



UNITED NATIONS

ENVIRONMENT MANAGEMENT GROUP



The United Nations Environment Management Group Nexus Dialogue on Law for Environmental Sustainability

Concept Note

19 November 2018, International Environment House II, Geneva

13:30-18:00

Background

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 complementarity, is essential to deliver on the Sustainable Development Goals.

Legal frameworks addressing environmental issues also need to comply with State's human rights obligations and address social and economic implications. Similarly, legal frameworks primarily aimed at regulating other sectors such as trade, transportation or infrastructure need to integrate environmental considerations. To achieve this, there is a need for connecting various disciplines of law, promoting integrated approaches to the development of legislation, and strengthening the capacities of governmental and non-governmental actors, including the private sector, to understand and act on these implications. 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.

In September 2017, the Senior Officials of United Nations Environment Management Group (EMG) agreed to include the promotion of law for environmental sustainability as one of the issues benefitting from enhanced coordination. They suggested organizing a Nexus Dialogue, to discuss the interlinkages of law for environmental sustainability within the framework of the 2030 Agenda for Sustainable Development. In September 2018, the Senior Officials suggested that the EMG secretariat could invite the focal points of UN entities and MEA secretariats to participate in a Nexus Dialogue on Law for Environmental Sustainability. The Nexus Dialogue would be focused on emerging priorities that could contribute to ongoing global processes, such as the implementation of Montevideo Programme for the Development and Periodic Review of Environmental Law and the Global Pact for the Environment.



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UN system-wide dimensions and significance

Several UN agencies, programmes, 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.

In light of their areas of work, UN entities could play an important role in the further development and subsequent implementation of the Montevideo Programme, a ten- year global strategy for the progressive development and periodic review of environmental law, led by UN Environment. The fourth edition of the Montevideo Programme, approved in 2010 for a period of ten years, is now coming to an end and is being reviewed and a new programme beyond 2020 is being developed for possible adoption by the UN Environment Assembly, pursuant to its previous Resolution 2/19¹.

Success in tackling existing and emerging environmental issues can only be achieved through collaboration between UN Environment, other UN entities and other key stakeholders. Such collaboration has already generated positive progress in recent years, for example in the areas of illegal trade in wildlife and environmental rights, and needs to be further strengthened.

The Dialogue will explore existing gaps and identify opportunities for strengthened collaboration among UN entities to promote legal measures to implement Agenda 2030, with particular focus on its environmental dimension. It will discuss in particular how these entities can collaborate, building on existing successful partnerships, and borrowing from good practices in other areas [of law], to promote the implementation of Goal 16: Peace, Justice and Strong Institutions, through an environmental lens².

In addition, the Dialogue is a particularly timely opportunity to highlight the state of play of the Montevideo Programme seek inputs from interested entities toward the finalization of a new programme on environmental law beyond 2020, and identify initial opportunities for collaborative approaches in the next phase.

¹ The text of the Resolution is available here:

http://wedocs.unep.org/bitstream/handle/20.500.11822/11192/K1607197_UNEPEA2_RES19E.pdf?sequence=1&isAllowed=y

² Although the indicators for this Goal do not focus on the environment, the vast majority of the Goal's targets are closely relevant to environmental sustainability.

Objectives

The Dialogue will:

- Identify existing and emerging global environmental challenges that require new legal approaches and stronger forms of collaboration among UN entities and beyond.
- Explore respective entities' roles in supporting countries in strengthening the law as part of achieving Agenda 2030, including with a focus on Goal 16 as means to achieve environmental sustainability.
- Take stock of existing partnerships, with a focus on achievements, gaps and opportunities for building stronger partnerships.
- Provide inputs into the UN Environment led Montevideo Programme as a contribution to the finalization of the future ten-year programme and as a foundation for future collaboration under the aegis of this programme.

Outcome

The outcome of the Dialogue will be in the form of concrete recommendations and policy messages on the issues listed above, including the identification of immediate follow up action and of possible new or strengthened partnerships.

The Dialogue will also be the opportunity to identify focal points of legal development programmes from interested agencies, for further dialogue and follow up action for example on cooperation in these programmes and developing shared approaches to these programmes. Based on the outcome of the Dialogue, areas for intensified collaboration in the near term may be identified including on capacity building. These suggestions could then be submitted for further consideration of the Environment Management Group Senior Officials.

The findings of the Dialogue, supplemented by specific inputs by interested agencies, will provide contribution to the process of developing a new phase of the Montevideo Programme, and will be shared at a drafting meeting which will be held on 26 - 28 November 2018 in Nairobi, in preparation for the discussions at the fourth session of the United Nations Environmental Assembly on 11-15 March 2019 in Nairobi.

The Dialogue may also be followed by joint initiatives in preparation for the review of SDG 16 at the High-Level Political Forum in July 2019 in New York.