

The Global Pact for the Environment – the time is right!

February 24th, 2019

For more than three decades the international community has sought multilateral answers to transboundary conservation concerns. Despite these efforts the environment for future generations remains at risk. Indeed, the World Economic Forum maintains: *“In 2018 as in 2017, environmental risks account for four out of the five most hard-hitting risks”*. Although countries have taken steps towards tackling environmental conservation, notably through the Stockholm Declaration in 1972, the Rio Declaration in 1992, a number of specific and targeted environmental conventions, and recently the Paris Agreement in 2015, the damage to the environment persists.

Global Pact for the Environment

The provisions set forth in these instruments and declarations have recognised fundamental principles of environmental law. Principles that, with the help of governments and courts, have gradually been disseminated and implemented to some extent². The adoption of the Sustainable Development Goals (SDGs) – of which seven of the seventeen relate to the environment – and the Paris Agreement agreed upon in 2015 have provided new impetus for action. While the importance of these principles for the protection of the environment are incontestable, yet their lack legal force remains troublesome³. The general principles of environmental law remain fragmented, and coherence is urgently needed. Sectorial and geographical shortcomings remain. The international community must unite these principles of environmental action into a legally binding text – consolidating them for environmental governance⁴.

The Global Pact for the Environment (GEP) has set itself just that goal. The Global Pact was introduced in June 2017 by “Le Club des juristes” and developed by an international network of over 100 hundred leading experts from every continent. The Pact aims for nothing less than *“... to enhance the legal value of and codify the main principles of international environment law and make them accessible to citizens in an international treaty...”*⁵.

The Need for a Common and Legally Binding Approach

The Global Pact will allow for general principles such as the precautionary principle, norms on access to information (Aarhus Convention), or those related to the prevention of environmental harm to elevate from national and regional remits to universal responsibilities. The Pact will help clarify, harmonise and simplify environmental law, giving jurisprudence the necessary tools to interpret existing ambiguities. Although the Stockholm and Rio Declarations of 1972 and 1992, respectively, stimulated progress and established political obligations, they are not legally binding. A new international treaty as foreseen by the Pact will disseminate environmental principles through law, rectifying this shortcoming. Moreover, the Pact will establish predictability, providing much needed certainty for international businesses as they stretch to meet their social and environmental responsibilities.

OceanCare shares the assessment that international law is fragmented, and that the need for broad principles and common legal obligations is a necessity. In an ever-growing, inter-connected world, OceanCare believes successful environmental conservation is only possible if States forge a common and legally binding approach, codifying consecrated environmental principles. Adopting a Global Pact for the Environment will fulfil this obligation.



Addendum:

From September 5th to 7th, 2018 the Ad Hoc Open-ended Working Group convened an organisational session. The Working Group adopted a report in which it set dates for three substantive sessions to take place in Nairobi, Kenya.

- The First substantive session took place from January, 14th to 18th, 2019
- The Second substantive session will take place after UNEA 4 (Start March, 18th to 20th, 2019)
- A Third session (ca. 3-5 days) is planned to start on May 20th, 2019

The UN Secretary-General prepared a gap report that was released in November 2018 and is available here: <https://globalpact.informea.org/report>.

Links:

Link to the draft prepared by a number of legal experts:

<http://pactenvironment.emediaweb.fr/wp-content/uploads/2018/11/EN.pdf>

White Paper on the Global Pact with a preface from Laurent Fabius (former President of COP21):

<http://pactenvironment.emediaweb.fr/wp-content/uploads/2017/07/White-paper-Global-Pact-for-the-environment.pdf>

Documents from the organisational meeting

<https://www.unenvironment.org/events/conference/towards-global-pact-environment>

Group of Experts for the Pact:

<http://pactenvironment.org/the-pact-expert-group/>

Briefing References

- 1 The Global Pact for the Environment Handout, pg. 2.
- 2 White Paper Global Pact for the Environment, pg. 16.
- 3 <http://pactenvironment.org/aboutpactenvironment/les-raisons-du-pacte/>
- 4 <http://pactenvironment.emediaweb.fr/wp-content/uploads/2018/10/Appel-EN-1.pdf>
- 5 The Global Pact for the Environment Handout, pg. 1.

OceanCare has been committed to marine wildlife protection since 1989. We have witnessed dramatic developments – and have enforced concrete improvements.

Through research and conservation projects, campaigns, environmental education, and involvement in a range of important international committees, **OceanCare** undertakes concrete steps to improve the situation for wildlife in the world's oceans. In 2011, OceanCare was granted Special Consultative Status on marine issues with the Economic and Social Council of the United Nations. OceanCare has also been accredited as a Major Group to the United Nations Environment Assembly (UNEA) in 2015.

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