

Statement of IIDMA and CHH under Agenda item 5
14/01/2019

Ms. and Mr. Chairs, distinguished delegates,

I'm Paulo Magalhães, and, I'm representing IIDMA and Common Home of Humanity and speaking on behalf of several NGOs present here today.

A problem particularly stressed by the Report of the Secretary General is the fragmentation and a general lack of coherence and synergy among a large body of sectoral regulatory frameworks.

In the report, this need for a global systemic approach is clearly stated in paragraph 80: "The proliferation of multilateral environmental agreements and the resultant distinct and separate mandates ignore the unity, interconnectivity and interdependence of the Earth's ecosystem". In paragraph 16 it is also stated: "States are required to contribute to the conservation, protection and restoration of the integrity of the Earth's ecosystem."

We are convinced of the need for a Global Pact for the Environment, with the main goal of endowing environmental law with a legal instrument capable of representing this global dimension of the environment in the international legal order.

The Global Pact for the Environment must aim to be a lasting instrument that unifies and structures environmental law for the long term, and to be the legal basis for changing the current pathway for a planet in Hot House Scenario, where the supports of life will be destroyed.

For this to be possible, it is necessary that this Global Pact be not only the perpetuation of the existent fragmented structure, where the only achievement would be an attempt to connect the different existent documents through the reinforcement of some principles.

The legitimacy of this document will depend on its ability to represent the interdependencies and interconnections of the Global Environmental System – the so-called Earth System

To be effective it must have a greater capacity to represent the global function of the Earth System. The Earth System is comprised of the functioning interaction of the planet's physical, chemical and biological processes. We now have the scientific knowledge, through the Planetary Boundaries Framework, that could give us the definition of which is the favourable state of the Earth System that could support human life.

The gaps we are talking about are mainly the result of trying to divide what is deeply interconnected and interdependent. When we divide the oceans from biodiversity from atmosphere, you are hiding the interconnections that make the Earth System to function as a single system, and for so, all the work we are trying to do will be nullified by the fact that we are disregarding these interconnections. This is a structural failure that contributes profoundly to prevented us from getting positive results and making correct predictions.

The coverage of all elements of the environment can only be achieved by addressing from a legal point of view, the Earth System as a single whole, as a new intangible global legal object that does not conflict with the sovereignty of states.

In order to do so, we propose as the main outcome of the Global Pact for Environment, the recognition of the favorable state of the Earth System - the intangible “Safe Operating Space for Humankind”- as Intangible Common Heritage of Humankind, that will be the legal basis for capturing all the negative environmental impacts (e.g. pollution), and catalysing positive impacts and progressive change. This will need to be supported by financial incentives and disincentives, that encompass - but go beyond - a simple “polluter pays” economic framework, creating a truly Earth System Accountancy Framework.

This conceptual advance is a structural evolution that will enable reciprocity and equity, the basic conditions for a collective action and for the effectiveness of a legal system.