

**Concrete Proposals for Going Forward: from the
Commons Cluster
with support from the Global Ecovillage Network**

**Suggested Outcomes and Recommendations for the Open
Ended Working Group Process**

The Commons Cluster of the NGO Major Group strongly encourages and requests the Open Ended Working Group (OEWG) to recommend that steps be taken to develop a Global Pact for the Environment that is binding and enforceable. However if this is not possible then at the very least we call on the international community to take the steps needed to develop and adopt some other type of international instrument that is sufficient to fill the gaps and strengthen the means of implementation and financing of national and international environmental legislation and law.

**Supporting All Countries in Implementing International
Environmental Legislation**

The outcome of the OEWG process should state that the Global Pact or other international instrument should address 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 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.” And an international process should be instituted to review and assess these

reports with a view to increase the support needed for adequate implementation.

Achieving as strong and ambitious an Outcome as possible

It is essential that as strong and effective an outcome from the OEWG process be achieved as is possible. It must be recognized that in many times in the past international agreements have been substantially weakened when just a few countries have opposed what most of the others have wanted to agree on or achieve. We need strong leadership by the co-chairs and determined efforts by supportive governments to ensure that this does not happen again.

In this respect it will also be valuable to take into account the advantages that will be provided to each segment of society if we can develop and adopt as strong and ambitious a Global Pact or other international instrument as possible. For Governments, such a pact will immediately positively affect the implementation of all of the SDGs since Nature is one of the three pillars. It will also positively affect the economy and society, since both rely for their functioning on a healthy environment. It will positively affect the Private Sector because a binding and strictly enforced Global Pact will make it impossible to illegally access and profit from the use of natural resources in order to get an edge on the competition, as is now often a problem for companies and will provide more stability and certainty in policy development as well. A strictly enforced binding Global Pact for the Environment will level the playing field for all businesses thus encouraging them to be law-abiding entities.

Integrating all aspects of and clustering environmental agreements

We call for the OEWG to institute a process through which a full framework can be developed not only to include clustering of similar types of MEAs or ones that address similar types of goals and initiatives; but also to develop a process for integrating and providing coherency across the full domain of MEAs along with all other efforts to achieve the SDGs. However, the OEWG should begin by requesting UNEP to make suggestions and recommendations for clustering to begin as soon as possible and for the

UN Secretary-General to produce a report on how this may best be possible.

Addressing urgent global challenges

It is also essential that a key element in the development of a Global Pact or other international instrument be an effort to substantially increase financing and capacity building and development.

Here are a few of the local to global challenges that ought to be addressed in such a Global Pact.

Only about 15% of the forests likely to have existed before human civilisation remain intact today: a quarter have been razed and the rest fragmented or degraded. The scale of tree destruction, much of it done illegally, poses a grave threat to tackling both climate change and the massive global decline in wildlife. The loss in 2017 recorded by Global Forest Watch was 29.4m hectares.

Deforestation destroys wildlife habitat and is a key reason for populations of wildlife having plunged by half in the last 40 years, starting a sixth mass extinction. “The main reason tropical forests are disappearing is not a mystery – vast areas continue to be cleared for soy, beef, palm oil, timber, and other globally traded commodities,” said Frances Seymour at the World Resources Institute, which produces Global Forest Watch with its partners.

The world is losing 25 billion tons of topsoil a year due to current industrial agricultural practices. More carbon has been released into the oceans, inland water bodies and the atmosphere from agriculture, land degradation and deforestation since the dawn of civilization than from our total usage of fossil fuels. The Earth is estimated to have lost about half of its shallow water corals in the past 30 years, glaciers and ice caps are rapidly melting, and flooding is pervasive around the planet. The result: since 2008, 25 million people have been displaced by weather-related events each year, and global economic losses from natural disasters now total \$250-300 billion annually.

It is thus essential that bold and determined action be undertaken to ensure that as ambitious a process as possible is put in place to follow up on this

OEWG process. In addition support must be provided to assist all countries and to ensure that effective action is undertaken to prevent illegal logging, end further loss of forests and restore all degraded ecosystems.

Adopting an Earth Systems approach to environmental law

Indeed, many of the threats to the Earth's community of life are global in nature. For example, pollution to our air, oceans and rivers have impacts which go well beyond national boundaries. To again echo the Secretary-General's Gap Report, we need to ensure that "States are required to contribute to the conservation, protection, and restoration of the integrity of the Earth's ecosystem". Thus a framework needs to be developed that requires and supports Member States to cooperate and coordinate on harmonized measures for monitoring, reporting, and implementation which incorporates the latest scientific developments regarding knowledge of Earth Systems.

Following on from above, we feel that strong juridical and judicial systems are vital. We favor the establishment of an International Environmental Court of Justice to ensure the necessary level of impartiality, expertise and competence. However, if this is not yet feasible then we call for the OEWG to recommend that the mandate of the International Criminal Court be further empowered and strengthened so that it may become better prepared to deal with environmental challenges OR for the International Court of Justice to be further strengthened and directed to focus more on environmental provisions and environmental justice.

Adopting a new Principle on the Integrity and Unity of the Earth System

In addition we strongly support the proposal for a new additional Principle laid out in the concluding paragraphs of the submission from the Common Home of Humanity and the Instituto Internacional de Derecho y Medio Ambiente entitled: **Integrity and Unity of the Earth System** which reads:

"The initiative to consolidate already existing environmental law principles, giving them a legally binding dimension, seems to us to be a very positive and necessary evolution. The central question is that this step will not be

enough to achieve the paradigm shift that is necessary to meet the challenge of reversing the trajectory of destruction of the Earth System for tens to hundreds of thousands of years and potentially lead to conditions that resemble planetary states that were last seen several millions of years ago, conditions that would be inhospitable to current human societies and to many other contemporary species. Thus, we think that this Global pact could be a bridge between the consolidation of what we have already achieved in International Environmental Law, and the opening of doors for the pathway of Earth System stewardship guided by human-created feedbacks to a quasi-stable state of human-maintained favorable conditions.”

“With this in mind we propose the addition of a new principle to the eleven already proposed:

New Article One Integrity and unity of the Earth System

The parties recognize that the Earth System is a single and complex system that exists within the boundaries of well-defined parameters. It is now possible to understand the chemical, biological and physical processes of the Earth System that are conducive to maintaining a favorable state for humanity (i.e., the Holocene) and those that act to push the Earth System out of a stable, desirable state. Thus , the Earth System should be addressed as a single interconnected whole, and Humanity should develop deliberate and sustained action to become an integral, thus, humanity should develop and sustain action to adapt to Earth System dynamics..”

Recommending that a Range of Proposals or Outcomes be considered

We also suggest that the OEWG Outcome include a call for negotiations to develop a range of proposals or outcomes to be included in a new international agreement. It could thus include such things as a new international agreement that is binding and enforceable in some areas or regards, a high level declaration, and possibly a UN resolution or set of resolutions that could accompany a global pact.

The need to reach binding agreements could be coupled with the requirement to ensure that the resources needed to achieve such outcomes will be forthcoming. A process could be created for periodically strengthening and progressively applying the Global Pact as more resources are developed and put in place such as is being developed in response to the Paris climate agreement.

Recommended Resource Materials and Background Papers

We would also like to suggest that the recently published booklet entitled, “Global Pact for the Environment - Legal Foundations” edited by Yann Aguila and Jorge E. Viñuales be used as a reference text or background report as the next stage of developing either such a Global Pact and/or other type of international instrument continues. See: <https://globalpactenvironment.org/uploads/Aguila-Vinuales-A-Global-Pact-for-the-Environment-Cambridge-Report-March-2019.pdf>

We have also provided many recommendations for what could be included in such a Global Pact in two documents submitted earlier by the Commons Cluster to point to ways ahead once it has been decided to develop such a Global Pact. They are: ***Essential Elements for Developing an Effective and Coherent Global Pact for the Environment*** (http://www.allwinnetwork.net/wp-content/uploads/2018/08/Essential-Elements-for-a-Global-Pact-for-the-Environment_Commons-Cluster1.pdf) and ***GLOBAL PACT FOR THE ENVIRONMENT AND OTHER ENVIRONMENTAL LEGISLATION...*** (<https://wedocs.unep.org/handle/20.500.11822/27605>).

Including Education and Awareness Raising

Any efforts to develop a Global Pact or other means to address gaps in international environmental legislation should also be accompanied by efforts to significantly increase education and awareness. This should include both environmental and sustainable development education in schools and communities, along with consumer education/awareness. This could be approached through the compilation of best practices - in approach, educational resources and pedagogy for both school and community development and training programmes, along with social science perspectives on consumer change, in the first instance.

Supporting the Development of a new Nature Stakeholders Group

Finally, the Commons Cluster has long supported the need to increase awareness of the importance of considering and living in harmony with Nature as we take the steps needed together to achieve the SDGs, MEAs and other international agreements. We are thus quite interested in helping to create a Major Stakeholders Group that focuses specifically on this.

Such a group is needed to defend and protect the well-being of the environment, nature and animals. The majority of the current Stakeholder Groups represent economic and social interests, and one group even represents private interests and another labor rights, but there is no sole representation on behalf of environment, nature and animals; we thus encourage all UN member states to support any and all efforts by civil society to create a new Nature Stakeholders Group.

For any questions or comments please contact Rob Wheeler or Lisinka Ulatowska at Rob.Wheeler@ecovillage.org and Lisinka.Ulatowska@gmail.com. Thank you.



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