

Interventions from Major Groups and other Stakeholders

Second Consultation Meeting Resolution 73/333

17-19 November 2021

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Intervention: (Delivered by Leida Rijnhout – Stakeholder Forum - from the room)

Many thanks for giving the Major Groups the opportunity to speak and be part of those discussions.

First of all, we are happy that the outcome document of this process is presented at UNEP@50 and being adopted as the Ministerial Outcome Document. Strengthening Environmental Governance and Law is absolutely core business for the future of UNEP. Also happy to hear that in her opening speech the ED was also very ambitious on this topic.

Secondly, as many other Member States already mentioned too, we also think it is very important to include the recently acknowledged Human Right to a clean, healthy, safe and sustainable environment.

We have some doubts on the references to Agenda 2030, as this agenda is an instrument to achieve Sustainable Development and too temporal for long term strategy planning for UNEP. This could be better phrased differently.

References were made to the need to support Member States in the implementation, but that need is also existing for Civil Society Groups. An effective implementation on the national levels will only occur with the advocacy and support of national civil society groups. To make the capacity building happening for them, the last paragraph from the draft political declaration on the liaison office is therefor crucial.

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Intervention: (Delivered by Leida Rijnhout – Stakeholder Forum - from the room)

Hearing the debates today, I would like to give some general reactions on the interesting debate on behalf of MG engaged in this process:

Our first points are mainly related to the first set of OPs:

- We have the feeling that UNEP's role and mission is getting limited with “only covering the implementation of the environmental dimension of the 2030 Agenda”. We also feel that the general consensus is that UNEP should mainly mainstream environmental issues in other sectoral policies. **Even if both objectives are already a huge task, necessary and appreciated, we still think that UNEP’s role should go beyond that.**

- UNEP should be and build strong protagonists for the environment. As the environment itself does not have a voice. **As UNEP, you can only guarantee the coverage of the env dimension of SD when you are equally strong as the other protagonists of the other 2 dimensions.** Nowadays, in the real world, we see too much happening that economic, and sometimes (discussable) social priorities especially in the Global North ("the right to fly whenever I want", "the right to consume as much as I want" "the right to pollute as long as I pay for it" etc) are overruling the env priorities. **We advocate therefore for stronger env governance, respect the rule of law and the implementation and enforcement of environmental policies and law.**
- **Mainstreaming env issues is necessary - but we are against "away-streaming" of the environmental priorities.** We need 'stand alone' structures in the field of environmental law and policy implementation. **UNEP is mandated to set the agenda on the environmental agenda, and that goes beyond the SDGs, as many environmental topics are not even mentioned in the 2030 Agenda.** Just to give you a fact: the number of ministers of environment is decreasing worldwide. Is this what we want?
- A lot is said on supporting member states in the implementation of env gov and law on the national levels. **Here I would like to add the need to support civil society organisations to give them also the knowledge of existing international governance and law, and push/support/partner with the national governments in this task.** For instance, the instrument/website "Informeas" with a lot of information about the 1300+ MEAs, could be updated and disseminated more.
- On science/policy interface we would like to see **citizen science and indigenous knowledge recognized** as well

19 November 2021

First intervention: (Delivered by Lionel Chami (GPE) – via online platform)

We are concerned that the draft Political Declaration is not actionable and committing enough to achieve its purpose. We need strong environmental governance and law to deliver on any environmental target we agree upon. It will help governments to put commitments into action and be accountable for progress made. Too many vague formulations and unclarity make it difficult to come up with a strong political commitment yet. With this in mind, we suggest that more specific language be included **to initiate a process to ensure that within 3 years there is a fully functioning environmental governance architecture agreed by all Member States, which would include universal principles of environmental law, objectives, targets, means of implementation and review mechanisms.**

Thirty years ago, the international community agreed to implement the Rio Conventions. During this time, these conventions have been strengthened and improved upon. Yet, they are still far from being fully implemented. Greenhouse gas emissions have been steadily rising since the signature of the Framework Convention on Climate Change in 1992, the Paris Agreement in 2015. Even after the new commitments made in Glasgow, we are still far from

achieving the 1.5°C target. On Biodiversity, among the 20 Aichi targets on biodiversity defined in 2010, not one target has been fully met by 2020.

Using previously agreed-upon language does not constitute progress. The Rio Declaration is 30 years old. By recycling this language, what we are demonstrating is that we have not advanced by one inch in 30-years' time. We are facing a massive extinction event. There is no neutrality in the face of this crisis. Inaction only makes it worse. This is why, when the ministers of environment of the world will meet in 2022 to adopt this declaration, a declaration which is supposed to commemorate the 50 years of UNEP, **they should lay down the basis of a law and governance framework that is actually able to tackle the global environmental crisis.**

One concrete suggestion could be to improve the language of OP8 by having it be “the article on rights”. It could combine preambular paragraph 2, which recognizes the right to a healthy environment in the wake of United Nations Human Rights Council Resolution 48/13. The wording could thus be amended to : to “Note that the right to a clean, healthy and sustainable environment is related to other principles and existing international law; that among these are the principles to access information, public participation, and access to justice in environmental matters, etc.” Other proposals include: recognizing a principle of non-regression, and going further, a principle of progression, as exists for the NDC process in article 4 of the Paris Agreement.

The Political Declaration is meant to strengthen environmental law and governance. The Secretary-General's report on gaps made it clear: the current framework has proved inadequate to tackle the environmental crisis. We are facing a massive extinction event. There is no neutrality in the face of this crisis. Inaction only makes it worse. This is why, when the ministers of environment of the world will meet in 2022 to adopt this declaration, a declaration which is supposed to commemorate the 50 years of UNEP, **they should lay down the basis of a law and governance framework that is actually able to tackle the global environmental crisis.**

2nd intervention: (Delivered by Leida Rijnhout – Stakeholder Forum - from the room)

As my colleague already stressed: once principles and targets are set, it is all about implementation, implementation, implementation. We cannot afford to continue to make empty promises or commitments that are then not met.

Therefore we need the right instruments to focus on and to review the progress of the implementation of agreed objectives and targets. This will demand more time: **This political declaration should thus be the kick-off of the development of an internationally agreed architecture (framework) based upon clear objectives and targets.**

To rephrase a famous quote: “It's the governance, stupid” (and pls don't feel offended by this quote)

Therefore, we would like to see a phrase that guarantees a commitment to continue this process, in the coming 3 to 4 years.

So in our view **it is not enough to present new intentions in a political declaration, but we need specific programs to support countries and review mechanisms to measure progress in the implementation and enforcement of agreed policies and laws.** Both carrying out periodic reviews and establishing a clearinghouse to support implementation in developing countries would be clearly strengthen the implementation of both national and international law.

We would like to refer to the effective review mechanism of the Human Rights Council, the UPR, which could be adapted for our purposes in an appropriate manner.

Notwithstanding some weaknesses of the Montevideo Programme, we think it can be strengthened to support the Global South in developing and implementing domestic environmental legislation.

Last but not least: it is also key that civil society organisations also receive the necessary capacity building on existing international environmental governance and law so we also can support implementing it on the national levels. We all know that often national civil societies are pushing strongly for putting in place effective policies and regulations. Whether this is appreciated by all governments or not :-) (we lament that still too many environmental defenders are killed or put in prison)

Nowadays many CSOs on the national level are still not aware of existing international law, and that is a missed opportunity. Therefore, we see it as crucial to establish liaison offices, self-organised, in Nairobi that can serve as a service and knowledge hub for CSOs worldwide, just like other UN HQ have.

Just to recall Article 6 of the Agreement between UN and Republic of Kenya regarding the HQ of UNEP, where it is stated that the government would take all necessary steps to establish liaison offices for international NGOs (almost 50 years ago..)