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United Nations Institute for Training and Research

Human Rights, Environmental Sustainability, Post-2015 Development, and the Future Climate Regime

3rd UNITAR-Yale Conference on Environmental Governance and Democracy

Yale University, 5-7 September 2014

Information Note and Call for Abstracts

Overview

The 2014 *Conference on Human Rights, Environmental Sustainability, Post-2015 Development, and the Future Climate Regime* will take place from 5-7 September 2014 at Yale University, New Haven, Connecticut. The Conference is organized by Yale University and the United Nations Institute for Training and Research (UNITAR) in collaboration with the United Nations Environment Programme (UNEP), the United Nations Development Programme (UNDP), the World Resources Institute (WRI), and the UN Independent Expert on Human Rights and the Environment, as well as other interested partners. It will bring together more than 150 scholars and policy experts to discuss state-of-the-art knowledge concerning the following themes at the nexus of human rights and the environment:

1. Constitutional Environmental Rights: A Driver for Environmental Policy Making?
2. Human Rights and Environmental Justice: Cases from Countries and the Field
3. Procedural Environmental Rights: Why and How Do They Matter?
4. Human Rights, Environment, and Corporate Responsibility
5. Effective Participation of Civil Society and Vulnerable Groups
6. Environmental Rights, Post-2015 Development, and the Future Climate Regime

The Conference will feature a combination of policy discussions in plenary and parallel sessions to discuss contributions and topics in more depth. The organizers invite policy experts, scholars, and practitioners to submit abstracts for three types of papers:

- **Synopsis Papers** highlight key outcomes and conclusions from relevant past events such as workshops, consultations, expert meetings, etc.
- **Review and Discussion Papers** succinctly review state-of-the-art knowledge concerning a particular theme or question addressed by the Conference.
- **Case Study Papers** describe, analyze, and draw conclusions from a particular situation/case (e.g. national, local).

The outcomes and conclusions of the Conference are expected to inform: (1) the discussion on sustainable development goals and a post-2015 development agenda by the 69th UN General Assembly in 2014/2015; (2) the negotiation of a new climate change regime by the end of 2015 under the UNFCCC; (3) the 2014 World Conference on Indigenous Peoples; and (4) the 2015 report of the UN Independent Expert on Human Rights and the Environment whose mandate was initiated by the Human Rights Council in 2012.

Individuals interested in participating in and receiving more information about the Conference are requested to complete the [Expression of Interest](#) form. **The deadline for submitting abstracts is 1 April 2014.** All Abstracts should be sent to envdem.yale@gmail.com with cc to envdem@unitar.org, using the [standard template](#).

About the UNITAR-Yale Conference Series

The 2014 Conference is the third in a series of global conferences on environmental governance and democracy organized by the United Nations Institute for Training and Research (UNITAR) and Yale University, in partnership with inter-governmental and non-governmental organizations. The two previous conferences each brought together over 150 policy makers, practitioners, scholars, and stakeholders from countries around the world to discuss emerging issues and challenges relating to public participation in environmental decision-making (2008) and climate change governance (2010).

Partners in the previous events included UNDP, UNEP, the United Nations Human Settlements Programme (UN-HABITAT), the World Bank, the Organization for Economic Cooperation and Development (OECD), the Earth System Governance Project, the University of Cape Town, WRI, and the Stakeholder Forum for a Sustainable Future.

Policy Context for the 2014 Conference

The growing recognition of the human rights-environment interface

A range of UN bodies and fora as well as governments around the world now recognize the importance of developing and protecting rights, whether procedural or substantive, as part of their efforts to protect the environment, achieve sustainable development, and alleviate poverty and inequalities. Environmental harms are now increasingly understood as having serious consequences for a range of human rights, such as the rights to life, health, food, water, shelter, and culture. At the same time, efforts to protect the environment and manage natural resources in a sustainable manner need to ensure that they do not encroach upon human rights, such as the rights of Indigenous and resource-dependent communities. This set of obligations suggests that the interface between rights and the environment is complex and merits further investigation and reflection, keeping in mind the need to inform sound policy making and design effective and equitable solutions to environment and sustainable development challenges.

National human rights based approaches to advance environmental sustainability

At the national level, there has been a growing trend toward the creation and protection of a right to a healthy environment in domestic jurisdictions worldwide, as well as granting procedural environmental rights. As of 2012, 95 constitutions include a substantive right to a healthy environment and courts in at least a dozen other countries have ruled that the right to a healthy environment is implicit in the constitutional right to life. Other countries have incorporated substantive and procedural environmental rights into national environmental legislation. There is some evidence that these rights have served as the basis for adopting stronger environmental laws and innovative litigation, with positive outcomes for the protection of the environment, rights of local populations, and advancing environmental justice.

International developments

A number of important developments at the international level have also strengthened the recognition and protection of procedural and substantive rights in environmental policy and governance. These include, for example, both legally binding instruments, such as the 1998 UNECE Convention on Access to Information, Public Participation and Access to Justice in Environmental Matters (Aarhus Convention), and other instruments, such as the 2008 *UN Declaration on the Rights of Indigenous Peoples*, the 2010 UNFCCC *Cancun Agreements* (recognizing the importance of respecting human rights in climate policy and governance) and the 2010 UNEP “Bali Guidelines for the development of

national legislation on access to information, public participation and access to justice in environmental matters.” At the Rio+20 Conference in 2012, governments moreover recognized the importance of procedural rights for sustainable development in the Rio Outcome Document. In the margins of the Conference, ten Latin American countries signed the “Declaration on the Application of Principle 10 of the Rio Declaration on Environment and Development”, thereby initiating a formal process to develop a regional instrument on this topic.

The growing body of Multilateral Environmental Agreements also presents an important framework of environmental norms that can support the protection of human health and rights. Recent examples include the 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, an international agreement which aims at sharing the benefits arising from the utilization of genetic resources in a fair and equitable way, and the recently adopted Minamata Convention on Mercury, a global treaty to protect human health and the environment from the adverse effects of mercury. These are only some of the international instruments that support integrated approaches to human rights and environmental objectives.

UN Human Rights Council Mandate on Human Rights and the Environment

Consistent with these developments, in 2012, the UN Human Rights Council adopted resolution 19/10 on human rights and the environment. The Council appointed, for a period of three years, an Independent Expert to review the issue of human rights obligations relating to the enjoyment of a safe, clean, healthy, and sustainable environment. The expert is mandated to clarify the application of human rights obligations to the environment, identify best practices in this field, and report back to the Council in 2015.

A number of regional consultations have already taken place to identify good practices in the use of a rights-based approach to environmental protection. The term “practice” has been defined broadly in this context, to include laws, policies, case law, jurisprudential shifts, strategies, administrative practices, projects, and so forth. To be a good practice, the practice should integrate human rights and environmental standards in an exemplary manner. This integration could occur through the application of human rights norms to environmental decision-making and implementation, for example through the use of rights of access to information, participation, and remedy. The

integration could also occur through the use of environmental measures to define, implement, and (preferably) exceed minimum substantive standards set by human rights norms. One of the main purposes of the 2014 Conference is to review the state of knowledge on the human rights-environment nexus and provide insights for consideration by the Independent Expert in preparing his report.

Knowledge Gaps Concerning the Nexus of Rights and the Environment

These important developments and processes, along with ongoing challenges in addressing environmental issues around the world, have generated renewed interest and urgency in understanding the interface between rights and the environment and its role in post-2015 development and climate change regimes. Among other questions, significant knowledge gaps remain with respect the following:

- To what extent and how can constitutional environmental rights serve as a driver for robust national environmental policy making and goal setting?
- How and under what conditions can rights-based approaches contribute to protecting individuals from environmental harm and foster environmental justice?
- What conditions need to be in place to fulfill the promise of rights in advancing environmental sustainability?
- What are the limitations of using a rights-based approach in achieving environmental sustainability?
- How do these questions play out in the context of developing countries and countries with emerging democracies?
- What are best practices in integrating procedural and substantive rights into various systems of environmental governance and decision-making?

Conference Objectives, Methodology and Outcomes

The overall goal of the 2014 Conference is to provide an interactive forum for policy makers, practitioners, scholars, and stakeholders from around the world to generate knowledge, share experiences, and identify good practices concerning the nexus of human rights and the environment.

Specific objectives of the Conference include:

- Take stock of knowledge of the rights, environment, and climate change nexus
- Collect good practices of using rights based approaches based on empirical evidence

- Explore the role, limitations, and determinants affecting the effective use of rights based approaches in advancing environmental sustainability
- Develop insights for strengthening environmental rights based approaches in the post 2015 development and climate change agendas
- Identify future areas of policy relevant research

The Conference will feature a combination of presentations and policy dialogues in plenary, coupled with specialized presentations and interactions in parallel sessions. Summary presentations of papers identified through the Call for Abstracts will be important, but not the only source of knowledge featured in the Conference. In addition, opinion leaders and experts representing different perspectives will be invited to serve as panelists, speakers, and discussants. A detailed Conference Program will be available in June 2014.

It is expected that the Conference will generate the following products and outcomes:

- 40-50 peer reviewed papers addressing the main themes of the Conference
- Recommendations for policy making at the national and international level
- Research agenda on the rights/environment interface
- Conference outcome report
- Possible edited journal or monograph bringing together a select number of papers

Conference Themes

The Conference will address six themes, briefly introduced below, together with guiding questions:

1. Constitutional Environmental Rights: A Driver for Environmental Policy Making?

A constitutional right to environment is often considered a qualified right that places the onus on government to gradually strengthen environmental policies and improve environmental conditions, while balancing these efforts with other development objectives.

- What is the evidence that constitutional rights for a healthy environment have served as a driver to develop robust collective environmental goals and policies?
- What factors shape or impede the ability to fulfill this promise?

2. Human Rights and Environmental Justice: Cases from Countries and the Field

Evidence has emerged - including from developing countries - that human rights-based approaches may serve as an entry point to protect individuals from environmental

harm, together with or in the absence of robust environmental policy schemes. On the other hand, environmental harms and degradation may impede the fulfillment of a range of human rights.

- How have human rights-based approaches been used to address environmental harm and injustice and what factors have determined successful use or failure of rights-based approaches?
- How do environmental harms and degradation affect the fulfillment of basic human rights?
- What are cases where the development and implementation of environmental protection objectives have encroached upon human rights?

3. Procedural Environmental Rights: Why and How Do They Matter?

Procedural environmental rights, such as access to information, public participation, and access to justice, as well as public and private sector safeguards, are increasingly considered key in achieving environmental sustainability and justice objectives.

- What evidence exists concerning a positive role of procedural environmental rights in advancing environmental sustainability and justice?
- What conditions and causal mechanism need to be in place to fulfil this promise?
- Is there evidence that robust substantive norms need to be in place to enhance the effectiveness of procedural rights?

4. Human Rights, Environment, and Corporate Responsibility

Limitations and weaknesses in the governance capacity of state institutions create a particular responsibility for the corporate sector to advance environmental performance, sustainability, and justice.

- How do rights based approaches, including the 2011 Guiding Principles on Business and Human Rights, affect the environmental behavior of corporations?
- To what extent are public information and participation opportunities granted by corporations effective in advancing environmental sustainability and what are possible determinants of success?
- What is the situation in countries with weak environmental governance structures?

5. Effective Participation of Civil Society and Vulnerable Groups

Effective participation and addressing inequalities and injustice depends on open opportunity structures (the supply side), as well as on the capacity of civil society and citizens to mobilize and participate effectively (the demand side). Yet, the problems of

collective action place public interest groups, vulnerable groups, and citizens at a disadvantage vis-à-vis groups pursuing private interests.

- To what extent are public interest and vulnerable groups, in particular in developing countries, able to mobilize and participate effectively to protect their interests?
- What are examples of effective mechanisms and approaches to address mobilization and capacity gaps of disadvantaged groups to participate effectively?

6. Environmental Rights, Post 2015 Development, and the Future Climate Regime

The negotiations of a new climate change regime by the end of 2015 and a post-2015 development agenda create an unprecedented opportunity to consider and integrate rights based approaches in international policy frameworks.

- Based on evidence and lessons learned, should rights feature prominently in the post-2015 development agenda and future climate change regime. If so, why and how?
- What measures need to be put in place to reap the full potential of rights-based approaches concerning the environmental dimension in the post-2015 development agenda and future climate regime?

Submission of Abstracts

To inform the Conference debates and outcomes, the organizers invite submission of abstracts for three types of written contributions.

Synopsis Papers - Workshops, Consultations, and Key Events

Over the past years, a number of workshops, consultations, hearings, and other events have taken place that generated pertinent knowledge of relevance to the Conference. In order to capture this knowledge and key lessons learned, Conference organizers invite submission of concise synopsis papers of 3 to 4 pages highlighting key objectives and outcomes of the relevant events.

Review and Discussion Papers

Discussion review papers succinctly review state-of-the-art knowledge concerning a particular theme or question addressed by the Conference. The papers should be 10 to 15 pages in length, summarize existing knowledge, and may include evidence-based policy recommendations and recommendation for further policy relevant research.

Case Study Papers

Case study papers describe, analyze, and draw conclusions from a particular situation/case that is relevant to the Conference. The case may relate, for example, to an individual that has used (or failed to use successfully) rights based approaches to advance environmental justice, including an analysis of relevant determinants. Or it may focus on a particular country and address, for example, the question of to what extent and how constitutional environmental rights advanced (or did not advance) environmental policy making and implementation.

Submission of Abstracts

Interested organizations/authors are encouraged to submit an abstract by **1 April 2014** using the [standard template](#). The title of the abstract should have no more than about 150 characters and the abstract itself no more than 5000 characters, including spaces. The abstract should be sent to envdem.yale@gmail.com and envdem@unitar.org. An academic advisory group will review all abstracts received and make recommendations to invite submission of full papers.

In reviewing abstracts, the organizers will take into account the extent to which the proposed papers support the themes of the Conference and whether the proposed papers promise to provide sound evidence and analytical rigor relevant for policy analysis and policy making. Authors will be informed by **30 April 2014** if their abstract has been accepted. Papers are due by **15 August 2014**.

Partners and Advisors

The Conference will be organized by UNITAR and the Governance, Environment & Markets (GEM) Initiative at Yale University in partnership with several international and non-governmental organizations. To date, partners include UNEP, UNDP, and WRI. Partners should have a program in place concerning topics of the Conference, provide support by disseminating information about the Conference through their networks, support panelists and discussants, and provide advice for specific themes. Partners will be acknowledged in all documentation and on the Conference website.

A specific effort is made to collaborate with the UN Independent Expert on Human Rights and the Environment in order to ensure that the event effectively feeds into the preparation of his 2015 report to the UN Human Rights Council.

Registration, Travel & Accommodation

An “Expression of Interest” process for the Conference has been opened. Individuals interested in receiving more information about the event are requested to complete the electronic [Expression of Interest](#) form. An official website for the Conference will be available in April 2014.

The Conference fee will be USD 350 for the three-day period of the Conference. This covers conference materials, meals, coffee breaks, and a Conference dinner. Some funding is available to support participants from developing countries that have been identified to make a contribution to the Conference. Given limited resources, respective contributors are encouraged to explore cost-sharing arrangements.

Conference Inquiries

Inquiries regarding this Conference should be addressed to Sara Dewey at the Governance, Environment & Markets (GEM) Initiative at Yale University, at envdem.yale@gmail.com with cc to envdem@unitar.org.