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Mandate of the Special Rapporteur on human rights and the environment

7 October 2015

Dear friends and colleagues,

As you know, in Resolution 28/11, the Human Rights Council renewed my mandate for another three years, and requested among other things that I address implementation of the human rights obligations relating to the environment. In particular, the resolution requested me and the Office of the High Commissioner for Human Rights (OHCHR) to prepare a report for the Council on the effective implementation of human rights obligations relating to the environment as well as ongoing challenges and the way forward.

In that report, which I will present to the Council in March 2016, I will describe a range of possible methods of operationalizing the obligations. I intend not to highlight just one or two methods as the ideal approaches, but rather to identify different possibilities.

As part of my preparation of the report, I welcome input from all interested stakeholders on methods to promote the implementation of human rights obligations relating to the environment. **The deadline to submit your input for this report is 30 October 2015.** You may do so by emailing srenvironment@ohchr.org. There are no requirements for page length or specificity, although obviously the more detailed and specific you can be, the better!

To give you an idea of some of the possibilities, we have included a few examples below. To be clear, this list is not intended to be exhaustive or to suggest preferences of the Special Rapporteur or OHCHR, but rather to help spark ideas. Feel free also to indicate support for, or concerns with, the possibilities listed below.

One category is the adoption of instruments at the global and/or the regional level. Examples of types of norm-clarifying instruments at the global level include: (1) treaties; (2) declarations adopted by the Human Rights Council or the UN General Assembly, such as the UN Declaration on the Rights of Indigenous Peoples; (3) guiding principles presented to the Human Rights Council, such as the Guidelines on Remedies and Procedures on the Right of Anyone Deprived of Their Liberty to Bring Proceedings Before a Court presented by the Working Group on Arbitrary Detention this year, and the Guiding Principles on Business and Human Rights presented by John Ruggie in 2011; (4) resolutions adopted by the Human Rights Council or the General Assembly; and (5) statements by expert bodies, such as the General Comments adopted by UN treaty bodies.

At the regional level, an important current example is the negotiation by ECLAC countries of a regional agreement on rights of access to information, participation, and remedy, as an effort to implement Principle 10 of the Rio Declaration.

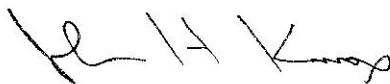
Another set of possible measures has to do with mainstreaming a human rights perspective in international agencies.¹ Some positive steps have already been taken in this respect. The UN Environment Programme (UNEP) has been very active in supporting the identification of good practices in the use of human rights obligations, and the clarification of the relationship between human rights and the environment. The UN Development Programme (UNDP) is currently undertaking a program on environmental governance. But more could be done, for example with other UN bodies and specialized agencies, multilateral environmental agreements, international financial institutions, and regional development agencies.

A third category of practical methods of implementation could include efforts to provide technical assistance, especially at the national level. Such assistance could run a wide spectrum, including (a) model legislation; (b) handbooks such as the multi-volume handbook prepared by the former Special Rapporteur on the right to water and sanitation;² and (c) educational courses offered by international agencies, such as UNITAR.

Concrete methods of implementation could also include the provision of forums where information could be exchanged and disseminated, such as the annual forum on business and human rights.

I hope that this list of possibilities helps to spark more ideas, and I look forward to seeing your suggestions!

Best regards,



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¹ For a general discussion of mainstreaming human rights perspectives in the UN and in national governments, see Paul Hunt, "Is the UN Human Rights Council delivering on its mandate to mainstream human rights?" (24 August 2015), at <http://www.universal-rights.org/blog/un-human-rights-council-delivering-mandate-mainstream-human-rights/>.

² <http://www.ohchr.org/EN/Issues/WaterAndSanitation/SRWater/Pages/Handbook.aspx>.