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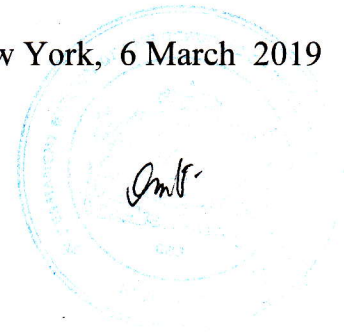
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The Permanent Mission of the Republic of the Union of Myanmar to the United Nations presents its compliments to the *ad hoc* Open-Ended Working Group (AHWG) established pursuant to General Assembly Resolution 72/277 entitled 'Towards a Global Pact for the Environment' and with reference to the letter from co-chairs of the *ad hoc* Open-Ended Working Group dated 25 January 2019, has the honour to transmit the views of the Republic of the Union of Myanmar toward a Global Pact for the Environment.

The Permanent Mission of the Republic of the Union of Myanmar to the United Nations avails itself of this opportunity to renew to the *ad hoc* Open-Ended Working Group (AHWG) established pursuant to General Assembly Resolution 72/277 entitled 'Towards a Global Pact for the Environment' the assurances of its highest consideration.

New York, 6 March 2019



***Ad hoc* Open-Ended Working Group (AHWG)
established pursuant to General Assembly Resolution 72/277
entitled 'Towards a Global Pact for the Environment'**

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Discussion of Possible Options to Address Possible Gaps in International Environmental Law and Environment-related Instruments

Mr. Chairs,

Environmental sustainability is recognized in the National Constitution of Myanmar proclaiming that “the Union shall protect and conserve natural environment (Section 45)” and in the National Comprehensive Development Planning as a key prerequisite for sustainable economic development.

We truly believe that the global pact for environment would become a legally binding international instrument under the United Nations and our country commits to abide by the newly initiated instrument developed together with the international community.

Regarding possible options to address possible gaps, at the outset, we align with the statement made by the Group of G-77 and China. The global pact for environment in general covers the principles of historical responsibility, equity, justice, common but differentiated responsibility (CBDR) and the right to development. We believe that state sovereignty is an important factor for developing countries to engage in this process.

Among the issues discussed in First Substantive Session of the *Ad Hoc* Open Ended Working Group towards a Global Pact for the Environment, which we wish to discuss are, inter alia:

Chapter I. Introduction:

It is necessary to define the gaps of specific context of IEL and apply root cause analysis to identify and understand the root causes of these gaps.

Chapter II. Gaps concerning principles of international environmental law:

Some subject-specific principles are already well established in customary international law whereas others are as stated by Japan “neither already well-established nor widely used in MEAs”. Thus, when addressing the gaps concerning principles of IEL, special and differential treatment should be applied so that there is no significant impact to individual MEAs by overarching principles.

Chapter III. Gaps relating to existing regulatory regimes:

Environmental sustainability is a cross-cutting issue, equitable participation and inclusiveness should be encouraged. In some cases, not only capacity building but also resource assistance like cheap and simple technology is crucial for developing countries like Myanmar to participate fully in sharing responsibilities.

Chapter IV. Environment-related instruments:

As presented in the report of Secretary General, Myanmar understands many human rights instruments explicitly reference the environment or environmental concerns and that it is not possible to reach SDGs without gender equity. Thus, Myanmar ratified CEDAW, CESC, CRC, CRC-OP-AC, CRC-OP-SC and CRPD. However, there are still root causes to overcome to be compliance with these instruments.

Chapter V. Gaps relating to the governance structure of international environmental law:

Myanmar is currently mainstreaming environment consideration into National/ State and Region/ Sector Development Policy and Development Planning. For that matter, capacity building and the support of other resources by means of financial or technological from developed world is a key to increase the efficiency of governance structure of primary actors, i.e. the states in developing world and their effective participation in complex treaties.


Chapter VI. Gaps relating to implementation and effectiveness of IEL:

If the states have to share responsibilities for effective implementation of IEL, inclusive solution by “considering cooperation and additional resources to support implementation of the SDGs and MEAs” as stated by Brazil would be essential.

Chapter VII. Conclusions:

As stated by China, “state sovereignty should be respected, and developing countries should be extended more assistance in implementing MEAs”.

In conclusion, when considering possible options to address possible gaps in IEL and environment-related instruments, the financial and technological issues of



developing countries should not be underestimated. Although these primary actors have the willingness to participate fully and share the responsibility equitably, the above mentioned issues might be part of the root causes in implementation gaps. Thus, as stated by G-77/China, the principle of CBDR, the consideration of financial issues, effective and efficient technology transfer, and capacity building are inevitable to strengthen the effective participation of developing countries in implementing MEAs, IEL and environment-related instruments.