

DAY 2: Tuesday, September 26, 2023

14.00 - 15.00 (GMT-5)

Environmental Defenders, Environmental Justice, and Climate Emergency

Fourth session within the framework of the Regional Conference of the V Montevideo Programme for the Latin America and the Caribbean region

Brief Introduction

Climate litigation is becoming an increasingly important tool for climate justice as it allows individuals to hold governments and the private sector accountable for violations of their human rights, ensuring climate action and promoting climate justice. As a result, environmental and climate references for the construction of the rule of law are gaining greater significance. A clear example is that a large number of vulnerable individuals and groups are turning to the courts for increased protection, compelling governments and businesses to pursue more ambitious goals for climate change mitigation and adaptation¹. Due to the severe pressures caused by the growing trends of deforestation, significant demands are emerging for the strengthening of mechanisms to protect environmental human rights defenders who are fighting against deforestation and ecosystem destruction.

Alongside the approval of policies, international commitments, and new climate institutional frameworks, governments are seeking advisory opinions from the Inter-American Court of Human Rights to determine the range of state obligations in climate matters. This has also led to processes of analysis and proposals by legal experts, professors, and students within initiatives such as the Alliance of Environmental Legal Clinics at universities in the region². Likewise, due to the serious pressures resulting from the increasing deforestation trends, significant demands are forming for the enhancement of mechanisms to protect environmental human rights defenders who are combatting deforestation and ecosystem destruction.

Objectives

¹ <https://www.unep.org/es/noticias-y-reportajes/comunicado-de-prensa/los-litigios-climaticos-se-duplican-con-creces-en-cinco>

² https://www.corteidh.or.cr/docs/opiniones/soc_1_2023_es.pdf

The United Nations Environment Programme, as part of the Regional Conference of the V Montevideo Programme for the Latin American region, is pleased to open a dialogue space, in collaboration with the Alliance of Environmental Legal Clinics³, on the status of environmental litigation at the global and regional level. This dialogue will focus particularly on conventional obligations for the protection and prevention of environmental and territorial defenders in the context of climate emergency.

Among other objectives, it is also expected:

- 1) Introducing the recent Global Climate Litigation Report: Status Review 2023⁴, which provides an analysis of climate change law, policy, and science gathered up to December 31, 2023.
- 2) Presenting the main findings and results of the Report for the Advisory Opinion on Climate Emergency and Human Rights requested by Chile and Colombia from the Inter-American Court of Human Rights⁵, developed by the Alliance of Environmental Legal Clinics, thanks to the participation of Chile, Colombia, Brazil, and Peru, with the collaboration of seven Environmental Legal Clinics⁶ and two civil society institutions (the Institute of Democracy and Human Rights of the Pontifical Catholic University of Peru - IDEHPUCP and the Peruvian Society of Environmental Law - SPDA).
- 3) Identifying specific considerations that must be taken into account to ensure the right to defend a healthy environment and territory, considering intersectional factors and differentiated impacts, among others, on indigenous peoples, peasant communities, and Afro-descendant individuals in the face of the climate emergency.
- 4) The role of States in addressing the climate emergency and crimes committed against environmental defenders, as well as the due diligence measures to ensure that attacks and threats against environmental defenders do not go unpunished.

³ The Alliance of Environmental Legal Clinics aims to promote clinical education in environmental matters, thus strengthening the legal education of law students in environmental protection. It also seeks to drive sustainability in economic activities and enhance environmental regulation at both the international and national levels. More information can be found here: <https://alianzadeclinicasambientales.com/>

⁴ UNEP 2023, Global Climate Litigation Report – Status Review: <https://www.unep.org/resources/report/global-climate-litigation-report-2023-status-review#:~:text=Climate%20litigation%20represents%20a%20frontier,to%20combat%20the%20climate%20crisis.>

⁵ https://www.corteidh.or.cr/observaciones_oc_new.cfm?nld_oc=2634

⁶ Peru: Pontifical Catholic University of Peru - PUCP, Scientific University of the South - UCSUR, University of San Marcos - ACTUAR / Colombia: Javeriana University / Chile: University of Chile / Brazil: State University of Amazonas and Federal University of Pará.

Agenda

Session roadmap				
Session 5	Environmental Defenders, Environmental Justice and Climate Emergency			
Date, time and duration	14.00 – 15.00 (Panama Time GMT -5), September 26, 2023 Duration: 1 hour			
Audience	In-person and online (zoom)			
Language	Simultaneous interpretation Spanish<>English			
Time			Programme	Responsible
Start	Finish	Duration		
14.00	14.05	5 min	Opening and welcome remarks	Mariano Castro - Environmental Law Expert. Director of United for Forests. Foundation for Conservation and Sustainable Development – Peru
14.05	14.20	15 min	Presentation of the Global Climate Litigation Report: 2023 Status Review	Renée Gift or Aphrodite Smagadi , Legal Officer, Division of Laws, UNEP
14.20	14.35	15 min	Presentation of the main findings and recommendations of the Report for the Advisory Opinion on Climate Emergency and Human Rights requested by Chile and Colombia from the Inter-American Court of Human Rights.	Representatives from the Legal Clinics Alliance (to be confirmed)

14.35	14.55	20 min	Questions and open dialogue	Claudia de Windt , Executive Director, Inter-American Institute on Justice and Sustainability
14.50	15.00	5 min	Conclusions	Lina Muñoz - Expert in Environmental Law. University of Rosario, Colombia