

## PROGRAMME

### HUMAN RIGHTS AND THE ENVIRONMENT:

#### REGIONAL CONSULTATION ON THE RELATION BETWEEN ENVIRONMENTAL PROTECTION AND VULNERABLE GROUPS

26-27 July 2013, PANAMA

Hotel Country Inn Amador

Convened by the United Nations Independent Expert on human rights and the environment with the Office of the High Commissioner for Human Rights and the United Nations Environment Programme

#### Day 1 – Friday 26 July

*Rapporteur: Ms. Rebaone Ferguson, OHCHR*

8:30-9:00

#### Registration

9:00-10:00

#### Introduction and Overview

- Opening remarks

**Ms. Margarita Astralaga**, *Director, UNEP Regional Office for Latin America and the Caribbean*

**Ms. Carmen Rosa Villa**, *Regional Representative for Central America, Regional Office for Central America UNOHCHR*

**Professor John Knox**, *UN Independent Expert on Human Rights and the Environment*

- Introduction of participants
- Objectives of the expert consultation and overview of the programme

10:00- 11:00

#### **SESSION 1: Defining vulnerability in the context of environmental protection and harm**

*Moderator: Prof. César Rodríguez-Garavito, University of the Andes*

- How does one define a vulnerable group in the context of environmental protection and management, including what factors can be considered in determining when a group is vulnerable?
- What conditions give rise to vulnerability in the context of environmental protection or harm?
- What are examples of good practices in this regard?
- What is the contribution of international environmental law instruments, such as multilateral environmental agreements and international declarations, in defining vulnerability?

11:00-11:15

**Break**

11:15-13:00

**SESSION 2: Procedural rights**

*The session will be introduced by Prof. John Knox, UN Independent Expert on Human Rights and the Environment, and Ms. Lara Ognibene, UNEP*

*Moderator: Prof. John Knox*

Human rights law and environmental law have developed procedural rights that are particularly relevant to environmental protection, including rights to freedom of expression and association, to information, to participation in decision-making, and to remedies. Potential avenues of discussion include:

- How do these rights apply generally? How do they apply to vulnerable groups in particular?
- How does the principle of non-discrimination intersect with these rights?
- Which procedural rights should members of vulnerable groups enjoy that go beyond the rights enjoyed by the general public?
- How has the concept of prior and informed consent developed with respect to indigenous communities, and what does it look like in practice? Does this concept apply to vulnerable groups other than indigenous peoples?
- What procedural rights and mechanisms does international environmental law contemplate for vulnerable groups in relation to environmental protection, management and harm?

13:00-14:30

**Lunch**

14:30-16:15

**SESSION 3: Substantive Rights**

*The session will be introduced by Prof. John Knox, UN Independent Expert on Human Rights and the Environment, and Ms. Lara Ognibene, UNEP*

*Moderator: Ms. Astrid Puentes, AIDA*

Human rights law and environmental law have also developed rights to a minimum level of environmental quality, although these rights are less well developed than procedural rights. Potential avenues of discussion include:

- How do these rights apply generally? How do they apply to vulnerable groups in particular?
- How does the principle of non-discrimination intersect with these rights?
- Which procedural rights should members of vulnerable groups enjoy that go beyond the rights enjoyed by the general public?
- How does the specific right to a healthy environment, in jurisdictions where it has been adopted, contribute to these substantive rights? Does it provide additional protections for vulnerable groups?
- What mechanisms does international environmental law, including multilateral environmental agreements, contemplate to define the content of and support the exercise of substantive rights, in particular by vulnerable groups?

16:15-16:30

**Break**

16:30-17:45

**SESSION 4: Transboundary Harm**

*Moderator: Mr. Marcos Orellana, CIEL*

This session will address the application of a rights-based approach to environmental protection in the context of transboundary environmental harm – that is, harm felt in one country that results from actions or actors in another country. Potential avenues of discussion include:

- What types of transboundary harm are particularly relevant to vulnerable groups?
- What are the challenges and opportunities in applying human rights to such harm?
- What avenues does environmental law contemplate to address transboundary harm and its impact on vulnerable groups?

17:45-18:00

**Conclusions**

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

## Day 2- Saturday 27 July

Rapporteur: Ms. Lara Ognibene, UNEP

9:00-11:00

### **SESSION 5: Good practices session 1: Procedural rights**

*The work of the session will be organized in break-out groups*

This session will aim to identify examples of good practices that relate to the procedural rights and associated issues of relevance to members of vulnerable groups, including rights to freedom of expression and association, access to information, public participation and access to justice in environmental matters, involvement in environmental impact assessment procedures, etc. Participants can provide any example of good practices from a range of actors, including government, NGOs, international organisations, and communities. Good practices can include laws, strategies, institutions, guidelines, projects, and other initiatives.

*The discussion will focus inter alia on the following themes:*

- *Climate change*
- *Management, use and access to natural resources, ecosystems and their services, including water, biodiversity, mineral resources, energy, forestry, and land, including the impact of large scale projects to access these resources*
- *Impact of environmental pollution on human well-being*

11:00-11:15

### **Break**

11:15-13:00

### **SESSION 6: Good practices session 2- substantive rights**

*The work of the session will be organized in break-out groups*

This session will aim to identify examples of good practices related to substantive rights that protect vulnerable groups in the context of environmental harm and management. Participants can provide any example of good practices such as substantive benchmarks relevant to the protection of vulnerable groups, constitutional rights or framework laws that protect vulnerable groups from environmental harm, government or community led initiatives that seek to protect or prevent vulnerable groups from human rights violations stemming from environmental harm, mechanisms for the protection of collective intellectual property rights and traditional knowledge, and the application of benefit sharing principles. As in the previous session, participants can provide any example of good practices from a range of actors, including government, NGOs, international organisations, and communities. Good practices can include laws, strategies, institutions, guidelines, projects, and other initiatives.

*The discussion will focus inter alia on the following themes:*

- *Climate change*

- *Management, use and access to natural resources, ecosystems and their services, including water, biodiversity, mineral resources, energy, forestry, and land, including the impact of large scale projects to access these resources*
- *Impact of environmental pollution on human well-being*

13:00-14:30

**Lunch**

14:30-16:00

**SESSION 7: Open Session**

*The outcomes of the work of the break-out groups will be presented at the beginning of the session*

This session provides participants with the opportunity to raise issues that were not raised in the previous sessions or which were not adequately addressed, including additional time to share good practices

16:00-16:30

**Closing remarks**