

INFORMATION NOTE

**INFORMAL CONSULTATIONS UNDER GENERAL
ASSEMBLY RESOLUTION 73/333 OF 30 AUGUST 2019**

JUNE 2020

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I. Introduction

1. This Information Note is provided for the benefit of participants to the first substantive informal consultations under General Assembly resolution 73/333 entitled, “Follow-up to the report of the ad hoc open-ended working group established pursuant to General Assembly resolution 72/277”.
2. General Assembly resolution 73/333 endorsed the recommendations of the ad hoc open-ended working group established pursuant to General Assembly resolution 72/277 entitled “Towards a Global Pact for the Environment”. In those recommendations, and under the heading “Further Work,” the United Nations Environment Assembly (UNEA/Environment Assembly) has the responsibility:

“To prepare, at its fifth session, in February 2021, a political declaration for 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, held in Stockholm from 5 to 16 June 1972, 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’.”

3. This information Note should be seen as subsidiary information to the Co-Facilitators' Outline Document that provides a set of questions for the consideration of Member States and members of Specialized agencies on how the substantive recommendations contained in resolution 73/333 can be taken forward.
4. To that end, the Information Note provides (i) information on the milestones that are addressed under General Assembly resolutions 72/277 and 73/333 respectively as well as relevant decisions of the UNEP Governing Council and UNEA; and (ii) background information that is relevant to each of the recommendations themselves.

II. UN General Assembly milestones identified by resolutions 72/277 and 73/333

5. General Assembly resolutions 72/277 and 73/333 both recall in their preambular paragraphs the Declaration of the United Nations Conference on the Human Environment of 1972 (Stockholm Declaration), the Rio Declaration on Environment and Development (Rio Declaration), Agenda 21, the Programme for the Further Implementation of Agenda 21, the Johannesburg Declaration on Sustainable Development, the Plan of Implementation of the World Summit on Sustainable Development (Johannesburg Plan of Implementation) and the outcome document of the United Nations Conference on Sustainable Development, entitled “The future we want”. Both resolutions

also reaffirm the principles of the Rio Declaration and resolution 70/1 of 25 September 2015 entitled “Transforming our world: the 2030 Agenda for Sustainable Development.”

6. The United Nations Conference on the Human Environment (Stockholm Conference)¹ was convened in 1972 pursuant to General Assembly resolution 2398 (XXIII). The Conference adopted the Stockholm Declaration on the Human Environment (the Stockholm Declaration). The Declaration which comprises twenty-six Principles affirm, inter alia, that each human being has “the fundamental right to freedom, equality and adequate conditions of life, in an environment of a quality that permits a life of dignity and well-being, and [each human being] bears a solemn responsibility to protect and improve the environment for present and future generations.”² The Declaration also addressed the responsibility of States for protecting the environment that included the responsibility “to ensure that activities within their jurisdiction or control do not cause damage to the environment of other States or of areas beyond the limits of national jurisdiction”³ and that States have the obligation to “co-operate to develop further the international law regarding liability and compensation for the victims of pollution and other environmental damage caused by activities within the jurisdiction or control of such States to areas beyond their jurisdiction.”⁴
7. In the follow-up to the Stockholm Conference, the General Assembly adopted eleven resolutions⁵ that included resolution 2997 (XXVII) of 15 December 1972 entitled, “Institutional and financial arrangements for international environmental cooperation” by which the General Assembly established the UNEP Governing Council and the Environment Secretariat with their respective mandates and also established the Environment Fund.
8. The United Nations Conference on Environment and Development of 1992⁶ (UNCED) adopted two non-binding instruments that are of relevance to international environmental law and environmental governance: The Rio Declaration on Environment and Development (the Rio Declaration) and Agenda 21. These were subsequently endorsed by the General Assembly.⁷

¹ Report of the UN Conference on the Human Environment, Stockholm 5-16 June 1972, UN Doc. A/CONF.48/14/Rev.1
The Conference was convened by the UN General Assembly by Resolution 2398 (XXIII) (1968) entitled “*Problems of the human environment*”

² Principle 1.

³ Principle 21

⁴ Principle 22.

⁵ UN General Assembly by Resolution 2994 (XXVII) (1972) entitled “United Nations Conference on the Human Environment”; Resolution 2995 (XXVII) (1972) entitled “Co-operation between States in the field of the environment”; Resolution 2996 (XXVII) (1972) entitled “International responsibility of States in regard to the environment”; Resolution 2997 (XXVII) (1972) entitled “Institutional and financial arrangements for international environmental co-operation”; Resolution 2998 (XXVII) (1972) entitled “Criteria governing multilateral financing of housing and human settlements”; Resolution 2999 (XXVII) (1972) entitled “Establishment of an international fund or financial institution for human settlements”; Resolution 3000 (XXVII) (1972) entitled “Measures for protecting and enhancing the environment”; Resolution 3001 (XXVII) (1972) entitled “United Nations Conference-Exposition on Human Settlements”; Resolution 3002 (XXVII) (1972) entitled “Development and environment”; Resolution 3003 (XXVII) (1972) entitled “International prize for the most outstanding contribution in the field of the environment”; and Resolution 3004 (XXVII) (1972) entitled “Location of the environment secretariat”

⁶ Convened by General Assembly resolution 44/228 of 22 December 1989

⁷ General Assembly resolution 47/190 of 22 December 1992

9. The Rio Declaration that comprises twenty-seven Principles commits States, inter alia to “enact effective environmental legislation”⁸ and to “develop national law regarding liability and compensation for the victims of pollution and other environmental damage” and calls upon States to “cooperate in an expeditious and more determined manner to develop further international law regarding liability and compensation for adverse effects of environmental damage caused by activities within their jurisdiction or control to areas beyond their jurisdiction”.⁹
10. Agenda 21 in Chapter 38 addresses “international institutional arrangements” that refers to the need for an enhanced and strengthened role of UNEP and its Governing Council in providing policy guidance and coordination in the field of the environment. Agenda 21 indicates as a priority area for UNEP the “Further development of international environmental law, in particular conventions and guidelines, promotion of its implementation, and coordinating functions arising from an increasing number of international legal agreements, inter alia, the functioning of the secretariats of the Conventions, taking into account the need for the most efficient use of resources, including possible co-location of secretariats established in the future”.¹⁰ Chapter 39 entitled “International legal instruments and mechanisms” recognizes the further development of international law on sustainable development as one of the vital aspects of the universal, multilateral and bilateral treaty-making process that should be taken into account.¹¹
11. In 1997, at a special session of the General Assembly,¹² the Assembly adopted the Programme for the Further Implementation of Agenda 21¹³ that indicates, inter alia, that “the role of United Nations Environment Programme, as the principal United Nations body in the field of the environment, should be further enhanced” and that “the Programme is to be the leading global environmental authority that sets the global environmental agenda, promotes the coherent implementation of the environmental dimension of sustainable development within the United Nations system, and serves as an authoritative advocate for the global environment.” The Programme for the Further Implementation of Agenda 21 also highlights that the role of UNEP “in the further development of international environmental law should be strengthened, including the development of coherent interlinkages among relevant environmental conventions in cooperation with their respective conferences of the parties or governing bodies.” Furthermore, it provides that UNEP should strive to promote the effective implementation of environmental conventions in a manner consistent with the provisions of the conventions and the decisions of the conferences of the parties.
12. Building upon the Programme for the Further Implementation of Agenda 21, the UNEP Governing Council adopted decision 19/1 of 7 February 1997 entitled “Nairobi Declaration on the Role and Mandate of the United Nations Environment Programme”, that, inter alia, declared that UNEP “has been and should continue to be the principal United Nations body in the field of the environment” and that the role of UNEP is “to be the leading global environmental authority that sets the global environmental agenda, that promotes the coherent implementation of the environmental dimension of sustainable development within the United Nations system and that

⁸ Principle 11

⁹ Principle 13.

¹⁰ Paragraph 38.22 (h)

¹¹ Paragraph 39.1 (a)

¹² General Assembly resolution S/19-2 of 28 June 1997.

¹³ The General Assembly by resolution 47/190 of 22 December 1992 decided to convene, not later than 1997, a special session for the purpose of an overall review and appraisal of the implementation of Agenda 21

serves as an authoritative advocate for the global environment.”¹⁴ The Governing Council further indicated that one of the core elements of the revitalized UNEP should be “To further the development of its international environmental law aiming at sustainable development, including the development of coherent interlinkages among existing international environmental conventions”.¹⁵

13. General Assembly resolution 53/186 of 15 December 1998 entitled “International institutional arrangements related to environment and development”, reaffirmed the need for greater coherence in various intergovernmental organizations and processes through better policy coordination at the intergovernmental level, as well as for continued and more concerted efforts to enhance collaboration among the Secretariats of relevant decision-making bodies. The Assembly encouraged the conferences of the parties and the permanent Secretariats of the UN Framework Convention on Climate Change, the Convention on Biological Diversity and the UN Convention to Combat Desertification in those countries experiencing serious drought and/or desertification, particularly in Africa “to examine appropriate opportunities and measures to strengthen their complementarities and improve scientific assessments of ecological linkages between the three conventions.”¹⁶
14. In 2002, States held the World Summit on Sustainable Development (WSSD) in Johannesburg to review progress since the Rio conference, and to agree a new global deal on sustainable development. The General Assembly by resolution 57/253 entitled “World Summit on Sustainable Development” endorsed the Johannesburg Declaration on Sustainable Development and the Johannesburg Plan of Implementation,¹⁷ and it further decided to adopt sustainable development as a key element of the overarching framework for United Nations activities, in particular for achieving the internationally agreed development goal and to give overall political direction to the implementation of Agenda 21 and its review.¹⁸
15. “The future we want”¹⁹ which is the outcome document of the United Nations Conference on Sustainable Development (2012) (Rio+20) reaffirmed the need to strengthen international environmental governance within the context of sustainable development as well as coordination within the UN system. Paragraph 88 of “The future we want” expresses a commitment to strengthening the role of UNEP as “the leading global environmental authority that sets the global environmental agenda, promotes the coherent implementation of the environmental dimension of sustainable development within the United Nations system and serves as an authoritative advocate for the global environment.”
16. The “future we want” further invited the General Assembly to adopt a resolution strengthening and upgrading UNEP through, inter alia, the establishment of universal membership in the Governing Council of UNEP as well as other measures to strengthen its governance,²⁰ progressively consolidate headquarters in Nairobi, as well as strengthen UNEP’s regional

¹⁴ Paragraphs 1 and 2

¹⁵ Paragraph 3 (b)

¹⁶ Paragraph 1

¹⁷ Report of the World Summit on Sustainable Development, Johannesburg, South Africa, 26 August- 4 September 2002

¹⁸ General Assembly resolution 57/253 of 20 December 2002, Chapter I, resolution 1 and 2

¹⁹ Endorsed by the General Assembly resolution 66/288 of 27 July 2012

²⁰ Paragraph 88 (a)

presence,²¹ and ensure that there is “secure, stable adequate and increased financial resources from the regular budget of the UN and voluntary contributions to fulfil its mandate”.²² The General Assembly, by resolution 67/213 of 21 December 2012, decided to strengthen and upgrade UNEP in the manner set out in subparagraphs (a) to (h) of paragraph 88 of “The future we want” by, inter alia, establishing universal membership in the Governing Council of UNEP and requesting the Secretary-General to maintain the resource needs from the regular budget of the UN for UNEP under review, in the light of the implementation of paragraph 88.

17. Paragraph 89 of “The future we want” recognized the significant contributions to sustainable development made by multilateral environmental agreements (MEAs). It acknowledged the work already undertaken to enhance synergies among the conventions in the chemicals and waste cluster (the Basel Convention on the Control of Transboundary Movements of hazardous Wastes and their Disposal, the Rotterdam Convention on the Prior Informed Consent Procedure for Certain Hazardous Chemicals and Pesticides and the Stockholm Convention on Persistent Organic Pollutants) and encouraged parties to MEAs to consider further measures, in these and other clusters, as appropriate, “to promote policy coherence at all relevant levels, improve efficiency, reduce unnecessary overlap and duplication and enhance coordination and cooperation among the multilateral environmental agreements, including the three Rio conventions, as well as with the United Nations system in the field.”²³
18. Furthermore “The future we want” contains references to a number of MEAs and intergovernmental processes as having a specific role in their respective thematic areas including the Oceans and Seas: Global Programme of Action for the Protection of the Marine Environment from Land-based Activities;²⁴ the United Nations Framework Convention on Climate Change (UNFCCC);²⁵ the United Nations Forum on Forests (UNFF);²⁶ the Convention on Biological Diversity (CBD);²⁷ the Nagoya Protocol on Access to Genetic Resources and the Fair and Equitable Sharing of Benefits Arising from Their Utilization;²⁸ the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES);²⁹ the Intergovernmental Science-Policy Platform on Biodiversity and Ecosystem Services (IPBES);³⁰ the United Nations Convention to Combat Desertification (UNFCCD);³¹ the Strategic Approach to International Chemicals Management (SAICM);³² and the Basel, Rotterdam and Stockholm Conventions (BRS).³³
19. By Governing Council decision 27/9 of 22 February 2013 entitled “Advancing justice, governance and law for environmental sustainability,”³⁴ the Council recognized that the violation of

²¹ Paragraph 88 (g)

²² Paragraph 88 (b)

²³ Paragraph 89

²⁴ Paragraph 163

²⁵ Paragraphs 191-192

²⁶ Paragraphs 194-195

²⁷ Paragraphs 198-200

²⁸ Paragraph 199

²⁹ Paragraph 203

³⁰ Paragraph 204

³¹ Paragraph 207

³² Paragraph 214

³³ Paragraph 216 and 219

³⁴ UNEP/GC.27/9

environmental law has the potential to undermine sustainable development and the implementation of agreed environmental goals and objectives at all levels and that the rule of law and effective governance play an essential role in reducing such violations. It further requested the Executive Director, “To lead the United Nations system and support national Governments upon their request in the development and implementation of environmental rule of law with attention at all levels to mutually supporting governance features, including information disclosure, public participation, implementable and enforceable laws, and implementation and accountability mechanisms including coordination of roles as well as environmental auditing and criminal, civil and administrative enforcement with timely, impartial and independent dispute resolution.”³⁵

20. In that connection, UNEP has led efforts in advancing international environmental law through successive ten-year programmes for the development and periodic review of environmental law (Montevideo Programmes). By decision 10/21 of 31 May 1982 entitled “Environmental law” the Governing Council endorsed the conclusions and recommendations of the Ad Hoc Meeting of Senior Government Officials Expert on Environmental Law held in Montevideo and adopted the programme for the development and periodic review of environmental law (Montevideo-I), which provided the basis for the activities of UNEP in the field of environmental law for the decade beginning 1982.³⁶ Since then, the environmental law activities of UNEP have been organized and coordinated through a series of 10-year programmes, the aim of which has been to contribute to the development and periodic review of environmental law.³⁷ By resolution 4/20 of 15 March 2019 UNEA adopted Montevideo Programme V, which began on 1 January 2020 and shall run for a decade. By that resolution, UNEA reaffirmed the importance of environmental law as one of the key areas of work of UNEP, and the potential contribution of the Montevideo Programme V in this regard, in particular in strengthening related country-level capacity and contributing to the implementation of the 2030 Agenda for Sustainable Development and the further development of international environmental law, in accordance with resolutions and decisions of UNEA and other relevant UN bodies.³⁸

21. Finally, the 2030 Agenda for Sustainable Development³⁹ (2030 Agenda) adopted by General Assembly resolution 70/1 of 25 September 2015 has important references to international law and clearly states that the Agenda is to be implemented in a manner that is consistent with the rights and obligations of States under international law. The Sustainable Development Goal 16 especially aims to promote peaceful and inclusive societies for sustainable development, promote the rule of law, provide access to justice for all and build effective, accountable and inclusive institutions at all levels.

³⁵ Paragraph 6 (a)

³⁶ Preparations started by resolution 91 (V) of 25 May 1977 entitled “Environmental law”, in which the Governing Council requested the Executive Director to convene a small working group on environmental law, composed of government experts. By resolution 9/19 of 26 May 1981 entitled “Environmental law”, the Governing Council decided that, further to the General Assembly resolution 35/74 of 5 December 1980, the Ad Hoc Meeting of Senior Government Officials Expert in Environmental Law shall take place in Montevideo in November 1981. The Council further decided that the mandate of the Meeting would be to establish a framework and methods for the development and periodic review of environmental law.

³⁷ United Nations Environment Assembly resolution 4/20 of 15 March 2019, preamble

³⁸ United Nations Environment Assembly resolution 4/20 of 15 March 2019, preamble

³⁹ “Transforming our world: the 2030 Agenda for Sustainable Development”

III. **Background information on the recommendations of the ad hoc open-ended working group established by General Assembly resolution 72/27 and endorsed by resolution 73/333**

22. The recommendations in General Assembly resolution 73/333 are divided between five objectives guiding the recommendations and thirteen substantive recommendations. The recommendations are then followed by a section on “further work” which in summary is to (a) circulate the recommendations; and (b) forward these recommendations to UNEA for its consideration, and to prepare, at UNEA-5 a political declaration for a United Nations high-level meeting.
23. The objectives guiding the recommendations are to (1) reinforce the protection of the environment for present and future generations; (2) uphold the respective obligations and commitments under international environmental law of States Members of the United Nations and members of specialized agencies; (3) contribute to the strengthening of the implementation of international environmental law and environment-related instruments; (4) support the full implementation of the 2030 Agenda for Sustainable Development, as well as the outcome document of the United Nations Conference on Sustainable Development, entitled “The future we want”, including paragraphs 88 and 89 thereof; and (5) not undermine existing relevant legal instruments and frameworks and relevant global, regional and sectoral bodies.
24. The recommendations and the actions taken to implement them as contained in the Co-Facilitator’s outline paper should be seen against the background of the general guidance that has been set out in the objectives and particularly that recommended actions should strengthen the implementation of international environmental law and environment-related instruments but without undermining existing relevant legal instruments and frameworks and relevant global, regional and sectoral bodies. It is also important to recall that some of the actions set out under the recommendations may have cost implications that would have to be assessed by the Secretariat and reviewed by States and Parties to the MEAs before they are implemented.

Recommendation 6: Reaffirm the role of the United Nations Environment Programme as the leading global environmental authority that sets the global environmental agenda, promotes the coherent implementation of the environmental dimension of sustainable development within the United Nations system and serves as an authoritative advocate for the global environment, and also reaffirm the role of the United Nations Environment Assembly.

25. Paragraph 88 of “The future we want” made a call to upgrade UNEP through a number of specific measures. As a result, UNEP’s mandate has been considerably strengthened with an enhanced voice for coordination within the UN system, the establishment of an Environment Assembly with universal membership, and a stronger base to promote the science-policy interface, thus facilitating UNEP’s role to facilitate the implementation of the environmental dimension of the 2030 Agenda.
26. UNEA decision 4/2 entitled “Provisional agenda, date and venue of the fifth session of the United Nations Environment Assembly” requested the Executive Director to submit an action plan for the implementation of subparagraphs (a)–(h) of paragraph 88 to be submitted for consideration by

UNEA-5.⁴⁰ Updates and consultations with the Committee of Permanent Representatives have taken place on a regular basis and further discussions are expected prior to UNEA-5.⁴¹

Recommendation 7: Call for renewed efforts at all levels to enhance the implementation of existing obligations and commitments under international environmental law, stressing the importance of enhanced ambition regarding means of implementation, including the provision and mobilization of all types and sources of means of implementation, consistent with the Addis Ababa Action Agenda of the Third International Conference on Financing for Development and the 2030 Agenda for Sustainable Development.

27. Progress in implementation can be accompanied by implementation gaps– in developed and developing countries alike – between the requirements of environmental laws and their implementation and enforcement. Implementation deficits arise for different reasons, including knowledge gaps, lack of adequate means of implementation, such as finance, capacity-building or technology; the need for stronger enforcement of compliance; lack of coordination between relevant government departments as well as with other sectors; insufficient monitoring and law enforcement; lack of political will; and inadequate engagement of different stakeholders; lack of mainstreaming environmental sustainability in sectoral laws and regulations, including those related to investments and infrastructure. The provision and mobilization of all types and sources of means of implementation, consistent with the Addis Ababa Action Agenda and the 2030 Agenda for Sustainable Development is crucial for the implementation of international environmental law.⁴²

Recommendation 8: Recognize the role of discussions on principles of international environmental law in enhancing the implementation of international environmental law, also noting the ongoing work in the International Law Commission on general principles of law.

28. Principles of international environmental law are an important building block of international law and their usage is widespread. Some are included in non-binding instruments, including political instruments, while others are enshrined in MEAs. From a general perspective, environmental principles serve to supplement or complement more specific rules. Their general character permits their application to the continuously evolving interrelationships between human activity and the environment.

29. Since the 1972 Stockholm Declaration on Human Environment and the 1992 Rio Declaration on Environment and Development, the principles of international environmental law have evolved, some have been included in specific conventions, others have been clarified or further developed, and new principles have emerged.

30. The UNEP First Global Report on the Environment Rule of Law published in 2019 provides a first assessment of the state of global environmental rule of law. It provides, in that context,

⁴⁰ United Nations Environment Assembly, decision 4/2 of 15 March 2019, paragraph 14

⁴¹ CPR-document “Enhancing cooperation between UNEP/UNEA and the MEAs/COPs”

⁴² Addis Ababa Action Agenda, adopted at the Third International Conference on Financing for Development (Addis Ababa, 13-16 July 2015), and subsequently endorsed by the United Nations General Assembly in its resolution 69/313 of 27 July 2015.

information on the status of implementation of a number of environmental principles, including emerging principles.⁴³

31. In 2018, the Special Rapporteur on human rights and the environment developed a Framework Principles on Human Rights and the Environment⁴⁴ that set forth three sets of duties that engage both States and business: procedural obligations; substantive obligations; and obligations relating to those in vulnerable situations. The framework principles summarize the main human rights obligations relating to the enjoyment of a safe, clean, healthy and sustainable environment.

Recommendation 9: Invite the scientific community to further its work on interconnected and cross-cutting issues by sharing information among the leading scientific, technical and technological bodies that inform the work of multilateral environmental agreements and environmental processes, and encourage the scientific, technical and technological bodies to strengthen cooperation among themselves.

32. In accordance with General Assembly resolution 2997 (XXVII) of 15 December 1972, the Governing Council of UNEP (now UNEA) has the responsibility to keep “under review the world environment situation in order to ensure that emerging environmental problems of wide international significance receive appropriate and adequate consideration by Governments”⁴⁵ and “to promote the contribution of the relevant international scientific and other professional communities to the acquisition, assessment and exchange of environmental knowledge and information and, as appropriate, to the technical aspects of the formulation and implementation of environmental programmes within the United Nations system.”⁴⁶
33. Consequently, the science-policy interface is at the core of the functioning of UNEA, and the strengthening of UNEP requires UNEA to reinforce the science-policy interface on the environment.
34. The Global Environment Outlook (GEO) supports the science-policy interface on the global environment by drawing from all major global assessments from international science panels and UN bodies, to present the latest environmental trends for air, climate, water, land, oceans and biodiversity. The latest GEO report was released in March 2019.⁴⁷
35. UNEA resolution 4/23 entitled “Keeping the world environment under review: enhancing the United Nations Environment Programme science-policy interface and endorsement of the Global Environment Outlook” requested the Executive Director to continue to promote greater coherence and coordination of global assessments undertaken within the United Nations system and in cooperation with relevant international bodies and the Secretariats of MEAs.⁴⁸

⁴³

https://wedocs.unep.org/bitstream/handle/20.500.11822/27279/Environmental_rule_of_law.pdf?sequence=1&isAllowed=y

⁴⁴ <https://www.ohchr.org/Documents/Issues/Environment/SREnvironment/FrameworkPrinciplesUserFriendlyVersion.pdf>

⁴⁵ Section I, paragraph 2(a) of resolution 2997 (XXVII)

⁴⁶ Section I, paragraph 2(e).

⁴⁷ <https://www.unenvironment.org/resources/global-environment-outlook-6>

⁴⁸ United Nations Environment Assembly, resolution 4/23 of 15 March 2019

36. Autonomous intergovernmental science-policy platforms, such as the Intergovernmental Platform on Biodiversity and Ecosystem Services (IPBES) for biodiversity and the Intergovernmental Panel on Climate Change (IPCC) for climate change, play an important role in synthesizing and critically evaluating existing knowledge on the science policy interface through their scientific assessments and other deliverables. They also play an important role in supporting MEAs and their scientific, technical and technological bodies.
37. IPCC and IPBES are currently exploring options for potential joint activities related to biodiversity and climate change with a view to exploring synergies and trade-offs between biodiversity protection and climate change mitigation and adaptation, and to inform the work of UNFCCC and CBD. Potential areas of joint undertakings include but are not limited to joint technical workshops, thematic assessments on climate and biodiversity, and representations in relevant events organized by both organizations.
38. Scientific, technical and technological bodies established under MEAs support the further development, monitoring of progress, setting of priorities and responses to emerging issues and implementation of the MEAs through scientific advice and evidence based decision making, thereby providing science-policy interfaces tailored to the objectives of each MEA. Under the Basel, Rotterdam and Stockholm Conventions, cooperation between the scientific and technical bodies, is a long-standing area of cooperation, and there is continuous engagement to strengthen the science-policy interface at the international level for the sound management of chemicals and waste.
39. The Global Chemicals Outlook-II⁴⁹ is a key science-policy process guiding global efforts on chemicals to date that includes multisectoral and multi-stakeholder approaches. It seeks to alert policymakers and other stakeholders to the critical role of the sound management of chemicals and waste in sustainable development. It takes stock of global trends as well as progress made and gaps in achieving the global goal to minimize the adverse impacts from chemicals and waste by 2020. It was mandated by UNEA and is guided by a steering committee that was established by UNEP. As a follow up, UNEP's Executive Director was requested to prepare an assessment of options for strengthening the science-policy interface at the international level for the sound management of chemicals and waste. It has been made available to the SAICM intersessional process.

Recommendation 10: Invite the governing bodies of the multilateral environmental agreements, while preserving their independence and respective mandates, to increase their efforts to promote policy coherence across environmental instruments at all relevant levels and to consider identifying and addressing implementation challenges in their regimes, with a view to strengthening implementation at the national and international levels.

40. One of the challenges under MEAs and their implementation stems from a certain degree of fragmentation, in particular institutional fragmentation, at both the international and national level.

⁴⁹ <https://wedocs.unep.org/bitstream/handle/20.500.11822/28113/GCOII.pdf?sequence=1&isAllowed=y>

41. The preparations for the new global biodiversity framework and the strategic approach and sound management of chemicals and waste beyond 2020 are examples that offer practical ways to increase policy coherence and effective implementation across thematic clusters.
42. In the area of chemicals and waste, Governing Bodies of MEAs may wish to recognize the policy coherence that exists between the Basel, Rotterdam and Stockholm Conventions (BRS) and acknowledge as an example of best practices, the “synergies process” established by the three Conventions aimed at enhancing coordination and cooperation between them. This includes reducing the administrative burden on Parties, increasing policy coherence, maximizing the effective and efficient use of resources at all levels, and improving implementation of the conventions.
43. As an example of best practice, there is the relationship between the BRS COPs and the newest MEA, the Minamata Convention on Mercury (the Minamata Convention). The BRS COPs have adopted decisions requesting the secretariat to continue to enhance cooperation and coordination with the secretariat of the Minamata Convention, while the Minamata COP has adopted decisions on enhanced cooperation between the secretariat of the Minamata Convention and the secretariat of the Basel, Rotterdam and Stockholm conventions. The Minamata and BRS secretariats have established inter-secretariat working groups with the objective of fostering a coherent framework for sharing of services and programmatic cooperation between the secretariats.
44. MEAs from the chemicals and waste cluster have made and continue to make great strides in improving policy coherence at all levels. During their 2019 meetings, the COPs invited the participating organizations of the Inter-Organization Programme for the Sound Management of Chemicals to consider inviting the Basel, Rotterdam and Stockholm conventions to become members of the Programme, and requested the Executive Secretary to take the necessary steps for membership and participation in the Programme.
45. At the national level, there are cases where the mandates of inter-ministerial committees overseeing the implementation of the Montreal Protocol on the Protection of the Ozone Layer (Montreal Protocol) have been extended to cover other Chemical MEAs or merged with climate change. This approach has helped to streamline the coordination and implementation of MEAs in legal, regulatory and financial aspects and can also help national partners to pursue further and more effectively such coordination at the country level.
46. While global MEAs create an important universal framework, specific implementation tailored to regional needs and specificities takes place through regional MEAs. There is strong complementarity of such Conventions, in that regional MEAs strengthen the implementation of global goals. Some regional MEAs also provide important tools that strengthen national implementation of the global and regional MEAs. Furthermore, gaps in addressing global issues exist and remain, bringing in the importance of establishing frameworks that embraces a system-wide approach rather than a “silo approach.”
47. For example, the Liaison Group of Biodiversity-related Conventions that has been established between the heads of the secretariats of the seven biodiversity-related conventions in order to enhance coherence and cooperation in implementing their conventions meets regularly to explore opportunities for synergistic activities and increased coordination, and to exchange

information. However, it currently does not consider involvement of the secretariats of the regional MEAs, that could support and strengthening the effectiveness of actions and approaches on issues of mutual interest at the regional and global level.

Recommendation 11: Invite the governing bodies and secretariats of multilateral environmental agreements to enhance cooperation and collaboration among themselves within the scope of their respective mandates, as well as between themselves and the United Nations Environment Programme and the United Nations Environment Assembly, building on work already done.

48. Governing Bodies of MEAs have a long-standing practice of requesting their respective Secretariats to enhance programmatic cooperation with UNEP in a range of areas. Under UNEA Decision 4/2, UNEP is promoting dialogue between the MEA Secretariats and States on how to engage the MEAs in UNEA preparations and how to improve the programmatic cooperation between UNEP and MEAs.⁵⁰
49. A good example of cooperation and coordinated implementation with the UNEP secretariat is the Chemicals and Waste beyond 2020 Task Force coordinated by UNEP Economy Division in which the BRS Conventions, the Minamata Convention and the Ozone secretariats, UNEP Law Division, UNEP Science Division, the UNEP Special Programme on Institutional Strengthening for the Chemicals and Waste Cluster, the SAICM secretariat and the World Conservation Monitoring Centre (WCMC) join forces to strengthen the work in the chemicals and waste area, cooperates in the field of policy guidance and scientific and technical support and provides inputs, reports and advice to the new framework for chemicals and waste beyond 2020 being developed linkages on environmental issues and coordinate their implementation using best practices as a guide;

Recommendation 12: Encourage the governing bodies of multilateral environmental agreements and scientific, technical and technological bodies to exchange information and experiences, including with a view to considering the streamlining of reporting and/or monitoring processes.

50. Conventions' scientific advisory bodies have different mandates with regard to the issues on which they provide advice to their governing bodies.
51. The group of Chairs of the Scientific Advisory Bodies of the Biodiversity-related Conventions (CSAB) fosters collaboration by meeting to discuss cooperation regarding shared scientific issues and their translation into policy. For example, the Fourth meeting of the CSAB identified ecosystem restoration as a particular opportunity for collaboration and discussed the mobilization of the scientific community for the Strategic Plan for Biodiversity 2011-2020, the Nagoya Protocol and the UN Decade on Biodiversity.⁵¹

⁵⁰ CPR-document "Enhancing cooperation between UNEP/UNEA and the MEAs/COPs"

⁵¹ See the Reports of the Report of the 1st meeting of the CSAB: <https://www.cbd.int/doc/meetings/csab/csab-01/official/csab-01-03-en.pdf> and the Report of the 4th meeting of the CSAB: <https://www.cbd.int/doc/meetings/csab/csab-04/official/csab-04-02-en.pdf>

52. The United Nations Information Portal on Multilateral Environmental Agreements (InforMEA) provides access to information on MEAs, including treaty texts and provisions of decisions and resolutions adopted by the Governing Bodies of MEAs, national reports and national plans submitted under MEAs.⁵²

Recommendation 13: Encourage all that have not yet done so to consider ratifying multilateral environmental agreements and to effectively implement them.

53. The Treaty Section of the United Nations Office of Legal Affairs⁵³ has, since 2000, organized an annual Treaty Event during the high-level segment of the opening of the General Assembly in September. Prior to the Event, the Secretary-General traditionally invites Heads of State coming to the General Assembly to take advantage of their presence in New York and undertake treaty actions with respect to any multilateral treaty deposited with him. Treaties in the area of international environmental law are often featured in the list of highlighted treaties which is sent to Heads of State accompanying the invitation.
54. Similar to the annual treaty event, the Treaty Section also works with UN partners to organize special treaty events around a particular treaty or group of treaties, usually in connection with an anniversary or a meeting and at a time when a number of States are ready to undergo treaty actions such as ratification (for those States which are already signatory) or accession (for States not yet signatories);
55. Often States undertake treaty actions following a recommendation to do so by a treaty body or Secretariat.

Recommendation 14: Encourage States Members of the United Nations and all members of the specialized agencies to strengthen, where needed, environmental laws, policies and regulatory frameworks at the national level, as well as capacities across all sectors for the effective implementation of international environmental law, including in the administrative and justice sectors in accordance with national legal systems, while acknowledging the importance of international cooperation in supporting and complementing national actions.

56. UNEP has a sub-programme on Environmental Governance that is dedicated to enhancing the institutional capacities and policy and/or legal frameworks of States to achieve internationally agreed environmental goals, including the 2030 Agenda for Sustainable Development.
57. Improvement in the institutional capacity and legal frameworks of countries or groups of countries can be demonstrated through progress in the following areas: (a) institutionalization of intersectoral dialogues and collaboration on the environment among sectoral national institutions; (b) general and sectoral environmental legislation adopted or strengthened, including to strengthen clarity and enforceability, to address countries' environmental objectives and implement multilateral environmental agreements; (c) participatory mechanisms on environment integrated in national legislation; (d) clear mandate, budget and trained personnel in place for enforcement of national legislation; and (e) enhanced public access to environmental information and effective participation of major groups and stakeholders in institutional decision-making processes

⁵² <https://www.informe.org/>

⁵³ https://legal.un.org/ola/div_treaty.aspx?section=treaty

(including in commenting on national environmental policies or regulations environmental impact assessments, permits, and other key environmental decisions)⁵⁴.

58. UNEP, as the Secretariat of the Montevideo Programme V will establish the UNEP Law and Environment Assistance Platform (UNEP-LEAP) as the central delivery and coordination mechanism for information exchange and implementation of the activities under the sub-programme. UNEP-LEAP will consolidate UNEP's knowledge base on environmental law, with MEAs being an integral component of that knowledge base. It will also facilitate increased partnership and coherence on environmental rule of law activities among intergovernmental entities within and outside of the United Nations system that are engaged in legal capacity building work.

Recommendation 15: Encourage States Members of the United Nations and all members of the specialized agencies to mainstream environment into sectoral policies and programmes at all levels, including into national development and sustainable development plans, to enhance the implementation of international environmental law and applicable environment-related instruments.

59. UNEP's experience in assisting States to strengthen their environmental laws, policies and regulatory frameworks, as well as capacities across all sectors for the effective implementation of international environmental law demonstrates that mainstreaming these laws, policies and regulatory frameworks into sectoral policies and programmes, and in particular, into national development and sustainable development plans ensures greater support for these efforts and a higher probability of success apart from ensuring longer term predictability, funding, and coherence.

60. The UN Common Country Analysis, the UN Sustainable Development Cooperation Frameworks (UNSDCFs) being developed in each country, and the work of UN Country Teams, present unique opportunities to mainstream environment into sectoral policies and programmes, with its requirement to anchor all activities in national development priorities and cycles.

Recommendation 16: Encourage the active and meaningful engagement of all relevant stakeholders at all levels in the different forums related to the implementation of international environment law and environment-related instruments.

61. The fundamental role of civic engagement in environmental decision making was recognized in Principle 10 of the Rio Declaration. The effective engagement of civil society results in more informed decision making by Governments, more support in environmental management by the public, and more effective environmental law.

62. Since 2012, and in the context of the implementation of the paragraph 88 (h) of the Rio+20 Declaration, stakeholder engagement has increased significantly and stakeholders regularly participate in the meetings of UNEA, the Committee of Permanent Representatives subsidiary bodies, such as the Ad Hoc Open-Ended Expert Group on Marine Litter and Microplastics.

⁵⁴ UNEP Programme of work and budget for the biennium 2020–2021, UNEP/EA.4/4, footnote 58, as adopted through UNEA decision 4/1

Stakeholders also participate in the COPs and MOPs of the MEAs and inter-governmental platforms.

63. In addition, UNEP is engaging the private sector towards the realization of the transformational action needed as reflected in the 2030 Agenda and the implementation of the SDGs. A new Private Sector Strategy was adopted by UNEP Senior Management in 2019 and further endorsed by States.
64. Member States acknowledge the important role of a diverse private sector, with geographic balance, ranging from micro-enterprises to cooperatives, and from local businesses to multinationals, can contribute to environmental sustainability, which is linked to the implementation of international environmental law.
65. The environmental governance of private institutions including their contributions to enforcing environmental standards in their operations, and supply and value chains contribute to the implementation and improvement of environmental rule of law.
66. Though the private sector is often primarily viewed as being part of the regulated community, its role and potential in capacity building as well as providing technical and financial assistance should also be a key consideration when evaluating effective methods of implementation of international environmental law.
67. As a major source of technology and innovation, the private sector is able to share knowledge and best practices, including, for example, technological tools which can provide countries with efficient methods to receive legal assistance and advice, on the development and measurement of success of local environmental legislation that supports the implementation of international legislation.

Recommendation 17: Encourage the exploration of further ways for States Members of the United Nations and all members of the specialized agencies to support and make full use of the fifth Programme for the Development and Periodic Review of Environmental Law (Montevideo Programme V), adopted at the fourth session of the United Nations Environment Assembly, in order to foster environmental rule of law and advance the implementation of environmental law at all levels.

68. Global meetings of national focal points of the Montevideo Programme V are held every two years. The first global meeting will be held as soon as possible taking into account ongoing travel restrictions connected to the COVID-19 pandemic. The first global meeting will help set the strategic direction for activities under the Montevideo Programme V until the next global meeting, as well as agree institutional issues for the programme, including the designation of a steering committee for implementation and its modalities of work.
69. As of June 2020, there is no dedicated funding available to the Secretariat to implement Montevideo Programme V. The Secretariat is in the process of contacting potential donors and welcomes any voluntary contributions from Governments, the private sector, foundations and other organizations.

Recommendation 18: Encourage the United Nations Environment Programme, as chair of the Environment Management Group, in collaboration with the other members of the Group, to continue to strengthen system-wide inter-agency coordination on the environment and to call for the active involvement and support of all members of the Group in the implementation of system-wide strategies on the environment.

70. The Environment Management Group (EMG), established pursuant to General Assembly resolution 53/242, is a system-wide coordination body on environment and human settlements, chaired by the UNEP Executive Director. The EMG membership consist of 51 specialized agencies, programmes and organs of the UN including the Secretariats of the MEAs. As such, it is an important mechanism for UNEP to enhance inter-agency coordination in the field of environment and human settlements among its Members.
71. Pursuant to Governing Council decision 27/5 and Environment Assembly resolution 1/11, the EMG prepared the UN System-Wide Framework of Strategies on the Environment, a collaborative framework to achieve greater synergy, collaboration and coherence in the UN system's work on the environment to support Member States in the delivery of the environmental dimension of the 2030 Sustainable Development Agenda. Launched at the second session of UNEA in May 2016, its objectives are: i) to enhance cooperation and collaboration across the UN system on environment in support of the implementation of the 2030 Agenda, by identifying the steps taken by individual UN organizations to deepen the consistency of their strategies and activities with the 2030 Agenda, in support of the implementation of the 2030 Agenda, as well as by facilitating a structured and timely exchange of relevant knowledge and information; and, ii) to strengthen the UN system's capacity and synergies to enhance the integration of the environmental dimension of the 2030 Agenda, by, inter alia, drawing on the experiences of others, exchanging good policy and practice, leveraging the research and data systems of UN system entities, and identifying new opportunities for cooperation. The Framework prepares a triennial synthesis report on UN system-wide contributions to the implementation of the environmental dimension in the SDGs, as well as thematic reports focusing on specific SDGs. The first "System-wide Collaboration on the Environment: Synthesis Report on UN System-wide Contributions to the Implementation of the Environmental Dimension in the SDGs" was published in November 2017.