

**Informal Workshop on implementation of United Nations General Assembly  
resolution 73/333**

7<sup>th</sup> July 2021

**Argentina written inputs**

**(i) Which building blocks under titles Environmental law is essential for the protection of our planet and Accelerating and facilitating action and implementation at all levels expand current mandates or fall outside the scope of resolution 73/333?**

\* First and foremost, as stated in previous occasions and as a general approach, Argentina is respectful of the thorny and fragile consensus that led to the substantive recommendations contained in annex 1 of res. 73/333. Accordingly, the future Political Declaration should remain within the scope of those recommendations to avoid reopening sensitive topics.

\* Against this backdrop, we envision a Political Declaration whose added value lies mainly in the call for renewed efforts at all levels to enhance the implementation of existing obligations and commitments under international environmental law, in particular stressing the importance of enhanced ambition regarding means of implementation.

\* Regarding the building blocks number 14 to 20 under the title "Environmental law is essential for the protection of our planet", we find that, although we share many of the key proposals, the Political Declaration should convey a more concise message. Such a message could arise from summarizing and merging in particular paragraphs 14, 15, 18, and 19.

\* On the building blocks 21 to 33, under the title "Accelerating and facilitating action and implementation at all levels", we have some specific comments:

- First of all, Argentina, among many other countries, argued and explained during the OEWG that the main gap in international environmental matters is one of implementation, concerning, in particular, the insufficient mobilization of means of implementation towards developing countries.

In this light, we believe that this topic seems diluted and should be re-hierarchized in the broad context of the document by making paragraph 26 the head paragraph of the section "Accelerating and facilitating action and implementation at all levels .

Moreover, it is critical to frame paragraph 26 in accordance with the CBDR principle by stating that the provision and mobilization of means of implementation be primarily directed towards developing countries.

- Secondly, on paragraph 22, we deem its elimination appropriate given that the consensus reached in the OEWG does not refer to the construction of assessment systems at the national level on the state of environmental policies and regulations and the implementation of international environmental law.

- Thirdly, the building blocks 27 to 31 go far beyond what was agreed by the OEWG regarding environmental financing, with statements on the role of public finances (paragraph 27), investment alignment (paragraph 28); innovative and multi-stakeholder financial initiatives (paragraph 29); supplemental financial support promoting "sustainable business and living standards" (paragraph 30) and sustainable domestic tax reforms (including environmental taxes, in paragraph 31).

\* In this regard, we would like to recall the G-77 declaration made during the first informal meeting on Res. 73/333, celebrated last year, which stated that any mention of innovative finance or private sector financing should be supplementary to the financial structures under existing frameworks and MEAs.

\* In addition, it should be noted that the commitment made by the developed countries within the framework of the Paris Agreement to mobilize \$ 100 billion annually in climate finance until 2020 has not been fulfilled, as concluded by the latest report of the Independent Expert Group on Climate Finance.

## **(ii) What are the benefits of international environmental law when it comes to protecting the environment?**

\* Argentina considers that the evolution of international law and in particular international environmental law has contributed, in many cases, to the recognition of rights and obligations that have resulted in the improvement and well-being of the people.

\* For this reason, Argentina is always in favor of any process that contributes to achieving sustainable development. Recently, our country has been instrumental for the entry into force of the Escazu Agreement, the first environmental agreement of Latin America and the Caribbean.

\* Notwithstanding, we are of the view that any significant work on international environmental law should be crafted in a way that does not affect special regimes of international law (ie. commercial, investment, intellectual property, nuclear, maritime, etc.) and, in particular, environmental regimes established through MEAs (Climate Change, Biodiversity, Chemical Products, Ozone, etc.), which have their own evolution processes and ongoing negotiations.

\* In addition, it must also respect the specificities of regional regimes, which are the result of the circumstances, priorities, and capacities of the States involved.

\* To conclude, Argentina understands that any attempt to universalize concepts should only be promoted when there is broad international consensus to move forward in that direction.

**(iii) What are the opportunities that exist for making full use of the Montevideo Environmental Law Programme in order to increase Member States' capacity building for implementing environmental law?**

\* Environmental laws and institutions have grown dramatically over the last three decades and this has led to slow and in some cases to reverse environmental degradation.

\* Drawing from that lesson, Argentina affirms that the specific implementation and enforcement of environmental law is a challenge that depends on efforts fundamentally at the national level, in particular, concerning the generation of solid legal frameworks, institutional capacities, and precise standards and mandates.

\* The Montevideo Programme is a well-suited initiative to support developments and implementation at the national level with strict adherence to national needs and priorities as it offers a cooperative approach to Member States, on a voluntary basis.

\* Argentina has taken part in the 1st meeting of focal points of the 5th Montevideo Programme and has witnessed a broad and renewed interest in this initiative.

\* The Political Declaration offers a significant opportunity to put the Montevideo Programme in the spotlight and divulge its relevance.

**(iv) What assessment tools, including environmental performance reviews, would help Member States in advancing the environmental agenda?**

\* We would like to recall that the substantive recommendations do not contain any reference to assessment tools as a way to advance the environmental agenda.

\* Consequently, the emphasis put on assessment systems in the draft building blocks is not appropriate.

\* We do not foresee sufficient political will for considering the inclusion in the Political Declaration of any reference encouraging Governments to build assessment systems (as stated in building block 22) or adopting some specific assessment tools, beyond what has been agreed within the framework of each MEA.

\* Each of the main MEAs and environmental fora has its own monitoring, assessment, and review (MAR) mechanism, which is the result of complex negotiations and, sometimes, fragile consensus.

\* We would also like to recall that Environmental Performance Reviews are an expensive product of the Directorate of Environment of the OECD that are only mandatory for OECD Member States. The so-called EPRs have specifically tailored rules and terms of reference that are rarely universal.

\* We reiterate that it is of utmost importance to achieve full and effective implementation of existing MEAs, especially concerning the enhanced mobilization and provision of MOIs, in particular of financial resources, capacity building, and the transfer of technology, to make developing countries fully capable of overcoming the present and future environmental challenges.

\* Taking this into account, and at this level, a more possible and acceptable assessment could be an estimate by UNEP of how many financial resources would be necessary for full implementation of MEAs, in order to map where the financial gaps are. Similarly, it could be accompanied by a survey of capacity building and technology needs that should be transferred for optimal implementation.

**(v) How can Member States make optimal use of existing financial mechanisms and funds for implementing the international environmental law and improving the status of the global environment?**

\* More fundamental than how to make optimal use of existing funds, is to bridge existing financial gaps within the framework of MEAs.

\* The international community demands a recommitment, in particular from developed states, to ensure an adequate and predictable mobilization and provision of means of implementation towards developing countries.

\* This is critical. We all agree that we need to step up our ambition regarding climate, biodiversity, and other environmental challenges, but enhanced actions inextricably require enhanced resources. Thus, we cannot discuss optimal use if there aren't enough resources to implement first.

\* More importantly, not all nations have the same amount of historical responsibilities as well as national capabilities. Correspondingly, there is no development or production model applicable to all nations equally. Those countries with greater responsibility for environmental degradation should provide the economic and technological tools that allow developing countries to improve the sustainability of their production.

\* As we always state, the mobilization of means of implementation should be based on the principle of Common but Differentiated Responsibilities, and in line with the commitments assumed in a timely manner by developed countries within the framework of existing MEAs, as a key factor to foster the implementation of international environmental law and also for building back better after the current pandemic.

\* That is why, in our view, the Political Declaration should aim to address implementation and financial gaps among its key messages.

\* Only after addressing this issue, we can move forward and discuss other relevant topics related to "optimal use", like streamlining bureaucratic mechanisms to allocate resources in an agile and efficient way, avoiding unnecessary delays and associated administrative costs.