

CANADA'S INTERVENTIONS at the 1st UNEP Informal Substantive Consultation on Resolution 73/333

(21-22 July,2020)

Introductory Statement (21 July)

Canada thanks the co-facilitators for preparing the documents in front of us today.

As we have expressed in the ad-hoc open-ended working group last year, Canada is a strong partner in the promotion of international environmental governance and the implementation of international environmental law. Canada supports strengthening of the international environmental architecture in a manner that is effective and efficient given competing priorities and the limited resources of the international community. That includes a more effective implementation of existing environmental commitments.

We are here today because of UNGA Resolution 73/333 and it is important to recall our mandate noting that there is an existing legal framework including MEAs that defines global environment governance as well as ongoing and pertinent legal processes such as the Montevideo Programme. As we forward in our work to support more effective implementation of environmental law at all levels, we should also keep in mind the importance of not undermining the existing framework and these processes for global environmental governance.

In this context, Canada sees the recommendations as potentially playing a role in the development of UNEP's programme of work and as a resource for Member States in their development of resolutions for UNEA.

In turn, we agree as has been expressed by other Member States that it is very fair to say that we should avoid reopening carefully negotiated language for the recommendations.

In concluding, we are looking forward to working with you to see how the recommendations can usefully inform the development of a political declaration. Those recommendations were carefully produced, and we should be cautious about potentially reopening them as we move forward working together.

On the question of Means of Implementation (2nd topic of discussion, 22 July):

Canada welcomes some of the useful comments, in particular those highlighting the existing mechanisms we have at our disposal for means of implementation, including those beyond funding.

We welcome Malawi's emphasis on mainstreaming environment in national contexts. As well, the importance of coordination cannot be stressed enough.

Regarding other comments on principles, we caution not to reopen debates members states had earlier that would not meet unanimity.

On the question of Environmental Rule of Law (3rd topic of discussion, 22 July):

The phrase “principles of international environmental law” can be confusing and some may see it as meaning we are discussing legally binding principles.

It is important to be clear that not every environmental principle constitutes something that is legally binding.

While some environmental principles may now be part of customary international law, it is not clear that any environmental principles could be characterized as “principles of general international law”, one of the sources of international law identified in the Statute of the International Court of Justice as in (Article 38(1)(c)).

Environmental principles can be helpful in enhancing States’ implementation of international environmental law. They can serve as a resource for States when determining how, within their own context, to implement their international environmental obligations.

We note that the discussions of the ad hoc open-ended working group on environmental principles demonstrated there are many different views regarding what is an environmental principle and whether or not particular principles were principles of international law. In our view, we should be mindful not to reopen those discussions in the context of developing the political declaration.

We could envisage the Montevideo programme potentially collecting examples of how States have used environmental principles to support the development of national environmental legislation. This could be produced as a tool providing a kit of best practices, supporting other states in their efforts to implement obligations.