

1st Joint Preparatory Retreat of the Bureaux of the UN Environment Assembly
and of the Committee of Permanent Representatives
22-23 March 2018
Nairobi, Kenya

**Progress update on the consideration of a draft resolution regarding the development of a
Global Pact for the Environment**

The Secretariat has the pleasure to submit a progress update on the consideration of a draft resolution on a draft resolution on a Global Pact for the Environment, in support of consideration under agenda item 3(c): “Other relevant global meetings and process, including the Global Pact for the Environment” at the 1st Joint Preparatory Retreat of the Bureaux of the UN Environment Assembly and of the Committee of Permanent Representatives in Nairobi 22-23 March.

As of 13 March, six informal consultation meetings have taken place in New York to discuss the draft resolution on the development of a Global Pact for the Environment, which was tabled by France and cosponsored by about 45 Member States. The French Permanent Mission to the UN Environment Programme in Nairobi held a briefing meeting for Member States on 16 January 2018.

The below text provides a compilation of proposed amendments, positions and compromise proposals on the draft resolution to date. Kindly note that the following text is likely to be amended after the next informal consultation meeting which has been scheduled to take place on 21 March 2018 in New York.

[Development of a Global Pact for the Environment to strengthen implementation of international environmental law] US: title prejudices the outcome

The General Assembly,

[PP1. [Recalling/Reaffirming –G77, Russia; US flexible] the [principles and purposes/purposes and principles –G77, US, Russia] of the Charter of the United Nations, [with full respect for international law and its principles, –G77, Russia/ including full respect for international law, -US] –EU, Switzerland retain original language]

PP2. Recalling the Declaration of the United Nations Conference on the Human Environment, adopted at Stockholm on 16 June 1972, the Rio Declaration on Environment and Development, **[Agenda 21, the Programme for the Further Implementation of Agenda 21, -G77; EU, US, Switzerland delete]** the Johannesburg Declaration on Sustainable Development and 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”, **[as well as our commitments in the outcomes of all the major United Nations conferences and summits in the economic, social and environmental fields, including the 2030 Agenda for Sustainable Development, the Addis Ababa Action Agenda on Financing for Development, the Sendai Framework on Disaster Risk Reduction, the New Urban Agenda, adopted in Quito, Ecuador on 20 October 2016, [and recalling also obligations in the Paris Agreement adopted under the United Nations Framework Convention on Climate Change, -Norway delete] –G77, Russia; EU, US, Switzerland delete; Mexico reserve]**

[PP2. bis. Reaffirming all the principles of the Rio Declaration on Environment and Development including, inter alia, the principle of common but differentiated responsibilities, and the sovereign right of States to exploit their own resources pursuant to their own environmental and developmental policies, -G77, Russia; US, Japan, EU, Switzerland, Australia, Norway, Canada, Israel delete paragraph]

PP3. Reaffirming its resolution 70/1 of 25 September 2015, entitled “Transforming our world: the 2030 Agenda for Sustainable Development”, in which it adopted a comprehensive, far-reaching and people-centered set of universal and transformative Sustainable Development Goals and targets, its commitment to working tirelessly for the full implementation of the Agenda by 2030, and its recognition that eradicating poverty in all its forms and dimensions, including extreme poverty, is the greatest global challenge and an indispensable requirement for sustainable development, its commitment to achieving sustainable development in its three dimensions — economic, social and environmental — in a balanced and integrated manner, and to building upon the achievements of the Millennium Development Goals and seeking to address their unfinished business,

[PP4. Taking note of the Summit of a Global Pact for the Environment, held in New York, on 19 September 2017, - Mexico, EU support]

[PP4. alt. Taking note of the convening of a high-level event held in the sideline of the 72nd UN General Assembly on 19 September 2017 entitled “[Summit on a –Mexico] Global Pact for the Environment”, - G77, US, Russia]

[PP5. *Stressing* the need to urgently address in a comprehensive **[and integrated –G77, EU, Mexico, Switzerland]** manner, the challenges posed by environmental degradation **[in the framework of sustainable development –G77, Mexico; Australia clarify; EU revert]** –Russia, US delete paragraph]

PP6. [*Recognizing/Reaffirming* –Russia, US, Switzerland; EU retain] **[Member States’ –US; EU reserve; Switzerland revert]** existing **[commitments/obligations –Mexico, US /obligations and commitments – G77, Switzerland, Russia, Mexico; EU retain]** under international environmental law **[and other environment-related instruments –Russia, Mexico]**, EU: *place PP6 after PP2*

[Pre.OP1. Requests the Secretary-General, with the support of UNEP and inputs from Secretariats of multilateral environmental agreements and other relevant UN agencies, funds and programmes, to present a **[comprehensive /technical and evidence-based –Holy See]** report, **[taking into account the views of States /for consideration of the open-ended working group, -EU]** to the General Assembly at its seventy-third session **[in 2018 –Mexico delete]**, on identifying and assessing possible gaps in order to strengthen the implementation and improve the coherence of existing multilateral environmental agreements, -G77; US reserve]

Facilitator’s proposal

Requests the Secretary General, to present a comprehensive, technical and evidence based report to the General Assembly by the end of its 72nd session, on challenges in the implementation of international environmental law and other environment related instruments,

Requests the co-chairs of the *ad hoc* open ended working group to prepare a chair’s summary which will provide recommendations on the scope, parameters and elements of a Global Pact for the Environment, (*placement tbd pending discussion on the working group*)

[OP1. *Decides* to develop [an international instrument, called –Mexico delete] a Global Pact for the Environment, that will aim to complement and improve the coherence of international environmental [law/ **commitments –Canada, Norway, Australia, NZ, Russia/ obligations and commitments -Mexico]** and to facilitate [the/ **their –Canada, Norway, Australia, NZ, Russia, Switzerland]** implementation [of existing obligations under international environmental law -Canada, Norway, Australia, NZ, Russia, Switzerland delete], and to this end: -Russia, US, Japan delete paragraph]

[OP1.alt. Decides to establish an open-ended intergovernmental working group to consider the relevance of developing an international instrument, called a Global Pact for the Environment, aimed at promoting coherence, consistency, and continuous implementation of existing environmental commitments in the context of the 2030 Agenda for Sustainable Development, as well as to discuss possible next steps to organize potential work in this regard, -Russia (*based on 1.a, replacing OP1 and 1.a*); EU delete paragraph]

[OP1.alt.alt. Decides to establish an open-ended intergovernmental working group to identify any specific gaps in the international environmental agreements and arrangements where additional action may be needed, and indicate possible options and approaches to address any such gaps, including the

possible development of a Global Pact, -US, Japan, Israel (*based on 1.a, replacing OP1 and 1.a*); EU delete paragraph]

[OP1.alt.alt.alt. Decides to establish an open-ended intergovernmental working group to consider the report of the Secretary-General and make recommendations, by the end of 2019 for consideration and appropriate action by the General Assembly, with a view towards strengthening the implementation and improving the coherence of existing multilateral environmental agreements, which may include among others the assessment, scope, parameters, and the feasibility of a potential international instrument and the possibility of convening an intergovernmental conference; – G77 (*replacing OP1 and 1.a*); EU delete paragraph]

[a) *Decides to establish, prior to holding an intergovernmental conference, an open-ended [intergovernmental –EU, Canada, NZ delete; Russia retain; Mexico flexible] working group [under the auspices of the General Assembly –EU, Mexico] to negotiate a Global Pact for the Environment [and further decides that the open-ended working group be open to participation by all States Members of the United Nations and all members of specialized agencies that have observer status with the GA, -EU (source: RES 71/280, OP3) – Russia, US delete paragraph (prefer alternative proposals)]*

Facilitator's proposal (to replace OP1 and OP1a)

Decides to establish an ad hoc open-ended working group, under the auspices of the General Assembly, to identify possible challenges in the implementation of international environmental law and other environment related instruments with the input of the report of the Secretary General, and if found, to identify the scope, parameters, and elements of a Global Pact for the Environment with a view to, unless otherwise decided by the ad hoc open ended working group, negotiating such an international instrument preferably by 2020, in order to strengthen the implementation and improve the coherence of international environmental law and other environment related instruments,

Further decides that the ad hoc open-ended working group be open to participation by all States Members of the United Nations and all members of specialized agencies that have observer status with the General Assembly,

Canada, Switzerland, New Zealand, EU, Mexico, Norway: support civil society and major group participation in general.

[a).bis. Decides that the process to be followed by the open-ended [intergovernmental] working group shall be structured as follows:

I. Phase I (consultations): April 2018 to Feb 2019;

II. Phase II (stocktaking): March to April 2019;

III. Phase III (intergovernmental negotiations): May 2019 to preferably December 2020;

-Mexico, Switzerland (*based on OP14 of the Global Compact for Migration resolution*)]

[Pre.1.b). Decides that any options or approaches must not affect existing international agreements, including the rights and obligations of States Parties to those agreements, –US, Russia, Israel; EU delete paragraph; Mexico flexible]

[Pre.1.b).bis. Decides that costs associated with the open-ended working group shall be met from voluntary contributions, –US, Israel, Russia; Japan reserve]

b) Decides that the open-ended [intergovernmental – EU, Canada, NZ delete; Mexico flexible; Russia retain] working group shall meet [on X date(s) –US; EU delete] in [New York/Nairobi –G77; Russia revert; EU retain], [from 2018 [until [preferably –US delete; EU, Mexico retain] 2020 – Japan delete; EU, Mexico retain] – Mexico, Switzerland, G77 delete] [and for the consultations phase also in other relevant UN headquarters, including at least once in Nairobi and once in Geneva – Mexico, Switzerland; EU, Japan reserve; Russia revert] [decides its modality of work, taking into account the balance of universality and broader participation of all States, -G77; Russia revert];

[c) Requests the President of the General Assembly to appoint two [co-facilitators/co-chairs, one from a developing country and one from a developed country, –G77] to lead the [intergovernmental –EU, Canada delete; G77, Russia retain] consultations [and negotiations –US, Russia, G77, Japan delete] of the [open-ended intergovernmental –G77] working group [on issues related to the Global Pact for the Environment, -US, Russia, G77 delete] in regular [coordination and –Russia delete] consultation with all [Member –G77 delete; EU retain] States, regional groups, [and all relevant stakeholders, -G77 delete; EU, Canada, Switzerland retain] and underlines that the [consultations [and negotiations –US, Russia, Japan delete] /implementation of the present resolution –G77] must be open, transparent and inclusive [in order to promote and strengthen state’s ownership –G77]; - Israel reserve on paragraph] *EU: preference for “ad-hoc open-ended working group”*

[c).alt. Requests the President of the General Assembly to appoint two co-facilitators to lead the process, including the drafting of the zero draft of the Global Pact on the basis of the views and recommendations provided by Member States and by taking into account relevant inputs and substantive discussions in phases I and II, in regular coordination and consultation with all Member States, regional groups, and all relevant stakeholders, and underlines that the consultations and negotiations must be open, transparent and inclusive; - Mexico, Switzerland; US, Russia, Japan delete]

EU: important to retain emphasis on stakeholder participation and on “open, transparent and inclusive” in any version of the paragraph

d) Decides that the first meeting of the open-ended [intergovernmental –EU, NZ, Israel delete; Russia retain; Mexico flexible] working group will examine matters related to the organization of work [of the process – Mexico, Switzerland] among members of the group; G77 supports paragraph as originally drafted

e) Requests the Secretary General to arrange for support to be provided by the United Nations Environment Programme [based on voluntary contributions without prejudice to UNEP’s current voluntarily funded programmatic activities –US, Russia, Japan], including all necessary assistance for the performance of its work, secretariat services and the provision of essential background information and relevant documents [complemented by other relevant UN agencies, funds and programmes –G77];

EU: could consider alternative language that doesn't limit other sources of funding and include voluntary contributions

*[f] Also requests the United Nations Environment Programme to provide the necessary assistance [, **subject to the availability of voluntary contributions for this purpose, -US, Japan, Russia**] for [multistakeholders consultations –NZ clarify its interaction with the working group] in order to collect [input on the main elements of a Global Pact for the Environment /**inputs with regards to the initiatives provided in paragraph 1 –Russia, Japan /input relevant to the mandate of the working group –US; EU retain**]. –G77 delete paragraph; EU retain] *EU: open to consider a broader formulation that includes voluntary contributions**

[OP2. Recommends that the open-ended [intergovernmental –EU delete] working group conclude its work no later than 2020. -Russia, Japan, US, Israel, G77 delete paragraph]

[OP2.bis. Recognizes that the process indicated above should not undermine existing relevant legal instruments and frameworks and relevant global, regional and sectoral bodies; -G77, Mexico] (Source: OP3, 69/292)

[OP2.ter. Requests the Secretary-General to establish a special voluntary trust fund for the purpose of assisting developing countries, in particular, least developed countries, landlocked developing countries, small island developing States, African countries, middle income countries, [and countries and people under foreign occupation –US, Israel, Canana delete] in attending the meetings of the open-ended intergovernmental working group, in accordance with paragraph X above, and invites States, international financial institutions, donor agencies, intergovernmental organizations, non-governmental organizations and natural and juridical persons to make financial contributions to the voluntary trust fund. -G77; Israel reserve]