



RESPONSE OF THE CENTRE FOR HUMAN RIGHTS AND CLIMATE CHANGE RESEARCH TO GAPS IN INTERNATIONAL ENVIRONMENTAL LAW AND ENVIRONMENT-RELATED INSTRUMENTS: TOWARDS A GLOBAL PACT FOR THE ENVIRONMENT.

Identification of Absence of Universally Harmonized Global Enforcement Program for International Environmental Laws and Call for Harmonized Global Enforcement Program that Integrates International and National Enforcement Strategies for the Global Pact on the Environment

The Centre for Human Rights and Climate Change Research commends and supports the report of the Secretary General which rightly identifies and assesses gaps in international environmental law and environment-related instruments with a view to strengthening their implementation.

The Centre for Human Rights and Climate change Research agrees with the Report of the Secretary General that international environmental law is piecemeal, reactive and truly characterized by fragmentation and a general lack of coherence and synergy among a large body of sectoral regulatory frameworks and in dire need of harmonization and strengthening and that States in addressing existing gaps should build upon creative approaches that some states have adopted to protect the environment.

We support the proposal for a global pact for the environment that synthesizes and codifies the principles of international environmental law in one document. However, we beg to emphasize that while having a global pact on the environment is long overdue, having a global pact on the environment with strengthened framework for effective enforcement and monitoring compliance for a secure environmental reality/future is imperative and consistent with the intent, purpose and spirit of a global pact on the environment.

As identified in the Secretary General's report, lack of effective implementation of many multilateral environmental agreements and the inadequacy of compliance regimes and the need to strengthen them to promote the effective implementation of multilateral environmental agreements is a major problem. Although some MEAs have included a mechanism for reporting on compliance and some few cases tested in international courts, mostly the bedrock for implementation and enforcement is at the national level. Unfortunately implementation at the national level is very problematic in several state making International Environmental Law more a classroom reality.

The white paper towards Global Pact suggests and states that, "the national judicial review of the compliance to the Pact and its procedures are issues within the domestic legal order, which are delicate to deal with within the Pact itself, given the diversity of legal systems." Unfortunately we believe that narrowing down the analysis to that perspective will largely carryover several exiting problems some of which have been identified. While we agree that the national judicial review of the compliance to the Pact and its procedures ought to be issues within the domestic legal order, that trend has failed citizens in several states and should be one of the gaps identified.

we urge states to consider revolutionizing the trend of enforcement of international environmental law and related instrument by opening up discussions at determining if identified creative approaches that some states have adopted to protect the environment and other general global guidelines for enforcement and compliance could be standardized and

harmonized into a Global Enforcement Program that Integrates International and National Enforcement Strategies for enforcement and compliance and forms a section of the Global Pact on the Environment and whether the global pact on the environment can be automatically part of the legal order and enforceable by judges without legislative action.

Finally, the issue of an International Court on the Environment has been on the global agenda for a while without decisive direction. The absence of such a court is a gap in international environmental law that should have been integrated in the Secretary General's Report. We therefore propose that the existence of an International Court on the Environment which also operates a multi door court house for alternate dispute resolution on Environmental Matters should form part of discuss in charting a course towards a global pact on the Environment.

Contact:

Omoyemen Lucia Odigie-Emmanuel
Centre for Human Rights and Climate Change Research
rightsandclimatechangeresearch@gmail.com