

Co-Chairs' non-paper

Draft elements of recommendations to the seventy-third session of the General Assembly

On the basis of the discussions held at the first and second substantive sessions of the Ad Hoc Open Ended Working Group established by General Assembly Resolution 72/277 of 10 May 2018, together with the written inputs submitted by delegations, and in line with the mandate set out in resolution 72/277 of 10 May 2018, the Co-Chairs consider that recommendations to the General Assembly at its seventy-third session could include the following elements:

I. Elements related to the objectives informing the recommendations of the ad hoc open-ended working group

- The recommendations are to-shall:
 - be developed on the basis of consensus
 - reinforce the protection of the environment for present and future generations
 - uphold member State's respective existing obligations and commitments under international environmental law
 - contribute to the strengthening of implementation of international environmental law and environment-related instruments
 - support the ~~full~~-implementation of the 2030 Agenda for Sustainable Development
 - ~~not~~ undermine existing relevant legal instruments and frameworks and relevant global, regional and sectoral bodies, and respect the roles and responsibilities of the governing bodies and of Parties to multilateral environment agreements

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II. Elements related to the substantive recommendations of the ad hoc open-ended working group

- The working group is to recommend to the General Assembly that it:
 - reaffirms the role of the United Nations Environment Programme (UNEP) and the United Nations Environment Assembly (UNEA);
 - ~~catalyzes—efforts~~invites at all levels efforts to ~~further—enhance~~ the implementation of states respective obligations and commitments under international environmental law and environment-related instruments in which they participate, including through ~~accelerating the mobilization of the necessary means of implementation actions~~ consistent with the Addis Ababa Action Agenda
 - ~~promotes further work on principles of international environmental law with a view to strengthening the implementation of international environmental law and environment-related instruments~~

- invites the governing bodies of the mMultilateral eEnvironment aAgreements, while recognizing and preserving their independence, to continue their respective efforts to identify and address implementation challenges in their regimes, with a view to strengthening implementation at the national and international levels, as appropriate
- ~~fosters encourages increased continued~~ cooperation and coordination, as appropriate and with the scope of their respective mandates, among the ~~governing bodies and secretariats supporting of mMultilateral eEnvironment aAgreements, as well as between them and governing bodies and secretariats of and~~ other environment-related instruments
- ~~promotes increased efforts to streamline the reporting and/or monitoring processes of Multilateral Environment Agreements and scientific bodies, as well as invites increased continued~~ sharing of information among scientific bodies supporting multilateral environmental agreements and environment-related instruments between them, and for joint reporting, as and when appropriate
- encourages Member States that have not done so to consider ratifying mMultilateral eEnvironment aAgreements and effectively implement them
- encourages Member States to adopt appropriate laws and policies strengthen regulatory frameworks at the national level, as well as the capacity of the judiciary to apply International and to effectively enforce applicable environmental law, consistent with their respective international obligations and in accordance with its national system
- promotes active and meaningful stakeholder engagement in the different fora related to the implementation of international environment law and environment-related instruments
- explores further ways for Member States to support and make full use of the Fifth Programme for the Development and Periodic Review of Environmental Law (Montevideo Programme V) adopted by the fourth session of the United Nations Environment Assembly, in order to foster the environmental rule of law and advance the implementation of environmental law at all levels
- encourages the United Nations Environment Programme, as Chair of the Environment Management Group and in collaboration with the members of the Group, to encourage the development UN-system-wide of strategies on enhancing how they could best support to Member States, within the scope of the mandates of the relevant bodies, in-on the integration and implementation of Member States' respective obligations and commitments under international environmental law instruments, as appropriate

III. ~~Elements related to the process~~

- ~~In order to support the abovementioned substantive recommendations, the working group is also to recommend to the General Assembly that it:~~
 - ~~considers the adoption of an international instrument at a high level United Nations conference, with a view to strengthening the implementation of international environmental law~~

- ~~establishes a preparatory committee, prior to holding the said conference, to make substantive recommendations to the General Assembly during the first half of 2020 on elements of an international instrument, including on its scope and parameters~~
- ~~determines a specific timeline by which the negotiations would take place and reach a conclusion~~
- ~~establishes that the negotiations are to be open to all States Members of the United Nations, members of specialized agencies and parties to the Multilateral Environment Agreements, with others invited as observers in accordance with past practice of the United Nations~~