

**HUMAN RIGHTS AND THE ENVIRONMENT:
REGIONAL CONSULTATION ON CONSTITUTIONAL ENVIRONMENTAL RIGHTS**

23-24 January 2014

Location: Johannesburg, South Africa (Location TBA)

Convened by the United Nations Independent Expert on human rights and the environment, the United Nations Environment Programme (UNEP), the Office of the High Commissioner for Human Rights (OHCHR), and the Legal Resource Centre (LRC)

DAY 1: Thursday, 23 January 2014

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| 8:30-9:00 | Registration, coffee and tea |
| 9:00-10:00 | Introduction <ul style="list-style-type: none">• Introduction of participants• Presentation of objectives of the consultation Professor John Knox , <i>UN Independent Expert on human rights and the environment</i>
Janet Love , <i>Director, Legal Resource Centre</i>
UNEP and OHCHR |
| 10:00-11:15 | SESSION 1: Overview of constitutional environmental rights
Moderator: Professor Muhammed Tawfiq Ladan , Ahmadu Bello University, Nigeria
Panellists:
Professor Erin Daly , Widener University, USA
Godber W. Tumushabe , Executive Director, Advocates Coalition for Environment and Development, Uganda
Professor Louis Kotze , North West University, South Africa

This session will provide an overview of the global trend to include environmental rights as constitutional rights, from an international, regional and national perspective. |
| 11:15-11:30 | Break |

11:30-12:45

SESSION 2: The value of constitutional environmental rights

Moderator: Professor David Boyd, University of Victoria, Canada

What do constitutional environmental rights, such as a right to a healthy environment, add to other methods of environmental protection? How have the rights been adopted at the national level?

- What obligations does a right to a healthy environment create beyond those imposed by other human rights?
- How does a constitutional environmental right safeguard procedural protections, such as rights to information, participation and remedy?
- How does a constitutional environmental right help to inform substantive environmental standards, including with respect to pollution of air and water?

12:45-13:45

Lunch

13:45 -15:00

SESSION 3: Implementation of constitutional environmental rights through litigation

Moderator: Professor Loretta Feris, University of Cape Town

- How have constitutional environmental rights been adjudicated and enforced through the judicial system?
- What are obstacles to effective implementation of constitutional environmental rights through litigation?

15:00-15:30

Break

15:30-16:45

SESSION 4: Implementation of constitutional environmental rights through other means

Moderator: Benson Owuor Ochieng, Institute for Law and Environmental Governance (ILEG), Kenya

- How have constitutional environmental rights been given effect other than through the judicial system, including through statutes, administrative implementation and community development?
- What are obstacles to effective implementation of such rights through these means?

16:45-17:00

Conclusions

We will conclude the first day with a brief summary and preparation for the next day of discussion.

DAY 2- Friday, 24 January 2014

9:00-10:30 **SESSION 5: Good practices: procedural rights and obligations**
The work of the session will be organized in break-out groups.

This session will identify examples of good practices within the experience of the participants that relate to the procedural aspects of constitutional environmental rights, such as rights to environmental information, to participation in environmental decision-making, and to remedies for environmental harm. Participants can provide any example of good practices from a range of actors, including governments, NGOs, international organisations, and communities. Good practices can include laws, strategies, institutions, guidelines, projects, and other initiatives.

10:30-11:00 **Break**

11:00-12:30 **SESSION 6: Good Practices: substantive rights and obligations**
The work of the session will be organized in break-out groups.

This session will identify examples of good practices that relate to the substantive aspects of constitutional environmental rights, such as the use of such rights to inform and clarify standards of environmental quality and management. Again, participants can provide any example of good practices from a range of actors, and good practices can include laws, strategies, and other initiatives.

12:30-13:30 **Lunch**

13:30-15:30 **SESSION 7: Reporting from break-out groups**
Moderator: Dr. Hamudi Majamba, Partner, LawCastles, Dar es Salaam, Tanzania

The break-out groups will each provide one or more examples of good practices for discussion by the full group.

15:30-16:00 **Break**

16:00-17:00 **SESSION 8: Putting good practices into practice**
Moderator: Professor John Knox

This session will conclude the meeting with a discussion of how dissemination and adoption of these good practices can best be encouraged.