

DISCUSSION BRIEF

Advancing the ASEAN Environmental Rights
Declaration:

A Strategic Agenda for NHRIs

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About the Raoul Wallenberg Institute

The Raoul Wallenberg Institute of Human Rights and Humanitarian Law (RWI) is an independent academic institution founded in 1984 at Lund University, Sweden. RWI works to promote universal respect for human rights and humanitarian law through research, academic education, and institutional capacity development.

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Acknowledgements

This discussion brief was authored by Karen G. Dumpit, Windi Arini, Maria P. Villarin, Maria A. Mancia, and Charlie M. Albajili.

The brief draws on discussions and outputs from the 2026 Southeast Asia NHRI Course on Environmental Rights, delivered online from May to June 2026 and concluding with an in-person workshop held in Bangkok on 9–10 June 2026. The course brought together officials from National Human Rights Institutions across Southeast Asia to translate regional environmental-rights frameworks into practical institutional strategies.

RWI is grateful to the United Nations Environment Programme (UNEP), the United Nations Economic and Social Commission for Asia and the Pacific (UNESCAP), AICHR Thailand, Atty. Zelda Soriano, and Aryanto Nugroho for their contributions to the course and the co-creation process during the workshop. We also thank all participating NHRI officials, whose deliberations shaped this brief and whose comments on the draft substantially strengthened it.

This publication was produced under the RWI Regional Asia Pacific Programme with the support of the Swedish International Development Cooperation Agency (Sida). The views expressed in this publication are those of the authors and do not necessarily reflect the views or positions of RWI, Sida, or the participating institutions.

Executive Summary

The 2026 National Human Rights Institutions (NHRI) Course on Environmental Rights, held in June 2026, shifted the focus of the online phase of the blended learning course from theoretical understanding to practical application for NHRI officials across Southeast Asia. Central to the course was the ASEAN Declaration on the Right to a Safe, Clean, Healthy and Sustainable Environment (ADER), a milestone document that provides a regional normative framework for recognizing environmental rights as human rights in Southeast Asia.

The development of the ADER Regional Plan of Action (RPA) represents a critical, time-bound window for regional human rights architecture. Rather than acting merely as external stakeholders, NHRIs have a unique opportunity to position themselves as technical partners to the ASEAN Intergovernmental Commission on Human Rights (AICHR). By providing structured, data-driven, and legally grounded inputs, NHRIs can offer AICHR a practical, on-the-ground evidence and baseline monitoring capacity that the commission requires to successfully implement and oversee the regional plan of action.

To achieve this strategic positioning, this document outlines three primary pillars for future action:

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1. Advancing ADER from a non-binding statement to a substantive regional instrument that provides an anchor for advocates and government officials in their respective roles in addressing the human rights impacts of environmental harms and engaging in accountability mechanisms.
 2. Optimizing the unique position of NHRIs in helping translate regional commitments into domestic action by implementing their mandates to promote, protect, provide policy advisory services, and forge partnerships to implement the principles and standards of the right to a safe, clean, healthy, and sustainable environment.
 3. Leveraging Multilateral Environmental Agreements (MEAs) to provide the scientific and legal foundations necessary to ground human rights claims.

Despite these advancements, significant challenges remain, including the dilution of human rights language during diplomatic negotiations, systemic gaps in corporate accountability, and the increasing criminalization of environmental human rights defenders (EHRDs). The recommendations presented in this paper aim to strengthen collaboration between AICHR, NHRIs, and other stakeholders to support the effective implementation of the ADER and advance environmental rights across Southeast Asia.

Background and Context

The 2026 Southeast Asia National Human Rights Institutions (NHRIs) Course on Environmental Rights provided a timely platform to strengthen the critical role of NHRIs in upholding justice and ensuring that responses to environmental harm are grounded in human rights, equality, accountability, and the principle of leaving no one behind. The course adopted a blended learning format, consisting of three weeks of online modules followed by a two-day in-person workshop held on 9-10 June 2026, in Bangkok, Thailand.

The course brought together NHRI officials from Southeast Asia, including representatives from Komnas HAM Indonesia, SUHAKAM Malaysia, the Commission on Human Rights of the Philippines (CHR), the National Human Rights Commission of Thailand (NHRCT), and the Provedoria for Human Rights and Justice of Timor-Leste (PDHJ). Participants successfully translated regional frameworks into practical institutional strategies, examining the ASEAN Declaration on the Right to a Safe, Clean, Healthy, and Sustainable Environment (ADER), Multilateral Environmental Agreements (MEAs), and a whole-of-NHRI approach.

The in-person workshop served as the practical application phase of the course. Through peer learning, country group exercises, co-creation spaces (like the RPA Co-Creation Lab), and action-oriented discussions, participants mapped regional frameworks to their localized mandates.

Discussions throughout the course highlighted that environmental harms increasingly transcend national boundaries, requiring coordinated responses that combine human rights, environmental governance, and regional cooperation. The ADER and its forthcoming Regional Plan of Action provide an important opportunity for NHRIs to contribute their monitoring experience, policy expertise, and engagement with affected communities to strengthen regional implementation.



Key Environmental Rights Issues Highlighted in Southeast Asia

Participants identified several priority environmental rights issues that warrant greater attention in national institutional strategies and regional cooperation initiatives, including the ADER RPA:



The Right to Clean Air: Driven by severe regional transboundary haze, industrial emissions, and other forms of air pollution continue to threaten the right to health, life, and a healthy environment in Southeast Asia.



Climate-Induced Mobility and Displacement: The rights-based governance gaps surrounding coastal communities, Indigenous Peoples, and vulnerable populations displaced by extreme weather events, development/energy projects, and slow-onset climate disasters.



Safe and Sufficient Water and Sanitation: Unequal access to clean water, contamination of shared water sources by industrial and agricultural activity, and weak monitoring - with acute gaps in rural and remote communities.



Toxic Waste and Pollution: Disproportionate environmental harms caused by rapid industrialization, plastic dumping, and chemical contamination in localized communities.



Biodiversity Loss and Ecosystem Degradation: The destruction of natural habitats undermines the livelihoods, food security, and cultural rights of rural and indigenous populations.

While these challenges manifest differently across countries, participants recognized that they share common underlying governance issues, including limited access to environmental information, weak accountability mechanisms, insufficient public participation, and barriers to effective remedies. Many of these challenges relate

directly to the procedural rights recognized in the ADER - access to information, public participation, and access to justice - which provide a practical framework for NHRIs to inform the development and implementation of the Regional Plan of Action. These shared concerns underscore the importance of stronger regional cooperation and provide a common basis for the implementation of the ADER and the forthcoming Regional Plan of Action.



ASEAN Declaration on the Right to a Safe, Clean, Healthy & Sustainable Environment

Adopted at the 47th ASEAN Summit, Kuala Lumpur, 2025

Presenter: Asst. Prof. Dr. Bhanubhatra Jittiang

Representative of Thailand to AICHR (2025-2027)



ASEAN Declaration on the Right to a Safe, Clean, Healthy and Sustainable Environment

The ADER represents the first major human rights declaration developed by the ASEAN Intergovernmental Commission on Human Rights (AICHR) since the adoption of the ASEAN Human Rights Declaration in 2012. While initial discussions considered a legally binding instrument, the ADER was ultimately adopted as a non-binding declaration. Nevertheless, it establishes an important regional normative framework that recognizes environmental protection as integral to the enjoyment of human rights and provides a common reference point for ASEAN Member States and relevant stakeholders.

The development of the Regional Plan of Action (RPA) presents an opportunity to translate the principles articulated in the ADER into practical measures for implementation. While the declaration itself does not create legally binding obligations, the RPA can guide institutional responsibilities, regional cooperation, monitoring, and capacity development, thereby strengthening the practical relevance of the ADER.

Despite this important achievement, several institutional and normative challenges remain. A recurring theme in the regional discourse was the softening of key terminologies during regional drafting, such as explicit wording around environmental human rights defenders and Indigenous Peoples. Further, provisions for "human rights due diligence" were largely absent from the final text, weakening structural mechanisms for private sector accountability. As the RPA consultation process remains open, there is continued scope for these areas to be revisited, including the language on environmental human rights defenders and Indigenous Peoples.

These limitations do not diminish the value of the declaration; rather, they underscore the importance of implementation. The Regional Plan of Action provides an opportunity to clarify priorities, strengthen cooperation, and promote practical measures that reinforce the principles contained in the ADER.

Multilateral Environmental Agreements (MEAs) can play an important role in this regard. While the ADER establishes broad human rights principles, Multilateral Environmental Agreements (MEAs) provide internationally agreed environmental standards, scientific benchmarks, and implementation mechanisms that can support the realization of environmental rights. Together, these instruments provide complementary normative and technical guidance for states and National Human Rights Institutions.

The recent jurisprudence, including the advisory opinion of the International Court of Justice (ICJ), has further reinforced that the right to a healthy environment is a precondition for enjoying fundamental rights to life, health, and food. Within this framework, MEAs provide the technical benchmarks that allow National Human Rights Institutions (NHRIs) to monitor state compliance, identify enforcement gaps, and provide science-based policy advice.

Building on their mandates to monitor human rights, investigate complaints, advise governments, and engage with affected communities, NHRIs are uniquely positioned to support the implementation of both the ADER and the forthcoming Regional Plan of Action. Their comparative advantage lies in connecting regional commitments with national realities by documenting emerging trends, identifying implementation challenges, and facilitating dialogue among governments, civil society, businesses, and rights holders.

Rather than utilizing the ADER solely as a normative reference, NHRIs can also use the ADER as an entry point for regional cooperation through mechanisms such as the Southeast Asia NHRI Forum (SEANF) or the emerging Inter-NHRIs Inquiry Mechanism. These platforms provide an opportunity to address transboundary challenges—such as haze and plastic pollution—that exceed the capacity of any single state.

Ultimately, while the ADER provides the regional standard, the active engagement of NHRIs in the development (and the implementation) of the Regional Plan of Action (RPA) is critical to ensuring these rights move from theory to practical domestic application.



Way Forward for NHRIs

The discussions throughout the course highlighted that the implementation of environmental rights requires both strong national institutions and sustained regional cooperation. As ASEAN advances the RPA under the ADER, NHRIs have an opportunity to play a more proactive role in supporting implementation, strengthening accountability, and ensuring that regional commitments translate into meaningful outcomes at the national level. NHRIs comparative advantage lies in connecting regional commitments with national realities, through documenting emerging trends, identifying implementation challenges, and facilitating dialogue among governments, civil society, businesses, and rights holders.



Insights gained from the concluding workshop of the course suggest that governments may be more responsive to environmental rights when these are framed not only as human rights obligations but also as contributors to sustainable development, economic resilience, and responsible investment. Aligning national policies with international human rights and environmental standards - including those increasingly reflected in the requirements of major trading partners - can provide additional incentives for strengthening environmental governance.

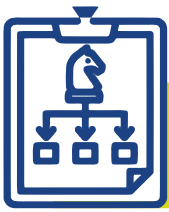
To maximize their contribution, NHRIs should adopt an integrated, whole-of-NHRIs approach that brings together their protection, promotion, policy advisory, monitoring, and partnership functions. Rather than relying primarily on complaints handling and investigations, NHRIs can draw on the full range of their mandates to promote environmental rights through public education, strategic engagement with governments, collaboration with civil society, and evidence-based policy advice.

It is also recognized that the ADER must be linked with existing MEAs to serve as a guide for practical action. In leveraging MEAs by aligning ADER with binding international instruments, stakeholders – duty bearers and rights holders alike – can address the declaration’s soft language and reinforce its substantive basis. This connection will enable NHRIs to effectively frame environmental harms as human rights issues, which will strengthen their monitoring anchor and add value for their promotion, protection, and policy advocacy services.

Regional commitments become more meaningful and effective when translated into national policies and community-level action. Participants acknowledge that NHRIs are well placed to bridge this gap by bringing domestic experiences, findings, policy analysis, and community concerns into regional processes. At the same time, regional frameworks such as ADER and its forthcoming RPA can strengthen national-level advocacy through providing a common language, standards, and reference points for NHRI's institutional action plans that can protect local ecosystems and environmental human rights defenders.

The co-creation spaces (like the RPA Co-Creation Lab during the course) reveal that a unified regional voice among NHRIs holds potential for stronger human rights advocacy. Beyond using ADER as a normative reference, NHRIs can treat it as an entry point for regional cooperation, particularly through platforms such as SEANF, AICHR engagement, and a possible inter-NHRI inquiry mechanism, to address transboundary harms such as climate change, haze or plastic pollution. A coordinated NHRIs in Southeast Asia can strengthen advocacy for stronger environmental rights protections, especially on issues that cut across national borders.

Moving forward, stronger institutional collaboration between AICHR and NHRIs should be viewed not merely as a consultation process but as an ongoing partnership. By combining regional standard-setting with national implementation experience, ASEAN can strengthen the effectiveness of the ADER and its subsequent RPA to ensure that environmental rights are progressively realized across the region.



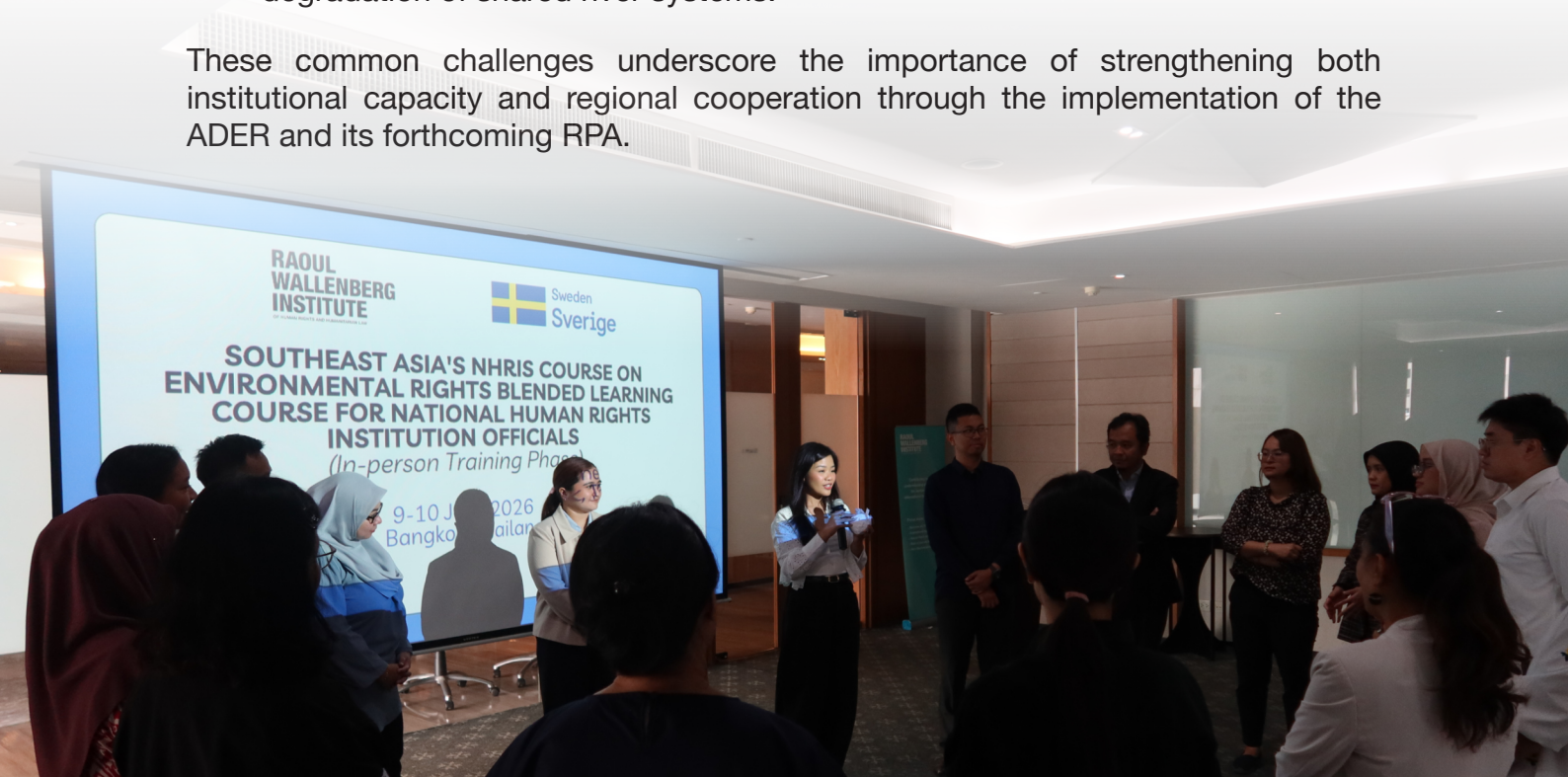
ACTIONABLE FRAMEWORKS

Common Regional Challenges & Capacity Gaps

The country group discussions identified several common challenges that continue to limit the effective promotion and protection of environmental rights across Southeast Asia.

- NHRIs frequently face jurisdictional ambiguity and coordination challenges when environmental rights concerns intersect with the mandates of specialized environmental ministries, technical regulatory agencies, local governments, and other sectoral agencies. This coordination gap is addressed under the Policy pillar of the Companion Action Tracker below.
- Communities often face barriers in accessing environmental information, including environmental impact assessments (EIAs), air quality data, pollution reports, and other technical documents. In some contexts, information is confidential, difficult to understand, or unavailable in local languages.
- NHRIs' officers struggle to translate highly complex scientific data—such as air quality indices, chemical toxicity reports, and EIAs—into legally actionable human rights evidence.
- A critical, cross-cutting regional challenge is the lack of robust, rapid-response protection mechanisms for Environmental Human Rights Defenders (EHRDs) who face judicial harassment, strategic lawsuits against public participation (SLAPPs), or physical retaliation.
- Because NHRI mandates stop strictly at national borders, NHRIs may be structurally limited to investigate or address transboundary environmental harms, such as regional haze, cross-border plastic waste dumping, or the degradation of shared river systems.

These common challenges underscore the importance of strengthening both institutional capacity and regional cooperation through the implementation of the ADER and its forthcoming RPA.



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SOUTHEAST ASIA'S NHRIS COURSE ON ENVIRONMENTAL RIGHTS BLENDED LEARNING COURSE FOR NATIONAL HUMAN RIGHTS INSTITUTION OFFICIALS
(In-person Training Phase)
9-10 JULY 2026
Bangkok, Thailand



Companion Action Tracker Framework

Regional commitments gain true effectiveness only when translated into national policies and community-level action. NHRIs are uniquely positioned to utilize the ADER as an entry point for regional cooperation, using platforms like the Southeast Asia NHRI Forum (SEANF) to coordinate responses to transboundary threats.

This framework translates high-level strategic aims into a functional desk tool across six core workstreams. The six pillars are designed to operate as a single system rather than in parallel: measurement outputs supply the evidence base for policy submissions; protection casework identifies the gaps that promotion activities should address; and partnership networks surface the community-level information that feeds back into monitoring and complaint handling. Institutions using this tracker are encouraged to read each item alongside the pillars it draws from and feeds into, rather than as a standalone task. The framework deliberately leaves implementation detail to each institution. To function as a working desk tool rather than a statement of intent, NHRIs are encouraged to assign to each action item a focal point, a target date, and a verifiable output, recorded alongside the Status column according to their own planning cycles and internal structures.

NHRI Functional Pillar	Core Focus	RPA Strategic Alignment	Institutional Action Items (What to do back home)	Status / Internal Lead
Promotions	Education, legal literacy, and capacity building.	Propose regional capacity-building modules and peer exchange sessions where NHRIs can share action plans, obstacles, and localized solutions.	Internal Scaling: Share course materials and MEA data with internal colleagues; design and deploy echo sessions for provincial and regional human rights offices.	
			External Training: Increase the frequency of environmental rights training for government and business actors; update current Business and Human Rights training modules	
			Public Courses: Launch public-facing online courses on climate justice and human rights; review and enhance existing climate justice modules.	
			Community Literacy: Conduct public education campaigns to raise awareness about available legal remedies and formal complaint mechanisms. Where environmental information is held by regulators but not accessible in practice, produce plain-language explanatory materials in local languages to accompany it.	

NHRI Functional Pillar	Focus	RPA Strategic Alignment	Institutional Action Items (What to do back home)	Status / Internal Lead
Protection	Grievance mechanisms, investigations, monitoring and defender safety.	Work within SEANF to develop and submit a joint SEANF proposal to the ADER RPA for a regional mechanism on transboundary environmental violations — specifying the trigger for referral, the timeframe for response, the role of national NHRIs, and provision for cross-border monitoring. Pending its establishment, contribute national findings and case evidence to counterpart institutions through SEANF.	Review current complaint forms to ensure they capture environmental degradation data.	
			Develop investigation guidelines for environmental cases	
			Integrate Gender Equality, Disability, and Social Inclusion (GEDSI) lens into case-handling.	
			Conduct field outreach programs in rural, heavily impacted areas and set up open, accessible mobile booths to receive complaints directly from affected communities.	
			Establish routine, structured monitoring tracks for ongoing environmental conflicts; report violations systematically.	
		Lobby AICHR to list national NHRIs as primary fact-finding partners in the official RPA text	Revisit existing national protection mechanisms specifically vis-à-vis Environmental Human Rights Defenders (EHRDs).	

NHRI Functional Pillar	Core Focus	RPA Strategic Alignment	Institutional Action Items (What to do back home)	Status / Internal Lead
Policy	Law reform, advocacy, and strategic structural advice.	Encourage the RPA to offer clear, adaptable guidance that Member States can integrate into existing national mechanisms (e.g. National Human Rights Action Plans)	Reiterate salient provisions of existing environmental laws, policies, and legal instruments to duty bearers via targeted policy briefs and advisory dialogues.	
			Recommend concrete statutory improvements to relevant ministries; draft and advocate for specific legislative amendments (e.g., Article 5 of the Founding Charter / relevant national acts).	
			Map jurisdictional boundaries between the NHRI and environmental ministries, regulatory agencies, and local governments, and pursue memoranda of understanding with sectoral regulators to clarify referral pathways and coordination in overlapping cases.	
			Monitor regulators' compliance with statutory environmental disclosure obligations, and issue guidance recommending plain-language and local-language disclosure standards for environmental impact assessments and pollution data.	
	Quantitative and qualitative measurement frameworks, using RWI's Framework for Integrating Rights and Equality (FIRE).	Encourage the RPA's follow-up component to include human rights-based indicators, including quantitative (information requests answered, complaints handled, defender cases) and qualitative (quality of participation, effectiveness of remedies)	Apply FIRE to build environmental-rights indicators for institutional monitoring	

NHRI Functional Pillar	Core Focus	RPA Strategic Alignment	Institutional Action Items (What to do back home)	Status / Internal Lead
Partnership	Coalition building to amplify institutional reach.	Encourage the RPA to recognize clear and official pathways for NHRIs and other stakeholders to contribute to the implementation and follow up.	Expand active working networks to include children-and-youth councils and specialized environmental CSOs.	
			Host multi-stakeholder roundtables to facilitate continuous knowledge sharing between civil society, state actors, universities, media and private enterprises.	
ASEAN (Regional)	Inter-institutional solidarity and trans-boundary networks.	Institutionalize regular engagement with AICHR, including issuing joint statements AICHR-SEANF.	Engage the 2026 ASEAN Chair, drawing on its stated support for the ADER, to pursue a Joint SEANF-AICHR Statement on environmental rights within the 2026 chairship cycle.	
			Advocate, as individual member NHRIs, for the formal recognition of SEANF by ASEAN and AICHR.	
			As SEANF members, work towards developing a shared regional baseline on transboundary ecological challenges — haze, plastic pollution, and river degradation — and establish a standing platform for exchanging experience among NHRIs and other stakeholders working on these issues.	

Final Reflections

The implementation of the ASEAN Declaration on the Right to a Safe, Clean, Healthy, and Sustainable Environment will depend not only on the adoption of the Regional Plan of Action but also on sustained collaboration among ASEAN institutions, NHRIs, governments, civil society, academia, and affected communities.

NHRIs are uniquely positioned to bridge regional commitments and national implementation by combining their mandates in monitoring, protection, policy advice, promotion, and public engagement. Through stronger cooperation with AICHR and other ASEAN mechanisms, they can help ensure that the RPA is informed by evidence, responsive to emerging challenges, and grounded in the lived experiences of affected communities.

Ultimately, the RPA should be viewed not simply as an implementation roadmap for the ADER, but as an opportunity to institutionalize environmental rights within ASEAN human rights architecture. By strengthening accountability, promoting regional cooperation, and supporting evidence-based implementation, ASEAN can move from political commitment to practical action, ensuring that the right to a safe, clean, healthy, and sustainable environment is progressively realized across Southeast Asia.





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