

Dear UN Secretary-General,

I am Leonidas Zeferino Lex, and with the highest level of respect, I am sending my input (deadline 17 July 2020) for the First informal substantive consultation meeting on United Nations General Assembly resolution 73/333 scheduled for 21 Jul 2020 to 23 Jul 2020:

INTERNATIONAL ENVIRONMENTAL SOLIDARITY:

THE FUTURE WE NEED.

Leonidas Zeferino Lex

For a Global Pact for the Environment, we can not forget the importance of Solidarity in all areas of environmental policy to achieve the full implementation of all the sustainable development goals. For a Global Pact for the Environment that represents a clear and solid message for the present and the future generations its more than important show to the world that is impossible a Global Pact to the Environment without Solidarity.

We need to be able to contribute to the end of the misunderstood that solidarity is a never end/utopic subject, and assumes its real meaning in the reality: a solid social way to solidify ethical, moral and legal contents associated with universal values shared with responsibility and interdependence.

For a very new Global Agreement for the Environment we need a strong statment wich stress that just a real legalyng binding sense of positive solidarity at all levels to enhance the implementation of obligations and commitments under international environmental law under and for real Unity (holístic, mutualistic and sistemic synergies of all chalenges, problems and solutions) based on all existing relevant multilateral legal instruments and agreements; since it is a fact that social, economic and environmental issues are closely intertwined, creating obligations of solidarity that fall on everyone: States, international organizations, non-governmental organizations, public and private sectores, and all other sectors of society and individuals (despite most of them reject being adressed to this).

So, recognizing the role of discussions on principles of international environmental law, International Environmental Solidarity working hand in hand with Cooperation (the most common internationally accepted and flexible concept related to solidarity, but very

completely another thing; since cooperation implies a joint effort to achieve something, in the expectation of direct and concrete reciprocal benefits for all the subjects involved in the cooperative act) will turn in reality the balanced integration between all is necessary to make the work we want to be done for the future we need.

In International Environmental Law, mutual responsibility and intergenerational equity (which are the fundamental elements of the notion of sustainable development) guide the mechanisms for discerning the principle of solidarity, as they evoke solid and long-term responsibility with the unconditional and inexcusable obligation of everyone in preserve the existence of humanity on Earth.

A complete understanding (legal, ethical and moral) of solidarity at all levels and in all sectors of society, as a common concern of humanity for the preservation of nature and the fight against climate change, is essential if we seek to respect, promote and consider the obligations common to all States in the area of human rights (especially those most in need, eradicating hunger and poverty, guaranteeing an existential end for all, concerning the fundamental right to health of individuals through of a healthy environment, as well as promoting the rights of indigenous peoples, local communities, migrants, children, people with disabilities and people in vulnerable situations, the right to development, as well as gender equality, women's empowerment and intergenerational equality , in the search for “climate justice.” This implies that the principle of sustainable development goes hand in hand with the principle of international solidarity, due to the need to preserve natural resources to be put reasonably to the benefit of future generations, integrated in intergenerational development policy plans.

Therefore, it is important to recognize that all main substantive meanings which makes the efforts for a sustainable development possible are straight reflected in the notion of international environmental solidarity, concerning to intergenerational equity and the interdependent sustainable development.

The environmental degradation and the threats of climate change and the decline of biodiversity leave humanity no choice but to concern itself with the preservation of the environment as a common and solitary objective for all, to ensure the survival of its own humanity.

In the current complex and modern context, solidarity have a myriad of functions - easily accepted as a fundamental moral value of humanity - advances to

perform other important roles in the international context, with a view to a definitive transition to a Public International Law we want to achieve de SDGs. So, solidarity is being recognized by some scholars as "Fundamental or Structural Principle of International Law" and, by others, within an emerging context of constitutionalization of international law, as a "Constitutional Principle of International Law". On the other hand, in a more advanced, current and challenging direction, the United Nations¹, propose the recognition of solidarity as a human right².

In order to discuss possibilities to address the gaps in international environmental law, it is necessary a full understanding of International Environmental Solidarity, realizing the solidaristic ideal in contemporary international law, under an interdisciplinary perspective with a view to strengthening implementation at the national and international levels.

This is why all principles of the Rio Declaration on Environment and Development is so important to achieve a Global Pact to the Environment: it is an international environmental solidarity statement.

The Rio Declaration on Environment and Development established a new global partnership taking into account the interests of all in protecting the“ integrity of the global environment system environment and development, recognizing the integral and interdependent nature of the Earth” (Principle 4). In the 7th principle of the Rio Declaration, we find the obligation of States to cooperate, in a spirit of global partnership (which can also be translated renewed to the Global Pact for the Environment as a spirit of global solidarity) conserving, protecting and restoring the health and integrity of the planet's ecosystem and considering, given the diverse contributions to the degradation of the global environment, and the economic disparities between countries, that States have common but differentiated responsibilities (so, the developed countries must to recognize their responsibility and the calling for more active involvement to support in the international level, complementing the national actions of undeveloped countries to reach a real sustainable development, because of the greater pressure the big economies of the world exerted by their societies on the global environment, as well as due to the technologies and financial resources they control).

¹ <https://www.ohchr.org/Documents/Issues/Solidarity/DraftDeclarationRightInternationalSolidarity.pdf>

² <https://www.ohchr.org/EN/Issues/Solidarity/Pages/IESolidarityIndex.aspx>

We need to highlight the International Environmental Solidarity in the Global Compact for the environment because it is an indispensable element for an international environmental protection system, coordinated by the interests of all; and also because both protection and damage to the environment do not obey artificial boundaries. The historical development of international environmental law shows a marked growth in the recognition and application of the concept of solidarity, and a Global Compact for the environment must follow the same path composed in other areas of law: negative obligations (negative solidarity) that, each time more, they lean towards responsibilities that force positive obligations (positive solidarity) in a universal, balanced and integrated manner, transforming our world for the future we need.

Klausen/Germany, 17 July 2020.

A handwritten signature in black ink, reading "Promislas Jeyenne Puy". The signature is written in a cursive style with a long, sweeping underline that extends to the right.