

Statement of

Mr. Baskut Tuncak

UN Special Rapporteur on the implications for human rights of the environmentally sound management and disposal of hazardous substances and wastes

Conferences of the Parties to the Basel, Rotterdam and Stockholm Conventions

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Thank you, Madam President. Excellencies, Ladies and Gentlemen,

It is an honour to address this meeting in my capacity as Special Rapporteur of the UN Human Rights Council on the human rights implications of hazardous substances and wastes. I have been tasked by the human rights council to monitor and report on the impacts of hazardous substances on human rights throughout their lifecycle.

In 1972, the Stockholm Declaration stated as its first principle that “man has the fundamental right to freedom, equality and adequate conditions of life, in an environment of a quality that permits a life of dignity and well-being, and he bears a solemn responsibility to protect and improve the environment for present and future generations.” Since the 1972 Stockholm Declaration, the Basel, Rotterdam and Stockholm Conventions have emerged to help realize this principle. It is evident environment and human rights communities are complementary to each other, inseparable from one another, and pursuing mutually reinforcing goals.

My upcoming report to the UN Human Rights Council, to be presented in September of this year, will be on the right to access information in the context of hazardous substances and wastes. The Rotterdam Convention plays a special role in realizing the right to access information.

The right to access information is “a right in and of itself and one of the rights upon which free and democratic societies depend.”

The right to access information is an essential element of freedom of opinion and expression and recognized in article 19 of the Universal Declaration of Human Rights, article 19 of the International Covenant on Civil and Political Rights (ICCPR), article 13 of the Convention on the Rights of Child (CRC), and others, as well as regional human rights instruments in Africa, the Americas, and Europe. In addition, international human rights law creates an obligation on States to disseminate information to protect human rights.

Every country here today, whether party or non-party to the BRS Conventions, is a party to one or more of these human rights treaties, thus has a legal obligation to realize the right of access to information, and businesses have a responsibility to respect this right.

As set out in the UN Charter, this obligation transcends national boundaries. And according to the Maastricht Principles, “All States have obligations to respect, protect, and fulfill human rights ... both within their territories [and beyond their borders].” Furthermore, in the Millennium Declaration, heads of states and governments recognized unanimously that “in addition to separate responsibilities ... we have a collective responsibility to uphold the principles of human dignity, equality, and equity at the global level.”

The Rotterdam Convention directly relevant to this point, as it is rooted in recognition of the principles of dignity, equality and equity, traditional notion of fairness, and the human right to access information. Information about hazardous substances is not a privilege of countries with the greatest means; but, rather a right to which all people and peoples are entitled, including those in countries without adequate resources to assess and manage hazardous substances.

I am deeply troubled by the erection of obstacles to the listing of asbestos and paraquat under the Rotterdam Convention during previous Conferences of the Parties. Every country has a legal obligation to realize the right of access to information, and businesses have a responsibility to respect this right. Both asbestos and paraquat are undeniably hazardous substances, the use of which has profound impacts on the right to the highest attainable standard of health, the right to adequate housing or the right to food, the right to safe working conditions, and other basic human rights. It is both legally and morally unjustifiable for countries to continue to obstruct the listing of asbestos and paraquat under the Rotterdam Convention and derogates from their obligation to realize the right to access information.

I encourage all Parties to protect and respect human rights by listing asbestos, paraquat and other chemicals proposed for listing under the Rotterdam Convention.

Thank you, Madam President.