

**9th Conference of Parties – Basel Convention on the Control of Transboundary Movements  
of Hazardous Wastes and their Disposal – Bali, Indonesia  
23-27 June 2008**

*Statement by the 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*

Chairperson,  
Honorary Ministers,  
Distinguished guests,  
Ladies and gentleman,

It is an honour to be able to address this meeting in my capacity as the 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.

As I appreciate that many of the participants at the COP may not be familiar with the work 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 the 1990s, 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Commission on Human Rights – the previous UN organ in charge of promoting and protecting human rights which has now been replaced by the Human Rights Council– has repeatedly noted with grave concern that the illicit traffic in and dumping of toxic and dangerous products and wastes pose a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 – the right to life, 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 instruments.

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 to, *inter alia*, 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 examine numerous communications from victims of human rights violations related to the illicit movement and dumping of toxic waste and dangerous products 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 Commission on Human Rights, then the Human Rights Council and presented the bodies with findings and recommendations on how a human rights approach to the issues of concern may contribute to finding sustainable solutions.

Ladies and gentlemen,

The movement of hazardous wastes and products across the globe and particularly, from developed to developing countries continues to flourish. It too often takes place without appropriate safeguards, despite the existence of international standards and norms which prohibit dumping or illicit movements of hazardous and toxic wastes, except transfers that are undertaken in strict observance of all conditions required to ensure they are handled in a manner that protects workers, the general population and the environment and that all relevant information is fully disclosed.

Many developing countries, despite sometimes knowing of the dangers of the waste, continue to accept hazardous products and toxic wastes due to poverty and the quest for development. Today, I stand before you and ask the countries of origin: Is it fair trade that you are practicing, knowing that these recipient countries often do not have the technical knowledge or expensive technologies necessary for the safe handling and disposal of these wastes? To the recipient countries, I ask you: Is it worth the short-term monetary gain? Is it worth people falling sick, unable to work, causing land to become barren, destroying the environment, and precious water sources that are contaminated permanently? As a person who comes from a developing country that is experiencing the effects of the waste trade, I believe that we need to think of a better solution to generate income and development and to provide basic services to vast vulnerable populations in the Third World.

As you switch on your television, radios and read the newspapers across the world, you are confronted daily by fresh news of strikes, riots and unrest in the underdeveloped world. The world is experiencing a food crisis, higher prices for consumer commodities and services, including energy, as well as a general economic meltdown. The most vulnerable to these developments are usually the poor,

women, children and people living in poverty are hungry. When developing countries become desperate to feed their people, provide them potable water and provide functional infrastructure, they will do anything to achieve these goals, including trading in hazardous wastes.

We need to find a solution to the reason why recipient countries are accepting and trading these hazardous wastes. The only way we are going to eliminate the waste trade and ensure that the environment is not destroyed is by eradicating extreme poverty, hunger and global inequalities. This is why I am happy that the discussions of this ninth COP to the Basel Convention are set against the backdrop of the Millennium Development Goals.

As a central focus of the MDGs, elimination of poverty and hunger provides a useful context to explore the links between my mandate and the concerns of the Basel Convention notably, the transboundary movement of hazardous products and wastes. In the first place, it is important to note the paradox inherent in the use of chemicals in food production. While fertilizers, pesticides and herbicides have been very useful in increasing food production and improving preservation, their long-term effects on health and the environment continue to generate concerns. This explains why many people are turning to organic farming. There is need for further research and dissemination of knowledge on the long-term effects of using chemicals in food production based on the principles of openness, access and responsibility.

Secondly, stockpiles of obsolete pesticides in the developing world remains a grave source of concern to my mandate. Although most of these products reached these countries as development aid to agriculture, they presently pose a great threat to life and health, and their improper disposal has led to contamination of farmland and rivers. The lack of technical and financial capacity in these countries to properly dispose of these chemicals poses a great challenge to all of us. During my visit to the Ukraine in January last year, I visited sites where there were huge stockpiles of pesticides. According to a variety of sources, these storage facilities are estimated to be in their thousands. Unfortunately, there is often little or no documentation about the content of these warehouses. There is also little or no information provided to the public, for example, warnings about the hazardous nature of the contents.

Thirdly, poverty encourages desperate measures and practices among developing countries, including the indiscriminate acceptance of hazardous products and wastes and unregulated use of hazardous chemicals in various activities, which in turn threaten agriculture and food production. For

instance, earlier this year, I carried out a country visit to the United Republic of Tanzania to study the impact of toxic and dangerous products linked to the mining industry on the enjoyment of human rights of the local population and to learn about the waste management system for both industrial and domestic waste. The mining industry provides much needed revenue for the country which battles with a high level of extreme poverty. However, while the mining industry brings in foreign investment to the country, the environmental and social impact of these activities must also be considered. The impact of chemicals used in mining activities, such as mercury and cyanide, particularly on agricultural land and livestock and the health of the poor workers and villagers is far-reaching.

I witnessed poor villagers engaging in small-scale and artisanal mining as a means of survival. They live in inadequate housing, are dangerously frail and wash their tailings for the extraction of gold in the same river and streams from which they draw water for cooking and drinking purposes. I also received information about the disposal of tailings containing a cocktail of hazardous materials by large-scale mining companies which appeared to have contaminated water sources and farmlands, causing the death of livestock and illnesses to local populations.

I could provide you with numerous examples of cases such as these across the developing world. While developed countries can offer higher environmental standards and more advanced technology to dispose of such dangerous products and wastes, they continue to treat developing countries as “cheap dumping grounds” for their hazardous products, even though, they are fully aware that the developing countries do not have the technology or technical expertise to process these wastes safely. It is particularly disheartening that this form of “trade” is sometimes presented as providing development assistance to developing countries.

I read with sadness the background note that was provided to all of us in preparation for this Forum. I quote *“While nobody would actively contest this, waste management today is not generally considered a priority topic at the national and international levels, and thus does not receive the political and financial support it clearly merits”*. This is a very honest statement and it summarizes the challenge facing all of us in ensuring that hazardous products and wastes are properly managed in order to promote and protect internationally guaranteed human rights.

Chairperson, ladies and gentlemen, I am here at this Conference with an appeal to you not to forget the human rights dimensions of the waste trade. Human rights are sometimes not a very popular

issue to discuss and are seen as a luxury, if not impractical in today's globalizing and capitalistic world. Similarly, my mandate is not the most popular or acclaimed at the Human Rights Council. Speaking to delegations and hearing things in the corridors of the Council, I am often told that waste issues are more suitably discussed in an environmental forum. Well, here I am. I am here to speak to you to remind you that there is a human face to waste issues. And, as the theme of this Forum is so appropriately called, waste issues have a direct impact on the right to health and the right to a livelihood for millions of people around the world.

In August 2003, 100,000 victims suffered health consequences and 16 people died as a result of the Abidjan environmental scandal. Their rights to health and a safe and adequate environment were severely violated. Residents across the city of Abidjan woke up to such a foul smell and suffered many health conditions such as vomiting, breathing problems, and headaches, because a company thought it was too expensive to process waste in the Port of Amsterdam. This is only one of the many cases of the adverse effects of the illicit dumping of hazardous wastes and its clear impact on the human rights of people. Although this incident happened almost 3 years ago, I continue to receive information from the victims that they continue to suffer health consequences such as respiratory problems, nausea and so on as a direct result of this mindless discharge of waste around human dwellings. This attests to the long-term effects of such illegal practices.

In conclusion, I applaud UNEP and the Basel Convention for coming up with joint initiatives such as a more rigorous surveillance system on the movement of waste in the African continent and establishing a hazardous waste management plan for the District of Abidjan. I hope to be informed of more of these important initiatives that aim to strengthen the capacity of developing countries to manage hazardous waste. My mandate is committed to working with you on such initiatives. Let us not forget that we have to look after our environment for future generations to come. It is not ours to destroy. We have seen the effects of what toxic wastes can do to our lives and our environment. It is time to stop talking, and start acting.

Thank you.