

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 OTH 21/2020

26 March 2020

Dear Mr. Lacroix,

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 am writing to you in the context of my continuing dialogue with the UN leadership regarding the Trust Fund charged with implementing assistance projects, in the municipalities of North Mitrovica, South Mitrovica and Leposavić in Kosovo¹. These municipalities are home to Roma, Ashkali and Egyptian communities who have been housed on lead contaminated land by the UN during the year of the conflict and to this day continue to bear the consequences of living on contaminated soil on their health and well-being.

On 4 October 2019, I received a letter from the Secretary General of the United Nations², confirming that a first contribution from one State had been received to the Trust Fund. In his letter the Secretary General mentioned that the modest sum which had been contributed (10.000 USD) fell short of the resources required to meet the basic needs of the affected communities, a viewpoint which I wholeheartedly share. The Secretary General also mentioned in his letter that efforts to mobilize additional resources for replenishing the Trust Fund would continue.

On the occasion of one of our personal meetings, you shared with me your hopes that this initial contribution would spark further contributions, helping the UN to fulfil its responsibility towards the affected community members.

I would be most interested to learn from you if any positive developments have occurred since my last communication with you and the Secretary General of the United Nations. I would also like to ask if any alternative avenues for helping the communities have been envisaged, since at this stage we could almost say with conviction that the Trust Fund alone is not functioning as means of effective remediation. I would also appreciate to know if steps have been undertaken to solicit viewpoints from the affected community members themselves regarding their needs and expectations in terms of remedy. When I met with the community representatives during an academic visit in

¹ Any reference to Kosovo, whether to the territory, institutions or population, is to be understood in full compliance with Security Council resolution 1244 (1999) and without prejudice to the status of Kosovo.

² The letter can be consulted on the OHCHR webpage of my mandate
<https://spcommreports.ohchr.org/TMResultsBase/DownloadFile?gId=34912>

United Nations Under-Secretary-General for Peace Operations

March 2019, they conveyed a strong wish to be reunited with friends and family that fled to countries of the European Union during the conflict. I would like to ask you if facilitating such reunification was being explored as part of a remedy, and what are the obstacles for excluding such a possibility.

Please note that I envisage sending a letter with similar content to Mr. Zahir Tanin, **Special Representative of the Secretary-General and Head of the United Nations Interim Administration Mission in Kosovo (UNMIK)**. I would appreciate receiving your reply within 60 days. Afterwards, this communication and any response received will be made public via the communications reporting website. They will also subsequently be made available in the usual report to be presented to the Human Rights Council, and any other reports of relevance to international bodies.

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