



Columbia Center
on Sustainable Investment

A JOINT CENTER OF COLUMBIA LAW SCHOOL
AND THE EARTH INSTITUTE, COLUMBIA UNIVERSITY

Conference on
**THE GLOBAL PACT FOR THE
ENVIRONMENT**

September 20, 2017
Columbia University

PROGRAM

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Columbia Center on Sustainable Investment (CCSI)

The Columbia Center on Sustainable Investment (CCSI), a joint center of Columbia Law School and the Earth Institute at Columbia University, is a leading research center and forum dedicated exclusively to the study, practice and discussion of sustainable international investment (SII) worldwide. Through research, advisory projects, multi-stakeholder dialogue and educational programs, CCSI constructs and implements an investment framework that promotes sustainable development, builds trusting relationships for long-term investments, and is easily adopted by governments, companies and civil society.

For more information, see: <http://ccsi.columbia.edu>.

Le Club des Juristes (CDJ)

Created in 2007, Le Club des Juristes is France's first legal think tank, comprised of a diverse range of legal professionals including lawyers, judges, academics, and notaries. The CDJ has twin aims: to promote innovative legal debate, and to improve legal literacy by the public. To these ends, the CDJ pushes legal debates outside the confines of legal communities to comment on current news (social, economic, political and institutional) from a relevant legal perspective.

<http://www.leclubdesjuristes.com/>

Sustainable Development Solutions Network (SDSN)

The UN Sustainable Development Solutions Network (SDSN) has been operating since 2012 under the auspices of the UN Secretary-General. SDSN mobilizes global scientific and technological expertise to promote practical solutions for sustainable development, including the implementation of the Sustainable Development Goals (SDGs) and the Paris Climate Agreement. SDSN aims to accelerate joint learning and promote integrated approaches that address the interconnected economic, social, and environmental challenges confronting the world. SDSN works closely with United Nations agencies, multilateral financing institutions, the private sector, and civil society.

<http://unsdsn.org/>

Universidad Carlos III de Madrid

The Universidad Carlos III de Madrid (UC3M) is a public university founded in 1989 dedicated to provide specialized training in Law, Social Sciences, and Engineering. The University, a prime European research center, was the first in Spain to be fully adapted to the requirements of the European Higher Education Area (EHEA) (The Bologna Process) and has a national reputation for its research efficiency. In 2009 was the fourth Spanish University in participation in the EU Framework Programme (standardized data by number of permanent researchers) and second in average number of publications per permanent researcher in the period 2002-2006 (Web of Science).

Iberdrola

Iberdrola is a power utility based in Spain, the United States, the UK, Mexico, and Brazil. It is the second largest integrated utility in Europe. Iberdrola considers the mandate to decarbonize the economy an opportunity rather than a challenge, and has worked over the past decade to become the world leader in wind energy. Iberdrola has committed to carbon neutrality by 2050 and is well on its way: renewables account for 60% of installed capacity and Iberdrola's emissions in continental Europe are 67% below peer companies. Thanks to an internal carbon price, Iberdrola has cut emissions 75% since 2000. Iberdrola's actions on climate change have been recognized by the Global 100, CDP, Dow Jones Sustainability Index, FTSE4Good or the Climate Disclosure Leadership Index.

BBVA Compass

BBVA Compass is part of BBVA Group, a global financial services group founded in 1857. The Group is the largest financial institution in Spain and Mexico and is has leading franchises in South America and the U.S., and is also the leading shareholder in Garanti, Turkey's biggest bank for market capitalization. The BBVA Group prioritizes sustainable development, and carefully measures and monitors its environmental footprint and makes strategic decisions to minimize its impact. A global corporate citizen, it is a signer of the UN Principles on Business and Human Rights, the UN Sustainable development Goals and a member of the Thun Group on Human Rights. BBVA was also an early adoptee, in 2004, of the Equator Principles, becoming the first Spanish bank to sign on. The Equator Principles are a set of standards for guiding project finance decisions, and are considered the gold standard in social and environmental risk management in the financial sector.

This year marks the 25th anniversary of the Rio Declaration on Environment and Development. Since its adoption, state and non-state actors around the world have progressively contributed to the circulation and implementation of fundamental principles enshrined in the Declaration. But despite this progress, and despite the adoption of many other international environmental agreements including the Earth Charter, the World Charter for Nature, and the Paris Climate Accord, environmental degradation persists. To meet this challenge in the 21st century, the international community must redouble its commitment to the principles of existing declarations by forging a Global Pact for the Environment.

A Global Pact for the Environment, first proposed in November 2015 by the Environmental Commission of Le Club des Juristes (CDJ), would address many of the gaps in existing international environmental governance. Unlike the issue-specific sectoral agreements of treaties past, this pact would serve as a general “umbrella text” under which to coordinate consensus norms and institutions in international environmental law. Further, this pact would codify principles previously affirmed in declaratory agreements, establishing legally binding rights and responsibilities that could be invoked in courts.

Prepared by a group of French and international legal experts, supported by States representing various legal traditions, and proposed to the United Nations General Assembly, this “Third Covenant” would complement the existing legal framework established by the two international covenants of 1966 (on civil and political rights as well as on economic, social and cultural rights). It would reinforce the third generation of fundamental rights, those pertaining to the environment. In this way, the Global Pact for the Environment would be to the Rio Declaration what the international covenants of 1966 are to the 1948 Universal Declaration on Human Rights: that is, a supplementary document giving binding legal force to principles already set forth in a simple declaration.

Coinciding with the 72nd Session of the UN General Assembly, this conference will build on [the successful June 2017 launch of the Global Pact in Paris](#) to explore the complex legal and political challenges of the Global Pact in light of existing agreements and soft law principles on the environment, and the current global political scene.

The conference’s sessions will consider the scope and impact of the proposed Global Pact, including high-level panels on:

- The state of international environmental governance, the case for a Global Pact for the Environment, and the content that such a Pact should include;
- The impact that the Pact may have on based on existing systems of jurisprudence and domestic courts, as well as the normative influence that the Pact may have on domestic policy; and
- The role of diverse stakeholders in forwarding the environmental governance agenda, and emerging opportunities for collaboration and shared value creation among companies, governments, state institutions, and civil society.

September 20, 2017, Wednesday

8:30-9:00 **Breakfast and Registration**

9:00-10:00 **Introductory Remarks:**

Jeffrey D. Sachs, Director of the Center for Sustainable Development, Columbia University

M. Laurent Fabius, President of the Constitutional Council of the French Republic

Nicolas Hulot, Ministre d'état; Minister for the Ecological and Inclusive Transition, France

Laurence Tubiana, CEO, European Climate Foundation

Yann Aguila, Partner, Bredin Prat; Professor of Public Law, Sciences Po and Paris Bar School; Chair of the Environmental Law Commission, Club des Juristes

10:00-12:15 **Session One: *Toward a Global Pact for the Environment: strengthening global environmental governance***

Agenda 30, adopted unanimously by world leaders in 2015, reaffirmed the international community's commitment to the environment. As part of the agreement, member governments pledged "to protect the planet from degradation, including through sustainable consumption and production, sustainably managing its natural resources and taking urgent action on climate change, so that it can support the needs of the present and future generations." But despite this strong commitment, and the strong commitments that governments have made in myriad international environmental treaties stretching back decades, the problems of environmental degradation persist. This session will address the case for the Global Pact for the Environment from the international governance perspective, exploring the status of existing governance tools and discussing content that the Pact should include. .

Questions this panel will consider include:

- What provisions should the Pact include? How can drafters ensure that the Pact builds upon existing environmental law?
- How will it fit into broader frameworks of international governance, including on human, social, and economic rights?
- How will the Pact bolster Sustainable Development Goals not directly tied to environmental health, like the promotion of gender equality, the reduction of economic inequality, and the pursuit of peace?

Moderator:

- **Michael Gerrard**, Andrew Sabin Professor of Professional Practice, Columbia Law School, Columbia University

Panelists:

- **Susan Biniaz**, Former Deputy Legal Adviser, U.S. Department of State; Adjunct Faculty (International Environmental Law), Columbia Law School

- **Laurence Boisson de Chazournes**, Professor of International Law, University of Geneva; Member of the Global High-Level Panel on Water and Peace
- **Maxine Burkett**, Professor of Law, William S. Richardson School of Law; Global Fellow, Woodrow Wilson International Center for Scholars
- **Naoko Ishii**, CEO and Chairperson, Global Environment Facility
- **David W. Rivkin**, Partner and Co-Chair of the International Dispute Resolution Group, Debevoise and Plimpton LLP; Immediate Past President, International Bar Association
- **Mariam Wallet Aboubakrine**, Chair, UN Permanent Forum on Indigenous Issues (UNPFII)

12:15-1:15 **Luncheon**

Remarks: Carlos Sallé, Director of Energy Policies and Climate Change, Iberdrola:
“A bet for hope: A green economy for sustainable development”

1:15-3:30 **Session Two: Mapping accountability on environmental rights**

During the 1992 Earth Summit, the international community pledged support for a number of principles on environmental rights and responsibilities. The Global Pact proposes to codify these and other consensus principles into enforceable international law. However, creating and implementing a new legal framework is complex. This session will address questions related to the implementation and enforcement of the Global Pact for the Environment. The session will also touch upon ways that the Pact will potentially influence domestic state behaviors and empower local communities.

Questions this panel will consider include:

- What problems do national and international courts run into when adjudicating environmental claims, and can the Global Pact change the way that these courts approach jurisprudence?
- How will countries change policy and practice to comply with the provisions of the Pact?
- How will the Pact act as a tool for environmental advocates? What levers of influence will it provide that do not exist now?
- What would the passage of the Global Pact mean for indigenous communities? How can the Pact be best tailored for the needs of indigenous peoples?

Moderator:

- **Maria Ivanova**, Professor of Global Governance and Director, Center for Governance and Sustainability, University of Massachusetts Boston

Panelists:

- **Fernando Carrillo Flórez**, Procurator-General, Colombia
- **Sarah Cleveland**, Louis Henkin Professor of Human and Constitutional Rights, Columbia Law School; Member, UN Human Rights Committee
- **Marcos Orellana**, Director, Environment and Human Rights Division, Human Rights Watch

3:45-5:45 **Session Three: Building support for the Global Pact**

The success of the Global Pact for the Environment depends upon broad consensus, with the international community agreeing to collectively negotiated governance. This session will focus on the role of diverse stakeholders in moving the environmental governance agenda forward. The Panel will also look at emerging opportunities for collaboration among companies, governments, state institutions, and civil society, and will seek to delineate shared priorities and values in environmental governance across sectors.

Questions this panel will consider include:

- Are the goals of the Pact influenced by the political challenges of its adoption? How should negotiators try to balance breadth of participation and rigor of standards?
- What can we learn from the negotiation of recent treaties, including the Paris Climate Agreement, for the process of building support for the Global Pact?
- What role will various state and non-state actors assume in both promoting and enforcing the Global Pact?
- How will this Pact account for potential political change in the future to hold countries accountable without discouraging their participation?

Moderator:

- **Teresa Parejo-Navajas**, Associate Professor of Law, Universidad Carlos III de Madrid

Panelists:

- **Joan Clos**, Executive Director, UN Human Settlements Programme (UN-Habitat)
- **Peter Lehner**, Senior Attorney, Sustainable Food and Farming, Earth Justice
- **Manuel Pulgar-Vidal**, Head, Climate and Energy Practice, World Wildlife Fund
- **Halldór Thorgeirsson**, Senior Director for Intergovernmental Affairs, UN Climate Change Secretariat
- **Zhang Xinsheng**, President, International Union for Conservation of Nature (IUCN)

5:45-6:00 **Closing Remarks: Jeffrey D. Sachs**, Director of the Center for Sustainable Development, Columbia University