies and options that remain robust under multiple plausible futures,*
- f) Collaborative and adaptive management and governance that involves stakeholders from a range of socio-economic and cultural backgrounds, including local communities, indigenous peoples, women, the poor, and other traditionally marginalised and vulnerable groups,*
- g) Coordination mechanisms such as regional enforcement networks, intelligence sharing, and judicial cooperation,*
- h) Environmental legal education and capacity building for all people, and especially for women, girls, and traditional leaders of indigenous peoples, focusing on exchange of knowledge on best practices, taking into account the relevant legal, political, socioeconomic, cultural, and religious aspects, as well as recognizing common features founded on international norms and standards,*
- i) Harnessing new technologies and media for promoting environmental law education and access*

to information, as well as complementary tools that draw on and respect customary laws and practice,

- j) Communication systems enabling the production and dissemination of guidelines, tool kits, checklists, and associated technical and legal implementation assistance,*
- k) Strengthening civil society, environmental law associations, and other non-state actors that fill gaps in state-based environmental governance systems,*
- l) Addressing environmental crimes in the context of other types of crime such as money laundering, corruption, and organised crime,*
- m) Enabling public interest dispute resolution concerning environmental conservation and protection and upholding the rights of future generations, and*
- n) Strengthening the independence and capacity of courts in the effective application and interpretation of environmental law, and in acting as guarantors of the environmental rule of law.*