

INTERNATIONAL COUNCIL ON ENVIRONMENTAL LAW

Secretariat: Carlos III University Madrid, Spain

Reflections on Pathways Forward

Beyond Stockholm+50

To Make Peace with Nature

[www.unep.org/resources/making-peace-nature]

A NOTE From ICEL's Executive Governor

Prof. Nicholas A. Robinson

25 May 2022

The International Council of Environmental Law (ICEL) actively participated in the preparatory meetings under UNGA Resolution 73/333 for the UNEA 5.2 meetings and the 50th anniversary observances in Nairobi and in Stockholm. ICEL, with the IUCN World Commission on Environmental Law (WCEL), organized side events for the February/March deliberations in Nairobi. The event cosponsored, by ICEL, IUCN WCEL and University of Nairobi is found at: <https://icelinternational.org/2022/02/02/beyond-uneps-50th-anniversary-attaining-the-sdgs/> . ICEL, with the Normandy Chair for Peace (NCP) and the University for Peace (UPEACE), and IUCN WCEL, is hosting side events in Stockholm, including an invitational Consultation on Environmental Law and "Making Peace with Nature," on June 1, 2022, and events with the Global Judicial Institute on the Environment's Symposium of Judges, and with the Peace-Builders Association Symposium. ICEL's side-events were designed and endorsed at an ICEL/NCP "Making Peace with Nature" Peace Conference at the Mohonk Mountain House, *Lenapehoking*. ICEL will participate in the UN Meetings 2-3 June 2022.

ICEL appreciates the provision at Stockholm+50 of a special Side Event by Kenya, at 11:00-12:45 on June 3rd. Kenya Mission to UNEP, KMUNEP/cwr/8/45. ICEL will attend.

ICEL submits this NOTE for the debates before, during and after the Stockholm+50 Meetings on 2-3 June 2022. ICEL emphasizes the following 10 key themes, which may be consulted in decision-making following both "UNEP+50" (Nairobi) "Stockholm+50"(Stockholm):

- 1) Much has been accomplished since 1972. Multilateral cooperation has advanced through UNEA's comprehensive policy guidance and the central roles of UNEP, and through the establishment of international environmental law and the many multilateral environmental agreements, and most importantly through the national environmental agencies now operating in every country. Agreement on the UN Sustainable Development Goals has provided a unifying foundation for theme for integrating all these environmental efforts in coordinated and complementary pathways forward. ICEL

reaffirms and celebrates this legacy. States have all the tools that they need to “Make Peace with Nature.”

- 2) Despite this progress, globally environmental degradation continues to escalate, and described in the UNEP Report “Making Peace with Nature” (2021). Such behavior, by governments, corporations, and people, in the world of the UN Secretary General, is literally “suicidal.”
- 3) To stabilize conditions necessary for sustainable development, “environmental security” requires in infusion of continuous and substantial financial support comparable to the investments that States make in military security. ICEL notes that when UNEP was first created, for example, the Sierra Club campaigned to ensure the US Congress allocated \$10 million/year in a voluntary contribution to help inaugurate UNEP. The financial commitments that States made to UNEP have been extraordinarily productive, and need to be continued and enhanced. Establishing shared finance platforms, for activities across the budgeted spending of different agencies, can provide effective means to coordinate and avoid duplication and accelerate action. ICEL emphasizes that civil society groups will need to promote an increase in comparable national financial investments post “Stockholm+50.” Grass roots demands for adequate financing offers indispensable insurance against increasing volumes of wildfires, droughts, floods, coastal erosion, and extreme weather disasters. In 1972, UNEP was created around the theme “Only One Earth” and in 2022 it is evident that States, and all peoples, need to rally around the principle of solidarity. We are all in this together. Public sector environmental stewardship financing is a common concern of humanity.
- 4) It is essential to reaffirm the roles that the environmental sciences serve in informing public policy. The interface between science and all dimension of laws must be strengthened, at all levels. UNEP should take the lead in coordinating creation of a science/law platform to rapidly disseminate scientific findings to law-makers, again at all levels. Such a new platform for cooperation needs to transcend and complement the annual meetings of MEAs and other environmental inter-governmental organizations, with global or regional. Scientific knowledge now disaggregated among the MEAs needs to be consolidated for policy-makers and the public alike.
- 5) The “good stories” about effective actions locally to cope with environmental challenges need to be gathered and recorded, and emulated. This can be done locally, by gathering the evidence of these successful ventures and preserving it in courts and tribunals, through legal *Petitions to Preserve the Evidence*. Once apparent, the cumulative and accumulating “good stories” establish norms for strengthening resilience and adapting to Earth’s changing environmental conditions, as well as mitigating the trends that cause environmental disruption.
- 6) Local authorities, sub-national governments, States, regional cooperation entities, as well as international organizations need to accelerate their respective actions to address the environmental degradation trends described in “Making Peace with Nature.” There is no time to delay or waste. Humanity has depleted Earth’s reserves of many natural

resources, and kindred species of flora and fauna, and now is dissipating time itself.¹ Self-help is an essential element of resilience, as societies have known ever since human settlements organized their first fire brigades or local hospitals. Indigenous Peoples have known self-reliance since time immemorial. In today's age of ecological transition, we all can learn from and emulate the "good stories" of resilient self-help.

- 7) Earth needs one clear voice in gathering States to cooperate for "Earthcare." The United Nations Environment Assembly (UNEA) is that universal forum. The fragmentation of policy-making bodies has confused audiences and diluted the message about the urgent actions necessary to "Make Peace with Nature." UNEA resolutions need to be reaffirmed by States and all stake-holders. To respond effectively to the rapid unraveling of the life support systems around the world, UNEA's agreed policies need to be brought to the attention of Heads of State and Government, for action.
- 8) In 1972, UNEP was created and requested to build inter-agency coordination on environmental challenges. The successful promulgation of the multilateral environmental agreements, and many regional environmental agreements, has been a hallmark of UNEP's success. States have confirmed that approach with UNEA's call last March, 2022, for negotiating a new agreement governing the life-cycle of plastics and plastic waste. States now need to expand UNEP's mandate to include providing the lead in coordination among all international environmental agencies. This should be a high priority for intergovernmental action in 2022-23. For the UN to have a common agenda for attaining the UN SDGs, in particular SDGs 14 and 15, the UN General Assembly needs to mandate that all UN programmes and agencies integrate their missions, and that UNEP be mandated to orchestrate that coordination.
- 9) The principles set forth in the 1972 Stockholm Declaration and UN World Charter for Nature (1982) and in the 1992 Declaration of Rio de Janeiro, have proven their worth. Observing these principles provided the basis for environmental justice. To the extent that none have been fully implemented, States should redouble their efforts to do so. Through observing these agreed principles, the Human Right to the Environment can be realized. It is in the self-interest of States, and their citizens, and for the sake of future generations, that States are obliged to observe and foster the principles of international environmental law. Efforts to attain compliance are high priorities.
- 10) Rio Principles 23-27 reaffirm principles of Humanitarian Law, which find further application in the "Guidelines on the Protection of the Natural Environment in Armed Conflict" (International Committee of the Red Cross), and in the "Amman Declaration" (International Union for the Conservation of Nature). Warfare must cease.

¹ "Depleting Time Itself" – <https://content.iospress.com/articles/environmental-policy-and-law/epl219016>

The International Council of Environmental Law was founded in New Delhi in 1969, and is comprised of senior environmental law experts from all regions of the world. ICEL is a Member of the International Union for the Conservation of Nature. ICEL participated in the 1972 UN Conference on the Human Environment, and in all subsequent deliberations of the UNEP Governing Council and the UN Environment Assembly. ICEL has partnered with UNEP actively on the establishment of environmental law as a field of law, and in capacity-building for the implementation of environmental law. In 1972, ICEL's leaders Wolfgang E. Burhenne and Françoise Burhenne-Guimin, with Nicholas A. Robinson and others, supported the adoption of the Stockholm Declaration and the creation of UNEP, which the UN General Assembly subsequently ratified. ICEL's juridical seat and secretariat are currently located at Universidad Carlos III de Madrid, in Getafe, Madrid, Spain. ICEL is accredited to the United Nations Economic and Social Council (ECOSOC), and has permanent representatives at the United Nations in Geneva (Dr. Milena Bellini-Shepard), Nairobi (Dr. Donald Kaniaru) and New York (Dr. Victor Tafur). See [ICEL – ICEL https://www.icelinternational.org](https://www.icelinternational.org) .