

BRIEF POLICY ON GREEN RIGHTS IN ARMENIA

Right to favorable (healthy) environment and health can be classified as a fundamental human right to life. Violations of this right lead to heavy socio-economic consequences, while the environmental legal basis in terms of protection of human rights experiences essential problems. Environmental rights should be considered in the frames of main civic and political rights, economic, social and cultural rights, the violations of which frequently overlaps with the violation of environmental rights. Threatening deterioration of environment requires urgent solutions in the sector of human rights protection.

Armenia: Constitutional Rights in Sector of Environment

The main national document prescribing the rights of citizens is the Constitution of the Republic of Armenia: the Constitution was amended three times in 1995, 2005 and 2015 in Armenia.

In 1995, the Constitution of Armenia didn't contain any provision on the protection of environmental rights. Nature protection was laid down only in Article 89 (5):

“The Government shall: implement state policy in the areas of science, education, culture, healthcare, social security, and nature protection.”

RA Constitution of 2005 contained some provisions on human environmental rights. Article 33 (2) says, “ Everyone shall have the right to live in an environment favorable to his/her health and well-being and shall be obliged to protect and improve it in person or jointly with others. The public officials shall be held responsible for hiding information on environmental issues and denying access to it”.

Article 48 (10) says: “ The basic tasks of the state in the economic, social and cultural spheres are: to pursue the environmental security policy for present and future generations.” Eventually, **Article 89 (5)** says, “The Government shall: implement state policies in the areas of science, education, culture, health, social security and *environmental protection*.”

RA Constitution of 2015 lost the environmental rights of citizens prescribed in the Constitution of 2005 and refrained from the responsibility of the public officials in terms of nature protection.

The only provision referring to the environment is prescribed in Article 12: “Preservation of the Environment and Sustainable Development”. The article consists of two clauses: “1. The State shall promote the preservation, improvement and restoration of the environment, the reasonable utilization of natural resources, guided by the principle of sustainable

development and taking into account the responsibility before future generations. 2. Everyone shall be obliged to take care of the preservation of the environment”.

As you can see, there is no word about human rights in nature protection or anything about the responsibility of the government to adhere to these rights. On the contrary, the responsibility for environment vests on citizens.

Human rights defenders in the environmental sector commented on this amendment in the following manner: “It’s a fundamental right and it’s impermissible to deprive our citizens of this fundamental right with one strike of the pen. It found its place in the Constitution of 2005 due to great pressure exercised by NGOs. Till 2005 the absence of this provision led to the violation of our citizens’ rights prescribed by the Aarhus Convention. If the provision that we have a right to live in the healthy environment is missing, it means that our citizens have no right to call upon courts. If this provision is missing in the Constitution, it can’t be in other laws, as there will be contradictions with the Constitution. Fundamental rights are laid down in the main law, which is the Constitution of the Republic of Armenia,” said Nazeli Vardanyan, Director of “Forests of Armenia” Environmental NGO, Environmental Lawyer, at the press conference held at EcoLur Press Club on 9 October 2015 (<http://www.ecolur.org/en/news/electionspoliticsecology/human-rights-omitted-from-draft-constitution/7722/>).

International Law on Protection of Environmental Human Rights

Aarhus Convention

UNECE Convention on Access to Information, Public Participation in Decision-making and Access to Justice in Environmental Matters, usually known as the Aarhus Convention, is a practical tool for the protection of “green” human rights.

Armenia ratified the Aarhus Convention in May 2001. Since 2002 according to the Memorandum of Understanding signed between RA Nature Protection Ministry and the OSCE Office in Yerevan Aarhus Centers started to act in the Republic of Armenia. From 2002 up to now there were 15 Aarhus Centers opened in different regions of Armenia. In virtue of their activities, information concerning environmental problem is component for Armenian habitants. Aarhus Centers also promote the public participation in environmental decision-making process and in managing activity. Currently, the OSCE Office in Yerevan is closed and the program supporting the operation of Aarhus Centers is not available. Yerevan Aarhus Center is operating adjunct to RA Nature Protection Ministry and only those Aarhus Centers are operating, who have been allocated space by the local government bodies under the agreement. One of the results of the implementation of the Aarhus Convention is mandatory access to information and public discussion of the planned activities, which is prescribed in RA Law "On Environmental Impact Assessment and Expertise" (21.06.2014 HO-110-N) and in its bylaw – governmental resolution “On Establishing Procedure of Providing Information and Holding Public Discussions” N 1325 dated on 19 November 2014. The resolution contains a provision on holding preliminary discussions in the impacted

communities, which is a technical rationale from the business, under which the opinion of the community is considered to be positive if there are no objections.

Nevertheless, in practice, there are many recorded cases of the violations of the provisions of the Convention and procedure of public participation.

Case Study “Water Conflict in Astghadzor Community”

There is a conflict arising between Astghadzor and Zolaqar Villages in Gegharkounik Region, Armenia, because of water redistribution, which had been carried out in the frames of “Infrastructure and Rural Finance Support Programme” funded by IFAD. “Rural Areas Economic Development Programmes Implementation Unit” State Agency of Government Staff of the Republic of Armenia (“RAED PIU” SA of RA) included Zolaqar community in “Infrastructure and Rural Finance Support Programme” and carried out relevant works. During this whole process the name of Astghadzor Village hadn't been mentioned, although till the water distribution Astghadzor and Zolaqar distributed water between each other – 5 days to Zolaqar and 2 days to Astghadzor. As a result of this programme, the watercourse of Astghadzor river significantly reduced and Astghadzor has to use the water of deep wells for drinking and irrigation purposes, which is not sufficient for community needs and is essentially inferior to the water quality they used to have.



Astghadzor residents claim their rights to access to water, participation in the decision-making process and being informed have been violated and demand to restore the previous water distribution. <http://ecolur.org/en/news/water/astghadzor-villagers-didnt-take-part-in-water-distribution-process-and-were-left-without-water/9692/>.

Case Study “Argitchi SHPP”

Argitchi SHPP was constructed on the Argitchi River in 2012 by “Hydrocorporation” CJSC with the financial support of German KfW Development Bank through “Promotion to

Renewable Energy” program (German-Armenian Fund, <http://gaf-re-shpp.am> shows SHPPs constructed with the financial means of the Fund).



Social conflicts in Argitchi-SHPP-affected communities have started from non-involvement of the local residents into decision-making on the construction of the SHPP. No public hearings were held in the affected communities - Verin Getashen, Madina, and Nerqin Getashen and the residents were not informed about the construction, whereas some land owners, whose land areas were affected with the construction, were misinformed about their rights. As a result, this conflict has escalated over time. According to the residents, the SHPP construction will result in dehydration of almost half of the Argitchi River, the natural bond with Lake Sevan will be disturbed, the picturesque landscape will be changed, natural reproduction of the populations of red-listed summer trout, brown trout and bakhtak will be undermined and irrigation in several communities will be put under question. (https://www.youtube.com/watch?time_continue=114&v=bcGu1Ydg9a4).

Verin Getashen residents are demanding compensation from the SHPP administration constructed in their area. According to the residents, around 25-30 families have suffered from the damage caused to the community with the SHPP. The residents of another impact community, Nerqin Getashen, faced the problem of losing their harvest because of the absence of irrigation water in the summer of 2017. “The Argitchi River used to have so much water that people didn't feel any shortage, but as soon as the SHPP has been constructed, people have been killing each other for water...”



Argichi River

Nerqin Getashen Community Deputy Head Hakob Vardanyan said that water problems have become acuter over the recent years. "Both the village municipality and the state wells have been damaged in several places: several pumping stations have been constructed, but they are not enough. In recent years, problems have arisen with the SHPP constructed on the Argitichi River..." (<http://ecolur.org/en/news/water/residents-in-nerqin-getashen-left-without-irrigation-water/9333/>.

Thus, the conflicts in Argichi-SHPP-affected communities haven't been solved and just now the situation is very poor because of water deficit, absence of adequate compensation for the damages and for the rent, violations of fundamental human rights such as access to water or access to livelihood.

But there are examples of the best practices of public participation, when the residents uphold their rights and can reject the project based on the minutes, which lay down the negative opinion of the residents and the video recording of the discussions.

Best Practice and Case Study "Gladzor Mining Project"

"Vayq Metal" Company was going to hold public hearings in Gladzor community on 22 November 2017 for the purpose of receiving the community consent to Gladzor mining project. The local residents opposed to the protocol, which is fixed in the minutes of the discussions. Moreover, all 11 members of the Aldermen's Council of Gladzor reached a decision to reject the mining project in the frames of the law on the local government.



“We will put forward this decision at the public hearings,' Gegham Margaryan, the member of the Aldermen's Council of Gladzor, said. “Environmental Impact Expert Assessment Center” SNCO Director Vardan Sahakyan said in his interview with EcoLur, “Most probably, they want to hold hearings again after the optimization of the communities. We are not aware of these hearings, they are the initiator. Nevertheless, if there is no primary agreement of the community, we won't accept the project for consideration”. <http://ecolur.org/en/news/mining/vayq-metal-company-to-hold-hearings-in-gladzor-on-22-november/9679/>

The implementation of the Aarhus Convention in Armenia has its difficulties and is hindered by the authorities, which is recorded in the reports by Aarhus Convention's Compliance Committee.

In terms of the main provisions public participation procedure and access to justice, Aarhus Convention's Compliance Committee has assessed RA as non-complying (the Compliance Committee's recent decision V/9a can be reached through this link (<http://www.unece.org/environmental-policy/treaties/public-participation/aarhus-convention/envpptfwg/envppcc/envppccimplementation/fifth-meeting-of-the-parties-2014/armenia-decision-v9a.html>)).

The one of the Committee reiterates that a requirement that obliges NGOs to have previously participated in the discussion of any of the activities or acts falling under the Convention in order to exercise their rights to access to justice to challenge pertinent decisions at a later stage is not in line with the Convention and the Committee finds that the Party concerned has not yet fulfilled the requirements of paragraph 7 (a) of decision V/9a.

The decisions concern two communications submitted to the Committee. One of the applications was filed by “Dalma-Sona” Human Rights and Environmental Protecting Fund on the violations of the Aarhus Convention in terms of access to justice in cases of Dalma Gardens in Yerevan. Several horticultural businesses in Dalma were deprived of their land areas with the violation of their own rights, without any compensation and non-compliance to the provisions of the Aarhus Convention.

In “Report of The Third Meeting of The Parties to The Convention on Access to Information, Public Participation in Decision-Making And Access to Justice in Environmental Matters” (Riga, 2008), decision III/6b was reached (ECE/MP.PP/2008/2/Add.10, page 2). Particularly, with regard to a case concerning access to information and public participation in the decision-making on modification of land/use designation and zoning and on the leasing of certain plots in an agricultural area of Dalma Orchards in Armenia, as well as availability of appropriate appeal procedures, *endorses* the findings of the Committee, adopted at its eleventh meeting (March 2006) and accordingly reflecting the compliance situation in 2006, to the effect that:

(a) By failing to ensure that bodies performing public functions implement the provisions of article 4, paragraphs 1 and 2, of the Convention, Armenia was not in compliance with that article;

(b) By failing to ensure effective public participation in decision-making on specific activities, the Party did not comply fully with article 6, paragraph 1 (a), with annex I, paragraph 20, or, in connection with this, with article 6, paragraphs 2 to 5 and 7 to 9, of the Convention. The extent of non-compliance would be somewhat mitigated if public participation were to be provided for in further permitting processes for the specific activities in question, but the requirement under article 6, paragraph 4, to ensure that early public participation is provided for when all options are open would still have been breached.

Another communication submitted to the Compliance Committee concerns the Teghout copper and molybdenum mining project. On 23 September 2009, the Armenian non-governmental organization (NGO) Transparency International Anti-corruption Centre, in collaboration with the associations EcoDar and Helsinki Citizens’ Assembly of Vanadzor (hereinafter collectively the communicant), submitted a communication to the Committee alleging failure by Armenia to comply with its obligations under article 6, paragraphs 2, 4, 8, 9 and 10, and article 9, paragraph 2, of the Convention. 2. The communication concerns the issuance and renewal of licenses to a developer for the exploitation of Teghout copper and molybdenum deposits in the Lori region of Armenia. It alleges that the Party concerned by (a) not informing the public concerned early in the licensing decision-making, (b) not providing for early and effective public participation, (c) not taking into account the outcome of public participation in the decision-making, and (d) not informing at all the public about the decision to renew the licenses or informing it only after their issuance, failed to comply with article 6, paragraphs 2, 4, 8, 9, and 10, of the Convention.

Economic and Social Rights: Economic and social rights in Armenia are protected with RA Labour Code, RA Law “On Social Security”, RA Law “On Pension”, RA Law “On Social Support”, RA Law “On Public Servants”, RA Law “On Minimum Salary”, RA Law “On Trade Unions” and other laws and bylaws (see the official website of RA Ministry on Labour and Social Affairs: http://www.mlsa.am/?page_id=8940.)

According to RA Law “On Making Amendments to RA Law “On Minimum Salary””, RA Law “On Minimum Salary” was amended. According to the amendment, the minimum monthly wage in the Republic of Armenia is established 55.000 AMD. The amendment will be enacted on 1 July 2015.

Average salary varies monthly and makes up US \$370-400
http://www.armstat.am/file/article/sv_11_17r_142_.pdf

Labour resources make up around 1,907,100 people, out of which 1,237,100 people are economically active and 204,200 people are unemployed
http://www.armstat.am/file/article/sv_11_17r_141_.pdf.

People distrust official figures, as many people working at small enterprises are not registered, receive salary upon verbal agreement and without any formal registration. In other enterprises employees are registered, but they actually don't show up in their workplaces upon certain conditions and being the relatives of the employer, they consent to give their salaries to the owner of the enterprises without actually working, but having a track-record.

According to human right defending “Helsinki Citizens’ Assembly” NGO, with the participation of “Improving Security Policy Debates in Armenia” programme (NED) and the Armenian Institute of International and Security Affairs (AIISA), socio-economic human rights are often neglected in the reports of international organizations on human rights.

“In this sphere, the situation is more than catastrophic. Socially vulnerable people are practically deprived of elementary medical assistance. Employment rights are not adhered to. The employment relations between employers and employees are often characterized as slavery. Employees don't often have any agreement and work without fixed working hours, holidays and days off. In this sphere governmental control is very weak, if not to say, is absent. Also, there are no practically independent and aggressive trade unions.”<http://www.lragir.am/index/rus/0/right/view/46591>.

The attitude of the government in terms of the protection of economic and social rights can be named as irresponsible. In March 2018, “Teghout” CJSC developing Teghout copper and molybdenum mine stated that it terminates the employment contracts with 1032 out of 1190 employees and stops mining works at Teghout mine, unless it carries out the examination of the state of the tailing dump. The government hasn't responded to this statement in any way, though in 2007 the government reached decision N 1279, under which 81.483 ha of agricultural land areas, community-owned or privately owned, were recognized as eminent domain and were alienated from the owners at symbolic prices (20-30 cents for 1 sq.m.) and handed to Teghout Company for the mining infrastructures.



The status of eminent domain presupposes both at least economic and social development of the given territory and availability of working places. That is, after the statement of the company, the government had to respond and make Teghout Company perform the provisions of the governmental resolution. On the contrary, the government stated that the latter is not the guarantor of Teghout CJSC for the emerged problems. Currently, EcoLur has applied to MPs of the National Assembly with a demand to make the government responsible for the resolutions it has adopted and disclose the conditions of the arrangements with Teghout Company and take measures to protect the economic, social and environmental rights of the residents. <http://ecolur.org/en/news/mining/teghout-mine-problems-should-be-on-mps-agenda/9958/>.

Employment conditions at the enterprises are heavy and safety measures are not complied with. Nevertheless, the ministries in charge, for example, Ministry of Labour and Social Affairs or Health Ministry don't respond to the alarm signals beaten by influential international organizations or react to the registration of accidents having occurred because of non-compliance of safety standards at workplaces.

Case Studies

1. EKF, the Denmark's export credit institution and Denmark's Pension fund rejected their funding for Armenian mining projects. “It has been an unambiguous demand from EKF that mining must comply with international standards for the aquatic environment. EKF has repeatedly stated the challenges with overflow from the mine's collection pool. The challenges with the aquatic environment have entered into EKF's decision to withdraw its funding. Despite several claims by EKF, the mine has failed to prove that the dam meets the requirements. The challenges with the tailing dam have entered into EKF's decision to withdraw its funding. The Teghout mine supplies a part of its copper ore to a nearby smeltery

where the working and safety conditions are under all criticism,” EKF's refusal letter says. <http://www.ekf.dk/da/om-ekf/nyheder/Sider/EKF-traekker-sit-laan-til-armensk-mineprojekt.aspx>.

2. On 2 March 2018, an accident was recorded at “Kapan Ore Processing Combine” CJSC, where workers were injured in the underground mine and enrichment plant of Kapan town, and rescuers were needed to bring them out of this mine. A mountain rescue squad was dispatched to the scene. The rescuers that arrived at the scene found Artur M., 24, Karo K., 48, and Poghos A., 54, unconscious at the alcove of this mine, and they took them to Kapan town hospital. At the medical center, it was found out that Artur M. had died, whereas the other two victims were diagnosed with exogenous poisoning; they are in moderate condition. <http://ecolur.org/en/news/mining/criminal-case-initiated-in-shahumyan-mine-field-based-on-accident/9951/>.

3. As the Ministry of Emergency States informed on 28 November 2017, at 15:40, there was a stone falling from the ceiling of the mine belonging to Akhtala Ore Dressing Combine in Lori Region. Akhtala Brigade Special Mountainous Rescue Service left for the scene, where they took out a drilling worker with a broken leg out of the mine, G. V. born in 1968 and took him to the ambulance car. A criminal case has been initiated by Lori Regional Criminal Investigation Department of RA Criminal Investigation based on the death of the person performing drilling works on Shamlugh mine owned by “Akhtala OPC” OJSC.

In the course of performing prep works for drilling, driller V. Sahakyan remained under the ore and died on the spot because of bodily injuries. <http://ecolur.org/en/news/mining/stone-falling-in-akhtala-ore-dressing-combine-mine/9705/>.

4. On 8 August 2017, an accident took place during the construction works of “Qaghtsrashen Gravity Irrigation System” project in Azat Gorge, which resulted in the death of an Abovyan town resident, L.S.. Several hours after this accident EcoLur's shooting group was in the area of the construction works. As the eye witnesses told EcoLur, L.S. was carrying out welding on the pipeline when the dipper of the excavator didn't obey the instructions and fell down on the worker, who received heavy bodily injuries. L.S. was taken to Yerevan with a Garni Ambulance, where he died in the surgery room. It's a gross violation of Article 244 of RA Employment Code, 'Ensuring Normal Employment Standards', which resulted in the death. <http://ecolur.org/en/news/water/accident-with-toll-during-qaghtsrashen-project-construction-works/9373/>.

In case of numerous conversations and meetings with the residents inhabiting under the conditions of the violation of their green rights, everybody outlined violation of their right to life as the main concern.

A question arises: “...To what extent right to life goes beyond the frames of a simple ban to take the life and leads to the commitment of the government to take measures on the reduction in lifespan, or, on the contrary, increase in life quality and lifespan, for example, through ensuring improvement of quality of drinking water or decrease in air pollution”.

Recognition of citizens' rights to favourable (healthy) environment as one of the main and fundamental human rights protected at international level is a must.

<https://global.oup.com/academic/product/human-rights-approaches-to-environmental-protection-9780198267898?cc=bg&lang=en&#>, Human Rights Approaches to Environmental Protection, Alan E. Boyle and Michael R. Anderson).

The major obstacles for protection of social, economic and environmental rights

- Environmental rights have not still become a part of the green economy and green energy,
- Lack of clear prescribed mechanisms to determine violations of social and environmental rights,
- Judiciary system doesn't recognize CSOs as a legitimate plaintiff/claimant for the protection of environmental rights in court,
- Lack of reliable information on the violation of social, economic and environmental rights in ecological hot spots,
- Few NGOs operating in the field of green right protection,
- Democratic mechanisms for participation in decision-making processes are absent,
- Access to dialogue with high officials is limited,
- Civil society has not still become a full participant in decision-making processes.

The major challenge for CSOs in given country for pushing forward the agenda

Corruption, unaccountability and impunity of officials for the violations of social, economic and environmental rights, which leads to the lack of social justice as a perennial agenda.

What can be done by external actors- European Commission, Donor Countries, funders and etc?

In the European countries and the countries of European Neighborhood the principles of green economy and green energy are getting more and more popular, which are in harmony with the global environmental conventions. Whereas the protection of fundamental rights, such as right to water, health and healthy environment is not an integral part of the strategies, concepts and policies developed for the green economy and green energy.

The main principles of green economy and green energy shall be based on the human rights to healthy environment, should be focused on to ensure equal access to natural resources - water, forests, land, to ensure right to choose type of activities and clear legal relations with business in ecological hot spots so as to fight against the seizure of natural resources and environmental pollution on legal grounds, to ensure the participation in decision-making, which are guaranteed by the Aarhus Convention, but they are not exercised. Otherwise, without ensuring the protection of green rights, a green business very quickly turns into 'brown' converting the processes aimed at sustainable development into imitation processes contradicting to the principles of green economy.

Proposals

- Green rights should be on the agenda of the society working in the sectors of environment, human rights, economic/social development, promotion of democratic values.

The main activities should be concentrated on:

- providing support to the local population having suffered from the violation of environmental rights,
- Providing legal consultations on the protection of environmental rights,
- Providing access to quality information on the risks for health and healthy environment, obstacles to socio-economic development,
- Creating, development and promotion of the mechanisms for the full participation of locals in decision-making process,
- Providing resources to the locals to establish dialogue with officials,
- Definition of responsible persons (legal entities and individuals) for the violations of the environmental/social rights,
- Organising motivated discussions on social/environmental protection.

Green Rights Are on The Agenda of The World Civil Society

Green rights should be on the agenda of the society working in the sectors of environment, human rights, economic/social development, principles of democratic value.

The International Conference of Environmental Rights and Human Rights hosted in Cartagena, Colombia from the 16th to the 18th of September, 2003, organized by Friends of the Earth International, Transnational Institute and the Oil Watch network declares:

Two hundred and fifty delegates from environmental organizations, NGOs and social movements from all over the planet have carefully considered the way in which many governments promote the virtues of 'free' trade, a concept which predominantly benefits transnational corporations and the global economic elite, whilst wars proliferate and the people and nations of the south become ever poorer.

“Clean air, water and land have been taken away from disinherited people across the world. The greed pollutes the waterways and floods fertile soils, chasing weak people away, extinguishing life, exterminating fish and filling dams in order to generate energy that is squandered afterwards. Greed invades the everyday life of our towns with oil towers, disseminates the modern transgenic plague, and logs forests to create paper for unnecessary consumer goods.

Environmental problems stem from this ravenous greed. Our societies suffer from the impacts of this greed, and this is why we want to strengthen and multiply our organizations. Defenders of human and environmental rights exist because nature and human beings are being denied their rights. We seek environmental justice because there are environmental injustices taking place.

The commercialization of water and energy production and distribution has left thousands of people without access to these services. Many governments should learn to defend their rights and their sovereignty against the unrestricted exploitation of their heritage and peoples by big business. They should learn from environmental and human rights organizations about how to defend the rights of their people against the imperialist attitudes of transnational institutions and companies and greedy nations.

We want peace and security for everyone. We want security that we will have a habitable planet for present and future generations. This is why we have come together to set out our actions and property”, mentioned in Friends of the Earth International, Transnational Institute and the Oil Watch network declaration (<http://web.unep.org/divisions/delc/human-rights-and-environment>) .

Human Rights and the Environment

Joint statement by UN Special Procedures on the occasion of World Environment Day (5 June 2015)

Climate Change and Human Rights

<http://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=16049&LangID=E>

Climate change threatens these rights in many ways. Deaths, injuries and displacement of persons from climate-related disasters, such as tropical cyclones, will increase, as will mortality from heat waves, drought, disease and malnutrition. The Fifth Assessment Report of the Intergovernmental Panel on Climate Change (IPCC) states that the foreseeable consequences of even a 2°C rise include an increasing probability of “declining work productivity, morbidity (e.g., dehydration, heat stroke, and heat exhaustion), and mortality from exposure to heat waves. Particularly at risk are agricultural and construction workers as well as children, homeless people, the elderly, and women who have to walk long hours to collect water¹.”

Climate change will exacerbate existing stresses on water resources and compound the problem of access to safe drinking water,

Climate change will affect most severely the lives of those who already struggle to enjoy their human rights, including women, children, the elderly and the poor. In the words of the Fifth Assessment report, “People who are socially, economically, culturally, politically, institutionally or otherwise marginalized are especially vulnerable to climate change and also to some adaptation and mitigation responses⁴.” The report states that “future impacts of climate change, extending from the near term to the long term, mostly expecting 2°C scenarios, will slow down economic growth and poverty reduction, further erode food security, and trigger new poverty traps, the latter particularly in urban areas and emerging hotspots of hunger⁵.” Poverty becomes a particular vulnerability factor for children to fall victims of sexual abuse and exploitation. Some people will be forced to migrate. However,

because the ability to migrate often depends on mobility and resources, migration opportunities may be least available to those who are most vulnerable to climate change, resulting in people becoming trapped in locations vulnerable to environmental hazards, further exacerbating their suffering. Moreover, where climate-change-induced migration is forced, people may be migrating in an irregular situation and therefore may be more vulnerable to human rights violations through the migration process.

More than 2 million annual deaths and billions of cases of diseases are attributed to pollution. All over the world, people experience the negative effects of environmental degradation ecosystems decline, including water shortage, fisheries depletion, natural disasters due to deforestation and unsafe management and disposal of toxic and dangerous wastes and products. Indigenous peoples suffer directly from the degradation of the ecosystems that they rely upon for their livelihoods. Climate change is exacerbating many of these negative effects of environmental degradation on human health and wellbeing and is also causing new ones, including an increase in extreme weather events and an increase in spread of malaria and other vector born diseases. These facts clearly show the close linkages between the environment and the enjoyment of human rights, and justify an integrated approach to environment and human rights.

Overview of Legal Issues

There are three main dimensions of the interrelationship between human rights and environmental protection:

- The environment as a pre-requisite for the enjoyment of human rights (implying that human rights obligations of States should include the duty to ensure the level of environmental protection necessary to allow the full exercise of protected rights);
- Certain human rights, especially access to information, participation in decision-making, and access to justice in environmental matters, as essential to good environmental decision-making (implying that human rights must be implemented in order to ensure environmental protection); and
- The right to a safe, healthy and ecologically-balanced environment as a human right in itself.

The Stockholm Declaration, and to a lesser extent the Rio Declaration, show how the link between human rights and dignity and the environment was very prominent in the early stages of United Nations efforts to address environmental problems. That focus has to some extent faded away in the ensuing efforts by the international community to tackle specific environmental problems, with more focus being placed on developing policy and legal instruments, both at the international and national levels, targeted at the environmental problems that were emerging, through a series of MEAs and other mechanisms. Although the foundation of developing such mechanisms laid on the considerations made at the time of the Stockholm Conference, the human rights dimension is not made explicit in most of these instruments.

However, there have been several calls from different UN bodies to address the issues of human rights and environment in conjunction. The Commission on Human Rights (now transformed into the Human Rights Council) by Resolution 2005/60 requested the High Commissioner and invited UNEP, UNDP and other relevant bodies and organizations, within their respective mandates and approved work programmes and budgets:

“to continue to coordinate their efforts in activities relating to human rights and the environment in poverty eradication, post-conflict environmental *assessment and rehabilitation, disaster prevention, post-disaster assessment and rehabilitation, to take into consideration in their work relevant findings and recommendations of others and to avoid duplication*” (paragraph 8).

The UN reform process also calls for the integration of human rights in all of the organization’s work.

In a series of resolutions, the former United Nations Commission on Human Rights and the United Nations Human Rights Council have drawn attention to the relationship between a safe and healthy environment and the enjoyment of human rights. Most recently, the Human Rights Council in its resolution 7/23 of March 2008 and resolution 10/4 of March 2009 focused specifically on human rights and climate change, noting that climate change-related effects have a range of direct and indirect implications for the effective enjoyment of human rights. These resolutions have raised awareness of how fundamental the environment is as a prerequisite to the enjoyment of human rights.

Human Rights and the Environment

UNEP, the UN Office of the High Commissioner for Human Rights, and the UN Special Rapporteur on human rights and the environment have joined efforts to identify, promote and exchange views on good practices relating to the use of human rights obligations and commitments to inform, support and strengthen environmental policymaking, especially in the areas of environmental protection and management.

The joint initiative identified practical and concrete examples of good practices where states and other actors have successfully implemented human rights obligations related to environmental protection and management, which could be replicated in other contexts, and which will increase the understanding and awareness of the linkages between human rights and the environment, including providing more clarity on the human rights obligations related to the enjoyment of a safe, clean, sustainable and healthy environment.

EcoLur, Yerevan 2018