

UPDATE ON NEGOTIATION OF A NEW INTERNATIONAL ENVIRONMENTAL AGREEMENT

by Maria Antonia Tigre and Victoria Lichet

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International environmental law (IEL) has developed widely since the first global meeting in Stockholm in 1972. Accounts estimate that there are more than 500 multilateral environmental treaties (MEAs).¹ Yet the magnitude of environmental degradation is visible. Rampant toxic pollution, climate change, deforestation, biodiversity loss, land degradation, and freshwater shortages are among the challenges currently faced by humankind. Humans have so irretrievably altered the earth that the Anthropocene, a new geological epoch, has begun.² The novel coronavirus SARS-CoV-2, which can lead to the potentially deadly disease COVID-19, worsened the already deteriorating circumstances, adding to a daunting list of environmental, social, and legal challenges.³

The predicted future shows that current global environmental policy efforts are undeniably insufficient.⁴ IEL's prevailing anthropocentric ethic has directly contributed to the crisis, suppressing the symptoms rather than treating them.⁵ The Anthropocene calls for transformative law to respond to the socio-ecological crisis and promote human stewardship of natural systems.⁶ Yet IEL currently lacks both cohesion and legal force.⁷ International cooperation and the revival of multilateralism are pivotal to long-term

environmental protection, and ever more critical given the COVID-19 pandemic.⁸

Within this context, the United Nations (U.N.) is debating a new political declaration in the context of the commemoration of the 50th anniversary of the creation of the U.N. Environment Programme (UNEP) (UNEP@50) to strengthen environmental governance and implement IEL.⁹ The resolution kicks off a new phase in the development of IEL. This Comment follows recent developments related to this process, through an analysis of the negotiation process developed from August 2019 to August 2020.¹⁰ It provides an update to the recent book written by one of the co-authors and published by ELI Press in January 2020, *Gaps in International Environmental Law: Toward a Global Pact for the Environment*.¹¹

The Comment is structured as follows. Part I provides a recap of the process so far, giving a brief overview of the negotiations of a new agreement at the U.N. from 2017-2019. Part II provides an overview of the U.N. General Assembly (UNGA) Resolution No. 73/333, as the starting point for the new mandate to adopt a political declaration in 2022. Parts III-VI follow the developments in the mentioned period: the questionnaire gathering inputs on ways to move forward in implementing the resolution; the road map developed as a result of consultations; the appointment of co-facilitators; and discussions held during the first

1. ECOLEX, *Home Page*, <https://www.ecolex.org/> (last visited Aug. 20, 2020).

2. Simon L. Lewis & Mark A. Maslin, *Defining the Anthropocene*, 519 NATURE 171 (2015).

3. Thijs Etty et al., *Transnational Environmental Law in a Transformed Environment*, 9 TRANSNAT'L ENVTL. L. 197 (2020).

4. UNITED NATIONS ENVIRONMENT PROGRAMME, GLOBAL ENVIRONMENTAL OUTLOOK GEO-6: HEALTHY PLANET, HEALTHY PEOPLE (Paul Ekins et al. eds., 2019), https://wedocs.unep.org/bitstream/handle/20.500.11822/27539/GEO6_2019.pdf?sequence=1&isAllowed=y.

5. PRUE TAYLOR, AN ECOLOGICAL APPROACH TO INTERNATIONAL LAW: RESPONDING TO THE CHALLENGES OF CLIMATE CHANGE 3 (2008).

6. Nicholas A. Robinson, *Keynote: Sustaining Society in the Anthropocene Epoch*, 41 DENV. J. INT'L L. & POL'Y 467 (2013).

7. *Report of the Secretary-General: Gaps in International Environmental Law and Environment-Related Instruments: Towards a Global Pact for the Environment*, U.N. GAOR, 73d Sess., at 43, U.N. Doc. A/73/419 (2018) [hereinafter *Report of the Secretary-General*], <https://wedocs.unep.org/bitstream/handle/20.500.11822/27070/SGGaps.pdf?sequence=3&isAllowed=y>.

8. *Global Solidarity to Fight the Coronavirus Disease 2019 (COVID-19)*, G.A. Res. 74/270, U.N. GAOR, 74th Sess., U.N. Doc. A/RES/74/270 (2020) [hereinafter G.A. Res. 74/270]. See also Laurence Boisson de Chazournes & Jason Rudall, *Cooperation in a Transboundary and Global Context, in A GLOBAL PACT FOR THE ENVIRONMENT—LEGAL FOUNDATIONS* (Yann Aguila & Jorge E. Viñuales eds., Cambridge Centre for Environment, Energy, and Natural Resource Governance 2019); Maria Antonia Tigre, *Princípio da Cooperação, in PRINCÍPIOS DE DERECHO AMBIENTAL Y AGENDA 2030* (Yann Aguila et al. eds., Editorial Tirant lo Blanch 2019).

9. *Follow-Up to the Report of the Ad Hoc Open-Ended Working Group Established Pursuant to General Assembly Resolution 72/277*, G.A. Res. 73/333, U.N. GAOR, 73d Sess., U.N. Doc. A/RES/73/333 (2019) [hereinafter G.A. Res. 73/333], <https://undocs.org/en/A/RES/73/333>.

10. This Comment is updated until the end of August 2020.

11. MARIA ANTONIA TIGRE, GAPS IN INTERNATIONAL ENVIRONMENTAL LAW: TOWARD A GLOBAL PACT FOR THE ENVIRONMENT (Envtl. L. Inst. 2020).

informal consultation. Part VII discusses the next steps, while Part VIII concludes.

I. The Global Pact for the Environment: A Recap¹²

In 2017, after careful drafting by a group of scholars from a wide range of countries, the Global Pact for the Environment (GPE) was presented at the UNGA¹³ as the most recent proposed solution to address gaps in IEL.¹⁴ As an overarching and legally binding global agreement, the proposed GPE defined fundamental environmental rights and duties for humanity.¹⁵ The codification of environmental principles would stimulate international cooperation, unify treaties, and provide essential legal answers for substantive gaps in IEL.¹⁶ However, the benefits of adopting an overarching environmental agreement are highly debatable,¹⁷ and the launch of the GPE immediately aroused stimulating legal debates among scholars and diplomats.¹⁸

Given the pushback from several countries on the need for a new agreement, the UNGA decided to take a step back, calling for an investigation by the U.N. secretary-general (UNSG) of the current state of IEL and the gaps observed.¹⁹ In November 2018, the UNSG published a report identifying several inefficiencies in IEL and recommending the adoption of a global pact as one of the potential solutions to address them.²⁰ Yet the report, the first to cover IEL at this level, encompassed more than principles: it addressed gaps in regulatory regimes, environment-related instruments, governance structure, implementation, and effectiveness of IEL.²¹

Further fulfilling the mandate of the UNGA's resolution, between January and May 2019, an ad hoc open-ended working group (OEWG) met in Nairobi. While the OEWG's mandate was not to negotiate a legally binding

instrument, the development of this process represented a significant diplomatic success and an essential first milestone in the quest for a new treaty.²² The OEWG discussed whether there are any gaps in IEL, whether these are intentional, and whether the adoption of a GPE would address them.

It was generally acknowledged that the current framework of IEL is insufficient, yet the participating countries could not agree on the best way forward.²³ The OEWG ultimately decided on a set of 13 recommendations submitted to the UNGA for consideration without directly mentioning the GPE.²⁴ The working group did not recommend the UNGA to convene an intergovernmental conference to adopt a new treaty.

Additionally, the idea of codifying environmental principles was not explicitly retained. The result of the negotiations has brought different views, with questions about the current state of multilateralism²⁵ and the consensus-building need for environmental governance.²⁶ Even one of the co-chairs of the sessions acknowledged that the final recommendations were weak, but represented a milestone nonetheless, as it was agreed by consensus.²⁷

II. August 2019: UNGA Resolution No. 73/333²⁸

On August 30, 2019, the UNGA adopted Resolution No. 73/333,²⁹ which welcomed the work of the OEWG, fully endorsing its recommendations and report.³⁰ The resolution calls for the adoption of a political declaration for a U.N. high-level meeting to be prepared in February 2021 during the fifth session of the U.N. Environmental Assembly (UNEA-5).³¹ The political declaration will likely be adopted by 2022, on the occasion of UNEP@50.

While this objective is far less ambitious than the initial intention of the GPE as a legally binding treaty, it nevertheless represents an opportunity to achieve progress in the development of IEL. It could be a first step toward the adoption of a binding treaty. The initiative continues to offer an opportunity for reform, as well as a valuable case study to determine the extent to which the ongoing pro-

12. This section highly draws on TIGRE, *id.*

13. President Emmanuel Macron, Speech at the Summit on the Global Pact for the Environment (Sept. 19, 2017), <http://www.diplomatie.gouv.fr/en/french-foreign-policy/united-nations/united-nations-general-assembly-sessions/unga-s-72nd-session/article/speech-by-m-emmanuel-macron-president-of-the-republic-summit-on-the-global-pact>. [Editor's Note: Victoria Lichet is a volunteer for the Global Pact for the Environment.]

14. Yann Aguila, *A Global Pact for the Environment: The Logical Outcome of 50 Years of International Environmental Law*, 12 SUSTAINABILITY 5 (2020).

15. Yann Aguila & Jorge E. Viñuales, *A Global Pact for the Environment: Conceptual Foundations*, 28 REV. EUR. COMP. & INT'L ENVTL. L. 3 (2019).

16. WORLD COMMISSION ON ENVIRONMENTAL LAW OF THE INTERNATIONAL UNION FOR THE CONSERVATION OF NATURE (WCEL) ET AL., NOTE ON THE UNITED NATIONS SECRETARY-GENERAL'S REPORT, "GAPS IN INTERNATIONAL ENVIRONMENTAL LAW AND ENVIRONMENT-RELATED INSTRUMENTS: TOWARDS A GLOBAL PACT FOR THE ENVIRONMENT" (2018).

17. See, e.g., SUSAN BINIAZ, COLUMBIA LAW SCHOOL, 10 QUESTIONS TO ASK ABOUT THE PROPOSED "GLOBAL PACT FOR THE ENVIRONMENT" (2017), <http://columbiaclimatelaw.com/files/2017/08/Biniaz-2017-08-Global-Pact-for-the-Environment.pdf>; Louis J. Kotzé & Duncan French, *A Critique of the Global Pact for the Environment: A Stillborn Initiative or the Foundation for Lex Anthropocena?*, 18 INT'L ENVTL. AGREEMENTS: POL. L. & ECON. 811 (2018).

18. Géraud de Lassus Saint-Geniès, *The Outcome of the Negotiations on the Global Pact for the Environment: A Commentary*, 12 SUSTAINABILITY 877 (2020).

19. *Towards a Global Pact for the Environment*, G.A. Res. 72/277, U.N. GAOR, 72d Sess., U.N. Doc. A/RES/72/277 (2018), <https://undocs.org/A/RES/72/277>.

20. See *Report of the Secretary-General*, *supra* note 7.

21. See TIGRE, *supra* note 11, at 56-70; WCEL ET AL., *supra* note 16.

22. Saint-Geniès, *supra* note 18, at 2.

23. See TIGRE, *supra* note 11, at 137-54.

24. INTERNATIONAL COUNCIL OF ENVIRONMENTAL LAW, ANALYSIS OF THE CONSENSUS RECOMMENDATIONS TO STRENGTHEN IMPLEMENTATION OF INTERNATIONAL ENVIRONMENTAL LAW UNDER UNGA RESOLUTION 72/277 "TOWARDS A GLOBAL PACT FOR THE ENVIRONMENT" (2019).

25. SOPHIE DOMAINE, TOWARDS A GLOBAL PACT FOR ENVIRONMENT: FROM A HARD LAW INSTRUMENT TO A SOFT LAW TOOL? 13 (2019).

26. Aguila, *supra* note 14, at 12.

27. Peter Doran et al., *Summary of the Third Substantive Session of the Ad Hoc Open-Ended Working Group Towards a Global Pact for the Environment: 20-22 May 2019*, 35 EARTH NEGOTIATIONS BULL. 1 (2019), <http://enb.iisd.org/download/pdf/enb3503e.pdf>.

28. The adoption of the resolution was the last development included in the *Gaps* book. See TIGRE, *supra* note 11, at 185-96.

29. G.A. Res. 73/333, *supra* note 9.

30. *Id.* para. 1.

31. As the world's highest-level decisionmaking global environmental body and with universal membership, UNEA addresses critical environmental challenges from a global policy perspective. It functions as the world's "de facto Parliament for the Environment" by convening environment ministers to set the global environmental agenda. TIGRE, *supra* note 11, at 190-91.

cesses that shape IEL are committed to embracing ambitious norms.³²

III. December 2020: Questionnaire to Guide the Way Forward on Resolution No. 73/333³³

The first step for the implementation of Resolution No. 73/333 constituted informal consultations with regional and political groups.³⁴ In December 2019, questionnaires were sent to stakeholders with four guiding questions on the interpretation of the OEWG's recommendations³⁵: (1) under which agenda item UNEA-5 would consider the recommendations; (2) what level of detail a text would be required to meet to be considered "prepared" by UNEA-5 when the preparations for a political declaration would begin, and how States could be involved; (3) when and how a "United Nations high-level meeting" would be convened; and (4) which elements should be included in the political declaration.³⁶ Twenty-six inputs were received from States and regional/political groups, as well as nine inputs from stakeholders and major groups.³⁷

Several States questioned the meaning of the mandate to "prepare" a political declaration, arguing it does not mean its "adoption," "conclusion," or "finalization," but rather the adoption of suggestions to be forwarded to the Committee of Permanent Representatives (CPR) to UNEP. Additionally, States suggested that a draft should be general, inspirational, outcome-oriented, providing policy guidance, and including elements that could serve as "building blocks" toward a political declaration. Countries also suggested the development of a time line, outline, and modalities for the negotiation of the political declaration.³⁸

Some States also called for an "inclusive, transparent, and CPR-based process," with two leading co-facilitators, in a similar format as the OEWG negotiations. Several countries suggested ways to ensure broad participation, including States without representation in Nairobi, for example by allowing written contributions, video confer-

ences, informal consultations, or moving the negotiations to the U.N. headquarters in New York.

Regarding the meaning of a "United Nations high-level meeting," several States construed "high-level meeting" as requiring ministerial attendance. Many countries welcomed Sweden's offer to host the meeting in Stockholm for the commemoration of the 1972 Stockholm Conference. Other States alternatively suggested that UNEA or the UNGA should convene the meeting. Overall, views differed regarding its format as States proposed round table discussions and exhibit halls, a general debate with a list of speakers, an opening ceremony, a plenary session, and parallel round tables with interactive discussions.

Regarding the scope of elements to be included in the political declaration, several States recommended that the declaration only focus on the elements defined in the annex to Resolution No. 73/333 (the OEWG's recommendations). Some States identified specific objectives and recommendations that should be prioritized, such as sustainable development and adherence to the rule of law. Additionally, many States stated that the declaration should refer to the objectives and recommendations of the OEWG through a clear statement or by reaffirming Resolution No. 73/333 and the outcome of the 1992 U.N. Conference on Environment and Development. Other suggestions included (1) using the objectives and recommendations as guiding principles, (2) summarizing them in the declaration and, if not feasible, incorporating them as an annex to the declaration, and (3) including the objectives in the preamble and the recommendations in the operative part of the declaration.

IV. February 2020: Road Map for Consultations

As a result of the consultations, Members of UNEA's Bureau and UNEP's CPR jointly agreed on a road map for implementation of the resolution's provisions.³⁹ The consultations are to be held in Nairobi under the leadership of two co-facilitators, one from a developed and one from a developing country. Three substantive meetings are to follow: (1) the first one, held in July, to discuss the scope of the political declaration, taking into account an outline/elements/building blocks paper developed by the co-facilitators, and drawing from inputs from member States and specialized agencies; (2) a second substantive meeting in November 2020 to follow up on the outcomes of the first consultation and consider possible draft elements for a procedural resolution for UNEA-5⁴⁰; and (3) a third substantive consultation to take place in February 2021, before the

32. Louis J. Kotzé, *International Environmental Law's Lack of Normative Ambition: An Opportunity for the Global Pact for the Environment?*, 16 J. EUR. ENVTL. & PLAN. L. 213 (2019).

33. This section outlines the document of the UNEA of UNEP, *Agenda Item 6: Implementation of General Assembly Resolution 73/333*, 149th mtg., U.N. Doc. UNEP/CPR/149/5 (2020) [hereinafter *Agenda Item 6*], <https://wedocs.unep.org/bitstream/handle/20.500.11822/31581/CPR%20149-5%20summary%20of%20inputs%20to%20questionnaire.pdf?sequence=1&isAllowed=y>.

34. These included the Group of African States, Group of Asia-Pacific States, Group of Eastern European States, GRULAC, Group of Western European and Other States, European Union, and League of Arab States. UNEP, SUMMARY OF CONSULTATIONS ON UNGA RESOLUTION 73/333 (2019), <https://wedocs.unep.org/bitstream/handle/20.500.11822/30952/Summary%20consultations%20UNGA%20res%2073-333.pdf?sequence=6&isAllowed=y>.

35. *Note and Questionnaire to Guide the Way Forward on UN General Assembly Resolution 73/333*, UNEP, 149th mtg., U.N. Doc. UNEP/CPR/149/2 (2019), http://wedocs.unep.org/bitstream/handle/20.500.11822/31316/Letter%20on%20the%20Implementation%20of%20GA%20Resolution%2073_333.pdf?sequence=28&isAllowed=y.

36. *Id.*

37. *Agenda Item 6, supra* note 33.

38. *Id.* at 3.

39. *Roadmap for Consultations on Follow-Up of UN General Assembly Resolution 73/333*, UNEP, 149th mtg., U.N. Doc. UNEP/CPR/149/5/ADD.2 (2020), <https://wedocs.unep.org/bitstream/handle/20.500.11822/31664/Adopted%20Add5-2-Rev.1%20CPR%20149%20-%20roadmap%20on%20consultations%20on%20GA%20res%2073%20333.pdf?sequence=1&isAllowed=y>.

40. While the second meeting was originally planned for October, the co-facilitators proposed to postpone the next substantive consultation meeting to November 3-5, 2020, to increase the chances of in-person meetings. The final decision on the dates will be taken by the CPR Bureau.

fifth open-ended meeting of the CPR, to consider the draft procedural resolution implementing the mandate given to UNEA-5.

V. May 2020: Appointment of Co-Facilitators

In May 2020, the president of UNEA and the chair of the CPR appointed Saqlain Syedah, vice chair of the CPR, high commissioner and permanent representative of Pakistan, and Ado Lohmus, vice president of the UNEA and permanent representative of Estonia, as co-facilitators for the informal consultations under the auspices of the CPR on the implementation of Resolution No. 73/333, following consultations with the Bureaux of the CPR and UNEA and the chairs of the regional groups.⁴¹

VI. July 2020: First Informal Substantive Consultation⁴²

Following the road map for consultations, UNEP opened an informal consultation process with regional and political groups, holding the first meeting virtually between July 21-23, 2020. The meeting allowed States to share their stance on the scope of the political declaration and the proceedings of international environmental governance.⁴³ Yet the discussions mostly mimicked the debates held in Nairobi, failing to add much new to the table. Similar to the first Nairobi session, there was a lot of discussion on diverse aspects of IEL, with very few action-oriented solutions proposed.⁴⁴ The ambition of countries, with a few exceptions, remains low, with the majority opposing new and future-oriented proposals that would better prevent and prepare for environmental crises.⁴⁵

Surprisingly, very few countries acknowledged the current global context in which the negotiations are developing and ignored how the COVID-19 pandemic influences the need for a new environmental agreement. The Group of Latin America and the Caribbean (GRULAC), representing a region that has been profoundly devastated by COVID-19, noted the need to recommit to the sustainable

development goals (SDGs).⁴⁶ The European Union (EU)⁴⁷ addressed the need for a green recovery,⁴⁸ while New Zealand and Turkey called on global environmental challenges “to build back better” from the pandemic.⁴⁹ Brazil recognized the need to recover from COVID-19 while also fighting climate change,⁵⁰ albeit also contending that sustainable development cannot be achieved unless poverty, which has been aggravated by the pandemic, is eradicated.⁵¹ New Zealand specifically addressed a potential political spotlight on environmental law and principles.⁵²

Most States⁵³ demanded adoption of a declaration that furthers the 2030 Agenda for Sustainable Development and the SDGs. However, once again, this should not be used as an excuse to avoid further commitments, which could be advanced while also addressing poverty issues (in a “green recovery” type of solution or alternatives for “building back better”). The Democratic Republic of Congo suggested that some developing countries would require external funding to better cooperate at the international level.⁵⁴ Yet many countries reinforced once again the importance of the principle of common but differentiated responsibilities,⁵⁵ calling attention to poverty as an additional impact factor given how COVID-19 has influenced

41. Letter from Jorge Laguna-Celis, Director of Governance Affairs, to Ministers Responsible for the Environment et al., UNEP (May 8, 2020), <https://wedocs.unep.org/bitstream/handle/20.500.11822/32266/Letter%20on%20co-facilitators%20REV%20JLC.pdf?sequence=1&isAllowed=y> (appointing co-facilitators for the informal consultations).

42. This section draws on the documents available at UNEP, *CPR Meetings: First Informal Substantive Consultation Meeting on UNGA Resolution 73/333*, https://www.unenvironment.org/events/cpr-meetings/first-informal-substantive-consultation-meeting-unga-resolution-73333?_ga=2.93341341.1021647480.1596565913-1017108954.1595267309 (last visited Aug. 20, 2020).

43. Based on Agenda Item 4 of the meeting, entitled “Consideration of the Outline Document,” prepared by the co-facilitators.

44. TIGRE, *supra* note 11, at 102-04, 112-36.

45. See DOMAINE, *supra* note 25, at 13 (on the lack of political will as a barrier to the OEWS’s negotiations).

46. GRULAC Representative, Item 3: General Statements by Regional and Political Groups and Interested Member States and Members of Specialized Agencies, Remarks at the First Informal Substantive Consultation Meeting on UNGA Resolution 73/333, at 1 (July 21-23, 2020) [hereinafter GRULAC Statement on Item 3], <https://wedocs.unep.org/bitstream/handle/20.500.11822/33188/GRULAC%20Intervention%20Final%2021JUL20.pdf?sequence=1&isAllowed=y>.

47. Serbia and Ukraine align themselves with all four EU statements.

48. EU and Member States Representative, EU & MS Statement on “Means of Implementation” (Recommendations 7, 13, 15, 16), Remarks at the First Informal Substantive Consultation Meeting on UNGA Resolution 73/333, at 2 (July 21-23, 2020) [hereinafter EU & MS Statement on “Means of Implementation”], https://wedocs.unep.org/bitstream/handle/20.500.11822/33266/73-333-EUMS_Statement_Cluster%202_MoI.pdf?sequence=1&isAllowed=y.

49. See, within this context, the work currently developed by the Global Pandemic Network, <https://www.globalpandemicnetwork.org/> (last visited Aug. 20, 2020).

50. Nicola Speranza, Ministry of Foreign Affairs of Brazil, Remarks by Brazil on Cluster 2 (Means of Implementation), Remarks at the First Informal Substantive Consultation Meeting on UNGA Resolution 73/333, at 3 (July 21-23, 2020) [hereinafter Brazil’s Statement on Cluster 2], <https://wedocs.unep.org/bitstream/handle/20.500.11822/33239/BRAZIL%20Cluster%202%20Means%20of%20Implementation.pdf?sequence=1&isAllowed=y>.

51. Ambassador Fernando Estellita Lins de Salvo Coimbra, Opening Remarks by Brazil, Remarks at the First Informal Substantive Consultation Meeting on UNGA Resolution 73/333, at 1 (July 21-23, 2020), <https://wedocs.unep.org/bitstream/handle/20.500.11822/33200/BRAZIL%20Opening%20remarks.pdf?sequence=1&isAllowed=y>.

52. New Zealand Representative, New Zealand Statement, Remarks at the First Informal Substantive Consultation Meeting on UNGA Resolution 73/333 (July 21-23, 2020), <https://wedocs.unep.org/bitstream/handle/20.500.11822/33196/New%20Zealnd%20statement.pdf?sequence=1&isAllowed=y>.

53. African Group, EU, GRULAC, Costa Rica, Brazil, India.

54. Democratic Republic of the Congo Representative, Intervention by the Democratic Republic of the Congo on Cluster 2 Agenda Item: “Means of Implementation,” Remarks at the First Informal Substantive Consultation Meeting on UNGA Resolution 73/333 (July 21-23, 2020), <https://wedocs.unep.org/bitstream/handle/20.500.11822/33258/DEMOCRATIC%20REPUBLIC%20OF%20THE%20CONGO%20Cluster%202.pdf?sequence=1&isAllowed=y>.

55. African Group, Algeria, GRULAC, Costa Rica, Brazil, Egypt, India, the Group of 77 (a coalition of 134 developing countries), and China.

economies.⁵⁶ China also demanded that the principle of State sovereignty over environmental resources be included in a declaration.⁵⁷

While the COVID-19 health crisis provides several challenges of a socioeconomic nature, it also reinforces the connection between humanity and nature. Additionally, it raises foundational questions for the international legal order, including the effect of the pandemic on fundamental human rights and IEL. Rather than using the pandemic as an excuse to avoid further international obligations—following the national example of countries such as Brazil and the United States, which have sought an opportunity to promote environmental rollbacks during the pandemic—this should be seen as an additional incentive to agree on more stringent commitments.⁵⁸

Most States⁵⁹ acknowledged that the meetings should only focus on the recommendations of Resolution No. 73/333, and converged on the understanding that the political declaration should be nonbinding and action-oriented.⁶⁰ However, the recommendations provide a vast field for the development of ambitious norms within the three informal clusters of topics: (1) governance, (2) means of implementation, and (3) environmental rule of law. Indeed, the resolution addresses a wide range of issues including, generally, the protection of the environment for present and future generations, strengthening implementation of IEL and environment-related instruments, the implementation of the 2030 Agenda for Sustainable Development, the Addis Ababa Action Agenda, the role of UNEP, cross-cutting issues and coherence between MEAs, cooperation between bodies and secretariats of MEAs and, more specifically, the role of discussions on principles of IEL in enhancing implementation.

Yet, most of these States also insisted on recognizing and supporting the implementation of existing frameworks and conventions rather than creating new obligations. Some countries, such as Brazil, mistakenly pointed out that the OEWG concluded that there was not a lack of international environmental norms, but a lack of proper implementation of existing rules. While the OEWG's

recommendations primarily focused on means of implementation, it did not eliminate the debate on the possible adoption of new norms. The UNSG specifically addressed gaps in existing norms, while the OEWG explicitly recommended the adoption of a new soft law agreement, a political declaration. While declarations traditionally recall prior commitments from the international community, these also push forward new commitments, an example that should be followed in this case.⁶¹

With more than 500 MEAs in force, most challenges in the effectiveness of IEL lie in their implementation: because of the lack of political will, resources, and capacities, environment-related treaties are generally not correctly applied, giving rise to some of the “gaps” in IEL. Indeed, the missing link between the obligations assumed by States and their full implementation was one of the foci of the UNSG's report,⁶² the Nairobi discussions,⁶³ and the OEWG's recommendations to the UNGA.⁶⁴ Yet these in no way limited the focus of these documents. While the importance of compliance was repeatedly acknowledged, especially in the context of the 2030 Agenda for Sustainable Development, the Addis Ababa Action Agenda, and the Montevideo Programme V, very few practical solutions were put forward. The same occurred during the first informal consultation.

But how could States increase ambition and suggest provisions that add value to IEL by addressing implementation deficiencies? A few alternatives come to mind. A new declaration could bring together different stakeholders (state and non-state, multi-level governance systems) to raise the necessary means for the effective implementation of environmental agreements. This is especially important during the pandemic, which calls for increasing multi-stakeholder cooperation.⁶⁵ By bridging the public/private divide, for example, a new declaration could provide a space for interaction on addressing financial, capacity, and technological gaps.⁶⁶

The improvement of coordination among different treaty bodies, and particularly between States and UNEP, as highlighted by the OEWG's report, is a significant step forward. This solution can be addressed by a soft law instrument, such as a UNEA ministerial declaration, resolution, or decision—that could become part of this “toolbox”—which is likely to be accepted by States in a more natural way than a treaty and thus be more productive. At the

56. For a criticism on how developing countries fail to consider differentiated responsibilities among them, see Maria Antonia Tigre, *Cooperation for Climate Mitigation in Amazonia: Brazil's Emerging Role as a Regional Leader*, 5 *TRANSNAT'L ENVTL. L.* 401(2016).

57. Sun Jin, Ministry of Foreign Affairs of the People's Republic of China, General Statement by China, Remarks at the First Informal Substantive Consultation Meeting on UNGA Resolution 73/333, at 1 (July 21, 2020), <https://wedocs.unep.org/bitstream/handle/20.500.11822/33235/China%20opening%20remarks.pdf?sequence=1&isAllowed=y>.

58. See, in this regard, the ongoing work of the Global Pandemic Network, in particular the ecological rights subgroup.

59. The Group of 77, African Group, China, GRULAC, Chile, Colombia, Brazil, Egypt, Ethiopia, New Zealand, Turkey, and the United Kingdom (U.K.).

60. Whether the recommendations of the resolution should be “actionized” was a significant point of debate. See Co-Facilitators' Summary for the First Informal Substantive Consultation Meeting on United Nations General Assembly Resolution 73/333, Entitled “Follow-Up to the Report of the Ad Hoc Open-Ended Working Group Established Pursuant to General Assembly Resolution 72/277” (July 30, 2020) [hereinafter Co-Facilitators' Summary], https://wedocs.unep.org/bitstream/handle/20.500.11822/33605/73%20333%20CO%20FAC%20Summary_%20rev%200825.pdf?sequence=1&isAllowed=y.

61. See, for example, the Stockholm Declaration (*Report of the U.N. Conference on the Human Environment, Stockholm 5-16 June 1972*, U.N. Doc. A/CONF.48/14/Rev.1 (1973)) and the Rio Declaration (*Rio Declaration on Environment and Development*, U.N. Conference on Environment and Development, Annex, U.N. Doc. A/CONF.151/26 (Vol. I) (1992)), which, while having several principles in common, are not identical, as the Rio Declaration progressively adopted additional principles.

62. *Report of the Secretary-General*, *supra* note 7, at 6.

63. TIGRE, *supra* note 11, at 127-32.

64. G.A. Res. 73/333, *supra* note 9.

65. G.A. Res. 74/270, *supra* note 8.

66. Christina Voigt, *How a “Global Pact for the Environment” Could Add Value to International Environmental Law*, 28 *REV. EUR. COMP. & INT'L ENVTL. L.* 13 (2019).

same time, this form of international cooperation would contribute to preserving the role of multilateralism.⁶⁷

Most States⁶⁸ concluded that the political declaration should encourage coordination and cooperation between MEAs, with UNEP and UNEA. This would enhance synergies among MEAs and promote more robust and coordinated global environmental governance, avoiding duplicated efforts and overlaps.⁶⁹ The EU gave the example of the “synergies process” established by the Basel, Rotterdam, and Stockholm Conventions as a useful method for advancing policy coherence, improving implementation, and reducing administrative burdens.⁷⁰

Similarly, Brazil recommended identifying the best methods for enhancing coordination among MEA secretariats.⁷¹ Yet Brazil specified that States’ efforts to promote synergies should not lead to obligations that might undermine the original compromises required to achieve each MEA.⁷² This concern was, however, specifically addressed in the OEWG’s recommendations, which noted the objective not to undermine existing legal instruments and frameworks.⁷³ The EU also proposed that UNEA act as a “central platform for cross-cutting issues of specific global environmental workstreams.”⁷⁴

The civil society group urged that scientific research, innovation, and cooperation should be encouraged across relevant bodies to adequately inform the work of MEAs as well as national and subnational sustainable development commissions. Within this context, more ambition on means of implementation (finance, technology, technical assistance, and capacity-building in the environmental field) for developing countries was called for. The African Group and Egypt specified that the national circumstances and development imperatives of each country should be taken into account, while GRULAC recommended more precise assessments and monitoring of national capabilities.

Brazil acknowledged that States must work at the national level to ensure the respect of their legal commitments, which requires enhanced coordination among different governmental agencies.⁷⁵ The EU and Malawi

expressed the importance of mainstreaming environmental considerations at all levels. They proposed that all States should be encouraged to mainstream the environment into relevant sectoral policies, programs, and action plans. The EU and Brazil also suggested that the private sector and other stakeholders should be involved at all levels in the implementation of environmental commitments, which would require an increased level of access to information.

Further, almost all countries⁷⁶ called for reaffirming and strengthening the role of UNEP as the leading global environmental authority.⁷⁷ The EU and the civil society group specifically noted the role of UNEP within the U.N. Sustainable Cooperation Framework. Additionally, the EU suggested that UNEP should intensify its dialogue with other U.N. entities to bring “its environmental expertise into ongoing negotiations of specific sectors, thereby contributing to more coherent policy-making.”⁷⁸ The civil society group recommended that UNEP’s policy influence should be further strengthened with regards to all “relevant international organizations whose mandates may impact environmental matters.”⁷⁹

States such as Brazil and Kenya and the civil society group recommended increasing UNEP’s authority by providing sufficient funding through UNEP’s Environment Fund. The EU considered that financial resources should also come from private sources and innovative finance mechanisms.⁸⁰ Finally, UNEP’s mandate was also discussed, with some delegations stressing the importance of strengthening its operational counterpart, while providing sufficient resources to assist countries to implement their environmental commitments, while others stressed its normative role, and the significance of promoting the science/policy interface.⁸¹

Some States, including the EU and Algeria, maintain that the process cannot remain a “perpetual[ly] postponed aspiration,”⁸² and that it is a primary objective to reach through adequate means of implementation. The EU spe-

67. DOMAINE, *supra* note 25, at 14.

68. EU, African Group, China, Chile, Kenya, Malawi, the U.K., and the civil society group.

69. See NIKO URHO ET AL., INTERNATIONAL ENVIRONMENTAL GOVERNANCE: ACCOMPLISHMENTS AND WAY FORWARD (2019).

70. EU and Member States Representative, EU & MS Statement on “Governance” (Recommendations 6, 9, 10, 11, 12, 18), Remarks at the First Informal Substantive Consultation Meeting on UNGA Resolution 73/333, at 2 (July 21–23, 2020) [hereinafter EU & MS Statement on “Governance”], https://wedocs.unep.org/bitstream/handle/20.500.11822/33228/73-333-EUMS_Statement_Statement_Governance.pdf?sequence=1&isAllowed=y.

71. Brazil’s Statement on Cluster 2, *supra* note 50, at 3.

72. Patrick Luna, Deputy Permanent Representative of Brazil to UNEP, Remarks by Brazil on Cluster 1 (Governance), Remarks at the First Informal Substantive Consultation Meeting on UNGA Resolution 73/333, at 2 (July 21–23, 2020), <https://wedocs.unep.org/bitstream/handle/20.500.11822/33229/BRAZIL%20Cluster%201%20Governance.pdf?sequence=1&isAllowed=y>.

73. G.A. Res. 73/333, *supra* note 9, Annex (5).

74. EU & MS Statement on “Governance,” *supra* note 70, at 1.

75. Patrick Luna, Deputy Permanent Representative of Brazil to UNEP, Remarks by Brazil on Cluster 3 (Environmental Rule of Law), Remarks at the First Informal Substantive Consultation Meeting on UNGA Resolution 73/333, at 1 (July 21–23, 2020) [hereinafter Brazil’s Statement on Cluster 3], <https://wedocs.unep.org/bitstream/handle/20.500.11822/33245/BRAZIL%20Cluster%203%20Environmental%20RoL.PDF?sequence=1&isAllowed=y>.

76. EU, Group of 77, China, African Group, Brazil, Chile, Ethiopia, Kenya, Turkey.

77. Within this context, some delegations took note of the ongoing processes taking place in the context of the CPR, including a review and action plan being prepared by UNEP on the implementation of paragraph 88. In addition, note that UNEP is currently preparing the UNEP Global Report on Environmental Rule of Law as it seeks to “position UNEP as the leading voice on environmental rule of law by providing a data-informed assessment of the status of and global trends on environmental rule of law,” good practices and recommendations for future directions. See UNEP, CONCEPT NOTE—VERSION OF 12 AUGUST 2020 (2020), https://www.iucn.org/sites/dev/files/content/documents/2020/unep_2021_global_report_on_environmental_rule_of_law_concept_note_-_for_distribution.pdf.

78. EU & MS Statement on “Governance,” *supra* note 70, at 1.

79. Christina Catalano, Institute for Planetary Synthesis, Intervention From the NGOs on Governance (Recommendations 6, 9, 10, 11, 12, 18), Remarks at the First Informal Substantive Consultation Meeting on UNGA Resolution 73/333, at 1 (July 21–23, 2020), <https://wedocs.unep.org/bitstream/handle/20.500.11822/33231/Intervention%20from%20the%20iucn.org%20on%20agenda%20point.pdf?sequence=1&isAllowed=y>.

80. EU & MS Statement on “Means of Implementation,” *supra* note 48, at 1.

81. Co-Facilitators’ Summary, *supra* note 60, at 2.

82. Algeria Representative, Algeria Opening Remarks, Remarks at the First Informal Substantive Consultation Meeting on UNGA Resolution 73/333 (July 21–23, 2020), <https://wedocs.unep.org/bitstream/handle/20.500.11822/33218/Algeria%20Statement%2021-23%20July.pdf?sequence=1&isAllowed=y>.

cifically recommended that States discuss the extent to which principles of international law can help in the implementation of environmental law, implicitly referencing the GPE, which started this process.⁸³ While this proposal remains unpopular among some States, the support of a powerful actor could help maintain it on the negotiating table. Indeed, the discussion of principles was explicitly noted in the OEWG's recommendations. Japan believes that the political declaration should be an opportunity for all States to demonstrate their strong political will to strengthen IEL and governance "to address formidable and emerging environmental challenges."⁸⁴

However, once again, several States referred to the International Law Commission's (ILC's) work "to contribute to the progressive development and the codification of international law."⁸⁵ Brazil noted its support of the ILC's process and urged that the preparation of the political declaration not prejudice the studies undertaken by the Commission with regards to principles of law.⁸⁶ Kenya favored the nomination of experts by each State to actively engage in the ILC's work to diversify perspectives and approaches enhancing environmental governance.⁸⁷

Yet, it should be noted that the ILC's work, which is cumbersome and lengthy, refers to general principles of law and is not environment-specific. Both processes could develop independently. Although the work of the ILC is significant for the development of international law, a reference to this process was mainly used as a tactic to delay negotiations in Nairobi, an approach that was repeated during the latest round of discussions. With a specific deadline to adopt a new agreement by 2022, it is unlikely that States could wait for the ILC to finish its study.

Within this context, the EU stated that existing and agreed principles of IEL contribute to the objective of environmental protection, but stressed the importance of identifying approaches for developing an understanding of each principle and its application.⁸⁸ Indeed, the clari-

fication of environmental principles was suggested by the UNSG as a way to address current gaps in IEL.⁸⁹ The World Commission on Environmental Law and International Council of Environmental Law further noted that clarification and reinforcement of principles of IEL could provide a more balanced reconciliation of economic, social, and environmental rights, and equip States to build resilience and capacity amidst present and future environmental diversity—something even more significant during and after the pandemic.⁹⁰

The civil society group indicated the need to agree on environmental rights, along with the recognition of universal responsibilities.⁹¹ This call follows a statement from the outgoing and incoming U.N. special rapporteurs on human rights and the environment, who jointly urged the UNGA to recognize the right to a healthy environment.⁹² Additionally, they highlighted that effective environmental rule of law depends on access to quality environmental information to participate in the decisionmaking process.⁹³ GRULAC also insisted on the importance of specifying that human beings and nature should live in harmony to overcome the challenges of biodiversity loss, climate change, and pollution.⁹⁴ Turkey also expressed the need to consider prevention, including the protection of ecosystems, conservation of biodiversity, sustainable and climate-friendly agricultural practices, and carbon emissions.⁹⁵

Finally, three options were suggested on when to adopt the declaration: UNEA-5 in 2021; the 15th meeting of the Conference of Parties to the Convention on Biological Diversity to be held in China in 2021; and the U.N. high-level meeting in Stockholm in 2022 to commemorate the 50th anniversary of the 1972 Stockholm Conference and UNEP. Given the time frame and the development so far, it is likely that a draft declaration will be ready for UNEA-5, for adoption in 2022 at UNEP@50.

83. EU and Member States Representative, EU & MS Opening Statement, Remarks at the First Informal Substantive Consultation Meeting on UNGA Resolution 73/333, at 2 (July 21-23, 2020), https://wedocs.unep.org/bitstream/handle/20.500.11822/33236/EUMS_Statement_Opening_Statement.pdf?sequence=1&isAllowed=y.

84. Japan Representative, Statement of Japan, Remarks at the First Informal Substantive Consultation Meeting on UNGA Resolution 73/333, at 1 (July 21-23, 2020), https://wedocs.unep.org/bitstream/handle/20.500.11822/33238/Japan%20statement%20First%20informal%20consultation%20on%2073_333.pdf?sequence=1&isAllowed=y.

85. See generally ILC, *Analytical Guide to the Work of the International Law Commission*, https://legal.un.org/ilc/guide/1_15.shtml (last visited Aug. 20, 2020); *Second Report on General Principles of Law by Marcelo Vázquez-Bermúdez, Special Rapporteur*, ILC, 72d Sess., U.N. Doc. A/CN.4/741 (2020) [hereinafter *ILC Second Report*], <https://documents-dds-ny.un.org/doc/UNDOC/GEN/N20/093/44/PDF/N2009344.pdf?OpenElement>; TIGRE, *supra* note 11, at 135.

86. Brazil's Statement on Cluster 3, *supra* note 75, at 2.

87. Kenya Representative, Group 3: Environmental Rule of Law (Recommendations 8, 14, 17), Remarks at the First Informal Substantive Consultation Meeting on UNGA Resolution 73/333 (July 21-23, 2020), <https://wedocs.unep.org/bitstream/handle/20.500.11822/33244/KENYA%20INTERVENTIONS%20UNDER%20%20GROUP%203.pdf?sequence=1&isAllowed=y>.

88. EU and Member States Representative, EU & MS Statement on "Environmental Rule of Law" (Recommendations 8, 14, 17), Remarks at the First Informal Substantive Consultation Meeting on UNGA Resolution 73/333, at 1 (July 21-23, 2020), <https://wedocs.unep.org/bitstream/>

[handle/20.500.11822/33255/73-333-EUMS_Statement_Agenda_EnvRuleLaw.pdf?sequence=1&isAllowed=y](https://wedocs.unep.org/bitstream/handle/20.500.11822/33255/73-333-EUMS_Statement_Agenda_EnvRuleLaw.pdf?sequence=1&isAllowed=y).

89. *Report of the Secretary-General*, *supra* note 7, at 2, 42.

90. WCEL ET AL., *supra* note 16.

91. Leida Rijnhout, Stakeholder Forum, NGOs' Opening Statement, Remarks at the First Informal Substantive Consultation Meeting on UNGA Resolution 73/333, at 2 (July 21-23, 2020) [hereinafter NGOs' Opening Statement], <https://wedocs.unep.org/bitstream/handle/20.500.11822/33198/NGOs%20statement%20agenda%20point%203.pdf?sequence=1&isAllowed=y>.

92. *Human Rights Obligations Relating to the Enjoyment of a Safe, Clean, Healthy, and Sustainable Environment: Note by the Secretary-General*, U.N. GAOR, 73d Sess., U.N. Doc. A/73/188 (2018).

93. Omoyemen Lucia Odigie-Emmanuel, Centre for Human Rights and Climate Change Research, NGO Intervention Block 3: Environmental Rule of Law (Recommendations 8, 14, 17), Remarks at the First Informal Substantive Consultation Meeting on UNGA Resolution 73/333, at 1 (July 22, 2020), <https://wedocs.unep.org/bitstream/handle/20.500.11822/33256/NGO%20intervention%20Block%203%20%20Wednesday%2022%20of%20July%202020.pdf?sequence=1&isAllowed=y>.

94. GRULAC Statement on Item 3, *supra* note 46, at 1.

95. Turkey Representative, Turkey's Input/Statement, Remarks at the First Informal Substantive Consultation Meeting on UNGA Resolution 73/333 (July 21, 2020), <https://wedocs.unep.org/bitstream/handle/20.500.11822/33246/Turkey%20STATEMENT%2073%20333.pdf?sequence=1&isAllowed=y>.

VII. Next Steps

Resolution No. 73/333 is a broad document that encompasses several issues beyond the originally envisioned update on environmental principles. Indeed, it addresses the institutional framework of IEL, international organizations, implementation of MEAs, and the relationship between IEL and related fields. Given the broad mandate, these negotiations are highly influenced by a series of parallel processes at the U.N. In particular, there are ongoing negotiations related to UNEP@50, institutional reform of UNEP, as well as reviews of implementation of MEAs (such as the first Global Meeting of National Focal Points of the Montevideo Programme V).

The debate on implementation of the resolution is thus not an isolated process, and understanding how these develop can sometimes feel like a three-dimensional chess game. Yet it is impossible to follow one process without understanding the interaction with the others. This section briefly highlights some of the negotiations to watch out for in the fall of 2020. These will significantly affect any outcome document.

The second substantive consultation, which is set to take place in November 2020, will allow States to follow up on the outcomes of the first consultation and lend further consideration to possible draft components for a procedural resolution for UNEA-5. A draft document should become public in November 2020. The third and last substantive consultation should take place in early February 2021, before the fifth open-ended meeting of UNEP's CPR. It will allow States to give their final thoughts on the draft of the procedural resolution, which will implement the mandate given to UNEA-5 by UNGA Resolution No. 73/333.

UNEA-5 is expected to take place during the last week of February 2021 in Nairobi, Kenya. Several preparatory meetings will be held during the fall of 2020, which will inform the negotiation process. These include several meetings of the Subcommittee of the CPR and the CPR itself, one of which consists of a stocktaking exercise, and a joint meeting of the Bureaux of UNEA-5 and of the CPR.⁹⁶ In particular, a subcommittee meeting in October will promote a performance review of UNEP and consider a medium-term strategy for UNEP for 2022-2025, its program of work and budget, and preparations for UNEP@50.⁹⁷ The 75th session of the UNGA will be held between September 15-30, 2020.

Finally, given how several countries have referred to the work of the ILC on general principles of law, it is also relevant to follow that particular process to understand how it can influence these negotiations. The special rapporteur's first report was preliminary and introductory, to lay the

foundation for future work.⁹⁸ The second report, presented in 2020, addressed the identification of general principles of law. The next report will focus on the functions of general principles of law and their relationship with other sources of international law.⁹⁹

VIII. Conclusion

The adoption of the GPE as a political declaration is not as ambitious as first expected by many experts. Indeed, several original drafters were disappointed with the process. At the same time, legal scholars have actively engaged in a fruitful discussion on the need for a new agreement and what that could entail. The diplomatic community has similarly presented opinions on different spectrums of the debate, leaving a high level of uncertainty over the future of the negotiations. However, the promotion of the academic debate, the adoption of a report on gaps in IEL by the UNSG, and the recommendations from the OEWG already represent valuable soft law documents that will influence further developments on environmental protection.¹⁰⁰ Although the level of ambition from States is still far from ideal, multilateral environmental diplomacy remains alive.

Many options could be contemplated in the context of the preparation of a political declaration, as evidenced by the debate engaged by Member States during the first informal consultation process. Although the main focus remains on means of implementation, with the suggestion of several options to further improve synergies and coherence, other areas of focus were also brought to the table. Given the prospects of elections in several countries until 2022, it is possible that new political leaders with a more progressive environmental agenda could be in office by then, altering the ambition and political will.¹⁰¹

Considering the broad mandate of Resolution No. 73/333, all options are still on the table, including the possibility that a political declaration will recommend the elaboration of a GPE. A two-step approach could eventually be adopted, as suggested by the civil society group,¹⁰² with a firm declaration containing bold principles, followed by substantive and legally binding goals or a treaty guaranteeing concrete commitments from States and civil society. The adoption of a political declaration, if forward-looking, could have a substantial symbolic value, addressing the gravity of our current environmental crisis, including the pandemic. Regardless of the alternative chosen, States should use the opportunities brought by the next few months wisely to engage in a motivating debate with action-oriented and practical solutions to address the multiple environmental crises we currently face.

96. See updated calendar here: <http://wedocs.unep.org/bitstream/handle/20.500.11822/31834/2020%20Roadmap%20UNEP%20Governing%20Bodies.pdf?sequence=1&isAllowed=y>.

97. UNEP, NOTE FROM THE SECRETARIAT ON THE ORGANIZATION OF WORK FOR THE COMMITTEE OF PERMANENT REPRESENTATIVES (2020), <http://wedocs.unep.org/bitstream/handle/20.500.11822/33265/Note%20on%20CPR%20organization%20of%20work%20autumn%202020%20final.pdf?sequence=1&isAllowed=y>.

98. *First Report on General Principles of Law by Marcelo Vázquez-Bermúdez, Special Rapporteur*, ILC, 71st Sess., U.N. Doc. A/CN.4/732 (2019), <https://documents-dds-ny.un.org/doc/UNDOC/GEN/N19/100/93/PDF/N1910093.pdf?OpenElement>.

99. *ILC Second Report*, *supra* note 85, at 182.

100. DOMAINE, *supra* note 25, at 16.

101. Saint-Geniès, *supra* note 18, at 3.

102. NGOs' Opening Statement, *supra* note 91; Submission From the NGOs Involved in the Res. 73/333 Process (Before on Res. 72/277—Global Pact for the Environment) (July 17, 2020), available at <https://wedocs.unep.org/bitstream/handle/20.500.11822/33149/Submission%20from%20the%20NGOs%20involved%20in%20the%20Res.pdf?sequence=1&isAllowed=y>.