

Forging GA Resolution A/RES/73/333 into a Powerful Tool for the Implementation of Environmental Law

Introduction: Three Challenges and a Way Forward

1. GA Resolution A/RES/73/333 (73/333) points to a comprehensive way forward to uphold commitments made by UN Member States and its Specialized Agencies to strengthen the implementation of environmental law and agreements including the Multilateral Environmental Agreements and related instruments. At the same time, InforMEA (<http://www.informe.org>), the impressive Computer Portal overseen by UNEP, provides a dizzying amount of information on existing Multilateral Environmental Agreements (MEAs) and much more. This can become a critical tool in helping implement 73/333 with new computing skills and information added.

What is missing is a way forward for all those mentioned in the” Substantive recommendations” of Res A/RES/73/333 to enhance the implementation of international environmental law and the MEAs without them becoming overwhelmed and without their actions causing further fragmentation or actually undermining one another.

2. Due to the sense of overwhelm and the immensity and complexity of the task, *it is unlikely that UN Member States (MS) or even the governing bodies, secretariats or the leading technical and technological bodies that inform the work of the MEAs will make much headway if left to their own devices*, despite, or perhaps, because of the wealth of information provided by inforMEA; and the diversity and complexity of elements of the different MEAs.
3. In addition, *there has been and, during the Preparatory Committee Meeting One (prepcom 1) on the Ministerial Declaration (July 21-23, 2020), still was opposition to a Global Pact for the Environment, also because promised funding for so many of the MEAs has not been forthcoming.*

To move forward, the following are needed:

- A tool to help all concerned come to grips with the complexity of details; and
- Ways to motivate action on the part of all actors mentioned in 73/333 (6)-(18), as well as people everywhere who are critical to the effective implementation of environmental law.

Three initiatives, (Points I, II, III below) can help to increase the motivation of all actors mentioned in the Annex to 73/333 and promote the implementation of existing environmental law at all levels. Points IV. Coalition of the Willing and V. Financing look at how the need for consensus and financing which are usually stumbling blocks figure in this proposal.

I. Facilitate the process of creating coherence and mutual reinforcement between instruments of IEL and related agreements, using enhanced computing capacities of InforMEA, which is under the auspices of UNEP.

1. Enhancing InforMEA's capacity to distinguish both similarities and differences between both the ideational and structural aspects of instruments of international law will enable the computer to clarify where instruments can be streamlined and where gaps exist. This can be achieved using a Hackathon, whereby computer programmers and others involved in software development collaborate intensively on software projects.
2. Where inforMEA would bring out which general principles of International Law (IL) are present in each of the legal instruments, these can be made to create a connective foundation between the instruments of IEL, while fostering unity, synergy and goodwill, including on *common but differentiated responsibilities* (CBDR.) which is considered essential by many, if any headway is to be made.
3. InforMEA already arranges IEL according to the SDGs to which each instrument of IEL pertains. In this way, InforMEA enables the governing bodies, the secretariats and the associated scientists, technical and technological experts of legal instruments UN Specialized Agencies and Governments to focus their streamlining of instruments of IEL around those that relate to a particular SDG and close the gaps between them, without forfeiting their individual characteristics. By focusing their work on instruments of IEL according to individual or clusters of SDGs, they will be working on the achievement of 73/333 concurrently with the SDGs, which is an added incentive to succeed.
4. Using InformMEA would be facilitated the more user-friendly it can be made; especially if there would be a team of service professionals available to help those wanting to use this complex and awesome tool.

II. A Day on the Implementation of Environmental Law and Montevideo V, which is to be implemented under the auspices of UNEP

(To expand global participation in learning about and implementing environmental law, and to motivate governments to place it high on their agenda.)

A Day of Implementation of Environmental Law and Montevideo V, to be implemented under the auspices of UNEP, called "Day of Action for Environmental Law" to expand global participation in the learning and implementation of environmental law, and to motivate governments to place it high on their agenda and to work more closely with civil society and other States.

To increase the effectiveness of Montevideo V and respond to requests by numerous UN States, UNEP can offer courses in IEL. In this respect, they might build on what is already being offered

by many well-known universities where internet learning already is offered to 1000s of students for free. As more international lawyers are trained, these can offer courses via the Internet in their national languages. More experiences and different cultural perspectives to exchange, generates an environment of inclusion, encouraging the implementation of the SDGs

To further encourage widespread action in the area of IEL, especially by the grassroots which are largely responsible for its implementation, a *Day on the Implementation of Environmental Law (Day)*, could take place each year, commemorating the adoption of Montevideo V and would therefore fall during the annual UN Environmental Assembly.

That *Day* would be dedicated among other things to bestowing awards for best practices “Promoting and Implementing Environmental Law.” These awards would be bestowed on Governments, UN Specialized Agencies, governing bodies, secretariats and associated experts of any of the MEAs, as well as Individuals and groups from diverse parts of society (coinciding perhaps with the categories of the present 9 Major Groups of the UN, although the winners need not be a member of these). The awards would be given for innovative and particularly effective ways of promoting the implementation of Environmental Law from local to global levels. Best practices can be added to InforMEA. These would constantly increase its usefulness and also its use by people worldwide.

This would have the following advantages:

- All above groups as well as people at the grass roots are critical as implementers of environmental law. The more diverse groups and individuals participate in the *Day on the Implementation of Environmental Law*, the more effective implementation will become.
- Involving such disparate groups will promote “thinking outside of the box” and ideas that can be up-or downscaled, increase the influence of sustainable laws as practiced by Indigenous Peoples, and further empower children and youth to champion the importance of environmental actions;
- To the degree an enhanced InforMEA can actually be used to connect and streamline instruments of IEL and build a foundation of general principles of International Law between them, it is actually contributing to the strengthening and implementation of international environmental law.
- Increasing the number of people and groups involved in implementing environmental law from local to global levels will progressively increase the cumulative effectiveness.

III. Voluntary National Reviews, which would be organized by UNEP

(To motivate governments to place IEL high on their Agenda)

During the UNEA each year, UNMS would be encouraged to hold Voluntary National Reviews (VNRs) stating progress made both in ratifying and implementing Environmental Law, also showcasing achievements of their civil society, including those actions undertaken for the Day on Implementing Environmental Law. These would align efforts by governments and people, while Member States encourage one another to participate, as happens at the UN’s High Level Political

Forum (HLPF) where approximately ¼ of all Nations present a VNR each year. Nations can encourage one another to further progress by holding inter-vision sessions throughout the year.

IV Coalition of the Willing

To allow the process to proceed while the combined pressures from Nature and peoples lead to governments joining the coalition.

All the above would be undertaken on a purely voluntary basis by what would become a coalition of the willing. This would grow as Governments follow the productive examples of their peers, some inspired by the enthusiasm of their peoples; and/or are driven by the repercussions of escalating environment-related problems.

V. Financing would be on a voluntary basis and manageable given the existence of InforMEA, as agreed in 73/333

Given that the additional costs are relatively low, it is unlikely that this will not be a stumbling block.

To implement the above, the following financing would be necessary:

- The costs of holding a Hackathon (which usually lasts a day);
- Costs of service personnel to facilitate access by people worldwide. A number from each country can be trained by UNEP using online courses. These can each train people in their national languages to help people in different regions and languages. This will progress as the digital divide is closed.
- The cost of some 20 awards as prizes to be bestowed on the Day for the Implementation of Environmental Law.

The above is offered by members of the UNEP NGO MG with the following NGOs that have asked to be mentioned as special endorsing organizations:

ACOBEPPE, All Win Network, Amis des Étrangers au Togo, Association of World Citizens, At Emony Yefwe, internationalCommons Cluster of the UN NGO Major Group, Edfu Foundation Inc, Evergreen Club of Ghana, Global Socio-economic and Financial Evolution Network (GSFEN), Human Rights Sanrakshan Sansthaa, Institute for Planetary Synthesis, Motivating the Implementation of Environmental Law. National Campaign for Sustainable Development Nepal, Regional Centre for International Development Cooperation (RCIDC), Literacy Shelter Welfare Rawalpindi cant., We, The World , YOTAN-Partner for Social Accountability from Liberia, west Africa.

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