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**SEVENTY-SECOND SESSION, 88TH MEETING (AM)**

**General Assembly Decides to Establish Working Group Aimed at Identifying Gaps in International Environmental Law**

**Resolution’s Adoption Could Result in Addition of New Global Instrument to Already-Existing Regime**

The General Assembly adopted a resolution by which it decided to establish a working group to identify gaps in international environmental law, and possibly convene a conference for the creation of a new international instrument.

By a recorded vote of 143 in favour to 6 against (Iran, Philippines, Russian Federation, Syria, Turkey, United States), with 6 abstentions (Belarus, Malaysia, Nicaragua, Nigeria, Saudi Arabia, Tajikistan), the Assembly adopted the amended resolution titled “Towards a Global Pact for the Environment” (document A/72/L.51).

According to that text, the Assembly decided to establish an ad hoc open‑ended working group to consider a technical and evidence-based report — to be submitted by the Secretary-General during the Assembly’s seventy-third session in 2018 — and discuss possible options to address gaps in international environmental law and environment‑related instruments.  If necessary, the working group would discuss the scope, parameters and feasibility of an international instrument and make recommendations to the Assembly, which may include the convening of an intergovernmental conference to adopt such an international instrument during the first half of 2019.

Deciding that the ad hoc working group must be open to all Member States, the Assembly further decided that attendance at the sessions of the ad hoc group would be open to relevant non-governmental organizations.  The working group would hold several sessions, including organizational and initial sessions.

By other terms, the Assembly requested that its President appoint two co‑chairs of the ad hoc open-ended working group, one from a developing country and the other from a developed one, to oversee consultations.  The costs of the group would be met by voluntary contributions, according to the text.

Also by the text, the Assembly requested that the Secretary-General establish a special voluntary trust fund in support of the process, inviting all Member States and agencies to make financial contributions.  It further requested that the Secretary-General establish a special voluntary trust fund to assist developing countries, particularly least developed countries, landlocked developing countries and small island developing States, in attending the working group.

In other business, the meeting took note of document [A/72/713/Add.5](http://www.undocs.org/A/72/713/Add.5), in which the Secretary-General informed the Assembly that Yemen had made the payment necessary to reduce its arrears below the amount specified in Article 19 of the United Nations Charter.

Expressing their views on resolution adopted today were representatives of France (introducing the draft), Kenya (introducing amendments), United States, Russian Federation, Philippines, Bulgaria (on behalf of the European Union), Bolivia, China, Syria and Mali.

The General Assembly will meet again on Monday, 23 May, for a high-level debate on the United Nations Convention against Corruption.

Action

FRANCOIS DELATTRE (France), introducing draft resolution “L.51” – “Towards a Global Pact for the Environment” – said that unprecedented degradation of the environment had already caused hundreds of thousands of deaths.  Environmental threats particularly affected the world’s most vulnerable populations.  “If we do not act, we will be exposed to dramatic consequences,” he warned.  While the Rio Declaration on Environment and Development had helped develop environmental guidelines, it was time for the international community to take on new responsibilities.

He said the Paris Agreement on climate change had shown that it was possible to take concrete steps by developing a new tool.  Today’s draft would contribute to the common effort, creating an open-ended working group to determine gaps and assess the need to develop a new international instrument.  The working group would also make recommendations to the General Assembly, he said, adding that those processes would be supported by the United Nations Environment Programme (UNEP), with the assistance of voluntary contributions.  Today’s draft had been discussed at length, he said emphasizing:  “It is our common responsibility to protect our planet.”  He expressed regret that a modification had been proposed “at the last minute” and called upon Kenya to withdraw its amendment.  He also voiced regret that a recorded vote had been requested and urged all delegations to vote in favour of the draft.

KOKI MULI GRIGNON (Kenya), introducing the draft amendment (document A/72/L.53), proposed the deletion of the word “preferably” in operative paragraph 5.  She also proposed to replace the words “initial substantive session”, in operative paragraph 2, with “substantive session”.  Emphasizing Nairobi’s standing as the environmental capital of the United Nations, she said all substantive sessions — rather than just the initial one — must be held in the Kenyan capital.  That would preserve the integrity of UNEP and the United Nations.  The proposal to have Nairobi as the location of the substantive session was in accordance with all resolutions, including the decision adopted in Rio de Janeiro, Brazil, on 20‑22 June 2012, contained in the document “The Future We Want”.

Adopted by all Heads of State and Government, that document sought to strengthen the role of UNEP in Nairobi as the leading authority setting the global environment agenda, she continued.  That decision included full participation by all 193 Member States.  Pointing out that UNEP was the only United Nations headquarters in the global South, she stressed:  “These United Nations decisions and resolutions must be respected,” urging Member States to vote in favour of the draft amendment.  Any meeting taken out of Nairobi would undermine UNEP’s capacity, she cautioned.

MARK SIMONOFF (United States) expressed regret that his delegation had been compelled to call for a recorded vote on the draft resolution.  It was unfortunate that no transparent and open discussion had taken place for a new environment‑related instrument.  Member States had not been able to consider how such a proposal would contribute to the existing environmental regime.  In the spirit of compromise, however, the United States was willing to support the establishment of a working group to address gaps but could not support the title of the draft resolution or any language in operative paragraph 2 that would prejudge discussions before challenges had even been identified.  Operative paragraph 7 did not support language that would allow environmental challenges to be addressed in a comprehensive manner, he said, noting that most agreements were narrowly tailored.

Noting that the concerns of the United States had not been addressed or taken into account, he underlined that today’s proposal must not disrupt existing international agreements, noting that operative paragraph 9 recognized that nothing in the process should impact the rights and obligations of parties under existing agreements.  He urged Member States to vote against the text, saying that consensus could have been achieved if appropriate consideration had been given to the concerns of Member States.  The United States regretted that more time had not been allocated for Member States to engage in the process, he said, adding that that his delegation would, nevertheless, participate in the working group’s discussions.

SERGEY KONONUCHENKO (Russian Federation), noting that his country would vote against the draft resolution, expressed regret over the “unconstructive process” in putting it together.  “Comments were not looked at,” he said, adding that following the procedure had hampered talks and prevented the addition of suggestions.  However, there was still room to achieve consensus, he said, adding that his delegation was committed to sustainable development in the national, regional and global spheres.  He emphasized the importance of focusing on existing environment-related instruments, primarily the 2030 Agenda for Sustainable Development and the Addis Ababa Action Agenda on financing for development.

He went on to point out that there were currently more than 1,000 such instruments, stressing the need to concentrate, first and foremost, on their implementation.  Rather than establishing new instruments, the working group should focus on implementing existing ones, he stressed.

MARIA ANGELA A. PONCE (Philippines) said that an integrative framework for bringing the global community together on the environment already existed.  The 2030 Agenda had brought together the social, economic and environmental spheres together in support of sustainable human development.  New solutions must be based on common but differentiated responsibilities and not on the formulation of another consolidated environment-related agreement witch the potential of renegotiating already agreed principles and solutions, she emphasized.

Recognizing France’s efforts, she said it was important for the process to be transparent and consultative, and essential that Member States conduct extensive national inter-agency consultations.  “This cannot be rushed and conducted over an abbreviated period,” she added, underlining that the solidarity of the “Group of 77” developing countries and China must be respected.  “It is unfortunate that France did not consult with the Chair of the Group to determine if the Group and China would negotiate as a group” prior to engaging bilaterally with the Group’s Member States.  For those reasons, the Philippines would vote against the draft resolution, she explained.

The Assembly then adopted amendments contained in document A/72/L.53 without a vote, before adopting resolution A./72/L.51 by a recorded vote.

GEORGI VELIKOV PANAYOTOV (Bulgaria), speaking on behalf of the European Union, voiced disappointment with Kenya’s decision to submit amendments, pointing out that the working group’s location had been discussed for three months.  The European Union looked forward to constructive discussions in furtherance of the Global Pact for the Environment, which sought to address challenges caused mainly by human activities, which threatened societies and international stability.

Ms. MULI (Kenya) said that Member States voting in favour of the amendment and resolution had demonstrated the seriousness with which they took environmental issues.  Nairobi would continue to provide expertise in environment services, she said, assuring Member States that Kenya would continue to play its crucial role as host of the only United Nations organ headquartered in the global South.  Kenya took all environmental challenges seriously, as it had demonstrated with its own national initiatives, including its ban on plastic bags.

CYNTHIA VIVIANA SILVA MATURANA (Bolivia) said today’s vote had demonstrated respect for multilateralism and for all living things on Planet Earth.  Seeking a solution to environmental degradation was a long journey, and while the care and defence of the environment must include all global citizens, action must be conducted by Governments.  She noted the principles guiding consensus, saying that any initiative to deal with environmental crises must be based on common but differentiated responsibility, with the countries of the North taking on their fair share.  She also noted that certain countries were not respecting agreements to which they had previously committed.

ROUA SHURBAJI (Syria) said one document would not achieve the international goal of protecting the environment, pointing out that the concept of world environmental law was still legally controversial.  Member States abided by instruments in accordance with their national priorities and capabilities, she said, underlining the need to respect national sovereignty over national resources.  The establishment of an open-ended working group must involve cooperation on the part of Governments in dealing with the loopholes of global environmental law, she emphasized.

XU ZHONGSHENG (China) welcomed France’s initiative and stressed that the process must be driven by Member States.  The working group must be guided by the principles of multilateralism and the interests of all parties must be taken into consideration.  The working group must also help developing countries improve their environmental regimes and ensure their full involvement as indispensable participants in the process, he said.

JAVAD MOMENI (Iran) underlined the need to respect the sovereign rights of Member States and expressed support for already-existing processes.  He also requested that the Secretariat correct the vote as recorded.  Instead of voting against, Iran had wished to abstain, he said.

Speaking on a point of order, Mr. DELATTRE (France) said he looked forward to following up constructively with all delegations in the working group.

MOHAMED TRAORE (Mali) said he had not taken part in the vote, but would have voted in favour of the text.

**For information media. Not an official record.**