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GLOBAL WARMING AND HUMAN RIGHTS

Introduction

Global warming refers to an average increase in the Earth's temperature, causing changes in climate that lead to a wide range of adverse impacts on plants, wildlife, and humans. Last month, the Intergovernmental Panel on Climate Change (IPCC) – a group of over 2000 of the world's preeminent climate scientists tasked by the World Meteorological Organization (WMO) and the United Nations Environment Programme (UNEP) to study global climate change – affirmed that there is broad scientific consensus that the global climate system is warming, and that there is more than a ninety percent chance that most of this warming is caused by the increase in concentrations of greenhouse gases in the atmosphere as a result of human activity.

Global warming is already altering the environment of the Americas. In turn, because of the relationship that this Commission has noted between the environment and human rights, these changes are interfering with the realization of the human rights of individuals and peoples throughout the Americas. These impacts are a particular threat to indigenous peoples whose culture is inextricably tied to the environment, and to poorer nations and communities that lack the economic resources necessary to adapt to the profound changes brought about by global warming.

The changes caused by global warming can interfere with the realization of several human rights, such as the rights to life, physical integrity and security; the right to use and enjoy property without undue interference (including the right of indigenous people to use and enjoy the lands they have traditionally used and occupied); the right to the preservation of health; the right of peoples to their own means of subsistence; and the right to enjoy the benefits of culture.

Some governments already regulate activities that cause greenhouse gas emissions and are taking action to ensure that their regulations minimize their contribution to global warming; other governments have refused to recognize their contribution to the problem or to take meaningful steps to address it. States have a responsibility not to violate human rights, and to

prevent third parties within their jurisdiction and control from doing so. States thus have a responsibility under international human rights law to take steps to prevent global warming that are proportional to their responsibility for the problem.

Global Warming's Human Impact in the Americas

Throughout the Americas, global warming is altering the environment. These changes are affecting individuals and communities throughout the hemisphere. Indigenous and poor communities are particularly impacted because of their cultural and physical dependence on the environment, and their frequent lack of access to the resources necessary to avoid the impacts of detrimental changes in their environment brought about by global warming. The UN Environment Programme has noted that, “[d]espite the relatively small contribution of Latin America and the Caribbean to global warming, the fragile natural environments, livelihoods and resource-dependent economies of the region could be threatened by the impacts of global climate change.”

In the Arctic, where annual average temperatures are increasing more than twice as fast as temperatures in the rest of the world, the impacts of global warming are particularly severe. According to the 2001 Arctic Climate Impact Assessment:

The Arctic is extremely vulnerable to observed and projected climate change and its impacts. The Arctic is now experiencing some of the most rapid and severe climate change on Earth. Over the next 100 years, climate change is expected to accelerate, contributing to major physical, ecological, social, and economic changes, many of which have already begun.

Changes in the Arctic environment over the past 15 to 20 years have been particularly noticeable to the Inuit people – particularly hunters and elders who have intimate knowledge of their environment – who have reported climate-related changes within a context of generations of accumulated traditional knowledge.

Melting Ice and Snow. One of the most obvious effects of global warming in the Americas is the rapid melting of ice and snow in glaciers and at the poles. In the Andes, where communities depend on melting ice for drinking water, the disappearance of the glaciers is predicted to cause severe water shortages. Communities in the Central and Western United States will experience rising snowlines and earlier springtime runoff, affecting the timing and volume of river flows. Increased precipitation will erode sparsely vegetated lands, spread contaminants, and could cause flash-flooding.

In the Arctic, warming is clearly evident in changes in sea ice. The ice is thinner, there is less of it, it freezes later and thaws earlier and more suddenly. The loss of sea ice, which dampens the impact of storms on coastal areas, has resulted in increasingly violent storms, causing erosion and flooding, and harming homes, infrastructure, and communities. Some coastal Inuit communities are being completely uprooted, forced to move inland as their land literally disappears under their feet.

Sea ice is a critical resource for Arctic peoples, who use it to travel to hunting and harvesting locations and for communication between communities. Because of the loss in the thickness, extent and duration of the sea ice, these traditional practices have become more dangerous, more difficult or, at times, impossible. In many regions, traditional knowledge regarding the safety of the sea ice has become unreliable. As a result, more travelers are falling through the sea ice into the frigid water below. The shorter season for safe sea ice travel has also made some hunting and harvest activities impossible, and curtailed others. The deterioration in sea ice conditions has made travel, harvest, and everyday life more difficult and dangerous for the people who have traditionally relied on this resource.

The quality, quantity and timing of snowfall have also changed. Snow generally falls later in the year, and the average snow cover over the region has decreased ten percent over the last three decades. As with decreased ice, a shorter snow season has also made travel more difficult. In addition, the deep, dense snow required for igloo building has become scarce in some areas, forcing many travelers to rely on tents, which are less safe, much colder and more cumbersome than igloos. The lack of igloo-quality snow can be life threatening for travelers stranded by unforeseen storms or other emergencies. These changes have also contributed to the loss of traditional igloo building knowledge, an important component of Inuit culture.

The spring thaw comes earlier and is more sudden than in the past, releasing unusually large amounts of water, flooding rivers and eroding their streambeds. After these spring floods, rivers and lakes are left with unusually low levels of water that is further diminished by increased evaporation during the longer, hotter summer. These changes affect the availability and quality of natural drinking water sources.

Permafrost, which holds together unstable underground gravel and inhibits water drainage, is melting at an alarming rate, causing slumping, landslides, severe erosion and loss of ground moisture, wetlands and lakes. Erosion in turn exposes coastal permafrost to warmer air and water, resulting in faster permafrost melts.

Sea-level rise will be most severe in the Bahamas, Suriname, Guyana, and much of the United States, including Alaska, southern Florida, Louisiana, Boston, New York, Cape Cod, and San Francisco. Coastal barrier islands and islands in the Pacific and Caribbean will experience more intense storm surges, flooding, and eventual inundation. As little as one meter of sea-level rise could displace up to 8 million people in the Caribbean and Latin America. Although current atmospheric concentrations of greenhouse gases are sufficient to raise sea levels substantially more, a rise of only one meter could displace as much as seven percent of the population of Suriname. Rising sea levels will also exacerbate already severe coastal erosion in the Arctic and elsewhere. The current atmospheric concentration of greenhouse gases is sufficient to raise sea levels substantially more than one meter.

Changed weather patterns will require expensive alterations to community buildings, water supply systems, and agricultural practices. Increased hurricane intensity will affect mainly the Caribbean island nations, Venezuela, Central America and the United States. Coupled with rising sea levels, the destructive potential of increased hurricane intensity is enormous. Rapid population growth in coastal regions places many more people and structures in the path of

hurricanes, creating a much greater risk of casualties, property damage, and financial hardship. Coupled with rising sea levels, the destructive potential of increased hurricane intensity is enormous.

In the Arctic, where accurate weather forecasting is crucial to planning safe travel and hunting, altered weather patterns has reduced the traditional ability of Inuit elders and hunters to plan safe travel by predicting the weather for coming days based on cloud formations and wind patterns. The inability to forecast has resulted in hunters being stranded by sudden storms, trip cancellations, and increased anxiety about formerly commonplace activities.

Forest destruction. There is increasing evidence that climate change makes tropical forests drier and more susceptible to fires. In the worst case scenario, this could lead to the collapse of the Amazon and its transformation into a desert or semi-arid state. This vast, remote and mysterious rainforest teems with undiscovered plant and animal life and is home for hundreds of Indigenous groups. If the Amazon dies, the many indigenous cultures and communities that depend on it will die as well.

Northern temperate forests are also at increased risk of fire, as well as from pest infestation exacerbated by global warming. For example, rising temperatures have allowed spruce bark beetles to reproduce at twice their normal rate. A sustained outbreak of the beetles on the Kenai Peninsula in Alaska has caused over 2.3 million acres of tree mortality, the largest loss from a single outbreak recorded in North America. The dead and weakened trees are a particular fire risk, and greenhouse gases released from massive forest fires could push global warming past the point of no return.

Changes in species habitat. Throughout the hemisphere, global warming is altering plant and animal habitats. As temperatures increase, species are forced to move to higher elevations or further north. Where this is impossible, some species may go extinct. Others are threatened by invasive species previously excluded by an inhospitable climate. These include insects that can destroy forests and crops or carry human and animal diseases.

In the Arctic, marine mammals dependent on sea ice are at risk. Inconsistent temperatures have created layers of ice, creating a barrier to caribou and other species dependent on winter food under the snow. The shorter, more intense Arctic thaw affects fish stocks, which sometimes cannot reach their spawning grounds; their eggs are exposed or washed ashore, and they may be forced out by new species moving north with the warming temperatures.

Corals are a particularly vulnerable species. Ocean warming due to global climate change plays a major role in the death of coral reefs. In the Americas, Honduras, Belize, Venezuela and Caribbean island nations are most at risk from coral destruction. Loss of reefs leaves coastal areas vulnerable to flooding and increased erosion during hurricanes and storm surges. Such destruction also reduces tourism, on which the region heavily depends, and damages fisheries, an important source of food and income.

Coral reefs, and the fish and other wildlife they help support, are an important resource for indigenous communities. Many indigenous communities are returning to more traditional

management schemes. For example, the Miskito in Nicaragua are providing community-based reef protection and management based on both indigenous and Western knowledge. Indigenous management may provide the best chance for reef protection and survival, but wise management cannot prevent the destruction of coral reefs from global warming.

Human health will be affected by changing disease vectors, extreme heat, reduction of air-quality and changes in plant and animal species. Mosquito borne diseases such as malaria, dengue fever, and possibly avian flu are spreading to higher elevations and newly warming regions. Ground-level ozone and other air pollutants are increasing, afflicting the most vulnerable members of society: the elderly, young children, those that suffer from respiratory diseases – such as asthma and emphysema – and the poor, who lack access to air-conditioning and adequate health care. Areas already suffering poor air quality will be hardest hit.

Impacts on plant and animal species affect subsistence hunting and gathering among indigenous and poor communities, contributing to health and economic problems. The decreased quantity and quality of food species due to climate change is already forcing some communities to depend more on store-bought food, a shift that could cost as much as \$35 million dollars a year in the Canadian Territory of Nunavut alone. The Inuit have already noticed that increased reliance on prepared foods is harming their health, a conclusion affirmed by the Arctic Climate Impact Assessment, which noted that “[a] shift to a more Western diet is ... known to increase the risks of cancer, obesity, ... and cardiovascular diseases among northern populations.” But hunting is not only a subsistence activity. In the Arctic, for example, “[m]any Indigenous Peoples depend on hunting polar bear, walrus, seals, and caribou, herding reindeer, fishing, and gathering, not only for food and to support the local economy, but also as the basis for cultural and social identity.”

Housing in indigenous and poor communities is often particularly sensitive to prevailing climatic conditions. Air-conditioning is often unavailable to address increasingly hot and dry conditions. Increased dust and wildfire smoke could exacerbate respiratory conditions. As life spans increase, larger portions of indigenous and poor populations are becoming increasingly vulnerable to extreme temperatures and dependent on uninterrupted access to therapeutic interventions. Health care options for these communities are limited, and extreme weather events are likely to cause significant interruptions in access.

Cultural impacts. Impacts like those described above have unique impacts on the cultures of indigenous peoples, which often have developed over thousands of years in relationship with, and in response to, their physical environment. As the Inter-American Court of Human Rights has noted, “the close ties of indigenous people with the land must be recognized and understood as the fundamental basis of their cultures, their spiritual life, their integrity, and their economic survival.” For the Inuit, as for many indigenous peoples in the Americas, all aspects of their lives depend upon their culture, and the continued viability of the culture depends in turn on their relationship with their natural environment.

Moreover, the ability to transmit cultural practices to younger generations is often tied to the environment. Among the Inuit, for example, hunting is one of the most important opportunities for cultural transmission. Unfortunately, the impacts of climate change are

interfering with this process. In the words of one Inuk man, “The learning curve for [young people] is getting shorter. The less time they spend out hunting, the less that they learn. Because you need to learn about the weather, the currents, the sea and the ice.... If they’re not out there hunting, and the ice is not there, then they’re not learning what they need to learn, and that’s through experience.... The experience is not there.”

Future impacts of global warming are likely to be even more severe. Studies indicate that warming is likely to increase around the planet. Using moderate – not worst case – greenhouse gas emission scenarios, the Arctic Climate Impact Assessment concluded that “[i]ncreasing global concentrations of carbon dioxide and other greenhouse gases due to human activities, primarily fossil fuel burning, are projected to contribute to additional arctic warming of about 4-7°C,” over the next 100 years.” It is thus likely that the environmental changes described above will become even more pronounced in years to come.

Human Rights Violations Arising Out of the Effects of Global Warming in the Americas

Protecting human rights is the most fundamental responsibility of civilized nations. Members of the Organization of American States have a duty to refrain from violating human rights, as well as a duty to prevent private parties within their jurisdiction and control from doing so. The global warming impacts described above violate several human rights guaranteed under the American Declaration of the Rights and Duties of Man, the American Convention on Human Rights, and other American and international human rights instruments.

The rights of indigenous peoples

As noted above, global warming has unique and particular impacts on indigenous peoples in the Americas. The evaluation of the relationship between global warming and human rights must therefore take into account the context of indigenous culture and history. This Commission has noted that “because of moral and humanitarian principles ... protection for indigenous populations constitutes a sacred commitment of the states.” In the 1997 Report on the Human Rights Situation in Ecuador, the Commission stated:

Within international law generally, and inter-American law specifically, special protections for indigenous peoples may be required for them to exercise their rights fully and equally with the rest of the population. Additionally, special protections for indigenous peoples may be required to ensure their physical and cultural survival – a right protected in a range of international instruments and conventions.

It is important to keep these principles in mind in considering the application of the following rights to the effects of global warming.

The rights to life, physical integrity and security

Article 1 of the American Declaration provides that “[e]very human being has the right to life, liberty and the security of his person.” The right to life is the most fundamental of rights, and is guaranteed in all major international human rights conventions.

The Inter-American Commission has made clear that environmental degradation can violate the right to life. In the *Yanomami* case, the Commission established a link between environmental quality and the right to life. In that case, the Brazilian government had constructed a highway through Yanomami territory and authorized the exploitation of the territory’s resources. These actions led to the influx of non-indigenous people who brought contagious diseases that spread to the Yanomami, resulting in disease and death. The Commission found that, among other things, the government’s failure to protect the integrity of Yanomami lands had violated the Yanomami’s rights to life, liberty and personal security guaranteed by Article 1 of the American Declaration.

In its Report on the Situation of Human Rights in Ecuador, the Commission stated that “[t]he right to have one’s life respected is not ... limited to protection against arbitrary killing.” The realization of the right to life and to physical security and integrity is necessarily related to and in some ways dependent upon one’s physical environment. Accordingly, where environmental contamination and degradation pose a persistent threat to human life and health, the Commission recognized that the foregoing rights are implicated. The Commission noted that human rights law “is premised on the principle that rights inhere in the individual simply by virtue of being human,” and that environmental degradation, “which may cause serious physical illness, impairment and suffering on the part of the local populace, [is] inconsistent with the right to be respected as a human being.”

The effects of global warming deprive people of the right to life, physical integrity, and security. For example, more numerous, intense and deadly extreme weather events will result in more deaths from hurricanes, floods, and heat waves. Migration of species that cause malaria, dengue fever, and avian flu may spread these deadly diseases to areas of the Americas where they were previously unknown, resulting in more individual deaths. Inuit hunters are falling through the ice to their death more frequently with the thinner, more dangerous ice in the Arctic. States’ failure to address greenhouse gas emissions that cause global warming violate the right to life, physical integrity, and security.

The right to use and enjoy property without undue interference

The American Declaration protects the right of every person to “own such private property as meets the essential needs of decent living and helps to maintain the dignity of the individual and of the home.” American Declaration, Article XXIII. The Inter-American Commission acknowledged the fundamental nature of this right when it noted that “[v]arious international human rights instruments, both universal and regional in nature, have recognized the right to property as featuring among the fundamental rights of man.” Similarly, the American Convention declares that “[e]veryone has the right to the use and enjoyment of his property.... No one shall be deprived of his property except upon payment of just compensation,

for reasons of public utility or social interest, and in the cases and according to the forms established by law.” As this Commission has noted, “the right to use and enjoy property may be impeded when the State itself, or third parties acting with the acquiescence or tolerance of the State, affect the existence, value, use or enjoyment of that property.”

The Inter-American Court and this Commission have long recognized that the right to property guarantees indigenous peoples the fundamental right to the use of those [lands] to which they have historically had access for their traditional activities and livelihood,” regardless of domestic title. “By the fact of their very existence, indigenous communities have the right to live freely on their own territories.” In the words of the Inter-American Court, “the close relationship that the communities have with the land must be recognized and understood as a foundation for their cultures, spiritual life, cultural integrity, and economic survival.” The Court applied these principles in the *Awas Tingni* case, in which it held that the government of Nicaragua had violated the Awas Tingni’s rights to property and judicial protection by granting concessions to a foreign company to log on traditional lands without consulting the Awas Tingni or getting their consent.

The severe damage that global warming has caused to personal and real property throughout the hemisphere violates the right to property. In some cases, property is literally disappearing as a result of warming. This is true in the case of the Inuit’s loss of sea ice, which has been recognized as “an extension of their land,” or the rapid erosion or submersion of land on which some coastal villages sit. In other cases, increasingly severe storms or the destruction of environmental resources essential to survival undermines the use and enjoyment of property, particularly in the case of poor and indigenous communities with limited ability to turn to other sources for their needs.

The right to the preservation of health

The American Declaration provides that “[e]very person has the right to the preservation of his health....” This guarantee is interpreted in the Additional Protocol to the American Convention on Human Rights in the Area of Economic, Social and Cultural Rights (“Protocol of San Salvador”) as ensuring “the enjoyment of the highest level of physical, mental and social well-being.” Other major international human rights instruments also safeguard the right to health, including the Universal Declaration of Human Rights, the International Covenant on Economic, Social and Cultural Rights, and the African Charter on Human and Peoples’ Rights.

The Inter-American Commission has acknowledged the close relationship between environmental degradation and the right to health. In the *Yanomami* case, the Brazilian government’s failure to prevent environmental degradation stemming from road construction and subsequent development of Yanomami indigenous lands caused an influx of pollutants and resulted in widespread disease and death. The Commission found that the government’s failure “to take timely and effective measures [on] behalf of the Yanomami Indians,” resulted in a violation of their “right to the preservation of health and to well-being.”

Other human rights authorities have also recognized the close relationship between the environment and the right to health. In 2005, Special Rapporteur Rodolfo Stavenhagen of the

UN Commission on Human Rights concluded that “the effects of global warming and environmental pollution are particularly pertinent to the life chances of Aboriginal people in Canada’s North, a human rights issue that requires urgent attention at the national and international levels, as indicated in the recent Arctic Climate Impact Assessment.” U.N. Special Rapporteur Fatma Zohra Ksentini identified the right to health as a fundamental right protected under customary international law. In the environmental context, Ms. Ksentini found that “the right to health essentially implies feasible protection from natural hazards and freedom from pollution.” The U.N. Special Rapporteur on the right to health, Paul Hunt, also noted that the right to health gives rise to an obligation on the part of a State to ensure that environmental degradation does not endanger human health. Finally, the U.N. Committee on Economic and Social Rights has recognized that the right to health recognized in the International Covenant on Economic, Social and Cultural Rights includes “extends to the underlying determinants of health, such as food and nutrition, housing, access to safe and potable water and adequate sanitation, safe and healthy working conditions, and a healthy environment.”

To be meaningful, the right to preservation of health recognized in the American Declaration must necessarily include a prohibition on degradation of the environment to the point that human health and well-being are threatened. Under this standard, the effects of global warming violate the right to health. For example, migration in disease carrying species, such as mosquitoes that carry malaria, dengue fever and bird flu, may cause illness in areas where the diseases were previously unknown. Deteriorating air quality and increasing ground level ozone will continue to worsen asthma and emphysema in the most vulnerable populations. Increasingly frequent and intense floods and hurricanes also cause disease and affect human health. Environmental changes that limit or interfere with hunting and gathering also interfere with the right to health of indigenous peoples and other subsistence harvesters.

The right of peoples not to be deprived of their own means of subsistence

A people’s right to their own means of subsistence is inherent in and a necessary component of the rights to property, health, life, and culture guaranteed in the American Declaration and Convention. Two of the foundational international human rights instruments – the International Covenant on Economic, Social and Cultural Rights and the International Covenant on Civil and Political Rights – each provide that “[i]n no case may a people be deprived of its own means of subsistence.” The Inter-American Commission has noted that the right to a means of subsistence is a general international legal principle that applies in the Inter-American system.

As described above, the effects of global warming have already begun to interfere with subsistence hunting and gathering in the hemisphere.

The right of peoples to enjoy the benefits of culture

The American Declaration guarantees the right to the benefits of culture. The Charter of the Organization of American States places cultural development and respect for culture in a position of supreme importance. The Inter-American Commission has recognized that “[c]ertain indigenous peoples maintain special ties with their traditional lands, and a close dependence

upon the natural resources provided therein – respect for which is essential to their physical and cultural survival.” Similarly, in the *Belize Maya* case, the Commission acknowledged that “the use and enjoyment of the land and its resources are integral components of the physical and cultural survival of the indigenous communities.”

The U.N. Human Rights Committee’s jurisprudence further supports the importance of natural resources to the right to the benefits of culture. The Committee has recognized that degradation of natural resources may violate the right to culture as guaranteed in the International Covenant on Civil and Political Rights:

[C]ulture manifests itself in many forms, including a particular way of life associated with the use of land resources, especially in the case of indigenous peoples. That right may include such traditional activities as fishing or hunting and the right to live in reserves protected by law. The enjoyment of those rights may require positive legal measures of protection and measures to ensure the effective participation of members of minority communities in decisions which affect them.... The protection of these rights is directed towards ensuring the survival and continued development of the cultural, religious and social identity of the minorities concerned, thus enriching the fabric of society as a whole.

The effects of global warming described above all impact indigenous peoples’ right to culture.

Implications for States of the Relationship Between Global Warming and Human Rights

It is a fundamental principle of international law that States have an obligation to prevent and remedy violations of their international obligations. The Inter-American Court and Commission have recognized this in many instances. In the case of global warming, this obligation does not end with the responsibility to address greenhouse gas emissions caused by the government itself, but extends to a responsibility to regulate emissions from within State jurisdiction who are contributing to the problem.

The Inter-American Commission has recognized the responsibility of States to prevent non-governmental entities from causing environmental degradation that violates human rights. In its 1997 report on the human rights situation in Ecuador, the Commission explicitly called upon Ecuador to “ensure that measures are in place to prevent and protect against” human rights violations resulting from environmental contamination caused by private actors. In the *Belize Maya* case, the Commission recommended that the government not acquiesce to or tolerate acts of third parties that would violate the Maya peoples’ rights.

Other human rights institutions have acknowledged the obligation of states to protect against human rights violations by the actions of third parties. A report on the issue of human rights and business enterprises prepared last month for a Special Representative of the UN Secretary-General concluded that, under international law, States’ duty to protect against human rights violations generally includes “preventing corporations – both national and transnational,

publicly or privately owned – from breaching rights and taking steps to punish them and provide reparation to victims when they do.” This duty is met when States have taken “all reasonable measures which could be expected in the circumstances” to prevent and punish abuse of rights.

The UN Human Rights Committee has stated that “the positive obligations on States Parties to ensure Covenant [on Civil and Political] rights will only be fully discharged if individuals are protected by the State, not just against violations of Covenant rights by its agents, but also against acts committed by private persons or entities.” The Committee confirms that States could breach their Covenant obligations if they permit or fail to take “appropriate measures” to prevent harm caused by private actors. States must also take into account their human rights obligations “when entering into bilateral or multilateral agreements with other States, international organizations and other entities such as multinational entities.”

The UN Committee on Economic, Social and Cultural Rights (CESCR) has explicitly recognized a State obligation to prevent third-party interference with the rights to water. In relation to the right to attain the highest standards of health, the CESCR has noted that States violate their duty to protect that right if they fail to “enact or enforce laws to prevent [air pollution].”

The obligation to regulate private economic activity to prevent it from causing human rights violations is also consistent with what the Inter-American Commission has said regarding the relationship between human rights and development:

The norms of the inter-American human rights system neither prevent nor discourage development; rather, they require that development take place under conditions that respect and ensure the human rights of the individuals affected. As set forth in the Declaration of Principles of the Summit of the Americas: “Social progress and economic prosperity can be sustained only if our people live in a healthy environment and our ecosystems and natural resources are managed carefully and responsibly.”

In light of these principles, and recognizing the serious human rights implications of the effects of global warming, States have an international obligation to limit greenhouse gas emissions caused by their own activities or by the activities of private actors within their jurisdiction.

While it is up to States how to go about implementing these obligations, there is a strong presumption that they should at a minimum participate in global efforts to address the problem of global warming. In the UN Framework Convention on Climate Change, 190 nations have recognized the need for coordinated effort and established a regime for doing so.

But simply participating in that regime is not necessarily sufficient to discharge States’ duty to prevent human rights violations related to global warming. Because States’ human rights obligations are independent of their obligations under the UN Framework system, States must make efforts to ensure that the Framework system is strengthened as necessary to fully protect human rights. If they are unable to do so through global collaboration, they must take the

individual steps necessary to avoid contributing to human rights violations through their own actions or the actions of private entities under their jurisdiction.

The Role of the Inter-American Commission on Human Rights

In light of the preceding, we request that the Commission issue a report recognizing 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. We also suggest that the Commission develop a plan to monitor the impacts of global warming on indigenous and other vulnerable communities. This could include site visits and hearings with affected communities, direct consultations with governments, and periodic reports identifying progress and recommending additional steps. Third, we suggest the Commission work with the General Assembly to ensure that all countries meet their domestic and international responsibilities to mitigate and adapt to the adverse impacts of global warming.