

The power of future generations: a look into the Colombian case





The Colombian Amazon now has the same legal rights as you



BIG STORY 10 APRIL 6, 2018 / 9:46 AM / A YEAR AGO

Colombia's top court orders government to protect Amazon forest in landmark case

Anastasia Moloney

3 MIN READ



Declaran la Amazonia sujeto de derechos para atacar la deforestación

Este fenómeno creció 44 % en la región entre 2015 y 2016, pasando de 56.952 a 70.074 hectáreas.

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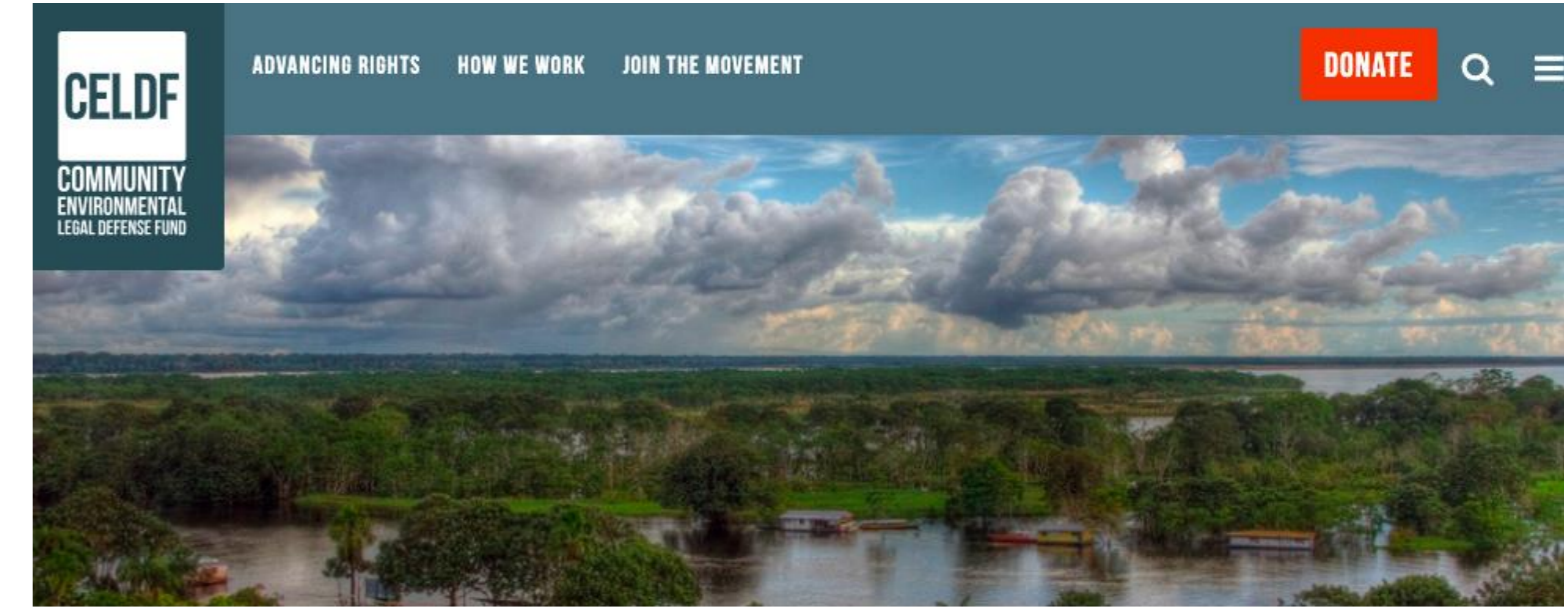


La deforestación en el último año arrasó casi 1.800 kilómetros cuadrados de la mayor selva tropical del mundo. Foto: Fernando Trujillo / Archivo particular

La sentencia de la Corte Suprema que busca proteger a las futuras generaciones frente al cambio climático

por Esteban Montaña Vásquez*

El alto tribunal concedió una tutela a 25 niños y jóvenes que afirman que la deforestación de la Amazonia vulnera sus derechos a la salud. En el fallo ordena elaborar un plan de acción para proteger este pulmón del planeta.



PRESS RELEASE: COLOMBIA SUPREME COURT RULES THAT AMAZON REGION IS "SUBJECT OF RIGHTS"

Apr 5, 2018

THE RIGHTS OF NATURE MOVEMENT CONTINUES TO ADVANCE THROUGH LAWMAKING AND COURT DECISIONS

Updated April 6, 2018

Detalles de la sentencia de la Corte Suprema que le dio derechos a la Amazonía

Judicial 6 Abr 2018 - 7:00 AM
Por: Redacción Judicial

En un documento de 51 páginas, el alto tribunal consignó sus razones para tomar esta histórica decisión, la primera en contra del cambio climático en América Latina. De acuerdo con su postura, ni el Gobierno ni las autoridades locales han hecho su trabajo para proteger a esta zona del país de la deforestación.



El magistrado Luis Armando Tolosa fue el ponente de la decisión histórica de darle a la región de la Amazonía colombiana los mismos derechos de una persona. / Neil Palmer/CIAT - Wikimedia - Creative Commons

Who are we?



A group of 25
children and young
people



We come from the
cities most
vulnerable to
climate change



We are between the
ages of 7 and 26

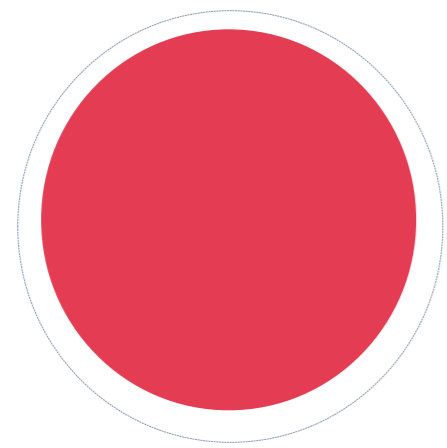


We have an
environmental
interest

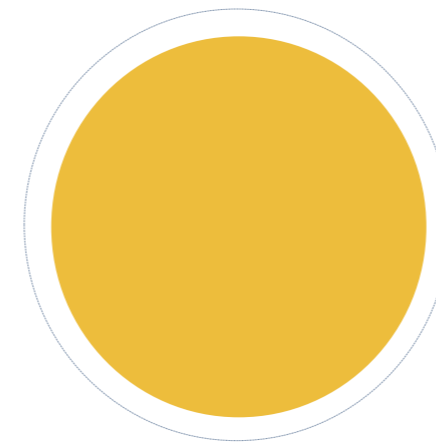


How did we do it?

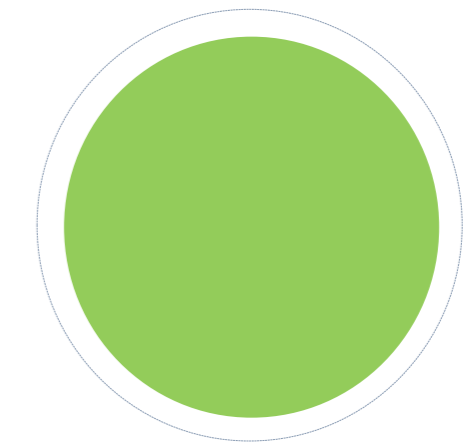
By asking questions



**What is the
main cause of
greenhouse gas emissions?**

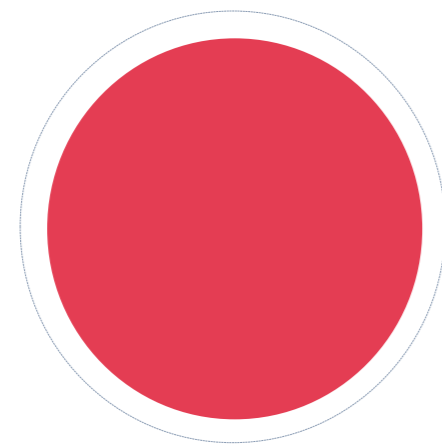


Why is this important?



Who is responsible?

Asking questions



**What is the
main cause of
greenhouse gas emissions?**

Deforestation

**36% of GHG emissions come from the forestry sector
98% of GHG emissions of the forestry sector come from
deforestation**



178.597

Hectares of rainforest were lost in 2016





44%

more than in 2015



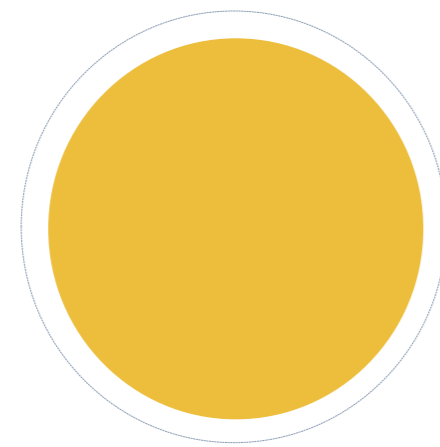


39%

of the deforestation took place in the
Amazon



Asking questions

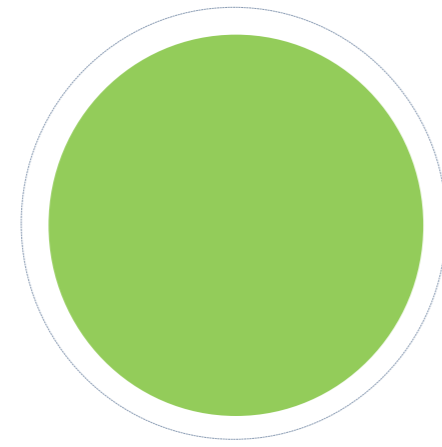


Why is this important?

Deforestation affects the water cycle
Deforestation can lead to landslides

**Colombia could be 1.6 degrees Celsius warmer
between 2041 and 2070**

Asking questions



Who is responsible?

The Government

It has different kinds of
commitments

International commitments



- **Paris Agreement – 2015**

- **Joint Statement of Colombia, Norway, United Kingdom, and Germany**

Who is responsible?

National commitments



- **National Constitution of '91**
- **Ley 1753 de 2015 – National Development Plan**

Finally we had the facts



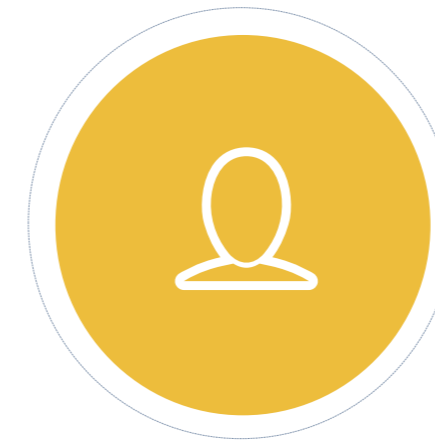
Case structure



Facts



Issues



**Legal
action**



Evidence



Do we have *locus standi*?



Who are the *future generations*?

Issues

Causality: do omissions threaten the right to a healthy environment?

Which kind of legal action should we use?



**Tutela action
(to protect
fundamental rights)**

**Popular action
(to protect collective
rights)**



**Legal
action**



Writ of mandamus

FOIA request




Scientific interpretation

Individualization of the threats

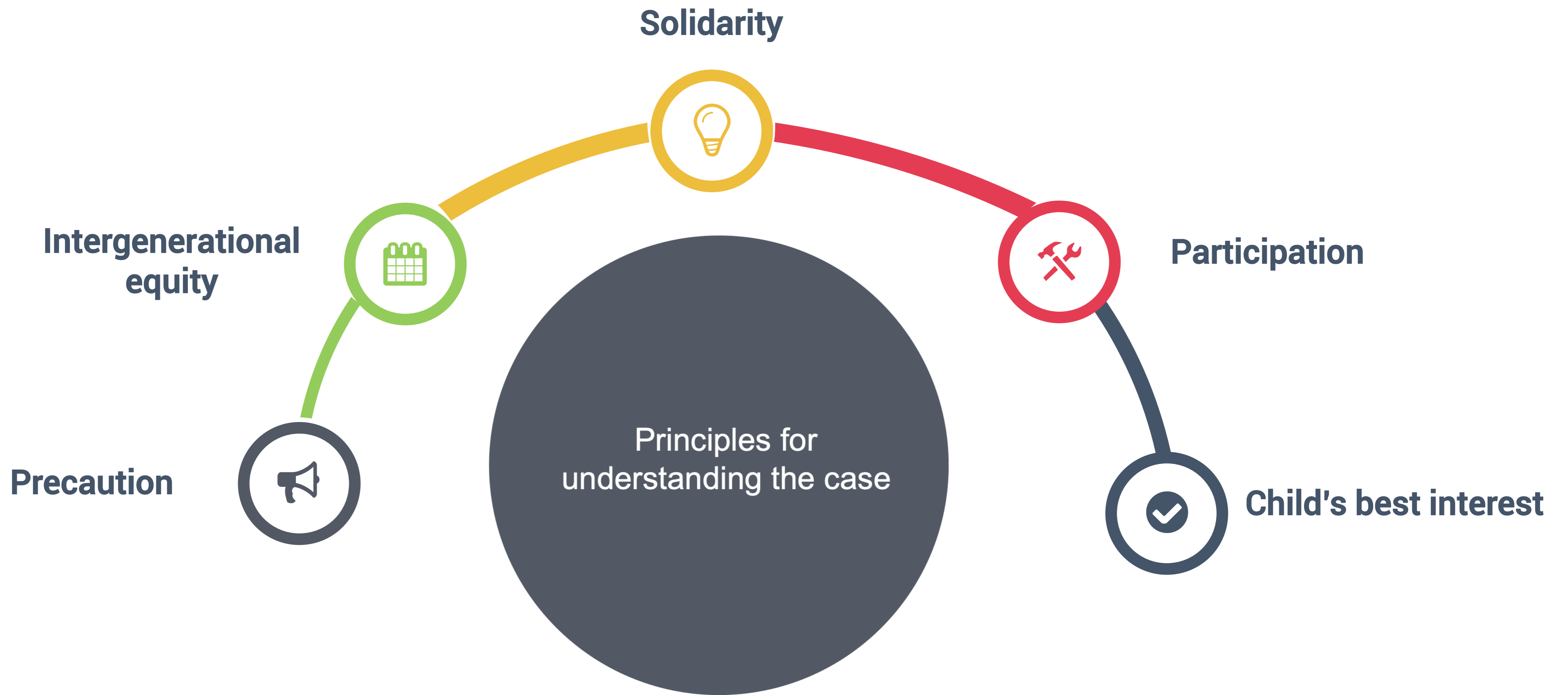


**Argumentative
resources**



**Previous judicial decisions: Atrato
river**

**Systematic approach: NDP, Paris
Agreement and Joint Statement.**



Colombia's obligations (NDP, Paris Agreement, INDC, Joint Statement)

Early deforestation warning system. Greenhouse emissions inventory

Official information recognizing the issue

Evidence

FOIA request

Scientific papers on deforestation and climate change

Press



STC 4360- 2018



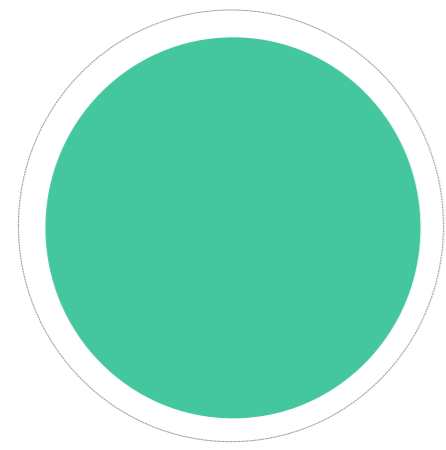
April 5th 2018



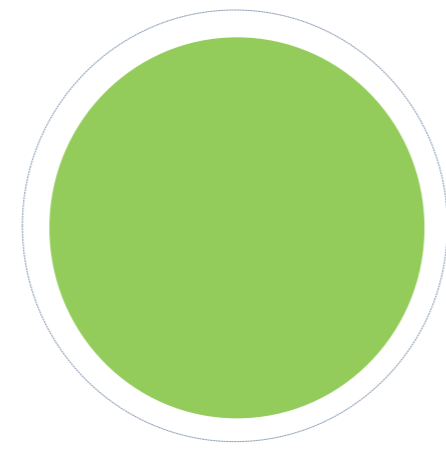
Amazon rainforest as a legal subject



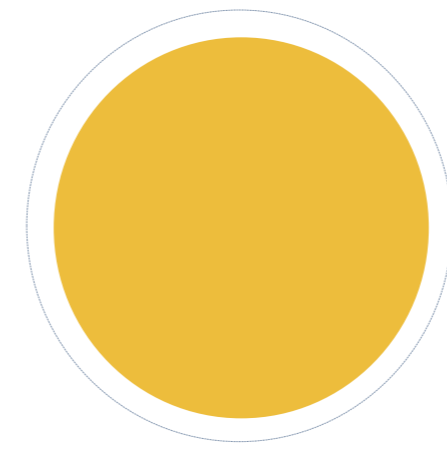
Decision



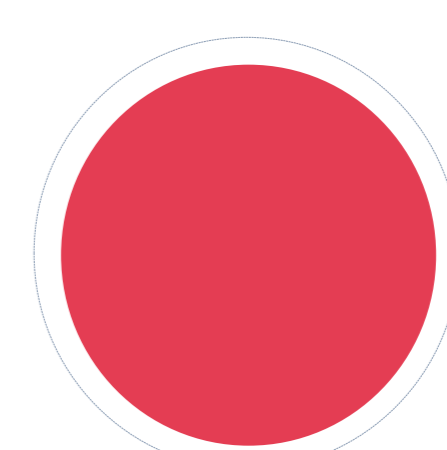
Action plan for the short, medium, and long term to stop deforestation in the Amazon rainforest



Intergenerational pact to protect the life of the Amazon







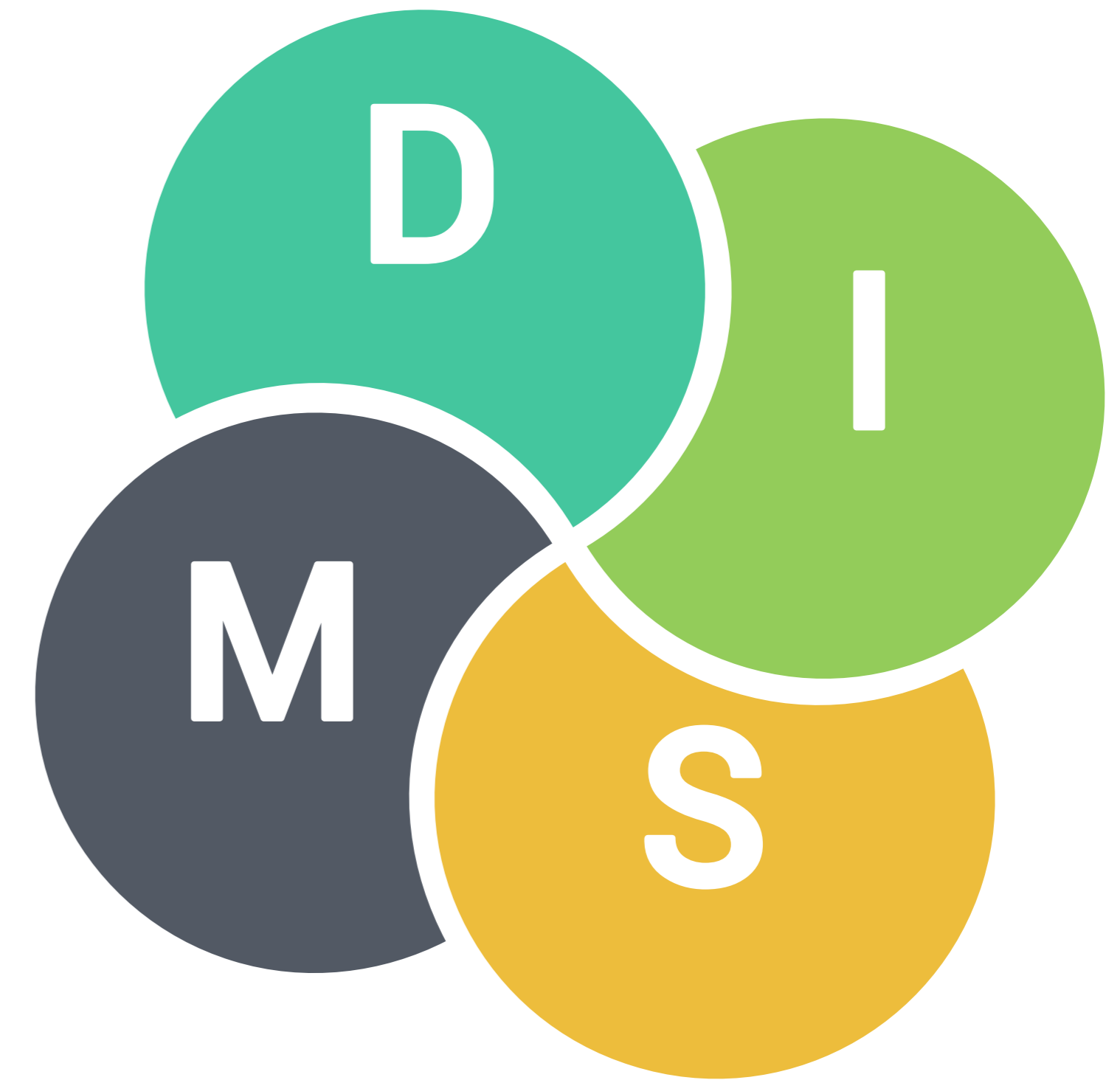
Update the Land Management Plans to align with deforestation targets



Action plan by the Regional Autonomous Corporations to reduce deforestation

Consequences

	 Direct	 Indirect
 Material	Changes in the behavior of the individuals who are part of the decision	Changes in the behavior of the individuals who are part of the decision
 Symbolic	Changes in the ideas, perceptions, wishes of individuals who are part of the process	Changes in the ideas, perceptions, wishes of individuals who are or are not part of the process



➤ Each of them could be positive or negative

Implementation challenges




What does it mean
to be a subject of
rights?



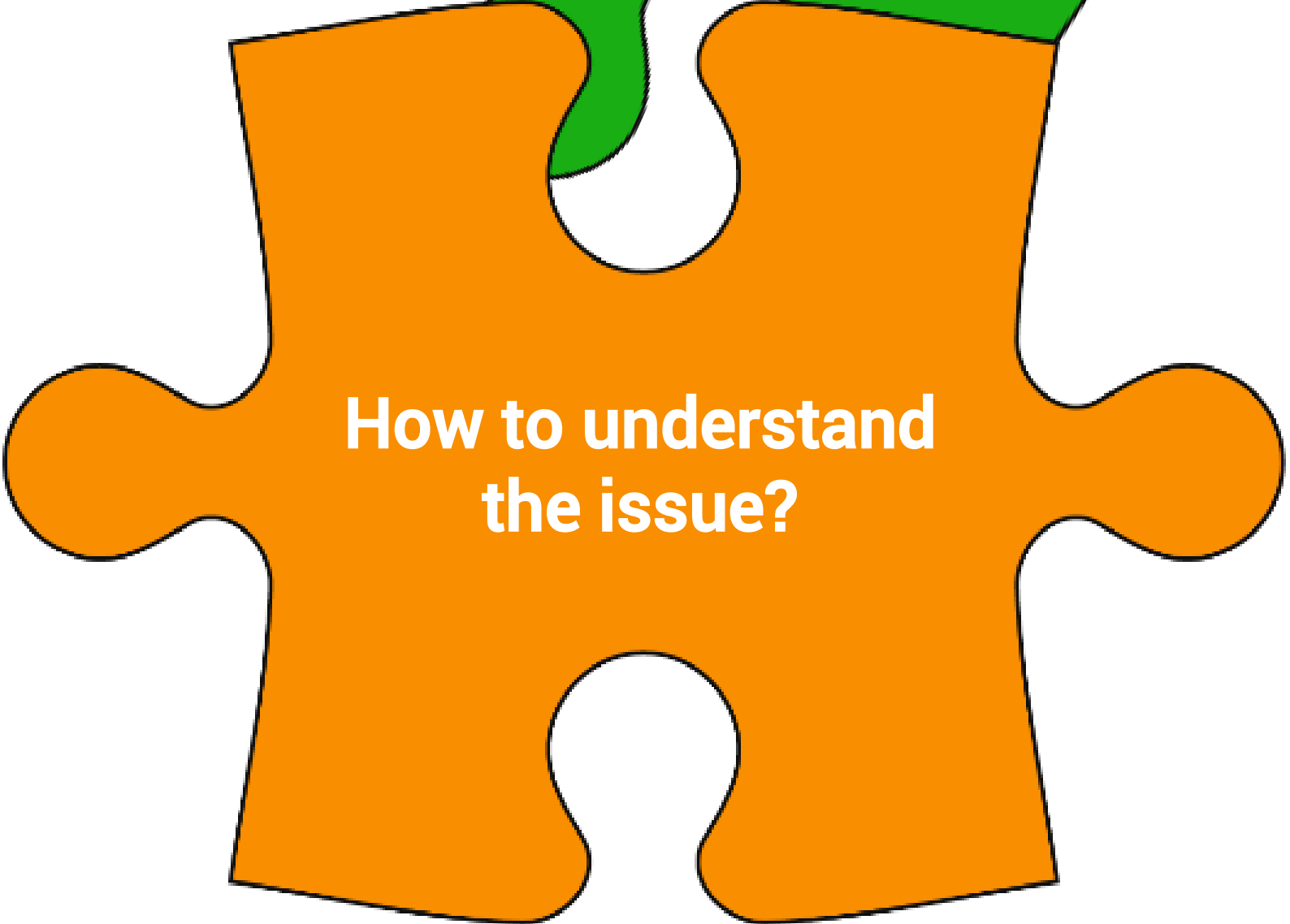
How can the
institutions
work
together?



How to integrate
every actor into
the process?



How to
take it
beyond
the paper?



How to understand
the issue?



How to take
into
account
externalities?



Thank you



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