

UN Environment Management Group Nexus Dialogues

*Human Rights & the Environment: A 3-Part Virtual Nexus
Dialogue Series*

The Right to a Healthy Environment (24 July 2020)

**Examining the Elements of the Right to a Healthy
Environment (22 September 2020)**

**Supporting Rights-Based Environmental Action: A
Workshop (23 September 2020)**

Virtual Series

The Rationale

Environmental degradation, including climate change and biodiversity loss, is a threat to the effective enjoyment of all human rights including those to food, water and sanitation, housing, health, development, culture, decent work and even life itself. Those most vulnerable are often most exposed to the impacts of environmental degradation and with the least resources to withstand them. The ongoing destruction of our environment is not a situation that any country, institution, policy-maker or stakeholder can afford to ignore. The institutional, political, social and cultural fabric of every State; and the rights of all people – and future generations – will be impacted. Moreover, around the world, at least three people are killed every week defending their right to a clean and healthy environment. The rights of a growing number of people are being violated as more and more people find themselves in the path of natural resource exploitation.

A human rights-based approach leads to more sustainable and effective environmental action including efforts to mitigate and adapt to climate change. Findings of the Intergovernmental Panel on Climate Change and the Intergovernmental Panel on Biodiversity and Ecosystem Services as well as resolutions of the Human Rights Council have repeatedly confirmed the importance of rights-based environmental action. The Human Rights Council has also recognised the contribution of environmental human rights defenders to the enjoyment of human rights, environmental protection and sustainable

development. Informed and meaningful participation means that risks and opportunities can be better understood to chart a more inclusive path for addressing climate change, biodiversity loss and environmental degradation. Drawing on the expertise of local communities and the traditional knowledge of indigenous peoples also offers important opportunities for inclusive and sustainable environmental action.

2020 has been called the “[super-year for nature and biodiversity](#),” with plans to develop and enhance important frameworks on [biodiversity](#) and [climate change](#). The UN [Secretary-General’s Call to Action on Human Rights](#) in February 2020 features “Rights of Future Generations, Especially Climate Justice” as one out of seven priority areas. It explicitly calls for the UN system to support the efforts of member States related to the human right to a healthy environment. This is particularly important at this time in the context of COVID-19 and worrying examples of some governments planning to lower environmental standards, suspend environmental monitoring requirements, reduce environmental enforcement, and restrict public participation.

Unfortunately, the COVID-19 crisis has forced the postponement of many planned intergovernmental negotiations related to the environment. It has also sharply illustrated the linkages between people and their environment. Rather than lose the momentum of the super-year for nature, the Secretary-General has called for the international community to take the actions needed to reduce the risk of future pandemics and other environmental harms by building back better from the crisis.

Against this background, the UN Environment Management Group (“EMG”), in close collaboration with the Office of the UN High Commissioner for Human Rights (“OHCHR”), will organise a 3-part series of virtual Nexus Dialogues on human rights and the environment, in alignment with UNEP’s [COVID-19 response](#) which emphasizes modernizing environmental governance and multilateralism with a move towards virtual e-platforms, while simultaneously lowering the overall environmental footprint.

An introductory dialogue (The Right to a Healthy Environment) provides an overview of the importance and global salience of this right. It is followed by a second dialogue (Examining the Elements of the Right to a Healthy Environment) focusing on the substantive elements underlining this right, including nexus topics, e.g. human rights and biodiversity, a safe climate, human rights and toxic waste, procedural rights and institutions, and what the UN can do to advance rights-based environmental action. Finally, a workshop (Supporting Rights-Based Environmental Action: A Workshop) discusses concrete and actionable ways forward to promote and coordinate interagency and UN system work on the nexus topics.

The 3-part series of Nexus Dialogues will follow several relevant processes such as the 44th and 45th Sessions of the Human Rights Council, the UN Nature Summit and the EMG Senior Officials Meeting as well as feed into the Convention of

Biological Diversity (“CBD”) SBI/SBSTTA¹ meetings and the UNFCCC SBSTTA/SBI meetings which will occur in 2021. It will bring together a diverse group of stakeholders to discuss innovative solutions and capacity-building efforts to pursue a rights-based approach to environmental action for people and planet.

There will be three online Nexus Dialogues covering:

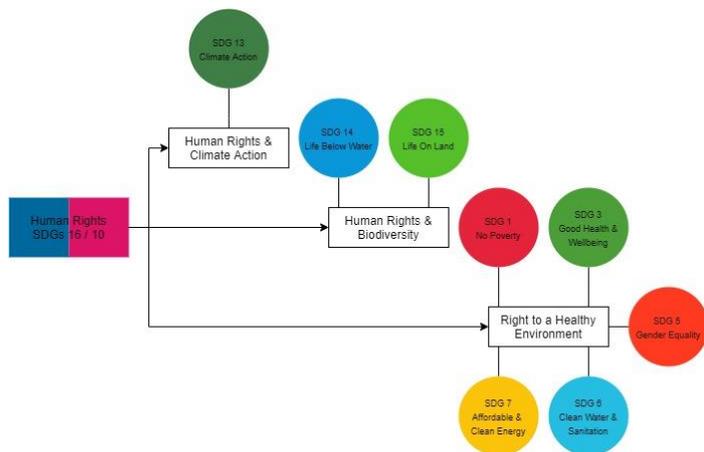
1. The Right to a Healthy Environment
2. Examining the Elements of the Right to a Healthy Environment
3. Supporting Rights-Based Environmental Action: A Workshop

The Dialogues will build upon the findings of [previous Dialogues](#), which have noted that “not all these linkages and their potential for mutual supportiveness are properly recognized and fully utilized.” The Dialogues will also benefit from the recently developed Model Approach to Environmental and Social Standards for UN Programming as well as the UN Sustainability Strategy, which highlight the importance of human rights and the rights of indigenous peoples. Particular attention will be paid to the linkages with the 2030 Agenda and the Sustainable Development Goals (SDGs).

Human Rights & the Environment in the 2030 Agenda

Human rights underpin the 2030 Agenda and the SDGs including SDG 10 on (Reduced Inequalities) and SDG 16 (Peace, Justice, and Strong Institutions) – committing to *leave no one behind*. The three Dialogues will have implications across the SDGs.

For example, the Right to a Healthy Environment has bearing on eradicating poverty (SDG 1), and its various access-related manifestations, e.g. access to clean energy (SDG 7), and water/sanitation (SDG 6) – both of which contribute to individual and communal wellbeing (SDG 3). Gender-based discrimination, which SDG 5 aims to eliminate, deepens the severity and incidence of how poverty is experienced.



¹ Subsidiary Body on Implementation (“SBI”)/Subsidiary Body on Scientific, Technical and Technological Advice (“SBSTTA”)

Two of the most critical substantive elements behind the conversation underscoring The Right to a Healthy Environment are: *biodiversity*, and *climate action*.

A rights-based approach to biodiversity recognizes the linkages between people and natural systems in order to more effectively protect both. The protection of marine ecosystems, including preventing marine debris and nutrient pollution (SDG 14) as well as terrestrial ecosystems, combating biodiversity loss, land degradation, and desertification (SDG 15) are prerequisites for the enjoyment of the human right to a healthy environment. Furthermore, by protecting the rights to participation, access to information and access to justice (SDG 16) in environmental matters, the rights-based approach increases the effectiveness of environmental protection efforts ensuring a healthy environment for current and future generations.

Similarly, a rights-based approach to climate action should guide policies and measures of climate mitigation and adaptation (SDG 13), inform assessments, strengthen processes, facilitate effective participation, and ensure access to justice (i.e. remedies).

The Right to a Healthy Environment:

In recent years, human rights treaty bodies have increasingly focused their attention on issues related to the environment and climate change, as have the special procedures of the Human Rights Council (HRC). Human rights language in the Paris Agreement and the increasing attention by the HRC to climate change and the environment, including the rights of environmental human rights defenders, have increased demand by Member States to address the human rights impacts of environmental harms.²

These efforts have also outlined the contours of the human right to a healthy environment. It is increasingly clear that global recognition and effective implementation of this right, which is currently recognized in some way by more than 150 countries, would constitute a critical step towards addressing the ecological, climate, and human rights crises we presently face.³

² In resolution 40/11 in March 2019, the Human Rights Council affirmed the critical role of environmental activists and human rights defenders in protecting vital ecosystems, addressing climate change, attaining the sustainable development goals and ensuring that no-one is left behind.

³ United Nations Environment Assembly resolution 4/17 and Human Rights Council resolutions 37/8 and 40/11 all refer to the human right to a healthy environment. See also European Parliament's resolution on the 15th meeting of the Conference of Parties (COP15) to the Convention on Biological Diversity voted on the 16th of January 2020, 2019/2824(RSP) and A/RES/74/146. The [Special Rapporteur on human rights and the environment](#), as well as a number of other special procedures have engaged with the issues of climate change and environmental degradation, including the [Special Rapporteur on extreme poverty and human rights](#), the [Special Rapporteur on the human rights of migrants](#), the [Special Rapporteur on adequate housing as a component of the right to an adequate standard of living](#), and on the right to non-discrimination in this context, the Special Rapporteur on the rights of indigenous peoples (see [A/HRC/36/46](#) and [A/71/229](#)), [Special Rapporteur in the field of cultural rights](#), the [Special Rapporteur on the right to safe drinking water](#)

Examining the Elements of the Right to a Healthy Environment: Biodiversity, Climate Action, Toxic Waste, and Principle 10 of the Rio Declaration

The linkages between human rights and the environment have been highlighted in environmental fora and processes, including the fourth session of the UN Environment Assembly ([UNEA-4](#)), in which 193 Member States affirmed the importance of State obligations to respect, protect, and fulfil human rights when implementing environmental legislation, and to promote policy coherence therein. Echoing this sentiment, [IPBES](#) has found that the goals of the CBD can only be met by recognizing the intrinsic knowledge of indigenous and local communities.

Especially for the development of the [post-2020 Global Biodiversity Framework](#) and [sound management of chemicals and waste beyond 2020](#), a rights-based approach can ensure synergies between environmental protection and human rights. [The zero draft](#) noted the need to recognize the inclusive recognition and participation of women, youth, indigenous, and local communities in its implementation –emphasizing that the framework “will be implemented taking a rights-based approach and recognizing the principle of intergenerational equity”. Principle 10 of the 1992 [Rio Declaration](#) further reinforces the effective participation of concerned citizens for sound environmental governance.

Similarly, human rights have a critical role to play in climate action. The UN High Commissioner for Human Rights has said that there is no greater threat to human rights than climate change. The Paris Agreement under the UNFCCC is the first multilateral environmental agreement of its kind to explicitly integrate human rights. Its Preamble calls for all States to respect, promote and consider their respective human rights obligations when taking climate action. The UNFCCC Paris Committee on Capacity Building and the UN Human Rights Office organized a joint workshop on human rights and climate change in connection to the UNFCCC SB50 in June 2019. The workshop highlighted the importance of building capacity of countries to integrate human rights into climate action, including in the process of developing and implementing nationally determined contributions.⁴

Supporting Rights-Based Environmental Action: A Workshop

This workshop will involve a smaller group of EMG focal points to dive deep into the actionable and concrete next steps for rights-based environmental action, including the development of a potential [Issue Management Group](#) focused on advancing discussions surrounding the Human Right to a Healthy Environment, with respect to entry points of action in the arena of biodiversity, climate change, toxic waste, Rio Principles 10, etc.

and sanitation, the [Special Rapporteur on the right to food](#), the [Special Rapporteur on the implications for human rights of the environmentally sound management and disposal of hazardous substances and wastes](#), and the Special Rapporteur on the human rights of internally displaced persons (see [official visit to the Maldives in 2011](#), as well as the [annual report 2012](#)).

⁴ https://unfccc.int/PCCB-OHCHR_workshop

In addition to focusing on inputs for international processes (including the post-2020 Global Biodiversity Framework and the climate change negotiations), the discussions could contribute to coordination and guidance on the human right to a healthy environment as relevant for UN Common Country Analysis and the UN Sustainable Development Cooperation Framework, including how UN Country Teams can support efforts at the national and regional levels. Such coordination and guidance would also be in line with the UNSG Call to Action on Human Rights.

Objectives

The main objectives of the 3 Nexus Dialogues are to:

- Mobilize the UN system behind rights-based environmental action, and explore how the EMG can support the UN [Secretary-General's Call to Action on Human Rights](#).
- Consider protection gaps and opportunities to strengthen the protection of human rights, and those who defend them, in the context of environmental degradation, including climate change and biodiversity loss, and opportunities to develop more effective and sustainable action on the environment through a rights-based approach, including:
 - Promotion of global recognition of the human right to a healthy environment;
 - Calling for higher climate ambition and rights-based climate action including in the context of UNFCCC Paris Agreement Article 6; and
 - Outlining opportunities for integrating rights in the post-2020 Global Biodiversity Framework.
- Discuss the establishment and scope of an EMG Issue Management Group on human rights and the environment.

Outcomes

The Dialogue is expected to contribute to the following outcomes:

- Contribute to the thought processes around the establishment of an EMG Issue Management Group (IMG) on human rights and the environment.
- Increase UN system capacity to support member states in advancing and implementing the human right to a healthy environment, including the protection of environmental defenders, environmental education, and expanding civic space.
- Strategic plans for future engagement with the Human Rights Council, Summits on Climate Change and Biodiversity in connection to the General Assembly, CBD COP15, UNFCCC COP26, the High-Level Political Forum on

Sustainable Development, UNEA 5, Stockholm +50 and other relevant events.

Structure and Content

For safety and logistical reasons, the Nexus Dialogues will each be held virtually and hosted on Zoom Webinar. *The Right to a Healthy Environment (24 July 2020)* and *Examining the Elements of the Right to a Healthy Environment (22 September 2020)* will be 90-minutes long, while the *Supporting Rights-Based Environmental Action: A Workshop (23 September 2020)* will be 120-minutes long.

Provisional Agenda

The Right to a Healthy Environment, Time: 11:00AM-12:30PM EST, Monday 24 July 2020

Timezones	Introducing and welcoming by OHCHR and EMG (and any other partners), outlining objectives and structure (10 minutes)
8:00AM - 9:30AM PDT	<i>Recognition & implementation of the human right to a healthy environment</i>
11:00AM - 12.30PM EST	<i>Moderator: Benjamin Schachter, Human Rights Officer, OHCHR</i>
17:00PM - 18:30PM CEST	Initial expert remarks (30 minutes)
18:00PM - 19:30 EAT	<ul style="list-style-type: none"> • Mr. David Boyd, Special Rapporteur on Human Rights and Environment, OHCHR (10 minutes) • H.E. Ms. Sabina Stadler Repnik, the Permanent Representative of Slovenia to UNOG (10 minutes) • Ms. Amy Wickham, Programme Specialist, Climate, Energy and Environment, UNICEF (5 minutes) • Ms. Soo-Young Hwang, Legal Officer, UNEP (5 Minutes)
	Panel Discussion (40 minutes)
	The adoption by the HRC and/or the GA of a resolution to recognize the right to a safe, clean, healthy, and sustainable environment could be a positive catalyst to accelerate efforts to ensure the enjoyment of this right of protecting people and planet ⁵ . -
	<ul style="list-style-type: none"> • How can UN agencies support efforts to advance and fulfil the human right to a healthy environment in line with the Secretary-General’s Call to Action on Human Rights? • How can UN agencies mobilize around this issue? What challenges could this pose? • How can we ensure the inclusion and protection of groups in vulnerable situations, e.g. children, indigenous peoples and persons with disabilities, in environmental action?

⁵ Right to a healthy environment: good practices. Report of the Special Rapporteur on the issue of human rights obligations relating to the enjoyment of a safe, clean, healthy and sustainable environment to the General Assembly, 30 December 2019, <https://undocs.org/en/A/HRC/43/53>

	<ul style="list-style-type: none"> Moving forward, what should the focus of inter-agency collaboration be to effectively protect environmental human rights defenders? <p>Concluding Remarks and Next Steps: OHCHR and EMG (10 minutes)</p>
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Examining the Elements of the Right to a Healthy Environment, Time: 8:00-9:30 EST, Tuesday 22 September 2020

Timezones	<p>Introducing and welcoming by OHCHR and EMG (and any other partners), outlining objectives and structure (10 minutes)</p> <p><i>Substantive elements behind the Right to a Healthy Environment</i></p> <p><i>Moderator: Benjamin Schachter, Human Rights Officer, OHCHR</i></p>
8:00-9:30 EST	<p>Initial expert remarks (20 minutes)</p> <ul style="list-style-type: none"> Ms. Astrid Puentes, Co-Executive Director, AIDA (5 minutes) Dr. Marcos Orellana, Special Rapporteur on Human Rights and Toxics (5 minutes) Ms. Tanya McGregor, Gender Programme Officer, CBD Secretariat (5 minutes) Mr. Sebastien Duyck, Senior Attorney, Climate & Energy Program, CIEL (5 minutes)
14:00-15:30 CEST	
15:00-16:30 EAT	<p>Panel Discussion (50 minutes)</p> <ul style="list-style-type: none"> What are the key entry points for rights-based environmental action at the international, national and local levels? Where can the UN make the biggest difference through promoting and supporting rights-based environmental action? What are the biggest gaps / inconsistencies in current UN approaches to implementing and mainstreaming the Right to a Healthy Environment in the biodiversity, chemicals & waste, and climate action arenas? <p>Concluding Remarks and Next Steps: OHCHR and EMG (10 minutes)</p>

Supporting Rights-Based Environmental Action: A Workshop, Time: 8:00-10:00 EST, Wednesday 23 September 2020

<u>Timezones</u>	Introducing and welcoming by OHCHR and EMG (and any other partners), outlining objectives and structure (10 minutes)
8:00-10:00 EST	<p><i>Workshopping concrete rights-based environmental action</i> <i>Moderator: Benjamin Schachter, Human Rights Officer, OHCHR</i></p>
14:00-16:00 CEST	Roundtable Discussion (100 minutes)
15:00-17:00 EAT	<p>Questions:</p> <ul style="list-style-type: none"> • How do we promote integration of the human right to a healthy environment in the work of UN country teams, human rights treaty-bodies and multilateral environmental agreements? • How do we support efforts to build back better and more sustainably from the COVID-19 crisis? • How do we promote rights-based environmental action as well as protection of environmental human rights defenders? • How do we promote participation, access to information and access to justice in environmental matters?
	Concluding Remarks and Next Steps: OHCHR and EMG (10 minutes)