

The contribution of regional development strategies to the enjoyment of all human rights with a focus on concrete policies, practices, and commitments at the regional level

Thank you chair and good afternoon distinguished delegates and colleagues.

In my intervention, I would like to explore the environmental dimension of regional development strategies to support the enjoyment of all human rights. There is an increasing understanding that environmental human rights and the environmental rule of law is necessary for the achievement of the SDGs and to underpin sustainable development. In fact, there are 93 environment related SDG indicators across all 17 SDGs. Environmental dimensions are essential to realize human rights and development.

As the Secretary General stated in his address to the General Assembly on Priorities for 2023 on 6th February “The right to development goes hand-in-hand with the right to a clean, healthy, sustainable environment.” This very much builds on UN General Assembly (UNGA) resolution adopted in July 2022 giving universal recognition to the right to a clean, healthy, and sustainable environment. The resolution “[c]alls upon States, international organizations, business enterprises and other relevant stakeholders to adopt policies, to enhance international cooperation, strengthen capacity-building and continue to share good practices in order to scale up efforts to ensure a clean, healthy and sustainable environment for all”. The adoption of the resolution *on the right to a clean, healthy and sustainable environment* by the UN Human Rights Council is a breakthrough moment for environmental justice and provides momentum for action here at the regional level across intergovernmental bodies and planning processes.

More specifically I would like to highlight some concrete examples of how regional development processes and strategies are addressing environmental rights in the context of development.

In December at the end of last year, ESCAP’s **Committee on Environment and Development** was held at the ministerial level and one of the core agenda items was on *Protecting our Planet through regional cooperation and solidarity in Asia and the Pacific* and member states discussed

critical environmental and development trends and drivers in the region as well as the impact of the environmental crisis on human well-being and health. The adopted *Ministerial Declaration on environment and development for Asia and the Pacific, 2022*, provides that Ministers will “support participatory approaches to environmental protection, appropriate access by citizens to information concerning the environment, public participation, the opportunity to participate in decision-making processes and effective access to judicial and administrative proceedings;” thereby realizing procedural environmental rights. The declaration requests the executive secretary of ESCAP to facilitate “dialogue and the exchange of best practices and experiences on the promotion of access to information concerning the environment and public participation in decision-making processes through capacity-building activities;” alongside “Enhancing the network of regional multi-stakeholder platforms for discussing, prioritizing and supporting action on environment and development, in support of the objectives of the 2030 Agenda for Sustainable Development, including the Sustainable Development Goals;”

The Committee on Environment and Development reinforced the need of implementing right to information measures to increase public participation as well as strengthening the legal regime to promote access rights (access to information, participation and justice) in environmental matters and to protect substantive environmental rights through a regional approach can also lead to national law reform by facilitating compliance through appropriate implementing mechanisms.

This high-level regional approach at the Ministerial level can provide the impetus for developing a stronger enabling environment that would necessitate reforms in policy, regulation and judicial procedure to ensure environmental rights are protected at the national level.

In a similar fashion, the report of the **8th Asia Pacific Forum for Sustainable Development (or APFSD)** held in 2021 notes that the outcomes of the Goal 16 under review roundtable included a need for action to “Strengthen environmental rule of law through effective legal frameworks, strong institutions, access to information and justice in environmental matters; and provide a

safe enabling environment for environmental defenders, including indigenous peoples. The report of the 9th APFSD held in 2022 noted that the region “had the collective experience and knowledge to build forward together and forge an inclusive, environmentally sustainable and resilient recovery that would leave no one behind; recognized the rights of indigenous peoples and their traditional practices and the importance of implementing international environmental agreements.

I would also like to highlight some subregional intergovernmental forums that have addressed the issue of environmental rights from Southeast Asia and the Pacific.

The **Association of Southeast Asian Nations (ASEAN)** Charter commits the ASEAN community to “ensure sustainable development for the benefits of present and future generations and to place the well-being, livelihood and welfare of the peoples at the center of the ASEAN community building process”. In November last year the Final Chair’s Statement from the 12th ASEAN – UN Summit noted the important work of the ASEAN Intergovernmental Commission on Human Rights including on the development of a regional environmental rights framework to support sustainable development. This framework will provide a regional mechanism to guide national policy and legislative implementation. More broadly, the ASEAN Human Rights Declaration (AHRD), an established framework for ASEAN human rights cooperation, prescribes the right to a safe, clean and sustainable environment explicitly.

The Pacific provides an example of how environmental rights can be integrated into broader development frameworks. At their 2019 meeting in Tuvalu, Forum Leaders endorsed the development of the ***2050 Strategy for the Blue Pacific Continent*** where leaders highlighted their concerns for the region’s enduring challenges including climate change related impacts. Under a Thematic Area on People-Centered Development, the strategy states that there is a need to address issues of exclusion and inequality, including gender inequality, marginalised groups, and the importance of protecting human rights and environmental rights. This includes to ensure the participation of all Pacific peoples, including Non-State Actors, in the identification, development

and implementation of Leaders priorities. Under another Thematic Area on Climate Change and Disasters, special attention was given to the importance to ensure the protection and practice of the rights, cultural values and heritage and traditional knowledge of Pacific peoples in global and regional protocols for climate and disaster risk reduction, and mobility including relocation, migration, and displacement. In addition, the importance of strengthening investments in innovative research drawing on cultural and traditional knowledge to address climate change and disaster risk reduction and to transition to renewable sources of energy was addressed.

More broadly, to support the development of ambitious regional development policies and strategies that embed rights-based approaches and enable the realization of the right to development, engagement with civil society is essential. One example on how UNEP has worked with regional civil society to support their involvement in regional strategies is the **Asia Pacific Environmental Rights Defenders Forum** which was held for the first time in 2021 and again in 2022, convened by UNEP and a number of other partners including: OHCHR, and the Asia Pacific Network of Environmental Defenders, together with Asia Indigenous Peoples Pact, Earth Rights International, Asian Forum for Human Rights and Development and the Asia Research Institute for Environmental Law. A wide range of practical recommendations came out of the Forums in 2021 and 2022 including a call to advance a regional legally binding framework on environmental rights and improve, legislate and strengthen national laws and policies for protection, access to rights and to ensure public participation.

Recommendations

Drawing on the above examples I would like to conclude with two key recommendations.

Firstly, Member states could enhance **coordinated approaches at the regional level**, including through the Committee on Environment and Development, to advance rights-based approaches for development in policies which incorporate environmental rights and align with UN GA resolution 76/300 of 28 July 2022, on the right to a clean, healthy and sustainable environment. Such approaches should engage meaningfully with civil society actors.

Secondly, member states in our region could consider to negotiate one or more agreements for the protection of environmental rights. The Orhuus (**Aarhus**) **Convention on Access to Information, Public Participation in Decision-making and Access to Justice in Environmental Matters** and the Escazú Agreement on access to Information, Public Participation and Justice in Environmental Matters in Latin America and the Caribbean can act as models for such agreements.

Thank you