

Briefing of the
Committee of Permanent Representatives
Tuesday 16 January 2018
Conference Room 4
United Nations Office in Nairobi, Gigiri
9:30a.m. – 12:30p.m.

Concept Note on the Global Pact for the Environment

The French delegation has submitted the attached concept note on the Global Pact for the Environment, in support of the Secretariat briefing of the Committee of Permanent Representatives to be held on Tuesday 16 January, 2018.

Concept Note on the Global Pact for the Environment

- **Presentation of the initiative**

The proposal for a Global Pact for the Environment was drawn up by a group of 80 recognized legal experts, from 40 countries and was presented on the 24th of June 2017, Paris. The initiative received the active support of Laurent Fabius, President of the French Constitutional Council, former COP21 President and UN Environment Patron on Environmental Governance, as well as the commitment from the President of the French Republic, Emmanuel Macron, to lead efforts at the UN, , with all interested partners, to adopt a Global pact for the Environment.

The idea of a Global Pact for the Environment stems from the fragmented nature of international and environmental law. Indeed, many of the existing environmental treaties are focused on particular sectors such as the climate, waste and biodiversity, and sometimes lack coherence. Many of them also face difficulties in their implementation. Furthermore, the main principles of environmental law, embedded in the Rio Declaration on environment and development in 1992 and the Rio+20 Declaration are not legally binding. In the light of the increasing threats posed to our environment on a global scale, and off the back of the Paris Agreement and the 2030 Agenda, it now seems necessary to bring together the different aspects covered by international environmental law in one document and update them in the light of new issues.

The main objectives of the Pact are:

- **To include in a legally binding treaty the fundamental principles of environmental law**, already included in universal political declarations, so as to make them enforceable before internal courts. This would be a major leap in international environmental law.
- **To make universal the main provisions of legally binding conventions that are not universal.**
- **To add new principles**, in view of new challenges (the draft text prepared by the lawyers includes for example **the principles of non-regression and resilience** as well as a duty of care for the environment).

During the Summit on a Global Pact for the Environment, which took place on the 19th of September in New York, in the margin of the UN General Assembly, the President of the French republic call for the rapid adoption of a resolution by UNGA to create an open-ended working group which will be in charge of negotiating a Global Pact for the Environment. **The aim is that the international community can adopt the Pact by the end of 2020.**

- **Negotiation process and timetable**

Following the Summit on 19 September, a “Group of Friends of the Pact” was created to prepare for **a short and procedural resolution.**

The resolution, as prepared:

- **decides to develop an international instrument, called a Global Pact for the Environment,** that will aim to complement and improve the coherence of international environmental law.
- **decides to establish, prior to holding an intergovernmental conference, an open-ended intergovernmental working group** to negotiate a Global Pact for the Environment, which will meet in New York, from 2018 until preferably 2020.
- **requests the President of the General Assembly to appoint two co-facilitators** to lead the consultations and negotiations of the working group, in regular coordination and consultation with all Member States, regional groups, and all relevant stakeholders.
- decides that the first meeting of the working group will examine matters related to the organization of work among members of the group.
- **requests the Secretary General to arrange for support to be provided by UNEP, for the performance of its work, secretariat services** and the provision of essential background information and relevant documents.
- **requests UNEP to provide the necessary assistance for multi-stakeholders consultations** in order to collect input on the main elements of a Global Pact for the Environment.
- recommends that the open-ended intergovernmental working group **concludes its work no later than 2020.**

- **Next steps**

The draft resolution has been posted on the United Nations “e-sponsorship platform” on the 20th of December 2017. The draft resolution will be officially presented to the General Assembly in January 2018.

The aim is to have the resolution adopted by the UNGA by March 2018 so that formal negotiations on the Global Pact can start during the spring 2018 in order to keep the political momentum.