

Side-event, 30th session of the United Nations Human Rights Council:

“Right to Information on Hazardous Substances and Wastes”

18 September 2015, 13:00-15:00 p.m.

Palais des Nations, Room XVI

Geneva, Switzerland

Speaking notes, Secretariat of the Basel, Rotterdam and Stockholm (BRS) Conventions

(M. A. Taoufiq, Legal Officer):

Excellencies, distinguished delegates, dear colleagues, friends, ladies and gentlemen:

First of all, please allow me to thank colleagues from the United Nations (UN) Office of the High Commissioner for Human Rights (OHCHR), the Geneva Environment Network (GEN), UN Environment Programme (UNEP), Côte d'Ivoire and Switzerland, for triggering this side-event. The BRS Secretariat would also like to specially thank the Special Rapporteur for his work and collaboration, in particular the report presented this week, at the Human Rights Council session, on the implications for human rights of the environmentally sound management and disposal of hazardous substances and wastes. BRS particularly welcomes this report, which focuses on the right to information on hazardous substances and wastes, as well as other mission reports relating to the country-visits such as Kazakhstan this year, as they are essential to assess needs and tailor the help that can be eventually provided to countries should they wish so.

Today, I would like to draw your attention on three aspects mainly:

- i) Why the **Basel, Rotterdam and Stockholm Conventions**, three Multilateral Environmental Agreements (MEAs), are **interlinked to human rights**;
- ii) How, through their specific provisions and mechanisms, their implementation, these **MEAs** may **contribute to the advancement of human rights**, in particular the right to information and, *vice versa*, how the **human right to information may promote the Environmentally Sound Management (ESM)** of hazardous chemicals and wastes, hence contributing to achieve the overarching goal of sustainable development; and
- iii) Finally, **what are the perspectives for the future?** What can or need to be done for enhanced mutual supportiveness between international human rights law/standards and international environmental/chemicals/wastes law/standards?

First, by pursuing the **common goals and objectives of protecting human health and the environment against hazardous chemicals and wastes**, the BRS Conventions, as international environmental legal instruments, are highly and strongly committed to protect both the human beings and their environment, their rights such as, among others, their right to life, their right to a secure life, their right to a healthy life, their right to non-discrimination and to that end, in order to exercise these fundamental human rights and freedoms, their right to information, to available, accessible and functional information. Thus, both dimensions, environment and human rights issues, cannot be considered in isolation from each other as far as the Chemicals and Wastes (BRS) Conventions are concerned: following an integrated approach can therefore be of a much added value to both.

In summary, then among the specific substantive and procedural provisions set under the BRS Conventions, which may contribute to the promotion of human rights and *vice versa*, we may note the following:

- The **Prior Informed Consent (PIC) procedure**, which is key to the Basel and Rotterdam Conventions;
- The **listing process** of chemicals and wastes, which are considered hazardous, through: a) the technical and scientific subsidiary bodies under the Rotterdam and Stockholm Conventions, respectively the Chemical Review Committee (**CRC**) and the Persistent Organic Pollutants Review Committee (**POPRC**), which meet yearly to make recommendations for listing, and b) the respective Conferences of the Parties (**COPs**), the governing bodies of the three Conventions, which take the decisions to list;
- **Reporting obligations** of Parties to the Conventions;
- National Implementation Plans (**NIPs**) under the Stockholm Convention;
- The concept of **Environmentally Sound Management (ESM)** of hazardous chemicals and wastes, a cornerstone under the three Chemicals and Wastes Conventions;
- **Public awareness raising and education** provisions;
- **Technical Assistance** obligations;
- **Effectiveness evaluations; compliance** where the case may be;
- **Vulnerable groups of population** are also taken into account (e.g. exposure to POPs release in the Arctic; Global Monitoring Plan);
- **Etc..**

Finally, what are the perspectives for the future, in terms of **challenges and potential solutions**? The Chemicals and Wastes Conventions consist of **'global tools'** but they are strongly in needs of the Parties' **national and regional 'arms' to be effectively implemented**. This may be done through the adoption, the efficient implementation and enforcement of adequate national **legal** (legislative or regulatory) **and policy frameworks**, or through the use of effective remedies or other kinds of **measures**, including **soft law (e.g. guidelines)**, **good practices**, whether **technical/scientific** (e.g. bio-monitoring information) **or administrative** measures for instance.

At the intergovernmental level of the BRS Conventions themselves, other specific challenges/solutions may be the following: a) under the Rotterdam Convention, **compliance mechanisms and procedures** are yet to be adopted by Parties (at the next COP meeting?); under the Basel Convention and, since May 2015, the Stockholm Convention, these compliance mechanisms and procedures, being adopted, are to be used effectively by Parties; b) the POPRC/CRC **listing** of additional hazardous substances; c) **technical and financial assistance** - meetings of the BRS Conventions' governing bodies, the COPs, constitute a platform for the Parties to voice their needs and the Secretariat of the BRS Conventions, together with the help of relevant other UNEP colleagues or organizations where the case may be, may also facilitate and provide technical assistance on request by Parties in function of the expressed needs.

Holistically and systemically, to follow an **integrated approach**, through **seeking synergies**, not only within the chemicals and wastes Conventions or cluster, but also **between all relevant, interconnected areas** (i.e. human rights, environment, etc.) **and all levels** (international/regional/national levels) , by encouraging enhanced **cooperation between all actors or stakeholders** involved, including governments/States and intergovernmental organizations, on one hand, but also non-State actors such as businesses and the Civil Society, on the other hand, is particularly essential. In this regard, today's event is indeed an opportunity to seize and we thank you for your presence, attention and efforts towards this direction, thank you for being here today.