

NEW YORK CITY BAR ASSOCIATION
Climate Change Mitigation and Adaptation Principles

The City Bar has a long history of successfully addressing complex issues that demand interdisciplinary research, thoughtful consideration, and collaborative problem solving. Few contemporary issues pose such significant challenges, both in New York and around the world, as global climate change.

The most current scientific findings from the global scientific community show an overwhelming consensus that global atmospheric concentrations of carbon dioxide and other greenhouse gases have increased markedly as a result of human activities since 1750 and now far exceed pre-industrial levels.¹ This increase in greenhouse gas concentration is due primarily to fossil fuel use and other human activity, including forestry and other land use practices, that have resulted in warming of the planet which, if not curtailed significantly, will very likely lead to abrupt or irreversible negative impacts on the health and subsistence of global populations.²

Because of its coastal location, dense population and aging infrastructure (much of which lies at or below sea level), New York City faces particular challenges as the climate changes and the seas rise. Given these pressing concerns, the City Bar deems it appropriate to adopt the following Climate Change Mitigation and Adaptation Principles:

- 1. Mitigation of anthropogenic climate change is a global imperative.** The consensus of international scientists recognizes that escalating climate change poses increasing risk to human health and safety, biodiversity, and the sustainability of the planet and its inhabitants. Urgent action is needed now to cap and reduce greenhouse gas emissions in order to mitigate these negative effects. Action on every level is needed to reduce these emissions, including a transition away from the predominant use of fossil fuel for energy and changes in land use practices.
- 2. The New York City Bar Association urges Congress to enact and the President to sign legislation** that would cap and reduce United States greenhouse gas emissions to help prevent, and to reverse, the rise of atmospheric greenhouse gas concentrations and that would utilize both regulatory and market mechanisms designed to achieve that goal, such as cap and trade, carbon taxation, or, subject to appropriate verification and controls, international emissions trading.³ Such

¹ Solomon, S., D. Qin, M. Manning, Z. Chen, M. Marquis, K.B. Averyt, M. Tignor and H.L. Miller, eds., *IPCC 2007: Summary for Policymakers, Climate Change 2007: The Physical Science Basis. Contribution of Working Group I to the Fourth Assessment Report of the Intergovernmental Panel on Climate Change*, Cambridge University Press, Cambridge, United Kingdom and New York, NY, USA, 2-3 (2007); Lenny Bernstein, et. al., *IPCC 2007: Summary for Policymakers, Climate Change 2007: Synthesis Report of the Intergovernmental Panel on Climate Change*, Cambridge University Press, Cambridge, United Kingdom and New York, NY, USA, 13, 37, 39 (2007) (scientists purport that it is “very likely” that human activities have increased global temperatures, assessed with a 90% degree of probability).

² Lenny Bernstein, et. al., *IPCC 2007: Summary for Policymakers, Climate Change 2007: Synthesis Report of the Intergovernmental Panel on Climate Change*, Cambridge University Press, Cambridge, United Kingdom and New York, NY, USA, 13, 45, 48-53 (2007).

³ See, ABA Resolution 109, *Urges U.S. Government to Take an Active Role in Addressing Climate Change*, February 11, 2008.

legislation should be developed in concert with national energy goals, as well as with local and regional energy and land use initiatives.

3. **The New York City Bar Association strongly urges the United States to engage in international treaty and other negotiations to establish binding, global emissions reductions.**⁴ The United States must take a strong position during, and after, the upcoming 15th Conference of the Parties (COP-15) to the United Nations Framework Convention on Climate Change (UNFCCC), looking toward the prompt negotiation, approval and implementation of such agreements.
4. **The New York City Bar Association urges the governments of all countries, developing as well as industrialized, to recognize that the problems caused by greenhouse gas emissions affect every country and every individual.** Regardless of location and previous responsibility for these emissions, the concerted efforts of all countries, including participation in binding international agreements, are essential to address the negative impacts of climate change.
5. **Citizens should have access to information to enable effective public participation in climate change and environmental decision-making.** Information regarding climate change should be disseminated in a transparent and unbiased manner.
6. **Reduction targets for greenhouse gas emissions must be additional, verifiable, permanent, and enforceable.** Compliance mechanisms need to assess the adherence with and success of established climate change mitigation measures. Adequate enforcement mechanisms are also needed.
7. **Legal and regulatory policies should promote the implementation of energy efficiency measures and the use of renewable energy sources.** Such policies should promote sustainable development and programs that are environmentally responsible and mindful of potential human rights impacts.
8. **Contributions for climate change mitigation and adaptation on a global scale should take into account the ability to pay and the responsibility for emissions.** This recognizes the obligation of industrialized countries, having developed without environmental limitations for decades or longer, to assist developing countries in taking a more sustainable path to development, securing clean energy technology and adapting to climate change.
9. **Certain populations, regions, ecosystems, and sectors are especially vulnerable to climate change impact.**⁵ Many of those most vulnerable have had limited to no role in the anthropogenic cause of climate change. Industrialized countries should aid communities and ecosystems vulnerable to harm from the negative impacts of climate change.
10. **Advancing climate science should be continually reviewed and responded to,** in order to ensure that climate change mitigation and adaptation adequately reflect the latest scientific findings and recommendations.

⁴ See, *Broad Principles for Climate Change Legislation*, U.S. House of Representatives, Members of the Democratic Caucus, Letter to Speaker Pelosi, October 2, 2008.

⁵ Lenny Bernstein, et. al., *IPCC 2007: Summary for Policymakers, Climate Change 2007: Synthesis Report of the Intergovernmental Panel on Climate Change*, Cambridge University Press, Cambridge, United Kingdom and New York, NY, USA, 48-53 (2007).