



UNITED NATIONS ENVIRONMENT PROGRAMME

Programme des Nations Unies pour l'environnement Programa de las Naciones Unidas para el Medio Ambiente
Программа Организации Объединенных Наций по окружающей среде برنامج الأمم المتحدة للبيئة

联合国环境规划署



Excellencies, Distinguished Participants, Ladies and Gentlemen,

It gives me great pleasure to address this inaugural Inter-American Congress on Environmental Rule of Law. Allow me to express my profound gratitude to the Government of Jamaica for agreeing to host the congress. I also wish to thank the members of the International Advisory Council on Environmental Justice, the Organization of American States, the World Commission on Environmental Law of the IUCN and the Caribbean Court of Justice for their tireless efforts in organizing this conference.

Distinguished Ladies and Gentlemen,

1. In facing ever increasing complexities regarding our planet, people everywhere view environmental rights, environmental law and jurisprudence and environmental governance as becoming increasingly central to resolving problems of environmental justice.
2. The American region has equally been facing these complexities. Latin America and the Caribbean region for instance is home to approximately 23 per cent of the world's forests, 31 per cent of its freshwater resources and six of the world's 17 mega-diverse countries. And although these resources are not evenly distributed, the overall richness and economic importance of the region's ecosystems and its natural capital are undeniable!
3. But despite this vast natural wealth, the Region countries face many challenges which have hampered the efficient management of the rich natural resources. With 79 per cent of the population living in towns and cities, the region remains one of the most urbanized in the world thereby impeding the region's ability to provide its burgeoning towns and cities with safe water and sanitation, and in addressing air pollution and the contamination of its freshwater, oceans and seas. This has led to enhanced competition for resources and an increased demand for and extraction of raw materials and other natural capital
4. The associated competition for scarce resources and the inequitable distribution of benefits have led to emerging socio-environmental conflicts and risks to the traditional lifestyles and livelihoods of local and indigenous communities.
5. The existing scenario has been occasioned by the historical development model in Latin America and the Caribbean which has been based to a large extent on the provision of food, raw materials and natural resources. While this may have generated economic growth, it has in many ways and in many places, undermined the social and environmental dimensions of sustainable development.
6. This Congress could not therefore have come at a better time!
7. The Congress accords us the opportunity to reflect on key concrete measures that will guide us towards reversing and eventually halting the region's negative environmental trends.



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8. This in our view calls for concerted efforts both at the national, regional and global levels and as legal experts and stakeholders in the field of environmental law, we have to employ our legal tools and expertise to restore, protect and conserve the environment. One of the important tools at our disposal is the environmental rule of law
9. The Rule of Law lies at the core of a just administration of justice and is a prerequisite of peaceful societies, in which environmental obligations, equality before the law and the adherence to the principles of fairness and accountability are respected by all. Law coupled with strong institutions is essential for societies to respond to environmental pressures and crucial for the international community to address the environmental challenges of our time.
10. At the regional level, I encourage us to focus on four main areas including - developing a common understanding of environmental rule of law globally as a means of steering progress towards sustainable development; Increase strategic partnerships such as the collaboration between UNEP, the Organization of American States and the World Commission on Environmental law of the IUCN to achieving environmental sustainability; Develop and increase regional environmental law networks such as the Inter-American Congress in the continuous development, implementation and strengthening of environmental law and institutions and; Institutionalize these regional environmental law networks as instruments for advocating for the implementation of internationally agreed goals including the sustainable development goals.
11. At the national level, there has been progress in the development of environmental strategies, the creation of specialized agencies, the establishment of institutional and legal frameworks, and the ratification of international conventions. Permit me to mention a few notable strides made in the area of environmental justice in a number of countries. In Costa Rica for example, specialized procedures and mechanisms in the form of the Tribunal Ambiental Administrativo has been established. In Peru, the Manual for Investigating Environmental Crimes has been developed as a tool for obligatory use by environmental prosecutors. It is intended to guide investigation and punishment of environmental crimes in the Peruvian Amazon and other key ecosystems, as well as to bring greater coherence to approaches aimed at environmental crime prevention. In Argentina, the Mendoza case reflects a landmark case in the advancement of environmental rights. This case involved a decades-old pollution problem in the Riachuelo watershed of Buenos Aires, where the Residents sued the federal government for damage to their health, resulting in a ruling adopted by the Supreme Court of Argentina that held the City of Buenos Aires and the federal government responsible for the damage to and reparation of the watershed, and the setting up of an authority to address the environmental health issues. The authority then embarked on a range of clean-up and restoration efforts. It is such developments and jurisprudence that inspire and motivate other jurisdictions to review and carefully scrutinize the environmental governance regimes for the sake of environmental sustainability.
12. In addition to the regional and national levels, we must also pay attention to key discussions at the global arena which have a tremendous impact on the American region. The upcoming major environmental summits – the Third Conference on Financing for Development to be held in July 2015 in Addis Ababa, the Sustainable Development Goals Summit which will take place in New York in September 2015 and the United Nations Climate Change



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Conference that will be held in Paris in December 2015 - demonstrate that environmental concerns take a predominant place within the 2015 agenda and that universal environmental commitments to this regard are needed.

13. The impacts of Climate Change, for instance, are widespread and cut across many critical sectors of societies including human health, human security, economic stability and environmental equity – impacts that have negatively impacted the Americas. Severe droughts in California, augmented number of hurricanes in the Caribbean basin and increased occurrence of flash floods and landslides in southeastern South America demonstrate that no region is spared by the effects of global climate change and that cooperative actions are required to combat these threatening phenomena.
14. In the region, the aggravating frequency of the El Niño/La Niña appearance has been identified as a cause for changes in the coastline dynamics, ecosystem health and rainfall patterns and has further resulted in water scarcity in some areas or in the damage of infrastructures in others. These changes affect already vulnerable regions and exacerbate inter and intra societal inequalities as rural, indigenous and poor populations often bear the largest burden of extreme weather events. The devastating situation left by Hurricane Katrina in 2005 may perhaps still represent one of the most classical examples.
15. Ensuring the resilience of the poor and those in vulnerable situations to these climate-related extreme events requires strong adherence to the rule of law as it is only through the application of this principle that we afford all people equal environmental protection and guarantee the fulfilment of their fundamental rights.

Ladies and Gentlemen,

16. The rule of law in the field of the environment serves the purpose of environmental equity through a fair access to justice and consequently advances Sustainable Development by guaranteeing a rights-based approach and the respect of essential rights such as the right to food, the right to water and the right to a healthy environment. The success of the post 2015 SDGs is reliant on this intrinsic nexus between sustainable development and human rights as both mutually benefit from each other.
17. Integrating human rights and environmental protection into adequate legislation is of crucial importance for the achievement of a sustainable future, and the fact that today more than 177 constitutions explicitly contain a right to the environment pays tribute this importance. But efforts towards an effective realization of these rights are still required considering the ongoing deterioration of the natural basis.
18. To this end, procedural rights have been regarded as being of major significance as they have the potential to boost societal cohesion and reinforce trust of the civil society in public institutions. The inclusion of the public in decision-making process and the access to information, for instance, can ensure better environmental adjudication and achieve a higher level of environmental protection.

Distinguished Delegates,



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19. You may also be familiar with the impact of environmental crimes to sustainable development. Environmental crimes undermine sustainable development and compromise the maintenance of peaceful societies.
20. Therefore, enhancing the capacity of courts, enforcement agencies, auditing institutions and other stakeholders to effectively implement and promote the environmental rule of law at the national, sub-regional and regional levels is necessary in order to address emerging and growing issues such as environmental crime and the illegal exploitation of natural resources.
21. It is estimated that at least 40 percent of internal conflicts over the last 60 years have a link to natural resources, and the risks of violent conflict are elevated when the exploitation of natural resources causes environmental damage and loss of livelihoods or when their benefits are unequally distributed.
22. Strengthening the rule of law in the field of the environment can therefore protect against such risks of conflict and prevent further tensions related to environmental matters.
23. From the powerful recognition of the role of law and strong institutions in the strategies adopted under the auspices of the OAS related to sustainable development and the strong work under the department of sustainable development of the OAS, to the progressive developments in terms of participatory rights in environmental matters and some of the most modern judiciaries in the application of environmental law – the Americas is and will continue to be a key player for the promotion of the rule of law in the field of the environment.
24. From a UNEP perspective I would hope that, the Governments of the region will jealously safeguard and build upon the achievements they have made in their own countries – particularly to ensure more just and sustainable development outcomes (post 2015 agenda) and in the discussions that will take place in the next month at the different environmental summits.
25. It is now up to us to move the environmental rule of law in the Americas to the next level. The opportunity is now – to suggest concrete responses to the challenges relating to core aspects of natural resource governance to ensure that sustainable development in the region is grounded in the rule of law and in principles of international law. UNEP stands ready to continue to support this effort.

I thank you.
