Background note

OAS efforts in Environmental Law, Policy and Good Governance and the Global Pact for the Environment Initiative.

The recent initiative to prepare, introduce, and eventually adopt the “Global Pact for the Environment” being chaired by the President of the Constitutional Council of the French Republic and former President of the Paris Climate Conference, is in close cooperation with the International Union for the Conservation of Nature’s (IUCN) World Commission on Environmental Law, and with operational support from the Environment Committee of the Club des Juristes.

The General Secretariat of the OAS has had cooperative relations with IUCN since 1968. An OAS staff member was appointed by the IUCN Council (C/91/3 and C/92/18) as a member of the Steering Committee of the IUCN World Commission on Environmental Law at the 2016 World Conservation Congress.

Following participation of the Chair of the Environment Committee of the Club des Juristes at a Steering committee meeting in 2017, the IUCN World Commission began supporting the drafting and consultation process of the draft Global Pact white paper.

Initially a group of 80 experts was convened (including a member of the OAS Advisory group on Environmental Law, Prof. Luis Fernando Macias, Colombia) to work on the draft and participate in a meeting held in Paris last June with the aim of launching the pact initiative. Furthermore, a 30-member drafting committee was selected to finalize the draft text. Justice Antonio Herman Benjamin, (High Court of Brazil and OAS Good will Ambassador for Environmental Justice) was appointed Vice-Chair of the negotiating and drafting committee.

The 30-member committee drew conclusions, harmonized the principles from a human rights perspective, and finalized the 26 articles of the draft Pact. The resulting text was then publicly presented on 24 June, 2017 at the Sorbonne in the presence of high level authorities including the French President Emmanuel Macron, Ban Ki-moon (former UN Secretary-General), Arnold Schwarzenegger (Chair of the R20 – Regions of Climate Action), Zhang Xinheng (President of IUCN), and other renowned experts (including members of the IUCN World Commission on Environmental Law that had been engaged in the process). President Macron also presented the initiative and the preliminary draft to the United Nations General Assembly.

Dialogue amongst, the IUCN World Commission on Environmental Law, the UN Environment Programme, the Organization of American States, the Club the Juristes, the Constitutional Council of the French Republic has taken place regarding the Global Pact Initiative and its principles as well as outreach in the Americas.

The recent symposium on Judiciaries and the Environment: Adjudicating our Future, held at Headquarters (August 23-24, 2018) during its first session discussed the Pact. The GS/OAS is in contact and continuous exchange with UN Environment in the context of UN resolution A/72/L.51 (proposed by Brazil and China) and its role regarding the ad hoc working group.
The Global Pact initiative as a framework encompasses many of the concepts and principles that the OAS has worked to advance in the region while implementing its mandates in the area of environmental security and law and more recently in strengthening the environmental rule of law and justice.

In effect some of the principles included in the pact initiative have been recognized and acknowledged by various OAS forums such as the Inter-American Congress on the Environmental Rule of Law and in instruments such as the IUCN World Declaration on the Environmental Rule of Law developed with participation of the General Secretariat of the OAS and many member State experts. Instruments adopted by OAS bodies have as well recognized and acknowledged the principles in the Pact initiative. Examples of these synergies are illustrated in annex includes examples of these synergies.
### Annex

<table>
<thead>
<tr>
<th><strong>Global Pact for the Environment Initiative</strong></th>
<th><strong>Organization of American States Instruments</strong></th>
</tr>
</thead>
</table>
“Human Rights and the Environment in the Americas” AG/RES. 1896 (XXXII-O/02)  
AG/RES. 1926 (XXXIII-O/03)  
**Declaration of Santa Cruz de la Sierra-Specialized Summit on Sustainable Development** - (Principles 2 and 10 c and 10 g) |
| **Article 2 – Duty to take care of the environment** | **“Declaration of Santo Domingo for the Sustainable Development of the Americas” CIDI/RIMDS-II/DEC.1/10 rev. 1 and AG/RES. 2644 (XLIII-O/11)**  
(Paragraph 7)  
**Human Rights and Climate Change in the Americas** AG/RES. 2429 (XXXVIII-O/08)  
**Declaration of Santa Cruz + 10** AG/RES. 2312 (XXXVII-O/07)  
(Paragraph 7)  
**Convention on Nature Protection and Wild Life Preservation in the Western Hemisphere** (Article V and VIII) |
| **Article 3 – Integration and Sustainable Development** | **“Inter-American Program for Sustainable Development” AG/RES. 2882 (XLVI-O/16)**  
**“Declaration of Santo Domingo for the Sustainable Development of the Americas”** |
Article 4  
Intergenerational Equity

**Development of the Americas** CIDI/RIMDS-II/DEC.1/10  
rev. 1 and AG/RES. 2644 (XLI-O/11)  
(Paragraphs 1, 4 and 10, Action initiatives 5, 9,10,14)

“Climate Change in the Framework of Sustainable Development in the Hemisphere” AG/RES. 2818 (XLIV-O/14)

“The Socioeconomic and Environmental Impacts of Climate Change on the Countries of the Hemisphere” AG/RES. 1736 (XXX-O/00) and AG/RES. 1821 (XXXI-O/01)

**Declaration of Santa Cruz + 10** AG/RES. 2312 (XXXVII-O/07)  
(Article 14)

“Sustainable Development” AG/RES. 1440 (XXVI-O/96)

**Declaration of Santa Cruz de la Sierra** (Principles 3, 4 and 10)

---

**Article 5**  
Prevention

“Inter-American Program for Sustainable Development” AG/RES. 2882 (XLVI-O/16)

**Inter-American Democratic Charter**  
(Article 15)

“Declaration of Santo Domingo for the Sustainable Development of the Americas” CIDI/RIMDS-II/DEC.1/10  
rev. 1 and AG/RES. 2644 (XLI-O/11)  
(Paragraph 7 and Action initiative 12)

**Declaration of Santa Cruz + 10** AG/RES. 2312 (XXXVII-O/07)  
(Paragraph 8)

---

“Declaration of Santo Domingo for the Sustainable Development of the Americas” CIDI/RIMDS-II/DEC.1/10  
rev. 1 and AG/RES. 2644 (XLI-O/11)  
(Action initiative 8)

**Declaration of Santa Cruz + 10** AG/RES. 2312 (XXXVII-O/07)  
(Initiative for Action 50)

**Declaration of Santa Cruz de la Sierra-Specialized**
<table>
<thead>
<tr>
<th>Article</th>
<th>Access to Information</th>
</tr>
</thead>
<tbody>
<tr>
<td>6</td>
<td>Precaution</td>
</tr>
<tr>
<td><strong>Summit on Sustainable Development</strong> (Principles 2 and 10 c)</td>
<td></td>
</tr>
<tr>
<td>“Declaration of Santo Domingo for the Sustainable Development of the Americas” CIDI/RIMDS-II/DEC.1/10 rev. 1 and AG/RES. 2644 (XLI-O/11) (Action initiatives 18, 20)</td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Article 9 – Access to Information</th>
</tr>
</thead>
<tbody>
<tr>
<td>“Declaration on Institutional Strengthening for Sustainable Development in the Americas” AG/DEC. 81 (XLVI-O/16) (Paragraph 16 and 19)</td>
</tr>
<tr>
<td>“Inter-American Program for Sustainable Development” AG/RES. 2882 (XLVI-O/16) (Strategic area 3.6)</td>
</tr>
<tr>
<td>“Model law on Access to Information”. AG/RES 2607 (XL-O/10)</td>
</tr>
<tr>
<td>The Inter-American Strategy for the Promotion of Public Participation in Decision-Making for Sustainable Development. CIDI/RES. 98 (V-O/00), (Principle 5: Access)</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Article 10 – Public Participation</th>
</tr>
</thead>
<tbody>
<tr>
<td>“Declaration on Institutional Strengthening for Sustainable Development in the Americas” AG/DEC. 81 (XLVI-O/16) (Paragraph 16 and 19)</td>
</tr>
<tr>
<td>“Declaration of Santo Domingo for the Sustainable Development of the Americas” CIDI/RIMDS-II/DEC.1/10 rev. 1 and AG/RES. 2644 (XLI-O/11) (Action initiatives 30 and 34)</td>
</tr>
<tr>
<td>The Inter-American Strategy for the Promotion of Public Participation in Decision-Making for Sustainable Development. CIDI/RES. 98 (V-O/00), Declaration of Santa Cruz + 10 AG/RES. 2312 (XXXVII-O/07) (Paragraph 17, 18, 19 and Initiative for Action 47)</td>
</tr>
</tbody>
</table>
| Article | Access to environmental justice

**Declaration of Santa Cruz de la Sierra** (Principles 8 and 10 d)

**Plan of Action for the Sustainable Development of the Americas**

(Institutional Arrangements III.4)

| Article 11 – Access to environmental justice | “Inter-American Program for Sustainable Development” AG/RES. 2882 (XLVI-O/16)

(Strategic area 3.6)

The Inter-American Strategy for the Promotion of Public Participation in Decision-Making for Sustainable Development. CIDI/RES. 98 (V-O/00)

(Principle 5: Access)

**Declaration of Santa Cruz + 10** AG/RES. 2312 (XXXVII-O/07)

(Initiative for Action 47)

### Article 12

Education and training

“Declaration of Santo Domingo for the Sustainable Development of the Americas” CIDI/RIMDS-II/DEC.1/10 rev. 1 and AG/RES. 2644 (XLI-O/11)

(Action initiative 33)

**Declaration of Santa Cruz + 10** AG/RES. 2312 (XXXVII-O/07)

(Initiative for Action 51)

### Article 13

Research and innovation

“Declaration of Santo Domingo for the Sustainable Development of the Americas” CIDI/RIMDS-II/DEC.1/10 rev. 1 and AG/RES. 2644 (XLI-O/11)

(Initiative for Action 8)

### Article 14 – Role of non-State actors and subnational

“Declaration on Institutional Strengthening for
<table>
<thead>
<tr>
<th>Article 15</th>
<th>Effectiveness of environmental norms</th>
</tr>
</thead>
</table>

<table>
<thead>
<tr>
<th>entities</th>
<th>Sustainable Development in the Americas</th>
<th>AG/DEC. 81 (XLVI-O/16)</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>(Paragraph 24)</td>
<td></td>
</tr>
<tr>
<td></td>
<td>“Declaration of Santo Domingo for the Sustainable Development of the Americas”</td>
<td>CIDI/RIMDS-II/DEC.1/10</td>
</tr>
<tr>
<td></td>
<td>rev. 1 and AG/RES. 2644 (XLI-O/11)</td>
<td></td>
</tr>
<tr>
<td></td>
<td>(Paragraph 10)</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Declaration of Santa Cruz + 10</td>
<td>AG/RES. 2312 (XXXVII-O/07)</td>
</tr>
<tr>
<td></td>
<td>(Article 18)</td>
<td></td>
</tr>
<tr>
<td></td>
<td>The Inter-American Strategy for the Promotion of Public Participation in Decision-Making for Sustainable Development</td>
<td>CIDI/RES. 98 (V-O/00)</td>
</tr>
<tr>
<td></td>
<td>(Principle 7: Respect for public input)</td>
<td></td>
</tr>
</tbody>
</table>

| “Declaration on Institutional Strengthening for Sustainable Development in the Americas” AG/DEC. 81 (XLVI-O/16) (Paragraph 17) |
| “Inter-American Program for Sustainable Development” AG/RES. 2882 (XLVI-O/16) (Strategic area 3.6) |
| “Declaration of Santo Domingo for the Sustainable Development of the Americas” AG/RES. 2312 (XXXVII-O/07) |
| (Initiative for Action 46 and 49) Declaration of Santa Cruz de la Sierra (Principle 10 g) |
| Plan of Action for the Sustainable Development of the Americas |
| (Institutional Arrangements III.1, 5) |
| Article 16 Resilience | “Inter-American Program for Sustainable Development” AG/RES. 2882 (XLVI-O/16)  
(Strategic area 3.1)  

“Declaration of Santo Domingo for the Sustainable Development of the Americas” CIDI/RIMDS-II/DEC.1/10 rev. 1 and AG/RES. 2644 (XLI-O/11)  

(Action initiatives 18, 21 and 22)  

Declaration of Santa Cruz + 10 AG/RES. 2312 (XXXVII-O/07)  

(Paragraph 9 and Initiative for Action 36) |
| Article 17 – Non-regression | “Declaration of Santo Domingo for the Sustainable Development of the Americas” CIDI/RIMDS-II/DEC.1/10 rev. 1 and AG/RES. 2644 (XLI-O/11)  

(Action initiatives 6)  

Declaration of Santa Cruz de la Sierra (Principle 10 g)  

Convention on Nature Protection and Wild Life Preservation in the Western Hemisphere (Articles III and V) |