



**First informal substantive consultation meeting on
United Nations General Assembly Resolution 73/333
21-23 July 2020
Online meeting**

OceanCare's Comments on the Co-Facilitators' Document of June 2020

*Wädenswil/Switzerland, July 17th, 2020, submitted to:
UN Environment Programme Secretariat (unep-sgb@un.org)*

Over the past decades, the international community has sought multilateral answers to transboundary challenges and has hence recognised that global challenges require global solutions. OceanCare welcomes that informal consultations have now been set in motion and that efforts are undertaken to discuss how the substantive recommendations contained in resolution 73/333 can be taken forward. In light of this, we would like to take this opportunity and provide some comments on the questions provided in the co-facilitators' document.

We hope that you will take our comments under consideration and wish to highlight our continued commitment to an ambitious and favourable outcome of this process.

(II) 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?

OceanCare INPUT:

Generally, given OceanCare's engagement and partnership in a variety of MEAs, it has become apparent that one of the fundamental obstacles that conventions/agreements are confronted with is in respect to implementation, control and enforcement, as well as the lack of mechanisms for sanctions in case of non-compliance.

- UNEP should set out to strengthen the governance of existing instruments by examining both thematic and governance gaps within existing multilateral environmental agreements (MEAs) and to encourage thorough compliance mechanism within each specific MEA.

- UNEP should take a leading role in setting global standards in implementation of environmental policies/obligations without undermining the work of MEAs or other regional/sectoral entities. This is an essential step to ensure a baseline level of consistency and rigor in implementation and control.

(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?

OceanCare INPUT:

- on 2) a) see input to questions 1 above.
- on e) OceanCare also stresses the importance of biodiversity MEAs and that sufficient means are required for their obligations to be implemented.
- More generally, it is important that budgeting by the respective conventions are done according to the Convention's priorities and decision-making, whereby everything that is to be included in the budget should be considered and justified according to the respective priorities and work plan for the relevant forthcoming period.
- Work should be undertaken towards a more collaborative engagement of CSOs. Using the case of the Convention on the Conservation of Migratory Species of Wild Animals (CMS) (MEA): Civil society has long underpinned the conservation work of CMS. In a respective review document, "Conservation Collaboration: Strengthening the relationship between CMS and its NGO Partners when the world needs us most", quantified, at a basic level, the combined financial commitment of Partner NGOs which equates to more than US\$20 million/year on CMS-related work. This work could be better measured against the Strategic Plan, and CMS Partner NGOs are prepared to make this possible by stepping up to take a

more formal role within CMS, provided a system is created to allow them to represent themselves and their work with formal standing.

(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?

OceanCare INPUT:

- UNEP should take a leading role in setting **common/coherent** environmental principles without undermining the achievements achieved in the context of multilateral environmental agreements (MEAs) (i.e. CMS).

(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?

OceanCare INPUT:

- Develop a mechanism/platform that facilitates and enables the exchange of best practices and relevant information so as to strengthen cooperation.
- The absence of science should not delay action: Immediate action is needed against increasing threats and their cumulative impacts, such as climate change, biodiversity loss, ocean acidification, pollution including chemical pollution, marine plastic pollution and ocean noise pollution, over-exploitation of marine animals (including fish) and illegal activities, among others. More science should not lead to inaction. In the absence of reliable data and the corresponding presence of scientific uncertainty, the precautionary principle must be applied.

(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?

OceanCare INPUT:

- UNEP and Member States should work together to cluster and re-structure environmental agreements so as to develop synergies, effective reporting and monitoring instruments, and to identify aspects that have not yet been covered.
- UNEP should take a more coordinative role in establishing coherent policy and approaches across MEAs.
- It is essential to provide the resources (expertise and financial) to allow MEAs to identify implementation challenges and to **set up meaningful and effective processes for addressing non-implementation**. This process should include notice and early stakeholder consultation procedures to address non-compliance issues before they arise, as well as non-implementation review mechanisms that include strict approaches (i.e. suspension of benefits).
- Decision-making in implementation processes should not be weakened by consensus-focused approaches to decision-making. While consensus is certainly favourable, majority voting should be possible if no consensus can be reached.

(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?

OceanCare INPUT:

- Establish a cooperation and coordination mechanism that allows swift and simple collaboration between MEAs and UNEP with a focus on the exchange of best practices and experience.

(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?

OceanCare INPUT:

- See input under point 5 above.

(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?

OceanCare INPUT:

- Establish a mechanism that seeks to follow-up on the reasons for non-ratification. In essence, inquire why countries have failed to ratify and implement MEAs.
- It is important to identify where countries lack capacity and where ratification and implementation is slow versus in cases where political will is the major obstacle.

(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?

OceanCare INPUT:

- N/A

(15) Encourage States Members of the United Nations and all members of the specialized agencies to mainstream the 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)?

OceanCare INPUT:

- N/A

(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?

OceanCare INPUT:

- Ensure that stakeholders (or Partner organisations to respective MEAs) have the opportunity to voice reservations about a State Party's lack of fulfilment of its obligation under the respective agreements (see for Example ACCOBAMS Follow-Up Committee, Res. 6.8).

- Ensure that documentation and other relevant material in respect to non-implementation procedures are made publicly available.

(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?

OceanCare INPUT:

- N/A

(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?

OceanCare INPUT:

- N/A

For any further information or, if any questions arise, please do not hesitate to contact:

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OceanCare is a Swiss non-profit organisation. It was founded in 1989 and has a strong commitment to realistic and cooperative initiatives. The organisation works at national and international level in the areas of marine pollution, environmental changes, fisheries, whaling, sealing, captivity of marine mammals and public education.

OceanCare holds Special Consultative Status with the Economic and Social Council of the United Nations (ECOSOC) and is a partner of the General Fisheries Commission for the Mediterranean (GFCM), the Convention on Migratory Species (CMS), and the UNEP/CMS Agreement on the Conservation of Cetaceans in the Black Sea, Mediterranean Sea and Contiguous Atlantic Area (ACCOBAMS) and UNEP/MAP. OceanCare has also been accredited as a Major Group to the United Nations Environment Assembly (UNEA), which is the governing body of UNEP and is a part of the UNEP Global Partnership on Marine Litter.