



Commons Cluster  
of the UN NGO Major Group



Stakeholder Forum  
FOR A SUSTAINABLE FUTURE



12 April 2019

### INPUT FROM NGOs on Co-Chairs Report (Global Pact for the Environment)

We strongly believe that the best possible outcome of the Open Ended Working Group process would be to recommend that steps are taken towards a Global Pact for the Environment that is both legally binding and enforceable. However, if it turns out that there is not sufficient support for a legally binding Pact we recommend that another type of international instrument is created that is sufficient to fill the gaps, strengthen the means of implementation, and financing of national and international environmental legislation and law. Any new instrument should, however, not be taken as an opportunity to renegotiate or undermine the work of existing Multilateral Environmental Agreements (MEAs) or any achievements achieved thus far.

While some countries might claim that there are only few or no gaps in international environmental legislation and implementation, we believe that many gaps have been presented and that it is crucially to significantly increase the environmental rule of law. The First Global Report on the Environmental Rule of Law made abundantly clear that one of the primary problems is the failure to implement existing environmental legislation or law, along

with the need to further strengthen it particularly with regards to making it binding and enforceable.

The press release for the Report states, “The first ever global assessment of environmental rule of law finds weak enforcement to be a global trend that is exacerbating environmental threats, despite prolific growth in environmental laws and agencies worldwide over the last four decades. [The UN Environment report](#) also found that despite a 38-fold increase in environmental laws put in place since 1972, failure to fully implement and enforce these laws is one of the greatest challenges to mitigating climate change, protect natural resources and reducing pollution and preventing widespread species and habitat loss.”

Therefore one of the main recommendations coming out of the OEWG should be to address the failure to implement and enforce environmental law. The Global Pact, or any other such international instrument, should include among its expressed purposes the need to increase support and provide the means for all countries to strengthen the development, means of implementation, and enforcement of environmental legislation and laws. This pertains in particular to international environmental legislation, agreements, and laws.

Similarly, the press release states that, “Unfortunately, according to the Environmental Democracy Index, only 20 of 70 countries reviewed, or 28 percent, are ranked as “good” or “very good” in producing a regular, comprehensive, and current “State of the Environment” report.” Thus, UN Member States should consider, and the Global Pact or other international instrument should include, provisions for how the international community can best put in place the support needed for all countries to be able to regularly assess and then produce a “periodic, comprehensive, and current “State of the Environment” report.”

While the Open Ended Working Group should certainly strive to achieve full consensus, it must be remembered that while 143 countries voted in support of the resolution creating the OEWG and its process, and an additional seven countries abstained, the OEWG process also includes a number of countries that expressly voted against the resolution. Given the extremely urgent and compelling nature, as well as the increasing severity of the many environmental challenges facing humanity, it is essential that as strong and effective an outcome be achieved as is possible. It must thus be recognized that some governments will likely do whatever they can to oppose or weaken such an ambitious but much needed agreement.

As stated by the Honourable Laurent Fabius, Former President of COP21, in the Preface to the report: A Global Pact for the Environment - Legal Foundations, “My feeling is that finding a consensus is necessary but not at the cost of abandoning the project. Because what is at stake is simply a new and necessary step in the protection of both our planet and humanity. Is there a more important objective? I do not believe so.”

It would thus be better to reach an agreement by majority rather than by full consensus. While it would certainly be preferable to have all countries on board, it should also be recognised that if we want to achieve a sufficient result, that is capable of addressing the scale and urgency of the environmental challenges that the planet faces, the international community is likely to have to go ahead without having all countries fully on-board - at least for now.

It should also be recognised that while an existing government might well oppose a current agreement, future governments within the same country may very well support or even champion it, which has often happened in the past. Or that a majority of civil society groups in those countries are supporting such a pact.

### **A milestone for Stockholm+50 !**

We believe that the best way to progress work on a potential agreement (be this a Global Pact, new umbrella MEA, convention or treaty) is to recommend an intergovernmental conference to the General Assembly as an outcome of these substantive meetings, with the aim of advancing key aspects such as environmental principles and rights. This could be accomplished through a “Stockholm+50 process”, with an inspirational theme (similar to the “Future We Want”).

In 2022, governments will mark the 50th anniversary of the Stockholm Conference on the Human Environment. This conference marked the launch of international cooperation on the environment, and established the UN Environment Programme. We believe that the successful agreement of a Global Pact for the Environment would be a fitting way to mark this anniversary, create a milestone and begin a new era in international environmental cooperation.

The intergovernmental process leading up to the 2022 conference could progress key aspects such as environmental principles and environmental rights; raising the level of ambition and implementation; encouraging new funding for capacity development and implementation; and coordinating and integrating many, if not most, of the MEAs, and especially the principal environmental conventions.

If well prepared in advance, with contributory specialised working groups, established and guided by a roadmap, this could provide practical and effective results.

### **Governance : quick fixes**

There are aspects of governance which could be implemented by UNEP in the interim. For example, clustering of existing MEAs under their purview, and examination of other MEAs. Other activities can include the encouragement of review mechanisms and implementation within each specific MEA, as well as the ratification and implementation of environmental agreements. Additionally, synergies can be established between agreements and sufficient means to ensure the work of MEAs and their implementation should be provided .

Clustering should be accompanied by a broader strategic oversight function, considering the Earth System as a single integrated system that functions at the planetary level, using the latest scientific knowledge to provide a holistic analysis and overview of the state of the world’s environment. This should include the science-based limits of key processes that determine the Earth System’s functioning, as well the identification of the sectors which cause the most environmental degradation, followed by analysis of root causes/drivers and preventative measures

Each cluster should carefully consider the coverage of existing MEAs, and the need to extend these (either in scope or number) to cover any identified gaps. In particular, careful

consideration should be given to any gaps identified in the Secretary General's report. Consideration should include new and emerging issues of concern, including food and energy security/systems; the connections between ecosystem degradation, natural water cycles, geo/physical water systems, local to global warming, and climate change; and the impact of new technologies (both appropriate sustainable technologies as well as those that are potentially harmful).

Strategic oversight could also facilitate a review of best practice in environmental treaties/conventions, and subsequent consideration for adoption in other areas. Ideas for best practice in monitoring and evaluation could be included in this analysis.

### **Financial, economic and legal measures**

Another area which could be further analysed and developed prior to any intergovernmental conference would be financial and economic options. These could include both far-reaching and well-rehearsed solutions not yet implemented, such as: a new economic system that will place well-being and the environment at the forefront, and return to and stay within our planetary boundaries (for example, a "restorative economy", with options for financial measures for prevention and change). This would include aspects such as "polluter pays principle" – disincentives for unsustainable or polluting practices/products, incentives for transitioning to more environmentally and sustainable alternatives, the removal of subsidies for unsustainable production, moves towards a fair and just economy. Sufficiency policies should be put in place, to answer to the necessity of decoupling in absolute amounts our economy from resource use.

The actions on the GPE should also be considered in the context of work under the Convention on Biological Diversity, which has called for the world to commit to a "New Deal for Nature" in Beijing in 2020.

Other measures could include:

- Implementing legal strategies to incentivise limiting the total environmental impact of our production system, such as Integrated and Extended Producers Responsibility schemes, by making the manufacturer responsible for the entire supply chain and life-cycle of the product and especially for funding the take-back, recycling and final disposal.
- Redefining the shareholder value law/regulation to avoid production based on 'maximised profit' and instead to promote production based on 'societal benefit and environmental benignity'.
- Internalising social and environmental costs (from the source until the end product) and the application of fair pricing.
- Using financial instruments: tax shift from tax on labour towards tax on environmental use. Global taxes such as Carbon tax, and the border adjustment tax to tax products from those countries that are causing environmental degradation/climate change.

### **Capacity building and international development**

Another area which could be further analysed and developed prior to any intergovernmental conference would be capacity building and international development.

There is a strong need to strengthen capacity building around the environment for developing countries. This should include capacity building, technical assistance (for example, with advocacy, regulation and enforcement) and financial support. This should preferably be undertaken within the new development framework as pioneered by the Secretary General by working with the UN family and the UN country teams to address the needs that developing countries have identified, but should also be accomplished by more effectively identifying and working closely with member states already undertaking international development work and stakeholders. For example, many NGOs are already working to strengthen environmental protection and restoration.

### **Education and Awareness**

Another area which needs to be progressed is education and awareness. This should include both environmental and sustainable development education in schools, and consumer education/awareness. This could be approached through the compilation of best practices - in approach, educational resources and pedagogy for school programmes and social science perspectives on consumer change, in the first instance.

### **Stakeholders**

There should be a main role for stakeholder groups that defend the environment, nature, animals, peoples and social interests, and there should be no place for groups that represents only private interests.

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Signed by:

1. World Animal Network
2. Stakeholder Forum for a Sustainable Future
3. CliMates
4. Environmental Friends Society
5. Natural Justice
6. IIDMA
7. Global Pact for Environment
8. CIDCE
9. Common Home of Humanity
10. Conflict and Environment Observatory
11. Commons Cluster UN NGO Major Group
12. Association of World Citizens
13. Institute for Planetary Synthesis
14. All Win Network
15. European Environmental Bureau
16. OceanCare