



استئناف من 100 محام من أجل اعتماد ميثاق عالمي للبيئة

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في 10 مايو 2018، اعتمدت الجمعية العامة للأمم المتحدة بأغلبية كبيرة جدًا قرارًا يمهّد الطريق للتفاوض على ميثاق عالمي للبيئة. من شأن هذه المعاهدة الدولية أن تدمج في نص واحد المبادئ القانونية الرئيسية التي توجه العمل البيئي. لأكثر من ثلاثين سنة، دعا المجتمع القانوني الدولي البلدان لاعتماد مثل هذا النص، من الخبراء القانونيين لتقرير برونتلاند لسنة 1987 إلى مشروع الميثاق الخاص بالبيئة والتنمية للاتحاد الدولي لصون الطبيعة سنة 1995 والمشروع الذي تم تطويره سنة 2017 من قبل مجموعة من الخبراء، والذي يتكون من حوالي 100 محام ينتمون لـ 40 دولة من الجنوب والشمال، ويمثلون جميع الأعراف القانونية.

سنة 2015، أدى اعتماد أهداف التنمية المستدامة واتفاقية باريس بشأن المناخ إلى خلق زخم عالمي جديد لحماية البيئة وحفظها. ومع أن هذه النصوص تمثل تقدمًا كبيرًا. فإن الضرر البيئي ما زال مستمرًا، بل أصبح أكثر خطورة بصورة لم يسبق لها مثيل. تميزت سنتا 2017 و 2018 بدرجات حرارة قياسية. ويستمر التنوع البيولوجي في التدهور بوتيرة سريعة. لذلك فإنه من الضروري اتخاذ خطوة جديدة. وإلى جانب قضية المناخ، فهناك حاجة إلى نص أكثر شمولًا، بحيث يحدد المبادئ التوجيهية للإدارة البيئية العالمية.

ومع الميثاق العالمي للبيئة، سيكون لدى المجتمع الدولي لأول مرة معاهدة ذات طابع عام، بحيث تغطي جميع مجالات البيئة. وباعتباره حجر الزاوية للقانون البيئي الدولي، فإن الميثاق يكون بمثابة (نص مظلة «umbrella text») لخلق حلقة وصل بين مختلف المعاهدات القطاعية القائمة (المناخ والتنوع البيولوجي والنفايات والتلوث، وما إلى ذلك). لا يسعى الميثاق إلى أن يكون بديلًا عن هذه النصوص. بل على العكس، فهو يهدف إلى استكمالها وتسهيل تنفيذها. وبذلك يمكنه أن يملأ فجواتها أو يطبق سويًا معها، عندما لا يكون هناك عدم توافق، لمنحها المزيد من الفعالية والكفاءة.

وفيما يتعلق بمحتواه، فإن هذه المعاهدة الجديدة تعكس المبادئ البيئية التي تشترك فيها معظم الدساتير في العالم و المكرسة في بعض الوثائق الدولية الهامة لكن دون قيمة قانونية مثل الميثاق العالمي للطبيعة لسنة 1982، أو إعلان ريو بشأن البيئة والتنمية لسنة 1992. ومن شأن ذلك أن يفيد جميع المعنيين بإدارة البيئة من خلال الجمع بشكل منهجي، كحد أدنى للأحكام الدولية الدستورية والتشريعية القائمة في العديد من البلدان. ففي كل دولة، سيجد المشرع مراجع لاعتماد قوانين أكثر حماية للبيئة. وسوف تستند المحاكم العليا منه إلهامًا مشتركًا لتوطيد دعائم القانون البيئي العالمي في إطار حوار بين القضاة. وسيشهد المواطنون والمنظمات غير الحكومية تعزيز حقوقهم البيئية. وستستفيد الشركات من هذا التنسيق العالمي للقواعد على الصعيد العالمي، الأمر الذي من شأنه أن يعزز قدرًا أكبر من اليقين القانوني وظروف منافسة متكافئة.

وفي الاحتفال بالذكرى السبعين لصدور الإعلان العالمي لحقوق الإنسان لسنة 1948، وبعد مرور خمسين عامًا على اعتماد الميثاقين الدوليين لسنة 1966، أحدهما يتعلق بالحقوق المدنية والسياسية والآخر بالحقوق الاقتصادية والاجتماعية والثقافية، فقد حان الوقت لاتخاذ خطوة جديدة في تاريخ القانون الدولي. ولهذا السبب ندعو إلى اعتماد ميثاق ثالث يكرس جيلًا جديدًا من المبادئ الأساسية: الحقوق والواجبات المتعلقة بحماية البيئة.

Signatories:

Yann Aguila, President of the Environment Commission of the Club des juristes, **Antonio Herman Benjamin**, Justice at the National High Court of Brazil, Chair of the IUCN World Commission on Environmental Law, **Laurent Fabius**, former President of the COP 21, **Bruce Ackerman**, Sterling Professor of Law and Political Science, Yale Law School, **Laurence Boisson de Chazournes**, Professor, Faculty of Law, University of Geneva, **David Boyd**, Professor of Law, Policy and Sustainable Development, University of British Columbia, UN Special Rapporteur on human rights and the environment, **Lord Robert Carnwath**, Justice UK Supreme Court, **Parvez Hassan**, Senior Advocate, Supreme Court of Pakistan Chairman Emeritus IUCN World Commission on Environmental Law, **Marie Jacobsson**, former Member of the UN International Law Commission and Special Rapporteur, Donald Kaniaru, former Director of Environmental Implementation at UNEP, **Swatanter Kumar**, former Judge at the Supreme Court of India, former Chairperson of the Indian National Green Tribunal, **Luc Lavrysen**, Judge at the Constitutional Court of Belgium, President of the European forum of Judges for the Environment, Professor of Environmental Law, Ghent University, **Pilar Moraga Sariego**, Professor at Environmental Law Center of Faculty of Law, University of Chile, Head of the Human Dimension research line of the Center for Climate and Resilience Research (CR)2, **Tianbao Qin**, Professor at the Wuhan University, Secretary General of Chinese Society of Environment and Resources Law, **Nicholas A. Robinson**, Professor at the Elisabeth Haub School of Law, Pace University, Executive Governor, International Council of Environmental Law (ICEL), **Jorge E. Vinuales**, Harold Samuel Chair of Law and Environmental Policy Fellow of C-EENRG of Clare College, University of Cambridge, Chairman of the Compliance Committee of the UNECE/WHO-Europe Protocol on Water and Health, **Margaret Young**, Associate Professor, Melbourne Law School, **Pauline Abadie**, Lecturer, University Paris Saclay, **Domenico Amirante**, Full Professor of Comparative Law and Environmental Law, Director of the PhD School in Human Sciences, University "Luigi Vanvitelli", **Marisol Angles Hernandez**, Full-time researcher at the National Autonomous University of Mexico, Institute for Legal Research, **Dr. Virginie Barral**, Associate Professor in International Law, University of Hertfordshire, **Mishig Batsuuri**, Presiding Justice of Chamber for Administrative Cases, The Supreme Court of Mongolia, **Ben Boer**, Distinguished Professor, Research Institute of Environmental Law, Wuhan University, Emeritus Professor, University of Sydney, former Deputy Chair, IUCN World Commission on Environmental Law (2012-2016), **Klaus Bosselmann**, Professor, University of Auckland, Chair, IUCN World Commission on Environmental Law Ethics Specialist Group, Chair, Ecological Law and Governance Association, **Simone Borg**, Legal Expert in

International Law, President of the Institute for Climate Change and Sustainable Development, Head of the Department of Environmental and Resources Law, Professor of International Law, University of Malta, **Ioana Botezatu**, International Civilian - Environmental Safety, **Michael Bothe**, Professor Emeritus of Public Law, J.W. Goethe University Frankfurt/Main, former President, European Environmental Law Association, former Vice-Chair, IUCN Commission for Environmental Law, former Secretary General, German Society for Environmental Law, **Thomas Boudreau**, Ph.D. Interdisciplinary Professor Salisbury University Maryland, **Edith Brown Weiss**, Francis Cabell Brown Professor of International Law, Georgetown Law, **Soukaina Bouraoui**, Director of the Centre of Arab Women for Training & Research, **Stefano Burchi**, Chairman of the Executive Council International Association for Water Law, **Mingde Cao**, Professor at the China University of Political Science and Law, **Joëlle Casanova**, former Director of legal and administrative affairs, Prince Albert II of Monaco Foundation, **Fernando Carrillo Florez**, Inspector Attorney General of Colombia, **Nathalie Chalifour**, Associate Professor, Center for Environmental Law and Global Sustainability, Faculty of Law, University of Ottawa, **Leila Chikhaoui**, Professor of Public Law, University of Tunis, Member of the Tunisian provisional Constitutional court, **Dino Bellorío Clabot**, Dean of the University of Belgrano, Professor of Environmental Law, **Sarah H. Cleveland**, Louis Henkin Professor of Human and Constitutional Rights, Columbia Law School, **Marie-Anne Cohendet**, Constitutional expert, Professor of Public Law, Sorbonne Law School, University Paris 1 Panthéon-Sorbonne, **Bradly Condon**, Professor, Autonomous Technological Institute of Mexico (ITAM), founding Director of the Centre of International Economic Law, **Carina Costa De Oliveira**, Professor, Faculty of Law, University of Brasilia, **Neil Craik**, Associate Professor of Law, University of Waterloo, **Luca D'Amrosio**, Research Fellow at the Collège de France, **Peter Darak**, President of the Curia of Hungary, **Pierre D'Argent**, Professor of international law, Catholic University of Louvain, Associate Member of the Institute of International Law, **Carlos De Miguel Perales**, Lawyer, Professor, Faculty of Law, Pontificia Comillas University (ICADE), Madrid, **Olivier De Schutter**, Professor, Catholic University of Louvain and the College of Europe, Member of the UN Committee on Economic, Social and Cultural Rights, **Maria Del Pilar Garcia Pachon**, director, Department of Environmental Law Universidad Externado de Colombia, **Dr. Bharat H. Desai**, Professor of International Law, Chair in International Environmental Law, Chairman, Center for International Legal Studies, University of Jawaharlal Nehru, **Leila Devia**, Professor of Environmental Law, Universities of Salvador and of Buenos Aires, Director of the Basel Regional Center in South America, **Stéphane Doumbé-Billé**, Professor, University of Jean-Moulin Lyon, **Geneviève Dufour**, Professor at the University of Sherbrooke, President of the Quebec International Law Society, President of the francophone network for International Law, **Wolfgang Durner**, Professor, Institute for Public Law, University of Bonn, **Leslie-Anne Duvic Paoli**, Lecturer, The Dickson Poon School of Law, King's College London, **Jonas Ebbesson**, Professor of Environmental Law, Director Stockholm Environmental Law and Policy Centre, Department of Law, Stockholm University, **Daniel C. Esty**, Hillhouse Professor of Environmental Law & Policy, Yale University, **Alexandre Faro**, Lawyer at the Paris Bar, **Michael Faure**, Professor of Comparative and International Environmental Law, Maastricht University, Professor of Comparative Private Law and Economics, Institute of Law and Economics (RILE), Erasmus University, Rotterdam, **Wahid Ferchichi**, Associate Professor of Law, University of Carthage, **Rosario Ferrara**, Professor, LUISS University, Roma, **Liz Fisher**, Professor of Environmental Law, Faculty of Law & Corpus Christi College, University of Oxford, **Dan Galpern**, Attorney at law, Eugene, Oregon, **Patrícia Galvão Teles**, Member of the UN International Law Commission, Professor of International Law at the Autonomous University of Lisbon, Senior Legal Consultant on International Law at the Legal Department of the Portuguese Ministry of Foreign Affairs, **Maria Gavouneli**, Associate Professor of International Law, National & Kapodistrian University of Athens, **Jan Glazewski**, Professor in the Institute of Marine and Environmental Law, University of Cape Town, former Advisor to the Minister of Environmental Affairs, **Juan Manuel Gomez Robledo**, member of the UN International Law Commission, **Jenny Hall**, Senior Lecturer, Faculty of Law, University of Johannesburg, **Paule Halley**, Professor, Lawyer, Canada Research Chair in Environmental Law, Faculty of Law, Laval University, Quebec, **Delphine Hedary**, former Head of the preparation of the Environmental Charter, former President of the General Assembly for the Modernization of Environmental Law, **Joel Hernandez**, Member of the Inter American Commission on Human Rights, **Isabel Hernandez San Juan**, Professor of Administrative Law Carlos III de Madrid University, **Daive J. Hilario G.**, former Chief Justice of the Philippines, former Permanent Representative to the United Nations in New York, **Angel Horna**, Peruvian diplomat and public international lawyer, **Harold Hongju Koh**, Sterling Professor of International Law, Yale Law School, former Legal Adviser, U.S. Department of State (2009-2013), **Océni Hounkpatin Amoussa**, Jurist in Environmental Law, President of the African Jurists for the Environment Association, **Maria Ivanova**, Associate Professor of Global Governance and Director, Center for Governance and Sustainability at John McCormack Graduate School of Policy and Global Studies, University of Massachusetts Boston, **Maria Magdalena Kenig-Witkowska**, Professor of legal sciences, University of Warsaw, **Yann Kerbrat**, Professor, Sorbonne Law School, University Paris 1 Panthéon-Sorbonne, Director of the Sorbonne Research Institute of International and European Law, **Louis J. Kotze**, Research Professor North-West University, South Africa, Marie Curie Research Fellow, University of Lincoln, United Kingdom, **Pascale Kromarek**, Lawyer, **Sophie Lavallée**, Professor, Lawyer, Faculty of Law, Laval University, Quebec, **Marja-Liisa Lehto**, member of the UN International Law Commission, Special Rapporteur on Protection of the environment in relation to armed conflicts, **Qingbao Li**, Professor, University of North China Electric Power, **Ibrahima Ly**, Associate Professor of Public Law and Political Science, Director of the Laboratory for Studies and Research in Politics, Environmental and Health Law, Faculty of Juridical and Political Sciences, University Cheikh Anta Diop Dakar, **Sébastien Mabile**, Lawyer, Doctor of Law, President of the Law and Environmental Policies Commission of IUCN France, **Luis Fernando Macias Gomez**, Environmental Law Attorney, President of the Colombian Institute of Environmental Law and Sustainable Development, **Sandrine Maljean-Dubois**, Research Director at CNRS, Director of the mixed research unit International, Comparative and European Law, Professor of International Law, University of Aix-Marseille, **Gilles J. Martin**, Professor Emeritus, University Côte d'Azur, CNRS, GREDEG, **Benoit Mayer**, Assistant Professor, The Chinese University of Hong Kong, **Makane Moïse Mbengue**, Associate Professor of International Law, Faculty of Law, University of Geneva, **Mohamed Ali Mekouar**, Vice-President of the International Center for Comparative Environmental Law, **Shinya Murase**, Member and Special Rapporteur of the UN International Law Commission, **Bouchra Nadir**, Professor, Mohammed V University of Rabat, **Martin Ndende**, Professor, University of Nantes, Senior Legal Advisor at the UN, **Laurent Neyret**, Professor, University of Versailles Paris Saclay, **Nilufer Oral**, Professor, Faculty of Law, Istanbul Bilgi University, Member of the UN International Law Commission, **Hermann E. Ott**, Professor, Head of the ClientEarth Berlin Office, **Hassan Ouazzani Chahdi**, member of the UN International Law Commission, **Luciano Parejo Alfonso**, Administrative Law Professor Emeritus Carlos III de Madrid University, **Teresa Parejo Navajas**, Associate Professor of Law Carlos III de Madrid University, Senior Advisor UN SDSN, **Cymie Payne**, Associate Professor, Rutgers University, **Alain Pellet**, Professor Emeritus, University Paris Nanterre, former Chairperson, UN International Law Commission, President, French Society for International Law, Member, Institute of International Law, **Amedeo Postiglione**, Judge, Director of the International Court of the Environment Foundation, **Michel Prieur**, President of the International Center for Comparative Environmental Law, **Fabienne Quillere Majzoub**, Professor, IODE-CNRS UMR 6262, University of Rennes 1, **Lavanya Rajamani**, Professor, Centre for Policy Research, New Delhi, **Rama S. Rao**, former Director of the World Intellectual Property Organization (WIPO), **Yvan Razafindratandra**, Environmental Affairs Advisor, **Vincent Rebernyrol**, Professor of Law, EM Lyon Business School, **Eckard Reh binder**, Professor Emeritus of economic and environmental law, Research Centre for Environmental Law, Goethe University Frankfurt, former member and chair of the German Advisory Council on the Environment, former Regional Governor of the International Council of Environmental Law (ICEL), **José Luis Rey Pérez**, Ph. D. Associate Professor, Faculty of Law, University of Pontificia Comillas, Madrid, **Carol Rose**, Gordon Bradford Tweedy Professor Emeritus of Law and Organization, Professorial Lecturer in Law, Yale Law School, **Susan Rose-Ackerman**, Henry R. Luce Professor of Law and Political Science, Emerita, Yale Law School, **Montserrat Rovalo Otero**, Professor of Environmental Law, National Autonomous University of Mexico, **Douglas A. Ruley**, General Counsel, ClientEarth, **Gilberto Saboia**, Member of the UN International Law Commission, **Lisa Sachs**, Director, Columbia Center on Sustainable Investment, Columbia Law School, **James Salzman**, Bren Distinguished Professor of Environmental Law, UCLA Law School, **Borja Sánchez Barroso**, Professor, University of Pontificia Comillas, Madrid, **Dr. Meinhard Schröder**, Professor, Institute for Environmental and Technology Law, Trier University, **Tullio Scovazzi**, Professor of International Law, University of Milan-Bicocca, **Tim Stephens**, Professor of International Law and ARC Future Fellow, University of Sydney Law School, **Marcin Stoczkiewicz**, Senior Lawyer, Head of Central & Eastern Europe, ClientEarth, **Hennie Strydom**, Professor, University of Johannesburg, President of the South African Branch of the International Law Association (ILA), **Sophie Thériault**, Associate Professor, Civil Law Section, University of Ottawa, **Patrick Thieffry**, Lawyer at the Paris and New York Bars, Associate Professor at the Sorbonne Law School, **James Thornton**, Founding CEO of ClientEarth, **Amado Jr. Tolentino**, Professor of Environmental Law, Philippines, **François-Guy Trebulle**, Professor, University Paris 1 Panthéon-Sorbonne, Director of the Sorbonne Law School, **Eduardo Valencia Ospina**, Chair, International Law Commission of the United Nations, **Canfa Wang**, Professor at the China University of Political Science and Law, Director of the Center for Legal Assistance to Pollution Victims (CLAPV), **Gerd Winter**, Research Professor for Environmental Law Research Unit for European Environmental Law (FEU), University of Bremen, **Guillermo Yanguas Montero**, Spanish Judge, Doctor in Law, **Jinfeng Zhou**, Secretary General of China Biodiversity Conservation and Green Development Foundation, Vice Chairman of World Green Design Organization.