

**Statement by the Republic of Zambia on behalf of the African Group on
the First Substantive Session of the Session of the ad-hoc Open-Ended
Working Group Established Pursuant to the General Assembly
Resolution 72/277 - “Towards a Global Pact for the Environment”**

14th January 2019

Co-Chairpersons,

Ambassadors, High Commissioners,

Distinguished Delegates, and Dear Colleagues,

I am honored to deliver this statement on behalf of the African Group and to welcome you to all to the only United Nations Head Quarters in the Africa.

The African Group align itself with the statement delivered by H.E. Ambassador Dina Mufti, Permanent Representative of the Federal Democratic Republic of Ethiopia on behalf of the Group of 77 and China.

Co-Chairpersons,

Indeed, the first substantive session of the ad-hoc open-ended working group, established pursuant to General Assembly resolution 72/277, entitled "towards a global pact for the Environment", and the report of the Secretary General on GAPs in international environmental law and environment-related instruments, are important and the Group reaffirm willingness to engage constructively in the process.

Co-Chairpersons,

The African Group notes the report of the Secretary-General. The report reviews and analyses the body of international law and environment law and related instruments as well as the governance structure and implementation of international environmental law, and identified gaps concerning - principles of international environment law, existing regulatory regimes, environment-related instruments, governance structure of international environmental law, and implementation and effectiveness of international environmental law.

The report identified important environmental principles. The report also indicated that principles such as no significant harm, due diligence, and duty to conduct an environmental impact assessment and obligation of reparation for environmental damage as parts of customary law, but selectively and disregarding the role of critical international declarations such as the United Nations Conference on Environment and Development and the United Nations Conference on Sustainable Development (Rio+20) in providing context for interpretation of these important principles and examination of the report itself. Besides, the report identified gaps concerning environmental principles including lack of clarity, lack of judicial consensus on applicability, lack of recognition in legally binding instruments, and the difference in the scope of application of these principles.

Accordingly, the report calls for a comprehensive and unifying international instrument that gathers all the principles of environmental law to provide

better harmonization, predictability, and certainty. The group also notes that the rationale for development of the Global pact is to have a comprehensive and unifying international instrument clarifying all the principles of international environmental law which would contribute to making the same more effective and strengthen their implementation.

In this connection, the African Group, though convinced about the existence of the aforementioned gaps, believes that the Report does not provide an adequate and genuine rationale behind the efficacy of the proposed comprehensive and unifying international instruments in addressing the gaps mentioned above. The report also disregards the unwanted or unforeseen constraints of umbrella instruments on the natural development of norms and principles.

Co-Chairpersons,

The report finds out that fragmentation and lack of coherence are challenging the international environmental legal regime. Also, a multiplicity of institutions with overlapping responsibilities and mandates including the United Nations systems, treaty-based institutions, and regional institutions affect the efficacy of the international environmental regime. Thus, better coordination or “cooperation” have been identified as possible remedies. Specifically, the coordination deficit is also observed within the United Nations system and among multilateral environmental agreements. In this regard, the African Group firmly believes that successful implementation of paragraph 88 of the United Nations Conference on

Sustainable Development (Rio+20) on consolidation of the headquarters function of United Nations Environment Program can play a central role in addressing the coordination challenges.

Co-Chairpersons,

The African Group notes the gaps and deficiencies observed in regulatory regimes; articulation between multilateral environmental agreements and environment-related instruments; the lack of international consensus concerning environmental principles; and inexistence of specialized environmental courts and tribunals.

Co-Chairpersons,

The report also finds out that the implementation of international environmental law remains low at both the domestic and global levels due to lack of appropriate national legislation, financial resource, environmentally sound technologies, and institutional capacities. In this regard, the African Group underlines the centrality of the Addis Ababa Action Agenda in addressing the implementation challenge for the Agenda clearly establishes a strong foundation to support the implementation of the 2030 Agenda for Sustainable Development through the provision of a new global framework for financing sustainable development by aligning all financing flows and policies with economic, social and environmental priorities.

Co-Chairpersons,

Regarding relevant stakeholders, the report indicated that their role needs to be enhanced. In this connection, the Group notes the importance of the participation of the relevant stakeholders, as appropriate. The Group reaffirms that principles of the Rio Declaration on Environment and Development, including, inter alia, the principle of “Common But Differentiated Responsibilities” and permanent sovereignty of states over their natural resources will continue to serve as the basis for developing countries to engage in this process.

Co-Chairpersons,

In conclusion, the African Group commends the decision by the General Assembly to bring the matter under deliberation to the United Nations Offices at Nairobi and looks forward to engaging constructively as this gathering addresses if the identified gaps create a necessary condition to develop possible options in international environmental law and environment-related instruments.

I thank you!