



COMMONWEALTH OF THE BAHAMAS

Human Rights 75 High-Level Climate and Environment Roundtable

**The Future of Human Rights, the Environment
and Climate: Advancing the right to a healthy
environment, including a safe and stable climate
for all.**

**Access to justice and accountability for
environmental harm**

Presented by

**Senator The Honourable L. Ryan Pinder K.C.
Attorney General and Minister of Legal Affairs**

on

**Tuesday 12th December 2023
Geneva, Switzerland**

Roundtable Question

What in your view can help those whose human rights have been violated as a result of environmental degradation, to access to remedy and reparation or compensation?

Response

I wish to address this question in three parts: firstly, the responsibility of affected States, secondly that of private industry and thirdly that of industrialized nations and the largest emitting countries.

The Bahamas is a small island developing state, but also a Big Ocean country, an archipelago of over 700 islands and cays. These characteristics result in significant exposure to the effects of climate change, causing a material threat to our people's basic human rights, including a right to a healthy environment; right to life; right to development; right to water, and right to self-determination. The Bahamas holds the philosophy that the polluter must pay for the adverse impact of their actions on the climate.

Vulnerable people do not have a means to pursue recourse for the breaches of their human rights and tangible losses incurred because of climate change. Climate Justice requires that vulnerable populations,

who have historically contributed the least to the unfolding climate calamity and who are disproportionately affected, have access to justice and be compensated for their loss. **The governments of vulnerable countries are therefore obligated to make climate justice representations in support and protection of their populations.**

In The Bahamas, we have legislated in our Environmental Planning and Protection Act, the concept that the polluter must pay. An important component of this regime is the creation of the Environmental Administration Fund which ensures that fees and fines collected because of environmental crimes, will go to benefit communities impacted and build the country's capacity to respond to and prevent crimes in the future.

Private industry should be held liable for their continuous and direct contribution to the generation of greenhouse gasses that cause climate change and whose effects have directly and adversely affected countries like The Bahamas. Our tangible losses are enormous, impacted by rising sea levels and rising ocean temperatures.

We also **believe industrialized countries owe an obligation to vulnerable, non-emitting states for their contribution to the climate crisis.** The Bahamas supports the United Nations (UN) Resolution

requesting an advisory opinion from the International Court of Justice (ICJ) on the obligations of States in respect of climate change. We view the Resolution as a significant milestone in our decades-long struggle for climate justice. The Bahamas will be submitting a written statement in support of the advisory opinion calling for differentiated responsibilities based on proportional contribution to global greenhouse gas emissions.

The fundamental basis of a sovereign's advocacy on the effects of climate change on its vulnerable population is that the benefits must accrue to the people. I mentioned the Environmental Administration Fund under our domestic law. We also believe obligations of private industry and polluting states should contribute to schemes for the direct benefit of those whose human rights have been violated.

The Bahamas is taking a proactive approach. The effects of the climate crisis have caused catastrophic property insurance to either be unavailable or beyond the reach of many in The Bahamas. The Bahamas has therefore committed to develop an insurance product that will be funded from the aforementioned liabilities of private industry and industrialized states. We are therefore not only fighting to *achieve* climate justice but also working to ensure that its *reparations* accrue to the benefit of the most vulnerable.