



Schweizerische Eidgenossenschaft
Confédération suisse
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Confederaziun svizra

Federal Department of the Environment,
Transport, Energy and Communications DETEC

Federal Office for the Environment FOEN
International Affairs Division

14.01.2019

Switzerland - General Statement (Agenda item 4)

Excellencies, dear colleagues. We would sincerely thank for the leadership of the co-chairs, and the opportunity we have been given to discuss the framework of international environment law. Thanks to Kenya for hosting and the Secretariat for preparing the report as a starting point for our discussions.

Switzerland has taken on a pragmatic approach for the work of this group and when considering the report by the Secretary General. A pact, we believe, must not be restricted to codifying principles, and a pact in that particular sense cannot be the sole solutions for the existing gaps.

Our comments can be grouped into the following four clusters.

First, no weakening of existing principles and assessing the consequences of a codification

- There could be a value in agreeing on up-to-date, ambitious and clear formulations of key principles.
- However, there is a risk that re-formulating principles may fall behind many of the well-established key principles of international environmental law, and any wording should also reflect newer evolutions.
- Further, there is a risk in codifying relatively new principles. The probability of establishing new principles that are robust and strong enough is relatively low.
- A retro-active codification and strengthening of principles could inhibit the engagement of delegations in future negotiations on the environment. We all know that certain agreements could only be reached thanks to some ambiguity in language.
- It must further be made clear what the relationship is between the outcome document of a Pact and the existing multilateral agreements.

Second, on the implementation of existing agreements

- An overarching Pact with principles would be a top down approach. However, experience has shown us that improving on the governance structures is needed for the gaps in implementation of MEAs.
- We are of the opinion that the implementation is generally working and the answers to specific gaps in implementation can be addresses by bottom up approaches, i.e. for example synergies among MEAs.

Third, potential value for International Environmental Governance in general, and UNEP in particular

- A pact could be an opportunity to put the “environment” in the spotlight of the global political agenda, by looking at international environmental governance in a broader sense.
- In order to create the political momentum and will, there is need for an appropriate “hook”, a commemoration to mark a milestone for international environmental governance. We see that in Stockholm+50 in 2022.

Forth, the Global Environmental Goals

- Hard-coded into the legally binding existing multilateral agreements are the Global Environmental Goals, now called the internationally agreed environmental goals. They have an intrinsic value, however, do not have the recognition they deserve to have. In contrast to the SDGs these goals are legally binding goals. Could there be an opportunity for the goals in a global pact?

In a nutshell, we believe that the gaps need to be addresses specifically, a pact on principles will not be the sole solution to address these gaps as these gaps primarily ask for better governance structures.

Switzerland continues to engage proactively in the discussions on this important matter.

Thank you.