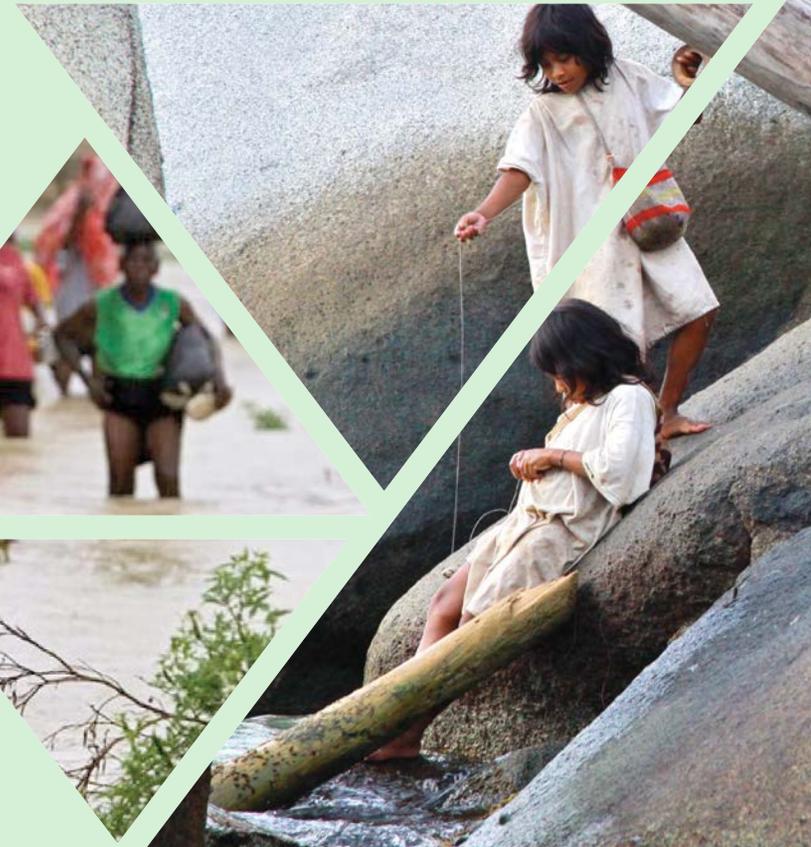


CLIMATE CHANGE

A Comparative Overview of the Rights Based Approach in the Americas



OAS | More rights
for more people



TABLE OF CONTENTS

Introduction and Purpose	3
OAS Member States and Regional Frameworks to Address Climate Change	4
Climate Change and Environmental Law	7
Climate Change and Human Rights Law: A Peoples Centered Approach to Address the Impacts of Climate Change	8
Climate Responses and Approaches: How Are Uncertainties Being Addressed?	14
Final Thoughts and Considerations	17

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INTRODUCTION AND PURPOSE

This publication provides a regional perspective on climate change and rights for OAS Member States. It is intended to brief policymakers and parliamentarians on current knowledge and understanding of climate change and its linkages to environmental and human rights law, as well as the corresponding developments in the Inter-American agenda. A companion booklet, “Climate Change: A Comparative Overview of Legislative and Executive Responses in the Americas” is also available. It contains a comparative analysis of trends in the development of legislation and policy instruments to address climate change in different countries across the hemisphere.

The Issues in Context: What We Know

The location and complex terrain of the Americas region expose it to a great variety of physical conditions which result in striking contrasts in climate and ecology, and vulnerability to the impacts of climate change. According to the Fifth Assessment Report (AR5) of the Intergovernmental Panel on Climate Change (IPCC), human activity is responsible for global warming.¹ While developed countries have been the greatest emitters of Greenhouse Gas (GHG) for decades, developing countries are most likely to suffer the worst consequences of climate change since they are less equipped to adapt to unprecedented climate stress.²

The effects of increased GHG emissions in raising the earth’s temperature have resulted in changes to weather, land use patterns, and access to water. The IPCC anticipates that sea levels could rise between 26-59 centimeters by the end of the century, posing a particular threat to Small Island

Developing States (SIDS) in the Caribbean through coastal flooding, land erosion, depletion of fisheries, saltwater intrusion, and loss of beaches among other changes to natural landscapes.³ Hurricanes are also becoming more intense and destructive, and landslides are more frequent. Moreover, the economies of the region rely significantly on natural resources, which are climate dependent. The increased severity of these impacts explains why climate change has acquired greater political relevance towards defining common actions and solutions that are effective not only for the hemisphere, but also for the entire planet.

OAS MEMBER STATES AND REGIONAL FRAMEWORKS TO ADDRESS CLIMATE CHANGE

OAS Member States have assumed an important leadership role in coordinating international efforts to address climate change through the hosting of Conferences of the Parties (COPs) to the **United Nations Framework Convention on Climate Change (UNFCCC)** in: Argentina (COP 4), Mexico (COP 16), and Peru (COP 20). These conferences lay groundwork towards the achievement of the **Paris Agreement** at COP 21, which sets out a global plan to

prevent catastrophic climate change through the adoption of national-level legislation, policies and regulations to achieve targets required by science, and commitments to robust transparency and accountability in reporting on implementation.⁴

The **2030 Agenda for Sustainable Development** complements the Paris Agreement through its 17 Sustainable Development Goals (SDGs) and corresponding indicator framework to

monitor and report on progress achieved at the national level.⁵ The **Organization of American States (OAS)**, in turn, is guided by four pillars of action—democracy, human rights, security and development—with crosscutting linkages to climate change. Its hemispheric actions include relevant contributions in supporting climate change mitigation and adaptation.

OAS PILLAR

LINKAGES TO CLIMATE CHANGE

DEMOCRACY

- The UNFCCC commits signatory parties to promoting access to information on climate change and its effects, and to promoting public participation in addressing climate change, with a view to guaranteeing a role for citizens in activities and decision-making processes that impact their wellbeing.
- The Inter-American Democratic Charter recognizes that it is the right and responsibility of all citizens to participate in decisions relating to their development (Article 6) and that the exercise of democracy promotes the preservation and good stewardship of the environment (Article 15).

**DEMOCRACY
(CONTINUED)**

- OAS Member States are committed to the implementation of the Inter-American Strategy for the Promotion of Public Participation in Decision-Making for Sustainable Development (ISP), which seeks to promote transparent, efficient, and responsible public participation in decision-making and encourages the formulation and implementation of sustainable development policies in the hemisphere.
- Parliaments perform a critical role in democratic society as the institution that represents and aggregates citizen interests in the drafting and scrutiny of legislation and oversight of the executive branch. Parliamentarians in OAS Member States are likewise committed to adopting legislation, holding governments accountable, and fostering cooperation and exchanges of innovative practices for climate change mitigation and adaptation through inter-parliamentary institutions like ParlAmericas—and initiatives like the Parliamentary Network on Climate Change (PNCC) that ParlAmericas has jointly established with Parlatino⁶.

HUMAN RIGHTS

- There are inherent linkages between the right to a healthy environment, which is affected by climate change, and other rights, such as the right to life, water, food and culture.
- The full enjoyment of human rights is negatively impacted by climate change, whose consequences include displacement and climate change induced conflicts.

SECURITY

- Recent studies and reports highlight that climate change is one of the main challenges for world peace and stability.
- Environmental degradation and the impacts of climate change are included in the concept of multi-dimensional security that OAS Member States have adopted.

DEVELOPMENT

- The overall goal of the OAS development pillar is to help Member States achieve their economic, social, and cultural development goals in a comprehensive, inclusive, and sustainable manner, taking into account the provisions of the OAS Charter, the Social Charter of the Americas, the Strategic Plan for Partnership for Integral Development, and other Inter-American instruments.
- The OAS applies crosscutting strategic guidelines to ensure that its actions align with the implementation of the 2030 Agenda for Sustainable Development as a general framework; and with the UNFCCC and the Paris Agreement with respect to climate change.

While the UNFCCC is the primary international intergovernmental forum for negotiating the global response to climate change, the OAS has played a key role in convening and enabling policy and political dialogue; as well as cooperation in bridging the gap between science, law and policy in alignment with the 2030 Agenda for Sustainable Development.

This work has been supported through **ParlAmericas**, which is pursuing complementary objectives at the legislative level by fostering exchanges between national parliaments and parliamentarians on innovative scientific practices and strategies to ensure that citizens are involved

and gender implications are considered in the drafting of legislation and oversight of executive policies to mitigate and adapt to climate change.

At an executive level, the OAS has sent a powerful message through different resolutions of the General Assembly on the importance of achieving climate agreements and pursuing climate action. It also supports Member States to identify challenges and needs in relation to environmental law and management, to build capacity of key stakeholders, and to support effective enforcement of environmental laws and Multilateral and Regional Agreements.

At a legislative level, ParlAmericas has

established the **Parliamentary Network on Climate Change (PNCC)** in a combined effort with the **Latin American and Caribbean Parliament (Parlatino)**, to function as the hemispheric forum for coordinating legislative work and exchanges of best practices to combat climate change. The PNCC brings a critical perspective to political dialogue and cooperation on climate change that recognizes the centrality of legislatures in bridging gaps between citizens and the executive branch in the drafting and implementation of climate change legislation and their funding.

CLIMATE CHANGE AND ENVIRONMENTAL LAW

Environmental rule of law is indispensable for ensuring just and sustainable development outcomes, and guaranteeing fundamental rights to a healthy environment. The concept of environmental law includes the following elements: adequate and implementable laws, access to justice and information, inclusion and equity in public participation, accountability, transparency and liability for environmental damage, fair and just enforcement, and human rights.⁷

The executive branches of most countries in the hemisphere have committed to addressing the impacts of climate change through binding and non-binding international instruments. For the region to move forward on issues related to climate change, it is important to identify and advance legal mechanisms at the national level for the implementation and oversight of these commitments.

Through its representative, law-making and oversight functions, legislatures are

particularly well positioned to ensure that existing legislation is debated and amended to address challenges posed by climate change in a manner that is tailored to national⁸ and local circumstances.⁹

Several gaps remain across domestic legal frameworks to combat climate change. For example, many countries have struggled to enact legal frameworks that identify synergies and actions that need to be taken across different pieces of legislation that are relevant to climate change. Another challenge is related to enforcement, which is complicated by the number of sectors that are subject to legal provisions. Finally, there is a significant lack of education and awareness among the general public about the impacts of climate change and the importance of following laws designed to protect citizens from its impacts. This is important when fostering partnerships between the executive branch, the legislative branch, and civil society to work together in mitigating the impacts of climate change.



CLIMATE CHANGE AND HUMAN RIGHTS LAW: A PEOPLES CENTERED APPROACH TO ADDRESS THE IMPACTS OF CLIMATE CHANGE

Climate change can affect human rights in different ways through impacts on the availability, accessibility and sustainability of natural resources, including water, use of land, and the environment.¹⁰ A person's exposure and vulnerability to climate change relates to other inequalities rooted in uneven development processes and systems of oppression like discrimination on the basis of gender, class, ethnicity, age, and disability. These result in differentiated impacts that place additional burdens on groups like indigenous peoples, minorities, and women and children, who are overrepresented amongst those living in poverty.

Climate-related hazards directly affect these vulnerable populations through impacts on livelihoods, health, reductions in crop yields, and the destruction of homes. These populations are also indirectly affected by climate change through its impacts on increased food prices and food insecurity.

It has been estimated that climate change

causes 400,000 deaths on average each year and that related processes associated with carbon-intensive energy systems are linked with an estimated 4.5 million deaths worldwide linked to air pollution, hazardous occupations and cancer.¹¹ Additionally, there are human rights consequences arising from displacements caused by climate change.¹²

In this context, procedural rights (such as access to information, public participation and access to justice) must be considered by legislative and executive branches when making decisions on laws and policies to address climate change. Procedural rights are enshrined in Principle 10 of the Rio Declaration, have been adopted in the Inter-American Strategy for Public Participation in Sustainable Decision-Making (ISP), and are echoed in the Declaration of Commitment of the Parliamentary Network on Climate Change (PNCC).¹³ The UNFCCC similarly calls for public participation in addressing climate change, and in developing adequate

responses¹⁴ to ensure that people “are accorded a role in the activities and decision-making processes that directly impact on their lives and wellbeing.”¹⁵

Countries must ensure that legal and institutional frameworks provide for transparency, access to information and public participation. These are necessary to establish environmental justice, which entails “the fair treatment and meaningful involvement of all peoples regardless of race, color, national origin, or income with respect to the development, implementation, and enforcement of environmental laws, regulations, and policies.”¹⁶ Several countries of the region have enacted access to information laws or have included related provisions within their general environmental laws. Legal instruments related to the protection of these and other rights nonetheless remain uneven across the hemisphere.

Strengthening Transparency and Access to Information through Inter-Parliamentary Exchange

The ParlAmericas **Open Parliament Network (OPN)** is a working group that promotes legislative openness among the national parliaments of the hemisphere. Legislative openness is a new form of interaction between citizens and legislatures to strengthen transparency and access to information, accountability, standards for ethics and probity, and citizen participation in legislative work. The ParlAmericas OPN functions as a dynamic space for coordination and co-creation between parliamentarians and civil society organizations in the hemisphere on instruments and actions to advance these principles.

Further information on the activities of the OPN can be found on the [ParlAmericas website](#).

Human rights that can be affected by climate change are illustrated in the following table, which references relevant articles of the American Declaration of the Rights and Duties of Man (AD), the American Convention on Human Rights—Pact of San Jose, Costa Rica (AC), and the Additional Protocol on ECOSOC—Protocol of San Salvador—to the American Convention on Human Rights (PS):

AFFECTED HUMAN RIGHTS	CLIMATE CHANGE IMPACTS ¹⁷		
	Ecosystems	Water Security	Extreme Events
Right to Life AD: Article 1 AC: Article 4	<ul style="list-style-type: none"> Aquatic and terrestrial ecosystems irreversibly affected 	<ul style="list-style-type: none"> Reduced surface water, groundwater and snowpack Degraded water quality Saltwater inundation of fresh water resources 	<ul style="list-style-type: none"> Deaths and outbreaks of diseases Risk of human mortality as a result of increased drying and high temperature trends in North America (according to IPCC projections)
Right to a Healthy Environment PS: Articles 1, 2 & 11	<ul style="list-style-type: none"> Irreversible degradation and collapse of eco-systems and species Loss of eco-systems due to wildfires in North America (according to IPCC projections) 	<ul style="list-style-type: none"> Diminished availability of clean/quality water 	<ul style="list-style-type: none"> Diminished availability of clean/quality water due to hazardous environments (e.g. tornadoes, cyclones)

CLIMATE CHANGE IMPACTS¹⁷

AFFECTED HUMAN RIGHTS	Ecosystems	Water Security	Extreme Events
<p>Right to Health and Well Being AD: Article XI PS: Articles 1, 2 & 10</p>	<ul style="list-style-type: none"> • Disease outbreaks • Air pollution leading to respiratory diseases • Risk of spread of vector-borne diseases in Central and South America (according to IPCC projections) 	<ul style="list-style-type: none"> • Flood water settlement resulting in unhealthy environments and increased vulnerability 	<ul style="list-style-type: none"> • Heat related diseases and illnesses • Negative impact on quality of drinking water and freshwater resources
<p>Right to Self-Determination¹⁸ and to Progressive Development AC: Article 26</p>	<ul style="list-style-type: none"> • Ecosystem changes may hinder freedom to pursue self-development • Unsustainable development 	<ul style="list-style-type: none"> • Changes to quality availability of water may hinder freedom to pursue self-development • Unsustainable development (loss of hydroelectric power) 	<ul style="list-style-type: none"> • Extreme weather event changes may hinder freedom to pursue self-development
<p>Right to Residence and Movement AD: Article VIII AC: Article 22</p>	<ul style="list-style-type: none"> • Blocked passages due to floods and landslides • Changes in natural landscapes • Mobility risks and vulnerabilities are increased • Migration of species 	<ul style="list-style-type: none"> • Mobility risks and vulnerabilities are increased (ex: melting of ice in the polar regions) 	<ul style="list-style-type: none"> • Increased frequency and intensity of natural disasters • Risk of flooding and landslides in urban and rural areas due to extreme precipitation in Central and South America (according to IPCC projections)

CLIMATE CHANGE IMPACTS¹⁷

AFFECTED HUMAN RIGHTS	Ecosystems	Water Security	Extreme Events
<p>Right to Inviolability of the Home AD: Article X</p>	<ul style="list-style-type: none"> • Rises in sea levels risk claiming homes in close proximity to flood plains and bodies of water • Degradation in quality of resources • Forced displacement 	<ul style="list-style-type: none"> • Availability of clean water diminished causing forced displacement 	<ul style="list-style-type: none"> • Increased occurrence of floods, hurricanes, cyclones and landslides causing forced displacement • Risk of urban floods in riverine and coastal areas, causing property and infrastructure damage in North America (according to IPCC projections)
<p>Right to Food (Food Security) PS: Article 12</p>	<ul style="list-style-type: none"> • Changes in weather patterns (ex: longer rain and dry seasons) producing irreversible changes to agricultural conditions and quality of resources 	<ul style="list-style-type: none"> • Food production diminished • Environmental changes (ex: reduced soil fertility due to prolonged drought) • Risk of reduced water availability in semi-arid and glacier-melt-dependent regions and in Central America (according to IPCC projections) 	<ul style="list-style-type: none"> • Food production diminished by floods and droughts • Death of livestock • Changes to agricultural conditions

CLIMATE CHANGE IMPACTS¹⁷

**AFFECTED
HUMAN RIGHTS**

Ecosystems

Water Security

Extreme Events

**Right to Benefits of
Culture**

AD: Article XIII
PS: Article 14, 1.a

- Economic losses
- Changes in human dependency on animals (e.g. cattle farming)
- Ancestral ecosystems/ services affected (ex: traditional medicine and nursing products in indigenous communities)

- Seasonal changes to fishing and hunting patterns (ex. affecting indigenous peoples in the Arctic)

- Extreme weather events affecting cultural life and activities of communities
- Infrastructure losses (ex: damage of cultural heritage)

**Right to Petition, to
Judicial Protection
and to a Fair Trial**

AD: Articles XXIV,
XVIII, XVII & XVI
AC: Articles 3, 8 & 25

- Lack of reliability of environmental information may affect due process and access to justice
- Changes in ecosystems may hinder access to petition mechanisms or judicial proceedings

- Changes and effects to water availability may hinder access to petition mechanisms or judicial proceedings
- Uneven accuracy and reliability of information on water quality may affect due process

- Increased frequency and intensity of extreme weather events may hinder freedom to attend court and availability of judicial services

CLIMATE CHANGE IMPACTS¹⁷

**AFFECTED
HUMAN RIGHTS**

Ecosystems	Water Security	Extreme Events
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**Right to Clean
Water and Basic
Sanitation¹⁹**

- Losses in forests and flora affecting clean water availability (ex: the Amazon rainforest)

- Reduced surface water, groundwater and snowpack
- Saltwater inundation of freshwater resources affecting availability of clean water
- Risk of water quality degradation in North America (according to IPCC projections)

- Increased occurrence of extreme weather events like hurricanes may jeopardize supplies of drinking water (ex: by damaging pipelines)

**Right to Property
and Ancestral
Property**

AD: Article XXIII
AC: Article 21

- Forced displacement due to changes in ecosystems
- Sea level rise claiming homes in close proximity to flood plains and bodies of water
- Forced displacement

- Forced displacement due to diminished availability of water

- Increased occurrence of extreme weather events like floods, hurricanes, cyclones and landslides affecting housing
- Changes to natural landscapes due to extreme weather events
- Risk of assets loss as a result of increased droughts

CLIMATE RESPONSES AND APPROACHES: HOW ARE UNCERTAINTIES BEING ADDRESSED?

While there is scientific evidence that increases our ability to project the impacts of climate change, many uncertainties remain due to the nature of the environment which is formed by different variables that continuously change and evolve. These render the relationship between environmental law, climate justice, and science relevant, and motivate responses that, from a legal perspective, are aimed at addressing behavior rather than consequences.

The *Legislative Branch* is active in addressing climate change issues via the national legislative process and inter-parliamentary diplomacy.

The *Executive Branch* both outlines a policy framework that requires a legislative effort to be implemented, and executes mandates accorded by the legislative through public policy.

Finally, the *Judiciary Branch* is increasingly hearing cases and establishing jurisprudence in relation to the environment

and climate change. While there is certainty in climate science and legal frameworks addressing climate change, there are also many uncertainties that a judge must consider when adjudicating on issues related to climate change.

Responses of the Legislative and Executive Branches

The legislative and executive branches have distinct and interrelated responsibilities in addressing climate change issues.

Legislatures are responsible for ensuring that citizen interests are broadly represented and that the executive branch is held accountable in implementing laws that are supported by appropriate budget allocations. The executive branch, in turn, is responsible for outlining policy frameworks and for executing mandates received from the legislative branch.

Most countries in the hemisphere do not currently have a specific and comprehensive

law to address the impacts of climate change. Brazil²⁰ and Mexico²¹ are notable exceptions. As of November 2016, framework legislation on climate change was also being developed or debated in the national legislatures of Colombia, Costa Rica, Dominica, Paraguay and Peru. An assortment of laws addressing environmental management and protection, land use and development, energy efficiency, and natural resources have also been enacted in other countries of the hemisphere and have a practical effect of requiring or promoting climate change adaptation and mitigation. These laws are important drivers of corresponding executive policies, action plans and instruments to implement national commitments under the UNFCCC and the 2030 Agenda for Sustainable Development.

A companion booklet has been prepared to this briefing: “Climate Change: A Comparative Overview of Legislative and Executive Responses in the Americas.” It contains a more detailed and comparative

analysis on trends in the adoption of legislation and policy instruments to address the issue of climate change in different countries across the hemisphere.

Responses of the Judicial Branch

The role of judges is defined in most countries by their respective constitutions and national legal frameworks that establish the principle of liability for environmental issues. In the case of civil law countries, this

is based in the principle that anyone who causes damages must be held accountable to repair it, and on national laws addressing liability and compensation for victims of environmental damage developed in correspondence with Rio Principle 13.²²

In this context, the types of cases that could be considered as purely climate justice related is relevant. Categorization can be accomplished by looking at the purpose of the case or the demand in question (i.e. mitigation, compliance, remedy). Also, upon

analyzing these cases, it is important to understand the substantive and procedural rights involved.

The following list of jurisprudence highlights notable responses from the judicial branch in implementing and enforcing laws related to climate change:

COUNTRY	JURISPRUDENCE
CHILE	The Pascua Lama case addressed standing, causality and environmental damage due to negligence in the destruction of glaciers caused by a mining project.
COLOMBIA	Provisions in the National Development Plan of Colombia that allowed for mining activity in the <i>paramos</i> ecosystems, whose preservation is critical for climate change mitigation, were ruled to be unconstitutional.
COSTA RICA	A Constitutional Protection Claim was filed against the Municipality of Osa for authorizing land movements by a private company that posed a risk of contamination to aquifers that supplied water. The court based its decision on the principle of <i>in dubio pro natura</i> ²³ and the precautionary principle. ²⁴ This ruling also established that the safeguard and guarantee of rights to a healthy environment is the responsibility of the State.

<p>PARAGUAY</p>	<p>The case of the Yaky Axa Indigenous Community v. Paraguay established that detriments to the right to health, food and access to clean water have a major impact on the right to a decent existence and basic living conditions. Moreover, this ruling recognized the special vulnerability of indigenous peoples whose access to ancestral lands has been threatened.</p>
<p>UNITED STATES</p>	<p>The case of the State of Massachusetts vs. the Environmental Protection Agency (EPA) established the link between climate change impacts and the right to health. This ruling also illustrated the link between science and judicial use of the precautionary principle by establishing the role of the EPA in reducing the impacts of climate change. In referencing this decision, the Supreme Court of the United States also ruled that states have standing to sue the EPA for not enforcing the Clean Air Act.</p>

OAS Member States have progressed in implementing emerging and consolidated principles of both environmental and human rights law, including the precautionary principle, the principle of non-regression,²⁵ the principle of *in-dubio pro-natura*, and the principles of necessity²⁶ and maximum guarantees. The judiciaries and the Inter-American Human Rights System are gaining greater relevance in

this context, supporting environmental rule of law and the achievement of global objectives and targets relating to climate change. However, further efforts are necessary in bridging gaps between science, law and policy. This will ensure that the focus shifts from legality to consideration of moral obligations to future generations so that a rights-based approach prevails.



FINAL THOUGHTS AND CONSIDERATIONS

Addressing the impacts of climate change requires an integrated and holistic approach, a common vision and supportive actions between, and from within, the three branches of government to make legal frameworks, governance, and the environmental rule of law work in tandem for strong institutions and peaceful and inclusive societies that promote sustainable development.

The impacts of climate change also require engaged citizens that take a leading role to ensure that their rights are safeguarded. In this sense, multilateralism offers an important opportunity to convene and facilitate policy and political dialogue, as well as cooperation in bridging the gap between science, law and policy. The responses to the climate challenge in the hemisphere cannot be disconnected from evidence or from its basis in physical science.

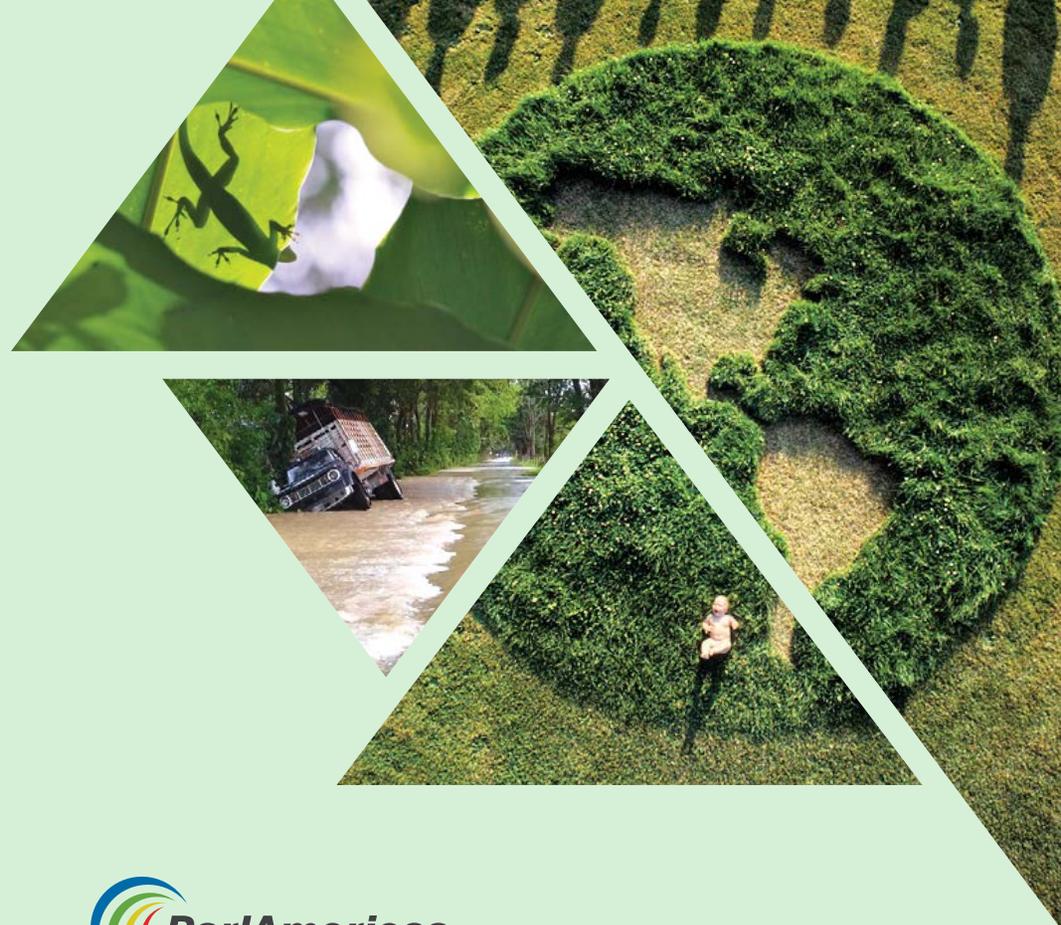
Through its role in the UN system and as the hemispheric political forum that favors wellbeing with justice and social inclusion, the OAS can help advance sustainable development, peace, democracy and human rights at the highest level and support Member States in tackling climate change. The need to have development stakeholders and scientists at the table when crafting climate responses and dealing with uncertainties, cannot be stressed enough while aiming to achieve four of the essential purposes established in the Charter of the OAS: (i) strengthening the peace and security of the continent; (ii) preventing possible causes of difficulties and ensuring the pacific settlement of disputes that may arise among the Member States; (iii) seeking solutions to political, juridical, and economic problems that may arise among them; and (iv) promoting, by cooperative action, their economic, social, and cultural development. In this process, partnerships such as those established for the Environmental Rule of Law, with the UN Environment Programme (UNEP), and the

World Commission on Environmental Law (WCEL) within the International Union for Conservation of Nature (IUCN) are essential.

ParlAmericas is also contributing to this agenda through hemispheric activities that convene parliamentarians with representatives from civil society and the scientific community to support legislative work on climate change that is responsive, informed and aligned with the objectives of the Declaration of the Parliamentary Network on Climate Change (PNCC) and complementary to the work of the OAS. This includes commitments to: (i) strengthen framework legislation on climate change; (ii) facilitate the exchange of innovative practices to mitigate and adapt to climate change; (iii) encourage citizen involvement and consideration of gender implications in climate change legislation; (iv) ensure that legislation fosters enabling conditions for scientific innovation in the area of climate change; and (v) promote international cooperation to curb climate change through parliamentary diplomacy.

1. Intergovernmental Panel on Climate Change (IPCC), “Summary for Policymakers” in *Climate Change 2007: The Physical Science Basis: Contribution of Working Group I to the Fourth Assessment Report of the Intergovernmental Panel on Climate Change* (Cambridge: Cambridge University Press, 2007).
2. For example, Small Island Developing States (SIDS) in the Caribbean account for only 0.16% of GHG emissions but are projected to sustain losses equivalent to US \$22 billion in annual economic production by 2050 in scenarios of global inaction on climate change. See, for example, Lisa Benjamin. “Climate Change and Caribbean Small Island States: The State of Play.” *The International Journal of Bahamian Studies* 16 (2010): 78-91.
3. Intergovernmental Panel on Climate Change (IPCC). *Climate Change 2007: Synthesis Report* (Geneva: 2007).
4. 22 OAS Member States of the 97 Parties to the Paris Agreement contribute approximately 25.35% of the total of global GHG emissions. The 13 OAS Member States that have not signed or submitted their instruments of ratification collectively account for 2.23% of the global GHG emissions.
5. These include specific goals devoted to affordable and clean energy (SDG 7), sustainable cities and communities (SDG 11), sustainable life below water (SDG 14), and sustainable life on land (SDG 15), in addition to climate action (SDG 13) that commits signatories to strengthening their countries’ resilience and adaptive capacity to climate-related hazards and natural disasters; to integrating climate change measures into national policies, strategies and planning; to improving education, awareness-raising and capacity building on climate change issues; and to implementing commitments undertaken through the UNFCCC.
6. ParlAmericas. “Declaration of Commitment: Parliamentary Action to Stop Climate Change. Panama City, Panama.” August 3-5, 2016. http://www.parlamerica.org/uploads/documents/Declaracion-ReddeCambioClimatico_Aprobada_ENG.pdf.
7. *Advancing Justice, Governance and Law for Environmental Sustainability* (UNEP GC) 27/9; (UNEA) resolutions 1/3 and 1/13; *Strengthening and Coordination of United Nations Rule of Law Activities* (Report of the UN Secretary General) A/70/206; *Environmental Justice and Sustainable Development: A Global Symposium on Environmental Rule of Law*, Summary and Key Message (UNEA) UNEP/EP.1/CRP.1; and the agreements of the Inter-American Meeting of Presidents of the Legislative Branch Working Round Table: “The Parliament as a Key Stakeholder in the Collaborative Dialogue for Sustainable Economic Development, Climate Change and Social Inclusion.” Lima, Peru. July 17-18, 2014. <http://www.parlamerica.org/uploads/documents/Acuerdo%20Mesa%20de%20Desarrollo%20Sostenible%20ENG.pdf>.
8. For example, Brazil has adopted a National Climate Change Policy Law to implement UNFCCC commitments, reduce GHG emissions and develop a national cap-and-trade policy; and Belize and Guyana have implemented land-use planning and zoning regulations along with coastal zone management regulations.
9. In the United States, the state of California established its own limits on GHG emissions (Executive Order no. S-3-05).
10. The right to a healthy environment is recognized by 24 OAS Member States as a fundamental right.
11. DARA, *Climate Vulnerability Monitor: A Guide to the Cold Calculus of a Hot Planet. Climate Vulnerable Forum*, (Madrid: Fundación DARA Internacional, 2012). <http://daraint.org/wp-content/uploads/2012/10/CVM2-Low.pdf>.
12. According to the Internal Displacement Monitoring Center and Norwegian Refugee Council, extreme weather events and disasters caused the displacement of 32.4 million people in 2012.
13. ParlAmericas. “Declaration of Commitment: Parliamentary Action to Stop Climate Change. Panama City, Panama.” August 3-5, 2016. http://www.parlamerica.org/uploads/documents/Declaracion-ReddeCambioClimatico_Aprobada_ENG.pdf.
14. United Nations, *United Nations Framework Convention on Climate Change*. May 9, 1992. <https://unfccc.int/resource/docs/convkp/conveng.pdf>, Articles 4 and 6.
15. Kathleen Bottriel and Marie-Claire Cordonier Segger, “The Principle of Public Participation and Access to Information and Justice” In *Recent Developments in International Law Related to Sustainable Development* by CISDL, Legal Working Paper Series, 2005: 3.
16. United States Environmental Protection Agency (EPA). *Learn About Environmental Justice*. n.d. <https://www.epa.gov/environmentaljustice/learn-about-environmental-justice>.
17. Intergovernmental Panel on Climate Change (IPCC), “Summary for Policymakers, Part A: Working Group II Contribution to the Fifth Assessment Report of the Intergovernmental Panel on Climate Change.” In *Climate Change 2014: Impacts, Adaptation, and Vulnerability*, edited by Christopher B. Field, V.R Barros, D.J. Dokken, K.J. Mach, & M.D. Mastrandrea (Cambridge: Cambridge University Press, 2014).

18. International Covenant on Civil and Political Rights (Right to Self Determination) Art 1, §1, res. 2200A (XXI), 21 U.N. GAOR Supp. (No. 16) at 52, U.N. Doc. A/6316 (1966), 999 U.N.T.S. 171.
19. Human Right to Water and Sanitation (U.N.) res. A/64/L.63/rev.1 ; and Human Right to Safe Drinking Water and Sanitation (OAS) AG/RES.2760 (XLII-O/12). This right has also been established at a constitutional level and/or by judicial decisions in many OAS Member States.
20. Brazil has enacted legislation (Law 12.187) that defines principles, objectives, directives and management instruments relating to climate change, and instructs the Executive branch to issue sectoral plans for mitigation and adaptation.
21. In 2012, Mexico enacted a General Law on Climate Change (amended in 2014) to complement existing legislation in addressing issues of air quality, renewable energy, protection of wildlife and biodiversity, and sustainable forest management.
22. “States shall develop national laws regarding liability and compensation for the victims of pollution and other environmental damages. States shall also cooperate in an expeditious and more determined manner to develop further international law regarding liability and compensation for the adverse effects of environmental damage caused to activities within their jurisdiction or control to areas beyond their jurisdiction” in United Nations General Assembly, “Rio Declaration on Environment and Development,” *Report of the United Nations Conference on Environment and Development*. June 3-14, 1992. <http://www.un.org/documents/ga/conf151/aconf15126-1annex1.htm>, Section 13.
23. This principle of law holds that when in doubt about the harmful possible impacts of an activity on the environment, the doubt should be resolved in favour of protecting the environment.
24. This principle of law denotes a duty to prevent harm by resisting the introduction of a process or practice whose ultimate effects are disputed or unknown.
25. This principle of law prohibits any recession of environmental law and recognizes its protective norms in the category of non-revocable and intangible legal rules in the common interest of humanity.
26. Necessity refers to a situation of emergency that justifies extraordinary action in order to protect essential interests that are in danger of being irreparably damaged.



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