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REPORT OF THE UNIT FOR SUSTAINABLE DEVELOPMENT AND ENVIRONMENT
ON ITS EFFORTS IN THE FIELD OF HUMAN RIGHTS AND THE ENVIRONMENT

(In keeping with the mandate issued in Operative paragraph 4 of resolution
AG/RES. 1926 (XXXIII-O/03), “Human Rights and the Environment in the Americas”)

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INTRODUCTION

The Unit for Sustainable Development and Environment (USDE) presents this report to the Committee on Juridical and Political Affairs (CAJP), in compliance with a General Assembly mandate on the issue of human rights and environment, and with the Work Plan adopted by the CAJP for the 2003-04 period of activities in relation to the study of this matter. The report provides insights from USDE’s perspective on how to strengthen collaboration efforts with the Inter-American Commission on Human Rights (IACHR) to comply with the General Assembly mandates in this field.

A. BACKGROUND

In recent years, government and non-governmental experts have increased their study of the possible linkages between human rights and environment. At a technical level, the USDE of the OAS General Secretariat has explored this connection at the request of member states.

Since 2001, the General Assembly has underscored the importance of studying the possible link between the environment and human rights, recognizing the need to promote environmental protection and the effective enjoyment of all human rights. To this end, it called on the General Secretariat, in collaboration with other organs of the Inter-American system, to study the possible interrelationship of environmental protection and the effective enjoyment of human rights.^{1/}

In 2001, the General Assembly, through resolution AG/RES. 1819, called for OAS institutions to explore the potential linkages between human rights and environment. The following year, the General Assembly through AG/RES 1896 encouraged institutional cooperation in the area of human rights and the environment in the framework of the Organization, in particular between the IACHR and the USDE.

At its recent regular session, held in 2003, in Santiago de Chile, the General Assembly adopted resolution AG/RES. 1926, through which it called again for institutional cooperation in the field of human rights and environment with other multilateral organizations, within the General Secretariat and to continue dialogue with member states and civil society.

1. See General Assembly resolutions (AG/RES. 1819 (2001), 1896 (2002), and 1926 (2003)).

B. OVERVIEW OF THE ISSUE

At a policy level, a number of countries, including many OAS member states provide constitutional guarantees to a safe or healthful environment, and these guarantees are echoed in legislation and in jurisprudence throughout the region.^{2/} In addition, declarations such as the Inter-American Democratic Charter treat environmental concerns as essential to integral development.^{3/}

In essence, inter-relation between human rights and environment could exist in two separate but related areas. First, as a matter of a right to a healthy environment – one with clean drinking water, breathable air, and natural resources managed for sustainability – which responds to a basic and recognized right to life.^{4/} Where environmental degradation is not managed and minimized, it can threaten living conditions and even life itself. International experts and agencies have linked human rights to the environmental conditions that promote food security^{5/} and safe drinking water,^{6/} and have linked environmental conditions to the right to health.^{7/} Without these basic elements, human life is threatened just as human lives can be threatened by torture, imprisonment, and forced labor.

Second, as a matter a procedural rights, the right of access to information, participation in decisions regarding environment and development, and access to justice responds to the recognized right of self-determination.^{8/} By engaging citizens and affected communities responsibly in environmental decisions, governments strengthen their democratic base at the same time that they promote sustainability.^{9/}

2. There are 109 national constitutions that mention the protection of the environment and natural resources, and 53 of these provide for a right to a healthy environment.

3. Inter-American Democratic Charter, Lima, Peru, on September 11, 2001. *See also* Right to a Healthy Environment, Article 11, Additional Protocol to the American Convention on Human Rights in the areas of Economic, Social and Cultural Rights “Protocol of San Salvador” (1988)

4. *See* Article 1, American Declaration of the Rights and Duties of Man, Bogota, Colombia (1948); Article 4, American Convention on Human Rights in the areas of Economic, Social and Cultural Rights, San José, Costa Rica, (1969).

5. *See* Convention on Economic, Social and Cultural Rights (1966); 1996 Rome Declaration on World Food Security; Food and Agriculture Organization Strategic Framework 2000-2015.

6. *See* Second World Water Forum (March 2000) Thematic Session on Meeting Basic Needs.

7. *See* UN High Commissioner on Refugees Environmental Guidelines; World Health Organization Report on Progress in Implementing Agenda 21 (E/CN.4/1997/18). *See also*, World Bank’s new environmental strategy, which establishes three fundamental objectives, including “improving the quality of life – people’s health, livelihood and vulnerability – affected by environmental conditions.” (July 17, 2001).

8. Article 10, Universal Declaration of Human Rights (1948); International Covenant on Civil and Political Rights, GA res. 2200A (XXI), 21 U.N. GAOR Supp. (No. 16) at 52, UN Doc. A/6316 (1966), 999 UNTS 171 at Art. 1, § 1.

9. *See* UN Conference on Environment and Development Declaration (Rio Declaration) Principle 10 (1992). *See also* article 15 of the Inter-American Democratic Charter, Lima, Peru, on September 11, 2001.

C. CHALLENGES AND OPPORTUNITIES IN HUMAN RIGHTS AND ENVIRONMENT

Challenges

General Assembly resolution AG/RES. 1926 has provided member states with a basis to study the issue of human rights and environment. Through this resolution, member states agreed to:

- Continue to promote institutional cooperation in the field of Human Rights and Environment with other multilateral organizations,
- Continue to encourage institutional cooperation in the framework of the organization in particular between the IACH and USDE,
- Continue dialogue with member states and Civil Society through USDE in coordination with IACH, and
- Implement activities taking into account the work done in this topic within the United Nations, including the United Nations Commission on Human Rights, the Economic and Social Council, the United Nations Environment Programme, the United Nations Commission on Sustainable Development, and the United Nations Development Programme.

Since the first General Assembly resolution in 2001, member states have made efforts towards focusing their attention on the study of the possible linkages between human rights and environment, with the support of civil society organizations working on this field, as well as the General Secretariat. In the course of the concentrated efforts carried out in this area, the Organization has taken into account the availability of resources allocated in the program-budget of the Organization to move forward the study of this issue, while at the same time reflecting the importance of this topic. Even though, the ability to address the issue and respond to the mandates of the General Assembly has been somewhat limited due to budgetary constraints, it is the understanding of the USDE that interest remains high, due in part to the importance attributed to consequences of environmental depletion and degradation on the human health.

Opportunities

The USDE has collaborated with member states in the design of project proposals in the area of human rights and environment, for consideration of FEMCIDI resources. The idea would be for these projects to focus on research and dialogue in the Americas, addressing the needs at a technical level of member states and fostering inter-sectoral dialogue at a domestic level. If these projects were successful, they would provide a great opportunity for deepening research on the possible synergies between these two areas.

USDE has continued to strengthen in 2003 its partnerships with external stakeholders, in order to achieve additional funding for project design and execution. Specifically, it has been exploring additional funding possibilities for developing a research and dialogue program in the area of human rights and environment, with the support of the IACHR expertise in this area. To achieve the latter, both USDE and IACHR have established institutional channels for dialogue and exchange of information, taking into account the respective knowledge and expertise of both areas.

D. USDE WORK PLAN

In order to comply with the mandates adopted by member states in the General Assembly on the issue of human rights and environment, USDE and IACHR held various meetings during the course of the last 3 months to design and adopt a Work Plan that would aid both areas to carry out activities and initiatives within the context of the institutional cooperation established by General Assembly resolution AG/RES. 1926.

The Work Plan developed USDE includes:

1. Hosting a series of meetings at OAS Headquarters to discuss the possible linkages between human rights and environment. Meetings would include participants from member states; experts from multilateral organizations, academia, private sector and non-governmental organizations. In tandem with strategies on civil society participation on OAS activities, as well as the application of the principles of the Inter-American Strategy for the Promotion of Public Participation in Decision-Making for Sustainable Development (ISP). USDE would welcome substantial participation of IACHR in these meetings.
2. Participating –as invited by IACHR- in hearings before the Inter-American Commission on Human Rights, petitioned by third parties with interest in this forum as a space to discuss technical and legal relevant issues of human rights and environment.
3. Strengthening collaboration with civil society organizations working on the issue.
4. Design a strategy for seeking and obtaining external resources to support research, development of technical reports and dialogue on the issue.
5. Provide support to member states in the design of projects on the issue of human rights and the environment, for submittal to CEPCIDI for FEMCIDI funding.