



THE PRESIDENT  
OF THE  
GENERAL ASSEMBLY

1 March 2019

Excellency,

I have the honour to transmit herewith a letter dated 28 February 2019, from H.E. Amal Mudallali, Permanent Representative of Lebanon and H.E. Francisco Duarte Lopes, Permanent Representative of Portugal, co-chairs of the ad hoc open-ended working group to consider options to address possible gaps in international environmental law and environmental related instruments, in accordance with General Assembly resolution 72/277 of 10 May 2018 entitled “Towards a Global Pact for the Environment”.

The letter includes a link to the co-chair’s summary of the first substantive session of the ad-hoc open-ended working group in January 2019, as well as guiding questions for the second substantive session, to be held from Monday, 18 March to Wednesday, 20 March 2019 at the United Nations Office in Nairobi.

Please accept, Excellency, the assurances of my highest consideration.

A handwritten signature in blue ink, reading "M. ESPINOSA", written in a stylized, cursive script.

Maria Fernanda Espinosa Garcés

All Permanent Representatives and  
Permanent Observers to the United Nations  
New York



28 February 2019

Excellencies,

We would like to refer to the second substantive session of the ad hoc open-ended working group that was established by General Assembly resolution 72/277 of 10 May 2018 entitled “Towards a Global Pact for the Environment”, that will hold its second session between Monday 18 March to Wednesday 20 March 2019 at the United Nations Office in Nairobi.

The working group was established under General Assembly resolution 72/277 to consider the report of the Secretary-General on possible gaps in international environmental law and environment-related instruments with a view to strengthening their implementation, and to discuss possible options to address possible gaps in international environmental law and environment-related instruments, as appropriate, and, if deemed necessary, the scope, parameters and feasibility of an international instrument, with a view to making recommendations, which may include the convening of an intergovernmental conference to adopt an international instrument, to the Assembly during the first half of 2019.

At its first substantive session in January 2019, the working group discussed, inter alia, the report of the Secretary-General (A/73/419) and the Co-Chairs’ summary of that session can be accessed on UN Environment’s website at: <https://www.unenvironment.org/events/conference/towards-global-pact-environment>.

As we previously indicated, the Co-Chairs have considered pertinent to develop elements to structure and guide the discussions at the next session under item 4 of the provision agenda entitled “Discussion of possible options to address possible gaps in international environmental law and environment-related instruments, as appropriate”.

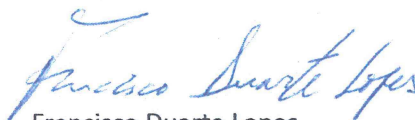
With that in mind, we attach a few guiding questions that we, as Co-Chairs, have generated with a view to further understanding the different positions held by delegations and allowing the working group to progress in its work. We would like to highlight that these questions are informed by both the elements that emerged during the first substantive session and those that were shared inter-sessionally, and speak to the issues that require further discussion.

We hope that you will find these questions useful and we look forward to seeing you at our second substantive session on 18 March 2019.

Please accept, Excellencies, the assurances of our highest consideration.



Amal Mudallali  
Ambassador and Permanent Representative of  
Lebanon to the United Nations



Francisco Duarte Lopes  
Ambassador and Permanent Representative of  
Portugal to the United Nations

## **Elements provided by the Co-Chairs to structure and guide the discussions at the second substantive session**

At the end of the first substantive session of the ad-hoc open-ended working group (the working group), which met in Nairobi from 14 to 18 January 2019, the Co-Chairs indicated that they would take into consideration all views expressed during that session, together with the inputs submitted during the intersessional period, to provide elements to structure and guide the discussions at the second substantive session, in particular under item 4 entitled “*Discussion of possible options to address possible gaps in international environmental law and environment-related instruments, as appropriate*”.

With a view to structuring and supporting the discussion, bearing in mind the mandate of the working group, the Co-Chairs are therefore offering guiding questions as set out below. In doing so, the Co-Chairs in no way suggest that there is already complete agreement between delegations on what are the gaps in international environmental law and environment-related instruments, on its nature, or on the need or opportunity to address them.

The following guiding questions are therefore meant to support and structure the debate, with a view to generating further understanding of the different positions held by delegations and allowing the working group to progress in its work. They are informed by both the elements that emerged during the first substantive session - and that were duly reflected in the oral summary presented by the Co-Chairs - as well as those that were shared intersessionally, and speak to the issues that the Co-Chairs believe require further discussion:

1. What options can be considered to address the possible gaps or challenges related to principles of international environmental law mentioned by delegations without duplicating nor undermining existing law and ongoing efforts/processes? What would be the objective of such options? What methodology should be used to develop them?
2. What options can be considered to address gaps related to the governance structure of international environmental law, including challenges in coordination and mutual supportiveness as well as risks of incoherence highlighted by delegations?
3. What options can be considered to addressing gaps or challenges relating to the implementation of existing rules and principles of international environmental law?
4. What options can be considered to address possible gaps related to specific regulatory regimes or environment-related instruments with a view to strengthening the implementation of international environmental law?