



CENTER FOR INTERNATIONAL ENVIRONMENTAL LAW

## **Global Warming and Human Rights**

### **Testimony of Donald M. Goldberg**

**March 1, 2007**

Esteemed Members of the Commission:

My remarks will cover two aspects of the relationship between global warming and the Inter-American Human Rights System. First, I will discuss some relevant protections already afforded by previous cases in the Inter-American System and explain how these protections could be compromised by global warming. Second, I will suggest some actions the Commission could take to address the problem of global warming that are consistent with its approaches in previous cases and issues.

As we have heard, indigenous and poor communities are often uniquely connected to and dependent on their natural environment. Human rights systems, and the Inter-American System in particular, have taken numerous actions to help protect the traditional lands and resources that are of special importance to indigenous and other local communities. Communities that have received protection from the Inter-American Commission and Court include the Awas Tingni in Nicaragua, the Mapuche/Pehuenche in Chile, the Sarayaku in Ecuador, the Maya in Belize, and the San Mateo de Huanchor in Peru. The actions of the Commission and Court helped protect these communities from practices, such as large scale logging, mining, oil development, and damming of rivers, which would have degraded or destroyed the natural environment on which they depend for their culture and subsistence and, in some cases, would have forced them to abandon their traditional lands altogether.

Global warming threatens to undo much of what the Commission and Court accomplished in these cases. For example, the environmental protection from logging and oil concessions that the Commission provided in the *Belize Maya* case could easily be reversed by environmental degradation resulting from changes in temperature and precipitation.

But in reality, global warming poses much greater dangers to indigenous communities than those that have already been dealt with by the Commission and Court. Sea-level rise and erosion of coastal lands in the Arctic and elsewhere threaten to create far more forced relocation than was caused by the damming of the BioBio River in Southern Chile. The forests protected in the *Awas Tingni* and *Belize Maya* cases could be destroyed altogether as a result of the increased risk of fires, pests, and other adverse conditions caused by global warming.

I would like to conclude our presentation by respectfully suggesting that the Commission has an opportunity to play an important role in the efforts of the community of nations to address the problem of global warming and thereby avoid some of the human rights concerns we have discussed this morning. Recent scientific consensus indicates that nations may have little time to act before global warming causes irreversible harm to the people on our planet. This

Commission's clear statement that global warming has implications for human rights could help motivate States to act more expeditiously to take action to reduce greenhouse gas emissions.

To that end, we encourage the Commission not to delay in issuing a report recognizing that there is a clear relationship between global warming and human rights and calling on nations to take appropriate action to mitigate global warming to reduce the risk of more egregious and widespread violations. Second, we suggest that the Commission develop a plan to monitor the impacts of global warming on indigenous and other vulnerable communities. Third, we suggest the Commission assist countries that are unable to meet their human rights responsibilities with respect to global warming.

In sum, we ask the Commission to be the institutional conscience of the Americas: to assist, prod, and compel countries to meet their obligations under human rights law to protect our communities from the ravages of global warming.