

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

REFERENCE:  
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22 January 2020

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. The Ban Amendment is designed to address challenges faced by developing countries and countries with economies in transition in controlling imports of hazardous and other wastes that they are unable to manage in an environmentally sound manner but continue to receive. The Republic of Korea has not ratified the amendment.

In this regard, I wish to refer to UN Human Rights Council report A/HRC/33/41/Add.1 following my visit to the Republic of Korea from 12 to 23 October 2015, which recognised the 2001 amendment (2001.7) by the Korean government of Article 18-2 (export banned countries) of the Enforcement Decree of the Act on the Control of Transboundary Movement of Hazardous Wastes and Their Disposal aimed at preventing environmental pollution caused by the transboundary movement of wastes. Amendment 2001.7 provides the legal basis for implementing the Ban Amendment. However, Article 18-2 provides that the beginning of the enforcement period is when the Ban Amendment comes into force. At the time of my visit the Ban Amendment had not yet entered into force.

In December 2019, the Ban Amendment entered into force. This Amendment has corrected one of the significant flaws of the Basel Convention when it was adopted decades ago, and is an important step toward preventing the exploitation of those who are most vulnerable to the hazards of unsustainable consumption and production.

I urge your Excellency’s Government to expedite its ratification of the Ban Amendment. 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.

I welcome the opportunity to discuss further with your Excellency’s Government my view that through ratification 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.

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