

# Center for Human Rights and Environment

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## Recommendations to JOINT OHCHR AND UNEP SEMINAR ON HUMAN RIGHTS AND ENVIRONMENT

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The Center for Human Rights and Environment (CEDHA) and the Center for International Environmental Law (CIEL) have prepared these recommendations with a view to promoting Human Rights and Environment in the international arena.

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CEDHA/CIEL

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Guided by the Stockholm Declaration of the United Nations Conference on Human Environment, the World Charter for Nature, the Rio Declaration on Environment and Development, Agenda 21, the United Nations Conference on Climate Change, the Declaration on the Right to Development, and other relevant instruments of international environmental law,

Considering that the many states have recognized in their domestic law the importance of the preservation and conservation of the environment,

Reaffirming the universality, indivisibility, and interdependence of all human rights,

Deeply concerned by the severe consequences that the environmental degradation has on the full enjoyment of human rights,

Deeply concerned by the alarming speed at which the exploitation of natural resources advances,

Deeply concerned by the present rate of environmental damage and its impact on the human being, his/her well-being and dignity; i.e., on the effective exercise of his/her human rights,

Convinced that there is an imperative need to recognize the interdependence and indivisibility between human rights and the environment in order to adopt appropriate measures that guarantee the full enjoyment of human rights of present and future generations,

Recognizing the importance of natural resources for the achievement of sustainable development,

Recognizing that the protection of the environment represents a *sine qua non* condition for the full exercise and enjoyment of human rights,

Convinced that the irreversibility of environmental harm generate responsibility to prevent such harm,

Considering the indefensibility and vulnerability of States and their inhabitants in face of environmental abuses,

Recognizing that the link between human rights and environment has never been a more important issue on the international development agenda, and that whatever harm we cause to our environment has a consequence on our quality of life.

Understanding that sustainable development must be sustainable, economically, socially and environmentally.

Recognizing that development programs and particularly development program objectives must be people-focused, which means that human rights need to be at the center of development objectives (what is referred to as a rights-based approach to development),

Concerned that certain groups such as the poor and indigenous communities and other ethnic groups and individuals suffer a disproportionate burden of environmental contamination and subsequent human rights violations, resulting in what is referred to as environmental discrimination or environmental racism,

*The following are policy recommendations for the promotion of human rights and environment for international development organizations, particularly for, but not limited to, the OHCHR and UNEP.*

- The OHCHR and UNEP should establish a formal institutional relationship to promote the awareness of, and help strengthen the links between, human rights and environment issues, with mandate and financing to develop and implement a collaborative action plan.
- This relationship should include a permanent UNEP presence in the OHCHR and *vice versa*, and/or a permanent OHCHR/UNEP body to monitor, promote, and take action on human rights and environment issues.
- Human Rights bodies of the UN System should include a section in all institutional reports on human rights impacts of environmental degradation, and mandate states to report on human rights and environment in their reports submitted to these bodies.
- The OHCHR/UNEP should give particular attention to the human rights and environment situation of indigenous communities, ethnic groups, and minorities whose human rights are particularly affected by environmental degradation
- UNEP should include a rights based approach to its program vision and objectives and report on the state of human rights issues relevant to its agenda.
- The proposed permanent UNEP before the OHCHR should serve as an expert advisor to the Commissioners and judges of the UN human rights bodies in human rights cases containing environmentally relevant content.
- The OHCHR/UNEP should provide guidance and assist other International Organizations and agencies (such as the ILO, WTO, WHO, FAO, World Bank, etc.) to incorporate (*mainstream*) human rights and environment (in a rights based approach to their programming) into their vision statements and program objectives and development programs
- The OHCHR/UNEP should help ensure the compatibility and guide the harmonization of UN programs, implementation mechanisms, action plans and objectives relevant to human rights and environment issues.
- The OHCHR/UNEP should give guidance and assistance to governments to incorporate human rights and environment objectives (in a rights based framework) in country action/development plans.
- The OHCHR/UNEP should gain expertise on and advise countries on the strengthening of national and local human rights and environment-relevant legislation.
- The OHCHR/UNEP must provide guidance for the promotion of environment and human rights linkages at the local, regional and international level, through education and awareness building initiatives and programs for civil society and public servants working on human rights and environment issues, particularly to judges, prosecutors, and other legal actors that address human rights and environment cases.

- The OHCHR/UNEP should monitor compliance and enforcement of human rights and environment laws, treaties, and judicial decisions, as well as seek to develop/strengthen the mechanisms that exist or that need to be created compliance and enforcement
- The OHCHR/UNEP must define criteria and objectives for, as well as give states guidance on how best to promote, meaningful public participation at the local, regional, and international level in issues relevant to human rights and environment
- The OHCHR/UNEP must define criteria and objectives as well as give states guidance on how best to assure access to public information on environment and human rights issues, at the local, regional, and international level
- The OHCHR/UNEP should develop relevant standard human rights and environment indicators to be used in the design, monitoring, and evaluation of development programs for various human rights and environment-relevant sectoral programs and sectors; these indicators should be useful to measure the state of human rights and environment conditions in a country.
- The OHCHR/UNEP should give guidance and help develop and strengthen existing redress mechanisms for violations of human rights resulting from environmental degradation, including the use of existing human rights mechanisms and potential new environmental protection mechanisms.
- The OHCHR/UNEP should work to ensure that the issue of human rights and environment is included and properly treated at the upcoming World Summit on Sustainable Development II in Johannesburg, and that an action plan is formalized at the summit to promote human rights and environment after the summit.
- As mandated by resolution E/CN.4/DEC/2001/111, the OHCHR/UNEP should report at the World Summit on Sustainable Development II on the advances made on promoting and protecting human rights with respect to environmental questions
- The OHCHR/UNEP, in collaboration with states, should assist regional initiatives fostering the promotion of the linkage focusing on human rights and environment.