

## **Contributions of the Republic of Costa Rica for the Preparation of the Ministerial Declaration of the UNEA5: “Strengthening actions for nature to achieve the Sustainable Development Goals.”**

1. *What would you, as government welcome as the most important elements and/or key messages from the Ministers in the Declaration to address the theme in an impactful manner? How can the Environment Assembly make a significant contribution to Strengthening Actions for Nature to Achieve the Sustainable Development Goals at a global scale?*

Costa Rica appreciates the opportunity to provide initial ideas and inputs concerning the Ministerial Declaration of the fifth session of the UN Environment Assembly (UNEA-5). The Assembly represents an opportunity to overcome the challenges from the impact of COVID-19, alongside vital ambitions for strengthening environmental international law and policies.

Costa Rica considers that the political Declaration should aim to be ambitious and progressive, which can only be achieved by living up to obligations and commitments under existing environmental conventions and agreements but particularly towards the actual means of implementation, including finance, technology transfer and capacity building as fundamental prerequisites.

Public financing, both national and international, are essential to provide basic services and public goods and catalyze other sources of funding. Governments are primarily responsible for monitoring and reviewing progress in meeting the SDGs and their targets.

Accountability to citizens is essential to the process, and therefore a systematic follow-up and review should be carried out, per the provisions of the 2030 Agenda and the Addis Ababa Action Agenda. The high-level political forum will play a central role in overseeing that global monitoring and review process.

Costa Rica emphasizes the importance of a science-policy interface focused on promoting policy coherence across environmental instruments; this approach does not scape the creation of the Political Declaration.

The Declaration should strengthen the role of UNEP and focus on the implementation of the 2030 Agenda for Sustainable Development, in line with the outcome document of the United Nations Conference on Sustainable Development carried out in Rio de Janeiro in 2012, entitled “The future we want”, including paragraphs 88 and 89 thereof.

Costa Rica considers that Ministers should reaffirm their commitment to working to protect the environment despite the impacts of COVID-19; addressing, among others: climate change, biodiversity loss, the right to water, land degradation, desertification, pollution, chemicals, and waste management.

Costa Rica also considers it vital to use the Ministerial Declaration as an opportunity to include elements of international law, among others, from the Regional Systems of Human Rights in a non-binding character.

As an example, the African Commission on Human and Peoples' Rights as it underscored that the right to a healthy environment imposed on States the obligation to take reasonable measures to prevent pollution and ecological degradation, to promote conservation, and to secure ecologically sustainable development and use of natural resources, as well as to monitor projects that could affect the environment<sup>[1]</sup>.

Similarly, the Jurisprudence of the Inter-American Court of Human Rights stressed that, as an autonomous right, the right to a healthy environment -unlike other rights- protects the components of the environment, such as forests, rivers and seas, as legal interests in themselves; even in the absence of the certainty or evidence of a risk to individuals.

This means that it protects nature and the environment, not only because of the benefits they provide to humanity or the effects that their degradation may have on other human rights, such as health, life or personal integrity but because of their importance to the other living organisms with which we share the planet that also merit protection in their own right<sup>[2]</sup>.

In this regard, further honouring its long-standing commitment with human rights, which should be at the centre of every action towards the improvement of quality of life and sustainable development of all human settlements, on June 5, 2020, Costa Rica amended article fifty of its Constitution, to enshrine access to drinking water as a human right as it follows:

*“Everyone has a basic and inalienable human right to access drinking water as an essential asset for life. Water is a good of the Nation, essential to protect this human right. Its use, conservation, and exploitation will be ruled by the provisions of the law created for this purpose, and the supply of drinking water for consumption by individuals and populations will be a priority”.*

Hence, the Republic of Costa Rica considers the Political Declaration is an opportunity to recognize the high relevance of environmental protection as a fundamental pillar for sustainable development and declare the positive impacts that actions for nature may have in other human dimensions as a call for action inclusive of civil society, academia and an overall more active involvement of the private sector.

<sup>[1]</sup> *African Commission on Human and Peoples' Rights, Case of the Social and Economic Rights Center (SERAC) and Center for Economic and Social Rights (CESR) v. Nigeria. Communication 155/96. The decision of October 27, 2001, paras. 52 and 53*

<sup>[2]</sup> *Inter-American Court of Human Rights (2017) Advisory Opinion OC-23/17 requested by the Republic of Colombia. In this regard, see, inter alia, International Union for Conservation of Nature (IUCN), the World Declaration on the Environmental Rule of Law of the International Union for Conservation of Nature adopted at the IUCN World Environmental Law Congress, held in Rio de Janeiro from April 26 to 29, 2016, Principles 1 and 2.*

<sup>[3]</sup> *See, for example, Constitutional Court of Colombia, Judgment T-622-16 of November 10, 2016, paras. 9.27 to 9.31; Constitutional Court of Ecuador, Judgment No. 218-15-SEP-CC of July 9, 2015, pp. 9 and 10, and High Court of Uttarakhand At Naintal of India, Decision of March 30, 2017. Petition (PIL) No. 140 of 2015, pp. 61 to 63.*

<sup>[4]</sup> *Preamble of the Constitutional Court of Bolivia*