

Third meeting of the Parties - Aarhus Convention on Access to Information, Public Participation in Decision-making and Access to Justice in Environmental Matters

Statement by the Special Rapporteur of the Human Rights Council on the adverse effects of the illicit movement and dumping of toxic and dangerous products and wastes on the enjoyment of human rights

Mr. President,
Distinguished guests,
Ladies and gentleman,

It is with great pleasure for me to address this meeting in my capacity as Special Rapporteur of the United Nations Human Rights Council on the adverse effects of the illicit movement and dumping of toxic and dangerous products and wastes on the enjoyment of human rights. I would like to congratulate you, the secretariat and all the participants for the tremendous progress made so far in the implementation of the Aarhus Convention.

As I appreciate that many of the participants in this meeting of Parties are not familiar with the mandate entrusted to me by the Human Rights Council, please allow me to provide a brief account of the work carried out by this mandate.

Since 1995, the United Nations Commission on Human Rights – the previous UN organ in charge of promoting and protecting human rights which has now been replaced by the Human Rights Council– has repeatedly noted with grave concern that the illicit traffic in and dumping of toxic and dangerous products and wastes pose a serious threat not only to the environment, but also to the enjoyment of internationally-protected human rights – including the right to life, right to information and public participation, the enjoyment of the highest attainable standard of physical and mental health, the rights to clean water, food, adequate housing and safe and healthy working conditions and other human rights enshrined in the Universal Declaration of Human Rights and other international legal instruments. The Commission stressed that concerns associated with the transboundary movement of toxic and hazardous substances are particularly serious when these dangerous materials ends up in countries that do not have the capacities and technologies to store and accumulate stockpiles and/or process such wastes in an environmentally safe manner.

In order to investigate the effects of the illicit dumping of toxic and dangerous products and wastes on the enjoyment of human rights, the Commission of Human Rights decided in 1995 to

appoint a Special Rapporteur with a mandate, *inter alia*, to investigate the adverse effects of the illicit dumping of toxic and dangerous products and wastes in developing countries on the enjoyment of human rights.

My mandate enables me to receive and examined numerous communications from victims of human rights violations related to the transboundary movement of wastes and to intervene with Governments on their behalf.

In the discharge of my mandate, my predecessor and I have undertaken several in situ visits to countries in Africa, Europe and the Americas and reported back to the Human Rights Council. Since 1995, the Special Rapporteur has been reporting annually to the Human Rights Council and presented the Council with findings and recommendations on how a human rights approach to the issues of concern may contribute to finding sustainable solutions.

The right to information and participation

Ladies and gentlemen,

Please allow me to make some general remarks on the ground-breaking work you are doing in recognizing rights enshrined in this Convention.

I continue to receive information about the public not being informed or were not given the opportunity to participate in key issues such as the concession of land by the State for the extractive industries, the dumping of electronic waste and other forms of wastes such as medical or industrial waste. States, corporations and other private entities in general do not share vital information about the potential effects on human health, livelihood and their right to an adequate environment until an incident has occurred. Even then, selected or delayed information MAY be given to the public.

Governments need to stop considering themselves as custodians of information that should be held in the trust of the public, not the State. Public access to information when requested, and the right to be informed, is imperative for the prevention of human rights violations and the protection of the environment.

Till now, the right to information and public participation are not explicitly mentioned in the international human rights conventions. However, Principle 10 of the Rio Declaration stipulates that participation of all concerned citizens should be practiced when environmental issues are concerned.

In my thematic report which I presented to the Human Rights Council in March, I have called upon the Council to recognize explicitly the right to information as a precondition for good governance and the realization of all other rights (see A/HRC/7/21).

An approach focusing on human rights would contribute to ensuring an effective and meaningful participation of all concerned individuals in the design, implementation and monitoring of strategies related to environmental matters. Such an approach would also ensure the participation in decision-making processes relating to environmental matters and ensure that groups that are particularly vulnerable to discrimination such as women, children, indigenous people and minorities, will not be left out.

The Aarhus Convention correctly recognizes the importance of the right to information and public participation in environmental matters. The express recognition of the right to information, participation would not only ensure a greater sense of ownership, but would also guarantee effective access to judicial and administrative proceedings, including redress and remedy, to those individuals who have been unfairly denied the right to participate in decision-making processes directly affecting them.

I would like to call upon other members of the United Nations will recognize the importance of these rights and accede to this treaty.

I look forward to working with you all in ensuring that this is realized in the context of international protection and promotion of human rights.

Thank you.