High Level Expert Meeting on the New Future of Human Rights and Environment:
Moving the Global Agenda Forward
Co-organized by UNEP and OHCHR

Nairobi, 30 November-1 December 2009

Both aspects of man's environment, the natural and the man-made, are essential to his well-being and to the enjoyment of basic human rights the right to life itself". (United Nations Conference on the Human Environment, Stockholm, 1972)

Advancing the Global Agenda on Human Rights and Environment

In a series of resolutions, the former United Nations Commission on Human Rights and the United Nations Human Rights Council have drawn attention to the relationship between a safe and healthy environment and the enjoyment of human rights. Most recently, the Human Rights Council in its resolution 7/23 of March 2008 and resolution 10/4 of March 2009 focused specifically on human rights and climate change, noting that climate change-related effects have a range of direct and indirect implications for the effective enjoyment of human rights.[1]

These resolutions have raised awareness of how fundamental the environment is as a prerequisite to the enjoyment of human rights.

The time is ripe to build on the work of the Commission on Human Rights and the Human Rights Council and on UNEP's and the international community's achievements in the environmental field to deepen our understanding of the direct and indirect links between the protection of the environment and the enjoyment of human rights, as well as on obligations and responsibilities of States and other actors under human rights treaties and multilateral environmental agreements.
For this to happen, it will require guidance from forward-looking thinkers and assistance from the best scientific and legal minds in the field.

High Level Experts Meeting

The two day meeting will be attended by thinkers drawn broadly from different fields including academics, judges, other legal experts, representatives of international governmental organizations and public interest groups and policy makers. The Expert Meeting will provide a forum to review recent developments concerning the relationship between human rights and environment, including the recent resolutions of the Human Rights Council on human rights and climate change, and to discuss ways and means to promote integrated strategies and policies for the protection of human rights and the environment.

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[1] See also report of the Office of the United Nations High Commissioner for Human Rights on the relationship between climate change and human rights (A/HRC/10/61) considered by the Human Rights Council in March 2009 and summary of discussions held during the Human Rights Council panel discussion on human rights and climate change held on 15 June 2009, available at: http://www2.ohchr.org/english/issues/climatechange/index.htm

Expected Outputs

- An experts' discussion and appraisal of the linkages between human rights and the environment in the light of recent developments;
- An experts' discussion of possible ways and means of bridging the human rights and environment agendas through legal, policy and governance solutions;
- A monograph of the papers prepared for the conference and its conclusions;
- A compendium of international environmental and human rights law cases and materials;
- High level expert guidance that UNEP and other organizations might use to develop their own strategies on human rights and environment.

Documentation

The Meeting's documentation, including the agenda, is available on the UNEP website at: http://www.unep.org/environmentalgovernance/Events/HumanRightsandEnvironment/tabid/2046/language/en-US/Default.aspx

Background

Inextricable Link between Human Rights and Environment

More than 2 million annual deaths and billions of cases of diseases are attributed to pollution. All over the world, people experience the negative effects of environmental degradation, including water shortage, fisheries depletion, natural disasters due to deforestation and unsafe management and disposal of toxic and dangerous wastes and products. Indigenous peoples suffer directly from the degradation of the ecosystems that they rely upon for their livelihoods. Climate change is exacerbating many of these negative effects of environmental degradation on human health and wellbeing and is also causing new ones, including an increase in extreme weather events and an increase in the spread of malaria and other vector born diseases. These facts clearly show the close linkages between the environment and the enjoyment of human rights, and justify an integrated approach to environment and human rights.

There are three main dimensions of the interrelationship between human rights and environmental protection:

- The environment as a pre-requisite for the enjoyment of human rights (implying that human rights obligations of States should include the duty to ensure the level of environmental protection necessary to allow the full exercise of protected rights);
- Certain human rights, especially access to information, participation in decision-making, and access to justice in environmental matters, as essential to good environmental decision-making (implying that human rights must be implemented in order to ensure environmental protection); and
- The right to a safe, healthy and ecologically-balanced environment as a human right in itself (this is a debated approach).

Early Recognition of the Centrality of the Human Rights Dimension

The link between the environment and human rights has long been recognized. When preparing for the Stockholm Conference back in 1969, governments gathering at the 45th session of the Economic and Social Council were of the view that the conference was to focus on the impairment of the environment by pollution, the effects of such pollution and the need to limit or eliminate such impairment and on the effects of such factors as air and water pollution, erosion, and other forms of soil deterioration, secondary effects of biocides, waste and noise, on "the condition of man, his physical and mental well-being, his dignity and his enjoyment of basic human rights in developing as well as developed countries"(ECOSOC resolution 1346 (XLV)).

The 1972 Stockholm Conference took that concept on board and made it prominent in its Principle 1: *"Man has the fundamental right to freedom, equality and adequate conditions of life, in an environment of a quality that permits a life of dignity and well-being, and he bears a solemn responsibility to protect and improve the environment for present and future generations. In this respect, policies promoting or perpetuating apartheid, racial segregation, discrimination, colonial and other forms of oppression and foreign domination stand condemned and must be eliminated."*

Twenty years later, the Rio Declaration on Environment and Development (1992) linked human rights and environmental protection largely in procedural terms. According to Principle 10 *"Environmental issues are best handled with the participation of all concerned citizens, at the relevant level. At the national level, each individual shall have appropriate access to information concerning the environment that is held by public authorities, including information on hazardous materials and activities in their communities, and the opportunity to participate in decision-making processes. States shall facilitate and encourage public awareness and participation by making information widely available. Effective access to judicial and administrative proceedings, including redress and remedy, shall be provided"*.

However, the Rio Declaration abandoned the human rights vocabulary used in the Stockholm Declaration, and only stated in its Principle 1 that "*Human beings are at the centre of concerns for sustainable development. They are entitled to a healthy and productive life in harmony with nature"*.

Fading of the Centrality of the Human Rights Dimension

The Stockholm Declaration, and to a lesser extent the Rio Declaration, show how the link between human rights and dignity and the environment was very prominent in the early stages of United Nations efforts to address environmental problems. That focus has to some extent faded away in the ensuing efforts by the international community to tackle specific environmental problems, with more focus being placed on developing policy and legal instruments, both at the international and national levels, targeted at the environmental problems that were emerging, through a series of MEAs and other mechanisms. Although the foundation of developing such mechanisms laid on the considerations made at the time of the Stockholm Conference, the human rights dimension is not made explicit in most of these instruments.

Re-emergence of the Human Rights Dimension

However, there have been several calls from different UN bodies to address the issues of human rights and environment in conjunction. The Commission on Human Rights (now transformed into the Human Rights Council) by Resolution 2005/60 requested the High Commissioner and invited UNEP, UNDP and other relevant bodies and organizations, within their respective mandates and approved work programmes and budgets "to *continue to coordinate their efforts in activities relating to human rights and the environment in poverty eradication, post-conflict environmental assessment and rehabilitation, disaster prevention, post-disaster assessment and rehabilitation, to take into consideration in their work relevant findings and recommendations of others and to avoid duplication*"(paragraph 8). The UN reform process also calls for the integration of human rights in all of the organization's work.

Recent developments which have served to underline the close linkages between human rights and environment include:

- The findings of the Millennium Ecosystem Assessment (2005) that have made explicit the contribution of ecosystem services to human well-being, which is broken down into a series of "constituents" of well being, which can be related to human rights; and
- The new attention given to human rights in the context of climate change discussions notably the recent resolutions of the Human Rights Council on human rights and climate change (Resolutions 7/23 and 10/4).

More broadly, this subject continues to evolve and is coming increasingly into focus with the stronger attention paid by the international community to the interplay between the need to fight poverty, promote development and equity, and the need to ensure sustainability (which means improving human well-being by maintaining and protecting the capital base -i.e. the life support system of the earth - used for human needs).

Previous Work

- UNEP – OHCHR joint experts meeting on Human Rights and the Environment (2002, Geneva).
- UNEP Expert Forum on Ecosystem Services and Human Well-being: The Role of Law and Governance (September 2008, Geneva).
- UNEP- OHCHR jointly sponsored side event on human rights and climate change on the margins of the Human Rights Council Meeting in Geneva (March 2009, Geneva).