



Summary Report

Regional Dialogue and Consultation: Advancing the Development of Environmental Rights in ASEAN

7-8 November 2024, Jakarta, Indonesia

Opening Session

1. **H.E. Amb. Yong Chanthalangsy**, Representative of Lao PDR and Chair of AICHR, highlighted the workshop's importance as a platform for discussing environmental rights within ASEAN and its role in strengthening AICHR's efforts to incorporate human rights into ASEAN's work plans on issues such as climate change, anti-trafficking and poverty alleviation, among others. He noted AICHR's collaborations with various partners and the progress on the draft ASEAN declaration related to the environment.
2. **Ms. Katerina Lopo**, Political Advisor of the EU Delegation to ASEAN, emphasized that environmental rights are foundational for addressing climate change and sustaining human rights. She referred to extreme weather events, such as recent floods in Spain, to illustrate the urgency for international cooperation. Ms. Lopo reiterated the EU's commitment to reducing greenhouse gas emissions by 50% by 2030 and achieving carbon neutrality by 2050, supported by a 30 million Euro investment towards SDGs by 2030.
3. **Ms. Kate Rebholz**, Chargé d' Affaires, U.S. Mission to ASEAN, discussed USAID's commitment to tackling transboundary environmental challenges like transboundary haze pollution. She highlighted the significance of regional cooperation and policy alignment and noted USAID's support for WWF's Mekong for the Future project, which aims to foster collective and inclusive actions for the drafting process of the ASEAN declaration on environmental rights to strengthen human and environmental rights in the region.

Session 1: Experiences on Human Rights and Environment

4. The session was moderated by **Mr. Jerald Joseph**, Former Commissioner, SUHAKAM, Malaysia.
5. **H.E. Prof. Dr. Amara Pongsapich**, Representative of Thailand to AICHR, provided an overview of AICHR's mandate and referred to key articles that support the promotion of environmental rights. On 25 July 2024, AICHR reported on the development of the draft ASEAN Declaration on the right to a safe, clean, healthy and sustainable environment to

the ASEAN Foreign Ministers at the Interface meeting with AICHR representatives where AICHR was encouraged by the Ministers to continue the finalization of the declaration and tasked to consult the relevant ASEAN sectoral bodies.

6. Since 2014, AICHR has conducted numerous workshops addressing the nexus between human rights and environmental challenges. These efforts include workshops on climate change and human rights, rights-based approaches to environmental impact assessments, and urban pollution management. AICHR's commitment to environmental rights gained further momentum with the development of a regional framework on environmental rights. The ASEAN Environmental Rights Working Group (AER WG) has been established in 2022 and has since hosted multiple meetings to identify gaps, draft provisions, and consult stakeholders on the "Draft ASEAN Declaration on the Right to a Safe, Clean, Healthy, and Sustainable Environment." This declaration aims to strengthen regional policies and actions, integrating human rights with environmental sustainability.
7. The declaration aligns with ASEAN's overarching human rights principles, as emphasized in the ASEAN Human Rights Declaration of 2012, which includes the right to a safe, clean, and sustainable environment. The draft Declaration, which will be coupled with a regional action plan, represents a landmark effort in mainstreaming environmental rights across ASEAN policies and sectoral bodies. It demonstrates ASEAN's resolve to harmonize environmental sustainability with the protection of fundamental human rights, laying the foundation for enhanced regional cooperation on pressing global environmental issues.
8. **Ms. Anna Michelle I. Lim**, Department of Environment and Natural Resources, Philippines, Representative of Chair of ASEAN Senior Officials on the Environment Meeting (ASOEN), highlighted that ASOEN has played a pivotal role in guiding the environmental initiatives of ASEAN. It supports the ASEAN Ministerial Meeting on the Environment (AMME) in implementing the ASEAN Socio-Cultural Community Blueprint 2025. ASOEN comprises deputy ministers or undersecretaries from the environment ministries of ASEAN Member States and meets annually to strategize and oversee various thematic priorities in environmental protection and sustainable development. Its work is carried out through seven subsidiary bodies focusing on key areas such as biodiversity conservation, climate action, and transboundary pollution management.
9. She noted recent achievements, including the ASEAN Biodiversity Plan and the establishment of the ASEAN Center for Climate Change. Under the 2024 ASEAN Chairmanship of Lao PDR, the regional agenda emphasizes enhancing connectivity and resilience, with environmental cooperation as a central theme. Key initiatives include the ASEAN Declaration on Plastic Circularity, ASEAN Joint Statements on climate change and biodiversity for international conferences, and capacity-building programs to improve access to green financing.
10. Ms. Lim shared that public awareness and youth engagement also feature prominently in ASEAN's environmental strategy. Past initiatives, such as the YSEALI Marine Debris

Expedition and the ASEAN Youth Eco-Champions Award, have mobilized younger generations to take active roles in sustainability. By fostering dialogue and collaboration with external partners and empowering communities, ASEAN continues to prioritize environmental conservation and climate action in line with its long-term vision for a sustainable and resilient region.

11. **Dr. Seree Nonthasoot**, Member of UN Committee on Economic, Social, and Cultural Rights (CESCR), discussed the nexus between economic, social and cultural rights and the planetary environmental crises. He talked about the CESCR, which is the body of 18 independent experts that monitors the implementation of the International Covenant on Economic, Social and Cultural Rights (ICESCR) by its state parties. ICESCR has 173 parties, of which 7 out of 10 ASEAN Member States are involved. The Covenant enshrines economic, social and cultural rights such as the rights to adequate food, adequate housing, education, health, social security, water and sanitation and work. The Committee seeks to develop a constructive dialogue with State parties, determine whether the Covenant's norms are being applied and assess how the implementation and enforcement of the Covenant could be improved. He emphasized that states have an obligation to ensure a healthy environment as part of core human rights and stressed transparent, participatory policy-making based on scientific evidence. He highlighted the rights of indigenous peoples and the importance of inclusive decision-making.
12. Dr. Nonthasoot presented the case of Climate change as a critical human rights issue. It threatens fundamental rights, including life, health, and housing, while also degrading the ecosystems that underpin these rights. States are urged to prevent foreseeable harm by regulating the contributing activities and adopting evidence-based policies that align with human rights obligations. This includes transitioning from fossil fuels, promoting renewable energy, combating deforestation, and ensuring that private actors are held accountable for their impact both domestically and extraterritorially. Failure to act against climate change could constitute a violation of state obligations under human rights frameworks.
13. To fulfil obligations under the Paris Agreement and broader human rights objectives, states must adopt ambitious climate policies fostering resilience and low-carbon development. Investments should prioritize pathways consistent with reducing greenhouse gas emissions while ensuring the rights of marginalized groups are protected. Collaboration among treaty bodies, such as joint statements on human rights and climate change, underscores the necessity of integrated approaches, advocating for shared global responsibility to address environmental and human rights challenges collectively.
14. **Prof. Astrid Puentes Riaño**, UN Special Rapporteur on the human right to a clean, healthy and sustainable environment, discussed about key human rights considerations when drafting domestic legislation, including examples of global best practices. She addressed the escalating climate crisis, which can be seen from current flood issues and the need for policies that include public participation, access to information, and protection

for marginalized communities. Eighty-five percent of member states in the UN agree on the importance of the right to a clean, healthy, and sustainable environment. ASEAN environmental rights are important for all stakeholders in order to have a strong policy and decision-making process, including ministries and agencies in the states. She highlighted that the inclusion of rights to people in vulnerable and marginalized situations such as indigenous people, women and children is important. She stressed that international collaboration is a key factor in achieving sustainable, long-term solutions that uphold human rights. She emphasized the importance of environmental impact assessment to prevent transboundary harm.

15. The Special Rapporteur also highlighted the need for a regional mechanism to help realize the rights better and thinks that AICHR is well placed, and the ASEAN Declaration on environmental rights would be important to help governments incorporate these standards into their countries.

Session 2: Experiences from NHRIs on Human Rights, Environment and Climate Change, including transnational issues

16. The session was moderated by Mr. Jerald Joseph.
17. **Atty. Jasmin Navarro-Regino**, Director of Protection Cluster, Commission on Human Rights, Philippines, emphasized the nexus between human rights and climate change. She provided an overview of the Philippine Environmental Frameworks and Constitutional Mandates of the Commission on Human Rights of the Philippines (CHR). She outlined the Commission's role in protecting Environmental Human Rights Defenders (EHRDs) and called for stronger regional cooperation and protective measures. She recommended strengthening cooperation through National Human Rights Institutions (NHRIs) in the region and ensuring inclusivity across all sectors.
18. The Philippines' legal framework, as articulated in the 1987 Constitution, guarantees the right to a balanced and healthful ecology and mandates the state to promote health and environmental consciousness. Several laws, such as the Clean Air Act, Clean Water Act, and Climate Change Act, reinforce this constitutional mandate, supported by protective legal remedies. The CHR has engaged in strategic investigations and public inquiries to address human rights violations linked to environmental challenges. Key recommendations include urging governments to fulfil climate finance commitments, develop mechanisms for loss and damage, and strengthen corporate accountability through human rights due diligence.
19. The CHR plans to advocate for new legislation, such as the Rights of Nature Bill and Climate Accountability Act. The CHR work emphasizes the importance of collaboration with governments, international bodies, and other stakeholders to mainstream rights-based approaches in addressing environmental and climate change issues, ensuring a holistic and participatory approach to sustainable development.

20. **Ms. Sayamol Kaiyoorawong**, Commissioner, National Human Rights Commission of Thailand (NHRCT), shared the mechanisms for monitoring urgent environmental cases and making legislative recommendations. She underscored the need for EIAs and highlighted the limitations of existing frameworks, calling for enhanced cross-border human rights due diligence and legislative integration. She urged the implementation of the National Action Plan (NAP) on Business and Human Rights and cooperation with neighboring countries, such as on haze pollution and impacts from large dam projects. She highlighted the private sector's responsibility to provide all information to ensure they conduct human rights due diligence.
21. One major challenge highlighted is the lack of cross-border human rights protections and the limitations of Thai laws in addressing transboundary environmental issues. These issues often require regional cooperation and integration of policies across neighbouring countries. The NHRCT has called for amendments to Thai laws to include extraterritorial human rights obligations, development of Human Rights Impact Assessment (HRIA) tools, and better mechanisms to monitor businesses' compliance with human rights standards, particularly in cross-border projects. The NHRCT has also been actively involved in regional efforts. In 2024, it co-hosted consultations with AICHR Thailand and civil society organizations on the proposed draft ASEAN Declaration on Environmental Rights. Recommendations from the meeting include adding mechanisms for environmental court, complaint mechanism, and resource frameworks, among others.
22. **Ms. Carol Rask**, Danish Institute for Human Rights, presented the legal recognition of environmental rights and their impact on cultural rights in Europe. Tracing the link between human rights and the environment back to the 1972 Stockholm Declaration, which recognized the need for environmental equity. She stressed the importance of robust mechanisms for environmental justice and referenced international treaties that support these rights. She mentioned about the status of the recognition of the right in regional human right instruments in African Charter and Protocol to the African Charter on Human and Peoples' Rights on the Rights of Women in Africa, Inter-American system, Arab Charter on Human Rights, ASEAN Declaration on Human Rights, and European Convention on Human Rights.
23. She outlined the European Court of Human Rights (ECtHR) handling of cases on climate change, which integrated human rights aspects into environmental decisions. European jurisprudence has been pivotal in shaping the legal relationship between human rights and environmental issues. In many cases, the court ruled that severe environmental damage can violate private and family life if it reduces individuals' ability to enjoy their homes or threatens health and well-being. The Court's judgment further established states' obligations to create and enforce regulatory frameworks to protect individuals from environmental risks, emphasizing transparency and the public's right to information.

24. The ECtHR has extended its scope to climate change, where it recognized the state's positive obligation to mitigate climate change's adverse effects on life, health, and well-being. The Court highlighted that states must adopt effective regulations to limit greenhouse gas emissions, with each country tailoring its approach within globally informed goals. These obligations require immediate and concrete action to ensure compliance with international human rights standards while protecting future generations from the disproportionate burdens of climate inaction.

Open discussion

25. One participant expressed concerns about the potential conflict between the investigative role of National Human Rights Institutions (NHRIs) and their involvement in strategic litigation. In response, the Philippine representative clarified that their Commission primarily focuses on protective mechanisms for human rights defenders (HRDs) through strategic litigation. This includes assisting HRDs in filing protective writs rather than initiating complaints themselves. The Commission also acts as a nominal complainant for vulnerable individuals who fear reprisals from state agents, thus ensuring its independence while fulfilling its mandate to provide remedies for marginalized groups.
26. The Commissioner from Thailand addressed questions on transboundary environmental issues within ASEAN, particularly focusing on the Mekong River. The Commissioner underscored the need to incorporate transboundary impact assessments into government agreements, such as memoranda of understanding on hydropower projects. Thailand's NHRI actively promotes human rights due diligence among private companies to address cross-border impacts.
27. The idea of establishing a regional human rights court, akin to the European Court of Human Rights, was also discussed. A representative from the Danish Institute for Human Rights explained that Europe's context, characterized by binding conventions and integration of these agreements into domestic legislation, supports such mechanisms. However, while the establishment of a similar court in ASEAN remains a long-term aspiration, the immediate focus should be on strengthening existing national and regional frameworks. This includes leveraging European court jurisprudence to inform and guide local cases within ASEAN.
28. A participant stressed the importance of involving youth in international agreement processes, noting that they constitute 30% of ASEAN's population and are among the most vulnerable to environmental crises. Lastly, a representative from an indigenous organisation raised concerns about the lack of recognition of indigenous rights in many Asian states and questioned how investigations are conducted in such contexts.
29. In conclusion, the forum acknowledged ASEAN's gradual progress in regional remedies, including the development of an ASEAN declaration on environmental rights. It was suggested that existing frameworks, such as the ASEAN Framework on Transboundary

Haze, could serve as a foundation for broader discussions on addressing significant regional challenges. There was an emphasis on the need for innovative approaches to ensure that NHRIs address human rights issues transcending national borders, including indigenous rights and climate change.

Session 3: Experiences in Drafting Elements of Environment Instruments

30. The session was moderated by **H.E. Eugene Tan Kheng Boon**, Alternate Representative of Singapore to the AICHR.
31. **Ms. Bounmany Soulideth**, Natural Resources and Environment Research Institute, Ministry of Natural Resources and Environment, Lao PDR, shared her experiences in drafting environmental laws. Lao PDR has had a law on environment protection and natural resource conservation since 2004, covering a wide range of environmental issues, including air and water pollution, waste management, and biodiversity. She mentioned the challenges in drafting and implementing environmental laws, including limited technical capacity, weak institutional capacity, balancing economic development and environmental protection and public awareness and participation.
32. She shared that Lao PDR aims to invest in capacity-building initiatives for government agencies and local communities. Promoting public awareness and participation is also a priority, as engaging communities in environmental decision-making can foster greater compliance and advocacy. Additionally, learning from international best practices and collaborating with regional and international partners will provide the technical and financial resources needed to enhance environmental governance. These strategies represent a pathway toward achieving a balance between economic development and environmental protection.
33. **Atty. Efenita May Taqueban**, Executive Director of the Legal Rights and Natural Resources Center, Philippines, shared her experiences from the Philippines. She mentioned that the contribution of indigenous people is invaluable to society while land conflicts with indigenous lands have worsened. Indigenous Peoples' Rights Act (IPRA) is very important where the challenges lie in amendment to guidelines for Free, Prior and Informed Consent (FPIC), which provided that exploration and feasibility studies would no longer require FPIC; and role of elders in FPIC teams to be removed. The concerns for the change also include security risks disclosure.
34. She underscored the importance of House bills and freedom for environmental human rights defenders. Although the Philippines is a minor contributor to climate change, an average of 20 typhoons happens in the Philippines every year, and big polluters have to be morally and legally liable for climate change. This led to the Climate Accountability Act in 2023.

35. **Assoc. Prof. Dr. Kanongnij Sribuaiam**, Faculty of Law, Chulalongkorn University, Thailand, presented the case of the Clean Air Bill, which has been drafted through an inclusive process involving both governmental and citizen-led initiatives. The Bill, framed to ensure the protection of the Thai people's right to clean air and uphold state obligations, began with drafting and citizen signature collection, followed by public hearings and impact assessments. Seven initial drafts from various parties were consolidated into a single draft, emphasizing public interest and avoiding superficial compromises. From 2019 to 2024, efforts included gathering over 20,000 signatures and submitting an open letter to the Prime Minister. The Clean Air Bill, approved by the Ad Hoc Committee with support by the majority, passed unanimously in January 2024.
36. The final version of the Bill prioritizes public interest and management for clean air and guarantees individuals' rights to a healthy environment. It also addresses structural issues, such as air pollution, as part of a broader effort toward clean air justice. Civil society played a pivotal role in drafting and advocating for the bill, contributing expertise, raising public awareness, and leveraging media and events to maintain pressure on decision-makers. This Bill also enshrines substantive and procedural environmental rights, such as the right to clean air, access to information, public participation in decision-making, and environmental justice.

Open Discussion

37. One question focused on involving indigenous people in the law-making process, particularly in Thailand and Lao PDR. Panellists explained that in Thailand, public hearings and consultations are integral, facilitated by a steering committee within the relevant ministry, which collaborates with domestic and local authorities. In Lao PDR, where air pollution is often caused by agricultural burning, awareness-raising efforts are essential, as enforcement alone is insufficient. The Thai government is also exploring initiatives to promote ethnic livelihoods alongside the Clean Air Bill, respecting indigenous cultures and accounting for diverse socio-economic factors.
38. Another question addressed the integration of Environmental Impact Assessments (EIAs) into project development, with comparisons across countries. While EIA transparency is reportedly limited in Malaysia, it is more robust in Lao PDR, where Health Impact Assessments are also conducted. Efforts to improve EIAs under Lao PDR's Environmental Protection Law include fostering participation agreements that involve state partners, NGOs, and private sector stakeholders. To enhance inclusivity and transparency, public hearings and digital communication platforms, such as Facebook, are being utilized to ensure broader public engagement.
39. A discussion on conflict resolution for indigenous communities, particularly concerning transboundary issues in Thailand, highlighted the importance of adopting multisectoral approaches. Panellists noted that no single solution fits all contexts. Legislative efforts, including the Clean Air Bill, are being supplemented by measures to address indigenous

people's concerns through cooperation and technical assistance, acknowledging the complex nature of these challenges. Additionally, the inclusion of children and youth in the citizen-led Clean Air Bill was emphasized, recognizing their vulnerability to air pollution due to lower immunity and higher susceptibility. The final version of the Bill explicitly identifies children as one of five vulnerable groups, ensuring their rights are safeguarded within the legislative framework.

Session 4: ASEAN Cooperation on Environment: The Case of Transboundary Haze and Air Pollution

40. The session was moderated by **H.E. Wahyuningrum**, Representative of Indonesia to the AICHR.
41. **Mr. Eugene Chong**, Deputy Director, ASEAN Specialized Meteorological Centre (ASMC), explained the Centre's role in providing weather assessments and haze tracking, which aid regional preparedness. The Centre is vital for monitoring and issuing early warnings on environmental hazards in Southeast Asia. Its core functions include monitoring fires and haze, particularly in regions prone to transboundary haze pollution, and issuing advisories to ASEAN Member States when such risks arise. The ASMC also conducts comprehensive environmental risk assessments to inform and assist authorities.
42. The ASMC utilizes satellite imagery from polar-orbiting and geostationary satellites to detect hotspots and track haze movement, offering continuous updates to ASEAN Member States. It also produces sub-seasonal to seasonal outlooks for hazards such as floods and droughts, enabling better preparedness and response strategies. To support long-term regional resilience, the ASMC emphasizes capability building through programs such as the ASEAN Climate Outlook Forum and workshops on haze assessment and weather prediction. Overall, the ASMC is a cornerstone institution in ASEAN's efforts to mitigate the impacts of transboundary haze and promote sustainable environmental management.
43. **Dr. Raffles B. Panjaitan**, Coordinator for the ASEAN Coordinating Centre for Transboundary Haze Pollution Control (ACC THPC), provided an overview of Indonesia's role as the host country for the Centre. He highlighted the Center's collaborative approach with governments and civil society to enhance regional governance and strategy development. Its responsibilities include monitoring fire hotspots and coordinating emergency responses among affected nations. The Centre also provides expertise and supports capacity building to help member states address haze and air pollution. The ACC THPC works closely with governments, civil society, and the private sector to implement the best practices and effective strategies and facilitates knowledge exchange.
44. This initiative is a critical step in addressing transboundary haze and air pollution across the ASEAN region. Key steps following Indonesia's designation as the host for the ACC THPC include forming a dedicated management team, drafting operational policies, and

coordinating with domestic and international stakeholders. The team conducted benchmarking visits to learn from other ASEAN centres to implement best practices in communication, data management, and cross-border coordination. Infrastructure development for the ACC THPC involved establishing a satellite office in Central Jakarta, equipped to serve as a regional hub for haze mitigation efforts.

45. **Ms. Nazira Binti Abdul Rahim**, Commissioner, National Human Rights Commission of Malaysia (SUHAKAM), discussed Malaysia's legislative challenges related to transboundary haze, noting the need for improved monitoring and accountability mechanisms. She highlighted land use conflicts and the importance of comprehensive data. She shared the case from Sumatra and Kalimantan, where haze is driven by land use practices and meteorological factors. Addressing this issue is complicated by challenges such as land ownership conflicts, limitations in the accuracy of hotspot monitoring, and insufficient comprehensive data. Furthermore, there is a need to strengthen the ASEAN Agreement on Transboundary Haze Pollution (AATHP), especially by introducing more robust accountability mechanisms.
46. Haze pollution is primarily caused by peatland fires, inadequate monitoring, and corporate obfuscation. Factors like meteorological conditions and the withholding of concession maps by relevant authorities further hinder accountability. The socioeconomic impacts are significant, including health costs, economic losses in industries like tourism and agriculture, and biodiversity damage. SUHAKAM proposes several measures, including amending Malaysia's Federal Constitution to recognize the right to a clean environment, enacting a Clean Air Act aligned with WHO standards, and strengthening the ASEAN Agreement on Transboundary Haze and Air Pollution by adding protocols to address extraterritorial environmental harm. The Commission also emphasizes the importance of accelerating the National Action Plan on Business and Human Rights (NAP) to integrate corporate accountability into supply chain management, ensuring businesses adopt sustainable land management practices.
47. **Ms. Ririn Radiawati Kusuma**, Director of Clean Air Asia, recommended the development of effective laws and civil procedures to address environmental impacts and promote public data access. She called for faster implementation of action plans aligned with sustainable practices and human rights. Recommendations for addressing transboundary haze and environmental issues include ensuring the sustainability of environmental resources and mitigating impacts.
48. This involves introducing targeted laws and creating specific civil procedures to effectively manage haze problems. Developing a clean air ecosystem, ensuring public access to data, and recognizing universal rights are essential steps. Additionally, accelerating national action plans focused on business and human rights is advised. Promoting responsible business practices that align with the SDGs and the National Action Plan on Business and Human Rights is also emphasized to support comprehensive and effective environmental governance.

Open Discussion

49. Timor-Leste has participated as an observer with the ASEAN Specialized Meteorological Centre (ASMC) and played a pivotal role in data collection on haze and air pollution. Despite these mechanisms, challenges persist, including limited resources and restricted access to critical data. As Timor-Leste works towards deeper integration with ASEAN, there is a growing need for dialogue to ensure ASEAN outputs are people-oriented and inclusive.
50. A significant concern raised was ensuring citizens' right to clean air and access to haze and air quality information. Vulnerable groups, such as individuals with visual impairments, often only perceive poor air quality through its physical effects, making accessible and inclusive data dissemination essential. The discussion emphasized the need for cooperative and synchronized efforts among ASEAN member states to tackle transboundary haze pollution. It was stressed that national laws must complement regional regulations to ensure consistent enforcement, particularly for cross-border pollution cases.
51. Regarding data availability, the ASMC has made progress in sharing information through online portals and email communications with ASEAN member states. However, challenges remain in utilizing satellite data to assess regional fire situations due to ASEAN's vast geographic scope, resource limitations, and the need to corroborate remote sensing with ground reports. Strengthened collaboration among member states is necessary to enhance fire situation assessments and response strategies. Transparency in addressing transboundary haze was emphasized.

Session 5: ASEAN Cooperation on Environment: Climate Change and Environmental Action in ASEAN

52. The session was moderated by **H.E. Prof. Dr. Amara Pongsapich**, Representative of Thailand to the AICHR.
53. **Mr. Albert Salamanca**, Senior Research Fellow, Stockholm Environment Institute, outlined Southeast Asia's climate vulnerabilities. He emphasized the urgent need for strategic, inclusive adaptation measures to mitigate the region's exposure. Southeast Asia, with nearly 9% of the global population and projected growth to 800 million by 2050, faces significant climate risks such as cyclones, rising sea levels, and heat waves. The region's vulnerability is amplified by its multidimensional poverty and low adaptation readiness, particularly in Indonesia, the Philippines, Myanmar, and Vietnam. Climate impacts, including transboundary risks affecting trade, migration, and ecosystems, disproportionately affect the region despite its relatively low carbon emissions.

54. He emphasized promoting justice, protecting citizens, and holding states accountable. The concept of environmental justice requires addressing non-recognition or misrecognition of vulnerable communities and ensuring inclusive approaches. As climate risks transcend borders, coordinated regional action and recognition of environmental rights are essential for sustainable development. The ASEAN region must balance economic growth with proactive measures to mitigate and adapt to climate challenges, fostering a resilient and equitable future for all.
55. **Mr. Ahmad Farid bin Mohammed**, Representative of ASEAN Working Group on Climate Change, discussed the region's adaptation finance challenges and highlighted ASEAN's strategic initiatives to strengthen resilience. Climate finance needs up to the year 2030 are estimated at USD 40-80 billion annually, yet current financial flows fall short, averaging USD 3.2-6 billion per year from 2013 to 2017.
56. He shared that at the regional cooperation, such as through the ASEAN Joint Statement to COP, ongoing initiatives like the ASEAN Climate Change Plan Strategy and Action Plan, ASEAN-UN Regional Dialogue on climate, Peace and Security, emphasizes securing climate finance and addressing loss and damage, with efforts led by bodies like the AWGCC, currently chaired by Lao PDR.
57. **Prof. Elisa Morgera**, UN Special Rapporteur on Climate Change, focused her presentation on protecting human rights while implementing climate action. She emphasized the need for the business sector to consider human rights impacts and called for the inclusion of affected communities in policymaking. Climate Change measures may have negative impacts on human rights, such as reliance on carbon credit and carbon market.
58. She shared that human rights experts provided important guidance to prioritize more effective climate action without impacting human rights. As protecting human rights and tackling climate change is important, those whose human rights have been impacted should be included in the decision-making process. She shared that the business sector should indicate that they are taking action to avoid the violation of human rights in their actions.

Open Discussion

59. Participants highlighted challenges in disseminating critical information to marginalized and vulnerable groups, drawing lessons from Typhoon Haiyan in the Philippines. During Haiyan, scientists communicated warnings about storm surges through television and radio, but the term "storm surge" was unfamiliar to many Filipinos, including local officials, resulting in inadequate evacuation efforts and worsening disaster impacts. In response, the disaster risk reduction (DRR) community has enhanced early warning systems, implemented anticipatory measures, and expanded typhoon categories from three to five to improve public understanding and preparedness. While tailored adaptation measures

for vulnerable groups are supported by research, these are often insufficiently incorporated into national adaptation plans, complicating efforts to translate adaptation and mitigation visions into actionable strategies.

60. A broader question on managing economic disparities among ASEAN countries while addressing climate change led to discussions on alternative development models. Concepts such as greenhouse development rights propose allowing developing nations to emit at necessary levels for growth while holding developed countries accountable for past emissions. However, contentious debates on loss and damage and the historical responsibilities of wealthier nations continue to challenge progress. These discussions emphasize the importance of collaborative efforts to foster equitable and sustainable development across ASEAN.

Session 6: SDGs and Environmental Rights – Access and Participation

61. The session was moderated by **Mr. Jerald Joseph**.
62. **Mr. Frederic Wilson**, Programme Officer, Asia Indigenous Peoples Pact (AIPP), emphasized the importance of environmental and human rights is underscored by the need for inclusive, transparent decision-making that empowers communities and ensures equitable participation. Key international commitments, such as the UN Declaration on the Rights of Indigenous Peoples (UNDRIP) and the Kunming-Montreal Global Biodiversity Framework (KM-GBF), highlight rights related to participation, traditional knowledge, and sustainable practices. These frameworks advocate for a rights-based and whole-of-society approach, emphasizing that environmental rights are closely tied to cultural and spiritual identity. Indigenous Peoples should have guaranteed access to information, remedies, and the ability to participate meaningfully in decisions.
63. AIPP advocates for greater inclusion of Indigenous Peoples in ASEAN's environmental governance, particularly in the drafting of the ASEAN Declaration on the Right to a Safe, Clean, Healthy, and Sustainable Environment. Key demands include explicit recognition of Indigenous Peoples, their land and resource rights, and their cultural heritage. AIPP also emphasizes protecting environmental human rights defenders and integrating gender-responsive approaches at all levels.
64. **Ms. Fiona Marshall**, Legal Officer, Aarhus Convention Secretariat, discussed mechanisms for enhancing public participation in environmental matters and noted challenges related to inclusivity and transparency. Public participation and hearings are critical components of inclusive governance, ensuring that affected communities and stakeholders have a voice in decision-making processes.
65. However, implementing and enhancing these participatory mechanisms through task forces and focal points faces challenges, such as balancing interests and fostering trust among all parties involved. The private sector also plays an important role, being entitled

to engage in public information and decision-making, guided by the UN Guiding Principles on Business and Human Rights. For effective outcomes, negotiation processes should be developed inclusively, transparently, and openly to discuss the issues.

66. **Ms. Katia Chirizzi**, Deputy Regional Representative, UN Office of High Commissioner for Human Rights, emphasized the importance of public participation and its role in effective climate action. She noted barriers such as discrimination during crises and reaffirmed the sufficiency of existing international frameworks for reference. Public participation plays a crucial role in fair, inclusive, and effective decision-making. Public participation is essential for achieving transparency, accountability, and inclusivity in environmental policies. Barriers include suppression of peaceful protests, repressive laws, and threats against human rights defenders, particularly women, youth, and marginalized groups. Additionally, discriminatory practices, lack of financial resources, and insufficient expertise limit individuals' ability to engage in environmental decision-making processes. Addressing these challenges requires proactive state measures, including equitable policy development, capacity building, and creating an enabling environment for participation.
67. Access to information is another fundamental pillar of environmental governance, linked to the rights of freedom of expression and public participation under international human rights law. It empowers individuals to make informed decisions and participate in environmental governance effectively. However, undue restrictions, vague national security justifications, and gaps in policy implementation remain significant obstacles. Strengthening proactive information dissemination and enhancing public capacity to exercise these rights are critical steps toward realizing equitable and inclusive environmental governance. These measures are vital for fostering a more resilient and sustainable future across ASEAN.

Open Discussion

68. Participants discussed questions regarding the private sector's role, participatory approaches, and ensuring environmental justice. Participants emphasized that the private sector plays a crucial role in supporting public sector initiatives and highlighted the need for alignment with the UN's framework on business and human rights to ensure accountability and sustainability in their contributions.
69. Another question examined how to involve all stakeholders in a participatory manner to achieve positive outcomes. The discussion underscored the importance of recognizing and addressing the unique challenges faced by each stakeholder. Participants identified proper consultation throughout the decision-making process as a vital strategy for fostering inclusivity, ensuring all voices are heard, and promoting effective collaboration across sectors.
70. The final question addressed how to ensure environmental justice beyond acknowledging its importance. Participants emphasized that enhancing procedural tools and mechanisms

is key to achieving this goal. Strengthening these frameworks would support equitable decision-making processes and ensure that justice remains at the forefront of environmental governance and policy implementation.

Session 7: SDGs and Environmental Rights: Access to justice, remedy, and redress on environmental matters

71. The session was moderated by **H.E. Amb. Yong Chanthalangsy**, Representative of Lao PDR and Chair of AICHR.
72. **Mr. Pochoy Labog**, Southeast Asia Researcher, Business and Human Rights Resource Center, highlighted the multi-faceted human rights issues associated with the renewable energy transition. He emphasized the fair transition that ensures social protection and upholds labor rights, pointing to labor violations linked to resource extraction for renewable energy. A just transition to renewable energy is essential but must be approached equitably to address human rights impacts and socio-economic challenges. To achieve a fair transition, initiatives must ensure inclusive benefits, social protection, and respect for human rights, reinforced by transparent negotiations and corporate accountability.
73. There is a need to advance environmental justice and corporate accountability in ASEAN, emphasizing access to justice, remedies, and redress in environmental matters. Legal frameworks and remedies within ASEAN were also discussed, such as Indonesia's Anti-SLAPP regulations under Law No. 32 of 2009, which protect environmental human rights defenders from frivolous lawsuits. Remedies like the Writ of Kalikasan and the Writ of Continuing Mandamus in the Philippines provide judicial mechanisms to address environmental rights violations. To advance a just transition, his Centre underscores the need for co-ownership models in renewable energy projects, prioritizing community benefits and equitable negotiations. A human rights-based approach, including Free, Prior, and Informed Consent (FPIC) for Indigenous Peoples, is essential for ensuring inclusive and sustainable outcomes.
74. **Ms. Bella Nathania**, Deputy Director, Indonesian Center for Environmental Law, traced the evolution of Indonesia's environmental legal framework, noting procedural rights related to access to information and public participation. She called for better adherence to sustainable practices in the permit process. Indonesia's sustainable development paradigm has evolved significantly since the adoption of the 1972 Stockholm Declaration, which influenced the country's environmental legal frameworks. This foundation is based on addressing fundamental needs while recognizing environmental limitations.
75. Key regulations were established to promote public access to information, participation, and environmental justice, exemplified by the Public Information Openness Act (Law No. 14/2008) and Law No. 32/2009 on Environmental Protection and Management, which cherishes the right to a healthy environment (Art 65). Despite these measures, procedural challenges persist. A notable example highlighted by a judge pointed out that

environmental permits are often processed simultaneously with construction activities, violating sustainable development principles.

76. **Mr. Dharmesh Shah**, Senior Campaigner at the Centre for International Environmental Law (CIEL), discussed access to justice under International Human Rights Law and the draft ASEAN Declaration on Environmental Rights. He emphasized the need for stronger mechanisms to support public participation, justice, and environmental remedies.
77. Communities and individuals affected by human rights violations are entitled to justice and remedies, and states must remove procedural barriers to these rights. He pointed out that the draft ASEAN Declaration on environmental rights should build on frameworks like the Escazú Agreement and Aarhus Convention, which emphasize public participation and access to information. He called for expanding the declaration to explicitly recognize Indigenous Peoples' access rights and address the role of private sector actors in both environmental harm and undermining defenders' rights.

Open Discussion

78. Participants explored key challenges for private investors, the concept of a just transition, and the complexities surrounding sustainable energy transition. One question focused on the difficulties faced in accessing critical information like Environmental Impact Assessment (EIA) documents. Participants noted that government agencies often hold these documents, but confidentiality laws in many countries, including the Philippines, make access challenging.
79. Participants discussed the need for adaptation within the framework of a just transition, particularly in regions with low emissions but high vulnerability to climate change. Participants emphasized the importance of prioritizing just transitions that do not harm local communities and uphold shared prosperity as a guiding principle.
80. Concerns were raised about the extraction of minerals from South Asian countries to support the energy demands of developed nations, highlighting the urgent need for equitable resource management to avoid exacerbating inequalities. Participants stressed the importance of integrating health as a central focus in sustainable transition policies and rethinking harmful practices like sea mining to avoid repeating past mistakes.

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81. The session was moderated by **Mr. Jerald Joseph**.
82. **H.E. Prof. Dr. Amara Pongsapich**, Representative of Thailand to the AICHR, concluded by summarizing the insights gained over the two days, noting progress but emphasizing the need for ASEAN to work more, including the issue of just transition, mitigation, and

climate finance, among others. She outlined the need for simultaneous law to operate at country level and region level, especially those related to transboundary issues.

83. **H.E. Edmund Bon Tai Soon**, Representative of Malaysia to the AICHR, stressed that ASEAN's environmental framework should be aspirational, inspirational, and complementary, tailored to varying national contexts but aiming for a common standard. It needs a common baseline and a common standard but differentiated approach for different countries in the implementation of the baseline. Different countries can be at different levels of implementation. It should be aspirational to show a stronger desire for a higher standard, inspirational for younger generations to look forward to a better future in the region and complementary to mutually supporting sectoral bodies. We need to be mutually supportive and enhancing.

84. **H.E. Amb. Yong Chanthalangsy**, Representative of Lao PDR and Chair of AICHR, shared good practices from Laos PDR's comprehensive environmental assessments and community consultations in hydropower projects, emphasizing inclusive and respectful practices. In Lao PDR, in addition to EIA studies, HIA studies are carried out when it is in close proximity to the World Heritage site, among others.

Closing Remarks

85. **H.E. Pongsapich** gave the closing remarks. She expressed appreciation for the support of the collaborating partners to make the event happen and support AICHR's work. She thanked all the participants who joined the event in Jakarta and online.
