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Report of the Independent Expert on the issue of human rights obligations relating to the enjoyment of a safe, clean, healthy and sustainable environment, John H. Knox

Compilation of good practices

Summary

This report of the Independent Expert is submitted to the Human Rights Council in accordance with Council resolution 19/10.

The report describes good practices of Governments, international organizations, civil society organizations, corporations and others in the use of human rights obligations relating to the environment, including (a) procedural obligations to make environmental information public, to facilitate public participation in environmental decision-making, to protect rights of expression and association, and to provide access to legal remedies; (b) substantive obligations, including obligations relating to non-State actors; (c) obligations relating to transboundary harm; and (d) obligations relating to those in vulnerable situations.

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I. Introduction

1. In its resolution 19/10, the Human Rights Council decided to appoint an Independent Expert on the issue of human rights obligations relating to the enjoyment of a safe, clean, healthy and sustainable environment. The present report is his third annual report to the Council, and the final report of the three-year mandate established by resolution 19/10.

2. One aspect of the mandate has been to study the human rights obligations relating to the enjoyment of a safe, clean, healthy and sustainable environment. In March 2014, the Independent Expert presented to the Council the results of his study of human rights obligations relating to the environment (A/HRC/25/53). On the basis of an extensive review of sources in human rights and environmental law, he described procedural obligations (including duties of States to assess environmental impacts on human rights and to make environmental information public, to facilitate participation in environmental decision-making, and to provide access to effective remedies), substantive obligations (including duties of States to adopt legal and institutional frameworks that protect against environmental harm that interferes with the enjoyment of human rights, including harm caused by private actors), and obligations concerning those who may be particularly vulnerable to environmental harm (including women, children and indigenous peoples).

3. In the past year, the principal focus of the Independent Expert has been on a second aspect of the mandate: to identify, promote and exchange views on best practices relating to the use of human rights obligations and commitments to inform, support and strengthen environmental policymaking, especially in the area of environmental protection, and, in that regard, to prepare a compendium of best practices. The previous annual report describes the minimum obligations relating to the environment that human rights law places on all States; this report examines practices of national Governments, subnational Governments, international organizations, civil society organizations, corporations and others that employ human rights obligations relating to the environment in ways that go beyond the minimum standards.

4. At the outset, the Independent Expert reiterates his preference for the term "good practices" rather than "best practices" because, in many situations, it is not possible to identify a single "best" practice. In this regard, he agrees with other mandate holders, including the Special Rapporteur on the human right to safe drinking water and sanitation (A/HRC/10/6, para. 34).

5. On the basis of nine regional consultations and expert meetings, two country visits and dozens of responses to questionnaires sent to States, civil society organizations and others, and with the vital assistance of the United Nations Environment Programme (UNEP) and other partners, the Independent Expert has compiled more than 100 good practices in the use of human rights obligations relating to the environment. Section II of this report describes the process by which the practices were identified. Section III describes the practices themselves, organizing them into nine categories corresponding to the obligations identified in last year's mapping report (A/HRC/25/53). Section IV provides conclusions and recommendations for further work.

6. The Independent Expert also carried out other activities related to the mandate in 2014. In his March 2014 presentation to the Council, he stated that he would look at two thematic issues in particular: the problems facing environmental human rights defenders, and the relationship between climate change and human rights.

7. In 2014, he participated in three meetings on environmental human rights defenders. In March, he took part in a meeting hosted by the Universal Rights Group in Geneva, which

brought together environmental defenders from Africa and Europe. The following month, he spoke at a three-day conference in Washington, D.C., which honoured the memory of the Brazilian activist Chico Mendes 25 years after his death, and which addressed current issues facing environmental defenders, particularly in Latin America. In May, he participated in a three-day meeting in Bangkok organized by the Swedish International Development Agency, which focused on issues facing defenders in South-East Asia. He then hosted a meeting in Bangkok that brought together experts from throughout Asia to identify challenges and good practices in the protection of environmental defenders.[1]

8. With respect to climate change, the Independent Expert co-hosted with the Friedrich-Ebert-Stiftung Foundation an expert meeting in Chamonix on 15 and 16 July 2014, followed by a consultation with Governments and other stakeholders in Geneva on 17 July. He published a special report on climate change and human rights, which compiled all of the statements on human rights obligations relating to climate change made in the reports that are part of his mapping project.[2] On 17 October 2014, he and 26 other special rapporteurs and independent experts issued a joint statement calling on the State parties to the United Nations Framework Convention on Climate Change to ensure full coherence between their human rights obligations and their efforts to address climate change. In December, he attended the twentieth Conference of the Parties to the Framework Convention in Lima and spoke at two side events there.

9. From 20 to 24 October 2014, the Independent Expert carried out a mission to France to examine its experience with the use of human rights obligations in the context of environmental policy (A/HRC/28/61/Add.1).

10. In 2014, the Independent Expert also supported the efforts of others working to integrate human rights and environmental protection. For example, he gave long-distance presentations to a workshop on human rights, environment and climate change organized by the Intergovernmental Commission on Human Rights of the Association of Southeast Asian Nations (ASEAN) in Yangon, Myanmar, from 13 to 15 September, and on 6 November to a meeting of countries in Latin America and the Caribbean negotiating a regional agreement on implementation of Principle 10 of the Rio Declaration on Environment and Development. Other presentations included statements to conferences hosted by the University of the Andes in Colombia, on 17 March, and by the University of Oslo, on 9 September.

II. The process of compiling good practices

11. The process of identifying, promoting and exchanging views on good practices in the use of human rights obligations in environmental policymaking began early in the mandate. The Independent Expert and the Office of the United Nations High Commissioner for Human Rights (OHCHR) worked closely with UNEP to develop an interagency programme to identify and disseminate information about good practices. The assistance of UNEP throughout the mandate has been crucial to its success.

12. Together, the Independent Expert and UNEP identified criteria to guide the identification of good practices. They defined the term "practice" broadly to include legislation, policies, case law, administrative practices, and projects, as well as practices that go beyond established legal obligations relating to the environment. Practices can be

[1] The report of the meeting is available at http://ieenvironment.org/consultations/.

[2] The report is at http://ieenvironment.org/2014/08/08/report-on-climate-change-and-human-rights/.

implemented by a wide range of actors, including all levels of government, civil society, the private sector, communities and individuals.

13. To be a "good" practice, the practice should integrate human rights and environmental standards, including through the application of human rights norms to environmental decision-making and implementation or the use of environmental measures to define, implement and (preferably) exceed minimum standards set by human rights norms. The practice should be exemplary from the perspectives of human rights and of environmental protection, and there should be evidence that the practice is achieving or working towards achieving its desired objectives and outcomes.

14. The two principal sources for identifying good practices were consultations hosted by the Independent Expert and UNEP, as well as other partners, and a questionnaire seeking good practices that was sent to Governments, international organizations, civil society organizations, and other interested stakeholders. In addition, the Independent Expert identified good practices in his visits to Costa Rica and France. Finally, he sought good practices through additional contacts and research.

15. The consultations took place in every region. Each consultation focused on identifying good practices, as well as clarifying legal obligations and challenges, in one thematic area. Consultations took place in Nairobi in February 2013 on procedural obligations, in Geneva in June 2013 on substantive obligations, in Panama City in July 2013 on obligations relating to vulnerable groups, in Copenhagen in October 2013 on international institutions, in Johannesburg in January 2014 on constitutional environmental rights, in Bangkok in May 2014 on environmental human rights defenders, and in Chamonix/Geneva in July 2014 on climate change.

16. The largest conference, which represented the culmination of the process, was at Yale University from 5 to 7 September 2014. It was hosted by Yale and the United Nations Institute for Training and Research, with assistance from a number of other partners, including UNEP and the United Nations Development Programme (UNDP). It brought together more than 150 scholars and policy experts, and more than 100 papers were presented on issues concerning the relationship between human rights and environmental protection.[3]

17. The Independent Expert sent out the questionnaire in the spring and summer of 2014. It was also made available publicly, and it was sent throughout 2014 to anyone who requested a copy. More than 70 responses were received.

18. As a result of the consultations, country visits, responses to the questionnaire, and other contacts, the Independent Expert heard the views of a very wide spectrum of stakeholders, including Governments, international bodies, national human rights institutions, civil society organizations, corporations and academic scholars, on the use of good practices in the use of human rights obligations relating to the environment.

19. In the second half of 2014, these practices were reviewed, summarized and compiled. For each practice, a one-page summary was prepared that includes the name of the practice, its implementing actors and location, a brief description of the practice, and links to websites where further information about the practice may be found. In some cases, it was possible to supplement the material provided by the submitters, but because the Independent Expert had only limited capacity to verify the information provided in the submissions, many of the summaries primarily depend on the descriptions of the practices provided by the submitters.

[3] The papers and other information about the conference are at http://conference.unitar.org/yale2014/.

20. The compilation of good practices will be available at the official website of the mandate holder (available through www.ohchr.org) and on the personal website of the Independent Expert (http://ieenvironment.org). Although the compilation is only in English at the moment, the Independent Expert hopes to find resources to have the practices translated into the other official languages of the United Nations.

21. The compilation will also be available on a website created for it (environmentalrightsdatabase.org). The website will facilitate searching for good practices with key words and will allow the addition of more good practices in the future.

III. Good practices in the use of human rights obligations relating to the environment

22. The following description of good practices in the use of human rights obligations in relation to environmental protection is organized into nine categories: (a) procedural obligations generally; (b) the obligation to make environmental information public; (c) the obligation to facilitate public participation in environmental decision-making; (d) the obligation to protect the rights of expression and association; (e) the obligation to provide access to legal remedies; (f) substantive obligations; (g) obligations relating to non-State actors; (h) obligations relating to transboundary harm; and (i) obligations relating to those in vulnerable situations. Practices that fall into more than one category were placed in the category that seemed most relevant.

23. Because of space limitations, this report describes the practices only briefly. A fuller description of each practice is available at the websites noted above.

24. The Independent Expert is well aware that there are many more good practices in this field than those that this project has identified. The practices included here should be taken as illustrative, rather than exhaustive, of the many innovative and exemplary efforts being made to bring a human rights perspective to environmental protection.

A. Procedural obligations

25. Human rights law imposes procedural obligations on States in relation to environmental protection, including duties: (a) to assess environmental impacts and make environmental information public; (b) to facilitate public participation in environmental decision-making, including by protecting the rights of expression and association; and (c) to provide access to remedies for harm (A/HRC/25/53, para. 29). These obligations also have support in international environmental instruments, particularly Principle 10 of the Rio Declaration, which provides that "each individual shall have appropriate access to information concerning the environment that is held by public authorities" and "the opportunity to participate in decision-making processes", and that "effective access to judicial and administrative proceedings, including redress and remedy, shall be provided."

26. The following sections of this report describe good practices in the use of each of these procedural obligations. This section describes several practices that are relevant to the full range of procedural obligations.

27. One such practice was the adoption in 2010 by the UNEP Governing Council of the Bali Guidelines for the Development of National Legislation on Access to Information, Public Participation and Access to Justice in Environmental Matters, 26 voluntary

guidelines that assist States to implement their commitments to Principle 10.[4] UNEP is preparing a comprehensive guide for the implementation of the Bali Guidelines, which will be published in 2015.

28. Another good practice is the implementation of these procedural obligations through regional agreements. In 1998, the States members of the United Nations Economic Commission for Europe adopted the Aarhus Convention on Access to Information, Public Participation in Decision-Making and Access to Justice in Environmental Matters, which states that:

> to contribute to the protection of the right of every person of present and future generations to live in an environment adequate to his or her health and well-being, each Party shall guarantee the rights of access to information, public participation in decision-making, and access to justice in environmental matters in accordance with provisions of this Convention (art. 1).

The Convention sets out detailed requirements for the implementation of each of these access rights. As of January 2015, the Convention has 47 Parties, which include virtually all of the States in Europe as well as a number of States in Central Asia.

29. To facilitate the implementation of the Convention, the Organization for Security and Co-operation in Europe maintains a network of Aarhus Centres, including in Albania, Armenia, Azerbaijan, Belarus, Georgia, Kazakhstan, Kyrgyzstan, Montenegro, Serbia and Tajikistan. The Centres disseminate environmental information, carry out educational and training projects, and provide venues where the public can discuss environmental concerns. For example, the Khujand Aarhus Centre in northern Tajikistan conducted a campaign in the town of Taboshar to raise its residents' awareness of the health risks associated with a nearby abandoned uranium mine.

30. Nineteen States in Latin America and the Caribbean, with the assistance of the Economic Commission for Latin America and the Caribbean, decided in November 2014 to begin negotiation of a new regional agreement that would implement the access rights set out in Principle 10, with a view to completing the negotiation by December 2016. Together with the Aarhus Convention, this initiative will provide invaluable models to other regions considering similar agreements.

31. Civil society organizations have also engaged in exemplary practices designed to facilitate the exercise of procedural rights to information, participation and remedy. One of the most notable is The Access Initiative (TAI), a global network of more than 150 civil society organizations that work together to promote procedural rights. TAI has developed a toolkit that helps civil society to assess environmental governance in their countries and to identify opportunities to make positive changes. Together with the World Resources Institute, TAI is also developing an Environmental Democracy Index, which will measure country-specific realization of the three procedural rights according to indicators based on the Bali Guidelines. The Index should be available in 2015.

B. Obligation to make environmental information public

32. Human rights bodies have made clear that to protect human rights from environmental harm, States should provide access to environmental information (A/HRC/25/53, para. 31). Many States have adopted laws providing for such access. For example, Chile has enacted a law that includes a detailed statement of the right of everyone

[4] UNEP Governing Council Dec. SS.XI/5 (26 February 2010).

to have access to environmental information in the possession of the Government, and that provides for administrative and judicial review of alleged violations. The Czech Republic has adopted a law that allows individuals to request access to different types of information through multiple means, and that requires the Government to provide the information as quickly as possible and at the latest within 30 days of the request. Any decision to deny requested information is subject to administrative and judicial review.

33. Some States have undertaken innovative approaches to obtaining environmental information. For example, El Salvador operates an Environmental Observatory that systematically monitors potential environmental threats based on observations by a network of local observers. The Observatory provides early warning of natural disasters, including hurricanes and earthquakes, so that responses can minimize their effects on life and property.

34. Another good practice is the publication of annual reports on the state of the environment. Examples include reports by the Czech Republic that evaluate the state of the Czech environment based on 36 indicators, reports by South Africa focusing on enforcement activities, and reports by Spain that were recently redesigned to facilitate their viewing by electronic means, including on mobile devices.

35. Some of the most innovative practices in respect of environmental information concern education and awareness-raising. For example, Algeria includes environmental education as one of the key topics of its national plan of action for environment and sustainable development. It has designed and implemented educational tools for different levels of schools, as well as organizing seminars and workshops to train teachers. Ghana has instituted the AKOBEN programme to assess the performance of mining and manufacturing operations through a five-colour rating scheme that is easily understood by the public. Costa Rica's Certificate of Sustainable Tourism programme assigns companies in the tourism industry a "sustainability level" rating, which provides information to consumers about the degree to which businesses comply with or exceed environmental standards.

36. Another good practice in this area is to raise awareness at the international level of the relationship between human rights and environmental protection. UNEP has taken several important initiatives in this respect. In addition to organizing the consultations with the Independent Expert described above, it has published reports on human rights and the environment, including a joint report with OHCHR to the Rio+20 UN Conference on Sustainable Development in 2012 and a compendium of resources on human rights and the environment in 2014.

37. At the regional level, in October 2013, the Asia-Europe Meeting convened more than 130 government officials, academics, and civil society representatives from 48 Asian and European countries to discuss the challenges presented by environmental harm to the protection of human rights. In September 2014, the ASEAN Intergovernmental Commission on Human Rights organized a workshop on human rights, environment and climate change in Yangon, Myanmar, to discuss the linkages between environmental sustainability and human rights in light of the inclusion of the right to a safe, clean and sustainable environment in the ASEAN Human Rights Declaration adopted in 2012.

38. Civil society organizations have also engaged in good practices in education. For example, in Uganda, the National Association of Professional Environmentalists conducts a Sustainability School Programme that builds the capacity of local communities to seek transparency and accountability of oil companies and Governments on environmental matters.

39. States have adopted a wide variety of online tools that provide good practices in facilitating access to environmental information. The Czech Republic has created the

Integrated Pollution Register (www.irz.cz), a publicly accessible electronic database that documents environmental releases of 93 substances from domestic facilities. Serbia's Ecoregister (www.ekoregistar.sepa.gov.rs/en) is a public online database that includes more than 5,000 documents, including educational materials, statistical data on environmental information, environmental impact assessments, and monitoring plans for private companies. Search options allow users to find relevant information by geography, institution or document type, among other criteria. Users can also suggest new institutions and documents for consideration. Other tools are more focused. The South African Department of Environmental Affairs has created the South African Waste Information Centre (http://sawic.environment.gov.za), a website that provides information about waste management. A particularly creative approach to web-based information is Finland's Tarkkailija, or "Observer" (www.etarkkailija.fi), which allows users to identify themes and locations that they would like to monitor. Tarkkailija then collects information from more than 400 websites and informs the users whenever new information relevant to their criteria becomes available.

40. Examples of good practices can also be found at the subnational level. Ontario, Canada, has a web-based Environmental Registry (www.ebr.gov.on.ca) that allows the public to access a wide spectrum of environmental information, including public notices of environmental matters proposed by the Government and guidelines for commenting on the proposals.

41. There are also good practices in the use of online tools at the regional level. The Aarhus Clearinghouse (http://aarhusclearinghouse.unece.org) is an easy-to-use website that disseminates information on good practices in the implementation of the Aarhus Convention. The Commission for Environmental Cooperation, a regional organization created by Canada, Mexico and the United States of America, compiles and disseminates information on pollutant releases and transfers throughout North America through its Taking Stock report and website (www.cec.org/takingstock). The website allows users to obtain and analyse information based on location, type of pollutant and other criteria.

C. Obligation to facilitate public participation in environmental decision-making

42. Human rights bodies have made clear that States have a duty to facilitate public participation in environmental decision-making. This obligation flows from the rights of individuals to participate in the government of their country and in the conduct of public affairs, and is also necessary to safeguard a broad range of rights from environmental harm(A/HRC/23/55, para. 36).

43. A large number of States have adopted exemplary statutes providing for public participation in the development of environmental laws. For example, Chile's Environmental Framework Law provides that the Ministry of Environment should encourage and facilitate public participation in the formulation of policies, plans and environmental standards. To give effect to this provision, the Ministry created a website called e-PAC (http://epac.mma.gob.cl/Pages/Home/index.aspx), which allows citizens to provide comments on every proposed rule or regulation. Greece launched the Open Governance Project in 2009, which requires that draft regulations be made available online for public consultation. Similarly, national agencies in the United States of America must publish notices of proposed rulemaking, and the public has an opportunity to submit written comments that the agencies must take into account.

44. In addition, many States have adopted statutes requiring public participation in environmental impact assessment (EIA) procedures. For example, India amended its EIA

law in 2006 to require a public consultation period once a draft EIA is prepared. The law in Trinidad and Tobago provides the public with the opportunity to submit comments on an EIA for at least 30 days after notice for comment is advertised. In the United States, agencies must provide public notice of hearings related to EIAs, and the public may provide comments and seek judicial review of EIA decisions.

45. Some States have taken additional steps to promote informed participation by those most affected by environmental harms. Antigua and Barbuda based its Sustainable Island Resource Management Zoning Plan on extensive stakeholder consultation. In 2009, the Government of Finland implemented the Action Programme on eServices and eDemocracy, which was designed to develop new tools for citizen participation in land-use planning. One aspect of the programme is Harava, an interactive map-based application used by local governments to collect feedback from citizens, including by marking on an online map where they believe a new protected area should be located. Another programme, called Alvari, has been adopted at the subnational level in Finland by the city of Tampere. It created public advisory groups that have participated in more than 350 planning-related decisions since 2007.

46. Mexico has established consultative councils for sustainable development, which can provide forums for designing and evaluating public policies on environmental issues, as well as helping to reach consensus among interested parties in environmental decision-making. Currently, Mexico has a national council and six regional councils, each of which is composed of representatives of civil society organizations, academia, the corporate sector and government agencies. In the United States of America, the Environmental Protection Agency has established "community advisory groups" to provide a public forum for local community members to express their concerns relating to the clean-up of hazardous waste sites, and to provide the Agency with community preferences for site remediation.

47. Civil society organizations can also play an important role in facilitating public participation. In Mongolia, the Asia Foundation has worked with government agencies, citizens and corporations to create Local Multi-Stakeholder Councils (LMSCs) composed of representatives of mining companies, local governments and communities. The objective of the LMSCs is to ensure a balanced ecosystem and responsible resource use through active participation of many stakeholders. As of 2013, the project had facilitated the establishment of 31 LMSCs. In a number of African countries, Namati, a non-profit organization, has trained "community paralegals" to empower individuals and communities to protect their lands and national resources. For example, in Myanmar, Namati and a local partner organization have trained more than 30 paralegals to help families to register and protect their land rights.

48. At the regional level, a good example of facilitating public participation is the Joint Public Advisory Committee (JPAC) to the North American Commission for Environmental Cooperation. The JPAC is composed of 15 citizens, five from each country in North America, who come together to advise the Commission. The JPAC holds meetings and workshops throughout the year in different locations within the three countries. Decisions of the JPAC and records from its meetings are available on the Commission's website (www.cec.org).

49. An often overlooked aspect of the obligation to facilitate public participation is the value of assessing the effectiveness of different approaches to such participation. In Mexico, the environmental agency has created an index (the Indice de Participacion Ciudadan del Sector Ambiental, or IPC) that evaluates citizen participation in various institutions relating to environmental decision-making, on the basis of indicators in four main categories: public participation; transparency; inclusion and equality; and citizen complaints. The agency published the first IPC in 2010, and subsequent IPCs have used the 2010 report as a baseline in order to assess whether public participation is improving.

D. Obligation to protect the rights of expression and association

50. The rights of freedom of expression and association are of special importance for public participation in environmental decision-making. States have obligations not only to refrain from violating the rights of free expression and association directly, but also to protect the life, liberty and security of individuals exercising those rights, including when they are exercising their rights in connection with environmental concerns (A/HRC/25/53, para. 40).

51. States need to do more to protect environmental human rights defenders from harassment, interference and even death. In 2014, Global Witness reported that between the beginning of 2002 and the end of 2013, 908 people in 35 countries were killed because of their work defending environmental and land rights.[5] Even worse, the threats appear to be increasing; Global Witness reported that three times as many defenders were killed in 2012 as in 2002.

52. There is an urgent need for good practices in the protection of environmental human rights defenders. A number of international institutions and civil society organizations (but not, unfortunately, States) have provided examples of such practices.

53. At the regional level, a good practice has been the clarification of legal obligations and the issuance of precautionary measures. In its judgment of 3 April 2009 in *Kawas Fernández* v. *Honduras*, the Inter-American Court of Human Rights held, inter alia, that a State's failure to protect the life of an environmental human rights defender and to adequately investigate her death violated her rights to life and to freedom of association. The Court required that the State compensate her relatives and take other steps to publicize the work of environmental defenders. In addition, the Inter-American Commission on Human Rights often issues precautionary measures to protect environmental defenders.

54. Notable good practices adopted by civil society organizations include the following:

- The Fédération Internationale des Droits de l'Homme (FIDH) and L'Organisation Mondiale Contre la Torture (OMCT) have created an Observatory for the Protection of Human Rights Defenders, which provides emergency protection to human rights defenders in the field (including urgent interventions, international missions and material assistance), cooperates with national and international protection mechanisms, and mobilizes the international community and the media to protect defenders.
- FORUM-ASIA provides urgent assistance and protection to human rights defenders at risk, including by providing relocation support, medical assistance and legal aid.
- Protection International has developed training manuals for human rights defenders and disseminated the information to hundreds of defenders through training sessions.
- The Environmental Law Alliance Worldwide (ELAW), a network of 300 public interest advocates from 70 countries, provides legal and scientific support to grass-roots environmental lawyers working in their home countries.
- Front Line Defenders issues identification cards to human rights defenders so that they have an easy-to-use tool to show that they are internationally recognized.

[5] Global Witness, *Deadly Environment: The Dramatic Rise in Killings of Environmental and Land Defenders*, April 2014, available at http://www.globalwitness.org/deadlyenvironment/.

- The Women's Human Rights Defenders International Coalition, a network of 28 organizations, provides many support services, including maintaining an online directory of organizations that can assist defenders.
- The Goldman Environmental Prize amplifies the voices of selected grassroots environmentalists by providing them international recognition and financial support.

E. Obligation to provide access to legal remedies

55. Human rights agreements have established that States have an obligation to provide for an effective remedy for violations of protected rights, and human rights bodies have applied that principle to human rights whose enjoyment is infringed by environmental harm (A/HRC/25/53, para. 41).

56. States have adopted a wide range of good practices in the provision of access to effective remedies for environmental harm, from dedicated environmental tribunals, to procedural rules that facilitate access to courts by environmental plaintiffs, to the increasingly important roles of national human rights institutions, ombudspersons and regional tribunals.

57. A number of States have found that one way to ensure that environmental claims are heard by courts with relevant expertise is to establish dedicated environmental courts. The Land and Environment Court of New South Wales, Australia, which was created in 1980, can claim to be the first specialist environmental superior court in the world. The court has jurisdiction over a wide variety of issues, including appeals from environmental permits, Aboriginal land claim cases, criminal proceedings for offences against planning or environmental laws, and mining issues. Other examples of dedicated tribunals with jurisdiction to hear a broad spectrum of environmental claims include Costa Rica's Environmental Administrative Tribunal, established in 1995, and India's National Green Tribunals, established in 2011.

58. In most States, environmental cases continue to be heard by courts with general jurisdiction. There are too many instances of such courts deciding environmental disputes through the application of human rights norms to cite them all, but some examples are provided in the next section, on good practices in the use of substantive obligations.

59. However, it is important to note here some good practices taken by States to facilitate access to courts by environmental plaintiffs. The Land and Environment Court of New South Wales, for instance, which is located in Sydney, has assisted individuals who live in rural areas within its jurisdiction by allowing cases to be filed in more than 150 local courthouses or through the Internet, and by conducting preliminary hearings by telephone and final hearings at the site of the dispute. It also has a comprehensive website that provides information on how individuals can represent themselves before the court. In the Philippines, the Supreme Court has adopted rules of procedure for environmental cases that allow plaintiffs to bring cases on behalf of others, including minors and future generations. Similarly, the Constitutional Chamber of the Supreme Court of Costa Rica has broadened standing by allowing individuals to bring actions on behalf of the public interest, including in the interest of environmental protection. Moreover, any person may file a case regarding a constitutional right in Costa Rica without an attorney, with no filing fees, in any language, at any time, and in any form, including handwritten filings.

60. The Philippine rules of procedure also address "strategic lawsuits against public participation" (SLAPP) suits – that is, countersuits by defendants against environmental plaintiffs, which are designed to discourage them from seeking legal remedies. The Philippine rules allow affected plaintiffs to call possible SLAPP suits to the attention of the

court, which may then shift the burden to the defendant to demonstrate that the suit is not a SLAPP suit. If the court dismisses the SLAPP suit, it may award damages and attorneys' fees to the environmental plaintiff.

61. Ireland has facilitated access to environmental remedies by departing from its normal rule, according to which the winning party is entitled to recover its legal costs from the losing party. This rule can have a chilling effect on environmental plaintiffs that have few resources. Under an act adopted in 2011, plaintiffs bear only their own costs in actions to ensure compliance with environmental requirements, but they may be entitled to recover their costs from defendants if they win.

62. In the United States of America, many national environmental statutes allow members of the public to initiate lawsuits against alleged violators. Although the cases are often called "citizen suits", the plaintiffs need not be citizens. The statutes authorize courts to order compliance with the law on the basis of citizen suits, and although the plaintiffs are not authorized to recover damages, they may receive attorneys' fees.

63. Another good practice in connection with the obligation to provide effective remedies for environmental harm is building the relevant expertise of the judiciary. An example in this respect is the series of judicial symposiums on environmental decision-making, the rule of law and environmental justice that have been hosted by the Asian Development Bank since 2010. A key outcome of these meetings has been the creation of the Asian Judges Network on Environment, which facilitates the sharing of information and experience among senior judges in countries belonging to ASEAN and the South Asian Association for Regional Cooperation. The Network has its own website (www.asianjudges.org), which provides a database of national environmental laws as well as information on upcoming events.

64. The Organization of American States programme on judicial facilitators, which it has developed in cooperation with various States (including Argentina, Costa Rica, El Salvador, Guatemala, Honduras, Nicaragua, Panama and Paraguay), is another good practice in the provision of effective remedies. Judicial facilitators are nominated by local communities and appointed by judges under whose supervision they work. After they have received training, they can undertake a number of functions, including providing technical assistance to individuals in the preparation of claims, providing mediation between parties, and assisting in the assessment of damages.

65. Yet another good practice in this area is the use of national human rights institutions to address environmental issues. For example, the Kenyan national commission on human rights has increasingly focused on environmental concerns, including by investigating forced evictions in a protected area, and human rights violations and environmental degradation occurring at salt manufacturing companies. In Mexico, the national human rights commission made a number of recommendations concerning environmental protection even before the Mexican Constitution was amended in 2012 to include a right to a healthy environment. In Thailand, the subcommittee on civil and political rights of the national human rights commission found in 2012 that the commission had jurisdiction to examine alleged human rights violations in a sugar cane plantation in Cambodia owned indirectly by a Thai company.

66. The Malaysian national human rights commission (SUHAKAM) has used "national inquiries" to examine systemic human rights issues. An important recent example of its use of the national inquiry process in the environmental context was the National Inquiry into the Land Rights of Indigenous Peoples, undertaken to investigate violations related to the land rights of indigenous peoples in Malaysia. Between 2002 and 2010, SUHAKAM received numerous complaints from indigenous peoples, including allegations of encroachment and/or dispossession of land, and of delays in processing requests for

indigenous titles. SUHAKAM decided to address the root causes of the issues comprehensively by taking cognizance of the experiences of indigenous peoples throughout the country. Its National Inquiry resulted in a final report published in April 2013, with detailed findings and 18 recommendations.

67. Some States have officials dedicated to protecting constitutional rights, which provide another avenue for ensuring access to remedies for environmental harm. For example, Brazil's Ministerio Publico, or public prosecutor, has broad powers to enforce constitutional rights, including the constitutional right to an ecologically balanced environment. The Ministerio Publico has been very active in promoting environmental protection, bringing more than 4,000 environmental cases in the state of Sao Paulo alone.

68. A number of States have ombudspersons who have taken an active role in environmental protection. For example, much of the work of the Costa Rican ombudsperson in recent years has concerned environmental issues. In 2011, about 10 per cent of the more than 3,000 cases received by the office of the ombudsperson concerned the right to a healthy environment. Similarly, since 2013, the Croatian ombudsperson has received 20 complaints relating to environmental protection and another 19 relating to noise pollution. In Portugal, the office of the ombudsperson has also acted on complaints relating to environmental protection, as well as acting on its own initiative, including with respect to illegal construction in a national park.

69. A pathbreaking development was the establishment in 2007 of Hungary's ombudsperson for future generations. The ombudsperson has the authority to initiate or participate in investigations upon receiving complaints, to submit petitions to the constitutional court, and to initiate intervention in public administrative court cases regarding environmental protection.

70. At the regional level, human rights commissions and courts have been in the forefront of bringing human rights norms to bear on environmental issues. The African Commission on Human and Peoples' Rights, the Court of Justice of the Economic Community of West African States, the European Court of Human Rights, the Inter-American Commission on Human Rights and the Inter-American Court of Human Rights have all considered complaints of human rights violations involving environmental harm, and together are developing a detailed jurisprudence on environmental human rights law.

71. Another good practice is the inclusion in regional environmental agreements of procedures that allow members of the public to raise claims for independent investigation and reporting. For example, the Submissions on Enforcement Matters process established by the North American Agreement on Environmental Cooperation allows a resident of any of the three North American countries to file a claim that one of the States is failing to enforce its domestic environmental law. Although the Commission cannot issue binding decisions, its secretariat can investigate the claim and issue a public report. This practice has also been adopted in some bilateral and regional trade agreements between the United States of America and other countries. Similarly, the Aarhus Convention establishes a Compliance Committee with the authority to review the compliance of parties with their obligations under the Convention, including on the basis of communications by members of the public. The Committee can issue reports and make non-binding recommendations.

F. Substantive obligations

72. In addition to the procedural obligations described above, States have substantive obligations to adopt and implement legal frameworks to protect against environmental harm that may interfere with the enjoyment of human rights (A/HRC/25/53, para. 46). In an important sense, all environmental laws that set stringent standards for air quality, water

quality, toxic releases and/or other environmental matters are good practices for the protection of the many human rights that depend on a healthy environment. However, this section focuses on practices that link strong environmental standards more explicitly to human rights.

73. Perhaps the most important example in this category is the proliferation of constitutional rights to a healthy environment. More than 90 national constitutions now recognize some form of this right. (Many other constitutions include references to the importance of environmental protection.) About two-thirds of these constitutional rights refer to health, and another one-quarter refer to an ecologically balanced environment. Alternative formulations include rights to a clean, safe, favourable or wholesome environment.

74. Experts have identified many potential benefits of adopting a constitutional environmental right, including that the recognition of such rights can lead to the enactment of stronger environmental laws, provide a safety net to protect against gaps in statutory environmental laws, raise the profile and importance of environmental protection as compared to competing interests such as economic development, and create opportunities for better access to justice and accountability.[6]

75. Both country visits undertaken by the Independent Expert were to States with strong records of enforcement of constitutional environmental rights, as the separate reports on Costa Rica and France describe in more detail. Judicial decisions in many other countries have also interpreted constitutional environmental rights to require substantive environmental protections. Notable examples include decisions by the Supreme Courts of Argentina and the Philippines.[7]

76. In some States, courts have interpreted other constitutional rights to incorporate environmental protections. A leader in this regard has been the Supreme Court of India, which has interpreted the right to life in the Indian Constitution as applying to environmental threats.[8] The Supreme Court of Pakistan has taken a similar approach.[9]

77. Constitutional environmental rights can lead to actions by actors other than courts and government agencies. In 2014, the Finnish Ministry of the Environment encouraged all interested actors, including communities, corporations and individuals, to make commitments towards greater sustainability, in accordance with the Finnish Constitution, which states that "nature and its biodiversity, the environment and the national heritage are the responsibility of everyone". The Ministry provided guidance on how commitments can be developed and registered online, as well as examples and indicators for monitoring implementation.

78. Of course, whether or not States have adopted a constitutional right to a healthy environment, they can and should adopt strong environmental laws. A good practice relating to such laws is their regular review and strengthening, including through the

[6] See the report on regional consultation on constitutional rights, Johannesburg, 23-24 January 2014, available at http://ieenvironment.org/2014/11/21/report-on-constitutional-environmental-rights. See also David R. Boyd, *The Environmental Rights Revolution: A Global Study of Constitutions, Human Rights, and the Environment* (Vancouver, UBC Press, 2012) and James R. May and Erin Daly, *Global Environmental Constitutionalism* (New York, Cambridge University Press, 2014).

[7] *Mendoza Beatriz Silva et al.* v. *State of Argentina et al.*, 8 July 2008 (Argentina); *Minors Oposa et al.* v. *Fulgencio Factoran*, 30 July 1993, and *Metropolitan Manila Development Authority* v. *Concerned Residents of Manila Bay*, 18 December 2008 (Philippines).

[8] *RLEK* v. *State of Uttar Pradesh and Others*, 12 March 1988; *Subhash Kumar* v. *State of Bihar and others*, 1 September 1991; *M.C. Mehta* v. *Union of India*, 18 March 2004.

[9] *Shehla Zia and others* v. *WAPDA*, 12 February 1994.

incorporation and protection of rights. A recent example was the adoption by China of a new framework Environmental Protection Law, which entered into force in January 2015. Among other things, the law sets out the right of citizens, legal persons and other organizations to obtain environmental information, and requires environmental regulators at all levels to disclose environmental information and improve public participation procedures.

G. Obligations relating to non-State actors

79. The Guiding Principles on Business and Human Rights, endorsed by the Human Rights Council in its resolution 17/4, make clear that States are required to "protect against human rights abuse within their territory and/or jurisdiction by third parties, including business enterprises", including by "taking appropriate steps to prevent, investigate, punish and redress such abuse through effective policies, legislation, regulations and adjudication" (A/HRC/17/31, principle 1). The Guiding Principles also state that corporations themselves have a responsibility to respect human rights. The duty to protect and the responsibility to respect extend to human rights abuses caused by pollution or other environmental harm (A/HRC/25/53, para. 60).

80. A good practice of States is to commit to support the implementation of the Guiding Principles, including with respect to activities that may affect the environment. In response to an invitation by the European Commission, European Union member States have submitted plans for national implementation of the Principles. For example, at the request of the Government, the Danish Council on Corporate Social Responsibility produced guidelines to help companies meet international social and environmental requirements in their supply chain. The United Kingdom of Great Britain and Northern Ireland has committed to implement the Principles by, inter alia, ensuring that agreements facilitating overseas investment do not undermine the host country's ability to impose the same environmental and social regulations on foreign investors as it does on domestic firms.

81. Another good practice is the preparation of "sustainability reports", which describe the economic, environmental and social impacts caused by companies' everyday activities. The Global Reporting Initiative, an international non-profit organization that promotes the use of sustainability reporting, has developed comprehensive guidelines for preparing sustainability reports that provide a framework for measuring and reporting sustainability-related impact and performance, including through indicators relating to the protection of human rights and the environment. It also hosts a sustainability disclosure database where organizations can publish their reports.

82. Individual companies have also reported good practices. For example, Asia Pulp Paper Group (APP), one of the world's largest pulp and paper companies, adopted a Forest Conservation Policy in 2013 that provides that where "new plantations are proposed, APP will respect the rights of indigenous peoples and local communities", including recognition of customary land rights, constructive dialogue with stakeholders and responsible handling of complaints. APP has developed an online "monitoring dashboard" to allow interested parties to follow progress of the policy.

83. The Coca-Cola Company has adopted a human rights policy that commits it to identify, prevent and mitigate the human rights impacts of its business activities, and its contracts with its suppliers require, among other things, that they comply with all applicable environmental laws. It regularly undertakes independent human rights assessments of its suppliers. Similarly, Patagonia, a manufacturer of outdoor clothing and equipment, has been conducting environmental and social audits of its suppliers since 2008. The audits can result in the termination of contracts with companies that do not meet its standards. Patagonia also gives 1 per cent of its annual profits to environmental groups and activists

throughout the world, and reports that in 2014, it donated some $6.6 million to 770 environmental groups.

H. Obligations relating to transboundary environmental harm

84. Many grave threats to the enjoyment of human rights are due to transboundary environmental harm. Although the precise nature of States' human rights obligations in this respect is not always clear, there is a strong trend towards encouraging States to take actions to protect against transboundary harm to human rights caused by actions under their jurisdiction or control. Moreover, it is clear that States have an obligation of international cooperation with respect to human rights, which is of particular relevance to global environmental threats such as climate change (A/HRC/25/53, paras. 64, 67).

85. In light of the lack of complete clarity in human rights law with regard to transboundary environmental harm, a particularly important good practice is the legal recognition by a State of the rights of individuals who reside outside its territory but who may suffer environmental harm from actions arising within its territory. One example is transboundary environmental impact assessment (EIA) that allows for the participation of the affected public on both sides of the border. The chief international agreement is the Espoo Convention on Environmental Impact Assessment in a Transboundary Context, which sets out detailed requirements for transboundary EIA. As of January 2015, it has 45 parties, including most States in Europe. The Convention provides that the party where a covered activity is located must give the public of the affected State an opportunity to participate in the EIA process that is equivalent to the opportunity provided to the public of the State of origin.

86. An innovative example of the consideration of transboundary effects beyond the requirements of the Espoo Convention is the effort by the Federated States of Micronesia to participate in the EIA of a proposed expansion of a coal-fired power plant in the Czech Republic, in order to draw attention to the effects of the plant on global climate change, which particularly threatens the inhabitants of Micronesia. In 2011, the Czech Ministry of the Environment issued an impact statement that recognized the Federated States of Micronesia as an "affected state", and that required the owner of the plant to provide a compensation plan that would offset 5 million tons of carbon dioxide and thus mitigate the environmental impact of the project.

87. States have also taken creative steps to enable victims of transboundary environmental harm to have access to courts in the jurisdiction where the harm originates. An early example is the 1976 Nordic Environmental Protection Convention, which requires each of its parties (Denmark, Finland, Norway and Sweden) to provide reciprocal access to domestic legal remedies for transboundary environmental harm, allowing foreign residents to pursue whatever remedies in the country of origin that that country would provide to its own residents. An alternative basis for such reciprocal access is exemplified by a model statute adopted by a liaison committee of the Canadian and the U.S. conferences on uniform provincial and state laws. Similarly to the Nordic Convention, the model law provides that "a person who suffers, or is threatened with, injury to his person or property in a reciprocating jurisdiction caused by pollution originating, or that may originate, in this jurisdiction has the same rights to relief with respect to the injury or threatened injury . . . as if the injury or threatened injury occurred in this jurisdiction." The model law has been enacted by seven U.S. states and four Canadian provinces.

88. Climate change may be the most challenging international environmental threat to human rights. A number of Governments provide examples of good practices in the use of human rights obligations relating to climate change. In 2012, the Scottish Parliament became the first legislative body in the world to explicitly recognize and support the

concept of climate justice, and in the same year, the Government of Scotland launched a £3 million Climate Justice Fund to support the development of water adaptation projects in Malawi, Rwanda, Tanzania and Zambia. At the end of 2013, the Government launched a second £3 million Climate Justice Fund. According to the Government, the second round of funding should "address specific climate justice principles through a human-rights based approach: approaches which empower vulnerable groups in decision-making and access to resources and realizing their rights – through inclusion, equality, transparency, participation, and information – and so delivering climate resilience, strengthening civic society, alleviating poverty, and benefiting the wider environment."

89. Also in 2013, Guatemala adopted a climate change framework law that has several important elements relating to human rights, including provisions that the Government facilitate broad public participation in designing and carrying out climate change actions. Similarly, the Jordanian Ministry of the Environment published a national climate change policy in 2013 that integrates a human rights approach to climate change mitigation and adaptation. The policy lists as a short-term objective that the "interests of vulnerable groups, with emphasis on the poor, youth and gender are adequately addressed in mitigation and adaptation policies and strategies." The policy also provides for a campaign to increase public awareness and facilitate public consultation.

90. Two other States provide good practices in ensuring that efforts to abate or adapt to climate change respect the rights of indigenous and tribal peoples. The Reducing Emissions from Deforestation and Forest Degradation (REDD+) programme, which was initiated by the sixteenth Conference of the Parties to the UN Framework Convention on Climate Change, creates incentives for developing countries to reduce emissions from deforestation and forest degradation, including through forest conservation and sustainable management. To avoid conflicts and to protect the rights of indigenous peoples in forests that might be subject to REDD+ projects, Suriname created the REDD+ Assistants Programme, in which representatives selected by their own communities are trained by the Government to understand REDD+ and to help involve indigenous and tribal peoples in the REDD+ decision-making process.

91. In Australia, the National Indigenous Climate Change project is a forum established in 2008 by indigenous leaders to facilitate dialogue between corporate representatives, indigenous peoples and other experts about climate change and participation in carbon markets. According to the project's webpage (www.indigenousclimatechange.com.au), the project, "(along with other organizations and alliances representing Indigenous perspectives) has worked to identify mutual opportunities with representatives of Corporate Australia and to have issues such as land tenure, native title and cultural and moral rights addressed by Government in the formulation of an emissions trading scheme."

92. International cooperation can be found not only at the level of national Governments, but also between local municipalities. A good practice in this respect is the partnership between the cities of Mwanza, Tanzania, and Tampere, Finland. Since 2002, the cities have partnered in various environmental activities, sharing knowledge and experiences. The results include an afforestation programme, the demarcation of village woodlands, and environmental management training seminars.

I. Obligations relating to members of groups in vulnerable situations

93. The human rights obligations relating to the environment include a general obligation of non-discrimination in the application of environmental law and policy. As described by the Independent Expert in his mapping report, States have additional obligations with respect to those who may be particularly vulnerable to environmental

harm, including women, children, minorities and those living in poverty, as well as indigenous peoples (A/HRC/25/53, paras. 69-78).

94. For example, the Committee on the Elimination of Discrimination against Women has emphasized that States should ensure that public participation in environmental decision-making, including with respect to climate policy, includes the concerns and participation of women. The Feminist Participatory Action Research programme of the Asia Pacific Forum on Women, Law and Development is a good practice in empowering women to participate in policy debates over climate change. Together with local partner organizations, the Asia Pacific Forum helps women in rural, indigenous and urban poor communities to document their own experiences by setting their own research agenda, conducting the research themselves and advocating for change as a result. For example, after conducting its own research, a community in the Philippines passed a resolution to prevent the use of destructive fishing practices and now requires individuals to adhere to strict fishing and hunting schedules.

95. The rights of children are often overlooked in setting environmental policies. The United Nations Children's Fund (UNICEF) is partnering with countries to try to reduce the effects of climate change and environmental degradation on children's rights, and to "identify and enhance opportunities to advance the rights of children which arise from global and local attention on climate change and environmental degradation." In Burundi, for example, UNICEF is implementing Project Lumière, which enables community groups to purchase bicycle pedal-powered generators and LED lights that can provide light for a household for up to 10 days. Access to energy protects child health and safety by reducing harmful emissions from the burning of kerosene and firewood in homes, and by providing light at night for children to study.

96. In the United States of America, an Executive Order issued in 1994 by the President provides a basis for continuing attention to the environmental and human health effects of actions by the national Government on members of minority and low-income groups, as well as on indigenous peoples, with the goal of achieving "environmental justice" for all communities. The Executive Order requires agencies of the Government to address any potentially adverse human health or environmental effects of their activities on members of minority or low-income populations. Each major agency has a working group on environmental justice, which provides guidance for that agency and coordination with other agencies. In addition, the Environmental Protection Agency has developed Environmental Justice Access Plans that set out measurable commitments. By engaging with environmental justice advocates and communities through community research and open dialogue, the Agency strives to ensure public participation in integrating environmental justice into day-to-day work and decision-making.

97. A number of international instruments and human rights bodies have detailed the obligations of States with respect to indigenous peoples, whose rights are particularly vulnerable to environmental harm. Among other duties, States should recognize the rights of indigenous peoples with respect to the territory that they have traditionally occupied, including the natural resources on which they rely, facilitate the participation of indigenous peoples in decisions that concern them, guarantee that the indigenous community affected receives a reasonable benefit from any such development, and provide access to remedies, including compensation, for harm caused by the activities (A/HRC/25/53, para. 78).

98. Many good practices were presented in relation to indigenous rights. At the regional level, the Inter-American Court of Human Rights has done a great deal to clarify the obligations of States relating to indigenous and tribal peoples' rights in the territory that

they have traditionally occupied.[10] At the national level, a number of courts have also issued decisions clarifying the rights of tribal peoples. For example, the Supreme Court of Mexico decided in 2013 that the Government had not adequately consulted with the Yaqui tribe with respect to construction of an aqueduct, and that the authorization of the project must wait until after consultation takes place. Also in 2013, the Supreme Court of India requested the state of Odisha to consult with tribal assemblies in accordance with the Indian Forest Rights Act, which recognizes a broad range of customary forest rights of tribal peoples and traditional forest dwellers, in connection with an application to clear a forest area to mine for bauxite. After the tribal assemblies rejected the proposal, the Minister for the Environment and Forests turned down the application.

99. Another type of good practice is legislative action that recognizes the legal rights of indigenous representatives in natural resources. After many years of legal uncertainty about the management and use of natural resources in the county of Finnmark, the ancestral land and home of the Sami people, in 2005 the Norwegian Parliament adopted the Finnmark Act through a process of consultation with the Sami Parliament. The Act transferred ownership of the land to a new entity governed by a board half of whose members are appointed by the Sami Parliament, and created a special court to decide disputes concerning land rights.

100. Indigenous organizations have engaged in good practices to protect indigenous rights and promote the sustainable use of resources, including in connection with protected areas. For example, the Commission on Environmental, Economic and Social Policy of the International Union for Conservation of Nature, the Forest Peoples Programme and other indigenous peoples' organizations help local communities to assess and redress situations where they believe that they have been negatively affected by the designation or management of a protected area.

101. An example of a good practice in the management of protected areas is provided by the Sarstoon Temash Institute for Indigenous Management (SATIIM), a community-based indigenous environmental organization that co-manages, together with the Forest Department of Belize, the Sarstoon Temash National Park on lands traditionally used by indigenous Garifuna and Maya communities. With the assistance of SATIIM, in 2008 the communities of Conejo and Santa Teresa prepared forest sustainable management plans, which identify the timber and other resources that each community can harvest based on ecological surveys, and which include mitigation measures for any possible adverse effects on the environment.

102. Another good practice is raising the awareness of indigenous communities of their rights. Natural Justice, a civil society organization based in South Africa, assists local communities and indigenous groups to prepare "community protocols" that set out their understanding of their customary, national and international rights relating to their land and natural resources. Each community develops its own protocols in a format that is most meaningful to that community. Protocols can be written documents, and can also take the form of visual art, theatre or music.

IV. Conclusions and recommendations

103. **The practices described in this report demonstrate concrete, innovative ways that the use of human rights obligations can help to make environmental policies fairer, more effective and more respectful of the concerns of those most affected by**

[10] See, for example, *Mayagna (Sumo) Agwas Tingni Community* v. *Nicaragua*, 31 August 2001, and *Saramaka People* v. *Suriname*, 28 November 2007.

environmental harm. The Independent Expert encourages all those interested in human rights and the environment to review the compendium of practices for sources of inspiration and models for future actions.

104. **The Independent Expert also urges Governments, international institutions, corporations, civil society organizations and others to continue to develop good practices, and the Human Rights Council and OHCHR to continue to cooperate with other partners, such as UNEP and UNDP, to encourage such development and to disseminate information about such practices.**

105. **That so many are engaged in bringing human rights perspectives to environmental protection is highly encouraging. At the same time, the emphasis on good practices should not obscure the work that remains to be done to ensure that human rights relating to the environment are fully respected, protected and fulfilled.**

106. **Many areas require further attention in this respect. The Independent Expert continues to emphasize the importance of two areas in particular: the importance of clarifying and implementing human rights obligations relating to transboundary environmental harm, in particular with regard to the global harm caused by climate change; and the urgent need to take more effective steps to protect the rights of environmental human rights defenders.**

107. **Finally, at the conclusion of the three-year mandate established by Human Rights Council resolution 19/10, the Independent Expert wishes to express his profound gratitude to all those people, far too many to name, who have helped him to carry out this work.**