

# QUESTIONNAIRE

## I. Guiding questions concerning the preparatory process

### 1. The outcome reads: “Forward these recommendations to UNEA for its consideration”.

The provisional agenda for the fifth session of the United Nations Environment Assembly (UNEA 5) includes 15 items, and “*these recommendations*” should be considered and discussed under item 5 of the provisional agenda entitled “International environmental policy and governance issues”.

### 2. The outcome mandates: “to prepare, at its fifth session (...) a political declaration (...):

#### a. Level of Detail

On 10 May 2018, the UN General Assembly (UNGA) adopted, resolution 72/277 entitled “Towards a Global Pact for the Environment” and decided to establish an ad hoc open-ended working group (OEWG) to consider a technical and evidence-based report that identifies and assesses possible gaps in international environmental law and environment-related instruments with a view to strengthening their implementation.

The working group has been mandated to present its recommendations to the General Assembly during the first semester of 2019. After an organizational session and three substantive sessions, OEWG completed its mandate and adopted its recommendations to the UNGA, following its consideration of possible gaps in international environmental law (IEL) and environment-related instruments with a view to strengthening their implementation.

The process for recommendation developed under open, transparent, inclusive and constructive works of member states, United Nations specialized agencies, secretariat units and convention secretariats.

Thus, the level of detail is not an issue for deciding whether or not a text should be considered by UNEA 5. It is deemed necessary for UNEA 5 to consider all the 18 recommendations of the OEWG unless it undermines existing instruments or the principle of national sovereignty over natural resources.

#### b. Timeline

The preparation of a political declaration should start with the establishment of a preparatory committee during the first half of 2020 to make recommendations to UNEA 5. Negotiations to determine specific timeline should be take place and concluded with the leadership of the preparatory committee. Moreover, the negotiations should be open to all Member States of the UN, members of UN specialized agencies, and parties to multilateral environmental agreements (MEAs), among others.

### **c. Stakeholder Involvement**

Online forum should be developed where Member States, members of UN specialized agencies, and parties to multilateral environmental agreements (MEAs), among others to make discussion and recommendation on elements for an international instrument, including on its nature, scope and parameters.

## **II. Guiding questions related to the “ a United Nations high-level meeting [...] in the context of the commemoration of the creation of UNEP**

**3. The outcome speaks about “a United Nations high-level meeting, subject to voluntary funding, in the context of the commemoration of the creation of the United Nations Environment Programme by the United Nations Conference on the Human Environment (...)”.**

### **a. Meaning**

The outcome aimed at strengthening international environmental governance and the implementation of IEL, with a possible aim of producing a political declaration. However, the reference to the event was not connected with the intergovernmental process and UNGA and there are concerns and cautions expressing that a political declaration might become a piece of paper without value or impact and proposed a reference to “a UN high-level meeting”.

### **b. Convening the UN high-level meeting**

Such a decision should naturally be made by UNGA with the support of UNEP Secretariat after UNEA 5.

## **II. Guiding questions regarding the content of the political declaration and the support by the UNEP Secretariat**

**4. The outcome also signals that the objective of the political declaration is “with a view to strengthening the implementation of international environmental law and international**

environmental governance, in line with paragraph 88 of the outcome document of the United Nations Conference on Sustainable Development, entitled “The future we want”.

#### **a. Elements or Building Blocks for inclusion in Political Declaration**

Objectives guiding the recommendations contained in the Annex to Resolution 73/333 could be identified for inclusion in the political declaration to achieve the overall objective of strengthening the implementation of international environmental law and international environmental governance, in line with paragraph 88 of the outcome document of the United Nations Conference on Sustainable Development, entitled “The future we want”.

#### **b. Relating Political Declaration and Recommendations**

Five objectives guiding the recommendations and the thirteen substantive recommendations of the OEWG established pursuant to UNGA resolution 72/277 and endorsed in UNGA resolution 73/333 are based on consensus of member states, United Nations specialized agencies, secretariat units and convention secretariats and the basis for continuity. It could provide certain background and key issues needed to amplify the shape and content of the political declaration.

#### **c. substantive connection between the political declaration and the commemoration of the creation of UNEP**

United Nations Conference on the Human Environment is the first United Nations conference that focused on international environmental issues reflecting a growing interest in conservation issues worldwide and laid the foundation for global environmental governance. During the discussions of OEWG, Member States, members of UN specialized agencies, and parties to multilateral environmental agreements (MEAs) highlight not to undermines existing instruments of MEAs. Thus, substantive connection between the political declaration and the commemoration of the creation of UNEP by the United Nations Conference on the Human Environment is crucial.

#### **d. Harmonizing political declaration with paragraph 88 of the outcome document of the United Nations Conference on Sustainable Development**

The adoption of political declaration from a global pact for the environment can serve as a binding, universal “umbrella text” synthesizing the principles outlined in the Rio Declaration on Environment and Development, the Earth Charter, the World Charter for Nature, and other instruments shaping environmental governance. Supporters of the initiative envisage a new international instrument, modelled on the UN’s human rights instruments, creating a third generation of fundamental environmental rights.

#### **e. Inputs to assist the preparation of political declaration**

In order to best assist member states in the preparation of the political declaration, the inputs from the Secretariat should harmonize with the principles of historical responsibility, equity, justice, common but differentiated responsibility and respective capabilities (CBDR-RC) and the right of developing countries in managing and diversifying their economies, and in managing natural resources for sustainability in line with Agenda 21.