

CLIMATE CHANGE LEGISLATION IN

VENEZUELA

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The 2015 Global Climate Legislation Study A Review of Climate Change Legislation in 99 Countries



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Venezuela

Legislative Process

Venezuela is a federal democratic nation made up of 23 states and the federal district of Caracas. The power to make law rests in the unicameral legislature, the National Assembly, and is made up of 165 representatives, voted into office for five-year terms from congressional districts with no limits to the number of terms they may serve.

Law projects (bills) are proposed by members of the National Assembly and go through two readings. Unless rejected during the first reading, the bill is sent to the corresponding legislative committee to elaborate the legal text. In the second reading, the bill is debated article by article. If approved outright, the bill will be proclaimed law by the Secretary of the National Assembly and sent to the executive branch for the President's sanction. Should serious objections be raised, amendments will be proposed and the bill will return to the designated committee for revision.

Venezuelan constitutional law dictates that during the drafting of proposed legislation, the National Assembly and Legislative Committees shall consult with the executive branch (represented by the Council of Ministers), the judicial branch (represented by the Chief Justice of the Supreme Court), a special organ called the Council for Republican Morals meant to protect the democratic interests of citizens, and organised civil society. A bill becomes law once signed by the Secretary of the National Assembly, the President and two vice-presidents; and enacted on the day of its publication in the official gazette.

Approach to Climate Change

Since the ascent to the Presidency by Hugo Chavez in 1999, national politics have followed what is called the democratic revolutionary principles of a Bolivarian Revolution. Leaders have looked through this lens while speaking about climate change and environmental protection. In this sense, principles should be based on the recognition that environmental degradation and effects of climate change disproportionately affect the poor and disenfranchised.

In relation to international negotiations and geopolitics, Venezuela has maintained that a certain form of capitalism is responsible for environmental degradation and climate change; and has advocated for a framework that prioritises human rights and social justice in addressing mitigation and adaptation. Venezuelan negotiators have sought to press on the international community that access to clean water is a human right, a reflection of the growing concerns over water scarcity as a result of climate change as well as opposition to some multinational corporations' strategies to privatise water

resources and advocate for free market policies to manage water delivery systems.

Some international commentators have noted that the debate over climate change, particularly mitigation of global warming through decreased carbon emissions, is a double-edged sword for the Bolivarian Republic. On the one hand, the recognition of unchecked capitalist growth as the cause of global warming; yet on the other hand significant portions of both Venezuela's exports and federal budget depend on the exploitation of the country's vast petroleum reserves.

Beyond the ratification of the Kyoto Protocol and additional international treaties, and despite the promulgation of dozens of laws regulating relations between economic activities and the environment as well as the protection of natural resources, Venezuela has no legislation that singularly or comprehensively confronts climate change or aspects of climate change, either from the perspective of mitigation or adaptation. The government has instead acted within existing environmental legislation and through ministerial programmes related to energy.

The Law of Risk Management, passed in 2009, calls for the elaboration of a National Plan for Climate Change that would comprehensively address both mitigation and adaptation. In 2010 the Environment, Natural Resources and Climate Change committee announced that a bill specific to climate change was on their agenda. To date, however, the National Plan has not been promulgated nor has a bill specifically concerning climate change been passed.

The Constitution obliges the state to guarantee citizens rights to a natural environment free of contamination and to explicitly protect air, water, national coastlines, climate, and the ozone layer. Therefore, it may be interpreted that responding to climate change, through a variety of means and ways, is a constitutional obligation of the state.

The Economic and Social Development Plan for 2007-2013, which establishes national priorities during the presidential term, also states that paying adequate attention to global warming shall be a national imperative. Such policies have seen the implementation of certain national programmes to combat desertification, preserve coastal lands as well as natural environments deemed important to biodiversity. But this priority has not resulted in the passing of significant legislation regarding climate change or the finalising of a national plan to adapt or mitigate the effects of climate change.

Energy supply

There is no national legislation to mitigate energy consumption, advance renewable energy, or increase energy efficiency on either the demand or the supply side. The Ministry of Popular Power for Electric Energy was created in 2009 with the objective of increasing the amount of electricity produced nationally. It has focused largely on hydropower, which presently accounts for

upwards of 70% of nationally-produced electricity despite Venezuela’s status as a major petroleum producer. The ministry or state-owned energy companies have also founded multiple wind farms (with capacities of up to 400MW) and thermoelectric power plants (capacity to produce up to 100MW).

REDD+ and LULUCF

Venezuela has vast reserves of forests; however the calculations of the rate of deforestation and percentage of forested lands are disputed. According to Venezuela’s single communication to the UNFCCC (2005), the amount of forested land remained nearly constant between 1999 and 2005, averaging 0.33% annual deforestation. However, in 2005 the UN Food and Agriculture Organization ranked deforestation in Venezuela among the top ten in the world. The Ministry of Popular Power for the Environment has instituted a programme to combat desertification called Mission Tree. As of 2013 the programme had reforested nearly 35,000 ha with nearly 30 million trees. A two-year programme goal is to plant an additional 20 million trees by 2015.

Venezuela: Legislative Portfolio

Name of law	Law of the Plan for the Homeland: the second socialist plan of social and economic development of the Nation 2013-2019
Date	4 December 2013
Summary	<p>This is a follow-up plan to Hugo Chavez’s National Project Simon Bolivar 2007-2013, and passed into law after Chavez’s death. The plan acts as a national strategic guide for policy and governance until the next presidential elections in 2019. The plan is divided into five sections, the fifth of which is titled “Preserve life on the planet and save the human species” and speaks directly to environmental protections and climate change. The plan lists 12 broad and ambitious goals in relation to climate ranging from elaborating both mitigation and adaptation plans, to a number of objectives that pressure industrialised countries to follow through on international commitments and pay their “climate debt” in the form of reparations to less developed countries.</p> <p>The plan also lists a series of national policies and associated programmes (which appear to be primary possible strategic actions) related to the energy sector, environmental conservation and transport. For those policies related to climate change, it is unclear which programs are already in execution or ready for implementation.</p>

Name of law	Law of Socio-Natural and Technological Risks
Date	9 January 2009
Summary	<p>This general law specifies various risks faced by the country and stipulates how the government is to respond. Climate change and environmental contamination are specified as national priorities. Specifically the law states that a special commission named The National Advisory Board of Sociocultural and Technological Risk Management shall dictate, within one year of promulgation, the terms for the creation of a National Plan of Adaptation to Climate Change. Such a plan is required to include the evaluation of national and regional vulnerabilities to a changing climate, potential effects that climate change will bring to Venezuela, and strategies to adapt to climate change.</p>

Name of law	Organic Law of Environment No 5833
Date	12 December 2006
Summary of bill	<p>This law provides legal framework for the regulation and protection of Venezuela’s natural environment, with a framework of ‘sustainable development.’ The explicit objective is to contribute to the security of the national environment and maximise the wellbeing of the population, sustaining the global ecosystem for the benefit of humanity.</p> <p>The legislation is far-reaching and comprehensive in many aspects concerning environmental protection. It mentions climate change in an article that establishes the government’s legal authority to regulate industries and technologies that emit gases that affect the earth’s ozone and contribute to climate change.</p>

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