

## **U.S. Statement regarding Group II on Means of Implementation and CBDR**

The United States is strongly committed to international development. We continue to be world's largest provider of ODA disbursements, with an estimated \$33.9 billion provided in 2019. Our goal in doing so help countries in need grow to the point where they no longer require our assistance to sustain development progress for their peoples. These efforts to advance development and increase self-reliance worldwide requires close collaboration with donor governments, multilateral partners, the private sector, and recipient countries.

The need for this sort of multi-stakeholder approach is well established in UNEP and in Member State governments, and any discussion of the implementation of international environmental law should be founded on it.

We disagree that the purpose of this declaration is simply to secure additional funding. UN General Assembly resolution 73/333 annex paragraph 7 focuses on "renewed efforts at all levels to enhance the implementation of existing obligations and commitments under international environmental law." There is no mandate to "actionize" the subsequent recognition of "the importance of enhanced ambition." Neither last year's working group nor the General Assembly agreed that any party would commit to enhanced ambition.

Some delegations erroneously claimed that UNGA resolution 73/333 established that there is an "operational gap" that can only be addressed through increased assistance. What many countries choose to ignore, while asking for more resources, is their national responsibility to implement existing laws. UNEP's own 2019 Environmental Rule of Law Global Report found that the number of environmental laws have increased 38-fold since 1972 but national implementation and enforcement remains weak. Factors cited in weak implementation include poor coordination across government agencies, weak institutional capacity, poor access to information, corruption, and limited civil society engagement. Simply focusing on more resources is a convenient way for some countries to shift blame rather than recognize their own responsibility to take action.

We must also clearly recognize UNEP's mandate and capacity. Calls for additional reports or the establishment of new trust funds not established in UNEP's Program of Work are not appropriate for the proposed political declaration. Similarly, calls for UNEP to assert influence over legally independent conventions or initiatives, whether normative, operational, or financial, are not acceptable.

Despite the issues, the United States noted with interest the good faith efforts by a number of delegations to outline how Member States might work through the Montevideo Program and technical reports such as GEO-7 to improve the development and implementation of environmental law. Similarly, we see significant value in the focus on UNEP's role as a hub for key environmental information, and in the recognition of the vital role that civil society plays in the implementation of environmental law, both in domestic decisionmaking and in international processes such as this one.

Finally, Some delegations have claimed that the principle of common but differentiated responsibilities (CBDR) must be reflected in the proposed declaration. This is precisely the sort

of extraneous and politically contentious issue that nearly derailed the working group process last year, and reinforced our belief that we are unlikely to achieve consensus here by reopening agreed recommendations.

To be clear, the United States will not accept references to CBDR as the basis for a document that should be focused on the implementation of international environmental law. The interpretation of the concept as requiring a bifurcated approach to assistance no longer reflects global reality. Times have changed, and questions of international assistance should focus on those countries truly in need.

~~We further disagree with that the purpose of this declaration is simply to secure additional funding. UN General Assembly resolution 73/333 annex paragraph 7 focuses on "renewed efforts at all levels to enhance the implementation of existing obligations and commitments under international environmental law." There is no mandate to "actionize" the subsequent recognition of "the importance of enhanced ambition." Neither last year's working group nor the General Assembly agreed that any party would commit to enhanced ambition.~~

~~Finally, some delegations erroneously claimed that UNGA resolution 73/333 established that there is an "operational gap" that can only be addressed through increased assistance. What many countries choose to ignore, while asking for more resources, is their national responsibility to implement existing laws. UNEP's own 2019 Environmental Rule of Law Global Report found that environmental laws have increased 38x since 1972 but national implementation and enforcement remains weak. Factors cited in weak implementation include poor coordination across government agencies, weak institutional capacity, poor access to information, corruption, and limited civil society engagement. Simply focusing on more resources is a convenient way for some countries to shift blame rather than recognize their own responsibility to take action. This is flatly incorrect. The working group recommendations did not recognize any gaps, because Member States proved unable to identify the problem that the recommendations are meant to address. This fundamental flaw cannot be glossed over or ignored.~~

~~Despite this deficit, the United States notes with interest the good faith efforts by a number of delegations to outline how Member States might work through the Montevideo Program and technical reports such as GEO-7 to improve the development and implementation of environmental law. Similarly, we see significant value in the focus on UNEP's role as a hub for key environmental information, and in the recognition of the vital role that civil society plays in the implementation of environmental law, both in domestic decisionmaking and in international processes such as this one.~~