

Statement by INDIA at Second Substantive Session of the ad-hoc Open-Ended Working Group Established Pursuant to the General Assembly Resolution 72/277 – “Towards a Global Pact for the Environment”

19th March 2019, Nairobi

Good Afternoon

Thank You Co-Chairs,

As we are still consulting back with relevant stakeholder at the Capital, please allow us to make general remarks on the guiding questions including our views on the question 3 and 4.

India observes that since beginning of the first session many options have been coined to address the gaps by the Delegates as well as through the Report.

However, there are divergent views on conclusions of the UN Secretary General’s Report as well as on the other options. At the same time, there is an agreement on need to improve effective implementation of international environmental law.

India is of the view that the process towards improvement in effective implementation of international environmental law require a comprehensive approach, and needs consensus. It should, inter-alia, focus on means of implementation, required flexibility, and not contradict already agreed provisions and procedures. Simultaneously, it should be ensured that no specific dimension that may lead to disagreement or regression is added to existing treaties or instruments or principles and no special obligations are created which are beyond their objectives.

The lack of means of implementation, Political Will, National Circumstances, etc. are some of the factors that contribute to the gaps. Therefore, one option could be to “Diagnose the cause”. This approach would help us to find a pragmatic solution and maintain the balance between the environmental and developmental concerns.

The other option could be to have focus on the capacity building of the implementing agencies and also on ways and means to enhance coordination and synergies between the relevant multilateral environment agreements as well as environment related law. This would also help us to maintain the independence of existing agreements and respect the existing provisions of the international law.

A comprehensive and unifying international instrument clarifying all the principles of environmental law; as envisaged in the UNSG report, in context of more than 500 MEAs dealing with specific issues, would be a herculean task. In case consensus emerges for this option, it must be exercised in a manner so as not to dilute the principles under the existing MEAs and also respect the delicate balance among the multilateral environmental agreement (MEAs).

The objective of any option for addressing gaps should ensure that good environmental practices reach the grass root level with the requisite means for their implementation, particularly in the developing countries.

While considering issues related to governance structure of international environmental law, including challenges in coordination and mutual supportiveness as well as risks of incoherence, it would be important to ensure that the independence of each MEA is preserved and its ongoing processes are respected.

Building upon the ongoing initiatives, better coordination and cooperation between MEAs, their bodies and processes need to be promoted and synergies needs to be strengthened. While doing so, more coherent and pro-active approach towards participation of stakeholders in different MEAs needs to be adopted in accordance with international and respective national laws.

The Gaps or challenges relating to the implementation of existing rules and principles should be addressed, inter-alia, based on the principles of equity and common but differentiated responsibilities and respective capabilities, and building on historical responsibility. It is crucial to strengthen the capacities of the developing countries and address those challenges at all levels through effective means of implementation.

The gaps relating to specific regulatory regimes should be identified and addressed by the respective bodies under the specific regulatory regimes after taking in account the factors behind such gaps.

I thank you once again.
