



Key Messages Nexus Dialogue on Law for Environmental Sustainability

19 November 2018
Geneva, Switzerland

On 19 November 2018 the United Nations Environment Management Group (EMG) convened a Nexus Dialogue on **Law for Environmental Sustainability**. The Dialogue was a response to the call by the Senior Officials of EMG to address the issue of law for environmental sustainability in the context of the 2030 Agenda for Sustainable Development. Over 70 participants attended the Nexus Dialogue, comprising of UN agencies, multilateral environmental agreement secretariats, other intergovernmental organisations, as well as Member States, civil society organisations, academia and the private sector.

The key objective of the Dialogue was to explore ways to strengthen collaboration and coordination in the area of law for environmental sustainability as a means to support enhanced implementation of the 2030 Agenda for Sustainable Development among UN agencies. The Dialogue also served as an opportunity to engage participants' feedback for the development of new proposals for a programme on environmental law led by the UN Environment Programme, which has brought the issue of collaboration on Law for Environmental Sustainability to the attention of the EMG.

The key messages from the meeting are summarised in four sections as follows:



1. The role of law for environmental sustainability

2. The importance of effective collaboration in the development and implementation of law for environmental sustainability

3. Recommendations for enhanced collaboration and coordination among partners in specific thematic areas

4. Recommendations for strengthening institutional collaboration and coordination



1. The role of law for environmental sustainability

- The role of law is essential to implementation of the Sustainable Development Goals (SDGs). Indeed, the achievement of all of the 17 Goals and 169 targets will depend on a strong normative basis, grounded in international law.
- At the domestic level, legal frameworks are an essential component of the enabling environment needed to ensure the full achievement of the SDGs. Law equips countries with norms that incentivise positive change, and disincentivise negative behaviours, to facilitate the realisation of sustainability goals.
- In many countries, domestic legal and regulatory frameworks need to be reformed in order to enhance SDG implementation. Many of the targets will need binding legislation and regulation. In other cases, legislation will need to address the complex interlinkages that are reflected in the SDGs. Law reform will also be essential to ensure that sustainability objectives are duly integrated into key economic sectors.
- Equally important is the rule of law. As reflected in SDG 16, the strengthening of stable, transparent and accountable legal regimes and institutions will help to ensure that the 2030 Agenda can be more effectively advanced.

2. The importance of effective collaboration in the development and implementation of law for environmental sustainability

Effective collaboration and enhanced coordination among key institutions working in the area of environmental sustainability law is essential in the implementation of the 2030 Agenda. Many UN agencies and entities have either dedicated environmental law programmes, or law programmes that have an influence over environmental sustainability. Efforts are needed to increase synergies among these actors, including for the following reasons:

- Collaboration enables the pooling and deepening of technical expertise, expanding knowledge systems and improving programming at the country level;
- Collaboration enables a broader understanding of the statewide array of legal instruments and approaches needed in addressing the interlinked sustainability issues faced by countries;
- Multiple actors are essential in achieving the level of ambition necessary in transforming legal frameworks in the direction of enabling the achievement of the SDGs;
- Collaboration among multiple actors with knowledge of the substantive and governance challenges at different scales and for multiple stakeholders can help to ensure effective vertical and horizontal coherence and inclusive and sustainable approaches;
- The long-term horizon of the SDGs requires a long-term engagement and commitment on the part of many partners. Joining forces enables the implementation responsibilities to be distributed over time;
- Collaboration facilitates the use of the expertise needed and harness the contributions of diverse areas of law to develop integrated approaches that are essential, especially because each of the 17 SDGs contains environmental, social and economic targets; and
- Collaboration can help bridge the science-policy interface including the new technological innovation pathways that need to draw on formal science as well as traditional knowledge.



3. *Recommendations for enhanced collaboration and coordination among partners in specific thematic areas*

- **Increased collaboration between environment and human rights spheres is essential to strengthen law-making efforts to integrate the right to a healthy environment, including the right to information, into existing legal frameworks.** Building synergies between human rights and environment can be a powerful tool to enhance protection in both spheres. The recent adoption of the Escazú Agreement is a critical milestone in the recognition of environmental procedural rights. Efforts will now have to be directed towards the crystallising of substantive environmental rights.
- **Strengthened national legislation is essential to move away from a linear economy to a circular economy** and to phase out fossil fuels and to create the right incentives to scale up renewable energy sources. This will require increased collaboration between the private sector and lawmakers as well as environmental NGOs.
- **Collaborative efforts are also needed to ensure the strengthening of domestic environmental law** to improve the delivery of the environmental dimension of the SDGs.
- **Increased capacity support is needed for the judiciary** and all legal stakeholders who promote environmental protection through the justice system. These actors all play a key role in using the law to redress environmental damage and to transform environmental management approaches.
- **Enhanced collective responses at the international level are essential** to ensure that the continued development international environmental law is robust enough to respond to the new generation of global challenges. Of particular importance is the need to improve **enforcement of environmental law at all levels, to halt illegal trade in environmentally important commodities, and to facilitate and monitor legal trade.**
- Greater **cooperation between agriculture, industry and other economic sectors** must be scaled up and translated into strengthened legal frameworks.
- **Mainstreaming environmental considerations into sectoral laws, especially fisheries, forestry, agriculture, should be scaled up**, especially in light of the importance of nature-based solutions in meeting the 2-degree Celsius temperature threshold outlined in the Paris Agreement. And collaboration between and engagement of all key actors will be essential considering the broad spectrum of legal responses needed;
- **Sustainable Synergising labour and environment priorities are particularly important in the just transition to inclusive and environmentally sustainable economies.** Achieving these synergies will require collaboration between the labour and environment communities;
- **Trade is an important engine of growth for developing countries and greater collaboration is essential to ensure that environmental concerns are addressed in the growing number of bilateral and regional trade and investment agreements.** While trade and environment synergies have been addressed over the years, the centrality of trade to the SDGs will require new forms of collaboration between the trade and environment communities;
- **Collaboration between academia, law and policy-makers should be strengthened.** This is especially important to bridge the policy-science divide.



4. Recommendations for strengthening *institutional collaboration and coordination*

- Identify the concrete value-added comparative advantage of the partnership;
- Convene the key resources and competencies needed to deliver effective solutions, including with respect to acknowledgement and alignment of mandates;
- Ensure a diverse range of actors, especially civil society;
- Create efficiencies by coordinating action and by sharing common resources and services, particularly in relation to information and knowledge management (e.g. sharing baseline legal mapping already completed among partners, developing agreed methodologies for law development and implementation guidance, and/or partnering on common knowledge management platforms);
- Combine resources to create the critical mass needed to deliver outcomes and to catalyse the disruptive change that will be essential;
- Create multi-sectoral partnerships that can promote the interlinkages within the SDGs and ensure that the environmental dimension is fully realised;
- Ensure the replicability and scalability of collaborative technical solutions;
- Stimulate ownership at all levels to ensure the durability of collaborative efforts.

Next steps

With the Support of the Environment Management Group:

- Establishing a network of Law for Environmental Sustainability comprised of focal points from legal divisions of UN agencies and other relevant international institutions to take the above recommendations forward. This network could enhance collaboration and encourage continuous dialogue on the centrality of environmental law.
- Submitting a think piece on the above messages to the 2019 High-Level Political Forum on the centrality of law for environmental sustainability. This piece will focus on the importance of environmental law in achieving the nexus of target 16.3 (to promote the rule of law at the national and international levels, and ensure equal access to justice for all) and Goal 17. This could trigger important discussions on the centrality of environmental law for furthering institutional collaboration thematically as well as at national level under the review of Goal 16 and 17.

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