

**REPORT OF THE
ASEAN INTERGOVERNMENTAL COMMISSION
ON HUMAN RIGHTS**

**WORKSHOP ON THE IMPLEMENTATION OF
HUMAN RIGHTS OBLIGATIONS RELATING TO
THE ENVIRONMENT AND CLIMATE CHANGE**

**26 – 27 September 2015
Mandalay, Myanmar**

Abbreviations

ACWC	ASEAN Commission on the Promotion and Protection of the Rights of Women and Children
AEC	ASEAN Economic Community
AHRD	ASEAN Human Rights Declaration
AICHR	ASEAN Intergovernmental Commission on Human Rights
AIIB	Asian Infrastructure Investment Bank
AMS	ASEAN Member State
APSC	ASEAN Political Security Community
ASCC	ASEAN Socio-Cultural Community
ASEAN	Association of Southeast Asian Nations
ASEC	ASEAN Secretariat
CEDAW	Convention on the Elimination of All Forms of Discrimination Against Women
CFC	Chlorofluorocarbon
CO ₂	Carbon Dioxide
COP	Conference of the Parties (to the UNFCCC)
CRC	Convention on the Rights of the Child
CSR	Corporate Social Responsibility
EIA	Environmental Impact Assessment
HIA	Health Impact Assessment
ICJ	International Court of Justice
KPI	Key Performance Index
NHRI	National Human Rights Institution
NO _x	Nitrogen Oxides
READI	Regional EU–ASEAN Dialogue Instrument
SDGs	Sustainable Development Goals
SEA	Southeast Asia
SO _x	Sulfur Oxides
UDHR	Universal Declaration on Human Rights
UNEP	United Nations Environment Programme
UNFCCC	United Nations Framework Convention on Climate Change

Report
of the Workshop on the Implementation of Human Rights Obligations
Relating to the Environment and Climate Change organised by
the ASEAN Intergovernmental Commission on Human Rights (AICHR)

Rapporteur: Dr. Seree Nonthasoot
The Representative of Thailand to the AICHR
September 2016*

I. INTRODUCTION

1. The AICHR Workshop on the Implementation of Human Rights Obligations Relating to the Environment and Climate Change was organised by the Representative of Myanmar to the AICHR with the support of the European Union through the Regional EU – ASEAN Dialogue Instrument (READI) facility from 26 to 27 September 2015 in Mandalay, Myanmar. The Workshop was attended by approximately 60 participants from amongst the AICHR representatives, government officials from the ASEAN Member States, experts from other regions, representatives from the Civil Society Organisations, representatives from ASEAN sectoral bodies and the ASEAN Secretariat. The list of participants and the programme of activities appear in Annexes 1 and 2 of this report, respectively.
2. The Workshop is designed to serve a number of purposes. Generally, it seeks to further increase the awareness of ASEAN and stakeholders on the relationship between human rights, environment and climate change and create a platform for relevant stakeholders to exchange views and experiences of current good practices employed by ASEAN Member States in the implementation of human rights obligations relating to the environment/climate change. More specifically, the multi-stakeholder platform it creates is intended to generate ways and means for relevant ASEAN bodies and organs to further mainstream human-rights based approach to ASEAN environmental policy making and protection and further develop capacities of relevant stakeholders and strategies towards a framework for ASEAN in addressing human rights adherence to ensure environmental protection and reduce climate change impacts.
3. The Mandalay Workshop is the second consecutive occasion in which the AICHR addresses the issue of environment and climate change and in particular the linkages between these two subjects and human rights since its inception in 2009. The first workshop was organized in 2014 in Yangon, Myanmar. The 2015 Workshop attests to an endeavour by the AICHR to organise a programme of activities related to the Sustainable Development Goals (SDGs), particularly the goals on climate action, sustainable cities and communities, and life on land. At the time the report for the workshop was finalised (in September 2016), the AICHR had already adopted the third follow-up activity on human rights, environment and climate change to be co-hosted by Myanmar and Thailand, clearly illustrating the programmatic approach of the AICHR toward the agenda on human rights and the environment.
4. The Representative of Thailand to the AICHR continues to serve as the rapporteur for the human rights and environment workshop. For the Mandalay Workshop, he was assisted by a number of individuals, including note takers in Myanmar and staff members from the ASEAN Secretariat. Most importantly, he wishes to acknowledge the assistance rendered by Dr. Wanun Permpibul, Director of Climate Watch Thailand, who prepared the first draft of the Rapporteur's Report.

* This Report was submitted to the AICHR at its Special Meeting in Hanoi, Vietnam from 27-28 October 2016.

5. The Workshop Report presents the main points of discussion. Its content will not identify attribution of relevant speakers. It should be noted that owing to the vast scope and increasing dynamics of the three issues and the limited duration of the Workshop, the substantive coverage of the Workshop may not be comprehensive and the AICHR will be deliberating on follow-up activities that will supplement its content to allow for the further discussion of the development of a regional approach on the linkages of the three issues.



Group photo of the organisers and resource persons. H.E. Ambassador U Kyaw Tint Swe, the Representative of Myanmar to the AICHR (11th from the left), Mr. John Knox, UN Special Rapporteur on Human Rights and the Environment (12th from the left).

II. THE HUMAN RIGHTS PERSPECTIVES OF ENVIRONMENT AND CLIMATE CHANGE

6. The linkages of human rights, environment and climate change are well recognised. There are three aspects of the human rights and the environment nexus: protection of the environment, state obligation to protect human rights and access to remedy. Environmental protection is important for life; clean and healthy environment is a basic condition for people to lead lives in dignity and equality. Governments have the obligation to protect human rights to enjoy life as well as to safe, healthy and quality environment. Three main components form the basis of the so-called environmental rights: the rights to information, the right to public participation and the right to remedy. States have the responsibility to regulate to ensure and guarantee these rights. The enjoyment of safe, healthy and quality environment also pertains to and depend on other rights, including freedom of speech that lead to meaningful participation and the rights to education in order to digest information given by public or private sectors as well as the right to self-determination.

7. The rights to quality environment are a basic right that has been affected by environmental problems and climate change. The harm to the environment interferes with a wide range of human rights. Development plans and projects that are designed to generate economic growth can lead to environmental problems and climate change. Some of environmental impacts are transboundary in nature and need to be addressed through shared responsibility. Two examples are the case of forest fires that cause transboundary haze in Southeast Asia (SEA) and the diversion of water flows of Mekong River resulted from construction of large dams upstream. States must protect the right and freedom of speech on proposed development plans. The negative impact to the environment can also be caused by the private sector through state policy: economic development that is high on governments' agenda lead to a number of policy directions and plans that promote and encourage private sector—businesses and industries—to undertake investments that could be harmful to the environment. While economic growth and development is prioritized, less attention is paid to impact analysis and mitigation of their negative impacts to environment and human rights.

III. IMPACTS OF CLIMATE CHANGE AND CLIMATE CHANGE VULNERABILITY

8. Climate change in particular is possibly the greatest single threat to human rights. A range of direct and indirect implications of climate change on the enjoyment of human rights can be identified. Climate change is adversely impacting the lives of millions of people around the planet and undermining the progress made over the past decades in relation to development and health. Extreme weather events are causing loss of lives and livelihood, disrupting health and educational services, and damaging properties and critical infrastructure. Slow onset hazards such as sea-level rise, desertification and the modification of weather patterns affect food security, undermine access to clean water, facilitate the spreading of diseases, and will result in the displacement and migration of millions of people and communities.
9. Climate change exacerbates existing vulnerabilities of certain groups. Climate change and the lack of adequate policies to address climate change present global threats to the realisation of human rights, in particular in relation to the rights of people and communities that are already vulnerable or marginalised. Under the climate change scenario, an increase of two degrees Celsius will cause severe impacts such as disasters and displacements to communities, but the impacts will not be equally distributed or shared among different groups. The impacts of increased temperatures and sea level rise affect most acutely those segments of the population who are already in vulnerable situations owing to factors such as geography, poverty, gender, age, indigenous or minority status and disability. Climate change is not solely about current right violation, it is inter and next generation. Children die of highly climate sensitive diseases such as diarrhoea and malaria. Chronic climate-related diseases such as asthma are also on the rise. Children are more susceptible than adults because of their physical, cognitive and physiological immaturity. These diseases and increase in disasters will also perpetuate and exacerbate inequality among men and women. For example, the increase in the frequency and severity of natural disasters affect women who do not have the right to own land and cannot inherit the land. Women living in poverty are naturally disadvantaged in their participation and access to necessary information and warnings. They are more vulnerable due to the social construction, lack of power and asset. Gender dimension needs to be realised in climate actions.
10. Governments need to protect communities and ensure sound livelihoods. Whereas climate-related disasters cannot be effectively prevented, their damages could be prevented and mitigated. Preparedness and information can help mitigate damages and loss of lives. There are also a number of cases on the failure of states to exercise its obligations to protect human

rights in the context of environment. The disappearances and executions of human rights defenders in many parts of SEA manifest the lack of protection by the relevant states of environment activists and the environment in general.

11. It must be noted that while prevention and mitigation of climate change impacts are necessary, activities, actions and projects aiming at reducing greenhouse gases emission have resulted in the violation of the rights of indigenous peoples and local communities. These activities sometimes create conflicts between climate action (forest conservation) and the protection of human rights (community displacement). Actions towards sustainable development and the transition to a low-carbon economy and resilient communities must incorporate the concern for and fully protect human rights.

IV. REALISATION OF HUMAN RIGHTS, ENVIRONMENT AND CLIMATE CHANGE

12. The relationship between environment development and human rights has been well recognised and established. Internationally, the 1992 Rio Declaration provides a number of interconnecting principles including the equitable fulfilment of the right to development (Principle 3), public participation and information (Principle 10), the precautionary principle (Principle 14) and the polluter pays principle (Principle 16). The United Nations Framework Convention on Climate Change (UNFCCC) Article 6 addresses education and access to information in relation to climate change. Additionally, the Aarhus Convention acknowledges the obligation of all to future generations. Regional agreements include the Heart of Borneo Declaration and the Coral Triangle Initiative. The 1995 Mekong River Agreement aims at consultations and notification, assesses projects and proposals on the Mekong River. It also acknowledges the need to respect sovereignty, consultation and prior notification and receive complaints, but does not require a joint decision as the decision-making is left to individual countries. The ASEAN Agreement on the Conservation of Nature and Natural Resources 1985 includes the principle of environmental impact assessment (EIA) but it has not received the required number of ratifications and remains ineffective legally and factually.
 13. All ten ASEAN member states (AMS) have ratified key international environmental treaties including Vienna Convention, Montreal Protocol, the UNFCCC, the Kyoto Protocol, the Biological Diversity Convention, the Basel Convention and the Ramsar Convention. ASEAN itself has adopted a set of hard law instruments related to environment. These include the ASEAN Convention on the Protection of Natural Resources, the ASEAN Agreement on Transboundary Haze Pollution, and the ASEAN Agreement on Natural Disaster Responses. There are also 'soft laws' including the Declaration on environmental sustainability, the ASEAN joint statement on climate Change, Joint Climate Change Declaration. However, there is still a disconnect between the legal and policy instruments on the environment and natural resources and human rights perspectives that are not incorporated in their provisions or implementation. More recently, the ASEAN Human Rights Declaration (AHRD) that was adopted by ASEAN leaders in 2012, while being a 'policy' statement and not a legally binding instrument on human rights, makes references to the environment and should be used as a reference point to enhance the human rights and environment nexus and the protection of both causes.
 14. The EIA can be developed as a regional tool for ASEAN to ensure green growth and sustainable development and can espouse human rights and environmental rights, especially when it deals with transboundary environmental impacts. The EIA is proponent driven and it has to incorporate community participation, engage with the community and provide opportunity for compliance and enforcement. A regional EIA can be developed with the focus on rights based
- AICHR Workshop on Human Rights Obligations Relating to the Environment and Climate Change (September 2015)

approach, which will ensure sustainable development, improve the quality of life and maintain ecological processes. Public participation, precautionary principle, polluter pays and human rights can be incorporated, which can be considered as added value to the existing national EIAs. It will allow identification of projects that are transboundary in nature, environmental assessment plans and policies beyond a single project. Countries will have opportunities to see how other countries have responded to issues likely to have impact or can have regional impact. The idea of an EIA ASEAN framework can assist in looking into regional issues such as gender and migrant workers. More detailed discussions will be needed to take into consideration the EIA implementation at the national level.

15. Promotion and protection of human rights are two key mandates of the AICHR. However, a balance has been tipped toward promotional activities and a more concrete protection system should be further enhanced. As environment issue and impact are not confined to national boundaries and many are transboundary in nature, the AICHR should consider taking a concrete protection role in environmental cases.

V. KEY DISCUSSION POINTS

16. The following represents a list of salient discussion points from the two-day workshop.
 - 1) The compartmentalization or pillarization of ASEAN Communities (APSC, AEC and ASCC) has rendered challenging the flow and sharing of information that is a foundation for the mainstreaming of human rights based approach, especially in the field of environment and climate change. While a comprehensive study on how to establish effective intra and cross pillar coordination with a view to achieving the mainstreaming of human rights based approach as envisioned in the new ASEAN Vision 2025 can be undertaken, a number of immediate actions should be reviewed and adopted, including the greater role of the AICHR as the overarching human rights body for ASEAN to organize and coordinate programme of activities that promote penetration and enhanced understanding of human rights principles among sectoral bodies as well as ASEAN Secretariat personnel that deal with environment and climate change.
 - 2) ASEAN has recognised human rights, environment and climate change to a certain level as reflected in its commitments through legal and policy instruments such as conventions, agreements and declarations. However, the synergy among these three areas remain lacking or insufficient. Emphasis should be placed on implementation or enforcement of existing standards; a framework that promotes an integrated and holistic approach to sustainability and compatibility between human rights, environment and climate change should be established. Such a framework must also address the rights to information, the right to public participation and the right to remedy, which constitute three pillars of environmental rights.
 - 3) The importance and increasing utility of an ASEAN regional EIA should be further discussed. Such a regional EIA can serve as a planning tool to improve the quality of development projects and minimise impacts on the environment by regional stakeholders such as the various sectoral bodies under the ASEAN Economic Community that is focused on trade liberalization and regional economic integration. It can also be used as a mechanism to protect human rights or a proactive instrument for development that takes into consideration women's rights issues, biodiversity and climate change. A comprehensive discussion is needed.
 - 4) Capacity building and regular trainings on human rights are imperative for those implementing and dealing with environment and climate change. They will help ensure that environment plans and projects are implemented in the manner that is consonant with human rights perspectives.

ANNEX 1 LIST OF PARTICIPANTS

NO	NAME	COUNTRY	ROLE	ORGANISATION
1	H.E. Mr. Srun Thirith	Cambodia	Moderator	Representative of Cambodia to AICHR
2	H.E. Amb. Chan Heng Chee	Singapore	Moderator	Representative of Singapore to AICHR
3	H.E. Dr. Seree NONTHASOOT	Thailand	Rapporteur	Representative of Thailand to AICHR
4	H.E. Kyaw Tint Swe	Myanmar	Speaker/Host	Representative of Myanmar to AICHR
5	H.E. Mr. Phoukhong Sisoulath	Lao PDR	Moderator	Representative of Lao PDR to AICHR
6	Dr. Raman Letchumanan	Singapore	Speaker	Senior Fellow, S. Rajaratnam School of International Studies
7	H.E. Mr. John Knox	United States	Speaker	UN Special Rapporteur on Human Rights and the Environment
8	Prof. Dinah Shelton	United States	Speaker	Professor of Law (Emeritus) The George Washington University Law School (American States)
9	Dr. Nay Htun	Myanmar	Speaker	Former Assistant Secretary General of UN and Deputy Executive Director of UNEP
10	Mr. Matthew Baird	Australia	Speaker	Environmental Counsel and consultant to PACT Mekong Partnership for the Environment and Vermont Law School
11	Honorary Professor Jaap Spier	Netherland	Speaker	Maastricht University Faculty of Law and Advocate-General of the Netherlands Supreme Court
12	Atty. Theodore O. Te	Philippines	Speaker	Assistant Administrator of the Supreme Court of the Philippines
13	Dr. Vitit Muntarbhorn	Thailand	Speaker/Discussant	International Human Rights Expert and Professor of Law, Chulalongkorn University
14	Ms. Jessica Chaix	France	Speaker	DRR Specialist UNICEF East Asia and the Pacific Regional Office UNICEF
15	Dr. Sriprapha Petcharamesree	Thailand	Speaker	Lecturer, IHRP, Mahidol University, Co- Chair of Working Group for an ASEAN Human Rights Mechanism
16	Mr. Xayaveth Vixay	Lao PDR	Discussant	Director General, Department of Environment and Social Impact Assessment
17	Professor Lilia Casanova	Philippines	Moderator	Executive Director, Center for Advanced Philippines Study
18	Madam Lily Dorianty Purba	Indonesia	Speaker	Representative of Indonesia to ACWC
19	Mr. Apichai Sunchindah	Thailand	Discussant	Former Assistant Director, Environment ASEAN Secretariat
20	Ms. Renata Siagian	Indonesia	Moderator	Deputy Director for ASEAN Political Security Cooperation, Ministry of Foreign Affairs of Indonesia
21	Mr. Mozaharul Alam	Bangladesh	Discussant	Regional Climate Change Coordinator, UNEP Regional Office for Asia and the Pacific
22	Dr. Wanun Permpibul	Thailand	Participant	Director, Climate Watch Thailand
23	Mr. Meas Rithy	Cambodia	Participant	Deputy Director of Division, Department of Marine and Coastal Zone Conservation, Ministry of Environment
24	Mr. Long Kheng	Thailand	Participant	Deputy Director of Department of Freshwater Wetlands Conservation, Ministry of Environment
25	Prof. Dr. Hafid Abbas	Indonesia	Participant	Chairman, Komnas Ham
26	Ms. Nurul Hasanah Ahamed	Malaysia	Participant	Deputy Secretary of the Policy, Law and Complaints Group
27	Ms. Gwendolyn Pimentel-Gana	Philippines	Participant	Commissioner, Commission on Human Rights of the Philippines

NO	NAME	COUNTRY	ROLE	ORGANISATION
28	Prof. Amara Pongsapich	Thailand	Participant	Chairman, Commission on Human Rights of Thailand
29	Ambassador U Hla Myint	Myanmar	Participant	Ambassador (RTD), Myanmar Representative to the High Level Taskforce on beyond 2015
30	Ms. Lau Xin Yi	Singapore	Participant	Executive (Sustainability), Singapore Institute of International Affairs
31	Professor Victoria Maravilla Segovia	Philippines	Participant	Programme Coordinator and Faculty, Environment Management programme, Philippine Women's University
32	Ms. Nattawan Chantachoto	Thailand	Participant	Researcher, Institute of Research and Development for Public Enterprises
33	Dr. Bounyadeth Daopasith	Lao PDR	Participant	Lecturer of the International Law ,Faculty of Laws and Political Science, National University of Laos
34	Mrs. Duong Thi Thanh Ha	Viet Nam	Participant	Department of Legal Affairs – Ministry of Natural Resources and Environment of The Socialist Republic of Vietnam
35	Mr. Ahmad Syamsul Hadi	Indonesia	Participant	Head of Organization Department, Walhi - Friends of earth Indonesia
36	Ms. Kwa Yin Fong	Malaysia	Participant	Researcher, Institute of Strategic & International Studies (ISIS)
37	Ms. KHLOK Vichet Ratha	Cambodia	Participant	Deputy Director, Climate Change Department, Ministry of Environment
38	Professor Alan F. Koropitan	Indonesia	Participant	Associate Professor in Oceanography Department of Marine Science and Technology, Bogor Agricultural University
39	Dr. Romeo Labios	Philippines	Participant	Deputy Director-General (Communication and Partnerships) and Secretary, IRRI Board of Trustees International Rice Research Institute (IRRI)
40	U Kyaw Lwin Hla	Myanmar	Participant	Executive Director (GEGG)
41	Dr. Carl Middleton	Thailand	Discussant	Lecturer, Chulalongkorn University
42	Dr. Cap Xuan Tu	Viet Nam	Participant	Director of Aerial Photography & Photogrammetry Enterprise, Viet Nam Natural Resources and Environment Cooperation
43	U Maung Maung Aye	Myanmar	Participant	Partron & Chief Advisor of Myanmar Environmental Institute
44	Dr. Kyaw Tint	Myanmar	Participant	Chairman, Eco System Conservation and Community Development
45	U Aye Lwin	Myanmar	Participant	Executive Committee Member (GEGG)
46	U Moe Kyaw Aung	Myanmar	Participant/Or ganiser	Deputy Director General, Ministry of Foreign Affairs, Myanmar
47	U Hlaing Phone Myint	Myanmar	Participant	General Manager, MTN
48	Ms. Leena Ghosh	Malaysia	Participant	Assistant Director Promotion and Protection of Human Rights, Civil Society Engagements and Interaction with ASEAN Associated Entities Division
49	Ms. Ampai Harakunarak	Thailand	Participant	Assistant Director/Head - Environment Division
50	Ms. Emily Wana	Indonesia	Participant	Senior Officer, ASEC
51	Mr. Karma Lodey Raptan	Myanmar	Participant	Technical Specialist
52	U Thein Tun	Myanmar	Participant	Chairman of GEGG
53	Daw May Yin Tun	Myanmar	Participant	President, Young Women Christian Association (YWCA)
54	Mr. Keith Doxtater	US	Participant	PROGRESS Chief of Party
55	Ms. Charlotta Bredberg	?	Participant	Senior Programme Manager on Human Rights & Democracy
56	Mr. Daniel Simanjuntak	Indonesia	Participant	Head of Section for Human Rights Affairs, Directorate of ASEAN Political Security, Ministry of Foreign Affairs of Indonesia

NO	NAME	COUNTRY	ROLE	ORGANISATION
57	U Tin Win Aung	Myanmar	Participant	Chairman, MCC
58	Mr. Miroslaw ZASADA	Myanmar	Speaker?	Charge d'Affaires of Poland a, Representative Office of Poland in Yangon
59	Ms. Yuyun Wahyuningrum	Indonesia	Organiser/Participant?	Team Leader, EU READI
60	Ms. Irene E.K	Indonesia	Organiser	Project Assistant, EU READI

ANNEX 2 PROGRAMME OF ACTIVITIES



AICHR Workshop on the Implementation of Human Rights Obligations Relating to the Environment and Climate Change



Supported by Regional EU – ASEAN Dialogue Instrument
Mandalay, Myanmar, 26 – 27 September 2015

Background

The ASEAN Human Rights Declaration (AHRD), as a landmark document in the development of human rights promotion and protection in ASEAN has specifically recognised the right to a safe, clean and sustainable environment in the Article 28 (f). During the past two years, there has been emerging commitment shown by the AICHR to undertake initiatives aimed at the implementation and the operationalization of this article of the AHRD.

In September 2014, the AICHR conducted a Workshop on Human Rights, Environment and Climate Change (“Workshop 2014”). The Workshop marked the first pertinent step by the AICHR to address the issue of environment and climate change, and in particular to raise ASEAN awareness on the linkages between those two subjects and human rights.

Following the recommendations from the Workshop 2014, the AICHR intends to develop a deeper understanding on the human rights obligations relating to the environment in the ASEAN context and explore how a regional response may be initiated with the involvement of relevant stakeholders. This workshop is part of AICHR’s continues efforts to develop strategies and undertake initiatives for further integration of the Human Rights Based Approach to environmental/climate change policy making and protection.

Workshop Objectives

- To discuss best methodology to ensure participatory processes for relevant stakeholders in the assessment process;
- To exchange views of current good practices employed by AMS in the implementation of human rights obligations relating to the environment/climate change.
- To discuss strategies towards developing a framework for ASEAN in addressing human rights adherence to ensure environmental protection and reduce climate change impacts;
- To provide platforms for relevant ASEAN bodies and organs to further mainstream human-rights based approach to ASEAN environmental policy making and protection including climate change and further develop capacities of relevant stakeholders;
- To further increase the awareness of ASEAN on the relationship between human rights, environment and climate change;

Rapporteur: Dr. Seree Nonthasoot, the Representative of Thailand to the AICHR

Proposed Programme

DAY 1 26 th September AM	Opening Session
8.00 – 9.00	Registration of Participants
9.00 – 9.20	Welcome remarks – by the Representative of Myanmar to AICHR , H.E. U Kyaw Tint Swe
9.25 – 9.35	Remarks by Chair of AICHR – Tan Sri Dato’ Sri Dr. Muhammad Shafee Abdullah
9.35 – 9.45	Remarks by EU Delegation in Myanmar
9.45 – 10.15	TEA BREAK – Photo
10.20 – 12.30	Session 1 : Keynote Where are we now with regards Human Rights Obligations Relating to the Environment and Climate Change
	<u>Speakers</u> <ul style="list-style-type: none">• Mr. John Knox, UN Special Rapporteur on Human Rights and the Environment• Dr. Nay Htun, Former UN ASG and UNEP Deputy Executive Director. Moderator : Ambassador Chan Heng Chee, the Representative of Singapore to the AICHR

	Questions and Answers
12.30 – 2 .00 PM	LUNCH
2.00 – 3.30	<p>Session 2 : Environmental Impact Assessment : Designing Tools for ASEAN</p> <ul style="list-style-type: none"> - Identification of national/regional environmental impact assessments currently employed that could serve as a basis structure for ASEAN’s consideration; good practices from other regions? - Cumulative Impact Assessment and/or transboundary impact assessment – recent trends - Environmental and health impact assessment and Environmental and social impact assessment - Overview of related good practices by AMS and identifying what may be transposed to a regional impact assessment
	<p><u>Speakers</u></p> <ul style="list-style-type: none"> • Mr. Matthew Baird, Environmental Counsel and consultant to PACT Mekong Partnership for the Environment and Vermont Law School • Dr. Raman Letchumanan, Senior Fellow, S. Rajaratnam School of International Studies <p>Discussant : Mr. Xayaveth Vixay, Director General, Department of Environment and Social Impact Assessment (TBC)</p> <p>Moderator : Professor Lilia Casanova, Executive Director, Center for Advanced Philippines Study</p>
3.30 – 4.00	Tea Break
4.00 – 5.30	<p>Session 3 : Human Rights Application in mechanisms and processes addressing environmental / climate change protection</p> <ul style="list-style-type: none"> - Access to information and public participation, especially its significance to decision making and monitoring processes that affect the environment; - The importance of access to justice and adequate remedy in guaranteeing all human rights related to environment protection; - The UN Environment Programme (UNEP)’s Bali Guidelines for the Development of National Legislation on Access to Information, Public Participation and Access to Justice in Environmental Matters, which serves as the international standard against which national law can be assessed;¹ and - Overview of related good practices by AMS and identifying what may be applied at the regional level.
	<p><u>Speakers</u></p> <ul style="list-style-type: none"> • Prof. Dinah Shelton, Professor of Law (Emeritus) The George Washington University Law School (American States) • Dr. Sriprapha Petcharamesree, Co-Chairperson of the Working Group for an ASEAN Human Rights Mechanism <p>Discussant : Dr. Carl Middleton, Lecturer, Chulalongkorn University, Thailand</p> <p>Moderator : Dr. Srun Thirith, the Representative of Cambodia to the AICHR</p>
	END OF DAY 1
DAY 2 27 th September	<p>Session 4 : Human Rights Application in Legal Frameworks</p> <ul style="list-style-type: none"> - ASEAN legal/non-legal frameworks examples: The ASEAN Declaration on Environmental , 2009 ASEAN Joint Statement on Climate Change etc - Implementation of the ASEAN Agreement of Transboundary Haze Pollution - Contribution of “A Common Vision on Environment for ASEAN Judiciaries” (the “Jakarta Common Vision”) - Obligation regarding non-State actors; - Constitutional Environmental Rights;² - Overview of related good practices by AMS in relation to legal or instruments on environmental / climate change protection

¹ The Guidelines consist of 26 voluntary guidelines that aim to provide general guidance to States on promoting “the effective implementation of their commitments to Principle 10 of the 1992 Rio Declaration on Environment and Development within the framework of their national legislation and processes.” According to UNEP, the Bali Guidelines “underline recognition of the need to fill gaps in legal norms and practices so as to encourage broad access to information, public participation and access to justice in environmental matters within the framework of national legislation and processes.”

² As highlighted in the “Good Practices” Report and in the Report of Regional Consultation on Constitutional Environmental Rights that was conducted in South Africa, in January 2014, one of the notable examples of good practice in this area of obligation is the proliferation of constitutional rights to a healthy environment. 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.

9.00 – 10.30	<p><u>Speakers</u></p> <ul style="list-style-type: none"> • Attorney Theodore O. Te, Assistant Administrator of the Supreme Court of the Philippines • Honorary Professor Jaap Spier, Maastricht University Faculty of Law and Advocate-General of the Netherlands Supreme Court <p>Discussant : Prof. Vitit Muntarbhorn, Professor Emeritus and Distinguished Scholar, Law Faculty, Chulalongkorn University, Bangkok, and former UN Special Rapporteur Moderator : Mr. Phoukhong Sisoulath, the Representative of Lao PDR to the AICHR</p>
10.30 – 11.00	Tea Break
11.00 – 12.30	<p>Session 5 : Protection of members of groups : women, children, and other vulnerable groups</p> <ul style="list-style-type: none"> - Definition of vulnerability in the context of environmental protection and harm; - What mechanisms does international environmental law, including multilateral environmental agreements, contemplate to define the content of and support the exercise of substantive rights, in particular by vulnerable groups?; - What procedural rights and mechanisms does international environmental law contemplate for vulnerable groups in relation to environmental protection, management and harm?; - What types of transboundary harm are particularly relevant to vulnerable groups? What are the challenges and opportunities in applying human rights to such harm? - Sharing good practices by AMS and its applicability at the regional level.
	<p><u>Speakers</u></p> <ul style="list-style-type: none"> • Madam Lily Dorianty Purba, Indonesia Representative to ACWC • Ms. Jessica Chaix, Disaster Risk Reduction Specialist, UNICEF Myanmar Country Office <p>Discussant : Mr. Mozaharul Alam, Regional Climate Change Coordinator, UNEP Regional Office for Asia and the Pacific, Bangkok, Thailand Moderator : Renata Siaghan, Deputy Director for ASEAN Political Security, Ministry of Foreign Affairs, Indonesia</p>
12.30 – 1.30PM	LUNCH
1.30 – 3.30	<p>SESSION 6 Possible Framework for ASEAN</p> <ul style="list-style-type: none"> - The duty of international cooperation in the context of transboundary environmental harm; Does the duty help provide concrete obligations with respect to transboundary environmental issues; - The application of extraterritorial duties to global environmental problems where no one state is solely responsible for causing transboundary harm, such as in the area of climate change. - Sharing good practices in AMS and the development of regional strategy to implement such obligations in ASEAN and its member states. - Consolidation of sessions 1 – 3 and defining a possible a regional strategy for ASEAN.
	<p><u>Speakers</u></p> <ul style="list-style-type: none"> • Dr. Nay Htun, Former UN ASG and UNEP Deputy Executive Director. • Professor Vitit Muntarbhorn, Professor Emeritus and Distinguished Scholar, Law Faculty, Chulalongkorn University, Bangkok, and former UN Special Rapporteur <p>Discussant : Apichai Sunchindah, Independent Development Specialist Moderator : H.E. U Kyaw Tint Swe</p>
3.30 – 4.00	Tea Break
4.00- 5.00	<p>Final Session: Rapporteur’s Summary of Recommendations and Closing</p> <p>Dr. Seree Nonthasoot, the Representative of Thailand to the AICHR</p>
5.00 – 5.30	Closing remarks – Amb. Kyaw Tint Swe, Representative of Myanmar to the AICHR