

[Subscribe](#)[Past Issues](#)[Tr](#)

[View this email in your browser](#)



28 October 2019

Dear friends and colleagues,

It is now clear that we're in the midst of an unprecedented global environmental crisis. A growing number of governments, from Canada and France to Austria and Argentina, have acknowledged the climate change emergency. A [comprehensive report](#) by hundreds of leading scientists concluded that the diversity and abundance of wild species are in steep decline. And as chronicled in our [recent report](#) to the Human Rights Council, air pollution is killing millions of people annually. Our population, closing in on eight billion, is imposing unsustainable demands on the planet, with devastating impacts on human rights across the world.

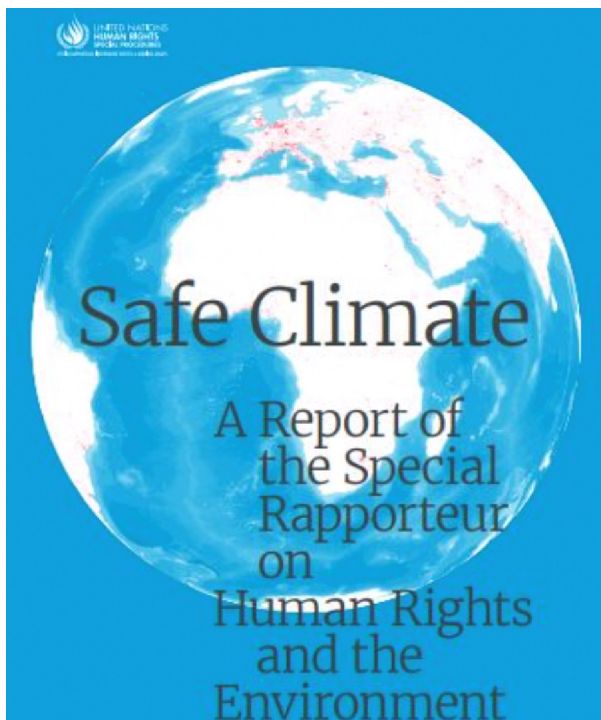
In short, there has never been a more crucial time for the mandate on human rights and the environment. We are working overtime to secure global recognition of the fundamentally important right to live in a healthy environment, while simultaneously striving to strengthen the implementation of this right where it already exists and protect other human rights from the adverse impacts of environmental degradation.

### **Reports**

We have published a bold [new report](#) on climate change and human rights which was presented to the UN General Assembly on October 24 in New York. Earlier this year my colleague Philip Alston, the Special Rapporteur on extreme poverty, wrote a [blistering critique](#) of the global failure to seriously address the grave human rights threats posed by climate change. Philip warned of climate

apartheid, where the rich could pay to protect themselves while everyone else suffers immensely.

### Access the Report Here



Our report outlines specific and concrete measures that States must take to end our addiction to fossil fuels, reverse deforestation, and mobilize trillions of dollars for investment in renewable energy, adaptation, and loss and damage. For example, in light of the International Energy Agency's conclusion that we cannot burn existing reserves of fossil fuels while meeting the Paris Agreement commitments, we recommend that wealthy States end all exploration for additional fossil fuels. We also published an

extensive annex of [good practices](#) in addressing the human rights threats caused by the climate crisis. Examples from more than sixty States range from Costa Rica's ban on oil and gas exploration to the generous contributions made by Germany and Norway to the Green Climate Fund, financing mitigation and adaptation in developing countries. Our generous and hard-working colleagues with UN Environment produced a [reader-friendly version](#) of the report.

Our next report to the Human Rights Council (March 2020) responds to their request (Resolution 37/8) for additional information on good practices related to the enjoyment of a safe, clean, healthy and sustainable environment. The report will provide updated information on the number of countries where the right to a healthy environment enjoys legal protection, thanks to a three-way collaboration with the Vance Center for International Justice, the law firm Clifford Chance, and the mandate. It will also offer examples of good practices drawn from more than 100 States.

## We are the Champion



At the recent pre-COP in Costa Rica, preparing for the 25<sup>th</sup> Conference of Parties to the UN Framework Convention on Climate Change that will take place in Chile in December, I was deeply honoured to be named as the first champion for the Escazú Agreement on Access to Information, Public Participation,

and Access to Justice in Environmental Matters in Latin America and the Caribbean. This visionary regional treaty requires States to “guarantee the right of every person to live in a healthy environment” and provides the public with tools to defend this right. It is also the first treaty in the world to include specific provisions related to the protection of environmental human rights defenders. Given the high levels of intimidation, harassment and violence inflicted on defenders in Latin America, this is a potentially life-saving breakthrough.

Following the pre-COP, I attended a workshop on developing the mechanisms needed to implement the Escazú Agreement after it comes into force. In partnership with a number of other Special Rapporteurs and the Working Group on Business, we recently wrote a letter to all 33 Caribbean and Latin American nations urging them to sign and ratify the accord as soon as possible so that the vital process of implementation can commence. So far six nations have ratified the treaty including Bolivia, Guyana, Jamaica, St. Kitts & Nevis, St. Vincent and the Grenadines, and Uruguay. Five more ratifications are needed for Escazú to come into force, and we are supporting partners in the region to make this happen!

## Expert Consultation

We hosted an expert consultation on implementation of the right to a healthy environment in Geneva in June with more than thirty leading scholars, practitioners, judges, and lawyers from across the world. We really appreciated all of the insights and ideas that were shared during the session and are preparing a summary report of the meeting to present to the Council next

March.

### Friend of the Court

We are involved in an important human rights lawsuit in South Africa, filing an application to be admitted as an *amicus curiae* (friend of the court). The Highveld region was recently identified as one of the most heavily polluted places in the world by a Greenpeace report. The applicants in the lawsuit, Groundworks Trust and Vukani Environmental Justice Alliance, are asserting that the government's longstanding failure to improve air quality in the region violates the right to a healthy environment, guaranteed by Art. 24 of South Africa's post-apartheid constitution. Participating in potentially precedent-setting litigation provides the mandate with opportunities to assist courts in clarifying the content of the right to a healthy environment and identify the parameters of State's obligations to respect, protect, and fulfill this right. We are deeply grateful to South Africa's Lawyers for Human Rights for their pro bono legal assistance in this case.

### Country Visits



From September 12-23, I carried out an official country mission to Norway with colleague Alia El-Khatib. We participated in more than thirty meetings with the Minister of Environment, Minister of Agriculture, Attorney General, government officials from eight ministries, members of Parliament's Energy and Environment committee, two

Supreme Court justices, the Parliamentary Ombudsman, the Government Pension Fund Global, the Council of Ethics, the Norwegian National Human Rights Institution, representatives from roughly a dozen civil society organizations, Norwegian businesses, and concerned citizens. We spoke with a group of inspiring Norwegian youths who have been active in the School Strike for Climate movement, met with representatives of the Municipality of Oslo, and went on a walking tour of some of the city's green features.

For three days, we visited the Sámi communities of Kárášjohka/Karasjok (the home of the Sámi Parliament) and Guovdageaidnu/Kautokeino, spending time with representatives from the Governing Council of the Sámi Parliament, the Saami Council, Sámi reindeer herders, the International Centre for Reindeer Husbandry, the Sámi University of Applied Science, and the Finnmark Estate.

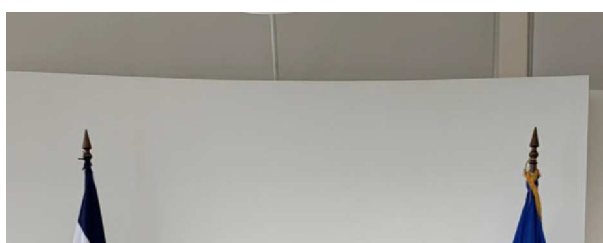


Our end of [mission statement](#) praised Norway for its global leadership in producing zero emission electricity (98% of its electricity comes from hydro and wind), sales of electric vehicles (almost half of new vehicle sales), and its multi-billion dollar initiative to protect rainforests in developing countries. However, we also noted that Norway is a major oil and gas exporter and continues to explore for additional fossil fuels. As mentioned in our new report on climate change and human rights, wealthy nations should stop exploring for additional fossil fuels and redirect

investment to renewable energy and energy efficiency. Norway should be planning for a just transition away from fossil fuels in order to fulfill its international human rights obligations.

In 2020, we have confirmed country visits to Dominica, in the Caribbean, and New Zealand. Dominica, which has been ravaged twice in recent years by powerful hurricanes, is one of a small number of countries that has never hosted an official visit from a Special Rapporteur. We are really delighted to be the first!

## Events



I participated in three back-to-back events in San Jose, Costa Rica from October 6-11, including a workshop on human rights and





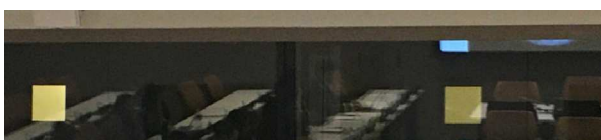
climate action held at the Inter-American Court on Human Rights, the pre-COP 25 meeting, and the first meeting of signatories to the Escazú Agreement. I participated in seven panels and countless meetings during the course of the week as well as making a speech at the high-level closing ceremony of the pre-COP and participating in a press conference about the Escazú champions initiative. One of the highlights was a meeting,

organized by UNICEF, with a very impressive group of youth from across Latin America. These articulate young activists ran the meeting smoothly and made it clear that they are key players in tackling climate change. Their main message to adults was “we want education, information, participation, and most importantly, action.”



We were in New York City from October 21-25. Our report on human rights and climate change was presented to the Third Committee of the General Assembly, where interesting comments and questions came from Slovenia (on behalf of Costa Rica, the Maldives, Morocco and Switzerland), China, Fiji, Russia, Brazil, Bahrain, Czechia,

Liechtenstein, the European Union, the State of Palestine, and UN Environment. We co-organized a side event on A Safe Climate and the Right to a Healthy Environment with partners including Costa Rica, Monaco, UNICEF, UN Environment, and the Universal Rights Group. We participated in a side event on human rights defenders, and spoke about human rights and environmental protection in the context of mining at a brown bag lunch organized by the UN Development Programme.



We also met with Fekitamoeloa Katoa Utoikamanu, the Under-



Secretary General and High Representative for Least Developed Countries, Landlocked Developing Countries, and Small Island Developing States as well as representatives from more than twenty of these States that are particularly vulnerable to the

impacts of climate change. Other meetings involved Ambassador Luis Alfonso de Alba (the Secretary General's Special Envoy for the 2019 Climate Summit), Craig Mokhiber from OHCHR's New York office, and representatives from Costa Rica, Fiji, the Maldives, and Slovenia. We also met with Karima Bennouna, the Special Rapporteur on the right to culture, to discuss the impacts of climate change and other environmental degradation upon cultural rights.

The second regional consultation on children's right to a healthy environment took place in Indonesia on October 22-24 and reports indicate it was highly successful, with over 200 participants. Soo-Young did yeoman work along with Jonas Schubert from Terre des Hommes and Joni Pegram from Project Dryad in organizing this event. Because it overlapped with my visit to the UN in New York, I participated via video, giving a welcoming speech to participants and a keynote speech on children's right to a healthy environment.

### **Video messages and webinars**

Speaking of video, as a means of reducing my carbon footprint I continue to provide webinars and short video messages for a wide range of events. A few recent examples include:

- World Health Assembly Side Event, Collaborating to Drive Progress on Climate Change and Health, May, Geneva
- Environmental Rights Symposium hosted by Prof. Stephen Turner, May, University of Lincoln, UK
- Statement regarding the five National Academies' Statement on Air Pollution and Health, June (New York: The Academy of Science of South Africa, the Brazilian Academy of Sciences, the German National Academy of Sciences Leopoldina, the U.S. National Academy of Medicine and the U.S. National Academy of Sciences)

- ASEAN Intergovernmental Commission on Human Rights workshop on regional air pollution, October, Singapore
- European Union Working Group on human rights and environment, May, Romania
- International Solidarity Conference on the Rights of Climate Migrants, September (Philippines: Rosa Luxembourg Foundation)
- 2019 Annual Environmental Governance Programme workshop: Integrating human rights and environment into the governance of the mining sector, September, (SEPA and UNDP)
- UNITAR workshop on human rights, climate change and environment, October, Costa Rica
- Regional Consultation on Environmental Impact Assessment in ASEAN nations, October (UNEP)
- A webinar on Human Rights and the Environment for Caribbean judges attending the Caribbean Association of Judicial Officers (CAJO) Biennial Conference in Belize, October

## Communications

We invite communications that allege violations of human rights related to environmental damage, degradation, hazards, or the fundamental rights of environmental and activists. We do our best to confirm the facts, identify the relevant principles and obligations of international human rights law, and ask States, and in some cases businesses, to respond to the allegations. Often a group of special procedures will coordinate a joint communication. In some cases, pressure from the UN can result in positive changes, protecting both human rights and the environment.

Recent communications that the environment mandate has joined include: letters to LAC states with regard to the implementation and ratification of the Escazú Agreement and to Australia, Bosnia and Herzegovina, Cameroon, China, Ecuador, India, Iran, Japan, Peru, Russia and Thailand. Additional information regarding submitting information is available on the mandate's [website](#).

## Publications

One of the mandate's supporters, Claudia Ituarte-Lima (with co-editor Maria Schultz), has published an excellent new [report](#) called *Human right to a healthy*



*environment for a thriving Earth.* Another supporter, Stephen J. Turner edited a comprehensive volume called "*Environmental Rights: The Development of Standards.*"

The Intergovernmental Panel on Climate Change issued [two new reports](#), one on land use and the other on oceans and ice. These reports paint an increasingly dire picture of the acceleration of climate impacts in the absence of effective climate action.

## Conclusion

Due to the ongoing financial problems at the UN, we are down to a dynamic duo. Soo-Young and I are pretty busy, as this newsletter indicates, and we will miss the excellent contributions of Alia El-Khatib.

We continue to invite ideas, suggestions, and feedback on the mandate! You can reach us through the official UN email address [srenvironment@ohchr.org](mailto:srenvironment@ohchr.org)

2020 is going to be another huge year for the environment, and hopefully a year of major breakthroughs related to the recognition and the implementation of the right to a healthy and sustainable environment. If not now, then when??

---



**Dr. David R. Boyd**

United Nations Special Rapporteur on Human Rights and the Environment  
Associate Professor  
Institute for Resources, Environment and Sustainability  
School of Public Policy and Global Affairs  
University of British Columbia

*Copyright © 2019 Special Rapporteur on human rights and the environment, All rights reserved.*

Want to change how you receive these emails?  
You can [update your preferences](#) or [unsubscribe from this list](#).

