

OAS GOODWILL AMBASSADORS ON ENVIRONMENTAL JUSTICE

GUIDELINES AND TERMS AND CONDITIONS

The General Secretariat of the Organization of American States (“GS/OAS”) desires to enlist the volunteer services and support of prominent individuals from the Judiciaries of the Americas (“OAS Goodwill Ambassadors on Environmental Justice”) to raise awareness of the aims, objectives and priorities of the Organization of American States (“OAS”), to convey messages about its activities and to extend its public outreach regarding the consequences of environmental degradation, and possible legal solutions, particularly from the judiciary.

Role

1. The role of OAS Ambassadors on Environmental Justice is to engage in public advocacy; where authorized, and in accordance with the applicable GS/OAS regulations, rules, and policies in public awareness activities. They are encouraged to participate in GS/OAS events and to visit GS/OAS operations in the different Member States. Every OAS Goodwill Ambassador on Environmental Justice is expected to participate in a minimum of two activities or events every year.
2. All OAS Goodwill Ambassadors on Environmental Justice are expected to:
 - a) Respect the impartiality and independence of the GS/OAS and to refrain from any conduct that would adversely reflect on the Organization;
 - b) Refrain from any activity incompatible with the principles and purposes of the OAS;
 - c) Exercise good judgment and discretion in all matters relating to the performance of their functions for the GS/OAS; and
 - d) Obtain guidance on their specific activities from the recommending GS/OAS Secretariat; and/or staff assigned to liaise with them.

Terms of Reference

3. OAS Goodwill Ambassadors on Environmental Justice will have the following responsibilities:
 - A) Represent the GS/OAS and contribute to the efforts to educate the public about the dramatic consequences of environmental degradation and the possible solutions from the judiciary.
 - B) Advocate and serve as regional, hemispheric, and international catalysts for the activities of the GS/OAS on judicial and environmental rule of law matters, and the

initiative “Protecting the Common Home: Guaranteeing Rights for More People in the Americas”(See annex for information)

- C) From the judicial platform, raise awareness by participating publicly, in public speeches and visits to the regions affected by environmental issues regarding the role of the judicial power on the ethics of the vulnerable and the environmental rule of law promoting the exchange of experiences among Member States, Permanent Observers, civil society and the rest of the community.
- D) Promote and raise awareness about the protection of our Common Home from the judiciary.

Terms of Conditions

4. OAS Goodwill Ambassadors on Environmental Justice shall be designated for a period of two years, renewable, based on mutual agreement by the parties. All appointments should be of limited duration and comprise no more than three consecutive mandates. In exceptional cases, the appointment of an OAS Goodwill Ambassador on Environmental Justice can be extended further.
5. The GS/OAS will not make any payment to the OAS Goodwill Ambassador on Environmental Justice for the services that he/she will carry out. The status of an OAS Goodwill Ambassador on Environmental Justice does not grant the right to any of the emoluments or benefits given to GS/OAS staff.
6. OAS Goodwill Ambassadors on Environmental Justice may be entitled to travel and daily subsistence allowances when they are traveling on behalf of the GS/OAS, although the amount to be given is to be determined by the GS/OAS.
7. The GS/OAS will extend to the OAS Goodwill Ambassador on Environmental Justice those privileges and immunities granted to GS/OAS staff members that the OAS Member States recognize as being necessary for the performance of the duties. When on official travel or performing services for the GS/OAS, OAS Goodwill Ambassadors on Environmental Justice shall be entitled to an OAS diplomatic passport. Under no circumstances will the OAS Goodwill Ambassador on Environmental Justice be considered to be a GS/OAS staff member for any other purpose, and he/she will not have any of the rights and benefits given to GS/OAS staff members in accordance with the pertinent rules and regulations.
8. When travel on behalf of the GS/OAS is paid for by the Organization, an OAS Goodwill Ambassador on Environmental Justice shall travel in economy class. OAS Goodwill Ambassadors on Environmental Justice should be encouraged to self-finance all travel-related expenses whenever possible.
9. OAS Goodwill Ambassadors on Environmental Justice who are authorized to travel at GS/OAS expense or who are requested to perform services on behalf of the GS/OAS shall, in the event of injury, illness or death attributable to the performance of duties on behalf of the GS/OAS, be entitled to compensation in accordance with the *Business Travel Insurance and Accidental Death and Dismemberment* insurance policies secured pursuant to relevant GS/OAS rules and regulations regarding travel by Non-Staff Personnel on official business on behalf of GS/OAS. Such insurance related compensation shall be the sole compensation payable by the GS/OAS in respect of such service-related death, injury or illness.

10. OAS Goodwill Ambassadors on Environmental Justice shall be fully responsible for arranging, at their own expense, such life, health and other forms of insurance covering the period of their services on behalf of the GS/OAS as they consider appropriate. They are not eligible to participate in the life or health insurance schemes available to GS/OAS staff members. The responsibility of the GS/OAS is limited solely to the insurance provided under the conditions described in the previous paragraph of these Guidelines.
11. All GS/OAS archives, reports, and other pertinent documents, which the OAS Goodwill Ambassador on Environmental Justice uses in order to comply with his/her duties are and shall remain the property of the GS/OAS. The OAS Goodwill Ambassador on Environmental Justice shall not retain any of the information, archives, reports, or pertinent documents, or copies thereof after the expiration of his/her duties unless otherwise agreed to in writing by an authorized representative of the GS/OAS in advance. In addition, the OAS Goodwill Ambassadors on Environmental Justice may not use any of the information, archives, reports, or documents for any other purpose than the successful completion of his/her duties, unless otherwise agreed to in writing by an authorized representative of the GS/OAS in advance.
12. Either party may terminate the designation of an OAS Goodwill Ambassador on Environmental Justice by giving at least fifteen days notice in writing to the other.
13. Any controversy that arises which cannot be resolved amicably between the GS/OAS and the OAS Goodwill Ambassador on Environmental Justice shall be resolved through direct negotiation between the OAS Goodwill Ambassador on Environmental Justice and the GS/OAS. However, if a mutually satisfactory solution cannot be reached, both parties will submit their differences to binding arbitration to the arbitration rules of the United Nations Commission on International Trade Law (UNCITRAL). The seat of the arbitration shall be the city of Washington, D.C. The arbitration will be held in English and Spanish simultaneously. The sole arbitrator shall resolve the dispute as *amiable compositeur or ex aequo et bono*. The arbitration decision shall be final, non-appealable and binding.
14. Nothing stated in this document shall constitute an express or implied waiver by GS/OAS of its privileges and immunities enjoyed by the OAS, its bodies, staff, property and assets in accordance with articles 133, 134, and 135 of the OAS Charter, other agreements and laws on the practices and principles under international law.

Annex

Summary of the Initiative: Caring for our Common Home from the Judiciary: Guaranteeing More Rights for More People in the Americas

24 OAS member States have recognized the right to a healthy environment as a fundamental right.

Nonetheless the deterioration of our Common Home significantly affects the enjoyment of the right to a healthy environment and of other related fundamental rights (right to life, health, food, property and its ecological function, and water, among others) affecting with greater emphasis those that live in poverty or that experience exclusion or vulnerabilities.

The inequities derived from environmental impact result every day in greater demands from society towards greater equity and justice regarding the use of environmental resources. *“Inequity affects not only individuals but entire countries; it compels us to consider an ethics of international relations.” (N.51, Laudato Si)* America remains as one of the regions with most inequality in the planet.

The Judiciary branch in the hemisphere is called to be socially responsible, and also called to work in the framework of an ethic of the vulnerable. Justice cannot be blind before the decline of our Common Home and from its role with evidence and science as the basis, it should contribute from the local to the global level towards true *environmental justice*.

«Today, however, we have to realize that a true ecological approach always becomes a social approach; it must integrate questions of justice in debates on the environment, so as to hear both the cry of the earth and the cry of the poor” (n.49). “These situations have caused sister earth, along with all the abandoned of our world, to cry out, pleading that we take another course».

(n.53, Laudato Sí)

The General Secretariat of the OAS together with key partners (UN Environment, IUCN/WCEL) drives the initiative **“Caring for our Common Home from the Judiciary:**

Guaranteeing More Rights for More People in the Americas”. This initiative has the following main components with impact at the short, medium, and long term, and incidence in other hemispheric and global processes:

1-Implementation of the Inter-American Judicial Capacity Building Program on the Environmental Rule of Law

-Sensitizing at least 34 judges per year regarding the legal protection of the environment in partnership with the judicial schools of the Americas.

2-The Judiciary as Goodwill Ambassador for Environmental Justice

-Designation by the Secretary General of the OAS of members of the highest courts of the

Americas as Goodwill Ambassadors for Environmental Justice to promote the environmental rule of law in the hemisphere.

3-Model protocol for the judiciary on the environment and Access rights

-Common standard to solve environmental controversies further to the “ethic of the vulnerable” which includes the planet. Developed with guidance from the Goodwill Ambassadors, the protocol will suggest principles, effectiveness in the protection of human rights, interpretation methods and relevant decisions to improve the situation and compliance with individual and collective rights.

4-Judicial Celebration of the International Day of Mother Earth and Inter-American Congress on the Environmental Rule of Law

-In the context of the invitation for States to celebrate the International Day of Mother Earth, AG/RES. 2820 (XLIV-O / 14) action and awareness will be promoted for the urgent challenge of protecting our common home joining the judiciaries of the hemisphere as agents of change in this celebration on April 22 of each year.

-Strengthened dialogue and exchange on Principles of Justice with an integral ecology perspective through the space established in the Inter-American Congress on the environmental rule of law, which will continue addressing emerging challenges with impact on the integrity of the common home.

5-Portal on the Environmental Rule of Law in the Americas

-Development of a Portal on the environmental rule of law in the Americas that will help fulfill the promise of open justice. Through the efforts of the OAS and its partners, the portal will allow the systematization of relevant decisions of national and international courts as a sample of judicial developments that have taken place on the subject. The portal will have a search engine that will allow access to these judgments and their abstracts. On the other hand, the functions will include a repository of information on key principles, doctrine and relevant academic articles that address the concept of environmental rule of law. The portal will include a "wiki," which in principle will be limited to the concepts defined in the defined taxonomy.