

Global Law and Policy Developments

Global Pact Negotiations: Building a Normative Framework for Ecological Sustainability in the Anthropocene¹

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Abstract. This paper examines the ongoing process towards a Global Pact for the Environment (GPE), launched by the UN General Assembly on 10 May 2018, and the extent to which it still could be instrumental in strengthening the normative and governance system of response to the challenges posed by environmental degradation in the context of sustainable development. The paper reviews the origins, evolution and current status of the process for a GPE, noting a setback to the process, which occurred in Nairobi on May 2019. Arguments stressing the value of a normative approach to the governance of the Earth system are weighed against States' preference for political action to ensure better implementation of existing norms. In its conclusive section, the paper makes the case for an integrative approach of policy and law in a global pact for the environment expressing the State's firm commitments to protect and restore the integrity of the Earth system.

Keywords: Global pact for the environment, sustainability, global ecosystemic integrity, global environmental governance

The idea of a global treaty for the environment is not new in the international field where there have been significant contributions from doctrinal and institutional sources,¹ but it arose again quite recently. The current process towards a global pact for the environment started with a French initiative on the run of the success achieved with the adoption of the Paris Agreement on Climate Change in 2015. Throughout the following biennium, a network of legal experts (French with international participation), called the "Group of Experts for the Pact",² worked to prepare the draft of a global treaty

on the environment. The final text produced by the Group of Experts for the Pact was adopted on 24 June 2017 at an academic event held in the Great Amphitheatre of Sorbonne University with the presence of President Emmanuel Macron and various international personalities. In September 2017, the promoters of the initiative published a white paper entitled "Towards a Global Pact for the Environment" which included the articulated text of the proposed draft.³

The project was conceived with three objectives: (i) as an antidote to the fragmentation of the rules of international environmental law which are dispersed in numerous sectoral agreements; (ii) as a remedy against the purely declarative nature of many international instruments for the protection of the environment (*i.e.*, "soft law"); and (iii) as a reinforcement of regulatory and institutional congruence in the field of international environmental law.

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