

QUESTIONNAIRE
TO GUIDE THE WAY FORWARD
ON UN GENERAL ASSEMBLY RESOLUTION 73/333:
SOUTH AFRICA

QUESTIONNAIRE:

I. GUIDING QUESTIONS CONCERNING THE PREPARATORY PROCESS

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

- a. *Under which agenda item should UNEA 5 consider these recommendations?*
- b. *One option being under the inclusion in the already established item 5 of the provisional agenda entitled “International environmental policy and governance issues” or by recommending the establishment of a new item?*

SOUTH AFRICA: The recommendations should be considered under the provisional item: “*International environmental policy and governance issues*”, as introducing a new agenda item will, potentially, lead to further contestation and delay certain processes.

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

- a. *What level of detail should a text have in order to be considered by UNEA 5?*

SOUTH AFRICA: A political declaration should include a succinct historical reflection, note on the *status quo* and raise the ambition for the work that lies ahead. In the current challenging international context it may be problematic to secure a detailed, substantive declaration without undermining the core principles and provisions of existing MEAs. The declaration could instead provide a narrative of progress made thus far

- b. *When should the “preparation of a political declaration” begin and what should be the recommended format, leadership and timeline of the preparatory process before UNEA 5?*

SOUTH AFRICA: Once it has been established that the “voluntary funding” is sufficient and that there is sufficient appetite for a “high-level meeting”. This will require clear timelines, including critical inflection points to determine in a timely manner whether the “high-level meeting” will be sufficiently financed to proceed.

Similarly, a clear distinction can be made between the proposed “high-level meeting” and the “political declaration” – a “political declaration” can be delivered at an ordinary meeting if sufficient voluntary funding for a “high-level meeting” is not forthcoming. Sufficient time must be allowed for consultation and negotiation.

- c. *How can member States without representation in Nairobi, as well as accredited stakeholders, be best assisted to participate actively in the process?*

SOUTH AFRICA: All documents can be electronically distributed – either by the Secretariat directly to Heads of Delegation and/or national nodal points, or alternatively to the respective resident Heads of the Geographical Groups accredited to Kenya/UNEP. Timelines will have to be developed that incorporate additional time to afford effective consultations with capitals, regardless of whether or not Member States have resident representation.

Views of non-Member States – accredited stakeholders - are encouraged and welcomed, but political declarations are to be negotiated by UN Member States.

II. GUIDING QUESTIONS RELATED TO THE “UNITED NATIONS HIGH-LEVEL MEETING [...] IN THE CONTEXT OF 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. *What is meant by “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”?*

SOUTH AFRICA: A ministerial-level meeting, within available scheduling so as to reduce additional expenses.

- b. *Who is expected to convene the UN high-level meeting? What should its format be?*

SOUTH AFRICA: UNEP. Ministerial meeting, linked to UNEA.

III. 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. *what ‘elements’ or ‘building blocks’ in the objectives guiding the recommendations and in the substantive 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”?

SOUTH AFRICA: Sustainable Development; effective governance; adherence to the rule of law and equity considerations; synergies between MEAs; effective governance of the financial mechanisms; and elements of liability and redress.

A central priority is to highlight the need for adequate, new and additional means of implementation support to developing countries in the form of finance, technology development and transfer and capacity building.

As the Global Pact for the Environment remains a rather contentious matter, it may be difficult to secure a substantive political declaration at this time. A declaration is likely to be broad/general in nature and it would be important to ensure that it does not undermine the core principles and provisions of existing MEAs. Since the UN membership seems uncertain about the purpose and nature of a “Global Pact” the formulation of the second/alternative issue may allow for a more inclusive approach with greater prospects of success. We have to be clear where the missing gaps in environmental law are before progressing further.

- b. *How should the political declaration relate to the five objectives guiding the recommendations and to the thirteen substantive recommendations of the ad-hoc open-ended working group established pursuant to UN General Assembly resolution 72/277 and endorsed in UN General Assembly resolution 73/333?*

SOUTH AFRICA: All the objectives and recommendations should, at least, be incorporated in the political declaration in a balanced manner.

- c. *Should there be a substantive connection between the political declaration and the commemoration of the creation of the United Nations Environment Programme by the United Nations Conference on the Human Environment?*

SOUTH AFRICA: The commemoration is symbolic whereas the political declaration should also be aspirational. There is no automatic correlation between the issues, albeit that the commemoration is intended to provide the platform for the delivery of the declaration.

- d. *How should the political declaration be in line with paragraph 88 of the outcome document of the United Nations Conference on Sustainable Development?*

SOUTH AFRICA: Reaffirmation of the “Environmental pillar in the context of sustainable development”.

- e. *What kind of inputs should the Secretariat prepare in order to best assist member States in the preparation of the political declaration?*

SOUTH AFRICA: The Secretariat should provide guidance on the substantive matters of the proposed declaration and highlight which 'new' elements should be introduced, including capacity and financial implications especially for developing countries.