What is the Global Pact for the Environment (the “Pact”)?

The Pact is a draft text which was initially developed by a group of international environmental lawyers seeking to address the fragmented nature of international environmental law by bringing together its fundamental principles under one legally binding framework instrument.

Earlier this year, a procedural resolution (the “Resolution”) was tabled at the United Nations General Assembly, which if adopted would create a working group to negotiate the Pact for eventual adoption by the United Nations General Assembly.

ICC, in its capacity as Observer to the General Assembly, has been closely following the ongoing negotiation of the Resolution, which currently emphasises the need for “regular coordination and consultation with… all relevant stakeholders”, and underlines that the consultations and negotiations must be “open, transparent and inclusive”. A number of governments have, however, tabled proposals to restrict stakeholder engagement in this process.

Why is the Pact important to business?

If adopted, the Pact is expected to have a significant impact on the international environmental legal framework and would therefore have an effect on the duties and responsibilities of business.

In particular, having regard to the original draft text developed by a group of international environmental lawyers, the Pact would:

- Create a legal framework, which would increase the level of environmental protection and induce some degree of uniformity of environmental laws in all countries.
- Codify and give legal force to current environmental principles considered in international law to be “soft law”.
- Create a “third generation” of human rights related to the environment (building on the UN’s two existing international human rights covenants on civil and political rights and on economic, social, and cultural rights).
- Call on governments to “take the necessary measures to encourage the implementation of this Pact by non-State actors and subnational entities, including civil society, economic actors, cities and regions taking into account their vital role in the protection of the environment” (Art. 14) and to “adopt effective environmental laws, and to ensure their effective and fair implementation and enforcement” (Art. 15).

What are the contents of the Pact?

The Pact consists of 26 articles. The first two articles contain the core principles:

**Article 1 – Right to an ecologically sound environment**

“Every person has the right to live in an ecologically sound environment adequate for their health, well-being, dignity, culture and fulfilment.”
Article 2 – Duty to take care of the environment

“Every State or international institution, every person, natural or legal, public or private, has the duty to take care of the environment. To this end, everyone contributes at their own levels to the conservation, protection and restoration of the integrity of the Earth’s ecosystem.”

If the Pact is adopted, it would be the first time that the right to live in an ecologically sound environment would have legal value in international law.

The specific rights and duties addressed in the remainder of the articles follow from these two core principles. Some of these principles have previously been recognised as ‘soft law’, including: provisions on the sustainable development, intergenerational equity, the no-harm and precautionary principles, the right to information and public participation in decision-making, and to access to environmental justice.

The Pact also includes references to new principles, such as a commitment to ecological resilience and a non-regression principle, which calls on governments to refrain from repealing or weakening existing environmental laws, not to mention the remediation of environmental damages or the polluter-pays principle which so far is not recognized as a principle of international law. If adopted, the Pact would be the first time States adopt the principles of prevention and remediation in a general purpose multilateral treaty.

Dependent on the progress of any future UN negotiations, the Pact could codify all of these principles in an umbrella text legally binding on States.

How did the Pact come before the United Nations General Assembly?

The draft text of the Pact was developed by a group of 80 recognized international environmental legal experts, the “Group of Experts for the Pact”. The group was chaired by Laurent Fabius, former COP21 President and UN Environment Patron on Environmental Governance, and mobilised by the Environment Commission of the Club des Juristes, a French legal think tank.

On 24 June 2017, the Pact was presented at an international event in Paris, “Toward a Global Pact for the Environment: Action for the Planet, Action through Law”. On this occasion, French President Emmanuel Macron committed to present the Pact project to the United Nations, which he did at a side event at the United Nations General Assembly on 19 September 2017. The Pact received the early support of 20 States, known as the “Group of Friends of the Pact”. This group prepared the Resolution which is currently being negotiated at the United Nations General Assembly.

What are the next steps?

The next step is for the United Nations General Assembly to adopt the Resolution, which would create a working group that would produce an advanced draft of the Pact. France would like to see the Resolution adopted by the United Nations General Assembly in March 2018 so that formal negotiations on the Pact can start during the spring of 2018.
**How can business engage?**

ICC’s Permanent Mission to the United Nations and ICC’s Commission on Environment and Energy is establishing an informal working group to monitor the development of the Pact and consider the implications for business. ICC members are invited to take part in this informal working group and share their views on the Resolution and the Pact.

ICC’s UN engagement team is in active contact with key government representatives in New York to ensure that private sector views are taken into account as these negotiations progress. ICC will continue to advocate for enhanced engagement with the private sector.