

**Third workshop on United Nations General Assembly resolution 73/333, entitled
“Follow-up to the report of the ad hoc open-ended working group established pursuant
to General Assembly resolution 72/277”**

Inputs from the European Union and its Member States (EU+MS)

General remarks

- *EU+MS welcome this third informal workshop dedicated to International Environmental Law and Accelerating and facilitating action and implementation at all levels and commend the work of the co-facilitators in steering the discussion under these rounds of workshops.*
- *As a general remark, we would like to see the political declaration galvanize further assistance to enhance the understanding and implementation of International Environmental Law, including through enhanced capacity building of national law-makers, judges and all relevant law enforcers and recognizing the role the Montevideo Programme could play.*
- *EU+MS suggest further balancing and streamlining the document, including these sections and restructure them considering the following:*
 - *We believe the section on International Environmental Law should also stress the importance of ensuring access to information, public participation in decision-making and access to justice in environmental matters.*
 - *Regarding ratification as it usually comes before implementation, we also suggest moving the reference from section on Accelerating and facilitating action and implementation to the International Environmental Law section.*
 - *Under the section Accelerating and facilitating action and implementation, the paragraphs relating to finance and Means of Implementation should be streamlined.*
 - *Furthermore, in our view the Montevideo Programme V should be further recognized and mentioned in the section on Accelerating and facilitating action and implementation, given its relevance to facilitate and accelerate implementation at all levels (e.g., with capacity-building, technical assistance and even financial support).*

- (i) Which building blocks under titles “Environmental law is essential for the protection of our planet” and “Accelerating and facilitating action and implementation at all levels” expand current mandates or fall outside the scope of resolution 73/333?
- ***Generally, EU+MS support most of the proposals under these sections of the Building Blocks. There are however certain elements, as highlighted during the first workshop, that go beyond the scope of this declaration, such as setting a target percentage from GDP by 2030 regarding financing. We agree with MS that call upon the co-facilitators to maintain within the scope of the recommendations set out in UNGA resolution 73/333.***
 - ***As previously indicated, when referencing to the GEF, it should be clarified that the GEF secretariat does not mobilise resources on its own, rather it is for the UNMS that constitute the membership of GEF to agree on the level of contribution in the regular replenishment processes of the GEF.***
- (ii) What are the benefits of international environmental law when it comes to protecting the environment?
- ***International Environmental Law is a key tool to protecting our environment. The lack of implementation of commitments accepted under International Environmental Law constitutes an important gap in environmental protection. In order to strengthen International Environmental Law and its benefits, we deem it important to:***
 - *Mainstreaming the environment in all relevant policy areas;*
 - *Encouraging ratification of MEAs;*
 - *Improving international, regional and national legal environmental frameworks;*
 - *Increasing the knowledge of the recognised principles and their application, hence the importance of the International Law Commission and its ongoing work on “General Principles of Law” and the possible role of the Montevideo Programme to support MS in these efforts.*
- (iii) What are the opportunities that exist for making full use of the Montevideo Environmental Law Programme in order to increase Member States' capacity building for implementing environmental law?
- ***On an international level, States should be encouraged to support and to make full use of the Montevideo Programme as well as the existing funding mechanisms established, e.g. by MEAs, GEF, and the Trust Fund for the Special Programme.***
 - ***In this regard, the new Montevideo Programme V has the potential to be a key frame to support MS by capacity building, expert information, and exchange of information on successful approaches to implementing international environmental law, including the recommendations of UNGA resolution 73/333.***

- *On a national level, we should reinforce references to strengthen institutional capacity-building and facilitate education and training in the field of environmental law, recognized principles of international environmental law, and of technical assistance.*
- (iv) What assessment tools, including environmental performance reviews, would help Member States in advancing the environmental agenda?
- *Some assessment systems already exist as is the case with implementation and compliance mechanisms under MEAs. Other examples can be found in the 2030 Agenda, OECD countries' environment policies and the EU.*
 - *It should be made clear if the assessment systems referred to under “Accelerating and facilitating action and implementation at all levels” are envisaged to be established by UNEP, or regionally/groups of states, nationally or other.*
- (v) How can Member States make optimal use of existing financial mechanisms and funds for implementing the international environmental law and improving the status of the global environment?
- *We consider financial resources to be essential for the implementation of International Environmental Law.*
 - *EU+MS suggest an integrated approach to financing should be applied including dedicated external financing, mainstreaming, and private sector/industry involvement and support.*
 - *Existing mechanisms should be used, to the extent possible, also in accordance with the Addis Ababa Agenda for Action.*
 - *Improved coordination in the UN system and other key financial institutions could contribute to leverage financing to help implementation, including from development banks and innovative financing schemes. In this regard, private finance can play an important role in complementing public finance efforts.*
 - *We propose to include a specific reference to green recovery from Covid-19 in connection with the means of implementation, in particular concerning green stimulus packages.*
 - *Furthermore, MS should consider working towards strengthening and making better use of the Montevideo Programme V, to support MS in the implementation of International Environmental Law.*
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