

Proposal for issues to be considered by the Environment Management Group

Promoting the progressive development of law for environmental sustainability

The issue and its context

Environmental law is a key ingredient for good governance at all levels. There is a vast body of environmental law that addresses pressing environmental concerns (e.g. loss of biodiversity and climate change) and promotes principles that are at the core of environmental sustainability (e.g. access to information, public participation and access to justice on environmental matters).

The recognition of the interaction between environmental law and other areas of law, e.g. trade law, human rights law, criminal law, humanitarian law, as well as efforts to ensure their complementary, is essential to deliver on the Sustainable Development Goals. As an example, the mutually reinforcing nature of upholding human rights and protecting the environment lies at the core of Sustainable Development Goal 16, and supports the underlying principles of Agenda 2030 of People and Planet. However, not all these linkages and their potential for mutual supportiveness are properly recognized and fully utilized.

UN wide dimensions

Several UN agencies, programmes and bodies and processes relating to the multilateral environmental agreements (MEAs) are active in advancing environmental law both in terms of promoting its progressive development and in terms of making it work on the ground. Many more UN entities have law programmes that although not directly focused on environmental law, can make an important contribution to advancing environmental sustainability.

While the mandates of different UN entities have resulted in specialization among them, there could be gains from promoting collaboration for more impactful programmes and to more fully exploit the linkages between environmental law and other fields to ultimately promote sustainable development.

Existing collaboration

UN entities and MEA secretariats collaborate through several initiatives on the legal aspects of environmental sustainability. The Green Customs Initiative¹ brings together UN bodies, MEAs and other international organizations to enhance the capacity of customs and other border control officers to monitor and facilitate legal trade and to detect and prevent illegal trade in environmentally-sensitive commodities. This is an excellent example of synergies originating from the nexus between environmental law, criminal law, and trade law.

More recently seven UN entities and one MEA secretariat joined forces in an inter-agency task force to provide a holistic and comprehensive UN response to the multi-faceted problem of illicit trade in

¹ <http://www.greencustoms.org/>

wildlife and forest products². Consistent with the ONE UN approach, this Task Force fosters cooperation among relevant UN entities and conventions, developing a coherent and integrated approach that is built on the nexus between the economic, developmental, and environmental aspects of the challenge. Many more examples could be listed, including information portals and knowledge sharing platforms, legal assistance for the development of national legislation, and the further development of nexus areas such as human rights and environment, crimes with a significant impact on environment, humanitarian law and the environment and many more.

Addressing the role of law for environmental sustainability and the 2030 Agenda from a broader, UN-wide angle, could help: a) identify additional issues for which collaboration in the area of law would be beneficial b) broaden the scope and range of existing partnerships; c) align, when relevant, law programmes of various entities around common priorities, such as implementation of Goal 16³; and d) as a result, enhance the potential for change of individual entities, and make more efficient use of resources.

Possible contribution of the EMG

The Environment Management Group (EMG) could provide a forum to:

- Map out the role played by its members in promoting the development, implementation and integrated application of environmental law and other related fields of law that play a significant role in promoting sustainable development and good governance.
- Identify areas where enhanced coordination and/or collaboration among UN agencies and multilateral environmental agreement secretariats in the area of law are key to promote a holistic approach to the implementation of the 2030 Agenda for Sustainable Development.
- Provide a platform for the entities to devise common or interlinked strategies on common objectives, for example for joining efforts in supporting countries in the implementation of Goal 16.
- Foster collaboration on specific initiatives.

Proposed approach

In order to identify the specific role that the EMG could play, and to ensure that its effort are grounded on specific priorities and time-bound goals, it is proposed that a step by step approach is followed, as follows:

1. Initial testing of interest among EMG members in collaborating on nexus issues of environmental law, and collation of information on respective law programmes and relevant focal points;
2. Creation of an informal network of focal points from interested entities' law programmes;

² <https://www.un.int/news/inter-agency-task-force-launched-combat-illicit-wildlife-trade>

³ While the indicators for Goal 16 do not have an explicit environmental focus, achieving the Goal is essential to achieve durable environmental results, founded on inclusiveness and the rule of law.

3. Organization of one or more dialogues focusing on the importance of grounding environmental change in the rule of law (e.g. on the environmental dimension of Goal 16);
4. Identification, based on the recommendations of the nexus dialogue, of short term opportunities for enhanced collaboration;
5. Fostering, on this basis, joint initiatives (the ownership would rest with entities themselves);
6. Elaboration, if deemed necessary, of common strategies to address the environmental dimension of the 2030 Agenda through the law, in the context of the wider system wide framework of strategies on the environmental dimension of the Agenda.

Expected outputs

- Preliminary mapping of existing law programmes that contribute to environmental sustainability
- Nexus dialogues on identified areas of potential collaboration
- A network of legal practitioners across the different UN entities and MEA secretariats
- Increased number of agency-led joint initiatives
- Coordinated strategies or programmes among entities for more impactful law projects and programmes in support of Agenda 2030

Expected outcomes

The capacity of individual entities and secretariats to support member states in implementing the environmental dimension of Agenda 2030 through legal measures is strengthened.

<p>Suggested Action: Promoting the progressive development of law for environmental sustainability</p>

<p>The Senior Officials:</p>

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| <ol style="list-style-type: none">1. Invite EMG Members to nominate focal points to an informal network of legal practitioners across UN entities and MEA secretariats to start identifying areas of common interest on environmental law;2. In that regard, welcome the organisation of an EMG Nexus Dialogue on law for environmental sustainability;3. Taking into account the outcome of the Dialogue, request the EMG Secretariat in consultation with interested EMG Members to identify potential areas for collaboration in the area of law for environmental sustainability and submit a proposal for further consideration of the Senior Officials. |
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