



Aufruf von 100 Juristen zur Verabschiedung eines globalen Umweltpakts

Paris October 9, 2018

Am 10. Mai 2018 hat die Generalversammlung der Vereinten Nationen eine Resolution zur Aufnahme von Verhandlungen über einen globalen Umweltpakt mit breiter Mehrheit verabschiedet. Mit einem solchen Abkommen würde die wichtigsten Grundprinzipien für umweltpolitisches Handeln in einem einzigen Regelwerk vereinen. Vom Brundtland Bericht von 1987 über den Paktentwurf der UICN von 1995 bis zum Entwurf von 2017 durch eine Expertengruppe, die aus etwa 100 Juristen aus 40 Ländern des globalen Südens, des globalen Norden und aus allen Rechtstraditionen entstammen, werden die Staaten seit nun mehr als 30 Jahren durch die internationale Juristengemeinschaft zur Verabschiedung eines solchen Texts aufgerufen.

Mit der Verabschiedung der internationalen Ziele zur nachhaltigen Entwicklung und des Pariser Klimaabkommens im Jahr 2015 wurde ein bedeutender Fortschritt erzielt, der eine neue weltweite Dynamik zugunsten des Umweltschutzes in Gang gesetzt hat. Schädigungen der Umwelt bleiben dennoch bestehen und führen zu bislang beispiellosem Ausmaß. Die Jahre 2017 und 2018 wurden von Rekordtemperaturen geprägt. Die biologische Vielfalt nimmt weiterhin in schnellem Maße ab. Es ist deshalb notwendig weitere Fortschritte zu erzielen. Jenseits der Klimafrage besteht das Bedürfnis eines globalen Regelwerks, das die leitenden Grundprinzipien für ein weltweites Umweltmanagement festlegt.

Ein globaler Umweltpakt würde die internationale Gemeinschaft erstmals mit einem Abkommen allgemeiner Natur ausstatten, das alle Bereiche des Umweltschutzes abdeckt. Durch diesen Grundbaustein des internationalen Umweltrechts würde der Umweltpakt als 'umbrella text' für alle bestehende sektorale Abkommen (Klima, Biodiversität, Abfall, Verschmutzung, usw.) dienen. Der Pakt soll bestehende Abkommen nicht ersetzen, sondern hat vielmehr das Ziel, bestehende Abkommen zu ergänzen und deren Umsetzung zu erleichtern. Er könnte daher Lücken füllen oder, falls keine Inkompatibilität vorliegt, kumulativ angewendet zu sektoralen Abkommen angewendet werden, um diesen mehr Effektivität und Wirksamkeit zu verleihen.

In Bezug auf dessen Inhalt, würde der Pakt die Grundprinzipien widerspiegeln, die in den meisten nationalen Verfassungen enthalten sind, sowie in einigen wichtigen internationalen nicht rechtsverbindlichen Texten, wie zum Beispiel die Weltcharta für die Natur von 1982 oder die Rio-Erklärung von 1992. Der Pakt würde allen Akteuren der Umweltpolitik zu Gute kommen, indem er auf systematische Weise die internationalen, sowie die bereits in vielen Ländern vorliegenden verfassungsrechtlichen und einfachgesetzlichen Vorschriften, in einem Grundsockel vereinen. In jedem Staat würden dem Gesetzgeber in dieser Weise Bezugspunkte für die Verabschiedung strengerer Gesetze zum Umweltschutz vorliegen. Die obersten Gerichte könnten im Rahmen des Dialogs zwischen Richtern die Initiative ergreifen, die Grundlagen für ein globales Umweltrecht zu verfestigen. Bürger und NGOs würden dadurch in ihren Umweltrechten bestärkt. Ein harmonisierter Rechtsrahmen auf globaler Ebene könnten Unternehmen durch erhöhte Rechtssicherheit und faireren Wettbewerbsbedingungen zu Gute kommen.

Während das 70te Jahresjubiläum der Allgemeinen Erklärung der Menschenrechte von 1948 gefeiert wird, und 50 Jahre nach der Verabschiedung der internationalen Pakte von 1966 bezüglich der bürgerlichen und politischen, sowie der wirtschaftlichen, sozialen und kulturellen Rechte, ist nun die Zeit gekommen, eine neue Phase in der Geschichte des internationalen Rechts einzuläuten. Aus diesem Grund appellieren wir zur Verabschiedung eines dritten Pakts, der sich einer neuen Generation von Grundprinzipien widmet: die Rechte und Pflichten in Bezug auf den Umweltschutz.

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