

EU and Member States' amendment proposals based on the

Co-Chairs' non-paper - Draft elements of recommendations to the seventy-third session of the General Assembly of 25 April 2019

EU Comment

The EU suggests the following structure for recommendations of the ad hoc open-ended working group:

- Part I: Substance

This would contain 3 sections:

1. Guiding parameters (*now entitled I. Elements related to the objectives*)
2. Substance to be addressed by further work
3. Substance for immediate action by the UNGA

- Part II: Process

The rationale for this proposal is that the EU believes all elements in the current Part I and II of the Co-Chairs non-paper reflect substantive issues that should be taken into account in the further work. Furthermore, those recommendations, which are to be addressed by UNGA directly were grouped together in 3).

EU amendments

In accordance with operational paragraph 2 of the United Nations General Assembly resolution 72/177 'Towards a Global Pact', the ad hoc open-ended working group established under the said resolution submits the following recommendations to the United Nations General Assembly:

Part I) Elements related to the objectives informing the recommendations of the ad hoc open-ended working group Substance

1) The recommendations shall: Guiding Parameters

The ad hoc open-ended working group recommends that further work towards the final outcome shall be guided by the following parameters:

- ~~reinforce~~ **enhance** the protection of the environment for present and future generations **including by raising environmental issues to higher levels on international and domestic political agendas**
- uphold existing obligations and commitments under international environmental law
- **not undermine existing relevant legal instruments and frameworks and relevant global, regional and sectoral bodies** (*not changed but moved up*)
- contribute to the strengthening of implementation of international environmental law and environment-related instruments
- support the full implementation of the 2030 Agenda for Sustainable Development **and the outcome of the UN Conference on Environment and Development (Rio+20), in particular Chapter C, including its Paras 88 and 89,**

- ~~not undermine existing relevant legal instruments and frameworks and relevant global, regional and sectoral bodies~~
- **NEW contribute to enabling swift actions on a global level in areas not sufficiently addressed by the international community.**

2)H) Elements related to the substantive recommendations of the ad hoc open-ended working group Substance to be addressed by further work

The working group ~~is to~~ recommends to the General Assembly that it: **further work builds on, but is not limited to, the substantive outcomes of the work of the working group, in particular by:**

- catalyzes *Calling for* efforts at all levels to strengthen the implementation of international environmental law and environment-related instruments, including through accelerating **enhancing political awareness and by promoting** the mobilization of the necessary means of implementation **all types of resources from all sources, including public, private and other,** consistent with the Addis Ababa Action Agenda;
- ~~promotes further work on~~ **discussing** principles of international environmental law with a view to strengthening the implementation of international environmental law and environment-related instruments, **for example by exploring ways to express that States are committed to follow principles of international environmental law in the formulation and implementation of domestic policy, and by considering emerging principles as appropriate, recalling that each principle of international environmental law must be considered on its own merit, taking into account its history and context.**
- ~~invites~~ **ing** the governing bodies of the Multilateral Environment Agreements, while preserving their independence **and respective mandates,** to **actively pursue policy coherence across environmental instruments at all relevant levels and to consider identifying and addressing** implementation challenges in their regimes, with a view to strengthening implementation at the national and international levels
- ~~fosters~~ **ings** increased cooperation and coordination among the governing bodies and secretariats of Multilateral Environment Agreements, as well as between them and governing bodies and secretariats of other environment-related instruments, **taking into consideration the work already done, in particular within the chemicals/waste conventions cluster as well as among the biodiversity-related conventions**
- **NEW: inviting the scientific community to enhance work on interconnected and crosscutting issues by sharing information among the leading scientific bodies that support the work of multilateral environmental agreements and environmental processes, and enhancing cooperation among them**
- ~~promotes~~ **inges** increased efforts to streamline the reporting and/or monitoring processes of Multilateral Environment Agreements and scientific bodies, **by promoting better availability of information on implementation and compliance without creating additional burdens and** ~~as well as~~ **inviting** increased sharing of information between them, **as well as,** ~~and for~~ joint reporting, as and when appropriate
- ~~encourages~~ **ing** Member States that have not done so to ratify Multilateral Environment Agreements and effectively implement them
- **NEW: Encouraging Parties to Multilateral Environment Agreements, to meet reporting requirements and effectively use implementation and compliance**

mechanisms:

- encourages Member States to strengthen regulatory frameworks at the national level, expertise in national administrations as well as the capacity of the judiciary to apply international environmental law
- **NEW encouraging Member States to mainstream environment into sectoral policies and programs, including into national development and sustainable development plans, to enhance the implementation of international environmental law and related instruments.**
- encouraging Member States and other relevant actors, to promote active and meaningful stakeholder engagement of all stakeholders at all levels, including civil society, experts from the scientific community, business, cities, indigenous peoples and local communities, and women and youth, in the different *fora* related to the implementation of international environmental law and environment-related instruments
- **NEW encouraging Member states and other relevant actors to give special attention to the protection of human rights defenders addressing environmental matters;**
- **NEW Encouraging Member States, all relevant organisations, and the private sector, in particular the financial sector and development banks, to facilitate investments and finance flows that support and do not run counter to environmental objectives, as well as funding for environmentally sound initiatives**
- explores further ways for Member States to support and make full use of the Fifth Programme for the Development and Periodic Review of Environmental Law (Montevideo Programme V) adopted by the fourth session of the United Nations Environment Assembly, in order to foster the environmental rule of law and advance the implementation of environmental law at all levels
- **NEW encouraging the consideration of global environmental issues that are not sufficiently addressed, such as soil protection, global environmental consequences of consumption patterns**
- **NEW calling for swift actions on, in particular, the sound management of chemicals and waste, marine litter and microplastics, and pharmaceutical pollution and antimicrobial resistance.**

NEW 3) Substance for immediate action by the UNGA

The ad hoc open-ended working group recommends that the United Nations General Assembly:

- **NEW: Invites UNEA to consult relevant MEA Secretariats in the preparations for UNEA to enhance interaction and involvement by the relevant MEAs and ensure coherence with the MEA decision-making processes**
- encourages requests the United Nations Environment Programme, as Chair of the Environment Management Group (EMG) and in collaboration with the members of the Group, to strengthen system-wide inter-agency coordination related to issues in the field of environment and human settlement through the follow-up on the options identified in the System-Wide Framework of Strategies, to develop UN system-wide strategies on how they could best support Member States in the integration and implementation of international environmental law, as appropriate and to call for active

involvement and support, politically, financially and in-kind, of all the EMG members, in particular through the UN Chief Executive Board;

- NEW Fosters increased mainstreaming of environmental considerations in other sectors and in interrelated processes, both nationally and globally, through the relevant sectoral UN coordination mechanisms, including UN Oceans, UN Water and UN Energy, as well as the coordinated efforts of the UN system at national level;

Part II III) Elements related to the Pprocess

~~• In order to support the abovementioned substantive recommendations,~~ The working group is also to recommends to the General Assembly ~~that it~~

- NEW to initiate further work by adopting a resolution, which
 - considers the adoption of an international instrument, whose status remains to be defined, at a high-level United Nations conference, at the level of Heads of State or government no later than 2021, with a view to strengthening the implementation of international environmental law;
 - establishes a calls for organising one preparatory committee meeting, prior to holding the said Conference, to make substantive recommendations to the said Conference, the General Assembly during the first half of 2020 on elements of an international instrument, including on its nature, scope and parameters;
 - NEW requests in the next stage to build on, but not be limited to, the work of the ad hoc open-ended working group established under United Nations General Assembly resolution 72/277, as reflected in Part I above, the oral summaries of its Co-chairs, and the public statements and positions submitted by its participants and observers;
 - determines a specific timeline by which the negotiations would take place and reach a conclusion;
 - establishes that the negotiations are to be open to all Members States of the United Nations; members of specialized agencies and parties to the Multilateral Environment Agreements, with others invited as observers in accordance with past practice of the United Nations.
- NEW in a resolution to address recommendations directed at the UN system in Part I.3) above and to call for action on urgent issues as identified in Part I.2) above, where swift actions on a global level are urgently needed to support ongoing efforts or in areas which are not sufficiently addressed.