

# Joint Submission: Planning for the Realization of the Right to a Healthy Environment<sup>1</sup>

27 March, 2026

## What Laws Say: Regulatory Frameworks

While some environmental and climate related policies exist, their systematic non-implementation shows deeper governance failures shaped by political economy and power inequalities in determining national legal and policy making pathways.<sup>2</sup> The neoliberal system empowers transnational corporations and economic elites from the Global North to influence policy making processes, particularly in the Global South and globally – a phenomenon described by ESCR-Net members as **corporate capture**.<sup>3</sup> Affected individuals and communities are often unable to demand prevention of transboundary harms and long-term impacts as their lived realities are confined within narrow legal and administrative procedures that fail to address historical and cross-border harms. Further, states breach their extraterritorial obligations when they fail to regulate and hold accountable corporations under their jurisdiction that perpetrate environmental damage in other countries. Policy incoherence at the institutional level is experienced by communities as dispossession, environmental destruction, and systemic human rights violations.

In **Indonesia**, the Public Information Disclosure Law (Law No. 14/2008) obliges government bodies to proactively publish planning documents, environmental assessments, and licensing decisions. Environmental legislation (Law No. 32/2009) further requires that Environmental Impact Assessment documents, environmental permits, and monitoring reports be accessible to the public. Spatial planning laws mandate public access to spatial plans, which form the basis

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<sup>2</sup> Progressive environmental laws in place that are not implemented coupled with corruption and prioritization of destructive development models remains a biggest challenge in realizing the right to a clean and healthy environment particularly in the Global South.

<sup>3</sup> Corporate capture refers to the means by which an economic elite undermines the realization of human rights and the environment by exerting undue influence over domestic and international decision-makers and public institutions. For more information, see: <https://www.escr-net.org/corporateaccountability/corporatecapture/manifestations-corporate-capture>

for National Strategic Projects (PSN) siting. In 2023, the Government of Indonesia issued Presidential Decree No 60 / 2023 on PSN on Business and Human Rights, which serves as a guideline for ministries/institutions and local governments to plan, implement, and monitor business and human rights practices.

The domestic legal framework of **Sri Lanka** provides statutory guarantees for environmental assessment, participation, and transparency. The National Environmental Act (No. 47 of 1980) and the Coast Conservation and Coastal Resource Management Act (No. 49 of 2011) mandates Environmental Impact Assessments (EIAs) and require public participation in environmental decision-making processes. The Right to Information Act (No. 12 of 2016) further reinforces these protections through a right of access to information therefore provides a legal basis for transparency.

**India** provides layered but fragmented safeguards for large infrastructure projects. The Coastal regulation zone (CRZ) rules (1991/2011/2019) issued under the Environment (Protection) Act, 1986, requires CRZ clearance from the Union Ministry of Environment, Forest and Climate Change for major coastal projects, including mega ports. Land acquisition, including for highways, is often conducted under National Highways Act (1956), which provides expedited procedures with lack of participatory safeguards. Meanwhile, the right to fair compensation and transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 (LARR Act) mandates Social Impact Assessment (SIA), fair compensation, rehabilitation protections.

**Lao PDR's** Constitution (Articles 19 and 21)<sup>4</sup> emphasise the State's commitment to promoting the protection and restoration of degraded environments and advancing environmental sustainability. Despite the introduction of various laws such as the 2013 Environmental Protection Law, the 2017 Law on Minerals, and the 2022 Decree on Environmental Impacts Assessment, EIAs are often overlooked. Laos also lacks a comprehensive legal framework to effectively hold corporations accountable for environmental damage and human rights abuses<sup>5</sup> while it is currently taking steps to develop a National Action Plan on Business and Human Rights.<sup>6</sup>

The New Revival Policy (2021)<sup>7</sup> of **Mongolia** promotes large-scale mining to support infrastructure expansion and attract foreign investors under the banner of “climate reform” and “green development”. Amendments to the Law on Minerals (2023-2024) introduced competitive

<sup>4</sup> Constitution of Lao People's Democratic Republic 2025, available at: <https://faolex.fao.org/docs/pdf/lao132820.pdf>

<sup>5</sup> Manushya Foundation, *Beneath the Silence: Women, Indigenous Peoples and Corporate Power - Unveiling Human Rights Abuses in Laos*, (October 2024), available at: <https://www.manushyafoundation.org/beneaththesilence>

<sup>6</sup> Manushya Foundation, *Money Over Lives: Lies Over the Truth: The State of Economic, Social and Cultural Rights in Laos*, (22 November 2023), available at: <https://www.manushyafoundation.org/jointcivilsocietyreportcesr Laos2023>;

<sup>7</sup> The policy recognises the expansion and modernisation of the mining sector as central to post COVID-19 economic recovery.

licensing and revised tax and transfer rules to enhance transparency in granting exploration rights, strengthen state control over critical minerals assets, and increase revenue from mining. These reforms further allow coal expansion and export while ignoring ecological safeguards.

**Thailand's** Constitution<sup>8</sup> affirms the rights of communities to be informed and have access to public information (Section 41) and affirms the State's duty to undertake Environmental and Health Impact Assessments (EHIA) (Section 58). The environmental regulatory framework also formally requires environmental impact assessments (EIA) and information disclosure by project proponents.<sup>9</sup> However, the legal framework does not explicitly recognise communities' rights to access information or to meaningful participation,<sup>10</sup> and disclosure obligations remain limited with no requirement for the publication of full EIA reports.<sup>11</sup> The EIA system remains largely approval-oriented, prioritising procedural compliance over substantive assessment of long-term impacts.

Section 24(a) of the Constitution of **South Africa** guarantees the right to an environment not harmful to health and well-being, while Section 24(b) affirms protection of the environment for present and future generations. These rights are reinforced by the National Environmental Management Act (NEMA), which binds all state organs to ensure development is ecologically sustainable, socially just, and economically equitable.

In contrast, the Constitution of **Namibia** does not explicitly recognize the right to a healthy environment, weakening protections. The Environmental Management Act (EMA) offers limited safeguards, compounded by restricted legal standing (*locus standi*) for affected communities.

### Key recommendations:

- States must **ensure policy coherence grounded in human rights and ecological justice, and uphold the principle of non-retrogression.** Under international law,

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<sup>8</sup> Constitution of the Kingdom of Thailand 2017, available at:

[https://www.admincourt.go.th/admincourt/upload/webcmsen/Publication/Publication\\_021220\\_132718.pdf](https://www.admincourt.go.th/admincourt/upload/webcmsen/Publication/Publication_021220_132718.pdf)

<sup>9</sup> The Enhancement and Conservation of National Environmental Quality Act (No. 2) B.E. 2561 (2018), available at:

<https://eiathailand.onep.go.th/UploadFile/12350125650315.pdf>

<sup>10</sup> Notification of the Ministry of Natural Resources and Environment on Projects, Undertakings, or Operations Required to Provide an Environmental Impact Assessment Report and Rules, Procedure, and Conditions in Providing an Environmental Impact Assessment Report, available at: [https://env.ieat.go.th/th/env-eia/download?did=32097&filename=ทส.-ประกาศกระทรวงฯ+กำหนด+โครงการ+ที่ต้อง+จัดทำ+EIA+%282561%29.pdf&mid=8625&mkey=m\\_document&lang=th&url=%2Fweb-upload%2F4xceb3b571ddb70741ad132d75876bc41d%2Fm\\_document%2F8625%2F15216%2Ffile\\_download%2Fd40514d8f6172a7bf07538f7ec8dd60b.pdf](https://env.ieat.go.th/th/env-eia/download?did=32097&filename=ทส.-ประกาศกระทรวงฯ+กำหนด+โครงการ+ที่ต้อง+จัดทำ+EIA+%282561%29.pdf&mid=8625&mkey=m_document&lang=th&url=%2Fweb-upload%2F4xceb3b571ddb70741ad132d75876bc41d%2Fm_document%2F8625%2F15216%2Ffile_download%2Fd40514d8f6172a7bf07538f7ec8dd60b.pdf)

<sup>11</sup> Guidelines for Public Participation in the Procedure of Providing an Environmental Impact Assessment Report, available at [https://env.ieat.go.th/th/env-eia/download?did=32094&filename=แนวทางการมีส่วนร่วม-รับฟังความคิดเห็น.pdf&mid=8625&mkey=m\\_document&lang=th&url=%2Fweb-upload%2F4xceb3b571ddb70741ad132d75876bc41d%2Fm\\_document%2F8625%2F15213%2Ffile\\_download%2F5821e4420c606484859b65c650b8d78f.pdf](https://env.ieat.go.th/th/env-eia/download?did=32094&filename=แนวทางการมีส่วนร่วม-รับฟังความคิดเห็น.pdf&mid=8625&mkey=m_document&lang=th&url=%2Fweb-upload%2F4xceb3b571ddb70741ad132d75876bc41d%2Fm_document%2F8625%2F15213%2Ffile_download%2F5821e4420c606484859b65c650b8d78f.pdf)

states are required to take positive steps towards implementation of human rights and avoid actions that cause their deterioration.

- States must require **independent and community-led ex-ante, regular and ex-post human rights and gender impact assessments** in planning and policy-making. EIAs must comply with human rights standards, mandate cumulative impact assessments to evaluate the combined and long-term effects of development on communities and ecosystems, including climate and biodiversity impacts.
- States must **repeal legal frameworks that entrench extractive and militarised development models** and replace them with rights-based laws that center communities, prioritise ecological sustainability and substantive equality.

## What Realities and Practices Say: Absence of access to justice, information, and public participation throughout planning and decision-making processes<sup>12</sup>

In order to realize the right to a healthy environment, the right to meaningful participation and access to justice must be secured long before project approval, particularly at the stage where national development models, energy pathways, and public budgets are designed. In these planning stages, often “national interests” are defined and territories of communities are transformed into a sacrifice zone without their knowledge or consent. Exclusion of communities from these planning processes constitutes a structural denial of their human rights, especially their right to self-determination as it removes their power to shape the processes and determine the futures of their lives and territories.

Legal avenues exist to challenge project approval, permits, and land acquisition, but access to justice is hindered by remoteness, high costs, procedural complexity, limited legal aid, and fear of retaliation. Delays in court proceedings and deference to development priorities, particularly in projects designated as “strategic development projects” that come with heightened security protection, further discourage legal recourse.

In **Indonesia, West Papuan** reported that EIAs are released only after decisions are made and not translated into local languages. In Merauke, communities were not consulted before their customary lands were allocated for plantations or food-estate projects. Indigenous communities

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<sup>12</sup> Access to timely, accurate, culturally appropriate, and gender-transformative information is a precondition to ensure meaningful participation of communities. However, data collected through this submission show that these processes are opaque and technocratic, shaped by the interests of corporations and international financial institutions. Information is either withheld, disclosed too late, or presented in inaccessible forms and languages, effectively excluding communities from decisions that affect their human rights. This is often enforced through militarization, criminalization, and intimidation of community leaders and environmental human rights defenders in the name of protecting “national” or “public” interest.

also reported cases of forced evictions, land grabbing, and violence linked to National Strategic Projects (PSN),<sup>13</sup> affecting tens of thousands of families and over a million hectares of land. Indigenous women groups of Pamona in Saojo, Sulewana, Kuku, Tampemadoro and Pandiri villages, in **Central Sulawesi**, also testified of being forcibly evicted or selling land without their FPIC to the Poso Energy<sup>14</sup> hydropower project. They lost fishing grounds and traditional practices which affect their ability to pass this traditional skill to future generations. Water discharged from the dams flooded their paddy fields and led to crop failure, entrenching peasants in cycles of debt, as they are left unable to repay their loans and increasingly dependent on further borrowing. The hydropower projects have also polluted and destroyed the biota in the Poso river.<sup>15</sup> Human rights violations will exacerbate with the commencement of the third hydropower plant project in collaboration with PowerChina Chengdu Institute.<sup>16</sup>

In **Laos**, Indigenous communities of **Houaphanh** Province were exposed in early 2024 to heavy metal contamination, including cyanide, arsenic and lead, linked to rare-earth mining operations that began in 2022.<sup>17</sup> Hundreds of families across 36 villages also lost access to river water sources, with many downstream communities unaware of the project until contamination occurred. Similarly, the **Nam Ou** River Cascade comprising seven dams since 2021 displaced many communities. EIA and other key information were not publicly disclosed, while sources of communities' livelihoods were destroyed.<sup>18</sup> Railway expansion facilitating exports to China has further accelerated large-scale plantations in **southern Laos**, where Indigenous communities displaced and over 110,000 hectares of protected forest areas reclassified as "production forests" for investor use.<sup>19</sup> All projects undertaken without respect for FPIC.

In **Sri Lanka**, **Norochcholai**<sup>20</sup> and **Sampur** Coal Power Projects EIA and feasibility reports are inaccessible. Documents were withheld on grounds of "national interest" or commercial

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<sup>13</sup> See AL IDN 8/2025 at <https://spcommreports.ohchr.org/TMResultsBase/DownloadPublicCommunicationFile?gld=30378>

<sup>14</sup> PT Poso Energy is a subsidiary of the Kalla Group owned by Yusuf Kalla, a former vice-president of Indonesia. Ironically, he was the Coordinating Minister for People's Welfare of Indonesia in 2003.

<sup>15</sup> The two hydropower plants are named Poso 1 and Poso 2 located on the Poso River in Sulewana village.

<sup>16</sup> Asia Pacific Forum on Women, Law and Development. Regional Report, Climate Justice Feminist Participatory Action Research. 2025. See: [REAL SOLUTIONS NOW! - Women Lead Climate Action](#)

<sup>17</sup> Manushya Foundation, *Profits Over People, Repression Over Rights: The State of Economic, Social and Cultural Rights in Laos*, (August 2025), available at: <https://www.manushyafoundation.org/2025-laos-cescr-report>

<sup>18</sup> Manushya Foundation, *Profits Over People, Repression Over Rights: The State of Economic, Social and Cultural Rights in Laos*, (August 2025), available at: <https://www.manushyafoundation.org/2025-laos-cescr-report>

<sup>19</sup> Mekong Eye, *Fruits of spoil: Laos' forests disappearing as fruit farms flourish*, (16 December 2024), available at: <https://www.mekongeye.com/2024/12/16/fruits-of-spoil>

<sup>20</sup> Final Decision on Fourth Coal Plant Shortly. 2020. See: [Final decision on fourth coal plant shortly – The Island](#)

confidentiality. In Colombo Port City and expressway projects in the **Central Highlands**, consultations were conducted after project approval, in inaccessible locations, and without translation into languages understood by the communities.<sup>21</sup> Indigenous Veddah communities in **Dambana** repeatedly reported that their customary lands were taken without their FPIC.<sup>22</sup> Similarly, **Mullaitivu** and **Kilinochchi**<sup>23</sup> fisherfolk communities in the northern province were displaced by the construction of harbors and roads without their FPIC, let alone adequate compensation and alternative livelihood support. In the **Negombo** Lagoon and **Chilaw** regions<sup>24</sup> fisherfolk reported declining fish stocks and rising health issues linked to industrial effluent discharge from Export Processing Zones (EPZs). The EIAs failed to assess cumulative impacts on lagoon ecosystems or the rights of fishing communities to a healthy environment.<sup>25</sup>

Oil palm projects in **Kalangala** and **Buvuma** were implemented without adequate information for communities to make informed and meaningful decisions, reflecting widespread violations of FPIC in **Uganda**. Community interests were sidelined, including through the waiver of the certificate of occupancy requirement for outgrowers, resulting in more than 80% of landowners lacking FPIC.<sup>26</sup> Public participation as a fundamental Human Right Based Approach is emphasised by Paragraph 6 of the African Charter for Popular Participation in Development and the UN's Declaration on the Right to Development.<sup>27</sup> As a signatory to these international commitments, Uganda is obligated to uphold and implement the standards set out in these frameworks.

In **India**, Vadhavan village in Dahanu taluka of Palghar district in the coast of **northern Maharashtra** opposes and demands full cancellation of the Greenfield Port project.

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<sup>21</sup> RTI Commission Orders Investment Ministry to Release Port City Agreement. 2023. See: [RTI Commission Orders Investment Ministry to Release Port City Agreement - Ceylon Today](#)

<sup>22</sup> Sri Lankan Indigenous Community: Veddahs in the Parliament?. 2025. See: [Sri Lankan Indigenous Community: Veddahs in the Parliament? | The Morning](#)

<sup>23</sup> Mullaitivu Fisheries in Troubled Waters. 2017. See: [Daily Mirror - Sri Lanka Latest Breaking News and Headlines - Print Edition Mullaitivu Fisheries in troubled waters](#)

<sup>24</sup> Minister Douglas Devananda Answers the Questions of Fishermen from Chilaw Lagoon. 2023. See: [https://core.ac.uk/search/?q=author%3A\(Dissanayake%2C%20T.G.D.S.\)](https://core.ac.uk/search/?q=author%3A(Dissanayake%2C%20T.G.D.S.))  
[Minister Douglas Devananda answers the questions of Fishermen from Chilaw Lagoon.](#)

<sup>25</sup> Sri Lanka's fisheries communities numbering over 2.7 million people are among the most directly dependent on a healthy marine and coastal environment. Yet they remain systematically excluded from planning processes that affect their livelihoods and ecosystems. The Fisheries Communities and Coastal Livelihoods case study highlights how coastal development, industrial pollution, and weak enforcement of environmental law have undermined the right to a healthy environment for these communities.

<sup>26</sup> Ssemmanda R. and M. Opige eds. 2019 An assessment of the impacts of oil palm in Kalangala and Buvuma. Lessons learned and recommendations for future developments Wageningen, the Netherlands: Tropenbos International and Ecological Trends.

<sup>27</sup> states that "the right to development is an inalienable human right by virtue of which every human person and all peoples are entitled to participate in, contribute to, and enjoy economic, social, cultural and political development, in which all human rights and fundamental freedoms can be fully realized" (UN 1986: Article 1; also Muzaale 2014:5)

Communities firmly reject the compensation-led development model. Land acquisition was undertaken without considering the loss of livelihoods for farming and fishing communities, despite the status of Dahanu to be an “ecologically fragile area”<sup>28</sup> where industrial activities detrimental to the environment are prohibited.<sup>29</sup> The construction requires reclamation to expand the coastal area which will ultimately increase seawater turbidity leading to disturbance of marine ecosystems, depleting the fish population and impacting the livelihood of the fisheries.<sup>30</sup> <sup>31</sup> However, the acquisition is legitimized by the National Highways Act, 1956 and the LARR Act is primarily land-based and does not address marine impacts or the loss of access to sea-based livelihoods.

In **Thailand**, Chatree gold mine in **Phichit Province** shows that although EIAs were conducted,<sup>32</sup> full EIA reports are not public.<sup>33</sup> The 2012 Environmental and Health Impact Assessment (EHIA), the only complete assessment available, revealed significant procedural shortcomings.<sup>34</sup> Public consultations were reportedly limiting community input and villagers were given only 15 days to review a draft report exceeding 1,000 pages. Surveys conducted during the assessment revealed that the majority of residents were unaware of the expansion project. In 2017, the mine was closed following complaints from communities and reported adverse impact on environment and health.<sup>35</sup> However, the mining reopened in March 2023 without a new EIA or EHIA. Instead, decade-old assessments were used to renew licences.<sup>36</sup>

In *Sustaining the Wild Coast NPC and Others v Minister of Mineral Resources and Energy and Others (Shell)*, the High Court of **South Africa** found that affected communities were denied essential information required by law. It held that consultation was fundamentally flawed, as

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<sup>28</sup> Where the project area is considered as Ecologically Fragile Area (EFA), detailed EIA, and social safeguards are required, while restricting activities like large-scale land reclamation, destruction of mangroves and disruption of marine ecosystems.

<sup>29</sup> Around 20,000 Take Out March in Palghar Against VadHAVAN Port, Allied Projects. 2026. See: [Around 20,000 take out march in Palghar against VadHAVAN port, allied projects | Mumbai News - The Indian Express](#)

<sup>30</sup> The project’s environmental impact assessment (EIA) report stated that the coast is rich in natural resources, wetlands, mangroves and the project will affect nearly 20,809 fisheries in 16 villages comprising 5,333 households.

<sup>31</sup> VadHAVAN Port Project threatens Danahu’s Fragile Coastal Ecology. 2026. See: [VadHAVAN Port Project: How Dahanu’s Eco-Fragile Coast Is Being Overrun - Frontline](#).

<sup>32</sup> 2000, 2007, and 2024.

<sup>33</sup> Manushya Foundation, *UN Complaint for Urgent Action to the United Nations on the human rights violations faced by Phichit and Phetchabun villagers in relation to the activities of the Chatree gold mine in Thailand*, (November 2025), available at: <https://www.manushyafoundation.org/un-complaint-for-urgent-action-to-the-u>

<sup>34</sup> Ibid.

<sup>35</sup> Ibid.

<sup>36</sup> Ibid.

authorities engaged only with local monarchs while excluding the broader community, undermining meaningful participation and consent. While the judiciary in South Africa has taken progressive steps in applying a human right-based approach to environmental rights, **Namibia** still reflects limited incorporation of such approaches. The link between environmental protection and an adequate standard of living remains insufficiently embedded in environmental impact assessments, audits, and risk management instruments, weakening accountability and the protection of affected communities.

**Key recommendations:**

- States must **adopt and enforce binding corporate accountability frameworks, including their extraterritorial human rights obligations**, covering mandatory liability for harm and safeguards against corporate influence in policy and planning processes.
- States must **guarantee early, informed and meaningful participation** of communities in all decision-making, including through culturally appropriate consultations; binding FPIC requirements; mandatory proactive disclosure of all relevant documents; and independent mechanisms to monitor compliance and remedy non-disclosure or exclusion. Such measures are critical to preventing land-related conflicts and safeguarding human rights of affected communities.
- States must **establish accessible, independent, enforceable and adequately resourced grievance and redress mechanisms**. Ensuring the provision of legal aid, culturally appropriate procedures, and robust protection against retaliation for affected communities and environmental human rights defenders.
- States must **advance gender justice** by recognizing the central role of un/der/paid care work, ensuring the leadership of women and gender diverse people in planning and decision-making processes.

### **Prerequisite: Alignment of Planning and Decision-Making with International Human Rights and Environmental Standards, and Ecosystem-Based Approaches**

Failure to align planning and decision-making processes with international human rights and environmental obligations constitutes a breach of States' due diligence to prevent environmental harm, consequently undermining the right to a healthy environment and

intergenerational equity and justice.<sup>37</sup> Such breaches must have enforceable legal consequences and the provision of full reparation to affected individuals and communities. Aligning planning systems with the principles of non-retrogression, non-discrimination, progressive realization, and polluter pays principle is a legal requirement to ensure effective realization of the right to a healthy environment.<sup>38</sup>

Meaningful participation in planning and decision-making processes requires the recognition of Indigenous Peoples. However, like many countries globally, **Laos** and **Thailand** do not formally recognise Indigenous Peoples in domestic legal frameworks.<sup>39</sup> This undermines the UNDRIP implementation, hence excluding Indigenous communities from effective environmental governance, weakening safeguards necessary for the realisation of the right to a healthy environment and compromising compliance with international human rights standards.

In **Mongolia**, women groups of Dalanjaragan village in **Dornogovi Province** testified that many national policies contradicted Mongolia's commitment to the Paris Agreement.<sup>40</sup> Its New Revival Policy<sup>41</sup> <sup>42</sup> and the 2023-2024 Law on Minerals accelerated application for mining licences. Under these laws, the government granted 108 special mining licences to operate in the Dalanjaragan village alone. This has led to adverse impacts such as dust, air, and oil pollution, increased desertification, decreased grazing pastures and drops in livestock quality.

**Sri Lanka** rarely operationalizes its international commitments within domestic planning processes. Coordination among ministries remains weak and ecosystem-based approaches are largely absent from project design, implementation and monitoring. Fisherfolk communities bear the brunt of illegal, unreported and unregulated (IUU) fishing by foreign vessels, particularly in

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<sup>37</sup> The Advisory Opinions of the International Tribunal for the Law of the Sea (2024), the Inter-American Court of Human Rights (2024), and the International Court of Justice (2025) confirm that States have binding obligations to adopt preventive and precautionary measures, regulate private actors, and address cumulative, transboundary and intergenerational impacts of climate and environmental harm.

<sup>38</sup> ESCR-Net. The Right to a Clean, Healthy, and Sustainable Environment: A Pathway to Address the Climate Crisis. 2024. See: [The Right to a Clean, Healthy, and Sustainable Environment: A Pathway to Address the Climate Crisis - ESCR-Net](#)

<sup>39</sup> Manushya Foundation, *Profits Over People, Repression Over Rights: The State of Economic, Social and Cultural Rights in Laos*, (August 2025), available at: <https://www.manushyafoundation.org/2025-laos-cescr-report>; See also: Prachatai, สภาโหวดตัดคำ 'ชนเผ่าพื้นเมือง' ในร่าง พ.ร.บ. ชาติพันธุ์ เหตุกังวลปัญหาความมั่นคง, (8 January 2025), available at: <https://prachatai.com/journal/2025/01/111922>

<sup>40</sup> Asia Pacific Forum on Women, Law and Development. Regional Report, Climate Justice Feminist Participatory Action Research. 2025. See: [REAL SOLUTIONS NOW! - Women Lead Climate Action](#)

<sup>41</sup> See: <https://news.mn/r/2512271/>

<sup>42</sup> Current Trends and Opportunities in Mongolia Mining Sector and Vision 2050. 2023. See: <https://www.china-briefing.com/news/current-trends-and-opportunities-in-mongolia-mining-sector-and-vision-2050/>

the **Gulf of Mannar**.<sup>43</sup> Women play a central role in post-harvest fishing activities but continue to be disproportionately affected and remain excluded from planning and decision-making processes.

**Key recommendations:**

- States must **recognise and advance the rights of Indigenous Peoples according to the UNDRIP** through national legislation to protect Indigenous Peoples' collective rights to distinct identity, lands, territories, resources, and self-determination.
- States must **center intergenerational equity and justice** in fulfilling their duty to prevent environmental harm within and beyond their jurisdiction to avoid intergenerational human rights violations.
- States must take **urgent measures to combat IUU fishing** by implementing their obligations under the UN Fish Stocks Agreement, which include robust monitoring, transparent reporting, and strict accountability for foreign vessels operating in their maritime zones, without undermining domestic fisheries or restricting the livelihoods of small-scale fishers.
- States must **legally recognize Nature as a subject of rights** and ensure its protection through enforceable legal mechanisms,<sup>44</sup> and **reject the use of “green transition”, economic recovery, and “national security” or “public interest”** to justify advancing extractive and militarized development models.

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<sup>43</sup> Despite international commitments under the UN Fish Stocks Agreement and SDG 14, Sri Lanka has failed to effectively monitor or regulate foreign fishing activity, leading to resource depletion and conflict between local and industrial fishers.

<sup>44</sup> Several countries (such as Ecuador, Bolivia, Colombia, Panama and New Zealand, amongst others)<sup>#</sup> have already taken pioneering steps in this direction, integrating the Rights of Nature into their constitutions and jurisprudence. See: Center for Democratic and Environmental Rights. Rights of Nature Library. See: <https://www.centerforenvironmentalrights.org/rights-of-nature-law-library>