



ON DRAFT ELEMENTS OF RECOMMENDATIONS TO STRENGTHEN
IMPLEMENTATION OF INTERNATIONAL ENVIRONMENTAL LAW UNDER
RESOLUTION 72/277 “TOWARDS A GLOBAL PACT FOR THE ENVIRONMENT”

Submitted on behalf of the

INTERNATIONAL COUNCIL OF ENVIRONMENTAL LAW (ICEL)
FOR CONSIDERATION IN THE 2019 NAIROBI CONSULTATIONS - 20 MAY 2019

This Note is submitted to the Co-Chairs of the Ad Hoc Open Ended-Working Group (OEWG) established by General Assembly Resolution 72/277. Its purpose is to give input on the Co-Chair’s draft elements of recommendations.

ICEL urges the OEWG to submit concrete recommendations to the General Assembly to answer the 2 key questions underlying these consultations.

The first question relates to both the objectives and to the substantive recommendations of the OEWG, points I and II in the draft elements of recommendations:

What overarching recommendation emerges to advance the implementation of environmental law? The answer is an enhanced framework of cooperation to strengthen environmental law, both at the international and domestic levels, making full use and providing an endowment of the Montevideo Programme V to foster the environmental rule of law and advance the implementation of environmental law at all levels.

The second question relates to the process, point III in the draft elements of recommendations:

How can it be achieved? In this respect, the foundation has been laid for the OEWG to recommend that the General Assembly take immediate actions based on the recommendations outlined in sections I and II of the draft elements of recommendations, and to initiate a two-year review process to develop precise actions to address the challenges, leading to the adoption of an enhanced framework of cooperation to strengthen the implementation of international environmental law and sustainable development by 2022 for the 50th anniversary of the Stockholm Declaration and the creation of UNEP. Such a timeframe for a new global declaration would also be timely for the mid-term review of the Sustainable Development Goals (SDGs) and the 2030 Sustainable Development Agenda. Consideration of convening an intergovernmental conference to address these issues is clearly within the mandate of the OEWG set forth in operative paragraph 2 of Resolution 72/277.

This is ICEL's fifth submission for consideration in the process launched by Resolution 72/277, to follow-up on the initial Note of 10 December 2018 on the Report of the Secretary-General entitled "Gaps in international environmental law and environment-related instruments: towards a global pact for the environment" (A/73/419), a second Note on the agreed principles that provide a foundation for restating a common aspiration and global vision for sustaining Earth's shared biosphere, dated 10 January 2019, a third Note on options to address gaps under Resolution 72/277, and a fourth note on elements for draft recommendations, dated April 12, 2019.

The ICEL Notes may be accessed on the website of the Law Library at the Elisabeth Haub School of Law, New York (<https://libraryguides.law.pace.edu/icel>), see also, <http://icel.international>.

Since 1969, when it was established in New Delhi, the International Council of Environmental Law has advanced knowledge on international environmental law and the legal foundations for sustainable development. As an international non-governmental organization accredited to the UN Economic and Social Council since 1973, ICEL has shared its expertise with ECOSOC, UN Members States, and international organizations. ICEL's members are senior environmental law experts drawn from all of the UN regions and all legal traditions: civil law, common law, socialist law, Islamic law, and customary law.

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