

COMMISSION ON HUMAN RIGHTS
Fifty-eighth session
Item 17 (d) of the agenda

**PROMOTION AND PROTECTION OF HUMAN RIGHTS
SCIENCE AND ENVIRONMENT**

**Report of the joint OHCHR-UNEP seminar on
human rights and the environment
16 January 2002**

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Introduction

1. In its decision 2001/111, the Commission on Human Rights invited the High Commissioner for Human Rights and the Executive Director of the United Nations Environment Programme (UNEP) to consider the organization of a joint seminar to review and assess progress achieved since the United Nations Conference on Environment and Development (UNCED) in promoting and protecting human rights in relation to environmental questions and in the framework of Agenda 21. In adopting the decision, the Commission noted the forthcoming World Summit on Sustainable Development (WSSD) in Johannesburg, South Africa.

2. Pursuant to this decision, the High Commissioner and the Executive Director convened a joint seminar to review and assess progress achieved since UNCED in promoting and protecting human rights in relation to environmental questions. The seminar was held in Geneva on 16 January 2002 in collaboration with the concerned international institutions and agencies and taking into account the views of concerned States. Funding for the seminar was provided by a voluntary contribution of the Government of Switzerland.

3. Prior to the seminar, on 12 September 2001, the Office of the High Commissioner for Human Rights (OHCHR) sent a note verbale to all Governments and agencies requesting comments on the topic of the seminar. Replies were received from the Governments of Colombia, Guatemala, Mexico, Oman, Tunisia and Turkey, in addition to the Economic and Social Commission for Asia and the Pacific (ESCWA), the Food and Agriculture Organization of the United Nations (FAO) and the World Trade Organization (WTO). These replies informed the preparation of the seminar and the topics for discussion.

4. The seminar was attended by representatives of Governments, United Nations agencies, intergovernmental organizations and non-governmental organizations. A list of participants appears as Annex I to this report.

5. The seminar had before it a set of conclusions adopted at a two-day meeting of experts convened by the High Commissioner and the Executive Director on 14 and 15 January 2002. The purpose of the meeting of experts was to facilitate the work of the seminar by providing an expert assessment and review of progress achieved since UNCED, as foreseen in the decision of the Commission. A copy of the conclusions appears as annex II to this report. The experts were present at the seminar in order to elaborate on their conclusions and answer questions from participants. A list of the experts appears as annex III to this report.

6. The High Commissioner and the Executive Director opened the seminar. Judge Thomas Mensah of Ghana served as Chairman for the seminar, a role he had also carried out for the meeting of experts.

7. The work of the seminar was organized on the basis of the following agenda:

1. Presentation of the conclusions on review and assessment by a meeting of experts.
2. Discussion on the review and assessment of the progress achieved since UNCED in promoting and protecting human rights in relation to environmental questions.

3. Discussion on trends for the future and the WSSD.
4. Summing up and closing remarks.

In view of the number of participants wishing to speak on items 2 and 3 one meeting was devoted to a general discussion of the progress achieved since UNCED and the trends that appear to be developing for the future.

8. It was agreed by the seminar that in addition to the comments made orally by participants, written submissions could be provided to OHCHR by 5 February 2002. As a result, a number of written submissions were received from non-governmental organizations, and these are reflected in this report. No written submissions were received from Governments or intergovernmental organizations.

I. PRESENTATION OF THE CONCLUSIONS ON REVIEW AND ASSESSMENT ADOPTED BY A MEETING OF EXPERTS

9. Professor Philippe Sands, as co-Rapporteur of the meeting of experts, presented the conclusions of the meeting to the seminar and described the process by which the conclusions had been reached. He explained that during the two-day meeting participants had broadly reviewed progress made since UNCED at the international, regional and national levels. In particular, with the assistance of the background papers commissioned by OHCHR and UNEP, they examined multilateral environmental agreements (MEAs) developed since 1992; reviewed the activities and jurisprudence of global and regional human rights bodies; and assessed the activities of intergovernmental organizations and agencies. The experts also examined developments that had occurred at the national level, in particular in constitutional law, legislation, administrative practices and decisions, and the case law of municipal courts.

10. According to the experts, developments during the last decade indicated the close connection between the protection of human rights and environmental protection in the context of sustainable development, and reflected the growing interrelationship between approaches to ensuring human rights and environmental protection, as well as the synergies that had developed between these previously distinct fields.

11. In addition to providing a review of major developments, the experts' conclusions offered an assessment of the principal trends reflected in such review, and a number of suggestions for future developments in the field of human rights and the environment based on the identified trends. The latter were aimed at reinforcing the linkage between human rights - whether substantive or procedural - and the environment. To that end, the experts suggested a wide range of initiatives, pointing out in particular the need for reinforcement of institutional arrangements. They also suggested, in the light of decision 2001/111, that OHCHR and UNEP seek to ensure that the subject of human rights and the environment be fully addressed at the upcoming WSSD.

II. DISCUSSION ON THE REVIEW AND ASSESSMENT OF PROGRESS ACHIEVED SINCE UNCED IN PROMOTING AND PROTECTING HUMAN RIGHTS IN RELATION TO ENVIRONMENTAL QUESTIONS IN THE CONTEXT OF AGENDA 21 AND THE WSSD

Comments by representatives of Governments

12. Several government representatives expressed their appreciation to the High Commissioner and the Executive Director for the organization of the seminar. They also welcomed the useful outcome of the meeting of experts and signalled their interest in reviewing and discussing further all documents made available to the seminar.

13. Several Governments recalled the three pillars of sustainable development - environmental, economic and social - and noted that a balance needed to be maintained between them. There was recognition that poverty was at the centre of many human rights violations and should be addressed first of all, together with the need for effective international cooperation for the realization of the right to development, which was a priority for developing countries.

14. Some Governments considered that there should be a further examination of how developed countries could assist developing countries in addressing the linkages between human rights and the environment. The importance of capacity-building and facilitating access to information was broadly recognized.

15. Among other practical suggestions, several Governments pointed to the usefulness of mainstreaming human rights into environmental impact assessment mechanisms and into poverty reduction strategies. Others also considered that the Convention on Access to Information, Public Participation in Decision-Making and Access to Justice in Environmental Matters (Aarhus Convention) was a paradigm for addressing the linkages between human rights and environmental protection, and that it constituted an interesting initiative to be considered at the WSSD.

16. Several Governments stated that while they recognized the right to a healthy environment in their domestic constitutions, the full implementation of this right required the allocation of significant resources.

17. A number of Governments welcomed further cooperation between OHCHR and UNEP through initiatives such as the seminar. However, referring to the suggestion made in the experts' conclusions to encourage such closer cooperation, several Governments emphasized the need to respect the limited resources, mandates, programmes and budgets of each institution. Furthermore, it was important to respect the workloads and mandates of the human rights treaty bodies, and to avoid duplication of work.

18. Several Governments also acknowledged that cooperation between OHCHR and UNEP was a prerequisite for any work to be done in the field of human rights and the environment. It was suggested that: (a) OHCHR and UNEP be invited to set up a joint working group to study the linkages between human rights and the environment; (b) UNEP and the secretariats of the

MEAs be invited to make environmental information available to the human rights treaty bodies, the Commission on Human Rights, the Sub-Commission on the Promotion and Protection of Human Rights and special rapporteurs and independent experts; (c) OHCHR and UNEP be invited to consider ways of providing input on human rights issues to the secretariats of the MEAs; (d) the human rights treaty bodies be invited to take fuller account of the environmental dimensions of their respective areas of competence; and (e) non-governmental organizations be invited to take environmental issues into account when providing information under the human rights mechanisms.

19. With regard to the upcoming WSSD, a number of Governments noted that the seminar was not in a position to propose issues for inclusion on the Summit's agenda. However, several Governments put forward the view that respect for human rights was a necessary prerequisite to sustainable development, and thus a possible objective of the WSSD could be the promotion of an integrated and coordinated approach to human rights and environmental matters within the United Nations system. Those Governments expressed the hope that the conclusions of the meeting of experts would be introduced into the WSSD process, and a number of Governments assured the seminar that they would take with them the conclusions and the outcome of the seminar to the remaining preparatory meetings for the WSSD.

Comments by representatives of United Nations agencies and intergovernmental organizations

20. A number of intergovernmental organizations described how they were addressing linkages between human rights and environmental protection in their work, and presented some initiatives in which they were collaborating with other international bodies.

21. A number of representatives drew attention to the importance of ensuring that future activities relating to human rights and the environment explicitly promote a broader perspective in relation to the social dimensions of sustainable development. The rights of workers, women, children and indigenous and tribal peoples, for example, had significant direct and indirect consequences for the achievement of sustainable development. Emphasis needed to be placed in future discussions and practical follow-up on action targeted at improvements in the workplace, initiatives to promote decent work, the reduction of poverty, enhancement of social protection, inclusion and dialogue.

22. Particular attention should be given to some issues that were not sufficiently addressed in the experts' conclusions, such as workers' rights, gender discrimination, and the importance of capacity-building and of raising public awareness.

Comments by representatives of non-governmental organizations

23. Representatives from non-governmental organizations commended the experts' conclusions and provided some additional suggestions and comments on the text and on possible follow-up to the seminar.

24. With regard to substantive aspects, non-governmental organizations placed special emphasis on the need to integrate the economic and environmental dimensions of sustainable development with its social dimension, taking particularly into account the implications for workers and women, as well as the special situation of the linkage between human rights and the environment in countries in conflict.

25. Several representatives affirmed that the right to a safe environment existed and that it should receive adequate legal protection at the international level, particularly considering that it was a norm recognized in many legal systems of the world. Reference was also made to other related rights such as the right to housing, to food and water, as well as to the need to protect the human rights of environmental defenders and address the issue of those in extreme poverty. Attention was drawn to the need to provide concrete examples of a rights-based approach to environmental issues and the need to include workers' rights in addressing environmental issues.

26. Special stress was placed on the need to channel the outcomes of the seminar to the WSSD, which should include the question of the linkage between human rights and the environment in its agenda.

27. Specific suggestions were made relating to practical initiatives for follow-up, with emphasis placed on the importance of capacity-building and enhancing transparency. On the latter, it was recommended that all documents presented before the seminar should be made available on the Internet as soon as possible and that a contact person be designated by OHCHR and UNEP to coordinate outreach to civil society. Specific proposals were made for the establishment of an international environmental court; the appointment of a special rapporteur on human rights and the environment, and the elaboration of an international treaty on human rights and the environment. Emphasis was placed on the need to implement principle 10 of the Rio Declaration effectively, be it through an instrument such as the Aarhus Convention or another mechanism.

Comments by the experts

28. The experts responded to questions posed by various government representatives at the seminar and provided additional insights into the human rights and the environment debate, particularly on topics such as the special circumstances and needs of indigenous peoples; the importance of addressing the issue of poverty; and the economic dimensions of the debate, especially equity, valuation of environmental commodities and the creation of wealth.

29. Several experts emphasized the importance of translating the linkages between human rights and the environment into practice. A special rapporteur on human rights and the environment should be nominated. In the face of Governments' concerns regarding the limited resources available to address such linkages, it was considered that the introduction of a rights-based approach would constitute a reorganization of current objectives and did not necessarily imply additional costs.

30. There was a consensus among the experts on the importance of mainstreaming human rights considerations in environmental impact assessments as a particularly interesting and useful way to address human rights, and of addressing the implications of human rights and environmental abuses in the context of armed conflict, an aspect that had not been reflected in the experts' conclusions.

III. SUMMING UP AND CLOSING REMARKS

31. During a short session devoted to summing up and closing remarks, the Chairman summarized the principal points of discussion as follows (in the order in which they had been raised in the discussion):

(a) Attention should be drawn to the need for developed countries to fulfil their commitments under international conventions to provide funding and technical assistance to developing countries for the implementation of programmes for environmental protection;

(b) Attention should be directed to the social dimension as one of the "three pillars" of sustainable development, and to the roles of both human rights and environmental protection in consolidating this dimension;

(c) Similarly, the crucial importance of economic development was highlighted as one of the essential components of sustainable development; these included the need to recognize the right to development;

(d) The human rights and environmental issues affecting employment, workers and their workplaces should not be forgotten or excluded;

(e) Recognition should be accorded to the fact that a "rights-based approach" has implications in terms of resources that must be addressed through, inter alia, improved cooperation and assistance with funding, removal of constraints, and greater recognition of the principle of common but differentiated responsibilities, especially in the field of environmental protection;

(f) Greater attention should be paid to the vital importance of capacity-building in all its forms - human resources, institutional mechanisms, and sensitizing of Government and civil society;

(g) Express mention should be made of the linkage between poverty and environmental degradation, with special reference to the cause-and-effect relationship between environmental degradation and specific human rights such as the rights to a healthy environment, to food and water, and to housing;

(h) Attention should also be given to problems posed by environmental degradation and violations of human rights in countries experiencing civil war and other forms of internal conflict;

(i) Specific attention should be drawn to environmental issues and the human rights of women, particularly with regard to ownership of, access to and use of land and other resources;

(j) Specific mention should be made of the issue of “clean development”, with particular reference to the production, transport and disposal of toxic wastes and the need to develop clean technologies;

(k) Consideration should be given to mainstreaming human rights and poverty eradication in environmental impact assessments mandated by national law and international agreements;

(l) In seeking to establish institutional and operational linkages between OHCHR and UNEP, due account should be taken of the need to respect their separate mandates and the different focus of each institution’s activities;

(m) Care should be taken to ensure that the proposal to involve OHCHR in the work of the MEAs respects the special mandates of these bodies and does not introduce unnecessary complications into their operation;

(n) Reference was made to the importance of ensuring transparent and effective participation by civil society in the development and implementation of environmental and human rights norms at both national and international levels;

(o) With a view to promoting a coordinated approach to human rights and environmental protection, consideration should be given by OHCHR and UNEP to the establishment of a joint working group to examine in depth specific modalities for coordination at the level of their secretariats as well as with the relevant intergovernmental bodies;

(p) Consideration should be given to special institutions to oversee the effective implementation of environmental norms at the international level, including the possible establishment of:

(i) An international environmental court;

(ii) A special rapporteur on human rights and the environment or an international environment commissioner; and

(iii) An international treaty on human rights and the environment;

(q) Efforts should be undertaken to make the results of the seminar widely available, preferably by posting the conclusions of the experts meeting and the report of the seminar on the web sites of OHCHR and UNEP;

(r) Consideration should be given to drawing up a plan of action for the eventual elaboration of an international instrument on the right to a safe and healthy environment;

(s) OHCHR and UNEP should give serious consideration to organizing a joint programme of seminars and courses to sensitize members of the judiciary and other public officials on the need to recognize the linkage between human rights and protection of the environment;

(t) The issue of the linkage between human rights and the environment should be placed on the agenda of the WSSD.

32. At its conclusion, the seminar took note of the document containing the experts' conclusions and decided to attach it as an annex to the present report to the Commission on Human Rights and to submit it to the Governing Council of UNEP for consideration.

Annex I

LIST OF PARTICIPANTS

Governments represented

Algeria	Germany	Monaco
Australia	Guatemala	Mongolia
Belarus	Guinea	Mozambique
Benin	Haiti	Nicaragua
Burundi	Holy See	South Africa
Canada	India	Spain
Colombia	Indonesia	Sweden
Cyprus	Iran (Islamic Republic of)	Switzerland
Democratic Peoples Republic of Korea	Italy	Thailand
Denmark	Japan	Tunisia
Dominican Republic	Jordan	Turkey
Egypt	Latvia	United Kingdom of Great Britain and Northern Ireland
Finland	Malaysia	United States of America
France	Mauritius	Uruguay
	Mexico	

United Nations bodies and specialized agencies represented

United Nations Economic Commission for Europe

Office of the United Nations High Commissioner for Refugees

United Nations Institute for Training and Research

United Nations Non-Governmental Liaison Service

International Labour Organization

World Health Organization

United Nations Educational, Scientific and Cultural Organization

Intergovernmental Organization

European Centre for Global Interdependence and Solidarity (Council of Europe
North-South Centre)

Non-governmental organizations

ANPED - Northern Alliance for Sustainability

Basel Action Network (BAN)

Capacity Global

Colombian Confederation of NGOs

EarthJustice Legal Defense Fund

Environmental Law Alliance Worldwide (E-Law)

Foundation for International Environmental Law and Development (FIELD)

Friends of the Earth International

Greenpeace International

International Alliance of Women

International Association of Water Law

International Confederation of Free Trade Unions

International Council of Environmental Law

Migrants Rights International

New Synergies in Development (NSD)/Geneva

Annex II

CONCLUSIONS OF THE MEETING OF EXPERTS ON HUMAN RIGHTS AND THE ENVIRONMENT (GENEVA, 14-15 JANUARY 2002)

Introduction

1. In accordance with decision 2001/111 of the United Nations Commission on Human Rights, the United Nations High Commissioner for Human Rights and the Executive Director of the United Nations Environment Programme jointly organized a one-day expert seminar on human rights and the environment (16 January 2002). This seminar was preceded by a two-day preparatory meeting of experts (14-15 January 2002). The object of the meeting and seminar was to review and assess progress achieved since the 1992 United Nations Conference on Environment and Development (UNCED) in promoting and protecting human rights in relation to environmental questions and in the framework of Agenda 21.

2. During the two-day meeting participants reviewed progress made since UNCED at the international level. In particular, they examined multilateral environmental agreements developed since 1992; considered the activities of global and regional human rights bodies and the jurisprudence that some of them have developed; and assessed the activities of international organizations and agencies. Experts at the meeting also examined the developments that have occurred at the national level, in particular in constitutional law, legislation, administrative practices and decisions, and the case law of municipal courts.

3. These sets of national and international developments indicate the close connection between the protection of human rights and environmental protection, in the context of sustainable development. They reflect the growing interrelationship between approaches to ensuring human rights and environment protection, as well as the synergies that have developed between these previously distinct fields.

I. REVIEW

4. The meeting of experts recognized that since 1992 important developments have occurred at the national and international levels. These indicate a growing interconnectedness between the fields of human rights and environmental protection. The overall context for these developments is the concept of sustainable development, which requires that different societal objectives be treated in an integrated manner.

5. The experts noted in particular that the linkage of human rights and environmental concerns, approaches and techniques is reflected in developments relating to procedural and substantive rights, the activities of international organizations, and in the drafting and application of national constitutions.

6. The experts found that at the national and international levels principle 10 of the Rio Declaration (on access to information, participation and effective remedies) has played an important role in fostering connections between human rights and environmental approaches. The experts observed that multilateral agreements at the global and regional levels have

developed principle 10 of the Rio Declaration by establishing mechanisms for the exercise of procedural rights, in particular the right to environmental information and to public participation in decision-making. This was reflected, for example, in the 1998 Convention on Access to Information, Public Participation in Decision-Making and Access to Justice in Environmental Matters (the Aarhus Convention), which aims to provide effective means for the exercise of procedural rights in the field of the environment. Other international developments, for example treaties dealing with civil liability regimes, have developed mechanisms of redress for individuals in relation to environmental and related harms.

7. At the global level, some human rights treaties included the value of the environment to their systems of protection, such as the Convention on the Rights of the Child and ILO Convention No. 169 concerning Indigenous and Tribal Peoples in Independent Countries. The experts noted that at the regional level, the African Charter on Human and Peoples' Rights and the Protocol of San Salvador to the American Convention on Human Rights expressly recognize the right to live in a healthy or satisfactory environment. Similarly, a number of environmental treaties embody human rights approaches.

8. From a review of the decisions of international treaty bodies (including courts and commissions), the experts noted that in the last decade there has been a substantial body of case law and decisions that recognize the violation of a fundamental human right as the cause, or result, of environmental degradation. A significant number of decisions at the national and international levels have identified environmental harm to individuals or communities, especially indigenous peoples, arising as a result of violations of the rights to health, to life, to self-determination, to food and water, and to housing. Particularly in the European system, a clear connection has been made between a violation of the right to privacy and home life and the right not to be subject to pollution, including the right to know whether pollution is likely to affect a particular individual or community.

9. Many international organizations and United Nations agencies have also addressed the connection between human rights and the environment in their organizational structures and activities, particularly through the adoption of policies that favour access to environmental information and public participation in their procedures, but also through their policies aimed at sustainable development and poverty alleviation.

10. At the national level, the right to a healthy environment (or a related formulation) has been formally recognized in most national constitutions enacted since 1992. In many constitutions this right permits individuals or groups to file legal actions to protect the environment or fight against pollution. Over the past 10 years there has been a growing domestic case law indicating the potential role that environmental rights may have for achieving practical protections. That case law may also be relevant for international jurisprudence.

11. The experts also noted the progress which has made in the context of the United Nations Sub-Commission for the Promotion and Protection of Human Rights and the Commission on Human Rights towards understanding the interconnections between human rights and

environmental protection, particularly through the work of the Special Rapporteur on human rights and the environment of the Sub-Commission and currently the work of the Special Rapporteur on the adverse effects of the illicit movement and dumping of toxic and dangerous products and wastes on the enjoyment of human rights.

II. Assessment

12. The experts recognized that respect for human rights is broadly accepted as a precondition for sustainable development, that environmental protection constitutes a precondition for the effective enjoyment of human rights protection, and that human rights and the environment are interdependent and interrelated. These features are now broadly reflected in national and international practices and developments.

13. The experts noted the broad recognition that poverty is at the centre of a number of human rights violations and is at the same time a major obstacle to achieving sustainable development and environmental protection. A rights-based approach can enhance the impact of policies and programmes at the national and international levels on this matter. In this regard, the experts noted with concern that in certain jurisdictions individuals and groups associated with the promotion and protection of human rights and the environment were being prevented from carrying out their legitimate activities.

14. In relation to procedural matters, the experts noted that broad recognition of the linkage between human rights and the environment since UNCED has come through the development of principle 10 of the Rio Declaration on Environment and Development. States and international organizations are increasingly recognizing the rights of access to information, public participation in decision-making and access to justice. A notable example of such progress was the entry into force of the Aarhus Convention. The experts recognized the need for further developments in this respect, including through the adoption of new international legal instruments (at the regional level or, some suggest, the global level) to provide effectively for rights of access to information, public participation in decision-making and access to justice.

15. In relation to substantive matters, a growing body of case law from many national jurisdictions is clarifying the linkages between human rights and the environment, in particular by: (a) recognizing the right to a healthy environment as a fundamental human right; (b) allowing litigation based on this right, and facilitating its enforceability in domestic law by liberalizing provisions on standing; (c) acknowledging that other human rights recognized in domestic legal systems can be violated as a result of environmental degradation. The experts recognized the important role that the judiciary (national and international) can play in this regard, and emphasized the need to sensitize and provide further training to judges, lawyers and public officials.

16. The experts noted the particular lessons which may be gained from the experiences of indigenous peoples, which appear particularly relevant to a broader understanding of the relationship between human rights and the environment. In this regard the experts noted the particular importance of the principle of self-determination and the rights associated with the ownership, possession and use of traditional lands, territories and resources.

III. VIEWS OF THE EXPERTS

17. During the course of the two-day meeting, the experts put forward suggestions for future developments.

18. The experts recognized that normative links between the human rights and environmental fields need to be reinforced, beyond existing guarantees provided in national and international instruments and practices. Specifically, and in the context of the forthcoming World Summit on Sustainable Development:

- (a) With regard to procedural and substantive rights there is a need:
 - (i) To enhance public awareness, especially in the corporate sector, of the connections between human rights protection and environmental protection; and
 - (ii) To ensure that persons promoting the protection of human rights and the environment are not penalized, persecuted or harassed for their activities;
- (b) There is a need for more certainty and consistency at the national and international levels respecting procedural (participatory) rights, inter alia by:
 - (i) The adoption of new instruments, mechanisms and procedures to implement principle 10 of the Rio Declaration;
 - (ii) Facilitating and improving rights of access to information, effective participation in decision-making and access to justice and other remedies in national and international forums and instruments; and
 - (iii) Creating greater awareness of the need to avoid merely pro forma provisions on participation (especially in national systems);
- (c) With regard to substantive rights, further steps need to be taken:
 - (i) To affirm the link between human rights and environmental protection as an essential tool in the eradication of poverty and the achievement of sustainable development;
 - (ii) To treat economic, environmental and human rights norms in an integrated manner, and develop legal and other concepts and techniques for achieving such integration;
 - (iii) To recognize the environmental dimension of the effective enjoyment of human rights protection and promotion and the human rights dimension of environmental protection and promotion, in part by developing rights-based approaches to environmental protection and promotion of sustainable development;

- (iv) To support the growing recognition of a right to a secure, healthy and ecologically sound environment, either as a constitutionally guaranteed entitlement/right or as a guiding principle of national and international law;
 - (v) To emphasize the responsibility of private actors and develop effective mechanisms to prevent and redress environmental degradation, including remedies for victims, in national and international instruments in the field of environment and human rights;
 - (vi) To consider more broadly the catalogue of substantive human rights which can be marshalled to assist in achieving environmental protection, with particular reference, inter alia, to the rights of indigenous peoples and other vulnerable groups; and
 - (vii) To identify and move to correct gaps and limitations in substantive protections, with a view to strengthening international instruments and further normative developments aiming at consistency and equality in the application of minimum standards of environmental protection within the framework of human rights protection;
- (d) With regard to institutional arrangements, the linkage between human rights and the environment is in need of reinforcement. This could be achieved by:
- (i) Ensuring that environmental bodies and procedures are fully aware of the increasing environmental role played by human rights bodies and procedures, and that human rights bodies are fully aware of the increasing human rights role played by environmental institutions and procedures;
 - (ii) Ensuring greater emphasis on environmental protection in the work of human rights bodies and procedures, particularly by encouraging closer engagement of UNEP in the work of the human rights treaty bodies and the closer engagement of OHCHR in the work of the secretariats to multilateral environmental agreements;
 - (iii) Establishing a formal institutional relationship between OHCHR and UNEP with a view to strengthening the links and connections between human rights and environmental issues;
 - (iv) Coordinating efforts between OHCHR and UNEP and operational and financial institutions in appropriate aspects of their respective activities, including by
 - a. Exchanging information, sharing expertise and enhancing arrangements for monitoring and reporting systems;

- b. Developing arrangements for assisting capacity-building (including technical cooperation) to promote an integrated approach to human rights and environmental protection, especially in the developing countries;
 - c. Promoting programmes to sensitize decision makers, including public officials, legislators and members of the judiciary, as to the need to develop a sense of commitment to the protection of human and environmental rights and to adopt more holistic approaches for integrating the requirements of sustainable development in the interpretation and application of national and international norms for the protection of those rights and sustainable development concepts;
 - d. Enhancing mechanisms for receiving and addressing citizens' complaints in the field of human rights and the environment;
- (v) Impressing on Governments and civil society the need to include in the information they provide to the human rights mechanisms specific references to environmental factors;
 - (vi) Publishing the results of the Seminar, including on the OHCHR and UNEP web sites;
- (e) OHCHR and UNEP should seek to ensure that the subject of human rights and the environment is fully addressed at the upcoming World Summit on Sustainable Development in Johannesburg, and that appropriate steps are taken at the Summit to promote and protect human rights and environment following the Summit.

Annex III

LIST OF PARTICIPANTS IN THE EXPERT MEETING

Prof. Michael Anderson, British Institute of International and Comparative Law, London

Dr. Rafael Asenjo, Centro de Estudios para el Desarrollo, Santiago

Dr. Günther Baechler, Swiss Agency for Development and Cooperation, Bern

Mr. Yves Lador, EarthJustice, Geneva, Switzerland

Justice P.N. Bhagwati, New Delhi

Prof. Erica-Irene Daes, Chairperson, United Nations Working Group on Indigenous Populations

Ms. Margarita Marino de Botero, Colegio Verde de Villa de Leyva, Bogota

Prof. François du Bois, University of Cape Town, South Africa

Prof. Jonas Ebbesson, Stockholm University

Ms. Kati Eriksen, Saami Council, Oslo

Dr. Adriana Fabra, Instituto Internacional de Derecho y Medio Ambiente, Barcelona, Spain

Dr. Parvez Hassan, Hassan & Hassan, Lahore, Pakistan

Prof. Maurice Kamto, University of Yaoundé

Prof. Alexandre Kiss, Centre du droit de l'environnement, Strasbourg, France

Prof. Svitlana Kravchenko, Lviv State University, Ukraine

Mr. Davinder Lamba, Mazingira Institute, Nairobi

Judge Thomas Mensah, International Law of the Sea Tribunal, London

Ms. Vera Mischenko, Ecojuris Institute, Moscow

Prof. Djamchid Momtaz, University of Tehran

Prof. Antonio Oposa, University of the Philippines, Manila

Ms. Fatma-Zohra Ouhachi-Vesely, United Nations Special Rapporteur on human rights and toxic waste

Dr. Jona Razzaque, Environmental Law Foundation, London

Prof. Philippe Sands, University of London

Dr. Alfredo Sfeir-Younis, World Bank, Geneva, Switzerland

Prof. Dinah Shelton, University of Notre Dame, United States of America

Dr. Francisco Szekely, Subsecretario de Planeacion de la Secretaria de Medio Ambiente y Recursos Naturales, Mexico City

Mr. Daniel Taillant, Centro de Derechos Humanos y Medio Ambiente, Buenos Aires
