

Global Pact for the Environment – Update

I- Summit on a Global Pact for the Environment (New York, 19th of September 2017)

The **Summit on a Global Pact for the Environment**, was held on the **19th of September 2017 in New York** during the ministerial opening week of the 72nd session of the United Nations General Assembly. It was **chaired by the President of the French Republic, in the presence of the Secretary-General of the United Nations** and the President of the General Assembly.

The Summit was attended by 40 Heads of States or Government and many Ministers and representatives from UN institutions and civil society. In total, around 600 people attended the Summit.

Seventeen countries from the 5 continents, including 10 represented at the HoS level, made an intervention expressing support for the launch of negotiations on a Global Pact for the environment. Speakers included France, Estonia, Croatia, Gabon, Bolivia, Guinea for the African Union, Senegal, Fidji, Norway, China, Costa Rica, India, Mexico, Bangladesh, Morocco, Niger and the United Arab Emirates. The UNSG and the President of the UNGA also underlined the relevance of launching negotiations on a Global Pact for the Environment. Erik Solheim, the Executive director of UNEP, gave his strong support to the initiative and offered the secretariat services of UNEP to support the negotiations.

Given the success of the Summit, the President of the French Republic called for the creation of a group of Friends of the Pact, which is to develop a draft resolution to be adopted by UNGA to launch formally the negotiations on a Global Pact for the Environment. The **President of the French Republic also stressed the need for ambition and efficiency and indicated his wish to see this draft resolution adopted by the end of this year, and the Pact itself by the end of 2020.**

II- Negotiation process and timetable

Following the Summit on 19 September, as called by French President Emmanuel Macron, the first meeting of the Group of Friends of the Pact was organized on the 25th of October 2017. The Group of Friends is limited to around 20 countries to facilitate the discussions while striving to achieve geographical balance. The aim of the Group of Friends is to prepare **a short and procedural resolution establishing an open intergovernmental working group** responsible for negotiating the Pact. This resolution will be tabled at the 72nd session of the UN General Assembly.

Once this resolution is adopted, the open intergovernmental working group will begin its work. During this process, the work carried out by the legal experts would not be a draft zero but could be used as a basis for discussion. As of yet, however, there are no formal ongoing negotiations, and no text on the table.

The adoption of a Global Pact for the environment will require wide-reaching, open and inclusive dialogue with all States and interested stakeholders. As the highest authority on environment in the UN system, UNEP and the upcoming United Nations Environment Assembly will have an important role to play, while taking into account that the negotiation process is taking place in New York.

III - Background information

The proposal for a Global Pact for the Environment was drawn up by a group of 80 recognized legal experts, from 40 countries, under the leadership of Laurent Fabius, President of the French

Constitutional Council and formerly the President of the COP21. The draft Pact was presented at the Sorbonne on 24 June 2017 to numerous high-level figures, including the President of the French Republic, Mr Ban Ki-moon and Ms Christiana Figueres.

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. 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 a single document, and update them in the light of new issues. This initiative complements the Paris Agreement but remains distinct and separate. It should be an open and inclusive initiative.

Thus, **the draft Pact aims at bringing together and expanding the fundamental principles of environmental law. The aim is for it to be a legally binding and generalized treaty** setting out all the fundamental rights that should be protected in the field of the environment and the major principles upon which environmental law is founded, which should guide the actions of States Parties. **It is based on pre-existing agreements and declarations** (Paris Agreement, Rio Declarations, Aarhus Convention, global or sector-based environmental conventions, etc.) or those established by international jurisprudence. The proposal, as drawn up by the legal experts, also brings in **some new ideas** including the principle of non-regression, a duty of care for the environment and the protection of the environment in armed conflict.