

Mandates of the Special Rapporteur on the rights of indigenous peoples; the Working Group on the issue of human rights and transnational corporations and other business enterprises; the Special Rapporteur on the right of everyone to the enjoyment of the highest attainable standard of physical and mental health and the Special Rapporteur on the implications for human rights of the environmentally sound management and disposal of hazardous substances and wastes

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10 June 2022

Excellency,

We have the honour to address you in our capacities as Special Rapporteur on the rights of indigenous peoples; Working Group on the issue of human rights and transnational corporations and other business enterprises; Special Rapporteur on the right of everyone to the enjoyment of the highest attainable standard of physical and mental health and 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 resolutions 42/20, 44/15, 42/16 and 45/17. In this connection, we would like to bring to the attention of your Excellency's Government, information we have received concerning **a large-scale mining operation by Vancouver-based Golden Shield Resources, in the absence of good faith consultation and without the free, prior and informed consent of the Wapichan indigenous peoples of South Rupununi, Guyana.** The gold mine is located on the Marudi Mountain, an area sacred to the Wapichan at the headwaters of the rivers that sustain the ecosystem the Wapichan people depend on.

According to the information received:

On 2 December 2021, Golden Shield Resources received a prospecting license to mine Mount Marudi, valid for three years, with two year-long renewals.¹ This follows the Government of Guyana approving an expansion agreement with Aurous Mining Inc., the Rupununi Miners Association, and Romanex Guyana without informing the Wapichan represented by the South Rupununi District Council ("SRDC") or its constituent communities, who learned of expansion plans from a Ministry of Natural Resources announcement on social media. According to reports, the SRDC sent a letter to the Ministry of Natural Resources on 19 November 2021, to express its objection to the project and asked the Government to revoke the agreement. Meetings were then held with the indigenous community allegedly after the agreement was signed. Copies of the agreement have not been provided to the community.

The information received alleges that the agreement was entered into without an environmental permit from the Environmental Protection Agency (EPA) despite evidence that the gold mining is leading to water pollution, mercury spills and deforestation. A previous draft environmental impact assessment report for mining in Marudi was rejected by the EPA, in part due to the lack of consultation and participation by the Wapichan. The EPA required that a new

¹ Angela Harmatas, "Golden Shield Resources is putting the spotlight on Guyana's mineral potential with its Marudi Mountain gold project," Proactive, 23 Feb. 2022, <https://www.proactiveinvestors.com/companies/news/974777/golden-shield-resources-is-putting-the-spotlight-on-guyana-s-mineral-potential-with-its-marudi-mountain-gold-project-974777.htm>

impact assessment be conducted and allegedly promised community visits to ensure that the rights of the Wapichan people would be respected in decision-making surrounding the mining activities at Marudi Mountain moving forward. The affected indigenous peoples have expressed their fears over environmental harms caused by the expansion of mining activities, as the Marudi Mountain is not only culturally sacred to them but is the source of four major river systems on which they and the surrounding ecosystem depend on as a natural water source.

The information received alleges that several reports, including by Government agencies and environmental NGOs, indicate that mining activities in the Wapichan territory, especially around the Marudi Mountain area, are causing the release of toxic substances which are having adverse impacts on the environment and human health. There is documented evidence that mining activities often do not adhere to environmental or mining laws or regulation. One report from an inspection carried out by the Environmental Protection Agency in 2019², in response to complaints by the SRDC, found that “small scale unauthorised mining was being conducted in a precarious manner with little or no concern for mining safety and the environmental impacts from their activities. Discharges from the various mill crushers are being emitted directly on land with no containment or settling ponds.”

The SRDC has a monitoring program that regularly tests pH, turbidity, conductivity, and temperature in creeks and rivers at sites both upstream and downstream from mining activity. Samples taken in 2021 at sites downstream from mining activity have shown pH and turbidity levels significantly over the WHO reference limits. The samples from the water upstream of mining sites is, at least by these two indicators, cleaner or safer to drink than the water downstream of mining sites.

Further, a study³ undertaken in 2017 with support from the World Wildlife Fund and published in 2020 documented that the mercury level in hair samples from residents of four villages in Wapichan territory all exceeded tenfold the reference limit set by the WHO/FAO⁴. This study found that the average mercury levels were highest in the three villages closest to the Marudi mining area. These results are consistent with those of other studies done on mercury levels in indigenous villages in Guyana: higher mercury levels were associated with the consumption of contaminated fish. The information received also alleges that, despite numerous calls for it to do so, the Government has thus far undertaken minimal mercury testing and monitoring and has not provided any support for local residents to undergo clinical evaluation for mercury contamination.

Concerns have been raised that the Government has failed to legally recognize the land rights of the Wapichan people, Aishalton village in particular, that formally requested recognition of their ownership rights over Marudi Mountain beginning in 1967. According to the information received, domestic legislation does not protect indigenous peoples’ right to free, prior and

² Environmental Protection Agency, Environmental Management Division : Inspection Report – Complaint Investigation, 2019.

³ Watson, C., Hurtado-Gonzales, J., Chin, C., Persaud, J., Survey of Methylmercury Exposures and Risk Factors Among Indigenous Communities in Guyana, South America, Journal of Health and Pollution, 2020.

⁴ World Health Organization, Guidelines for Drinking-water Quality, Fourth Edition.

informed consent (FPIC). The Amerindian Act (2006) restricts FPIC primarily to titled lands thereby permitting mining concessions to be issued over untitled land without prior consultation and consent of the affected communities. While the Wapichan wait for their lands to be formally recognized by the Government, Marudi Mountain remains unprotected under the Act. Further, the law appears to discriminate against indigenous peoples that have had traditional occupation, tenure and use over those lands and territories.

Finally, the information indicates that the State's inclusion of mining in its list of "essential services,"⁵ incentivised mining expansion. As a result of the Government's action, the Wapichan territory has seen an influx of miners from within Guyana and Brazil, increasing the risk of exposure to Covid-19, and of exhaustion of Wapichan's natural resources and livelihoods.

While we do not wish to prejudge the accuracy of these allegations, serious concern is expressed as to the lack of prior consultation and the exclusion of the Wapichan people from the decision-making process with respect to the mining expansion. The consultation with the affected indigenous peoples was reportedly conducted retrospectively, after the signing of the agreement. Such practice appears to be contrary to international human rights standards including the United Nations Declaration on the Rights of Indigenous Peoples. Mining projects in the Marudi Mountain have been associated with mercury spills and a wide range of potential adverse human health and societal risks that could potentially contaminate natural water sources used by the Wapichan indigenous peoples as sources of safe drinking water for human consumption as well as for their animals and farming. It is important to highlight that the Wapichan have a holistic approach to nature, that connects water to forests and lands, and seeds and animals. Therefore, affecting any natural resource has a deep consequence on their physical and mental health. Our preoccupations also extend to alleged State measures that support the expansion of mining activities at the expense of indigenous peoples' health and safety, particularly the rights of indigenous peoples to control entry and access to their territories during the COVID-19 pandemic.

We express particular concern that an environmental impact assessment has not been undertaken despite the serious environmental, cultural and social impact of mining activities and potential human rights abuses related to the right to a safe and healthy environment. We are also concerned with the lack of legal and institutional framework that guarantees indigenous peoples are consulted with the view to obtaining their free, prior and informed consent on all projects that would affect them.

We wish to mention that in 2016, in its Concluding observations on the sixth periodic report of Canada, the Committee on Economic, Social and Cultural Rights (CESCR)⁶ expressed concerns about the right to free, prior and informed consent of indigenous peoples to any change to their lands and territories that is not adequately incorporated in domestic legislation and not consistently applied by the State party. The Committee remained concerned about the lack of formal mechanisms and processes that enable meaningful consultation with indigenous peoples, particularly in the context of the operation of extractive industries. CESCR recommended that Canada fully recognize the right to free, prior and informed consent of indigenous

⁵ A list of services essential to preserving life, health, safety and basic societal functioning that were permitted to operate during national COVID-19 lockdowns.

⁶ E/C.12/CAN/CO/6

peoples in its laws and policies and apply it in practice – it recommended that the State party establish effective mechanisms that enable meaningful participation of indigenous peoples in decision-making in relation to development projects being carried out on or near their lands or territories.

We would like to recall the report of the Working Group on the issue of human rights and transnational corporations and other business enterprises on its mission to Canada in 2017 (A/HRC/38/48/Add.1), and the recommendation that the Government address barriers for individuals and communities affected by the overseas operations of Canadian businesses to seek effective remedies in Canada in appropriate cases, and implement the policy recommendations of OHCHR and the Working Group related to this matter (see A/72/162, A/HRC/32/19, and A/HRC/35/33). We would also like to highlight the report of the Special Rapporteur on toxics and human rights on his mission to Canada in 2019 (A/HRC/45/12/Add.1), and the recommendations that the Government: take stringent measures to halt economic and political support to business enterprises operating abroad where human rights abuses are reported; respect concerns expressed regarding the risk of harm, including where host countries have established no-go zones for resource extraction, to guarantee accountability and ensure access to justice for people affected by the activities of Canadian enterprises abroad; and implement legal requirements for robust mandatory human rights due diligence and provide redress where activities of business enterprises both at home and abroad are associated with impacts of toxic exposure, with a cause of action for victims both in the host country and in Canada.

We would like to recall that in 2017, the Committee on the Elimination of Racial Discrimination (CERD) raised concerns over violations of the land rights of indigenous peoples that continue to exist in Canada; in particular, environmentally destructive decisions for resource development which affect their lives and territories continue to be undertaken without the free, prior and informed consent of the indigenous peoples, resulting in breaches of treaty obligations and international human rights law.⁷

We would like to refer to the Report of the Working Group on the Universal Periodic Review in 2018, in which States recommended that the Government ensure that indigenous communities can express their free and informed consent prior to any measure that may affect their land; and prohibit the environmentally detrimental development of resources on the territories of indigenous peoples without the free, prior and informed consent of those communities.⁸

In connection with the above alleged facts and concerns, please refer to the **Annex on Reference to international human rights law** attached to this letter which cites international human rights instruments and standards relevant to these allegations.

In light of the information and allegations contained in this communication, we would be interested in knowing your Excellency's Government's views on the accuracy of the information contained in this letter, and we would be grateful to receive any additional information your Government may deem relevant.

⁷ CERD/C/CAN/CO/21-23

⁸ A/HRC/39/11

1. Please provide any additional information and/or comment(s) you may have on the above-mentioned allegations.
2. Please provide information on the legal basis for activities, including compliance with Canada's obligation pursuant to the UN Declaration on the Rights of Indigenous Peoples and other international human rights standards (Annex attached). Please indicate what measures the Government of Canada has taken to ensure that Canadian companies operating abroad are not causing or contributing to abuses of international norms and standards that Canada has undertaken to uphold, including those mentioned above.
3. Please highlight the steps that your Excellency's Government has taken, or is considering to take to protect against human rights abuses by business enterprises domiciled in its territory and/or jurisdiction, including conducting human rights due diligence, in accordance with the UN Guiding Principles on business and human Rights (UN Guiding Principles).
4. Please provide information on concrete progress in requiring or encouraging companies domiciled in your territory and/or jurisdiction to implement human rights due diligence processes.
5. Please provide information on any consultations with the Wapichan indigenous communities prior to the approval of the project, and whether their free, prior and informed consent was sought and received, particularly concerning any potential relocation and social, cultural and environmental impacts. We would appreciate information regarding safety measures put in place to hold consultations during the global pandemic.
6. Please provide details on the measures taken by your Government to undertake environmental and human rights assessments regarding the impacts of mining operations on Wapichan indigenous peoples in line with international standards, including in relation to their right to health, and any plans to adopt appropriate mitigation and protections measures against water pollution, mercury spills, deforestation and increased risk of exposure to COVID-19 with the influx of miners from Guyana and Brazil.
7. Please provide information regarding the measures that your Excellency's Government has taken, or is considering taking, to ensure that those affected by activities occurring outside your territory by business enterprises domiciled in your jurisdiction have access to remedy in your country, through State judicial or extra-judicial mechanisms.
8. Please provide information on the measures taken by your Government to ensure that impacted residents have adequate access to basic social, medical, food, safe drinking water and sanitation and other services. Please provide information on any remedial measures that your Government has taken, or has planned for the community members

which will be subject to relocation, or forced to relocate due to the loss of access to livelihood, safe drinking water and food sources caused by the mining activities.

We would appreciate receiving a response within 60 days. Past this delay, this communication and any response received from your Excellency's Government 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.

While awaiting a reply, we urge that all necessary interim measures be taken to halt the alleged violations and prevent their re-occurrence and in the event that the investigations support or suggest the allegations to be correct, to ensure the accountability of any person(s) responsible for the alleged violations.

Please be informed that a letter on this subject matter has been also sent to the Government of Guyana and the mining company, Golden Shield Resources, with regard to the allegations raised above.

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

José Francisco Cali Tzay
Special Rapporteur on the rights of indigenous peoples

Elżbieta Karska
Chair-Rapporteur of the Working Group on the issue of human rights and transnational corporations and other business enterprises

Tlaleng Mofokeng
Special Rapporteur on the right of everyone to the enjoyment of the highest attainable standard of physical and mental health

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

Annex

Reference to international human rights law

In relation to the above-mentioned facts and concerns, we would like to draw the attention of your Excellency's Government to its obligations under binding international human rights treaties including the International Covenant on Civil and Political Rights (ICCPR), to which Canada acceded on 19 May 1976, the International Covenant on Economic, Social and Cultural Rights (ICESCR), acceded by your Excellency's Government on 19 May 1976 and the International Convention on the Elimination of All Forms of Racial Discrimination, ratified by Canada on 14 October 1970. We would like to highlight Your Excellency's Government vote in favor of adopting the United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP) and also recall its obligations under the UN Guiding Principles on Business and Human Rights.

We wish to appeal to your Excellency's Government to take all necessary steps to secure the right to culture under article 27 of the ICCPR. Article 27 of the Covenant provides that, "In those states in which ethnic, religion or linguistic minorities exist persons belonging to such minorities shall not be denied the right, in community with the other members of their group, to enjoy their own culture, to profess and practice their own religion, or to use their own language." The Committee recognized that culture can manifest itself in many forms including use of lands and resources (General Comment No. 23 (50) CCPR/C/21/Rev.1/Add.5 26 April 1994 para. 7).

Article 1 of the ICCPR and ICESCR recognize the right of all peoples to self-determination, including the right to manage their own resources. General Comment No. 12 of the Committee on Economic Social and Cultural Rights (CESCR) defines the obligations of States to implement the right to adequate food and water including "The obligation to respect existing access to adequate food requires States parties not to take any measures that result in preventing such access. The obligation to protect requires measures by the State to ensure that enterprises or individuals do not deprive individuals of their access to adequate food." (E/C.12/1999/5 12 May 1999, para. 15.) Moreover, the Committee stated that "corporate activities can adversely affect the enjoyment of Covenant rights", including through harmful impacts on the right to health, standard of living, the natural environment, and reiterated the "obligation of States Parties to ensure that all economic, social and cultural rights laid down in the Covenant are fully respected and rights holders adequately protected in the context of corporate activities." (E/C.12/2011/1, para. 1).

In this regard, we would like to remind your Excellency's Government that the human right to water is enshrined in articles 11 and the right of everyone, including indigenous peoples, to the enjoyment of the highest attainable standard of physical and mental health, in article 12 of the ICESCR, coupled with its article 2(2) and its non-discrimination principle and that in its General Comment No. 15 (2002), the Committee on Economic, Social and Cultural Rights (hereinafter CESCR) established that the human right to water is the right of everyone "to sufficient, safe, acceptable, physically accessible and affordable water for personal and domestic uses." In addition, General Comment No. 14 adopted by the Committee stresses that the right to health is defined not only as the right to timely and appropriate health care, but also to "the underlying determinants of health, such as access to safe and potable water [...] and environmental conditions [...]" (para.11). This paragraph also emphasizes the important aspect of "the participation on the population in all health-related decision-

making at the community, national and international levels”. WHO defines social determinants of health, as the non-medical factors that influence health outcomes, that is “the conditions in which people are born, grow, work, live, and age⁹”. In her last report presented to the General Assembly (A/76/172), while referring to the social determinants of health, the Special Rapporteur on the right of everyone to the enjoyment of the highest attainable standard of physical and mental health, also refers to the fact that “the COVID-19 pandemic has further underscored the health impacts of social inequalities” (para 11).

It also establishes that water is necessary to fulfil the right to food, health and enjoy certain cultural practices; the priority should always be given to accessing water for personal and domestic issues, and that the States should devote particular attention to the ones that usually face difficulties in exercising their right to water, among others, women, indigenous peoples, farmers and children (CESCR, General Comment No.15, para. 16). In this line and in the same paragraph, the Committee establishes that States should take steps to protect indigenous peoples water sources from encroachment and pollution and promote and allocate resources to design, deliver, and control their access to water.

Other significant milestones are the 2010 General Assembly and Human Rights Council's resolutions, which "recognized the right to safe and clean drinking water and sanitation as a human right that is essential for the full enjoyment of life and all human rights" and that the right to water is derived from the right to an adequate standard of living.

Article 5 of the ICERD establishes that “States Parties undertake to prohibit and to eliminate racial discrimination in all its forms and to guarantee the right of everyone, without distinction as to race, colour, or national or ethnic origin, to equality before the law. In its General Recommendation No. 23 (1997) on indigenous peoples the Committee on the Elimination of Racial Discrimination calls on States to “Ensure that members of indigenous peoples have equal rights in respect of effective participation in public life and that no decisions directly relating to their rights and interests are taken without their informed consent.” (para. 4(d)) The Committee further urges States to “protect the rights of Indigenous peoples to own, develop, control, and use communal lands, territories, and resources.” (para. 5).

By its very nature, the Declaration on the Rights of Indigenous Peoples is not legally binding, but it is nonetheless an extension of the commitment assumed by United Nations Member States – including Canada – to promote and respect human rights under the United Nations Charter, customary international law, and multilateral human rights treaties to which the Canada is a Party. As a universal framework setting out the minimum standards of protection of indigenous peoples’ rights, the Declaration reflects existing legal obligations sourced in international human rights treaties. The Declaration recognizes the right of indigenous peoples to self-determination. “By virtue of that right, they freely determine their political status and freely pursue their economic, social and cultural development.” (Art. 3) and “have the right to autonomy or self-Government in matters relating to their internal and local affairs, as well as ways and means for financing their autonomous functions.” (Art. 4).

Article 10 of UNDRIP states that indigenous peoples shall not be forcibly removed from their lands or territories and that relocation shall not take place without their free, prior and informed consent. The Declaration also establishes, at article 18

⁹ World Health Organization, “Social determinants of health”, available at: www.who.int/health-topics/social-determinants-of-health#tab=tab_1.

that “Indigenous peoples have the right to participate in decision-making in matters which would affect their rights, through representatives chosen by themselves in accordance with their own procedures, as well as to maintain and develop their own indigenous decision-making institutions.” Article 19 provides that “States shall consult and cooperate in good faith with the indigenous peoples concerned through their own representative institutions in order to obtain their free, prior and informed consent before adopting and implementing legislative or administrative measures that may affect them.” Article 23 states that “Indigenous peoples have the right to determine and develop priorities and strategies for exercising their right to development.”

The Declaration underlines the importance that indigenous peoples give their free, prior and informed consent before the development of extractive industries or other development project on their ancestral homelands. Specifically, article 29(2) provides that “States shall take effective measures to ensure that no storage or disposal of hazardous materials shall take place in the lands or territories of indigenous peoples without their free, prior and informed consent.” Article 32(2) recognizes the right of indigenous peoples “to determine and develop priorities and strategies for the development or use of their lands or territories and other resources” and to be consulted in good faith “through their own representative institutions in order to obtain their free and informed consent prior to the approval of any project affecting their lands or territories and other resources, particularly in connection with the development, utilization or exploitation of mineral, water or other resources.”

In addition, the Committee on the Economic, Social and Cultural Rights has indicated that “extraterritorial obligation to protect requires States Parties to take steps to prevent and redress infringements of Covenant rights that occur outside their territories due to the activities of business entities over which they can exercise control, especially in cases where the remedies available to victims before the domestic courts of the State where the harm occurs are unavailable or ineffective.” (General Recommendation No. 24 (2017)).

Further, the Framework Principles on Human Rights and the Environment presented to the Human Rights Council in March 2018 (A/HRC/37/59) set out basic obligations of States under human rights law as they relate to the enjoyment of a safe clean, healthy and sustainable environment. Principle 4 provides, specifically, that “States should provide a safe and enabling environment in which individuals, groups and organs of society that work on human rights or environmental issues can operate free from threats, harassment, intimidation and violence.” Principle 8 provides comprehensive guidance on the required elements of environmental and human rights impact assessments (including effective and equitable public participation as outlined in Principle 9). Principle 12, provides that States should ensure the effective enforcement of their environmental standards against public and private actors. As per principle 14, States should take additional measures to protect the rights of those who are most vulnerable to, or at particular risk from, environmental harm, taking into account their needs, risks and capacities.

We would like to highlight the UN Guiding Principles on Business and Human Rights, which were unanimously endorsed by the Human Rights Council in its resolution (A/HRC/RES/17/31) in 2011. These Guiding Principles are grounded in recognition of:

- a) “States’ existing obligations to respect, protect and fulfil human rights and fundamental freedoms;

- b) “The role of business enterprises as specialized organs of society performing specialized functions, required to comply with all applicable laws and to respect human rights; and
- c) “The need for rights and obligations to be matched to appropriate and effective remedies when breached.”

The Guiding Principles clarify that under international human rights law, “States must protect against human rights violations committed in their territory and / or their jurisdiction by third parties, including business enterprises” (Guiding Principle 1). This requires States to “state clearly that all companies domiciled within their territory and / or jurisdiction are expected to respect human rights in all their activities” (Guiding Principle 2).

All States have a duty under the international human rights legal framework to protect against human rights abuse by third parties. Guiding Principle 1 clarifies the State duty “to protect against human rights abuse within their territory and/or jurisdiction by third parties, including business enterprises.” This obligation requires that a State takes appropriate steps to “prevent, investigate, punish and redress such abuse through effective policies, legislation, regulations and adjudication.” In addition, this requires, inter alia, that a State should “enforce laws that are aimed at, or have the effect of, requiring business enterprises to respect human rights...” (Guiding Principle 3).

The duty applies to all internationally recognized human rights as set out in the International Bill of Human Rights and the fundamental labour rights as set out in the International Labour Organization’s Declaration on Fundamental Principles and Rights at Work. The Guiding Principles also require States to ensure that victims have access to effective remedy in instances where adverse human rights impacts linked to business activities do occur.

Principle 18 underlines the essential role of civil society and human rights defenders in helping to identify potential adverse business-related human rights impacts. The Commentary to Principle 26 underlines how States, in order to ensure access to remedy, should make sure that the legitimate activities of human rights defenders are not obstructed. Moreover, Principle 26 stipulates that “States should take appropriate steps to ensure the effectiveness of domestic judicial mechanisms when addressing business-related human rights abuses, including considering ways to reduce legal, practical and other relevant barriers that could lead to a denial of access to remedy.”

States may be considered to have breached their international human law obligations where they fail to take appropriate steps to prevent, investigate and redress human rights violations committed by private actors. While States generally have discretion in deciding upon these steps, they should consider the full range of permissible preventative and remedial measures.

Furthermore, it should be noted that, based on international law, the Maastricht Principles aim to clarify the content of States' extraterritorial obligations to realize economic, social and cultural rights in order to promote and give full effect to the purposes of the Charter of the United Nations and international human rights. [...] All States have obligations to respect, protect and fulfill human rights, including civil,

cultural, economic, political and social rights, both within their territories and extraterritorially. Each State has the obligation to realize the economic, social and cultural rights of all persons within its territory to the maximum extent of its capabilities. All states also have extraterritorial obligations to respect, protect and fulfill economic, social and cultural rights.

We would like to recall the duty of all States to prevent exposure to hazardous substances and wastes, as detailed in the 2019 report of the Special Rapporteur on the human rights implications of the environmentally sound management and disposal of hazardous substances and wastes to the United Nations General Assembly (A/74/480). This obligation derives implicitly, but clearly, from a range of rights and duties enshrined in the global human rights framework, under which States are obliged to respect and fulfil recognized human rights, and to protect those rights, including from the consequences of exposure to toxic substances. These rights include the human rights to life, health, food and drinking water, adequate housing and safe and healthy working conditions. The duty to prevent exposure is reinforced by national and regional recognition of the right to a safe, clean, healthy and sustainable environment, including clean air. The existence of the State's duty to prevent exposure is reinforced by the right to full respect for the bodily integrity of the individual, which contributes to a context in which everyone should have the right to control what happens to his or her body (see A/HRC/39/48). Read together, international human rights clearly establish the duty of Your Excellency's Government to prevent exposure to hazardous substances and wastes.

Finally, we would like to recall that on October 8, 2021, the Human Rights Council adopted resolution 48/13 recognizing the right to a healthy environment. In this regard, we would like to draw Your Excellency's Government's attention to the Framework Principles on Human Rights and the Environment detailed in the 2018 report of the Special Rapporteur on Human Rights and the Environment (A/HRC/37/59). The Principles provide that States should ensure a safe, clean, healthy and sustainable environment in order to respect, protect and fulfil human rights (Principle 1); States should respect, protect and fulfil human rights in order to ensure a safe, clean, healthy and sustainable environment (Principle 2); and States should ensure effective enforcement of their environmental standards against public and private actors (Principle 12).