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Commission on Sustainable Development

Intergovernmental Preparatory Meeting

Statement by

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Mr. Chairman:

Distinguished delegates:

International environmental law is originally associated with the principle that states must not permit the use of their territory in such a way as to injure the territory of other states. However, global industrial development has strained the world's atmosphere, forests, lands, and oceans forcing the world to rely on the actions of the UN as an intermediary able to bring about urgent and immediate change.

Across the world, most laws still assume that nature is static, not dynamic. International law principles of national sovereignty and international intergovernmental regimes are premised on the paradigm of a static Earth on which national states can be defined. All nations continue to treat pollution as a local phenomenon. Law schools teach this static model in their courses on property law and international law. We rush disaster relief to victims of hurricanes and floods and then facilitate the rebuilding of areas of high hazard, as if the events were random accidents unlikely to recur. All jurisdictions tend to regard the natural system within its territory largely as a fixed, unchanging natural resource base. Thanks to the studies and reports of the Intergovernmental Panel on Climate Change, leaders in many nations have come to understand that each nation's climate and weather are linked in a global pattern.

Despite well-considered recommendations that the Earth Summit set forth in its thoughtful action plan, "Agenda 21," the Rio Conference has stimulated rather modest reforms, inadequate to stem the accelerating deterioration in global environmental problems across the world. In response to alarm about signs of further environmental degradation and chronic poverty experienced by billions of people, the U.N. World Summit on Sustainable Development convened in 2002 and endorsed the "Johannesburg Plan of Implementation" to spur nations on to action. Since then, there remains scant evidence of enhanced work to abate worldwide environmental degradation. Large intergovernmental conferences may be necessary, but are not by themselves sufficient to force implementation of environmental reforms.

Moreover, AALCO calls on parties to move forward on both adaptation and mitigation; the undeniable importance of both in addressing climate change is critical to enhance efforts to mainstream adaptation to climate change into the broader sustainable development agenda to achieve the Millennium Development Goals, as well as to benefit from synergy with other Rio Conventions and the Kyoto protocol. On this front, AALCO's current member states have taken steps toward such mainstreaming with ninety-two percent of AALCO's member states ratifying, accepting, or approving the United Nations Framework Convention on Climate Change (UNFCCC) and thirty-six of its members approving the Kyoto protocol.

AALCO expresses its concern that all nations, including both developed and developing states, together face increased risk of negative impacts of Climate Change, land degradation, access to water, access to food, and human health related issues

from such atmospheric change. To this end, both developed, as well as developing countries are urged to act in concert to take economic development to greater heights to benefit the environment. States must maintain their independent efforts at creating environmental change, at the same time must interplay with each other through a rich system of communications, while avoiding politicization of energy issues.

We call attention to a possible interest to sequester carbon through iron fertilization of the open ocean. AALCO considers that before any such large-scale fertilization takes place, environmental impact assessments should be conducted to examine the likely outcomes and effects of such activities, including whether iron fertilization would actually sequester carbon dioxide on a long-term basis – that is, in geological time – and whether such fertilization would have any harmful effects on regional ocean chemistry, including on pH levels, water clarity or marine biodiversity. We note with concern that the oceans are becoming less alkaline, which may cause harm to corals, mollusks and other living resources that depend on calcium available on ocean waters.

In this regard, entrepreneurial ideas which foster the fight against atmosphere pollution should also be forthrightly considered by private sector investment and market-oriented approaches. In addition to encouraging developing countries to streamline investment frameworks, essentially reducing transaction costs and attracting greater foreign direct investment (FDI); states should promote sustainable development criteria within such FDI agreements, such as providing certification schemes for environmental goods and services. All stakeholders should take steps to integrate the planning and decision-making process, thereby increasing economic efficiency, particularly in the energy trading sectors. However, such efforts to combat climate change should be careful not to discourage industrial development, rather should strive for decoupling economic growth from emission growth.

An increase in States, particularly developing States', access to funds and benefits from the Kyoto Protocol are needed and can be made possible through a reduction in the transaction costs of such fiscal mobilization and through efforts to streamline the approval process. An overall increase in funding should also be sought through other multilateral agencies, non-traditional resources, and innovative sources for states individual efforts notwithstanding the Special Climate Change Fund, the LDC Fund, and the Adaptation Fund. In addition to an increased access to funding, as well as an increase in the ways and means of promoting know-how and technology transfer through partnership should continue to take root, among states and corporate enterprises. Accountability and transparency among interested parties should be a priority within such financial investments.

AALCO recognizes that in evaluating environmental law programs, it becomes clear that greater study and teaching of comparative environmental law is essential. Environmental lawmaking is a powerful way to realize sustainability values and leverage implementation of recommended solutions to abate pollution reverse desertification,

supply potable water, or conserve biodiversity. Recognition of the numerous local environmental lawmaking actions, many of them reflecting global thinking, has been masked because the UN, the media, and even the academic world devote their attention to the failures of nations to agree internationally on new treaties, implementation of Agenda 21, or establishment of new international environmental intergovernmental organizations. These debates about building new institutions tend to divert attention from the accomplishments of existing institutions, in particular the local environmental law innovations. Rather than pursue this formalistic insistence on building a new international intergovernmental body, much more study should be devoted to seeking and studying the locally effective, creative innovations.

Member States with established enforcement mechanisms should continue to render assistance to the countries beginning to develop such schemes. To learn from the many national or local environmental success stories and replicate this sort of action more rapidly, legal practitioners, government officials, and scholars alike must devote attention to the subject of comparative legal studies.

It is true that we cannot escape from the past, but we can invent the future by creating new environments of ecologically sound and economically rewarding environments that are favourable to the continued growth of civilization.

AALCO calls on the General Assembly to underline the global magnitude of the issue of sustainable environmental management and climate change and to take immediate action.