

STATEMENT BY MARCOS ORELLANA, CIEL

Thank you, Madame Chair, for giving me the floor, and please allow me to also thank Mr. Bakary Kante for all his years of service to DELC.

My name is Marcos Orellana with the Center for International Environmental Law (CIEL). I deliver this statement on behalf of the Major Group civil society cluster comprising NGOs, Women, Indigenous Peoples, Farmers, Local Authorities, Children & Youth, and Workers & Trade Unions.

We welcome UNEP's work on environmental rule of law focused on advancing justice, governance and law for environmental sustainability. This body of work lays the foundation for democratic governance and stronger environmental legal and policy frameworks. Stronger environmental laws at the local, national and international levels are a sine qua non to addressing the environmental and inequity crisis facing our planet. At the same time, a rights-based approach to environmental protection embeds the environmental rule of law in the transcendental values of justice, equality and non-discrimination.

We wish to underscore developments on tackling transnational environmental crime and on advancing the Montevideo IV program.

Transnational Environmental Crime

Transnational environmental crime undermines governance and has serious deleterious impacts on the environment. UNEP's work in this area can enhance fair and effective enforcement of environmental laws, including international treaties that address transboundary environmental issues. UNEP's work in this area can also foster the cooperation between international organizations that is necessary to increase the effectiveness of the international legal system. The linkages between transnational environmental crime and international peace and security also provide a strong basis for enhanced action to tackle criminal gangs and those who benefit from their criminal activities.

Montevideo IV, Human Rights & the Environment

The Montevideo IV Programme for the development and periodic review of environmental law has positioned UNEP as a leader in the field. After five years of implementation of the Programme, an open and inclusive process for the mid-term review of Montevideo IV that contemplates the participation of major groups and other stakeholders would enable stronger outcomes during the second half of the decade covered by the Programme.

We note that UNEP's work on the Montevideo IV Program has also contributed to the work of the UN Human Rights Council. The Council has recognized that the realization of human rights depends on a healthy environment.

Specifically, UNEP's work has contributed to the work of the Independent Expert on Human Rights and the Environment. That special procedure of the Human Rights Council must be seen against the environmental crisis and inequity affecting our planet and the daily lives of so many people. The Independent Expert presented his evidence-based mapping report to the Council on March 10. The Independent Expert's report demonstrates, on the basis of normative evidence, the existence, scope and content of procedural and substantive human rights obligations with

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respect to environmental protection.

The Independent Expert has clarified that the procedural dimensions of human rights obligations include the duties to provide access to information, public participation and access to remedies in environmental matters. These rights are enshrined in Principle 10 of the Rio Declaration on Development and the Environment, and therefore constitute the foundational elements of sustainable development. UNEP has played an important role in the actual implementation of Principle 10, including through the Bali Guidelines for the development of national legislation. UNEP has also supported the Latin America and the Caribbean process towards an instrument on access rights to information, participation and justice regarding environmental issues.

Moving forward on its work on environmental rule of law, UNEP is uniquely positioned to identify best practices regarding the application of a rights-based approach to the development of environmental law. In particular, case studies concerning the right to a healthy environment would allow UNEP to strengthen environmental law and governance. Similarly, several countries have adopted institutional mechanisms to safeguard the rights and interests of future generations. Also, several States have recognized the collective rights and customary laws and contribution of indigenous peoples to the sustainable management of natural resources and environmental protection.

To conclude, we believe that UNEA should make a strong statement regarding the centrality of the right to a healthy environment to implementing a rights-based approach to the environmental rule of law. Effective implementation of the right to a healthy environment would help to strengthen accountability and understanding of the consequences for human rights of environmental damage. The right to a healthy environment would also help to preserve the ecosystems we depend upon as well as the achievement of sustainable development. We thus very much welcome the Global Symposium on Environmental Rule of Law, to be organized during UNEA, highlighting the importance of environmental rule of law and the right to a healthy environment.

Thank you very much.

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