

**INTERACTIVE DIALOGUE OF THE GENERAL ASSEMBLY ON HARMONY WITH NATURE IN  
COMMEMORATION OF INTERNATIONAL MOTHER EARTH DAY, 22 April 2019**

Theme: “Mother Earth approach in the implementation of Education and Climate Change”

Presentation by Gabriela Eslava

“Future Generations fighting Climate change: the Colombian case”

**Good afternoon**, I am Gabriela Eslava, I am a human rights lawyer at the Center for the Study of Law, Justice, and Society (Dejusticia) in Bogotá, Colombia. **(Slide #1)**

**I want to start by thanking UN Harmony with Nature for the opportunity to share with you the experience we have had in Colombia** on climate change and future generations’ litigation. The case I am going to present led to the recognition the Amazon rainforest as an entity subject of rights and expanded the debate on rights of Nature in Colombia. **(Slide #1)**

**My presentation is going to have one specific feature: the fact that I’ll be presenting from two different roles.** On one hand, I’m wearing the hat of the lawyer who’s part of the team behind the first climate change and future generations rights lawsuit in Latin-America. On the other hand, I’m also wearing the hat of the plaintiff. I will go back and forth between these two roles whilst telling you how we built this case. **(Slide #1)**

**This lawsuit was born from a reflection on what Colombia is going to be like for future generations.** The Colombian government signed a peace agreement three years ago and those who are children and young today are the first generation of Colombians to officially live in peace after more than 50 years of war, they are also the last generation that can stop climate change. This context generates at least two questions: How is Colombia’s Nature going to be in a peaceful context? Are we going to live in harmony with Nature? **(Slide #1)**

**We started our research on climate change by looking for the main drivers of greenhouse gas emissions in Colombia.** To our surprise, most greenhouse gas emissions were not produced by public transport or industry in our crowded cities, but the main drivers were located in the most biodiverse region of the world: the Amazon rainforest. **(Slide #2)**

**In 2016, deforestation in Colombia increased by 44%, meaning that a total of 178.000 hectares were cut down in only 1 year.** This represents half the area of Long Island. The reason behind this trend is that areas previously difficult to access, especially because of the armed conflict, are now beginning to be colonized. **(Slide #2)**

**On its own, deforestation contributes 36% of the country’s total greenhouse gas emissions.** We also found that 20 years from now, we will have to live in a country 1.6 degrees Celsius warmer due to climate change. **(Slide #2)**

**The problem is that cutting down the rainforest does not only contribute to climate change-related impacts such as melting of glaciers,** temperature increase and the spread of vector-borne diseases, but also alters the water cycle. This, in turn, generates a serious threat of floods, droughts, landslides, as well as less access to water and food resources. **(Slide #2)**

**Moreover, given that all ecosystems are interconnected, deforestation in the Amazon does not only affect those living in the region but also elsewhere in Colombia.** For example, the rain produced in the Amazon moves with the wind to the north and when it finds the Andes it becomes the water that almost 30 million people drink every day. **(Slide #3)**

**With this case we wanted to demonstrate that climate change is a human rights problem.** Regarding this problem, the Colombian government has not completed at least four international and national commitments. **(Slide #3)**

1. The Paris Agreement which includes a commitment to reduce greenhouse gas emissions **(Slide #3).**
2. A Joint Statement between Colombia, the United Kingdom, Norway, and Germany to reach zero net deforestation in the Colombian Amazon by 2020. **(Slide #3).**
3. Our National Constitution that establishes the right to enjoy a healthy environment. **(Slide #3).**
4. And the commitment included in our National Development Plan to have a deforestation rate lower than 90.000 hectares. **(Slide #3)**

**The plaintiffs of this legal action are children, teenagers, and young adults that live in 17 different the cities and municipalities of Colombia** that are highly vulnerable to climate change. They are between 7 and 26 years old, with an average life expectancy of 78 years, this means that the plaintiffs will develop most of their adult lives in the period between 2041 and 2070, when the first climate change scenario is expected to happen. They share a collective reality: **they are the generation that will face the greatest climate related impacts. And they are not the ones who are taking decisions about their future.****(Slide #4)**

**We chose to file a *tutela* action, a special mechanism created under the Colombian Constitution for individuals to demand the protection of their fundamental rights.** Through this lawsuit, the plaintiffs claimed that the Colombian government and the competent authorities failed to fulfill their duty to protect the environment. **(Slide #5)**

**We argued that current deforestation rates and the government's failure to act are violating their right to enjoy a healthy environment.** The destruction of the Colombian Amazon is not only having impacts on national ecosystems, but is also increasing greenhouse gas emissions, and thus, exacerbating climate change. That threatens the rights to life, health, food and water of young people today who will face as adults the future climate change scenarios. **(Slide #5)**

**We were fully aware that this was not a traditional case on environmental damage.** Most of the evidence we provided came from the studies made by the government itself. We needed to prove that children who live hundreds of miles from the rainforest had legal standing to ask for its protection in front of the courts. We knew that climate change has multiple causes but what we were trying to prove is that fighting the main cause of greenhouse gas emissions in Colombia, meaning deforestation, would deeply help to solve the problem. **(Slide #5)**

**Therefore, we asked the judge to read our lawsuit with a special lens.** We asked the judge to take into account 5 principles that would help him understand the position we were in. Those principles were: principle of solidarity, precautionary principle, best interests of the children, intergenerational equity and participation in environmental matters. **(Slide #5)**

**We asked the judge to understand the principle of solidarity in three different dimensions: (Slide #5)**

1. Solidarity with the other human beings with whom we share the same time and space
2. Solidarity with future generations
3. Solidarity with other sentient beings with whom we share the planet

The judge ruled in our favor. He granted us the petitions. He guaranteed the rights of future generations to enjoy a healthy environment, and the rights to life, health food, and water. He ordered the government to 1. Formulate an action plan to reach zero net deforestation in the Colombian Amazon, and 2. Create an Intergenerational Pact for the life of the Colombian Amazon. **(Slide #5)**

**But what was more important is that the judge read the case through the solidarity lens.** In its decision, the judge asked himself about solidarity. Who are these others in front of whom we must respond? Who are those affected by our decisions that we must respect? Solidarity does not only makes sense in our space-time coordinates but also extends to other people that inhabit the planet and future generations. Solidarity includes other animals, plants and Nature itself. **(Slide #5)**

**The Supreme Court of Colombia recognized the Amazon rainforest as an entity subject of rights and by doing so it stated that our community is much more wide and diverse than what we used to think and it includes Nature.** The judge's decision stated that Earth does not belong to human beings and, on the contrary, human beings are the ones who belong to the Earth like any other species. **(Slide #5)**

**Thank you very much. (Slide #6)**