



## Observations of the Kingdom of Saudi Arabia on the Secretary-General's Report

### 'Gaps in International Environmental Law and Environment-Related Instruments: Towards a Global Pact for the Environment'

During the first substantive session of the ad hoc open-ended working group for the Global Pact on the Environment, which was held in Nairobi between 14-18 January 2019, member states were invited to submit their written comments or observations on the Secretary-General's report by 20 February 2019. The delegation of the Kingdom of Saudi Arabia for the first substantive session had made several interventions throughout, in which several observations were made on the report's content, as well as suggestions for the future. These include the following:

#### (A) Observations on the chapters of the report:

- 1- The report cannot be relied upon in the process of preparing any global pact for the environment, because it was not prepared in accordance with the General Assembly's request as per Resolution 72/277 of 10 May 2018 that it be a "technical, evidence-based report."
- 2- International environmental principles are voluntary, and many are dated. There is no wide agreement as to its central concepts. Additionally, these principles are to be implemented on a specific case-by-case basis, and therefore it is impractical to propose applying them on the international, regional, or local levels on a general scale.
- 3- Most of what the report described as 'gaps' are better understood as challenges, or strategic weaknesses in international environmental laws, legal instruments, agreements, and authorities that are the result of significant concessions by member states throughout the processes of negotiation, in order to reach agreement among divergent national positions.
- 4- The multiplicity of legal instruments, law, agreements, and authorities related to the environment is not a negative, as the report seems to assume, but rather holds many positives for being able to address specific environmental problems and challenges.
- 5- Coordination, synergy and complementarity between environmental agreements is indeed weak, and addressing these aspects is an urgent need.
- 6- Environmental governance and the coordination and consistency between environmental authorities and institutions is also weak.
- 7- Legal instruments and laws that are not related to the environment cannot be used to contribute legal text aimed to address environmental weaknesses or challenges.
- 8- Weaknesses in financial support, capacity-building and technology transfer and nationalization are among the main reasons that developing countries face challenges in implementing international legal instruments and laws that relate to the environment.



(B) Other recommendations from the delegation that should be considered:

1. Any attempt to address the issues detailed in the report must uphold the following principles:
  - a) National sovereignty.
  - b) National right to exploitation of natural resources.
  - c) The unimpeded implementation of countries' development plans.
  - d) The principle of common but differentiated responsibilities.
2. Many secretariats of international conventions have strived to address the challenges or weaknesses noted in the report through preparing and endorsing protocols, amendments, strategic plans, or organizational/institutional adjustments (these include the conventions related to climate change, biological diversity, chemicals, desertification, etc.). This approach must be maintained, without intervening in the mission and responsibilities of those institutions. Any weaknesses or challenges should be addressed through the appropriate channels.
3. Striving towards greater coordination, synergy and complementarity between international agreements has been discussed in their respective meetings of parties, as guided by the secretariats of those conventions. Some progress has been made in this regard, and should continue in a similar fashion.
4. The appropriate authorities and institutions, as well as the relevant secretariats, should through their respective channels, seek to reinforce environmental governance, as well as strengthen internal and external synergies and complementarities, without infringing upon or disrupting the responsibilities and tasks of each institution.
5. Legal instruments and laws that are not related to the environment should not be used with the pretext of addressing weaknesses in environmental instruments and agreements in order to infringe upon national sovereignty or intervening in countries' usage of their natural resources.
6. Financial support, capacity-building, and technology transfer and nationalization should be provided to developing countries in order to enable them to fulfill their obligations.