

## **WRITE UP: AFTERNOON; WEDNESDAY**

### **Chapter Five (Gaps related to governance structure of IEL): New Zealand**

questioned the view that an institutional framework with a heterogeneous set of actors is a “gap” in IEL in need of prescriptive universal governance, suggesting that the system is a response to complexity.

New Zealand, Canada, Japan, and Switzerland endorsed the benefits from coordination and synergies.

Norway, with Kenya, called for more clarity on the relationship between MEAs and the SDGs as a contribution to strengthening the environmental pillar, and committed to strengthening UNEP and the UN Environmental Assembly.

Colombia observed that UNEP had not yet realized its full mandate of coordinating all environmental initiatives in the UN system despite hopes it would become a global environmental authority. Nigeria said UNEA should remain the world’s highest decision-making body on the environment. Peru supported strengthening UNEP as well as other institutions, making recommendations to UNEA, and the recommendations in the UNSG report to address institutional fragmentation and weak coordination between treaties.

Australia supported Canada on the assertion that it is for parties to identify weaknesses in their MEAs, suggesting that there may be an information role for the AHWG.

Uganda said the report illustrated the complexity of established institutions and the limitations regarding implementation, enforcement and assigning liability for harm, but political will could not be regarded as a gap.

FSM said a global pact could both call for greater IEL governance synergies between institutions and consolidate a number of principles.

Bolivia underscored that difficulties in integrating environment and development are insufficiently addressed.

Senegal underscored that, to improve implementation of IEL, it is essential to strengthen states, especially LDCs.

The Basel Convention Secretariat, on behalf of the Secretariats of the Basel, Rotterdam, and Stockholm Conventions, outlined cooperation between the three conventions as well as with the Minamata Convention.

### **Chapter Six (Gaps relating to implementation and effectiveness of IEL):**

Burkina Faso noted that a global pact could help address gaps at state, regional and international levels and help bolster the binding nature of general principles of IEL, and the implementation role judges. He called for legal benchmarks to assess implementation.

Iran said any lack of effective implementation must firstly be evaluated at the national level, taking account of local priorities and resources.

DRC said most developing countries link implementation to financial mechanisms. Brazil also called for consideration of cooperation and additional resources to support implementation of the SDGs and MEAs. Switzerland suggested a comparison of challenges at national and subnational laws, given challenges associated with multiple MEAs. Australia said the report offered an inadequate picture of compliance and enforcement as many agreements have their own varied approaches to compliance regimes.

Guyana said that funding for implementation of IEL was 'disappointing' and 'unacceptable', and suggested, *inter alia*, a strong linkage treatment of Chapter V and VI.

China focused on definitional and operational issues related to liability and redress for transboundary environmental damage.

Bangladesh said that, from the viewpoint of an LDC, the lack of financing and capacity contributes to the existing gap between commitment and implementation.

Chad stressed the importance of access to justice and capacity building for implementation of IEL at the national level.

Morocco highlighted that technology transfer, transfer of know-how, and capacity building are necessary for implementation in developing countries.

Cameroon underscored the need for finance, and for training judges on IEL.

On liability and dispute settlement, Kenya pointed to numerous international courts and tribunals which may be used to resolve environment-related disputes.

Argentina said the chapter exceeds the UNSG's mandate to assess gaps, as it goes into issues which are only tangentially linked to legal issues.

The US said much more can be done at the national and local level to improve implementation of international environmental commitments, rather than at the international level, and disputed the report's assertion that funding for implementation remains insufficient, unpredictable, and incoherent.

Mali called for a focus on capacity building to bolster synergies between stakeholders and step up the involvement of non-state actors, and called for the deletion of references to absence of political will, throughout a French non-paper.

Saudi Arabia said implementation is always at national level, which is only possible through mobilizing finance.

The EU described the strengthening of implementation as the core of the UNGA resolution, requiring enabling policies and other measures. She asked that the Working Group not examine state liability and civil liability.

Egypt noted the role of unpredictable finance in hindering implementation; and called for consideration of reporting by developed countries on resource mobilisation and technology transfer.

With others, Egypt underlined the facilitative role of compliance mechanisms in international environmental law. Ecuador said the status of implementation or non-implementation is the sole responsibility of each state, with the role of international agencies limited to air pollution; and highlighted the absence of a reference to the liability of companies.

Maldives said the key gap in national implementation comes down to political will. Colombia highlighted the need for financial resources for implementation at the national level; and on dispute settlement described the chief difficulty due a lack of legal or arbitration mechanisms which can systematically resolve disputes.

Bolivia warned that the UNSG Spanish translation's is not a faithful one, that provisions of means of implementation is key to IEL, and that an international justice tribunal for environment and climate issues is needed.

FMS indicated that in the UNSG report, “due diligence” standard of care denotes an obligation of conduct and not of result, which is not sufficient to address transboundary environmental harm. Nigeria said that improved means of implementation in collective interest, and pointed to the historically greater responsibility of developed country in environmental degradation.

Catholic Youth Network for Environmental Sustainability in Africa stressed the importance of implementation of existing regimes and the need for global environmental legal cohesion.

Natural Justice called for recognising the interconnectedness of global environmental systems, and for ensuring effective compliance with IEL.

World Animal Net highlighted the need for funding to support civil society participation in the AHWG process.

