

Human Rights and the Environment: Procedural Rights Consultation

22-23 February 2013, Nairobi, UNEP

Room (---)

PROGRAMME

Day 1 – Friday 22 February

13:30-14:00 Check in

14:00-14:30 **Introduction and Overview**

Objectives of the expert consultation and overview of the programme

Professor John Knox, *UN Independent Expert on human rights and the environment*

14:30-15:30 **SESSION 1: Sources of Obligations**

This session provides an overview of the sources of international obligations relevant to procedural rights in international human rights and environmental law. The objective is to help facilitate a common understanding of these obligations for experts and practitioners working in both fields. In particular, this session will seek to identify, among other things:

- *Specific sources for procedural rights in international instruments;*
- *The legal status of procedural rights in international law; and*
- *Convergences and divergences in how the rights have developed in international environmental law and human rights law.*

Professor Dinah Shelton, *George Washington University*

15:30-15:45 **Break**

15:45-17:45 **SESSION 2: Freedom of Expression and Association (focus on environmental human rights defenders)**

This session will examine freedom of expression and association in relation to environmental protection and conservation. It will address the importance of protecting environmental human rights defenders and communities who are mobilizing to protect their natural resources. This session will discuss, among other things:

- *The international human rights framework related to the exercise of freedom of expression and association and related rights in the protection of the environment;*
- *The nature of threats to environmental human rights defenders;*
- *Regional and country-specific examples that seek to protect environmental human rights defenders, including good practices.*

Moderator

Dr. Hassan Shire Sheikh, *Eastern Horn of Africa Human Rights Defenders Project*

Panelist

Margaret Sekaggya, *UN Special Rapporteur on Human Rights Defenders*

Alvaro Garcia, *Global Witness*

Jane Cohen, *Human Rights Watch*

Day 2- Saturday 23 February

9:00-11:00

SESSION 3: Access to Information and Public Participation

Access to information is vital to effective public participation in decision-making, as well as to monitoring activities that may affect the environment. Meaningful participation and consultation with affected individuals and communities are critical to ensure informed environmental decision-making, including during environmental review processes and for the development of environmental policy, laws and regulations. This session will seek to identify:

- *International human rights obligations relevant to ensuring access to information and effective public participation;*
- *What constitutes meaningful and effective participation;*
- *Regional and country-specific legal frameworks and experiences, including obstacles and good practices;*
- *Standards and procedures particularly relevant to vulnerable and marginalized groups.*

Moderator

Carol Excelle, *World Resource Institute*

Panelist

Marcos Orellana, *Center for International Environmental Rights*

Sandra Musoga, *Article 19 Kenya*

11:00-11:15

Break

11:15-13:00

SESSION 4: Access to Justice/Remedies

Access to justice and adequate remedy are imperative to guarantee all human rights related to environmental protection: not only procedural rights such as the rights to freedom of expression and association, access to information and public participation, but also substantive human rights vulnerable to environmental harm. Without adequate access to justice and remedy, violations of human rights go unaddressed. This session will seek to identify:

- *The international human rights obligations relevant to ensuring access to justice and substantive remedy in the environmental context; and*
- *Regional and country-specific frameworks and experiences, including obstacles and good practices.*

Moderator

Marc Limon, *Universal Rights Group, Geneva*

Panelist

Naseema Fakir, *South African Legal Resource Centre*

Ritwick Dutta, *Environmental Lawyer, India*

13:00-14:30

Lunch

14:30-16:15

SESSION 5: Open discussion

This session will allow participants to raise issues that have not been raised in the previous sessions or to explore issues that have been raised in more detail.

Moderator

Daniel Magraw, *John Hopkins University*

16:15-16:30

Break

16:30-17:45

SESSION 6: Reflection and way forward

(moderators from all previous sessions)

This section will allow for a collective reflection of the consultation and a discussion of the way forward. Moderators from each session will synthesise the outcomes from their respective sessions so as to better facilitate the discussion.