

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

REFERENCE:
OL KNA 1/2019

28 May 2019

Excellency,

I have the honour to address you in my capacity as Special Rapporteur on the implications for human rights of the environmentally sound management and disposal of hazardous substances and wastes, pursuant to Human Rights Council resolution 36/15.

I write with respect to the **“Ban Amendment” to the Basel Convention on the Control of Transboundary Movements of Hazardous Wastes and Their Disposal**, designed to prohibit hazardous waste exports from Member States of the Organisation for Economic Co-operation and Development and the European Union, and Liechtenstein, to developing countries.

I urge your Excellency’s Government to expedite the ratification of the Ban Amendment. A multitude of human rights continue to be abused and violated through the externalization of the detrimental effects of waste on the most vulnerable, including violations of the right to life and to health, particularly of children, in many countries. At a time when the People’s Republic of China and other States have erected national import bans and restrictions to stop a deluge of waste from foreign countries, redirection of this waste to various other countries is of grave concern and stands to exacerbate already existing environmental and social challenges in these countries.

It is my belief that the Ban Amendment provides an opportunity for your Excellency’s Government to not only contribute towards protecting human rights directly and indirectly threatened by waste, but also take a significant step towards achieving the Sustainable Development Goals to ensure sustainable consumption and production patterns, reduce inequality, ensure healthy lives and promote decent work, among others. At the time of writing only two more countries are needed to ratify the Ban Amendment for it to enter into force.

I welcome the opportunity to discuss further with your Excellency’s Government my view that through ratification and subsequent entry into force of the Ban Amendment, global efforts will be strengthened towards protecting those who are most vulnerable to violation or abuse of their human rights. I would be most grateful if your Excellency’s Government may provide any information and any comment it may have on the above observations.

Please be informed that this communication, as a comment on pending or recently adopted legislation, regulations or policies, and any response received from your Excellency’s Government will be made public via the OHCHR communications

reporting website within two working days. They will also subsequently be made available in the usual report to be presented to the Human Rights Council.

Please accept, Excellency, the assurances of my highest consideration.

Baskut Tuncak

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