

Term of Reference

“ASEAN Environmental Rights Declaration: Impact, Challenges, and Strategies for Paris Agreement Goals”

I. Background

Southeast Asia is highly vulnerable to the triple planetary crisis of climate change, pollution, and biodiversity loss, largely due to its densely populated coastal areas and reliance on natural resources.¹ The region’s dependence on agriculture and its rich biodiversity are significantly threatened by climate change, emphasizing the urgent need to mitigate its impacts.²

The United Nations Special Rapporteur on the Human Right to a Clean, Healthy, and Sustainable Environment highlights that a safe climate is essential for a healthy environment and human well-being.³ Addressing climate change requires both substantive rights (fundamental rights) and procedural rights (mechanisms to achieve these rights), including access to information, meaningful participation, and access to justice.

Since 2021, the ASEAN Intergovernmental Commission on Human Rights (AICHR) has prioritized establishing an instrument to guarantee the right to a safe, clean, healthy, and sustainable environment including the rights to a safe climate. In 2022, it formed the ASEAN Environmental Rights Working Group (AER WG) to draft this instrument, which aims to affirm environmental rights as human rights and strengthen existing commitments in the ASEAN Human Rights Declaration. The draft instrument includes provisions for a stable climate and encourages member states to adopt inclusive, non-discriminatory legislation to address climate change. The AER WG has convened multiple meetings to advance this initiative, reflecting a strong commitment to environmental rights in the region. Civil society organizations are also contributing by drafting “The People’s Declaration on Environmental Rights,” which aims to comprehensively address and integrate environmental law principles to the draft.

The development of this instrument is expected to enhance ASEAN’s narrative on the right to a stable climate, support climate justice discussions globally, and align with the goals of the Paris Agreement to limit global warming to under 1.5 degrees Celsius. In its joint [statement to COP29](#), the regional bloc emphasizes the importance of human rights, gender equality, and the engagement

¹ Nunu Anugrah,”Press Release, Minister of Environment and Forestry: ASEAN Has Work Hard Overcome Challenges Climate Change”,
<https://ppid.menlhk.go.id/berita/siaran-pers/7543/menteri-lhk-asean-telah-bekerja-keras-atasi-tantangan-climate-change>, accessed 15 July 2024.

² ASEAN Studies Center, “Fighting Climate Change a New Challenge for ASEAN Multilateralism”,
<https://asc.fisipol.ugm.ac.id/2021/09/24/fighting-climate-change-a-new-challenge-for-asean-multilateralism/>, accessed 15 July 2024.

³ United Nations General Assembly, *Human rights obligations relating to the enjoyment of a safe, clean, healthy and sustainable environment*, A/74/161.

of youth, vulnerable groups, and Indigenous peoples in overcoming climate change. It commits to empowering women in climate leadership, integrating youth into climate policy, and aligning climate strategies with global declarations on agriculture, health, and peace.

To further this cause, Raoul Wallenberg Institute of Human Rights and Humanitarian Law (RWI) in collaboration with the Indonesian Center for Environmental Law (ICEL) will host a side event titled **“ASEAN Environmental Rights Declaration: Impact, Challenges, and Strategies for Paris Agreement Goals”** at COP 29, highlighting the collective effort needed to accelerate climate actions in ASEAN.

II. Objectives

1. Examine the current draft of the ASEAN Environmental Rights Declaration, particularly its focus on climate change and public participation;
2. Analyze how the recognition of public participation and rights to safe climate within the draft can be leveraged to promote climate actions in line with the Paris Agreement goals and strengthen environmental governance; and
3. Encourage discussion among ASEAN member states, civil society, and other stakeholders to collaboratively address the challenges and opportunities in implementing the declaration.

III. Date and Time

Date : Thursday, November 14 2024
 Time : 16.45 – 18.15 AST (GMT +4)
 Location : Side Event 5

IV. Speakers’ Talking Points

1.	Raoul Wallenberg Institute (Scene-setting)	<ul style="list-style-type: none"> ● Overview of ASEAN’s vulnerability to climate change and how this affects human rights and environmental sustainability; ● Highlight success stories of human rights instruments advancing climate action and how ASEAN Environmental Rights Declaration could potentially contribute to climate action; ● Discussing potential for regional progress towards a safe climate through the existing declaration draft.
2.	Office of the High Commissioner for Human Rights Representative	<ul style="list-style-type: none"> ● Elaboration and deliberation on how a safe and stable climate is an essential part of environmental rights, furthermore its recognition as a part of human rights; ● The procedural and substantive elements

		<p>of human rights as prerequisites of a realization toward a safe and stable climate;</p> <ul style="list-style-type: none"> • The importance of integrating human rights principles in a healthy and safe climate narrative in the ASEAN Environmental Rights Declaration Draft;
3.	ASEAN Member States Representative	<ul style="list-style-type: none"> • Elaboration on AICHR’s role in supporting AMS and ASEAN initiatives to achieve the goals of Paris Agreement; • The deliberation on how the next AICHR Chairmanship will move forward with the ASEAN Environmental Rights Declaration to promote ASEAN’s climate action • Discussion on possible collaborative action between various stakeholders to strengthen the development and implementation process of ASEAN Environmental Rights Declaration;
4.	Asia Indigenous Peoples Pact	<ul style="list-style-type: none"> • Elaboration on how climate change impacts indigenous peoples in ASEAN; • The importance of meaningfully including indigenous communities in the effort to pursue a safe and stable climate. • Discussion on how the ASEAN Environmental Rights Declaration can ensure the protection of Indigenous peoples’ rights and elevate their participation in climate action
5.	Indonesian Center for Environmental Law (ICEL)	<ul style="list-style-type: none"> • The current and existing development of climate justice narrative in ASEAN through regional instruments; • Challenges, Potentials, and Lesson Learned from the whole process of the development process of ASEAN environmental instrument; • The development and plan on a collective action to strengthen the environmental narrative in ASEAN through The People’s ASEAN Declaration on Environmental Rights.

V. Agenda

No	Activity	Time
1	Opening by Moderator	13.00 - 13.05 WIB
2	Raoul Wallenberg Institute (scene-setting)	13.05 - 13.15 WIB
3.	Office of the High Commissioner for Human Rights Representative	13.15 - 13.25 WIB
3.	ASEAN Member States Representative	13.25 - 13.35
4	Asia Indigenous Peoples Pact Foundation	13.35 - 13.45
5.	Indonesian Center for Environmental Law (ICEL)	13.45 - 13.55
6.	Question and Answer Session	13.55 - 14.25
7	Closing by Moderator	14.25 - 14.30