
Policy Guidance on Environment, Human Rights and Addressing Inequalities

Integrating Human
Rights in the UNEP
Organizational Culture
and Programmatic
Activities

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1. Introduction

At its Spring Session in 2014, the Chief Executive Board for Coordination (CEB) agreed to 5 elements that would be fundamental to the implementation of the 2030 Agenda for Sustainable Development – human rights, addressing inequalities, integration, universality and a data revolution. These elements are in themselves interrelated, and all are required to harness the transformative potential of the new agenda.

Further to the above, UNEP has identified four core principles that underpin its approach to the 2030 Agenda – integration, universality, human rights and equity, and innovation. This document provides an overview of the human rights foundation of the 2030 Agenda, and highlights key linkages between human rights and the environment. It then proposes an initial set of (action) areas UNEP senior management may wish to consider integrating human rights into UNEP's organizational culture and work.

The time and attention that will be needed in evolving the organizational culture, as well as in adopting and applying new approaches into programmes and methodologies cannot be overestimated. The policy guidance supports internal training and capacity building, expanding the evidence base, and systematically broadening UNEP's partnerships to achieve the integration of human rights. It is anticipated that the culmination of these efforts will enable UNEP to fully realize the complementarity of environment-human rights linkages in the development of its next Medium Term Strategy.

1.1. Human Rights and the 2030 Agenda for Sustainable Development

The approval of the policy guidance coincides with the first term of implementation of the 2030 Agenda, and UNEP's contribution is well recognized and in demand. The 2030 Agenda for Sustainable Development marks a fundamental paradigm shift in the dominant model of development. It goes far beyond the MDGs by encompassing not only economic and social rights but also civil, political, and cultural rights.

The 2030 Agenda is explicitly grounded in human rights. It reaffirms States' existing commitment to the UN Charter, the Universal Declaration of Human Rights and the Declaration on the Right to Development¹, and commits States to implement the Agenda in a manner consistent with their obligations under international law. The Sustainable Development Goals (SDGs) have as a core aim to "realize the human rights of all".

The 2030 Agenda offers a universal, integrated and indivisible vision for sustainable development. While the MDGs were mainly intended to assist so-called 'developing countries', the SDGs are a truly universal framework applicable to all countries in an integrated and indivisible fashion even if the contributions expected of each State to meeting the SDG targets may differ according to different national realities, capacities and levels of development.

The 2030 Agenda encompasses civil, political, economic, social and cultural rights, as well as the right to development. The MDGs addressed a limited set of economic and social issues. By contrast, the SDGs go far beyond this traditional development paradigm

¹ Para 10

by addressing a range of issues related to freedom from fear, as well as the freedom from want.

The 2030 Agenda has inequalities as its centerpiece and promises to leave no one behind. The overall aim of the new Agenda is “to leave no one behind” by “reaching the furthest behind first” and by ensuring that SDG targets are met “for all nationals and peoples and for all segments of society”. Commitments to reduce inequality within and between countries and to promote gender equality are encapsulated in SDGs 10 and 5 respectively.

The Agenda includes a commitment to fight discrimination. It reaffirms the responsibility of all States, to “*respect, protect and promote human rights, without distinction of any kind as to race, colour, sex, language, religion, political or other opinions, national and social origin, property, birth, disability or other status.*”² The open-ended nature of the list constitutes an implicit recognition that all human beings are born free and equal and thereby ensures consistency with existing human rights standards on non-discrimination.

Finally, the 2030 Agenda strives towards a renewed relationship between duty-bearers and rights-holders, and through SDG 16 captures the importance of governance, functioning institutions, the rule of law and justice.

2. Key Human Rights – Environment Linkages

UNEP has a responsibility to articulate and advocate the human rights – environment linkages to UN system entities in the context of the 2030 Agenda for Sustainable Development. Environmental sustainability and the promotion of human rights are closely intertwined and complementary objectives that are at the core of sustainable development. The **mutually supportive** nature of these linkages has several dimensions.

- ❖ Ecosystems and the services they provide, such as food, water, disease management, climate regulation, and spiritual fulfillment, are preconditions for the full enjoyment of human rights, including rights to life, health, water, and food.
- ❖ At the same time, efforts to promote environmental sustainability can only be effective if they occur in the context of enabling legal frameworks, and are greatly informed by the exercise of certain human rights, such as the rights to information, public participation in decision-making and access to justice.

The implementation of the 2030 Agenda will require States and other relevant actors to adopt policies and mobilize resources to advance equitable, human-rights-based and sustainable development. The linkages between human rights and the environment are one of the key aspects that need to be addressed in balancing the three dimensions of sustainable development across the Sustainable Development Goals (SDGs). Principle 1 of the 1972 Stockholm Declaration on the Human Environment already established more than 40 years ago that humanity is entitled to “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....” The 1992 Rio Declaration on Environment and Development

Box 1: The right to a healthy environment

The right to a healthy environment is now recognized in many national constitutions and regional instruments, with over 100 national constitutions recognizing some form of environmental rights since the mid-1970s. Many subnational governments also recognize such rights in the absence of their lack of recognition through a national constitution. About two thirds of the constitutional rights refer to health; alternative formulations include rights to a clean, safe, favourable or wholesome environment. Some States have included more detailed rights, such as rights to receive information and to participate in decision-making on environmental matters.

² Para 19

further advanced the nexus through Principle 10 on access to information, justice and public participation in environmental matters. Many developments have taken place since then to further the understanding of the human rights-environment nexus, bring relevant institutions together, and promote the practical application of a right-based approach to the environment. A milestone in this process is the 2010 General Assembly Resolution recognizing the right to safe and clean drinking water and sanitation as a human right that is essential for the full enjoyment of life and all human rights (GA res 64/292).

While the right to a healthy environment (or a variation thereof) has been widely recognized in national legislation and constitutions, as well as in regional instruments, no global agreement sets out an explicit right to a healthy environment; it can be viewed as an emerging right.

In 2012, the Human Rights Council appointed an Independent Expert on human rights and the environment with a three year mandate,³ renewed from 2015, as Special Rapporteur. He continues to promote human rights obligations relating to the enjoyment of a safe, clean, healthy and sustainable environment and their realization. UNEP in cooperation with OHCHR has been assisting his mandate to date and will continue to do so. There are also other special procedures appointed by the Human Rights Council of importance for UNEP's mandate with whom we cooperate.⁴

Despite the lack of international agreement on environmental human rights, a significant number of court cases, national constitutions and legislation, and international instruments have acknowledged the close linkages between the two fields, in particular with respect to substantive and procedural human rights, which is elaborated on in Annex I. Annex II provides highlights of human rights –environment linkages in key areas of UNEP's work. In addition, there is increasing recognition of the links between human rights and the environment in the context of climate change, which poses a serious risk to the fundamental rights to life, health, food and an adequate standard of living of individuals and communities across the world. Measures taken to mitigate and adapt to climate change also have potential human rights impacts.

The call for integration of gender equality and women's empowerment perspectives into sustainable environmental management has been reiterated in a number of international human rights frameworks starting with the 1979 Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW).

³ Human Rights Council (Resolution 19/10)

⁴ These include: Special Rapporteur on the human right to safe drinking water and sanitation; Special Rapporteur on the rights of indigenous peoples; Special Rapporteur on the situation of human rights defenders; Special Rapporteur on the implications for human rights of the environmentally sound management and disposal of hazardous substances and wastes; and Special Rapporteur on the right to food.

Box 2: CEDAW (1979)

1. Drawing on the Universal Declaration of Human Rights, the principle of equal rights and non-discrimination between men and women was fully elaborated and established under the Convention on the Elimination of all forms of Discrimination against Women (CEDAW, 1979). The Convention states that the full and complete development of a country, the welfare of the world and the cause of peace require the maximum participation of women on equal terms with men in all fields, and specifically provided:

Article 1 For the purposes of the present Convention, the term "discrimination against women" shall mean any distinction, exclusion or restriction made on the basis of sex which has the effect or purpose of impairing or nullifying the recognition, enjoyment or exercise by women, irrespective of their marital status, on a basis of equality of men and women, of human rights and fundamental freedoms in the political, economic, social, cultural, civil or any other field.

Article 3 States Parties shall take in all fields, in particular in the political, social, economic and cultural fields, all appropriate measures, including legislation, to ensure the full development and advancement of women, for the purpose of guaranteeing them the exercise and enjoyment of human rights and fundamental freedoms on a basis of equality with men.

Many CEDAW provisions are salient to UNEP priorities, including in the areas of: political and public life, representation, nationality; rights to land and water, education; employment; health; and economic and social benefits. CEDAW provisions are therefore among the principal global commitments with which environmental initiatives need to be aligned, requiring the programme to positively establish that all its interventions are non-discriminatory.

The 1995 Beijing Declaration and Platform for Action (BPFA) in building upon Agenda 21 of the 1992 Rio Declaration called for the full and equal participation of women and men as agents and beneficiaries of sustainable development (conceived of as sustained economic growth for poverty eradication, environmental conservation and protection, social justice, solidarity, peace, respect for human rights, and gender equality)⁵. The BPFA recognized that women's active participation is essential for sustainable consumption and production and sound natural resource management, and for ensuring the quality and sustainability of life for present and future generations. Further it calls for "actively involving women in environmental decision-making at all levels; integrating gender concerns and perspectives in sustainable development policies and programmes; and improving the assessment of development and environmental policies on women, including compliance with international obligations"⁶

Twenty years after the adoption of the Beijing Platform of Action, women and in particular poor women, continue to disproportionately face difficulties in redressing environmental imbalances such as insecure land and tenure rights; inequitable access to natural resource assets; limited opportunities for participating in decision-making; limited access to basic education, access to markets, capital, training, and technologies. In September 2015, member States however brought environment and gender equality to the core of sustainable

⁵ The three Rio Conventions on climate change, biodiversity and desertification resulting from the 1992 UN Conference on Environment and Development (UNCED) have incorporated gender concerns in their implementation processes. (UNEP 2016 Global Gender and Environment Outlook : The critical Issues at pg3)

⁶ UN 1995 Report of the Fourth World Conference on Women, United Nations, Beijing.

development by adopting the sustainable development goals and the *Transforming our World: The 2030 Agenda for Sustainable Development (Agenda 2030)* and clearly stating their strong support for gender equality as a central component in the outcomes of the SDGs processes.

3. Proposed Action Areas

Building on the context and opportunities presented by the 2030 Agenda, and the mutually supportive nature of human rights –environment linkages, the guidance proposes 10 actions in four areas of intervention.

The objective is to enable UNEP to integrate human rights into its organizational culture and programmatic activities, and effectively leverage its contribution as part of the UN system to the implementation of the 2030 Agenda by fully taking into account its core elements and principles. The proposed areas and actions are:

Corporate – Upholding the Values

1. Developing Human Rights Literacy and Capacity in UNEP and among its Partners;
2. Recognizing exemplary UN Policies and Programming

Normative – Strengthening the Linkages

3. Expanding the Evidence and Building the Knowledge Base
4. Preparing for the Implementation of a Human Rights-based Approach (HRbA)

Operational – Applying the Principles

6. Strengthening Accountability on the Environmental, Social and Economic Sustainability (ESES) Framework
7. Strengthening integration of gender equality and women's empowerment into policies and programmes
8. Enhancing Procedural Rights and Access to Information
9. Protecting Groups in Vulnerable Situations

Partnerships – Catalyzing Transformation

10. Systematically Linking Environmental Assessments with Disaggregated Data
11. Forging Collective Outcomes through Partnerships

The substantive description of these areas below is not meant to be exhaustive, but provides an initial overview of how UNEP's strategic direction and interventions could be framed.

4. Corporate – Upholding the Values

4.1. Developing Human Rights Literacy and Capacity in UNEP and among its Partners

This action area places a priority on UNEP staff and partners to understand the importance and practical application of human rights in their area of responsibility. Implementing the Human Rights Upfront Initiative (See Annex III) is a first step.

The fundamental human rights principles are: universality and inalienability; indivisibility; inter-dependence and inter-relatedness; non-discrimination and equality; participation and inclusion; accountability and the rule of law. These principles are explained below.

- ❖ **Universality and inalienability:** Human rights are universal and inalienable. All people everywhere in the world are entitled to them. The human person in whom they inhere cannot voluntarily give them up. Nor can others take them away from him or her. As stated in Article 1 of the UDHR, “All human beings are born free and equal in dignity and rights”.
- ❖ **Indivisibility:** Human rights are indivisible. Whether of a civil, cultural, economic, political or social nature, they are all inherent to the dignity of every human person. Consequently, they all have equal status as rights, and cannot be ranked, a priori, in a hierarchical order.
- ❖ **Inter-dependence and Inter-relatedness:** The realization of one right often depends, wholly or in part, upon the realization of others. For instance, realization of the right to health may depend, in certain circumstances, on realization of the right to education or of the right to information.
- ❖ **Equality and Non-discrimination:** All individuals are equal as human beings and by virtue of the inherent dignity of each human person. All human beings are entitled to their human rights without discrimination of any kind, such as race, colour, sex, ethnicity, age, language, religion, political or other opinion, national or social origin, disability, property, birth or other status as explained by the human rights treaty bodies.
- ❖ **Participation and Inclusion:** Every person and all peoples are entitled to active, free and meaningful participation in, contribution to, and enjoyment of civil, economic, social, cultural and political development in which human rights and fundamental freedoms can be realized.
- ❖ **Accountability and Rule of Law:** States and other duty-bearers are answerable for the observance of human rights. In this regard, they have to comply with the legal norms and standards enshrined in human rights instruments. Where they fail to do so, aggrieved rights-holders are entitled to institute proceedings for appropriate redress before a competent court or other adjudicator in accordance with the rules and procedures provided by law.

In addition to taking into account existing capacities and in-house systems, more fundamental considerations of cultural change from within, and a willingness and openness of changing mind sets is required.

4.2. Recognizing existing exemplary UN Policies and Programming

One way to address the challenges of integrating human rights into the organizational culture is to recognize and raise awareness about existing UN policies and programming. The examples below represent a body of knowledge, expertise and experience that UNEP could draw on.

The [UNDG Human Rights Working Group \(HRWG\)](#), established at the request of the UN Secretary-General, provides a central hub and aims to integrate human rights in the UN’s development work. It provides policy and operational support for Resident Coordinators and UN country teams, in integrating human rights principles and international standards so that they can better provide support to Member States to strengthen national capacity for the promotion and protection of human rights. UNEP recognizes the key application of human rights’ core principles, as identified by the HRWG to implement the 2030 Agenda⁷:

⁷ Nov 2014

Universality; indivisibility; equality and non-discrimination; active and meaningful participation and accountability.

The [UNDG Guidance Note on Human Rights](#) was developed to provide guidance to all Resident Coordinators and UN Country Teams on their role in meeting the UN's duty under the UN Charter to promote and encourage respect for all human rights, without discrimination. The Guidance Note sets out why these human rights responsibilities are so important, what the specific human rights responsibilities of the RC and UNCT are, and how the RC system can fulfill their role in meeting these responsibilities, within the context of support from the whole UN System. The Guidance Note includes an Annex on human rights – environment linkages.

UNDP's Global Human Rights Strengthening Programming (GHRSP) provides technical support, advisory services, knowledge sharing and practical guidance tools. The explicit integration of human rights into all policies and programmes is a UNDP priority, applying the same approach in their work with governments and international human rights machinery.

To further ensure the mainstreaming of a human rights-based approach in its programming, UNDP launched the [Social and Environmental Standards](#) in January 2015. These standards explicitly include the human rights-based approach as an overarching, global principle for UNDP programming. The human rights-based approach is also an engagement principle in UNDP's current [Strategic Plan \(2014-2017\)](#).

UNICEF views human rights norms and standards as its primary frame of reference for everything it does. UNICEF offers experience in adopting a rights-based approach in embedding the CRC in its programming and taking human rights norms and standards as its primary frame of reference.⁸

Use of knowledge portals - one of the goals of the HRWG include to develop and implement a HRWG Knowledge Management Strategy that aims to capture good practices on human rights in development, strengthen evidence based learning, and raise visibility of the work of the HRWG. The UN Inter-agency common learning package on HRBA (CLP) aims to strengthen the capacity of UN staff to apply a human rights-based approach (HRBA) to UN common country programming.

The UN Human Rights Policy network (HuriTALK) and the UN Practitioners Portal on HRBA Programming both aim to maintain regular flow of information to UNCTs on the upcoming opportunities to engage with international human rights mechanisms. [The Portal on HRBA Programming](#) includes a resource database for integrating a human rights-based approach into development programming.

Additional policies and guidance can be taken from, inter alia the UN guiding principles on business and human rights, SOPs, recommendations and reports from Special Rapporteurs⁹ and latest findings on inequality.¹⁰

⁸ A human rights-based approach to programming means for UNICEF that the ultimate aim of all UNICEF-supported activities is the realization of the rights of children and women, as laid down in the CRC and the CEDAW. Human rights and child rights principles guide the organization's work in all sectors – and at each stage of the process. These principles include: universality, non-discrimination, the best interests of the child, the right to survival and development, the indivisibility and interdependence of human rights, accountability and respect for the voice of the child.

⁹ For example the Special Rapporteurs on Rights of Indigenous Peoples and on HR to safe drinking water and sanitation.

¹⁰ For example, IMF Staff Discussion Paper, 'Catalyst for Change: Empowering Women and Tackling Income Inequality', Christian Gonzales, Sonali Jain-Chandra, Kalpana Kochhar, Monique Newiak, and Tlek Zeinullayev, Oct 2015

5. Normative – Strengthening the Linkages

5.1. Expanding the Evidence and Building the Knowledge Base

UNEP has long recognized and elaborated the main dimensions of the interrelationship between human rights and environmental protection, specifically through the work of the Division of Environmental Law and Conventions. Examples include a joint UNEP/OHCHR report on human rights and the environment¹¹, a compendium of selected international cases and materials on human rights and the environment¹², a factsheet on the linkages between human rights and the environment¹³ and a detailed report on Climate Change and Human Rights¹⁴.

In addition, UNEP has been working collaboratively with OHCHR and the Human Rights Council-appointed Special Rapporteur (formerly the Independent Expert) on human rights obligations relating to the enjoyment of a safe, clean, healthy and sustainable environment. This joint initiative involved the identification of practical and concrete examples of good practices where states and other actors have successfully implemented human rights obligations related to environmental protection and management.

The good practices were collected at the international, regional, national and sub-national levels through consultations¹⁵ as well as country visits, questionnaires and surveys. More than 100 good practices have been compiled to date representing exemplary efforts, from the promotion of public participation, access to information and access to remedy to the protection of environmental human rights defenders and other groups vulnerable to environmental degradation, such as indigenous peoples, women, and children. The good practices are available on an online database¹⁶ and UNEP will soon be releasing a report compiling these practices.

In 2015 the Human Rights Council at its 28th session renewed the mandate of the Special Rapporteur for a further three years¹⁷, specifically referring to UNEP's positive contribution and requested OHCHR to continue to work with UNEP in supporting the renewed mandate of the Special Rapporteur¹⁸ which includes work on the realization of human rights obligations relating to the environment (including practical solutions for their implementation) and further work to promote HRE linkages including in thematic areas such as biodiversity and children's rights.

UNEP needs to now systematically broaden this knowledge base to strengthen the linkages across all sub-programmes, and further its application in the context of UNEP's support to

¹¹ Available at:

<http://www.unep.org/delc/Portals/119/JointReportOHCHRandUNEPonHumanRightsandtheEnvironment.pdf>

¹² Available at: <http://www.unep.org/delc/Portals/119/publications/UNEP-compendium-human-rights-2014.pdf>. The compendium takes stock of normative and jurisprudential developments in the field of human rights and the environment. It describes international instruments that relate to human rights and the environment, such as multilateral environmental agreements, international human rights treaties, and international resolutions and declarations. It also includes summaries of decisions rendered by the human rights supervisory mechanisms in Africa, Europe and the Americas, as well as the Human Rights Committee, the International Court of Justice and the World Bank's Inspection Panel.

¹³ Available at: <http://www.unep.org/delc/Portals/119/documents/factsheet-human-rights-environment.pdf>

¹⁴ Available at: http://apps.unep.org/publications/index.php?option=com_pub&task=download&file=011917_en. This report, which was released on Human Rights Day at the UNFCCC COP 21 in Paris, is the most detailed and comprehensive study yet undertaken of the relationship between climate change and human rights law.

¹⁵ The consultations each addressed a theme: the consultation in Nairobi focused on procedural obligations, in Panama City on groups in vulnerable situations, in Johannesburg on constitutional rights to a healthy environment, and in Bangkok on environmental human rights defenders

¹⁶ See <http://environmentalrightsdatabase.org>

¹⁷ Resolution 28/11 on human rights and the environment.

¹⁸ *ibid*

the implementation of the 2030 Agenda.

Mainstreaming equity and human rights, as an integral aspect of the 2030 agenda should be a core focus for the next phase of UNEP's work. Aspects of the Environmental, Social and Economic Sustainability (ESES) Framework present a tool to extend understanding and to demonstrate good practice, and lessons learnt. Some existing initiatives may require purposeful articulation, for example, related to the provision of ecosystem services and ensuring the fair, equitable access to natural resources and improved human well-being.

5.2. Preparing for the Implementation of a Human Rights-based Approach¹⁹

This action area proposes that UNEP eventually operationalizes the Human Rights-based Approach to planning and programming. The Human Rights-based approach is based on the UN system's common understanding, and agreement reached in 2003, to integrate human rights in the UN's approach to development (See Annex IV). This document is cognizant that its immediate application may be at the major initiative- and/or project levels during the 2016-2021 time period, and aims to prepare the ground for full integration into UNEP's subsequent medium-term strategy and associated programmes of work.

Advantages of a Human Rights-based Approach (HRbA) to environmental protection

Adopting the rights-based approach for dealing with environmental protection and sustainable development draws attention to key elements and may serve to:

- ❖ Help further universal values and norms in support of conservation and social justice.
- ❖ Bring greater clarity about the underlying causes of positive or negative impacts of various economic or other activities on human rights and the environment, and the impact of the enjoyment or lack of enjoyment of human rights on environmental protection, thus allowing for better choices among policies and projects.
- ❖ Improve outcomes by facilitating positive synergies, and generally improving the governance of natural resources.
- ❖ Help to provide common vision and frame activities, programmes and policies above and beyond immediate group interests/divisions by integrating social concerns with environmental goals, drawing on a universal set of norms specifying the rights and responsibilities of all actors.
- ❖ Be an effective instrument to ensure the accountability of governments, the private sector and environmental or human rights organizations with regard to the impact of their activities on the environment and human rights.
- ❖ Provide stronger cross-sectoral links, which can further efforts toward sustainable development, by providing a framework to integrate social development, economic development, and environmental protection.
- ❖ Demonstrate the positive contribution of conserving a safe and healthy environment to human rights and, conversely, increase awareness of the negative impact on human rights of failing to protect critical natural resources and biodiversity.

¹⁹ The UN Inter-Agency Common Learning Package on a Human Rights-Based Approach to programming has been updated, enhanced and launched in English, French and Spanish by the United Nations Development Group-Human Rights Mainstreaming Mechanism.

As an important step toward developing and implementing an integrated approach to these issues, UNEP's work should support Member States to develop and adopt policies, laws and regulations governing activities that prevent negative impacts on human rights or the environment. Such measures, including planning or land use laws, environmental impact assessments, or risk assessment procedures, should identify and commit to integrating human rights considerations in the design, prior approval and implementation of all projects, programmes, and activities, whether undertaken by State or non-state actors.

6. Operational – Applying the Principles

6.1. Strengthening Accountability on the Environmental, Social and Economic Sustainability (ESES) Framework

The ESES Framework, on which future projects and programmes are based, upholds and promotes a human rights-based approach to all stages of assessment and planning processes. The Framework offers a unifying platform of environmental and social sustainability and facilitates UNEP to better identify and address human right risks and opportunities. Social and economic components of the Framework are to ensure protection of marginalized and vulnerable communities from getting unintended and indirect harm of UNEP's work. This approach brings many advantages for dealing with environmental sustainability, such as (i) increased legitimacy of policies by integrating social and environmental concerns, (ii) enhanced accountability of governments, the private sector and environmental or human rights organizations, and (iii) stronger contextual and cross-sectoral links, which can further efforts towards sustainable development. One function of the Framework should be to help Member States understand the potential inequality and injustice caused by conventional environmental policies or actions and proactively avoids or minimizes them through respect and protection of human rights.

Already part of ESES, opportunities for redress and remedy are important for projects underway and for proposed projects, which fail to protect or respect human rights, including the right to a healthy environment, or lead to discrimination of an affected population or group in a vulnerable situation.

Commitments within UNEP and its related initiatives, programmes and projects, should aim to not only reduce negative effects, in other words, 'do no harm', but in a second phase is expected to maximize 'doing good' as a matter of urgency. Within ESES, new initiatives that look to achieving multiple benefits, beyond the 'do no harm', towards a 'doing good' approach is likely to bring integrated solutions, broadening out positive impacts, facilitating the multiple benefits that a healthy environment bring to human rights and improved well-being. Greater understanding of the linkages and connections between human activity and environmental degradation should be recognized and embodied in the ESES.

HRBA, together with the precautionary approach, is one of two underpinning principles of the Framework. Understanding of human rights and HRBA is critical in meaningful and successful application of the ESES. For this reason, on-going organization-wide capacity building efforts on ESES includes human rights as one of its main topics. Future capacity building efforts on Environment and Human Rights, Inequality or the ESES will mutually reinforce the necessity of incorporating human right perspectives in designing and managing environmental sustainability interventions of UNEP and its collaboration partners.

6.2. Enhancing procedural rights and access to information

A normative approach of granting procedural rights to all aspects of UNEP's Programme of Work should be part of basic project design. Strengthening procedural rights, access to

information, public participation and access to justice, will equally help to strengthen programmes, bring credibility and legitimacy to UNEP's work and is more likely to deliver long lasting, stronger outcomes of decisions. The exercise of these rights will provide information and insights from multiple perspectives and thereby helping to prevent and address environmental degradation, stopping the resulting human rights violations.

Procedural rights are essential as exposure to environmental risk and the impact of environmental disasters / accidents are gender differentiated and socially determined. The intersection of these concerns means that development processes must pay attention to the legal, policy, and institutional processes as well as cultural issues that determine equitable access to, and control of ecosystem resources, especially for vulnerable, excluded groups. Procedural rights are also the basis of ensuring fair representation and a multi-stakeholder-and participatory approaches to establishing (national) development priorities.

With its recognized convening role, UNEP can implement and manage ongoing processes with meaningful participation, to help ensure information and data can be interpreted clearly, and to facilitate all groups to use information without discrimination and to be fully informed of the nature and terms of the process itself. Proactive measures need to be adopted in order to reach groups and communities who would not otherwise know about such opportunities for participation. Such processes, to be meaningful and effective require attention to their design and practical application, the results of which also need to be factored into programming. External expertise, through ongoing or one-off consultations could be invited, in order to inform and advise on appropriate measures to facilitate participation and access.

Recognizing that ECLAC is adopting its own Principle 10 agreement, UNEP should do the same, and encourage others to follow a similar approach, highlighting the benefits and advantages that such an internalization can bring.

6.3. Protecting Groups in Vulnerable Situations

Understanding the root causes or drivers of vulnerability or marginalization is central to the implementation of the 2030 Agenda. While some communities and parts of the population are more vulnerable to the impacts of environmental degradation, the tendency to regard them as a vulnerable class or vulnerable sector should be avoided. These groups are change agents, able to implement solutions and drive improvements. Their involvement and full participation in the planning and implementation stages of UNEP's initiatives can help to ensure their success.

The ability to either provide or refuse consent through a Free Prior Informed Consent (FPIC) process is an important principle for any activities undertaken by outside entities affecting communities' rights and livelihoods. It is a key principle embedded in international law related to indigenous peoples. As such, FPIC should be applied within ESES.

In many cases involving the protection of groups in vulnerable situations, environmental legislation and adjudication are not adequately followed up with implementation and enforcement. Lack of resources, in many countries, and competing economic and development interests are often indicated as the main causes of the problem. The role of the environmental rule of law is essential in this regard. UNEP could look to further supporting or developing the capacity of Member States to implementation and compliance via the rule of law.

Environmental human rights defenders are becoming more active, in increasingly dangerous situations, demonstrating the growing intensity of those who live in such close dependency on their immediate environment, without due protection or access to justice. As an emerging issue, the level and number of incidences has already reached a critical threshold. Without

officially intervening in such confrontations, UNEP should take a lead in making further assessments, helping to raise awareness of the causes and reasons for conflicts and bringing recommendations for action – to the UNEA and for the UN system to intervene. The Human Rights UpFront Initiative referred to above could provide the appropriate internal referral mechanism.

6.4. Strengthening integration of gender equality and women's empowerment into policies and programmes

Agenda 2030 is an ambitious, bold, universal and transformative agenda for sustainable development and has the potential to be a game-changer for women and girls in particular. It embraces a gender equality normative framework that is integrated into specific goals and targets, that governments have pledged to achieve individually and together. More recently, the preamble of the 2015 Paris Agreement negotiated at COP21 in Paris recognizes the intersection of climate change and gender equality, empowerment of women and realization of their rights.

UNEP's Policy and Strategy for Gender Equality and the Environment (2014-2017) is guided by not only the existing international human rights frameworks that call for integration of gender equality in sustainable development but also the Rio+20 outcomes, the sustainable development goals and UN System Wide Action Plan to implement Gender Equality and Women's Empowerment (UNSWAP)²⁰. This Policy and Strategy further provides the framework for mainstreaming gender equality and women's empowerment perspectives into the UNEP Programme of Work and , recognizes that gender inequality shapes how men and women make choices in the roles they play in environmental management and extent to which they can be agents of change.

Through its implementation, the Policy and Strategy provides UNEP with the platform to address the gender equality-human rights and environment nexus through the Programme of Work and in collaboration with key stakeholders. Agenda 2030 further provides UNEP with an immense opportunity to ensure that gender equality perspectives are integrated into UNEP's Programme of Work as well as address structural barriers that continue to perpetuate inequalities in environmental management. This will require UNEP's programmes to be gender-inclusive and, respect and uphold both men's and women's rights to essential environmental goods and services such as water, energy and food.

6.5. Advocacy

Advocating for the environment is a core mandate and UNEP should build on the human rights foundation of the 2030 Agenda, the integration of the three dimensions of sustainable development and the indivisibility of the SDGs. The follow-up and review arrangements for the 2030 Agenda present many intergovernmental processes at national, regional and global levels in which the human rights –environment linkages could be highlighted.

In this regard, these reviews will require rights-based approaches to data and statistics and monitoring that focuses on the progressive reduction of inequalities. The elevation and embedding of environmental human rights will be critical given the key role that a healthy environment plays in the achievement of basic human rights.

²⁰ UNEP in 2014 and 2015 outperformed the UN system and UN secretariat in meeting the criteria set for implementing the UNSWAP making it well poised to meet the 2017 deadline

Human rights –environment linkages are also recognized in decisions of the Conferences of Parties (CoP) of the Multilateral Environmental Agreements (MEAs) and the decisions of environmental tribunals. Advocating these linkages and engaging member states on the implications of these decisions could advance the implementation and national level enforcement of CoP decisions.

7. Partnerships – Catalyzing Transformation

UNEP has identified human rights and equity as one of its four core principles underpinning its approach to the 2030 Agenda. In this respect, inequalities may be manifested by an uneven distribution and exercising of substantive and procedural rights related to the environment and natural resources. It will be important to look not only at the situation of the most marginalized, the underserved and the ‘hardest to reach’, but also to the wealthy and powerful, as such inequality is often the result of disempowerment or discrimination, unequal power relations and an uneven distribution of benefits and costs. It is critical to pay attention to the root causes and underlying determinants of these inequalities, including the legal, policy and institutional processes that determine equitable access to and control over natural resources and the environment, especially for the most vulnerable groups.²¹

7.1. Systematically Linking Environmental Assessments with Disaggregated Data

The transformative potential of the 2030 Agenda, and the fundamental shift resulting from adopting a human rights-based approach find practical application in the way that UNEP addresses inequalities and discrimination in its founding mandate – keeping (the global) environment under review. UNEP should be able to respond to the demands of a universal, transformative agenda; ground its work in cutting-edge analytics and strategies focused on inequalities, protection of rights and addressing vulnerability and risk; nurture open and common systems for the production, sharing and use of high quality data, knowledge and practices across the UN system; and be able to do the same with others who are engaged on the common agenda.

The implications of an approach to reducing inequalities and eliminating discrimination grounded in human rights standards requires revisiting traditional approaches to the work on inequalities that many UN System entities are already engaged in, to better identify who is being left behind and why, and to effectively monitor progress. This will require moving beyond ‘business as usual’ towards an approach that includes:

- ❖ Systematically analyzing and monitoring disaggregated data, and placing a particular focus on all prohibited grounds of discrimination and groups specifically protected under international human rights treaties.
- ❖ Developing new tools for equality and equity monitoring to capture discrimination, exclusion and stigma, while paying attention to multiple and intersecting forms of discrimination.
- ❖ Developing monitoring methodologies to assess the progressive reduction of different kinds of inequalities over time: Collecting disaggregated data will provide useful information on the gaps between social groups, but will not in and of itself ensure that the most disadvantaged are not ‘left behind’ or ‘left until last’.

²¹ UNEP and the Work of Independent Expert on Human rights and the Environment have examined these links from an environmental perspective.

- ❖ Collaborating with UN system entities to develop a common strategy to address the structural and root causes of inequality and discrimination in policies, programming and advocacy: Contributing to common tools and methodologies for monitoring and tracking progress in reducing inequalities will be critically important for evidence-based policy development, but the UN's human rights approach also requires analyzing and addressing the structural and root causes that underlie the patterns of inequality and discrimination.

7.2. Forging Collective Outcomes through Partnerships

UNEP's cooperation with OHCHR and its support to the Special Rapporteur has been central to the valuable compendium of tools and good practices developed jointly. This cooperation could be expanded to a corporate-level Memorandum of Understanding, possibly broadening the nature of the cooperation to also include collaboration on addressing inequalities and discrimination, advocacy and capacity building.

In addition, UNEP may wish to pursue specific arrangements with UN system organizations such as UNFPA, UN-Women and UNICEF in particular, with a view on strengthening collaboration on integrated analyses and assessments, as well as collective efforts on the follow-up and review processes.

A strategic and important relationship UNEP may wish to explore is with the Humanitarian Sector, by bringing together expertise and analyses on climate change, environmental degradation, resilience and vulnerability. There is currently much emphasis on prevention and to address the drivers of conflict that can exacerbate existing inequalities, including as a result of internal displacement. Tackling environmental inequalities, through global action against climate change, inclusive environmental policy and building resilience will be critical.

8. Conclusion

Promoting and encouraging respect for human rights is a core purpose of the United Nations and defines its identity as an organization for people around the world. The United Nations is founded on the principles of peace, justice, freedom and human rights. The Universal Declaration of Human Rights recognizes human rights as the foundation of freedom, justice and peace. The unanimously adopted Vienna Declaration and Programme of Action state that democracy, development, and respect for human rights and fundamental freedoms are interdependent and mutually reinforcing.

The 2030 Agenda is strongly grounded in international human rights standards and it sets out a transformative vision for people and planet-centred, human rights-based, and gender-sensitive sustainable development. It strives to leave no one behind and has equality and non-discrimination as its centerpiece.

The implementation of the 2030 Agenda requires that UN system entities, including UNEP, develop their capacity to integrate the three dimensions of sustainable development, and more importantly, are able to support all three pillars of the UN's mandate – human rights, peace & security, and development. Human rights and environmental sustainability are mutually supportive and could often provide the entry point to catalyzing inclusive sustainable development. UNEP has an obligation and an opportunity to strengthen its own capacity in this respect.

Annex I: Substantive and Procedural Rights – Human Rights and Environment Jurisprudence

Substantive Rights

International and national law have addressed environmental aspects of a number of substantive human rights. These include civil and political rights, such as the rights to life, religion and property; and cultural and social rights such as rights to health, water, food, and culture. On occasion, human rights mechanisms have addressed the right to a healthy environment directly, but mainly they have focused on the environmental dimensions of more established rights, though emerging rights, such as the right to water and the right to development have played a major role.

Environmental regimes have touched on individual rights by providing liability and compensation mechanisms, which imply recognition of legally recognizable interests in property and health. Both human rights law and environmental law recognize collective rights implicated by environmental degradation, such as rights held by indigenous peoples. In addition, environmental instruments and international tribunals have mentioned rights held by future generations, though these rights are not well established or defined.

Both human rights and environmental law have recognized the effect of environmental degradation on human welfare. A number of multilateral environmental agreements (MEAs) recognize the link between the environment and human health and well-being, and many MEAs include provisions regarding civil liability and compensation for damage caused by environmental degradation, particularly in the context of pollution. Human rights tribunals have found violations of recognized rights of life, property, health, and a healthy environment caused by environmental factors.

The state of the natural environment has also been discussed in the context of the right to respect for family and private life, the right to healthy working conditions, the right to humane treatment, and the right to development. Regional human rights agreements recognizing the right to a healthy environment have been ratified by more than 130 states nations spanning Europe, Asia, the Americas, the Caribbean, Africa, and the Middle East. The Inter-American Commission on Human Rights, the Inter-American Court of Human Rights, the African Commission on Human and Peoples Rights, the European Court of Human Rights, and the European Committee on Social Rights have issued decisions in cases involving violations of this right.²² See for example the cases decided by the African Commission on Human and Peoples Rights based on article 24 of the African Charter, which states that all peoples have the right to a general satisfactory environment.²³

Indigenous rights comprise an area of overlap between environmental and human rights law. Both regimes provide special protections for indigenous property rights and rights to control over natural resources. Human rights law has also discussed the environmental aspects of indigenous rights to culture and subsistence. Human rights tribunals have specifically dealt with issues of indigenous rights when indigenous people are forcibly removed from their ancestral land, discussing the implications of such displacement on indigenous rights to religion, property, culture, health, food, and housing.²⁴ Environmental law has also dealt with protection of collective intellectual property rights, through principles of benefit sharing, i.e. in

²² David R. Boyd, 2014

²³ See e.g., *Social and Economic Rights Action Center and Center for Economic and Social Rights v. Nigeria*, Afr. Comm'n H. & Peoples' R., No. 155/96, (May 27, 2002).

²⁴ See e.g., *Mayagna (Sumo) Awas Tingni Community v. Nicaragua*, Inter-Am. Ct., (ser. C) No. 79 (Aug. 31, 2001); *Centre for Minority Rights Development (Kenya) and Minority Rights Group international on behalf of Endorois Welfare Council v. Kenya*, Afr. Comm'n H. & Peoples' R., No. 276/2003 (Feb. 4, 2010).

the context of genetic resources.²⁵ There are resources available on good practices and jurisprudence that touch on both environmental as human rights concerns.²⁶

In addition, there is some suggestion in both fields that the disproportionate impact of environmental degradation on certain groups could amount to a violation of rights to freedom from discrimination. This potential has been discussed primarily in the context of discrimination against indigenous peoples,²⁷ though it has also come up in the context of racial minorities.²⁸

Linkages are also evident with respect to conflict management and prevention, which should take environment protection into account from the outset, along with humanitarian, economic and social needs. Environmental degradation plays a decisive role in many conflict situations; it can contribute to the outbreak of a conflict and result in the infringement of fundamental human rights, such as the right to life and the right to health. These infringements include damages to the life and properties of victims of conflict, disruption of normal living conditions, and loss of access to basic services. On the other hand, conflicts can also fuel environmental degradation, by weakening governance structures, undermining positive environmental practices and promoting uncontrolled systems of resource exploitation. Monitoring human rights connected to natural resources and the environment could strengthen early warning mechanisms. Failing to incorporate environmental protection into peace building strategies or neglecting to establish strong governance systems, which factor in the environmental rule of law, can jeopardize the peace process and the well-being of the population and the environment.

Furthermore, anthropogenic climate change is the largest, most pervasive threat to the natural environment and human societies the world has ever experienced. The latest assessment report from the Intergovernmental Panel on Climate Change (IPCC) describes how observed and predicted changes in climate will adversely affect billions of people and the ecosystems, natural resources, and physical infrastructure upon which they depend. These harmful impacts include sudden-onset events that pose a direct threat to human lives and safety, as well as more gradual forms of environmental degradation that will undermine access to clean water, food, and other key resources that support human life.²⁹

As a consequence, climate change will have a profound effect on the enjoyment of human rights for individuals and communities across the planet. Climate change is already affecting temperatures, hydrologic conditions, ecosystem functioning, and agricultural productivity in many regions. Displacement is also an imminent prospect for some communities, such as those situated in the rapidly melting Arctic and low-lying coastal areas. Further complicating the picture, measures undertaken to mitigate greenhouse gas (GHG) emissions and adapt to climate change can themselves adversely affect the enjoyment of human rights.³⁰

Besides international obligations relating to climate change under the UNFCCC framework, there are also obligations arising from human rights law to mitigate emissions, as well as the international duty of international cooperation. In additions, states may have obligations to

²⁵ See for example the Convention on Biodiversity, Article 15 on Access to Genetic Resources, and its Nagoya Protocol on Access to Genetic Resources and the Fair and Equitable Sharing of Benefits Arising from their Utilization which entered into force in 2014

²⁶ See e.g. <http://environmentalrightsdatabase.org/>, supported by UNEP, and <https://ejatlas.org/>

²⁷ *Maya Indigenous Communities of the Toledo District v. Belize*, inter-Am. Comm'n H.R., Report No. 40/04, (2004)

²⁸ *Mossville Environmental Action Now v. United States*, Inter-Am. Comm'n H.R., Report No. 43/10, (Mar. 17, 2010) (admissibility decision).

²⁹ *Climate Change and Human Rights*. Published by UNEP in collaboration with Columbia Law School's Sabin Center for Climate Change Law (2015).

³⁰ *Ibid*

address climate change based on other sources, including domestic law.³¹ Finally, the UN system also contributes to the advancement of the business and human rights agenda and supports the implementation of the Guiding Principles on Business and Human Rights (the Ruggie Principles).

Extractive industries human rights due diligence and environmental impact assessments can be links to interaction with the private sector. It is expected that the current negotiations of the open-ended intergovernmental working group on transnational corporations and other business enterprises with respect to human rights, mandated by the Human Rights Council³² to “elaborate an international legally binding instrument to regulate, in international human rights law, the activities of transnational corporations and other business enterprises” will build on the Ruggie Principles; this future instrument has the potential to significantly impact on for example extractive industries.

Procedural Rights

Procedural rights are a key point of intersection between environmental and human rights law. Rights to access to information, participation in decision-making, and access to justice are found in both environmental and human rights instruments, and have been interpreted under both regimes to provide broad protections for environmental interests. The protection and promotion of procedural rights has been, and continues to be, an important tool for the protection of the natural environment.

Principle 10 of the Rio Declaration made a significant impact on the emphasis on procedural rights in an environmental context. This principle declares, “Environmental issues are best handled with participation of all concerned citizens, at the relevant level.” It goes on to state that individuals should have appropriate access to information, the ability to participate in decision-making processes, and effective access to judicial and administrative proceedings, including redress and remedy.

A number of subsequent MEAs adopted in the early 1990s incorporated minimum standards for access to information and participation, though they vary on the extent of participation and whether there were any review procedures or access to remedy. The Aarhus Convention³³ is the most significant international environmental agreement protecting procedural human rights, though it operates mainly at a regional level. The Preamble declares the right of everyone to live in an environment adequate to his or her health and well-being. Article 1 provides for rights of access to information, public participation and access to justice. The Aarhus Compliance Committee operates a relatively effective complaints mechanism, which has interpreted and developed the Convention’s principles. In April 2013, the UN Economic Commission for Latin America and the Caribbean (ECLAC) led negotiations toward regional approval of Principle 10. By 2016, 21 countries had signed the Declaration on Principle 10, representing more than 500 million people, and including more than half of all Latin American and Caribbean countries.³⁴ The progress towards the

³¹ See, e.g., *Ashgar Leghari v. Federation of Pakistan* (Lahore High Court Green Bench, 2015); and *Urgenda Foundation v. Kingdom of the Netherlands* (District Court of The Hague, 2015). These cases may signal that the judiciary is willing to take upon itself an increased role in the debate.

³² Human Rights Council, Resolution 26/9, adopted 26 June 2014.

³³ UNECE Convention on Access to Information, Public Participation and Access to Justice in Environmental Matters (Aarhus, Jun. 25, 1998).

³⁴ *Declaration Principle 10: Access to information, participation and justice in environmental matters in Latin America and the Caribbean*, ECONOMIC COMMISSION FOR LATIN AMERICA AND THE CARIBBEAN, <http://www.cepal.org/cgi-bin/getprod.asp?xml=/rio20/noticias/paginas/3/49603/P49603.xml&xsl=/rio20/tpl-i/p18f-st.xsl&base=/rio20/tpl-i/top-bottom-10.xsl> (last visited Nov. 30, 2014) [hereinafter ECLAC Website]; see United Nations Conference on Environment and Development, Rio de Janeiro, Braz., June 3-14, 1992, *Rio*

Principle 10 Instrument in Latin America and the Caribbean has witnessed several successful meetings of the participating governments.

Procedural rights, including rights of information, participation, and access to justice, have been recognized in the context of regional and global human rights instruments as well. The Inter-American Court has recognized the right to access to information in an environmental context in connection with the freedom of expression provided in Article 13 of the American Convention of Human Rights.³⁵

A special form of procedural protection unique to environmental law is the environmental impact assessment, which has been linked to the rights to information and public participation. This mechanism has been provided for in several global MEAs such as the UN Convention on the Law of the Sea and the Convention on Biological Diversity, as well as human rights agreements such as the ILO Convention 169 concerning Indigenous and Tribal Peoples, and regional agreements, particularly agreements relating to regional seas. The UNECE Convention on Environmental Impact Assessment in a Transboundary Context (Espoo Convention) exclusively addresses the procedural requirements of environmental impact assessments, including the requirement of public participation in the assessment process. In addition the International Court of Justice has confirmed in 2006 that an environmental impact assessment will always be necessary where there is a risk of transboundary harm, although it did not give guidance in relation to the content or process of the assessment itself.³⁶ In 2015, the International Court of Justice upheld that an environmental impact assessment is an obligation under general international law.³⁷

Declaration on Environment and Development, principle 10, U.N. Doc. A/CONF.151/26/Rev.1 (Vol. I), Annex I (Aug. 12, 1992)

³⁵ *Claude-Reyes v. Chile*, Inter-Am. Ct., (ser. C) No. 151 (Sept. 19, 2006).

³⁶ *Pulp Mills on the River Uruguay Case (Provisional Measures)(Argentina v Uruguay)* ICJ Reports (2006)

³⁷ *Construction of a Road in Costa Rica along the San Juan River (Nicaragua v. Costa Rica)*

Annex II: Highlighting the Human Rights–Environment Linkages in Key Areas of UNEP’s Work

This Annex highlights existing work regard to inclusiveness, participation and addressing inequalities as the foundation for a best practice approach to human rights – environment linkages in UNEP’s programme of work. Key examples range from the poverty-environment initiative, the inclusive green economy and sustainable consumption and production, and the decisions of the multilateral environment agreements, including the Nagoya Protocol.

Poverty-Environment Initiative (PEI)

The Poverty-Environment Initiative is committed to advancing equity – the fair treatment of all groups in society – to achieve poverty-environment objectives that lie at the core of sustainable development. Ecosystems and the services they provide, such as food, water, disease management, climate regulation, and spiritual fulfillment, are preconditions for the full enjoyment of human rights, including rights to life, health, water, and food. Efforts to promote environmental sustainability can only be effective if they occur in the context of legal frameworks conducive to the exercise of certain human rights, such as the rights to information, public participation in decision-making and access to justice.

PEI supports countries to strengthen participation of marginalized groups, including women, indigenous peoples and youth, in decision making and to see that women and men have the same access to productive resources. Teams successfully work with UNDP and UNEP Gender Teams on a wide range of activities to promote gender equality, from joint studies and gender analyses to the ‘gender review’ of annual work plans, project and programme documents, sector work, integration of gender indicators in plans and Monitoring and Evaluation systems, capacity building and sharing of experience through south-south cooperation. A number of in-country examples demonstrate the level of impact.

A core aspect of PEI’s work is to strengthen government systems to improve coherence and effectiveness in the implementation of pro-poor environmental sustainability. This represents a long-term effort led by government and other state actors such as Parliament and non-state actors (civil society organizations, community groups or media). PEI will continue to support building accountability mechanisms that are nationally and locally appropriate, accessible, transparent and effective in strengthening overall monitoring and evaluation systems and capacities for sustainability. These mechanisms include stronger partnerships with parliament, civil society and the media to pass laws supporting the implementation of poverty-environment objectives.

Inclusive Green Economy

Promoting a more equitable, green economy through promoting fairer international trade rules, greater policy coherence of the trade, finance and investment regimes with human rights and the democratization of the institutions of global governance.

Fiscal policy reforms that shift tax burdens away from labour and income and towards environmental and social externalities or rents from scarce resources can also be important drivers in reducing inequalities. More equitable distribution can be secured by identifying opportunities for appropriate taxations and the redistribution of resources.

Clean energy is essential to a green economy. Energy efficiency is a matter of resource efficiency and a key strategy in mitigating climate change: reducing demand for energy and running cost. The combination of rapid developments in technology and decreases in cost increasingly make renewable energy – from small-scale stand-alone systems to large

installations – the most sensible and cost effective energy option in many developing countries. It allows people currently without adequate access to modern energy services to cook, heat and light their homes, set up businesses, and access to long-distance education, to participation in local governance, and to mobile health services. Water harvesting and using well planned small hydroelectric dams for energy can also provide water and energy security. Telecommunications can help provide access to micro-finance, education and health.

It is recognized that immediate human needs and prevailing inequalities in access to basic services including water, energy, mobility, and shelter need to be addressed while protecting finite natural resources and the basic needs of future generations. Many technologies do exist that combine both, e.g. provision of access to modern energy services through deployment of renewable energy technologies, which at the same time helps mitigate climate change and air pollution related health impacts, where renewable energy options replace fossil fuel sources, or where devices with incomplete combustion of fossil fuels or solid biomass are replaced (e.g. diesel generators through renewable-energy based mini grids or alternative cook stoves or solar lamps reducing or replacing the need for firewood, charcoal or kerosene).

Recognizing the role and contribution of specifically women in an inclusive green economy and introducing dedicated measures for their empowerment: fair working conditions and pay, access to education and skills, promoting the use of social protection floors. Addressing inequality-reproducing cultural norms and strengthening the political agency of disadvantaged groups. Equitable distribution by identifying opportunities for appropriate taxations and the redistribution of resources, the empowering of women and small producers, indigenous peoples and local populations, and providing them rights and access to resources, services, and shared benefits. An integrated solution is to allocate and use land and natural resources in an equitable, accountable and transparent manner to reduce the percentage of landless rural population, and protect the local commons, thereby distributing benefits to the local communities most affected.

The Millennium Assessment set out the relationship between ecosystem services and human rights. This was further elaborated in The Economics of Ecosystems and Biodiversity (TEEB) series of studies, highlighting the “structure-function-service-benefit” relationship between nature and human well-being. Income opportunities can be enhanced through investments in “productive assets of the poor”, such as soil, forests, fish, water and other forms of natural assets, all of which are job creating, address food security, and have the potential to reduce inequality and on which the prosperity of the poor depends. A green accounting system will provide information on the degradation of ecosystems and their services that is not being fully accounted for in current decisions, it will also allow for the monitoring of environmental degradation that may affect human rights.

Sustainable Consumption and Production

As the secretariat of the SCP 10YFP, UNEP is already taking efforts to address current patterns of production and consumption, which are degrading the environment and exacerbating inequality at many levels. UNEP’s leadership in taking forward Goal 12 of the SDGs will be critical, not least in rebalancing unequal levels of consumption, ending wasteful and harmful production and consumption, safeguarding natural resources, but with a human rights-based approach running throughout the key goals. For example, the need to address over-consumption, which is environmentally damaging, as well as harmful consumption for which poverty is the driver.

Further elaboration of the ‘Consume with Care’ slogan from World Environment Day could help to further publicize the work that UNEP is doing in this area, particularly as a crucial role

of SCP in making an inclusive green economy a reality: setting out a roadmap for all stakeholders. An initial mapping analysis of how Goal 12 complements the work that UNEP is already doing, and including in it the potential impacts on groups in vulnerable situations and a guidance note for UNCTs and Regional Co-ordinators on implications for implementation with a Human Rights-based Approach, could further collaboration on SCP at the national level.

Access to genetic resources and the fair and equitable sharing of benefits arising from their utilization

In the context of indigenous peoples' rights, the obligation to guarantee access to genetic resources and the fair and equitable sharing of benefits arising from their utilization is also relevant. The concept of Access and Benefit Sharing (ABS) is embedded in the 1992 Convention on Biological Diversity and its Nagoya Protocol on Access to Genetic Resources and the Fair and Equitable Sharing of Benefits Arising from their Utilization to the Convention on Biological Diversity, which entered into force in 2014. The Nagoya Protocol further details the rights and obligations of the different actors involved and generate considerable implications for the rights of indigenous and local communities. While human rights are not explicitly mentioned, the Protocol builds on existing human rights concepts. It requires:

- ❖ The prior informed consent or approval and involvement of indigenous and local communities: (i) for access to genetic resources where the communities have the established right to grant such access; and (ii) for access to traditional knowledge associated with genetic resources held by indigenous and local communities;
- ❖ State parties to take measures ensuring that benefits arising from the utilization of genetic resources held by indigenous and local communities are shared in a fair and equitable way with the community concerned based on Mutually Agreed Terms;
- ❖ State parties to take indigenous and local communities' customary laws and community protocols into account when regulating access and benefit sharing.

In addition, the Protocol establishes an access and benefit-sharing clearing-house as a means to share information related to access and benefit sharing Investments in Natural Capital.

Extractive Industries

Guidelines and model contracts for foreign direct investment developed by the UNDP-UNEP Poverty-Environment Initiative (PEI) for Lao PDR and the PEI advocacy for the Philippines to sign onto the Extractive Industries Transparency Initiative (EITI) are good examples of accountability and transparency initiatives. UN agencies have worked to strengthen laws and provide technical assistance in promoting responsible mining practices, such as the Government of Philippines 2012's Executive Order 79, which called for mining activities to follow strict compliance laws, ensure the involvement of all stakeholders, and provide for transparency and accountability on the part of both government and corporate players.

Based on studies and analysis of how revenues are estimated and funds transferred, PEI developed a computerized system for the Mines and Geoscience Bureau, the Electronic Tax Revenue Assessment and Collection System, to document and monitor fees, taxes and royalties paid by mining companies and other stakeholders. Special emphasis was placed

on public disclosure and providing citizens with access to information on how funds were reallocated among local governance units. In Lao PDR, the Initiative worked with the Government to integrate social and environmental safeguards in the country's own systems of national development planning and private investment management including state of the art guidelines for new investments and improved monitoring capacity of Foreign Direct Investment.³⁸

APPROVED:

Signature: 

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13/06/2016

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³⁸ UNDP and UNEP, 2015. *Mainstreaming Environment and Climate for Poverty Reduction and Sustainable Development: A Handbook to Strengthen Planning and Budgeting Processes*, pp. 95-96.

Annex III: The Human Rights Up-Front Initiative

The Human Rights Upfront Initiative

The Secretary-General launched the Human Rights Upfront Initiative in 2013. Member States have mandated the Secretary-General and the UN System, through the Charter and successive General Assembly resolutions to help them meet the standards expressed in the Universal Declaration of Human Rights. In carrying out these responsibilities, the UN System is to use all the resources at its disposal, including its moral authority, diplomatic creativity and operational reach.

The Human Rights Upfront Initiative includes six actions that can make a qualitative difference in the way the UN System meets its responsibilities:

- Action 1: Integrating human rights into the lifeblood of staff so that they understand what the UN's mandates and commitments to human rights mean for their Department, Agency, Fund or Programme and for them personally.
- Action 2: Providing Member States with candid information with respect to peoples at risk of, or subject to, serious violations of international human rights or humanitarian law.
- Action 3: Ensuring coherent strategies of action on the ground and leveraging the UN System's capacities in a concerted manner.
- Action 4: Adopting at Headquarters a "One-UN approach" to facilitate early coordinated action.
- Action 5: Achieving, through better analysis, greater impact in the UN's human rights protection work.
- Action 6: Supporting all these activities through an improved system of information management on serious violations of human rights and humanitarian law.

Annex IV: The Human Rights-based Approach (HRbA)

The Common Understanding³⁹

1. All programmes of development co-operation, policies and technical assistance should further the realisation of human rights as laid down in the Universal Declaration of Human Rights and other international human rights instruments.
2. Human rights standards contained in, and principles derived from, the Universal Declaration of Human Rights and other international human rights instruments guide all development cooperation and programming in all sectors and in all phases of the programming process.
3. Development cooperation contributes to the development of the capacities of 'duty-bearers' to meet their obligations and/or of 'rights-holders' to claim their rights.

Implications of a Human Rights-based Approach to Development Programming of UN Agencies

Experience has shown that the use of a human rights-based approach requires the use of good programming practices. However, the application of "good programming practices" does not by itself constitute a human rights-based approach, and requires additional elements.

The following elements are necessary, specific, and unique to a human rights-based approach:

1. Assessment and analysis in order to identify the human rights claims of rights-holders and the corresponding human rights obligations of duty-bearers as well as the immediate, underlying, and structural causes of the non-realization of rights.
2. Programmes assess the capacity of rights-holders to claim their rights, and of duty-bearers to fulfill their obligations. They then develop strategies to build these capacities.
3. Programmes monitor and evaluate both outcomes and processes guided by human rights standards and principles.
4. Programming is informed by the recommendations of international human rights bodies and mechanisms.

Other elements of good programming practices that are also essential under a HRbA include:

- ❖ People are recognized as key actors in their own development, rather than passive recipients of commodities and services, and the development process is locally owned.
- ❖ Participation is both a means and a goal.
- ❖ Analysis includes all stakeholders, and programmes support accountability to all.
- ❖ Situation analysis is used to identify immediate, underlying, and basic causes of development problems.
- ❖ Programmes focus on marginalized, disadvantaged, and excluded groups; and programmes aim to reduce disparity.

³⁹ See more at: <http://hrbaportal.org/the-human-rights-based-approach-to-development-cooperation-towards-a-common-understanding-among-un-agencies#sthash.17csB5sa.dpuf>

- ❖ Strategies are empowering, not disempowering.
- ❖ Top-down and bottom-up approaches are used in synergy.
- ❖ Measurable goals and targets are important in programming.
- ❖ Both outcomes and processes are monitored and evaluated.

