



# Llamamiento a la acción de 100 Juristas Para la adopción de un *Pacto mundial por el Medio Ambiente*

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El 10 de mayo de 2018, la Asamblea General de las Naciones Unidas adoptó por una gran mayoría una resolución que abre el camino para la negociación de un Pacto Mundial por el Medio Ambiente. Este tratado internacional tiene la intención de consolidar en un solo texto los principales principios jurídicos que guían la acción ambiental. Durante más de treinta años, la comunidad jurídica internacional ha pedido a los Estados que adopten un texto de este tipo, desde el Informe Brundtland de 1987 hasta el Proyecto del Pacto de la UICN de 1995. El actual proyecto del año 2017 ha sido elaborado por un grupo de expertos, formado por un centenar de abogados de 40 países del sur y del norte, que representan todas las tradiciones jurídicas.

En 2015, la adopción de los Objetivos de Desarrollo Sostenible y el Acuerdo de París sobre el Cambio Climático crearon una nueva dinámica mundial para la protección del medio ambiente. Estos textos marcaron importantes avances. Pero el daño ambiental no solo continúa, sino que está alcanzando niveles de destrucción sin precedentes hasta la fecha. Los años 2017 y 2018 estuvieron marcados por temperaturas récord. La biodiversidad continúa deteriorándose a un ritmo acelerado. Por todo ello, resulta imprescindible dar un nuevo paso. Es necesario contar con un texto general que vaya más allá de la cuestión climática, estableciendo los principios rectores de la gobernanza ambiental a nivel mundial.

Con el Pacto Mundial por el Medio Ambiente, la comunidad internacional tendría por primera vez un tratado de carácter general que abarcaría todos los ámbitos del medio ambiente. Se constituiría así como piedra angular del derecho internacional del medio ambiente, como “texto paraguas”, que crearía un vínculo entre los diversos tratados sectoriales existentes (sobre clima, biodiversidad, residuos, contaminación, etc.). El Pacto no tiene la intención de sustituir estos tratados. Por el contrario, busca complementarlos y facilitar su implementación. Podría subsanar sus lagunas o incluso aplicarlos en conjunto, en caso de no existir incompatibilidad, para darles mayor eficiencia y eficacia.

En cuanto a su contenido, este nuevo tratado reflejaría los principios compartidos por la mayoría de las Constituciones en el mundo y que están ya contemplados en varios de los principales textos internacionales no vinculantes, tales como la Carta Mundial de la Naturaleza de 1982, y la Declaración de Río de 1992. Esto beneficiaría a todos los actores en la gobernanza ambiental al reunir, de forma sistemática y como acuerdo de mínimos, las disposiciones internacionales, constitucionales y legislativas existentes en muchos países. En cada Estado, el legislador encontraría referencias para la adopción de leyes de protección ambiental más eficaces. Los Tribunales Supremos nacionales podrían obtener del él una fuente de inspiración común que les ayudaría a consolidar las bases de un derecho global ambiental a través del diálogo entre jueces. Los ciudadanos y las ONGs verían sus derechos ambientales fortalecidos. Las empresas se beneficiarían de esta armonización global de las reglas del juego, generando así una mayor seguridad jurídica y unas condiciones de competencia más justas para todas ellas.

Al tiempo que se celebran setenta años de la Declaración Universal de los Derechos Humanos de 1948, y cincuenta años de la adopción de los dos Pactos Internacionales adoptados por las Naciones Unidas en 1966, uno relativo a los derechos civiles y políticos y el otro a los derechos económicos, sociales y culturales, ha llegado el momento de dar un nuevo paso en la historia del derecho internacional. Por eso hacemos un llamamiento a la acción para la adopción de un tercer Pacto, que consagre una nueva generación de principios fundamentales: los derechos y deberes relativos a la protección del medio ambiente.

#### Signatories:

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