



***‘Toward a Global Pact for the Environment. Action for the planet, action through law’***

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**Paris, 24 June 2017 – Sorbonne University’s *Grand Amphithéâtre***

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Secretary General Ban Ki Moon, President of the Constitutional Court Laurent Fabius, Excellencies, Ladies and Gentleman, and dear friends,

It is great to return to Paris and to the Sorbonne, and to have been invited to address this historic process. We are here to draw together the common principles arising from environmental agreements, decisions and declarations and forge them into a Global Pact for the Environment, delivering a new era of global environmental governance grounded in coherence and law.

Coherence in international action is something I have worked on for a long time. Indeed one of the issues I stressed during my term as United Nations High Commissioner for Human Rights was the need for what I called ‘bilingualism’ between those of us working in the field of human rights and our colleagues in the disciplines of environment, development and trade. I had been convinced that in order to address effectively the challenges of globalization, we needed to foster greater coherence between different legal and institutional frameworks. I welcome this initiative, which keeps that spirit of bilingualism by fostering coherence between the diverse international agreements concerning environmental protection at both global and regional levels.

As every speaker has said, this Pact is needed because we cannot wait any longer to take action.

## CHECK AGAINST DELIVERY

I recently participated in the European Parliament's Committee on Women's Rights and Gender Equality hearing on Gender Equality and Climate Justice. At that event I sat next to Jannie Staffansson, a young woman from the Saami people, an indigenous community in northern Scandinavia. She spoke to the parliament of how climate change was impacting her people and undermining their traditional way of life. However she also said something I think all of us in positions of leadership need to hear. Welcoming the discussion on gender and climate justice, she asked 'what took you so long?' It was a powerful reminder that in our air-conditioned meeting rooms we can forget that climate change and environmental degradation are happening right now and that every delay in action on our part increases the injustice this represents.

The multilateral spirit that brought about the Paris Agreement, Agenda 2030 and the Sendai Framework also infused within these agreements commitments to action. This is because at their core large scale environmental issues, such as climate change or ocean acidification are classic cases of a 'commons problem', and must be addressed through cooperative action and solidarity. For example financial and technological support from wealthier to poorer countries is a central pillar of international cooperation on climate. This in turn motivates the need for effective institutions and mechanisms for mediating financial and technological transfers at the scale necessary to develop solutions. This integration of multilateralism, cooperation and justice is what made the Paris Agreement something that all parties could come together on, and led to its uncharacteristically rapid entry into force.

It is disheartening, but understandable, that some feel the mood has now moved away from this spirit of cooperation. It is disheartening because it is a clear development from the deficit in international leadership and focus on nationalism that has been on the rise in national debates. This has demonstrated the dangers we all face when the few dictate their demands without a vision of the needs of the many.

However it has also opened up a window from which we have been able to see the international community being just that, a community. We have seen nations pull together to reject policies of division, and to say that the world needs to be brought together, not driven into separate islands of isolationism. We have seen many countries come forward and commit to a world in which the furthest behind are considered as equal to those in the lead, and in which action will be taken by all to benefit all and I agree with Jochen Flasbarth

on the need for a just transition. We have seen strong declarations come from cities and States, from community groups and businesses. We have, in short, seen that the global community is stronger than just one country, or just one man.

This spirit of community is the foundation on which we must build the Global Pact for the Environment. The momentum from this coming together is something we must retain. It is a spirit that recognises the protection of the environment as something that is beyond world leaders and complex negotiating blocks, but that reaches down and engages every citizen. Each of us is, in some way, a creature of the environment and has a vested interest in its protection. That is multilateral in its conception and multilateral in its implementation.

A Global Pact for the Environment that builds trust between nations - through incorporating and acknowledging the need for accountability and enforceability - acts on this momentum and harnesses the urgency of the problem before us. This is the foundation of a legal regime that is robust. It does not allow for the inequalities amongst states to result in a culture of impunity - where rich and stronger states shirk or pull out of their commitments, while poorer and more vulnerable countries suffer the consequences.

A Global Pact can, if well designed, form the basis of international norms that are followed beyond its own signatories and are engaged by the global community as a whole. Trust and good faith draw in countries to operate within the bounds of the expectations even where they may be resistant to becoming a formal signatory. We have seen this occur with treaties such as the United Nations Convention on the Law of the Sea, and the Convention on the Rights of the Child.

The Global Pact must be informed by science, respond to science and acknowledge the need for equitable stewardship of the world's resources. This must be a core principle. However this is only half the challenge. The protection of the environment is a fundamental aspect of the protection of human rights. But so too are human rights a fundamental part of protecting the environment. While the image of the polar bear alone on the iceberg is compelling, it can only be of passing interest to the woman who cannot feed her family due to drought, or whose child is being poisoned by industrial runoff in her water source. We have seen a steady stream of news stories about the devastation unfettered exploitation of the environment can have on the rights of communities, but we are also seeing a growing number of reports of similar impacts to communities by environmentally positive action.

## CHECK AGAINST DELIVERY

We must recognise that our intentions can be damaging when land rights and water rights of communities are ignored to produce green power, or to allow for forest recovery, when those communities are not given adequate voice in the process.

In many countries citizens are already invested with a right to a healthy and ecologically balanced human environment. John Knox, the Special Rapporteur on human rights and the environment, noted that over 90 countries have enshrined this right into their constitutions. It is also echoed in regional agreements, in Africa, the Americas, Southeast Asia and Europe. Of these I find particularly compelling the language of the Aarhus Convention. It states ‘the right of every person of present and future generations to live in an environment adequate to his or her health and well-being.’ I think this is an important formulation, because it acknowledges that our connection with the environment is inter-generational and that what we do to the environment today will have impacts on those yet to be born. However the right to a healthy environment is not necessarily something that any one Government can guarantee, even to its own citizens. Agreements like the Aarhus Convention and the similar regional agreements give countries the confidence to deliver on this right as a global community. It is good to see this right being drawn out in Article 1 of the present draft, although I would note that gendered pronouns have no place in a modern agreement! I am glad to see it was amended last night.

This right, and access to environmental justice, is necessary for communities and individuals seeking to protect their environment. In his latest report John Knox urged the international community to recognise that defenders of biodiversity are also human rights defenders, and I’d like to echo him here. He reported that in 2015 alone, there were 185 confirmed killings of environmental and land defenders around the world. These are the people currently taking up the burden of protecting the environment and they are reaching out to us.

One example is Isidro Baldenegro, who was tragically shot and killed earlier this year. In his acceptance speech on receiving the Goldman Environmental Prize in 2005 he said ‘sometimes we forget about reality and we think that everything is difficult, but today I know nothing is impossible. On this occasion I invite you all to join our struggle’. His invitation is poignant and relates to his, and his communities fight to combat illegal logging in their homelands of the Sierra Madre Mountains. I hope that here, today, we can accept part of that invitation, by delivering a more robust regime that includes the need to protect

the rights of environmental defenders and their communities. It may seem difficult but, like Isidro, I think today it seems that nothing is impossible. We need international action that reduces the burdens on these individuals and strengthens the international community's ability to deliver the protection mechanism necessary for them to undertake their important work.

As I finish I'd like to repeat Jannie Staffansson's question 'What took you so long?'

Ultimately it is this message of urgency that must be at the heart of this process. A message from a person on the front lines of climate change, from a people who are holding together as a community when the foundational elements of their culture and way of life are literally melting away.

So as you take this work forward into the gauntlet of international negotiations I challenge you to hold on to this sense of urgency, to remember the brave people like Isidro Baldenegro who invited you to join in his struggle. To take their passion – passion born from the devastation occurring to their environment - and use it to push back against those who would put the privileged in their own countries above the vulnerable in another; who put exploitation and profit before the protection of our natural spaces and climate; and who see injustice and despair and are happy for things to remain as they are. A Global Pact for the Environment is about justice, it is about rights and it will deliver a future that we can be proud of for our children, our grandchildren and their children to live in.