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Human Rights Council

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Agenda item 3

**Promotion and protection of all human rights, civil,
political, economic, social and cultural rights,
including the right to development**

Senegal (on behalf of the African Group): draft resolution

18/... Mandate of the Special Rapporteur on the human rights obligations related to environmentally sound management and disposal of hazardous substances and waste

The Human Rights Council,

Guided by the Charter of the United Nations, the Universal Declaration of Human Rights, the International Covenant on Economic, Social and Cultural Rights, the International Covenant on Civil and Political Rights and the Vienna Declaration and Program of Action,

Bearing in mind paragraph 6 of General Assembly resolution 60/251 of 15 March 2006,

Recalling Human Rights Council resolutions 5/1, on institution-building of the Human Rights Council, and 5/2, on the code of conduct for special procedures mandate holders of the Council, of 18 June 2007, and stressing that the mandate holder shall discharge his/her duties in accordance with those resolutions and the annexes thereto,

Recalling also Human Rights Council resolution 9/1 of 24 September 2008 and all resolutions of the Commission on Human Rights on the adverse effects of the illicit movement and dumping of toxic and dangerous products and wastes on the enjoyment of human rights, in particular, resolutions 1995/81 of 8 March 1995, 2004/17 of 16 April 2004 and 2005/15 of 14 April 2005,

Affirming that the transboundary and national movements and the dumping of hazardous substances and waste may constitute a serious threat to human rights,

Affirming also that the way hazardous substances and wastes are managed throughout their lifecycle, including manufacturing, distribution, use and final disposal, may have an adverse impact on human rights,

Reiterating that all human rights are universal, indivisible, interdependent and interrelated,

Reaffirming that the international community must treat all human rights in a fair and equal manner, on the same footing and with the same emphasis,

Recognizing the importance of not duplicating the work that the United Nations is advancing under multilateral environmental agreements, such as the Basel Convention on the Control of Transboundary Movements of Hazardous Wastes and their Disposal, the Stockholm Convention on Persistent Organic Pollutants and the Rotterdam Convention on the Prior Informed Consent Procedure for Certain Hazardous Chemicals and Pesticides in International Trade, to globally ensure the environmentally sound management, transportation and disposal of hazardous substances and wastes,

1. *Takes note* of the work undertaken by the Special Rapporteur on the adverse effects of the movement and dumping of toxic and dangerous products and wastes on the enjoyment of human rights in carrying out his mandate;

2. *Decides* to extend the mandate, with the new title of Special Rapporteur on the human rights obligations related to environmentally sound management and disposal of hazardous substances and waste, for a further period of three years;

3. *Requests* the Special Rapporteur to continue to include in his report to the Human Rights Council comprehensive information on the adverse effects that the improper management and disposal of hazardous substances and waste may have on the enjoyment of human rights, including:

(a) Human rights standards applicable to transnational corporations and other business enterprises that manufacture, trade, transport, distribute, use, and final disposal of hazardous substances and waste;

(b) The question of rehabilitation of and assistance to victims of human rights violations related to the movement and dumping of hazardous substances and waste;

(c) The scope of national legislation in relation to manufacturing, trade, transport, distribution, use and final disposal of hazardous substances and waste;

(d) The human rights implications of waste-recycling programmes, the transfer of polluting industries, industrial activities and technologies from one countries to another one and their new trends, including e-waste and dismantling of ships;

(e) The question of the ambiguities in international instruments that allow the movement and dumping of hazardous substances and waste, and any gaps in the effectiveness of the international regulatory mechanisms;

4. *Encourages* the Special Rapporteur to carry out his mandate in close cooperation with the United Nations Environment Programme, relevant United Nations agencies, such as the World Health Organization and the International Labour Organization, and the secretariats of relevant international environmental conventions, with a view to avoiding duplication and to mainstreaming human rights in their work;

5. *Requests* the Special Rapporteur to develop, in consultation with relevant stakeholders and with the support of the Office of the United Nations High Commissioner for Human Rights, a set of best practices on the human rights obligations related to environmentally sound management and disposal of hazardous substances and waste, to be annexed to his final report to the Human Rights Council;

6. *Calls upon* countries to facilitate the work of the Special Rapporteur by providing information and inviting him to undertake country visits;

7. *Encourages* the Special Rapporteur, in accordance with his mandate and with the support and assistance of the Office of the High Commissioner, to continue to provide Governments with an appropriate opportunity to respond to allegations transmitted to him

and reflected in his report, and to have their observations reflected in his report to the Human Rights Council;

8. *Requests* the Secretary-General and the High Commissioner to provide the Special Rapporteur with all the necessary assistance for the effective fulfilment of his or her mandate;

9. *Decides* to continue consideration of this matter under the same agenda item, in accordance with its programme of work.
