

Co-Facilitator's summary

First workshop on implementation of General Assembly resolution 73/333

9 June 2021

1. The meeting was opened by H.E. Ms. Saqlain Syedah, Vice Chair of the Committee of Permanent Representatives, High Commissioner and Permanent Representative of Pakistan.
2. Mr. Arnold Kreilhuber, Acting Director of the Law Division of UNEP, provided opening remarks, indicating that this process under resolution 73/333 is fundamental as environmental governance is a key driver for the achievement of sustainable development.
3. Ms. Maria Ivanova, an Associate Professor of Global Governance, Director of the Center for Governance and Sustainability of the John W. McCormack Graduate School of Policy and Global Studies, of the University of Massachusetts, and author of the book "The Untold Story of the World's Leading Environmental Institution: UNEP at Fifty", shared with the meeting her reflections on the relevance of the Political Declaration mandated by resolution 73/333. Among others, Ms. Ivanova
 - Invited delegates to view UNEP as a unifier and a collaborator that fosters collaboration across issues, sectors, and institutions. A unifier because is the only UN agency that is in authority, i.e. the legal mandate, for the environment in its entirety. Its purpose is to coordinate a common response.
 - Argued that UNEP must be seen as a resource that makes other agencies more efficient. Second, as a collaborator, UNEP could help governments with information that they need and inform their decisions. UNEP should put together a dynamic online platform to which environment ministries come and learn how issues interconnect. UNEA, as a universal body must be the place where issues are raised, and lasting coalitions are created.
 - Gave one example for future discussions in the meeting. Her team created the Environmental Conventions Index and has discovered a positive counterintuitive story: developing countries, are fulfilling many obligations that they have agreed to. The main obstacles identified by African countries have been training and technical capacities and number three is financing. So, when discussing implementation there is potential to see how they are champions and find a way for countries to learn from each other.
 - Indicated that institutions to be effective need to be in authority and on authority. In authority is to have the legal mandate to do something, i.e. to be the environmental conscious of the world. UNEP needs to become the authority "on" the environment.
 - Urged participants to take the legal authority and to become the authority on the environment.
 - She finalized her presentation indicating that next year presents an occasion to commemorate and to be more ambitious but also more pragmatic.
4. In the ensuing dialogue between Ms. Ivanova and participants, delegations who took the floor, inter alia:
 - Asked for the role of UNEP as a goal standard for engaging with non-governmental actors.

- Indicated that they see the political declaration mandated by resolution 73/333 as a package of goals, targets, a strong monitoring system, indicators, and means of implementation.
- Asked for practical ways to boost intergovernmental negotiation processes.
- Provided an example of promoting compliance with MEAs in a constructive, positive manner.
- Highlighted UNEP as one of the only two UN organizations with headquarters in a developing country.

5. H.E. Ms. Saqlain Syedah thanked Ms. Ivanova for her presentation.

6. H.E. Mr. Ado Lohmus, Permanent Representative of Estonia moved to the second part of the workshop, referring to the guiding questions presented in the concept note. The first question was 'What could be the role and added value of the political declaration as one of the outcomes of UNEP@50?' As it was an informal workshop, there was no specific order for participants to contribute. Mr. Lohmus opened the floor.
7. One Member State emphasized the need to finish this mandate by the end of UNEA-5.2, considering that UNEP@50 could be the place to adopt the declaration. However, it requested clarification regarding when and where the Co-Facilitators anticipate formal negotiations on the declaration will take place, and when the Co-Facilitators foresee the General Assembly will consider the event where the declaration will be adopted.
8. One Member State indicated that the added value of the declaration is the call for renewed efforts at all levels to enhance implementation of existing obligations and commitments under international environmental law, in particular stressing the importance to enhance ambition of means of implementation. Ambition should be promoted, taking into account national circumstances and capabilities. The declaration should renew international commitment to the common but differentiated responsibility principle.
9. One Member State was of the view that one of the main obstacles for a coherent and efficient implementation of international environmental law is the lack of clarity about which are the applicable principles, their content and scope. Resolution 73/333 must be an opportunity to reaffirm a commitment to sustainable development, a healthy environment, and the fight against the environmental crisis. It must also contribute to enhance environmental governance and to provide further clarity on the principles of international environmental law necessary to provide its effective implementation, having into consideration national capacities. The declaration should contribute to a clear understanding of principles of international environmental law, as well as supporting the role and mandate of UNEP and its bodies.
10. One member of Specialized Agencies indicated its support to a declaration that would be positive and ambitious, which should be shorter, more streamlined, balanced and more action oriented. The delegate further highlighted as points of importance for the declaration to streamline the environment in all UN bodies, access to information, public participation, and access to justice in environmental matters. The delegate advised against referring to specific principles in the declaration. Regarding question one, the delegate indicated that UNEP@50 commemorative event would be an ideal opportunity to adopt the declaration with ambition to strengthen environmental law and governance as well as to reinforce UNEP and its headquarters. Such approach will result in major outcomes both at UNEA 5.2 and also at the special session of UNEA

and will complement each other to increase coherence of political messages, avoiding unnecessary duplications.

11. One Member State was of the view that whether or not the declaration should be adopted in UNEP@50 is a decision by the General Assembly. UNEA-5.1 invited the General Assembly to take this decision, and in doing so, invited the General Assembly to consider UNEP@50 as the occasion to adopt the declaration. The delegate expressed support for the declaration to be adopted as an outcome of the special session of UNEA.
12. One Member State indicated that the declaration should aim to be ambitious and progressive by living up to commitments and obligations already existing under MEAs but particularly towards the means of implementation. The delegate further emphasized the importance of the science-policy interface focused on promoting policy coherence across environmental instruments. The declaration should strengthen the role of UNEP and focus on the implementation of the 2030 agenda. In the context of the pandemic, there is a need for additional means of implementation to support the efforts of developing countries. UNEP, without interfering in the independent nature of MEAs or their mandates, should work in a creative and progressive way to better coordinate the environmental work and identify synergies. Finally, she indicated that it is critical to encourage Member States to mainstream the environment into sectoral policies and programmes, recognizing national circumstances.
13. One Member State requested the Co-Facilitators to ask UNON when the UNON complex will open, and highlighted that all substantive matters should be negotiated in person. Regarding the first question, the delegate favored a concise political document of broad nature, reaffirming the commitment of the international community to implement timely the global agenda. The major goal of the declaration is to reconfirm the leadership of UNEP in environmental issues, to progressively consolidate UNEP headquarters in Nairobi, and to commemorate UNEP's achievements. The delegate indicated that there is no need to overload the declaration with more specific actions and commitments on how to further strengthen UNEP, environmental law and environmental governance, because to fulfil the recommendations of resolution 73/333 more productively there are means, commitments and frameworks within existing resolutions of the governing bodies of UNEP and MEAs.
14. One Member State considered that the declaration should be kept within the scope of resolution 73/333 and not re open what has been discussed previously. The declaration can be valuable by being committed from a high level to ensure implementation of international environmental laws and strengthening international environmental governance with words incorporated from and within the recommendations of the resolution. The delegate expressed to be in favor of adopting the declaration at UNEP@50.
15. One Member State considered that the declaration should be concluded at the commemoration of the creation of UNEP, which should emphasize the essential role of UNEP as an opportunity to strengthen the programme so it can better deliver its mandate.
16. Mr. Lohmus confirmed the informal nature of the workshops and informed that in September the General Assembly will consider the report of UNEA-5.1, including the possibility to adopt the declaration at UNEP@50. Mr. Lohmus confirmed that the Co-Facilitators are aware of sensitive issues and that the idea is to build consensus. Mr. Lohmus asked for comments for questions 2 and 3: 'What elements of the current draft building blocks for the declaration you cannot support?' and 'Which elements are outside the mandate of UNGA resolution 73/333? Which important elements are missing from the draft building blocks?'

17. Regarding question two, one Member State indicated its impossibility to set a part of its GDP. Regarding question three, the delegate indicated that to have an effective outcome according to the mandate of the resolution, a reference to the right to a healthy environment should be included as it will provide effective legal framework to address the three crisis of biodiversity lost, pollution and climate change, and their nexus with human health.
18. One Member of Specialized Agencies regarding question two indicated that certain elements of the draft building blocks go beyond the scope, e.g. the mention to percentage of GDP. The delegate expressed their support to dedicated external financial support, clarified that the GEF secretariat does not mobilize resources and requested this to be clarified in the future declaration. Regarding question three, the delegate indicated that some issues should be reinforced, such as linking the existing human rights into international agreed language; the purpose to address environmental degradation, biodiversity lost, climate change language should be strengthen; mainstreaming of the environment is not the task of UNEP alone and it should be done in collaboration with other UN bodies; adding protection, restoration and sustainable use was not clearly articulated it; references to women, indigenous peoples and local communities as well encouraging and supporting the full use of the Montevideo Programme; issue of the green recovery should be addressed.
19. One Member State indicated dissatisfaction with the mentions to percentage of GDP and the GEF in the draft building blocks. The delegate suggested the development of a financial mechanism, because the GEF is external. He further highlighted that the development of environmental law and governance cannot be achieved without equitable regional representation in the secretariats of UNEP, research bodies and MEAs. Further, he emphasized that protection of the environment should not be politized.
20. One Member State considered that there are a number of areas where the document goes further the recommendations and thus further the mandate given by the General Assembly, inter alia the inclusion of the reference to the “agreed principles of international environmental law” because such an established body of principles is not contained in any international agreed instrument, requesting removal of the phrase. Additionally, certain elements of the draft duplicate or undermine agreements or processes and create layers of unnecessary bureaucracy. The delegate requested change/removal of that drafting.
21. One Member State indicated that the declaration should address sustainable development in its three dimensions, in a balanced and integrated manner. It should be based on consensus, and new language proposals -such as green economy- not included in the recommendations should be avoided. Referring to question three, the delegate indicated that the substantive recommendations do not contain provisions on the specific role for UNEP in the context of trade nor on how national governments should explore the potential for domestic resources through policy reviews. The building blocks proposed expand on the subject of environmental financing in paragraphs 27-31. Any mention to innovative finance o private sector financing should be supplementary to the current finance structures under the existing frameworks and conventions.
22. One Member State highlighted that there is a lack of clarity on the scope of the declaration. If this is intended to ensure implementation, there is a question of what role a political declaration should play in that respect.
23. Mr. Ado Lohmus indicated that there are several Member States who have raised concern regarding the language used in the building blocks on collaboration between UNEP and MEAs. He indicated that when drafting the draft building blocks, Co-Facilitators have taken inspiration from paragraph 89 of The future we want, keeping in mind the independence of MEAs.
24. One Member State shared a number of specific areas where, in its view, the building blocks will not lead to consensus. The delegate indicated that he does not see space to further actionize the

recommendations and would prefer a more focus outcome from this process preferably at UNEP@50 which would be building on areas of consensus that emerged from 72/277. The delegate showed concern that the current draft proposes areas for which there is no consensus.

25. Mr. Ado Lohmus clarified that the draft building blocks shared by the Co-Facilitators is not the draft Political Declaration. Rather, it is a document based on the input received last year. The next step is to submit a zero draft of the Political Declaration.
26. One Member State suggested a declaration more focus and consistent with different realities, capacities, and level of development of each country. The mobilization of means of implementation towards developing countries, the realization of common but differentiated responsibilities of Member States, and access and transfer of technology should be contemplated. The delegate highlighted the difficulties arising from unilateral sanctions in the financial tools such as GEF.
27. One Member State expressed support for the draft, even though it envisaged a shorter and more concise text. The delegate made three points that covered questions two and three. First, honoring the coordinating role of UNEP is without prejudice of the legal framework of the MEAs. When talking about promoting synergies and coordination, language that takes this into consideration is needed. Second, the declaration should address unfulfilled commitments by developed countries in the context of MEAs. Third, the science-policy interface, a foundation mandate of UNEP, is not well funded. The delegate further indicated the importance to ensure in the declaration that it is inclusive in regional balance, transparent, and subject to verification by Member States.
28. Mr. Lohmus, regarding principles, reiterated that Co-Facilitators are building a consensus-based document and asked to move on leaving sensitive matters on a side. Regarding collaboration with MEAs and UNEP's function, Mr. Lohmus encouraged participants to read paragraphs 88 and 89 of the document The future we want. Mr. Lohmus further highlighted that all participants and the Co-Facilitators understand that the substantive recommendations and building blocks are serving UNEP@50 a strong outcome that can help delegates to frame better the Political Declaration. Mr. Lohmus moved to the final question: 'Should the Political Declaration include any follow-up action for Member States, Members of Specialized Agencies, the United Nations Environment Programme, the United Nations System and the Multilateral Environment Agreements?'
29. One Member State expressed to be in favor of a follow up mechanism. However, this would depend on the final decision on where the declaration will be adopted.
30. One Member of Specialized Agencies recognizing the non-binding nature of the declaration supported inclusion of follow up focused on the implementation aspects. UNEP could be mandated for this task on an agreed time frame.
31. One Member State showed flexibility to discuss the form, forum and time to a follow up meeting or work.
32. Several Member States were of the view that there is no mandate for a follow-up mechanism.
33. Mr. Lohmus invited participants to send written inputs and informed the meeting that the next workshop will be a 3- hour meeting and it will focus on governance. Mr. Lohmus thanked participants for their contributions and indicated that the aim of the workshop was to understand where there is consensus. He further highlighted that this is not an online negotiation but rather an exchange of views.
34. H.E. Ms. Saqlain Syedah thanked participants for the exchange of views.
35. The Co-Facilitators closed the meeting.