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COMMISSION ON HUMAN RIGHTS
Fifty-ninth session
Agenda item 17

PROMOTION AND PROTECTION OF HUMAN RIGHTS

**Costa Rica, Ecuador*, Georgia*, Nicaragua, Slovenia*, Switzerland*
and Uruguay: draft resolution**

2003/... Human rights and the environment as part of sustainable development

The Commission on Human Rights,

Welcoming the Johannesburg Declaration on Sustainable Development (A/CONF.199/20, chap. I, resolution 1) and the Plan of Implementation of the World Summit on Sustainable Development (A/CONF.199/20, chap. I, resolution 2),

Reaffirming the Stockholm Declaration of 1972 and the Rio Declaration on Environment and Development (A/CONF.151/26, vol. I and Corr.1, resolution 1 and annex I) and Agenda 21 (ibid., annex II), adopted on 14 June 1992 by the United Nations Conference on Environment and Development,

* In accordance with rule 69, paragraph 3, of the rules of procedure of the functional commissions of the Economic and Social Council.

Recalling its resolutions 1994/65 of 9 March 1994, 1995/14 of 24 February 1995, 1996/13 of 11 April 1996 and 2002/75 of 25 April 2002 and its decisions 1993/114 of 10 March 1993, 1997/102 of 3 April 1997, 2001/111 of 25 April 2001,

Taking note of the reports submitted to the Sub-Commission on the Prevention of Discrimination and Protection of Minorities by its Special Rapporteur on human rights and the environment (E/CN.4/Sub.2/1992/7 and Add.1, E/CN.4/Sub.2/1993/7 and E/CN.4/Sub.2/1994/9 and Corr.1),

Bearing in mind the goals and targets of the Millennium Declaration and the United Nations overarching agenda, including poverty eradication, human rights, sustainable development and peace-building,

Taking note of the Global Judges Symposium on Sustainable Development and the Role of Law sponsored by the United Nations Environment Programme and held in Johannesburg from 18 to 20 August 2002,

Conscious of the mandate of the Commission on Sustainable Development to promote the implementation of Agenda 21 and the follow-up to the World Summit on Sustainable Development, as well as of the important work undertaken on environment issues by the United Nations Environment Programme and other relevant forums,

Welcoming the ongoing efforts for the implementation of principle 10 of the Rio Declaration, and noting the entry into force of the United Nations Economic Commission for Europe Convention on Access to Information, Public Participation in Decision-making and Access to Justice in Environmental Matters (the Aarhus Convention) as well as other initiatives such as the Sofia Guidelines of the Economic Commission for Europe, the Public Participation Strategy of the Organization of American States, the First International Conference on Public Participation of the Asia-Europe Meeting (ASEM) and its follow-up by the United Nations Economic and Social Commission for Asia and the Pacific, the New Partnership for Africa's Development and the decision of the Governing Council of the United Nations Environment Programme of 10 February 2003,

Considering that protection of the environment and sustainable development can also contribute to human well-being and potentially to the enjoyment of human rights,

Recalling that everyone has the right to enjoy the benefits of scientific progress and its applications, as reflected in article 27 of the Universal Declaration of Human Rights and article 15 of the International Covenant on Economic, Social and Cultural Rights,

1. *Reaffirms* that peace, security, stability and respect for human rights and fundamental freedoms, including the right to development, as well as respect for cultural diversity are essential for achieving sustainable development and ensuring that sustainable development benefits all, as set forth in the Plan of Implementation of the World Summit on Sustainable Development;
2. *Recalls* that environmental damage can have potentially negative effects on the enjoyment of some human rights;
3. *Recalls* the extensive work, reports and resolutions adopted by the Commission on Human Rights on issues relevant to environmental protection and sustainable development and brings them to the attention of all concerned bodies and institutions;
4. *Reaffirms* that everyone has the right, individually and in association with others, to participate in peaceful activities against violations of human rights and fundamental freedoms and calls upon States to take all necessary measures to protect the legitimate exercise of everyone's human rights when promoting environmental protection and sustainable development;
5. *Stresses* the importance for States, when developing their environmental policies, to take into account how environmental degradation may affect disadvantaged members of society, including individuals and groups of individuals who are victims of or subject to racism, as reflected in the Durban Declaration and Programme of Action of the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance;
6. *Encourages* all efforts towards the implementation of the principles of the Rio Declaration, in particular principle 10, in order to contribute, inter alia, to effective access to judicial and administrative proceedings, including redress and remedy;
7. *Reaffirms* that good governance within each country and at the international level is essential for sustainable development;
8. *Welcomes* the Ministerial Declaration adopted on 23 March 2003 on the occasion of the Third World Water Forum, held in Kyoto, Japan, which points out the importance of good governance with a stronger focus on household and neighbourhood community-based approaches by addressing equity in sharing benefits, with due regard to pro-poor and gender perspectives in water policies, and notes that the Declaration calls for promoting the participation of all stakeholders and ensuring transparency and accountability in all actions;

9. *Also welcomes* actions taken by States, such as legal measures and public awareness activities, that promote and protect human rights and that also assist in the promotion of environmental protection and sustainable development;

10. *Requests* the United Nations High Commissioner for Human Rights and the United Nations Environment Programme, within their respective mandates and approved work programmes and budgets, to continue to coordinate their efforts in capacity-building activities for the judiciary;

11. *Requests* the Secretary-General to submit to the Commission on Human Rights at its sixtieth session a report on the consideration being given to the possible relationship between the environment and human rights, taking into account the contributions that concerned international organizations and bodies have made, and to transmit a copy of that report to the Commission on Sustainable Development;

12. *Decides* to continue its consideration of this question at its sixtieth session under the same sub-item.
