



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

CO-FACILITATORS' DOCUMENT

EU+MS Answers

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:

- (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.**
- (a) What concrete actions can Member States and members of Specialized Agencies take to strengthen and reaffirm the role of UNEP as the leading global authority, that sets the global environmental agenda and facilitates the implementation of the environmental dimension of the 2030 Agenda within the United Nations system, and also the role of UNEA?
- (b) How can the role of UNEP, and also of UNEA, be enhanced in the area of environmental law and environmental governance?

EU+ MS Answer

The questions a) and b) are answered together:

With the action plan currently in development, progress with regard to the implementation of para. 88 is on the way. It will be the task of UNEP and States Members of the United Nations and all members of the specialized agencies to implement the action plan once it has been adopted.

The strengthening of UNEP within the UN system correlates with the aim of mainstreaming environmental issues into other policies (see recommendation 15). A higher priority of environmental issues in other policy fora would pave the way for UNEP to play a more important role in the overall global agenda so as to ensure that environmental governance be strengthened. States Members and members of the specialized agencies as well as other UN entities should actively strive to contribute to

the implementation of the 2030 Agenda – including its environmental dimension – in all relevant ongoing international processes.

UNEP's and UNEA's central role for overseeing the implementation of the environmental dimension of the 2030 Agenda and the SDGs should be fostered to safeguard that implementation. This could be done through the following actions:

States could actively use the messages of UNEA in their outreach, collaboration and interventions at different international fora, such as the HLPF and UNGA and thereby stress the importance of the environmental dimension and increase the visibility of UNEA and UNEP. It is also important to utilize the opportunity to offer contributions of UNEA to the HLPF and to encourage high level-participation at UNEA. At HLPF, a higher profile of UNEP could be an important signal of the relevance of the environmental dimension of the SDGs. UNEP's and UNEA's expertise and messages with regard to the environmental dimension are clear, but they should also strive to incorporate the economic and social dimensions, pointing out interlinkages and win-win scenarios, in order to appeal to the varied audience at the HLPF and to avoid working in a silo.

UNEP could be asked to increase its visibility and engagement in international processes and position itself as a relevant voice in important UN processes (e.g. in the environment/health context). Furthermore, UNEP could continue to provide its specific environmental expertise in ongoing negotiations of specific sectors and thereby contribute to a more coherent international policy-making (e.g. in the area of shipping or international seabed mining, trade and plant protection). UNEP should be encouraged to build bridges and intensify dialogue with other UN entities (FAO, WHO, WTO, UNIDO, UNFCCC, etc.), especially against the backdrop of the Covid-19 crisis to ensure green recovery and building back better.

Within the UN System, it is key to promote and strengthen the role of UNEP in the UN Sustainable Development Cooperation Framework. UNEP has already taken important steps in this regard. Its continued engagement with the Resident Coordinators and the evaluation of efforts with regards to offering catalytic support through the Resident Coordinators and other UN agencies while avoiding increased need for UNEP regional, sub-regional and national presence on the ground should be supported.

UNEP should build on its mandate as chair of the EMG and strengthen its efforts to engage the specialized agencies to collaborate more actively in the Environment Management Group (EMG) as well as within the UN Development Group and other collaboration platforms to implement the environmental dimension of the 2030 Agenda in a coordinated manner.

Other ideas to strengthen UNEP are the following:

States could be encouraged to become members of the Committee of Permanent Representatives (CPR) and thereby engage more with UNEP. The role and effectiveness of UNEP's corporate reforms could be assessed independently including analysing their effect on UNEP's performance and leadership. Relevant case studies on information management, such as those described in the UNEP Sourcebook of opportunities for enhancing cooperation among the biodiversity-related conventions at national and regional levels (the UNEP Sourcebook) could be advanced and used by UNEP. States could also be encouraged to support increased cooperation of national focal points of MEAs to coordinate their implementation efforts.

UNEP needs adequate resources for its tasks. Thus, all Member States should contribute with a fair share, to ensure stable, predictable and sufficient unearmarked funding to UNEP through the Environment Fund.

In line with the conclusions of the CPR based review process, the efficiency and relevance of UNEA should be further strengthened. The efficiency of the preparation of resolutions should be increased and

the relevance and complementarity of UNEA to other multilateral processes, including the HLPF, which should be a mutually reinforcing forum, strengthened. The annual Sub-committee Meeting of the CPR could prepare input to the HLPF.

States Members of the United Nations and members of the specialized agencies should enhance the visibility and messaging of the outcomes of UNEA, e.g. under the auspices of UNGA to build a stronger bridge towards the environmental field and the overall global policy framework. The impact of decision-making by UNEA could be fostered by Member States ensuring proper follow-up actions to decisions and resolutions of UNEA. UNEP should actively engage with its Members and offer guidance for national implementation upon request. UNEP should also further seek to promote the visibility of the outcome of UNEA, inter alia through relevant media and in Member States.

As MEAs are a key element of international environmental law and keeping in mind their independence, UNEA should take into account ongoing processes of the MEAs in order to avoid a duplication or interference of processes (see recommendation 11). UNEA plays a major complimentary as well as agenda-setting role, especially concerning emerging environmental issues. Through enhanced coordination and collaboration with MEAs, UNEA could be the central platform for cross-cutting issues of the specific global environmental work streams (biodiversity, chemicals and waste, climate, marine pollution).

A framework should be developed for UNEA and UNEP to act as central providers of overarching communication and visibility through Member States political commitments via the UNEA Ministerial Declaration and resolutions. They should inform the world coherently about the urgent and long-term actions essential in addressing environmental challenges. InforMEA could be the tool for such a framework.

Major and acute environmental issues should be addressed universally and cannot be only dependent on the progress done by specific MEAs or other bodies, but these processes should be brought together under one overarching guidance for the environmental agenda.

The responsibilities, challenges and outcomes for this Decade of Action rely on all Member States. UNEA should provide political commitments and communication on these actions, as the universal body for the environment.

(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.

- (a) What actions can Member States and members of Specialized Agencies take to further strengthen the implementation of international environmental law and environment-related instruments and international environmental governance?
- (b) How can the role of UNEP be enhanced in leading the UN system and supporting national Governments in the development and implementation of environmental law, environmental rule of law, and environmental governance?
- (c) Through what actions can enhanced ambition regarding means of implementation, including the provision and mobilization of all types and sources of means of implementation be realized?

- (d) How can Member States and members of Specialized Agencies make full use of the technical legal assistance from UNEP and MEA Secretariats in order to fulfill the implementation of their obligations under the MEAs?
- (e) How can Member States and members of Specialized Agencies strengthen the financial base of UNEP and the MEAs?
- (f) How can the role of the international financing mechanisms, including the GEF, be increased to mobilize increased resources to further enhance the implementation of environmental law and especially MEAs?
- (g) How can and should other forms of innovative financing be used?

EU+ MS Answers

Questions a), b) and d) are answered together (implementation of IEL):

The EU and its MS recognise that lack of implementation of commitments accepted under international environmental law is a key gap in environmental protection. There are a number of reasons for gaps relating to implementation, from lack of political will or knowledge, over lack of mainstreaming of environmental considerations in sectoral policies to lack of capacity and financing.

With regards to MEAs, implementation and compliance committees play an important role in assisting the implementation of MEA commitments. Besides contributing to the compilation of general implementation guides assuring the coherent application of the provisions, the committees could also assist Parties by giving advice on how to better implement the MEA. With respect to the independence of MEAs, the EU and its MS would welcome the establishment of implementation committees or mechanisms by the Parties of MEAs where such committees are not yet in place and where they would be of help ensuring the implementation of the respective MEA.

Better availability of information on implementation and compliance of MEAs could be useful as a basis for gathering information on and sharing best practices. The reporting by parties on implementation under the respective regimes could be streamlined and improved (see recommendation 12), while at the same time taking into account the difference in compliance and implementation regimes between different MEAs, and evaluating the “added value” in terms of efficiency to establish further streamlining of reporting between MEAs. Possible benefits could be derived from MS voluntary country performance reviews for more guidance on implementation of environmental agreements, instruments and governance with assistance provided by UNEP. UNEP could support ongoing efforts or develop a framework or basis for such a – standardized – self-assessment tool.

The SDGs are the international framework containing important objectives to which the MEAs have to contribute in order to make their achievement possible. The SDGs, however, also include important environmental commitments and objectives, including with regard to international cooperation in areas where no legally binding agreements exist. MS should enhance national implementation e.g. through the national implementation plan for the 2030 Agenda or in post-COVID recovery plans and by wide involvement of stakeholders, including the national scientific community, the judiciary and the private sector (see recommendation 16).

The environmental dimension of sustainable development is an integral part of sustainable development and must be addressed together with the economic and social dimension. It is of key importance that Members of the United Nations and members of the specialized agencies prioritize the environment appropriately in national policies. They should require assessments for bigger national projects through schemes like environmental impact assessments and strategic environmental impact assessments, access to environmental information, access to justice, disaster risk preparedness and resilience. In this context, the Performance Standards 3 and 6 of the International Finance Corporation could provide guidance. It

would be helpful if UNEP could strengthen their application. A concrete action could be encouraging the strengthening of environmental policy departments in respective countries.

Mainstreaming of the environment into all relevant policy areas is key. Strengthening environmental governance and institutional capacity and enhancing coordination between relevant government departments (prioritising awareness raising, capacity building and education, and enhancement, and maintaining of expertise) plays a major role in the successful implementation of international environmental commitments. Good implementation of international environmental law requires the appropriate national regulation, judiciary and administrative system as well as enforcement capacity with sufficient resources to make them effective. The recognition of a shared duty to take care of the environment could encourage States to adopt efficient measures to conserve, protect, restore and sustainably use the environment.

UNEP has a major role in supporting countries through capacity building, institutional strengthening and information sharing. UNEP's regional offices and sub-regional centres related to implementation of MEAs should be used optimally. The development of more guidance material could be considered taking into account existing guidance and activities under the conventions and UNEP. In this context, we also refer to our answer to recommendation 10 with regard to UNEP's development of a "Menu of Services" for the UN Resident Coordinators, to strengthen its strategic cooperation with the UN Country Teams. The UN development reform is also an important opportunity for effective coordinated UN assistance at the national level, which should be fully exploited.

Having the necessary knowledge to act for sustainable development requires a strong science-policy interface that highlights the state of the environment, what are the drivers behind developments, and what should be done to rectify what is going wrong. The DPSIR- approach (drivers, pressure, state, impact, response) is a good approach that should be further promoted by all activities across the UN system, e.g. in the capacity-building activities.

The way principles of international environmental law are understood across all regions and all sectoral areas could be explored and discussed – taking into account their context-specific nature – so that national law-makers and judges can strengthen national legal orders and better tackle environmental challenges.

The Montevideo programme could help countries apply environmental principles and set up effective and enforceable national regulation, to better implement international environmental law (see recommendation 17).

Questions c) and e) to g) are answered together (Financial aspects of means of implementation):

Financial resources are essential for the implementation of international environmental law. Financial and other resources can and should come from a wide variety of sources, instruments and channels. At the same time, there is a need for greater coordination between the different funding sources to ensure they are used the most efficient and effective way. But first of all, the need for resources for implementation of the MEAs should be reduced by avoiding unsustainable practices and UNEP can play a strong role here by supporting the integration of the environmental dimension by all relevant public and private actors.

An integrated approach to financing should be followed including dedicated external financing, private sector support and mainstreaming environmental considerations into development and sustainable developments plan as well as other relevant policies. Member States should drive efforts for more systemic and equitable contributions to all relevant funds, in particular the GEF and UNEP's Environmental Fund.

Concrete actions to enhance the financial base for environmental activities could be to ask States to:

- strengthen UNEP's financial standing by paying their annual contributions on time to the Environment Fund and to the trust funds of the MEAs, taking into account the indicative fair share;
- make optimal use of existing financial mechanisms and funds for MEA implementation and under the 2030 Agenda and the Addis Ababa Agenda for Action and the full implementation of the reform of the UN Development System (via more efficient resource use, maximizing the impact of available resources and maximizing the co-benefits of funding);
- design and make full use of Integrated National Financing Frameworks to facilitate implementation of national strategies for 2030 Agenda and to coordinate efforts to mobilise financing and align investments with national sustainable development priorities, including the environmental objectives;
- include the implementation of MEAs and other relevant agreements that States are parties to, and other relevant commitments, into national development/national sustainable development plans, including to ensure necessary co-financing for funding under the MEA financial mechanisms;
- promote and facilitate investments and realign finance flows that support and do not run counter to environmental objectives e.g. through enhanced disclosure requirements regarding environmental impacts;
- exploit the potential for domestic resources through policy reviews such as sustainable fiscal reforms, including environmental taxes.

For increasing the actual funding for financing mechanisms themselves and for the allocation of funds to support the implementation of environmental law and especially MEAs, Member States need to ensure coherence between the decision-making of MEA COPs and the respective board meetings. Eventually results should speak for themselves i.e. effective use of the funding provided shown through successful evaluation reports.

The funds application process from GEF and other funds should be reasonably easy for countries to apply in order for it to be an attractive option for them. National ownership of the expected results needs to be ensured since the beginning of the application process in order for the results to be country-owned and sustainable.

The upcoming GEF replenishment process (GEF8) will be important. The EU Member States will actively engage in the replenishment process.

Improved coordination in the UN system as well as between the UN system and other key financial institutions could contribute to leverage financing to help implementation, including from development banks and investment banks, and from innovative financing schemes. Mainstreaming environmental issues in the financing tracks better by looking into positive examples in the climate context should be considered. Financing for Development in the UN should take the environmental dimension into account, in a more systematic, comprehensive and integrated manner. In this context, the Performance Standards 3 and 6 of the International Finance Corporation could provide guidance.

Consider highlighting in a coordinated manner the focus areas and related resources of ODA in relation to the environmental objectives and benefits. Integrate the environmental criteria to the countries decision making processes and report on the results.

Finance ministers are key players for achieving progress at national level. Their higher engagement on climate (e.g. through the new Coalition of Finance Ministers for Climate Action) is welcomed and should be widened to other environmental issues.

Multilateral Development Banks also play an important role. Commitments and standards from some of them e.g. the EIB on climate are a good way forward. Improvements should be made to accommodate broader environmental issues and encourage all development banks through instructing our board members in the respective banks accordingly.

Increased efforts on private sector mobilisation are required – including innovative financing solutions that are scalable. Innovative and multi-actor financial initiatives could be promoted and traditional financial mechanisms greened through the introduction of environmental components and conditionality. The banking system, but also business angels and other non-state actors should be incentivised to invest in sustainable, currently underfunded, projects. Likewise, they should be discouraged to invest in non-sustainable projects.

Specialized agencies should enhance efforts relating to the environment, involve UNEP and implement collaborative projects and other joint activities. UNEP may also wish to seek innovative financing without jeopardizing its normative role and in a manner that contributes to implementation of the Programme of Work and the Medium Term Strategy.

Finally, mainstreaming environment nationally will be key to achieve results. To effectively mainstream environment into relevant sector policies and programmes at all levels, it needs to be done in a variety of ways: Through legislation – rules, regulation and planning instruments – and through incentives for change, including economic instruments and other instruments such as education and awareness raising measures. Done in a way that takes into account best practice and national circumstances, including the possibility for cost recovery or enhancing public revenue from the use of such instruments, it can contribute to effective and cost-effective changes that benefit not only the environment but also social and economic sustainability.

(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.

- (a) How can UNEP provide assistance to Member States and members of Specialized Agencies in ongoing discussions on principles of international environmental law, in further developing their understanding and in their implementation?
- (b) How can Member States and members of Specialized Agencies recognize and make use of principles of international environmental law for the purposes of enhancing their implementation of international environmental law, including at the national level?
- (c) How can Member States and members of Specialized Agencies take into account the ongoing work in the International Law Commission on general principles of law?

EU+ MS Answers

Existing and agreed principles of international environmental law are an important building block for environmental governance and their usage is widespread. They contribute to the overall objective of environmental protection, by, for example, enhancing clarity and better interpretation, increasing

visibility, improving coherence and consistency of international environmental law, as well as through their implementation, at all levels, and facilitating mainstreaming environmental aspects into other policy areas. A common understanding as to how principles could be interpreted within a specific context may be beneficial.

One significant factor is their full recognition and incorporation into the national legal systems. This should help to enhance the way in which they can be used, for example by judges, at the national level. The Montevideo Programme can train judges to apply environmental principles and to help better implement international environmental law. But the discussion also has to reflect that each principle is to be understood in its respective context. On the issue of principles of international environmental law, it is not the intention of the EU and its Member States that the negotiations on the political declaration should lead to a legally binding pact.

Question a)

UNEP could provide assistance to Member States and members of specialized agencies to further develop the understanding of principles of international law and help with their implementation through the Montevideo Programme. The Montevideo Programme could host discussions on international environmental law, its principles, implications and its implementation. (see also recommendation 17).

Furthermore, UNEP could develop comparative studies or other guidance to assist Member States in the implementation of international principles on environmental law. UNEP could also encourage national and local governments to invest in legal capacity-building for the benefit of national law-makers, judges and all environmental law enforcers.

Question b)

The knowledge about and use of principles of international environmental law should be promoted, for the benefit of environmental protection. Member States and members of specialized agencies should make more intensive use of principles of international environmental law in the implementation of environmental law by

- educating law-makers and the judiciary on the principles of international environmental law, in order to foster a practice of referring to principles, where relevant, in legal argumentation, when implementing international obligations through national legislation and in court praxis;
- investing in legal capacity-building for the benefit of their law-makers, judges and environmental law enforcers at all levels, who will then adapt their implementation to the local context, but on the basis of a common understanding;
- making more use of studies on principles of international environmental law, such as the UNEP Global Report on the Environment Rule of Law;
- enhancing the understanding of principles of international environmental law to strengthen regional environmental cooperation and to settle differences regarding environmental issues;
- recognizing that national law-makers and judges can build upon international environmental law principles to strengthen national legal orders and to better tackle environmental challenges;
- reaffirming the idea that the protection of the environment should be subject to continual advancement in environmental laws and commitments, taking into account current scientific and technical knowledge;

- recognizing a shared duty to adopt effective environmental laws, and to ensure their effective and fair implementation and enforcement;
- recognizing the importance of national and international courts to give full effect to these principles.

Question c)

Member States and members of specialized agencies can contribute to the work of the ILC by responding to requests for information from the ILC. They can take into account the work of the International Law Commission – also on several other topics relevant to the environment – by informing relevant national processes with the findings. This could be done by dedicating human resources to following the work of the International Law Commission and by providing training to stakeholders on the content of the work.

(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.

- (a) How can the scientific research, innovation and cooperation across relevant bodies be encouraged to better inform the work of multilateral environmental agreements and environmental processes?
- (b) How can scientific subsidiary bodies of MEAs strengthen their collaboration with each other and with the inter-governmental science-policy platforms, including with UNEP's science-policy interface?
- (c) How can Member States and members of Specialized Agencies make greater use of the assessments and outputs of scientific bodies?

EU+ MS Answer

Questions a), b) and c) are answered together:

Scientific subsidiary bodies of MEAs could strengthen their collaboration with each other and with the inter-governmental science-policy platforms by engaging in knowledge synthesis exercises that target the interlinkages between the goals of different MEAs, especially to identify actions that have the potential to advance the goals of several MEAs and to mitigate trade-offs between them.

In this context, Parties to MEAs could

- encourage the MEAs' relevant scientific subsidiary bodies to further enhance collaboration with each other;
- encourage the MEAs' scientific and technical bodies to stronger consider and to increase their use of completed assessments and other outcomes prepared by science-policy platforms;

- encourage intergovernmental science-policy platforms to cooperate and jointly address global issues in a more multidisciplinary and holistic approach in order to allow for common messages to several MEAs;
- encourage stronger inter-disciplinary cooperation amongst MEAs and intergovernmental science-policy platforms in order to increase academic cooperation, engagement with think-tanks, to enable information exchange and learning across different disciplines, regions and sectors, and to enhance the visibility of both science and policy in general.

To strengthen the policy uptake of scientific output, States should encourage the members of their national scientific community to actively participate in intergovernmental science-policy platforms and in the scientific bodies of MEAs. Such participation can take the form of contributing as author or as reviewer of assessment reports. Furthermore, scientific personnel could raise awareness within their community about the work undertaken by science-policy platforms and about ways that experts can engage. At the same time, intergovernmental science-policy platforms and the scientific bodies of MEAs need to be credible and independent in order to be academically attractive to the members of the scientific community who normally contribute to the assessments and other deliverables.

Science-based processes and products should take into account practical governance issues and interlinkages with other finalized, ongoing or planned relevant environmental policy processes. For example, a doubling of scientific processes at the regional and the global level is likely to unnecessarily consume resources. This could, for example, be mitigated by UNEP creating a common digital platform – one single, central digital gateway, not a multitude of parallel technical options – that can be used for cross-cutting information exchange, access to environmental reports, information and research. The World Environment Situation Room could be considered as such a gateway. Such a platform or gateway would have to respect the autonomy of each MEA and of each intergovernmental science-policy platform.

Member States and members of specialized agencies could make greater use of the assessments and outputs of scientific bodies by using the recommendations from those scientific bodies to frame, implement and assess their respective environmentally relevant policies. Such findings can be transferred into a national context by national scientific expert panels or through joint deliberation by scientists, policy-makers and practitioners at the national level. Flagship scientific reports and their key findings could further be brought to the knowledge of national law-makers and to that of citizens, via national media, to enlighten the national debate on environment-related issues.

(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.

- (a) What opportunities do Member States and members of Specialized Agencies see for strengthening policy coherence across MEAs?
- (b) How can States, at the national level, integrate MEA implementation and SDG implementation into their sustainable development strategies and action plans? How can MEAs and UNEP collaborate to assist countries through for example, the UN Sustainable Development Framework, the UN Resident Coordinators and country teams?

- (c) Would the establishment of forums through UNEP that enable cooperation and coordination among national focal points of the various MEAs on policy development and their implementation be useful?
- (d) How can Member States and members of Specialized Agencies encourage an open and inclusive dialogue between regional and global MEAs on the environment including between their secretariats?

EU+ MS Answers

Question a)

The EU and its MS stress the importance of achieving policy coherence across MEAs. This could increase efficiency both at international and especially at the national level and create valuable co-benefits. The SDGs are an important harmonizing framework in this regard. Parties to MEAs should provide clear and defined roles for the MEAs in implementing the SDGs, in line with their mandates.

Clustering MEAs may increase policy coherence and strengthen implementation of interlinked environmental instruments. To that end, Parties to MEAs may consider

- the “synergies process” established by the Basel, Rotterdam and Stockholm Conventions (BRS) as an example to advance policy coherence, to reduce administrative burdens and to improve implementation of the MEAs;
- the inter-secretariat working groups between the BRS secretariat and the Minamata secretariat;
- the Biodiversity Liaison Group for biodiversity MEAs as it facilitates exchange and coherence between eight key biodiversity MEAs;
- the Joint Liaison Group as an important cluster of the three Rio conventions.

Furthermore, in 2018, the COP14 of the CBD started the development of a Post-2020 Global Biodiversity Framework which is to go beyond the CBD. The process encourages the active participation of all relevant processes, including the entire UN system and the secretariats of other MEAs. The preparation of the Framework is being used for the interaction and communication between the relevant secretariats to ensure that the MEAs work towards the same goals and thereby become more closely interlinked. This approach of a common strategy has already been tried with the Strategic Plan for Biodiversity and its Aichi targets, adopted in 2010, which was endorsed by UNGA in 2010 and provided a common basis for all biodiversity related activities of the UN system during the UN Decade on Biodiversity 2011-2020. As the development of the next Post 2020 Global Biodiversity Framework is aiming at being even more inclusive, in particular with regard to other MEAs, this model of a “global framework” could be taken up in other areas of international environmental law.

Parties to MEAs should highlight the need and benefit of an integrated and coordinated approach between MEAs and encourage joint activities, where relevant. This could include regular dialogues and joint policy statements on common priorities of the MEAs with a view to contributing to the achievement of the SDGs and other global initiatives, including considering UNEA as one of the key platforms to deliver these outcomes to increase visibility and amplify the communication of environmental issues. Some Secretariats already develop common COP decisions for their Parties to facilitate the national coordination and coherence on common topics, e.g. CMS and CITES COP decisions on joint action for the African carnivores or elephant. Such examples can be further built on and Parties to MEAs should call upon the respective secretariats to compile a policy document highlighting areas of possible coordination and guidance on how this can be achieved. This however while taking into account the different mandates of the MEAs and ensuring that a proper analysis of added value and efficiency is

made before engaging in creating new mechanisms or joint policy instruments. Making use of existing mechanisms (e.g. EMG) would be of value.

The Environment Management Group (EMG) has done valuable work and should be strengthened as a collaboration platform among a wide group of UN agencies and MEAs (see recommendation 18). States could ask the EMG to continue to function as a platform to strengthen cooperation and collaboration among the MEAs, the funds, programmes and specialized agencies of the UN, and UNEP/UNEA.

Besides policy coherence between MEAs, Parties to MEAs, States and members of specialized agencies may foster coherence between MEAs and conventions and UN entities in non-environmental fields, e.g. through MoUs.

Regarding addressing implementation challenges and strengthening implementation, Parties to MEAs should strive for better availability of information on implementation of and compliance with MEAs as a basis for gathering information on and sharing of best practices. The reporting by parties on implementation under the respective regimes could be streamlined and improved (see recommendation 12).

Parties to MEAs should furthermore encourage the work on general effectiveness, evaluation of best practices as well as efforts to promote coherence across environmental instruments at all levels in this respect with a view to enhance implementation. UNEP, through the Montevideo Programme or Law division, could be asked to produce an overview of the international environmental legal landscape, to identify interlinkages and potential gaps.

Questions b) and c) are answered together:

States should integrate their MEA implementation as well as SDG implementation into their sustainable development strategies and action plans (see recommendation 7) as well as into the Integrated National Financing Frameworks. In order to be able to assist States effectively through the UN Sustainable Development Cooperation Framework, the UN Resident Coordinators and country teams, States should communicate their environmental needs to the respective entity as well as to other multilateral donors such as development banks.

For this purpose, UNEP should enhance its impact at the country level. Not necessarily by having a UNEP representative within the team of each UN Resident Coordinator in every country, but by further developing its “Menu of Services” for the Resident Coordinators and ensuring this Menu of Services integrates the work of the members of the EMG.

States should be encouraged to establish national coordination networks between the different MEA focal points as well as with those instances that are responsible for SDG reporting and in the development of indicators in order to promote internal coordination between negotiators and technical experts of MEAs that are closely related. National coordination networks could also be envisaged not only for national focal points for the MEAs, but also e.g. between national focal points for specific issues in the different MEAs (e.g. gender mainstreaming, financing) to exchange experience and best practices. This could in particular be helpful to ensure effective implementation through exchange of good practices.

States should be encouraged to ensure coherence between SDGs, Nationally Determined Contributions under the Paris Agreement (NDCs) and National Biodiversity Strategy and Action Plans (NBSAPs).

Question d)

Regional MEAs play an important role in the implementation of global MEAs, the 2030 Agenda and the SDGs. Synergies between global and regional MEAs should be fostered e.g. through establishing a

regular and coordinated information exchange and cooperation. Parties to MEAs could use multi-stakeholder exchange platforms such as the Marine Regions Forum as an example for cross-sectoral and cross-regional cooperation to enhance linkages between the regional and global level. In some cases, it might be worth to consider to open membership of MEAs that are currently regional in scope to the global level (as it has been done for some UNECE environmental agreements).

(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.

- (a) How can Member States and members of Specialized Agencies enhance cooperation and collaboration across all MEAs and between them and UNEP and the UNEA in order to promote policy coherence, coordination and implementation?
- (b) For example, should the Governing bodies of MEAs consider welcoming the decisions of UNEA of relevance to their work, adopt corresponding decisions and share information with UNEA on their implementation efforts?
- (c) Should Member States encourage UNEA to take into account the decisions of the Governing bodies of MEAs in developing global environmental policies?
- (d) To what extent can existing mechanisms for cooperation and coordination among the MEAs be strengthened and can existing mechanisms serve as a model for similar arrangements across other thematic clusters of MEAs?

EU+ MS Answers

Questions a), b) and c) are answered together:

The EU and its MS see a lot of potential for improving international environmental governance through cooperation and collaboration as well as coordination between UNEP, UNEA and MEAs.

Keeping in mind the independence of the MEAs, improvement could be achieved through several concrete actions taking into account ongoing processes like the CPR-based review:

- UNEP could be requested to develop and implement its programmatic work in close consultation with the secretariats of MEAs taking into account guidance from UNEA and the governing bodies of the MEAs as well as relevant COP decisions. MEAs could be more intensely involved in the preparation and implementation of the UNEP programme of work and its medium-term strategy. They could also be involved, if appropriate, in the actual implementation of relevant resolutions;
- Similarly, the consultation of UNEP in the preparation and implementation of the MEAs' programmes of work could be enhanced to increase programmatic coherence and cooperation between UNEP and MEAs;
- UNEA could serve as central platform for overarching and cross-cutting discussions of the environmental agenda taking into account the decisions of the governing bodies of MEAs in developing global environmental policies;

- Member States can call for an agenda item on “Cooperation with MEAs” in the sessions of UNEA as a way to identify opportunities for enhanced programmatic cooperation between the MEAs and UNEP;
- States could call upon the MEAs and UNEP to establish potential areas for future cooperation initiatives. Such initiatives should be founded on the decisions or resolutions of the respective governing bodies and on the latest scientific information, for example the Frontiers Report: Emerging Issues of Environmental Concern, the Global Environment Outlook and other relevant scientific assessments and studies, including those conducted by the respective MEAs;
- States could call upon UNEA and the governing bodies of MEAs to encourage UN Member States and Parties to the MEAs to implement existing or upcoming policy frameworks, such as “the SAICM and the sound management of chemicals and waste beyond-2020 framework” and the Post-2020 Global Biodiversity Framework, in a coordinated and integrated manner. Furthermore, States could call upon UNEP to continue implementing UNEA resolutions and relevant COP decisions promoting cooperation and synergies among the MEAs. The focus should be on facilitating thematic consultation processes with the MEAs, developing knowledge and policy tools, communication, outreach and on supporting the implementation at the national level as well as gender mainstreaming.

Question d)

The EU and its MS refer to their answer to question a) with regard to recommendation 10.

(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.

- (a) What proposals do Member States and members of Specialized Agencies have for enhancing cooperation between the scientific, technical and technological bodies of MEAs and UNEP with a view to enhancing synergies including exchanging information and experiences, mutual data use and developing joint assessments?
- (b) Should Parties to MEAs request that joint scientific assessments be conducted by their scientific, technical and technological bodies to ensure a more coherent science policy interface in all areas of environmental policy?
- (c) How can Member States and members of Specialized Agencies further support initiatives and fora for MEA Secretariats to exchange information and experiences, such as the United Nations Information Portal on Multilateral Environmental Agreements (InforMEA)?
- (d) To which extent could UNEA be the instrument in establishing linkages between scientific and technical bodies of MEAs?

EU+ MS Answers

Streamlining reporting and monitoring processes should be further encouraged and best practices of institutional set-up can help facilitate it. It is important for the secretariats of the different MEAs and

relevant scientific bodies to further pursue respective efforts to increase synergies, cooperation and efficiency to avoid duplication of work, taking note of the work already done, in particular within the chemicals/waste conventions cluster as well as among the biodiversity-related conventions, provide encouragement and recommendations for the work to continue (see recommendation 10).

Question a)

In line with the aim of increasing the synergies between UNEA and MEAs, Parties could agree to formalise the role of the governing bodies of MEAs in the sessions of the UNEA by involving their respective presidents, bureaus and secretariats. Further, UNEA resolution 4/8 that requests UNEP to present options for science-policy interface on the sound management of chemicals and waste (SMCW) could be used as inspiration.

Question b)

Joint scientific assessments could help to ensure a more coherent scientific policy interface and to provide a common message simultaneously across different MEAs, thus facilitating a coherent approach by and collaboration between them. Sometimes, however, it may be necessary to explore what the needs are for such joint assessments. Scientific work streams might approach the same issues from different angles, without one being more valid than another. Accordingly, raising awareness and consulting with each other may be equally relevant to pursuing joint assessments or mutual data use. Also, the assessments should be focused on respective areas of competence and build upon existing assessments under other MEAs where possible.

The Parties to MEAs could strengthen global environmental assessments by maximising the multi-disciplinary composition of existing panels. They could also invite the representatives of their scientific, technical and technological bodies to participate in each other's meetings to enhance the exchange of information and experiences.

The Parties to MEAs could also invite the chairs and members of the scientific, technical and technological bodies to exchange information with members of other bodies on specific areas of mutual interest such as emerging threats.

Question c)

It is important to ensure jointly accessible digital means for exchanging environmental information and experiences. Existing portals should be better promoted and used, such as the World Environment Situation Room. Structured virtual thematic platforms could be developed, where necessary, and be kept up to date.

Where feasible, monitoring could be linked to the UNEP Environmental Data Strategy, since monitoring the implementation of MEAs is also a key indicator for measuring how the actions undertaken by Parties gear up to addressing environmental trends.

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

- (a) What are the main challenges at national level in considering ratification and effective implementation of MEAs?
- (b) To what extent can UNEP encourage Member States and members of Specialized Agencies in ratifying MEAs and supporting their effective implementation building on, for example, the UNEP Guidelines on Compliance with and Enforcement of MEAs?

EU+ MS Answers

Question a)

The benefits of ratifying environmental conventions, agreements or protocols have to be very clear to those that consider joining. Such information, including possible guidance on implementation, on financial and capacity building support, has to be provided by the respective secretariats and also become accessible through UNEP InforMEA.

Specifically, there may be a lack of knowledge as to how the ratification will affect the national law of a specific state and which steps would be necessary for implementation in that state. These difficulties can include the need to evaluate the national situation (e.g. establishing inventories), assess the requirements for national implementation (such as the legal situation and financial consequences), assess the impact on affected stakeholders (such as relevant industries), assess possibly conflicting obligations and the need to revise existing policies.

UNEP, through the Montevideo Programme, can support States by developing model laws for the implementation of international obligations. The Montevideo Programme could be developed into a robust instrument for support at country level. Member States and MEA secretariats could jointly cooperate to undertake studies on implementation and to complement existing guidelines. Existing guidelines have to be promoted and distributed, for example by the Montevideo Programme and by MEA focal points (see also recommendation 17). Member States could be encouraged to exchange practices in implementing multilateral environmental agreements to effectively address local environmental challenges.

Further, domestic implementation and coordination on environmental agreements can be improved by making full use of the support provided by UNEP and related regional and sub-regional centres. UN/UNEP regional offices should be adequately resourced to sufficiently undertake the intended role.

UNEP's work in providing legal assistance could be complemented by work undertaken by the UN Treaty Section. For example, the UN Treaty Section could integrate into their capacity building programmes aspects of specific MEAs. It could also offer technical information on depositary law and practice for capacity building activities of MEAs' secretariats.

Question b)

UNEP could take advantage of UNEA's universality to reach out to all Member States and echo calls for ratification by governing bodies of the respective MEAs. UNEP could also within existing resources document existing obstacles to such ratifications and report them to the respective bodies and secretariats of MEAs, for them to engage with the said States.

Compliance and implementation mechanisms are powerful and necessary tools to support effective implementation. However, their acceptance and scope are a matter for the governing bodies of the individual MEAs to decide.

(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.

- (a) How can UNEP support Member States in this effort and promote quality information and data exchange, improve education, capacity-building and technical assistance, including with the aim of strengthening effective national environmental governance systems and improving environmental rule of law?

EU+ MS Answer

The EU and its MS refer to their answers in relation to recommendation 7, which also contribute to the recommendation to strengthen environmental laws and policies at the national level.

In addition to this, data sharing mechanisms, digitalization and satellite data availability are critical. Capacity-building, education and technical assistance has been considered as some of the successes of the Montevideo Programme. These activities should continue and States should be encouraged to make full use of the Montevideo Programme as well as the funding mechanisms established by MEAs, GEF and the Trust Fund for the Special Programme.

On a national level, relevant measures could be strengthening environment departments and enhancing coordination with relevant other government departments (prioritising awareness raising, capacity building and education, and enhancement, and maintaining of expertise), as well as involving stakeholders, including the national scientific community, the judiciary and the private sector.

(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.

- (a) How can Member States and members of the Specialized Agencies enhance the implementation of international environmental law and applicable environment-related instruments by mainstreaming the environment into sectoral policies and programmes at all levels, including into national development and sustainable development plans, following national UN Common Country Analysis, the UN Sustainable Development Cooperation Frameworks (UNSDCFs) and relying on support from UN Country Teams?

- (b) How can UNEP and UNEA contribute to the mainstreaming of environment into the UN Common Country Analysis and the UN Sustainable Development Cooperation Frameworks, in support of the UN Country Teams?
- (c) How can Member States and members of the specialized agencies foster integrated approaches at country level, in particular strengthening the reporting on MEAs implementation in the voluntary national reviews delivered at the High-Level Political Forum (HLPF)?

EU+ MS Answer

Questions a), b) and c) are answered together:

As pointed out in our answers related to recommendations 6 and 7, mainstreaming environmental considerations at international and national level is key to achieve progress in international environmental governance and implementation of international environmental commitments.

UN Member States and members of the specialized agencies should be encouraged to mainstream the environment into sectoral policies and programmes at all levels. This should include national development and sustainable development plans following national UN Common Country Analysis (UN CCA), the UN Sustainable Development Cooperation Frameworks (UN SDCF) and relying on support from UN Country Teams.

UNEP's steps to contribute to mainstreaming environment into UN CCA and UN SDCF are welcomed. UNEP could step up these efforts and continue collaboration and partnership with other UN agencies on the ground to ensure efficient delivery as "one UN". UNEP could also advance its cooperation with regional and specialized organizations that are providing inputs and frameworks, including assessments in relation to relevant sectoral policies and programmes and discuss collaboration in the context of mainstreaming environment (e.g. World Bank, OECD, UNECE, WHO etc). Furthermore, the UN System-Wide Framework of Strategies on the Environment developed by EMG in response to UNEA Resolution 1/11 is designed to enhance the UN's ability to support Member States in addressing the environmental dimension of sustainable development. It draws on the diverse expertise and resources of the UN system to integrate the environmental dimensions of the SDGs into the business model and organizational culture of the UN system as a whole. UNEP as EMG Chair should continue these efforts.

The UNDS reforms should be implemented effectively leading to intensifying UNEP's participation within the UN country teams and its contribution into the UN CCA and UN SDCF (see also our answer to recommendation 10 with regard to the "Menu of Services"). UNEP should continue its active engagement in the UN reform as well as through the EMG (see recommendation 18). UNEP could organize training sessions and set up MOOCs (Massive open online courses) for fellow UN agencies representatives and Resident Coordinators on environmental issues and their interdependence with non-environmental issues (health, security, etc.). UNEP should scrutinise key UNSDF guidance documents and country analysis and assist UNCTs to build their capacity on environmental considerations.

At the national level, States should ensure coherence of environmental policies and their implementation and effects with the SDGs through self-assessment frameworks that can be complemented by UNEP's assistance. States should strengthen their environment departments and foster coordination with relevant other government departments – including involving national MEA focal points in the national sustainable development coordination bodies or systems. It could be considered to report on MEA implementation in the voluntary national reviews delivered at the HLPF. States should take respective decisions recommending strengthened national coordination at relevant UN meetings such as UNEA and HLPF as well as the Second Committee of UNGA. UNEP could support these efforts by strengthening its "Issues Based-Coalitions" with Member States, to ensure the efforts are Member States led, but UN supported.

(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.

- (a) What actions can be taken to promote access to information and engagement of all relevant stakeholders at all levels in the different forums related to the implementation of international environment law and environment-related instruments?
- (b) How can Governing Bodies continue to support the active and meaningful engagement of all relevant stakeholders?

EU+ MS Answers

Stakeholders should be better and adequately involved. Different types of relevant stakeholders should be involved at all levels: This includes the most affected, from the relevant part of the public and private sector, knowledge institutions as well as the general population, including the most vulnerable. Stakeholders can for example be experts from the national scientific community, innovative business leaders, indigenous peoples, women and youth non-governmental organisations. Different types of stakeholders may require different approaches to participate meaningfully.

Question a)

Stakeholder involvement and public participation require the sharing of information. International fora should develop and make available to the public a clear and transparent set of policies and procedures on access to the environmental information that they hold. All official documents developed and produced within an international forum should be proactively made available to the public through the internet, or through other appropriate means, in a timely manner. The Almaty Guidelines on Promoting the Application of the Principles of the Aarhus Convention in International Forums can provide helpful guidance in that regard.

Furthermore, UNEP and the governing bodies of MEAs could be encouraged or mandated to actively seek the active participation of stakeholders. The participation could take the form of written contributions, participation in the preparatory process of meetings and in the meetings themselves.

Member States could promote stakeholder participation by establishing intersessional expert groups, comprising participants from governments and stakeholders, to share experiences and knowledge. Furthermore, stakeholders could be encouraged to participate in national consultations before major UN or MEA conferences to collect and integrate their input. Stakeholders could also be included in national delegations to such conferences.

When implementing international environmental commitments, national stakeholders with relevant expertise and resources can substantially help develop effective national policies based on sound science and national circumstances.

Member States should implement advanced stakeholder engagement mechanisms, including via digital means and the full and timely development of the Global Environmental Data Strategy by 2025.

Question b)

The proactive and timely provision of information through the websites of the governing bodies is an important starting point. All stakeholders could be allowed to submit written contributions and they could be engaged in virtual discussions. Their input could be taken more into account by Parties in the

design of international environmental frameworks and guidelines and stakeholders should be given more opportunities to directly engage with Parties.

Ensuring more stable, predictable and adequate funding for stakeholder participation in environmental fora could further enhance stakeholder engagement.

(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.

- (a) How can Member States and members of the Specialized Agencies support the implementation of Montevideo Programme V and its efforts to promote the development and implementation of environmental rule of law, strengthen national-level capacity, advance the implementation of environmental law at all levels and contribute to the implementation of the 2030 Agenda for Sustainable Development?
- (b) How can the network of national focal points designated by Member States, pursuant to UNEA resolution 2/19, be supported and extended for exchanging information and building capacity in order to strengthen the application of Montevideo Programme V?

EU+ MS Answer

Questions a) and b) are answered together:

UN Member States and all members of the specialized agencies reaffirm the importance of environmental law as one of the key areas of work of UNEP. They stress the potential contribution of the Montevideo Programme V in that context, especially in furthering the ambitious development and implementation of environmental law, strengthening the respective country-level capacity, and adding to the implementation of the 2030 Agenda for Sustainable Development, in accordance with resolutions and decisions of the UNEA and other relevant United Nations bodies.

They support and expand the network of national focal points designated by Member States, pursuant to UNEA resolution 2/19, for exchanging information and capacity building in order to work together with and guide UNEP in strengthening the application of the Montevideo Programme V. Furthermore, they aim to monitor and to evaluate the implementation and effectiveness of programme, inter alia by defining specific goals and indicators, with the support of legal experts, academics and civil society. States designate focal points with adequate resources for active participation in the programme. They could consider strengthening core financial support to UNEP to ensure adequate funding for the implementation of the Montevideo Programme V.

Through the Montevideo Programme V States Members of the United Nations and all members of the specialized agencies encourage and facilitate education on environmental law, with a view to empowering people and communities as well strengthening institutional capacity of countries to address environmental issues, and promote training in the field of environmental law, especially for legal professionals such as judges, prosecutors and other enforcement officials as well as national stakeholders. Discussions on principles of international environmental law, their interpretation and implementation as well as strengthening and streamlining of existing principles of international environmental law and identification and clarification of emerging principles take place in the

framework of the Montevideo Programme V; comparative studies or other guidance could be developed to assist in their implementation.

Actions under the Montevideo Programme V are also referred to in response to recommendations 7, 8, 10, 13 and 14 above.

(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.

- (a) How can Member States and members of Specialized Agencies support the implementation of the UN System-Wide Framework of Strategies on the Environment of the Environment Management Group (EMG)?
- (b) How can UNEP, as the chair of the Environment Management Group, in collaboration with the other members of the Group, strengthen system-wide inter-agency coordination on the environment and the implementation of system-wide strategies on the environment?

EU+ MS Answer

Questions a) and b) are answered together:

UN-wide inter-agency coordination and coherence is essential and should be fostered. As highlighted in our answers related to recommendations 6, 10 and 15, the EU and its MS are of the view that the EMG should play a central role in achieving this. The ongoing involvement of the EMG in the development of the Post-2020 Global Biodiversity Framework is important to facilitate integration of the views of the UN system into the Global Biodiversity Framework. States are encouraged to support the implementation of the UN System-Wide Framework of Strategies (SWFS) on the Environment of the EMG. EMG and its member organizations and agencies should be mandated to make use of Member States' inputs and provide visibility for the work and outputs by the EMG, including the UN System-Wide Framework of Strategies on the Environment. The follow-up to the EMG recommendations by member organizations may be enhanced through monitoring and reporting of the implementation of the recommendations e.g. through a reporting framework allowing for integrated reporting to MS, encompassing all UN relevant activities. Member States should encourage UN agencies to do so through national interventions and relevant decisions or resolutions and take up recommendations from the SWFS report, where relevant. MEAs should provide consistent guidance to all relevant UN entities through their respective governing bodies (executive boards, general assemblies, etc.) regarding the integration of environmental norms within their respective activities and reporting as well as through their participation in the EMG. Based on inter-agency dialogue, EMG could develop environmental guidelines applicable by all UN bodies with respect to their respective mandates. The EMG financial means and resource mobilization should be secured and a "long term strategy" made for making a difference. An independent review of the EMG, including in relation to other coordinating bodies, could be initiated.

UNEP should provide greater visibility for the SWFS. The EU and its MS expect the next (triennial) synthesis report to be available well before UNEA-5 in order to receive visibility at UNEA. UNEP can actively take up SWFS in its collaboration with other UN agencies globally, regionally and nationally, including through the UN reform.