

13th Informal ASEM Seminar – Human rights and the Environment

“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”

(Principle 1, Declaration of the United Nations Conference on the Human Environment, Stockholm 5- 16 June 1972)

Although the starting point for associating human rights to environmental issues is considered by most to date back to the 1970s¹, the explicit linking of environmental issues to human rights protection is a 21st Century development². The United Nations Secretary-General's 2005 report on the Relationship between Human Rights and the Environment concluded that ‘since the World Summit on Sustainable Development (2002), there has been growing recognition of the connection between environmental protection and human rights’³.

Since then, the momentum has grown stronger - the 2007 Malé Declaration on the Human Dimension of Global Climate Change which stated that ‘climate change has clear and immediate implications for the full enjoyment of human rights’, called on the United Nations to treat this as a matter of urgency⁴. The United Nations Human Rights Council has, in three separate resolutions (7/23, 10/4, and 18/22), noted the threat of climate change to individuals and communities, and its implications on the enjoyment of human rights⁵. And in 2009, the Office of the U.N. High Commissioner for Human Rights (OHCHR) became the first international human rights body to examine the relationship between climate change and human rights, concluding in its report that climate change threatened the enjoyment of a broad array of human rights. Moreover, human rights law placed duties on states concerning climate change; including an obligation of international cooperation⁶.

Although the 1992 Rio Declaration on Environment and Development did recognise the link between human rights and environment at the 1992 Rio Earth Summit, a human rights approach to climate change concerns had, until recently, been absent from the international negotiations - the two issues being considered separate, belonging to different regimes.

Human rights concerns are also increasingly integrated into the mainstream of climate change texts, as recently referenced in the Cancun Agreements which make several references to human rights. Noting Resolution 10/4, the preamble of the Cancun LCA Outcome document⁷, which was adopted at the UNFCCC 16th Session of the Conference of the Parties (or COP16) in 2010, emphasises that ‘Parties should, in all climate change-related actions, fully respect human rights’⁸. The Cancun LCA Outcome is considered to be the first statement from the international climate change negotiations to recognise the climate change impacts on human rights⁹. The 2012

¹ Declaration of the United Nations Conference on the Human Environment, Stockholm 5- 16 June 1972, accessible at <http://www.unep.org/Documents/Multilingual/Default.Print.asp?documentid=97&articleid=1503>

² The 2005 Inuit petition of the violation of their human rights at the Inter-American Commission on Human Rights against the United States for its failure to curb its greenhouse gas emissions, is considered by many to be the landmark case that brought the interplay between environment and human rights to international focus

³ United Nations Secretary General (2005), Human rights and the environment as part of sustainable development - Report of the Secretary-General, E/CN.4/2005/96, 19 January 2005. The 2002 Johannesburg Declaration on Sustainable Development was adopted at the 2002 World Summit on Sustainable Development.

⁴ 2007 Malé Declaration on the Human Dimension of Global Climate Change, adopted on 14 November 2007, Malé, accessible at http://www.ciel.org/Publications/Male_Declaration_Nov07.pdf

⁵ Human Rights Council Resolution 7/23. Human rights and climate change, 28 March 2008, accessible at http://ap.ohchr.org/documents/E/HRC/resolutions/A_HRC_RES_7_23.pdf and; Human Rights Council Resolution 10/4. Human rights and climate change, accessible at http://www2.ohchr.org%2Fenglish%2Fissues%2Fclimatechange%2Fdocs%2Fresolution10_4.doc&ei=LKDZT6aiCsXWrf5xOjdBw&usg=AFQjCNGjaNcm8qjmiZkmqRY82vOrukKqPg

⁶ OHCHR, Report of the Office of the United Nations High Commissioner for Human Rights on the Relationship Between Climate Change and Human Rights, U.N. Doc. A/HRC/10/61, Jan. 15, 2009

⁷ See paragraph 7 of the Preamble of the ‘Outcome of the work of the Ad Hoc Working Group on Long-term Cooperative Action under the Convention’, (Cancun LCA Outcome) adopted by the Conference of the parties to the UNFCCC, 16th Session, 4 December 2010, available at http://unfccc.int/files/meetings/cop_16/application/pdf/cop16_lca.pdf

⁸ Paragraph 8, Cancun LCA Outcome, 2010

⁹ Center for International Environmental Law, Analysis of Human Rights Language in the Cancun Agreements ((UNFCCC 16TH Session of the Conference of Parties), 14th March 2011.

Rio+20 Earth Summit is the most recent international meeting to acknowledge that climate change is a cross-cutting issue which undermines the abilities of all countries, especially developing countries, to achieve sustainable development. The final outcome document of the Rio+20 Summit also reaffirmed the importance of the human rights, particularly the rights to health, food and safe drinking water¹⁰.

While most international human rights treaties do not make a specific reference to the environment, healthy environmental conditions is regarded as one of the necessary prerequisites for the enjoyment of human rights – especially the rights to life¹¹ and health¹². Other rights such as the right to adequate food, water and housing are also dependent on healthy environmental conditions. The following table encapsulates some of the interconnections between environmental degradation and human rights violation:

Climate Impact	Human Impact	Rights Implicated
Sea Level Rise <ul style="list-style-type: none"> • Flooding • Sea Surges • Erosion • Salination of land and water 	<ul style="list-style-type: none"> • Loss of land • Drowning, injury • Lack of clean water, disease • Damage to coastal infrastructure, homes, and property • Loss of agricultural lands • Threat to tourism, lost beaches 	<ul style="list-style-type: none"> • Self-determination [ICCPR, ICESCR, 1] • Life [ICCPR, 6] • Health [ICESCR, 12] • Water [CEDAW, 14; ICRC 24] • Means of subsistence [ICESCR, 1] • Standard of living [ICESCR, 12] • Adequate housing [ICESCR, 12] • Culture [ICCPR, 27] • Property [UDHR, 17]
Temperature Increase <ul style="list-style-type: none"> • Change in disease vectors • Coral bleaching • Impact on Fisheries 	<ul style="list-style-type: none"> • Spread of disease • Changes in traditional fishing livelihood and commercial fishing • Threat to tourism, lost coral and fish diversity 	<ul style="list-style-type: none"> • Life [ICCPR, 6] • Health [ICESCR, 12] • Means of subsistence [ICESCR, 1] • Adequate standard of living [ICESCR, 12]
Extreme Weather Events <ul style="list-style-type: none"> • Higher intensity storms • Sea Surges 	<ul style="list-style-type: none"> • Dislocation of populations • Contamination of water supply • Damage to infrastructure: delays in medical treatment, food crisis • Psychological distress • Increased transmission of disease • Damage to agricultural lands • Disruption of educational services • Damage to tourism sector • Massive property damage 	<ul style="list-style-type: none"> • Life [ICCPR, 6] • Health [ICESCR, 12] • Water [CEDAW, 14; ICRC 24] • Means of subsistence [ICESCR, 1] • Adequate standard of living [ICESCR, 12] • Adequate and secure housing [ICESCR, 12] • Education [ICESCR, 13] • Property [UDHR, 17]
Changes in Precipitation <ul style="list-style-type: none"> • Change in disease vectors • Erosion 	<ul style="list-style-type: none"> • Outbreak of disease • Depletion of agricultural soils 	<ul style="list-style-type: none"> • Life [ICCPR, 6] • Health [ICESCR, 12] • Means of subsistence [ICESCR, 1]

Source: Limon (2009), *Human Rights and Climate Change: Constructing a Case for Political Action*, *Harvard Environmental Law Review* (Vol. 33) 2009, p 439-476

While only the 1981 African Charter on Human and Peoples' Rights makes an explicit reference to 'a general satisfactory environment favourable to their development'¹³, regional human rights bodies have been more active in linking human rights to environmental issues – the European, Inter-American and African human rights institutions have, in response to individual and collective complaints, developed jurisprudence on the linkages between environmental degradation and

¹⁰ Rio+20 was the first time that the right to safe drinking water and sanitation was reaffirmed by states at a major UN meeting. However, human rights groups like Amnesty International, Human Rights Watch and the Centre of International Environmental Law have pointed out that Rio+20 fell short of fully integrating human rights and environmental protection. <http://www.amnesty.org/en/news/rio20-outcome-document-undermined-human-rights-opponents-2012-06-22> The Outcomes of Rio+20 can be found at http://www.uncsd2012.org/content/documents/774futurewewant_english.pdf.

¹¹ The Right to Life is protected in several international documents including Article 3 of the Universal Declaration of Human Rights (UDHR); Article 6(1) of the International Covenant of Civil and Political Rights (ICCPR); Article 6 of the Convention on the Rights of the Child (CRC)

¹² See Article 25(1) of the Universal Declaration of Human Rights; Article 12(1) of the International Covenant of Economic, Social and Cultural Rights (ICESCR) ; Article 24 of the Convention on the Rights of the Child; and Article 12 of the Convention on the Elimination of Discrimination Against Women (CEDAW).

¹³ Article 24, 1981 African(Banjul) Charter on Human and Peoples' Rights, Adopted 27 June 1981, OAU Doc. CAB/LEG/67/3 rev. 5, 21 I.L.M. 58 (1982), entered into force 21 October 1986, accessible at http://www.africa-union.org/official_documents/treaties_%20conventions_%20protocols/banjul%20charter.pdf

human rights¹⁴. The ‘right to a safe, clean and sustainable environment’ is also clearly underlined in the new ASEAN Human Rights Declaration¹⁵

Using a human rights-based approach to the climate change debate has been useful because it directly shifts attention from States to individuals –especially vulnerable groups – who are affected by climate change and whose voices are seldom heard at the international level. Resolution 10/4 recognises the fact that ‘the effects of climate change will be felt most acutely by those segments of the population who are already in vulnerable situations owing to factors such as geography, poverty, gender, age, indigenous or minority status and disability’¹⁶. Indigenous communities are particularly vulnerable because, although provided protection in international law¹⁷, they have suffered most the consequence of economic development (for example, the Dongria Kondh¹⁸) and climate change (for example, the Inuit¹⁹) – not only in loss of habitat but also in the violation of their cultural rights to preserve their heritage.

Many consider that one of the most important achievements of Rio+20 was the agreement on a process to set global Sustainable Development Goals (SDGs), which will focus on priority areas for sustainable development and cover both developed and developing countries. SDGs aim to address economic, social and environmental dimensions of sustainable development through the overarching frame of poverty eradication with enhanced environmental considerations. In principle, they address the challenges of the UN’s Millennium Development Goals (MDGs) and build on this experience in order to provide the foundation for a green economy. Discussions have already begun to integrate the SDGs with the post 2015-development framework to come up with ‘global development goals’ which will focus on sustainable development for the betterment of human well-being.

Understanding that ‘vulnerability due to geography is often compounded by a low capacity to adapt’²⁰, the disproportionate impact of climate change on developing countries is receiving greater interest, particularly so in the Asia-Pacific region - it is estimated that ‘the human drama of climate change will largely be played out in Asia, where over 60 per cent of the world’s population, around 4 billion people, live’²¹. Article 3 of the UNFCCC guides that “Parties should protect the climate system for the benefit of present and future generations of humankind, on the basis of equity and in accordance with their common but differentiated responsibilities and respective capabilities. Accordingly, the developed country Parties should take the lead in combating climate change and the adverse effects thereof. The specific needs and special circumstances of developing country Parties, especially those that are particularly vulnerable to the adverse effects of climate change, and of those Parties, especially developing country Parties, that would have to bear a disproportionate or abnormal burden under the Convention, should be given full consideration”^{22,23}

¹⁴ Human Rights Council (2011), Analytical Study on the relationship between human rights and the environment, Report of the United Nations High Commissioner for Human Rights, Human Rights Council Nineteenth Session, A/HRC/19/34 – 16 December 2011. For case law in the European Court of Human Rights on the violation of individual rights caused by environmental violations, please refer to <http://www.righttoenvironment.org/default.asp?pid=91>

¹⁵ ASEAN Human Rights Declaration (AHRD), adopted on 18 November 2012, article 28, f. Accessible at <http://www.asean.org/news/asean-statement-communiques/item/asean-human-rights-declaration>. Although the AHRD is not legally binding; as per the Phnom Penh Statement, the AHRD is to be implemented in accordance to the Charter of the United Nations, the Universal Declaration of Human Rights, the Vienna Declaration and Program of Action, and other international human rights instruments to which ASEAN Member States are parties.

¹⁶ Resolution 10/4. Human Rights and Climate Change, adopted at the Tenth Session of the Human Rights Council, can be accessed at http://ap.ohchr.org/documents/E/HRC/resolutions/A_HRC_RES_10_4.pdf. For more information, please refer to ‘and Vulnerability’, assessment by Working Group II of the Intergovernmental Panel on Climate Change, 2007

¹⁷ See the 2007 United Nations Declaration on the Rights of Indigenous Peoples; also the 1989 ILO Convention concerning Indigenous and Tribal Peoples in Independent Countries. The Commission of Human Rights also appointed a Special Rapporteur on the Rights of Indigenous Peoples.

¹⁸ In 2010, the Dongria Kondh won a landmark case against a mining company, preventing a mining project on their ancestral lands, please see <http://www.guardian.co.uk/business/2010/aug/24/vedanta-mining-industry-india>

¹⁹ The Inuit tribe face extinction of their traditional way of life due to global warming, please see http://articles.cnn.com/2009-04-24/tech/climate.change.eskimos_1_climate-change-indigenous-communities-eskimos?_s=PM:TECH

²⁰ UN Human Rights Council, *Report of the Office of the United Nations High Commissioner for Human Rights on the relationship between climate change and human rights*, 15 January 2009, A/HRC/10/61, available at: <http://www.unhcr.org/refworld/docid/498811532.html> [accessed 14 June 2012], p 30

²¹ Working Group on Climate Change (2007), *Up in Smoke – Asia and the Pacific*, p. 3. Available at: <http://www.iiied.org/pubs/pdfs/10020IIED.pdf>

²² Principles 1 and 2 of Article 3 of the United Nations Framework Convention on Climate Change, available at http://unfccc.int/essential_background/convention/background/items/1355.php

Given the increasing recognition of the negative environmental impact on the enjoyment of human rights, an interest in declaring environmental rights at the international level has been raised. It is estimated that 70% of national constitutions all over the world make explicit references to environmental rights and/or responsibilities²⁴.

The 3rd Informal ASEM Seminar on Human Rights held in 2000²⁵ also broached 'the right to a healthy environment' as part of its wider discussions – it recognised valuable questions on the nature of this right. Environmental rights would certainly serve to narrow the gap between human rights policy and environmental policy but environmental rights also raise important questions – Who are the right-holders? Should it be an individual or collective right? Who can be held accountable? Can this right be limited to a right to life or health or is it necessary to define a new 'generation of rights'? How can such a right be described and to what purpose would it serve?

One of the great values of applying a human rights-based approach to climate change policy is because of the "emphasis they place on accountability mechanisms... [And] to procedural rights such as access to information and access to decision-making, which are critical to the evolution of effective, legitimate, and sustainable policy responses"²⁶. While participatory and procedural rights in environmental matters are referred to in many international and regional declarations²⁷, these are usually worded in general terms - there is little reference on neither how to operationalise nor promote public participation; nor are there minimum standards or processes on how to provide for public access to information.

A notable exception is the 1998 Convention on Access to Information, Public Participation and Access to Justice in Environmental Matters (the Aarhus Convention) which is considered to be the most advanced environmental agreement in providing minimum standards for public participation – for example, the Aarhus Convention states that the public must be informed at an early stage in decision-making, and also details the minimum standard of information that to be made available in different participatory procedures²⁸. It goes further by obliging parties to ensure access to justice in environmental matters²⁹.

Although open for international signature, the Aarhus Convention remains, primarily, a European instrument. Standard setting for environmental participatory rights needs to be improved, especially with regard to access to information and justice.

The implementation of procedural and participatory rights becomes complicated in the context of environmental issues, given the extraterritorial dimension of the matter. The extraterritorial obligations of States can be difficult to determine³⁰ so that the balance between national-level

²³ While details on the Common But Differentiated Responsibilities (CBDR) principle still remain under negotiation, COP18 (Qatar 2012) 'addressed a key concern of developing countries by agreeing to establish institutional arrangements, such as an international mechanism, to address loss and damage associated with the impacts of climate change in particularly vulnerable developing countries. The arrangements will be established at the UN climate change conference to be held at the end of 2013 in Warsaw' (http://ec.europa.eu/clima/events/0062/index_en.htm)

²⁴ Report of the United Nations High Commissioner for Human Rights, Analytical study on the relationship between human rights and the environment, A/HRC/19/34, 16 December 2011, presented at the Human Rights Council Nineteenth session.

²⁵ The Third Informal ASEM Seminar on Human Rights took place on 19-20 June 2000, Paris, France. The complete papers and discussions on 'Is There a Right to a Healthy Environment?' can be found in 'The Third Informal ASEM Seminar on Human Rights', An ASEM Monograph, 2000

²⁶ Limon, M (2009), Human Rights and Climate Change: Constructing a Case for Political Action, Harvard Environmental Law Review (Vol. 33), p 439-476

²⁷ At the Rio+20 Summit in 2012, the final outcome document noted that '...public participation and access to information and judicial and administrative proceedings are essential to the promotion of sustainable development. Other examples include the 1992 Rio Declaration on Environment and Development; the 1992 UN Framework Convention on Climate Change; the 1994 UN Convention to Combat Desertification; also the 1985 ASEAN Agreement on the Conservation of Nature and Natural Resources (not yet in force) contains provisions with regard to environmental matters, for public participation and access to information.

²⁸ For specific articles on public participation, see Articles 6-8, 1998 Convention on Access to Information, Public Participation and Access to Justice in Environmental Matters. For access to information, see Articles 4-5 of the same Convention, accessible at <http://www.unece.org/fileadmin/DAM/env/pp/documents/cep43e.pdf>

²⁹ Article 9, 1998 Convention on Access to Information, Public Participation and Access to Justice in Environmental Matters.

³⁰ The International Covenant on Economic, Social and Cultural Rights, the African Charter on Human and Peoples' Rights, and the American Declaration of the Rights and Duties of Man contain no provisions specifying jurisdictional limitations on State's obligations. While others such as International Covenant on Civil and Political Rights, the European Convention for

obligations (protecting citizens from environmental damage and ensuring societal dialogue in decision-making processes for official environmental policy) and international-level obligations (State failure or neglect to regulate/monitor industrial pollution can indirectly cause environmental degradation beyond its own territory – eg, marine dumping) needs to be examined³¹.

When it comes to private actors (eg – multinational corporations), determining transnational liability is even more complex. Many corporations operate out of multiple countries, outsourcing production, working through affiliates and subsidiary companies. Compliance with strict environmental laws in one country does not mean equal regulation in another country. Since corporations are not generally recognised as being subject to international law, it has been often debated if international human rights obligations are legally binding on them³². There is growing work on corporate social responsibility in regional fora (such as the European Commission³³ and the ASEAN Intergovernmental Commission on Human Rights) and also at the United Nations through the guiding principles on business and human rights.

Even when climate change related mitigation and adaptation policies are enacted, the rights of individuals still need to be monitored. Quite often there can be contesting demands. International mitigation policies such as Reduced Emissions from Deforestation and Degradation (REDD) and the Kyoto Protocol's Clean Development Mechanism (CDM) may require the displacement of local communities thereby conflicting with cultural rights³⁴.

Securing public support - via public participation, access to information and freedom of expression - for such policies becomes important because 'when citizens are not well informed, or are disabled from participating in public discussion, this will affect not only the quality of decisions but also their implementation... Agreement between state and citizens is especially important if policies involve sacrifice, the allocation of scarce resources, or government interference in the day-to-day dealings of ordinary people'³⁵. While adaptation and mitigation policies do offer an opportunity to redress past and prevent future violations, States and other international actors in both the human rights and climate change regimes need to consider the implications of their policies on human rights and how best to translate global policies into on-the-ground activities.

The Human Rights Seminar will be looking at key aspects of environmental protection and human rights, especially with regards to ASEM. *The four themes identified for this Seminar below could constitute the basis for the working groups:*

WG1 – The Interaction between Sustainable Development, Environment and Human Rights

WG2 – Access to Information, Participatory Rights and Access to Justice

WG3 – Actors, Institutions and Governance

WG4 – Climate Change and Human Rights Implications

the Protection of Human Rights and Fundamental Freedoms and the American Convention on Human Rights do specify limitations but formulate them differently.

³¹ The Maastricht principles on extraterritorial obligations of States in the area of economic, social and cultural rights that were adopted in September 2011 is a reflection of the growing interest in the transboundary obligations of States in the area of economic, social and cultural rights.

³² For more details, refer to the Report of the Special Representative of the Secretary-General on the issue of human rights and transnational corporations and other business enterprises, Guiding Principles on Business and Human Rights: Implementing the United Nations "Protect, Respect and Remedy" Framework, A/HRC/17/31, 21 March 2011, accessible at http://www.ohchr.org/Documents/Issues/Business/A-HRC-17-31_AEV.pdf

Guiding Principles on Business and Human Rights: Implementing the United Nations "Protect, Respect and Remedy" Framework

³³ http://ec.europa.eu/enterprise/policies/sustainable-business/corporate-social-responsibility/index_en.htm

³⁴ In 2010, Parties to the UNFCCC agreed to promote and support safeguards for REDD+ activities including consistency with international obligations; respect for the rights of indigenous peoples and local communities; full and effective participation of stakeholders; good governance systems; and avoided damage to biodiversity and ecosystems. Parties also agreed to develop a system of information sharing on how safeguards are being implemented.

³⁵ International Council on Human Rights Policy (2008) Climate Change and Human Rights: A Rough Guide, p 54

Cross –Cutting Questions:

- 1) What types of legislation or prevention/precaution measures are recommended for balancing scientific innovations with the protection of traditional practices (eg – the debates on genetically modified crops)?
- 2) What are the obligations of public authorities when an issue becomes a decision between development necessity and scientific knowledge (respective roles of prevention and precaution principle)?
- 3) What is the role of human rights education (what, how and to whom) in ensuring transparency in environment related policies?
- 4) What special concerns/considerations need to be made for vulnerable populations such as indigenous peoples and other minority groups, in all aspects of the debate on human rights and environment?

WG1: The Interaction between Sustainable Development, Environment and Human Rights

- 1) While it is acknowledged that environmental degradation has an impact on human rights, what has been the impact of human rights on environmental protection?
- 2) Are there any lessons to be learnt from international human rights agreements and existing human rights monitoring mechanisms (like those that investigate violations and respond to individual and group concerns) that are applicable to environmental protection?
- 3) Given the impact of environmental degradation on human rights, how much of environmental protection efforts can be associated with specific rights such as ‘right to health’, ‘right to safe and clean drinking water’, ‘right to food’ and ‘right to housing’ (amongst others)?
- 4) Is there a specific ‘Right to a healthy environment’ that can be distinct from pre-existing rights (such as health)? What are its implications on the ‘right to development’ and on environmental policy and law (air, water, natural zones, flora and fauna, risks and pollution prevention such as waste management etc)?
 - a) How would this right (‘Right to a Healthy Environment’) be described and protected? What monitoring mechanisms would ensure compliance? More importantly, what would be the obligations/duties of the authorities in this regard?
 - b) What is the implication of the ‘Right to a healthy environment’ on other pre-existing rights such as ‘right to food or water’, ‘right to housing’ or ‘Right to a safe work environment’? What about its interactions with minority and cultural rights?
- 5) What is the implication of the idea of ‘sustainable development’ and the concept of ‘worldwide environmental public goods’ (and of universal access to these goods) across all matters of environmental decisions, and its consequences for the management of these resources?
- 6) What implications do the new proposed Sustainable Development Goals (SDGs) have on the human rights regime at the international, regional and national levels? To what extent do they incorporate a rights-based approach? How can human rights organisations be better involved in the articulation of the Global Development Goals (which incorporate the SDGs)

WG2: Access to Information, Participatory Rights and Access to Justice

- 1) Since the Aarhus Convention is not applicable globally, what efforts are or can be made at the international, regional and national level to ensure access to information and participation?
- 2) With regard to participation, how can public authorities aid citizens to have their say on proposed environmental legislation or projects before they are passed or launched (public enquiries; impact studies etc)? What provisions need to be made for indigenous and minority groups who may not have easy access to such participatory measures?
- 3) What are the mechanisms for access to justice already in place or can be put in place (the roles of environmental and human rights NGOs)? How does this translate into legal obligation (with respect to violations and restitutions, for example)?
- 4) How do (and which) courts determine environmental responsibility, damage and compensation/reparation? On what basis of expertise do they (courts and judges) evaluate environmental damage and what types of compensation measures are admissible?

WG3: Actors, Institutions and Governance

- 1) What is the balance between national, regional and international responsibilities (and burden-sharing) in environmental protection? How to organise reporting and monitoring?
- 2) Is there a need for an international authority within the UN system – to regulate and provide directive – in all aspects of environment issues? How can this be achieved?
- 3) Since environmental protection is a multi-stakeholder concern, how can the participation of public authorities, private institutions and all other stakeholders be achieved? How are duties and levels of responsibilities differentiated between these stakeholders?
- 4) What are the roles and responsibilities of private companies and public authorities with regard to human rights and environmental protection? (eg - disposal of nuclear waste)? How can monitoring and regulation of private actors operating across different jurisdictions be enforced?
- 5) To what extent can market mechanisms be used to protect the environment? From the existing practices (eg. the European Union's Emission Trading Scheme; the 'polluter pays principle'), which approach has proven to be more efficient and effective in implementation, especially in the long run?

WG4: Climate Change and Human Rights Implications

- 1) Given how many – especially developing – countries have to respond to the adverse effects of climate change at the local and national levels, what are the implications for regional and international cooperation (institutions and resources) for both human rights and climate change concerns?
- 2) How can human rights be made a major consideration or even put to the forefront of negotiation agendas for climate change treaties and discussions?
- 3) How can the impact of environmental damage on human life and quality of life (eg, migration and “climate refugees”) be determined/evaluated? Are there regional or national variations in the approach towards environmental protection?
- 4) What are the challenges (and opportunities) for interlinking a human rights approach to environmental protection and climate change discussions?
- 5) What about climate justice and the imperative to fulfil the objectives of the United Nations Framework Convention on Climate Change (UNFCCC), particularly with regard to the principle of common but differentiated responsibilities?
- 6) Given the high costs of climate change adaptation and mitigation that countries have to bear for, what will be the implications on the priorities (and funding) for the realisation of human rights in these countries?
- 7) The rights of indigenous people to stewardship of ancestral lands have often been eroded by public development projects and private enterprises. What can be done to improve monitoring and protection of this cultural heritage and traditional biodiversity? How can a balance be achieved between respect for cultural (and minority) rights, development requirements and ecological conservation efforts?