



# HUMAN RIGHTS COUNCIL - 48<sup>th</sup> SESSION

## Item 3: Interactive dialogue with the Special Rapporteur on the implications for human rights of the environmentally sound management and disposal of hazardous substances and wastes (21 September 2021)

- Report presented "*The right to science in the context of toxic substances*" [A/HRC/48/61](#)

### Mr. Marcos A. Orellana, UN Special Rapporteur on human rights and hazardous substances and wastes

Disinformation and distortion of science are two factors that result in sacrifice zones. There are numerous examples of tactics by industry and by governments to delay controls, divert attention, and escape effective accountability for exposure to dangerous substances. The report focuses on the **human right to enjoy the benefits of scientific progress and its applications, and its implications for the sound management of hazardous substances**. Science also allows for the design of evidence-based policies to address the risks and harms of hazardous substances on human health and the environment. The right to science can act as a powerful antidote against disinformation. This right has immense implications on other human rights. **The right to science requires that governments adopt measures to prevent exposure to hazardous substances, on the basis of the best available scientific evidence**. It implies an enabling environment. Science is a process of constant interrogation and review, with unavoidable knowledge gaps and uncertainties, therefore, **the precautionary principle, as an element of due diligence**, is important. Disinformation is a powerful tool for manipulating public debate, generating confusion and mistrust in science. Certain businesses specialize in deliberately sowing uncertainty and misunderstanding in society. Denial, misdirection, and distortion tactics are used to keep hazardous products on the market, all with impunity. **Such business tactics are a direct attack on the right to science and are incompatible with the human rights responsibilities of businesses**. Mr. Orellana **emphasized attacks on scientists**. Whistle-blower protections, and existing national and international tools for protecting human rights defenders, must be proactively used to support and protect scientists. **The right to science implies that truthful scientific information be available and accessible**. This includes scientific evidence which serves as the basis for policymaking and legislation, including underlying data. **Effective channels connecting science and policymaking must be created and enhanced**. Join efforts in international cooperation would translate into a global science policy interface platform that is free of conflict of interests. Governments should take steps to correct the public record when scientific information is misrepresented..

### Interactive dialogue

#### Delegations that took the floor during the Interactive Dialogue (31 statements):

EU, Cameroon (*on behalf of the African Group*), Ecuador, UNICEF, Costa Rica, Senegal, Armenia, Indonesia, France, Venezuela, Kenya, Uruguay, Russian Federation, Morocco, Malaysia, Nepal, China, Fiji, Vanuatu, Georgia, Mauritius, Azerbaijan, Mali, Côte d'Ivoire, Cameroon, Panama, Tanzania, Marshall Islands, Chile, Djibouti, South Africa

**EU:** recently, the EU has adopted the Chemicals Strategy for Sustainability Towards a Toxic-Free Environment. The EU supports an establishment of a science-policy interface for the chemicals and waste cluster. *How Special Rapporteur intends to engage with other relevant human rights mechanisms to avoid duplication within the HRC and the UN?* **Cameroon on behalf of African Group:** called for the strengthening of international cooperation and solidarity in the field of research and the sharing of scientific knowledge, so that developing countries can benefit from scientific progress; called on companies to make scientific data more accessible to all; precautionary principle should be applied in the absence of verified scientific knowledge. **Ecuador:** convened, together with Germany, Ghana, and Vietnam, with the support of UNEP, the first Ministerial Conference on marine litter and plastic pollution. The Ministerial Declaration of that Conference committed to establish, within the framework of the Fifth Assembly of the UN on the Environment, a Negotiation Committee for a future international instrument on the matter; Ecuador invites the countries to join the Declaration until October 15. **UNICEF:** stands ready to continue supporting States in ensuring a safe, healthy sustainable environment for children. **Costa Rica:** *what can developing States do*



*to promote the exchange of scientific resources that allow move forward to ensure an environment is safe?*

**Senegal:** conducted several national environmental studies. **Armenia:** Azerbaijan caused irreversible damage to the environment and ecosystem of Nagorno-Karabakh region. **Indonesia:** *what concrete actions should be prioritized to support international cooperation, including on the area of sharing know how and technology?* **France:** *how to articulate the right to benefit from scientific progress and its applications and the precautionary principle?* **Venezuela:** science and technology must be prevented from being used as a tool for domination, it is necessary to deepen international cooperation and solidarity in this area. **Uruguay:** an independent and intergovernmental Science and Policy Panel on Chemicals and Waste should be established, like the IPCC and IPBES; hoped to deepen these discussions in the next segment of UNEA-5. **Russian Federation:** mentioned the growing level of social responsibility of Russian companies every year, including in the field of environmental protection. **Morocco:** is a member of the Core Group, which introduced a resolution on “the right to a healthy, safe, clean and sustainable environment”; *how to overcome the reality of unequal level of scientific development in different countries?* **Malaysia:** requested support from the OHCHR in providing technical assistance and capacity building to strengthen efforts in hazardous substances and wastes management (HSWM), and an engagement with the Special Rapporteur. **Nepal:** robust international efforts are crucial towards the scientific and environmentally sound HSWM. **China:** urges Japan to face up to the voices of the international community on the issue of nuclear contaminated water disposal in Fukushima. **Fiji:** *what is the link between freedom of scientific research and the right to science in the context of HW and how this link can be strengthened?*

**Responses of Mr. Orellana:** *regarding the questions of Costa Rica and Fiji:* many ways to fight manipulation of information, namely disclosure of any ties with business and establishing mechanisms of avoiding conflict of interests; special anti-fraud regulations; fighting impunity, international law does not protect the right to lie. *Regarding the question of Indonesia:* right to science does not exist in isolation, governments should listen to voices of local communities, indigenous people, civil society. *Question by France:* precautionary principle operates on the basis of scientific evidence. It addresses an inherent limitation of science. *On the comments of Indonesia and Morocco:* 50 years of the creation of the UNEP. Politization is a limitation for the implementation of the right to science and should be addresses at the international level.

**Vanuatu:** calls on all countries to cooperate more closely on regulating, monitoring and reporting on hazardous waste. **Georgia:** views the Basel, Rotterdam and Stockholm Conventions, as critical instrument to ensure safe management of chemicals and safe management of hazardous waste. **Mauritius:** *has the Special Rapporteur identified any jurisdictions that have adopted the recommendation on not allowing by courts of law secrecy agreements in the settlement of cases involving toxics, and how this recommendation can be implemented.* **Azerbaijan:** tries to restore environment in the region that was occupied for many years by Armenia. **Mali:** highlighted the importance of international cooperation in HSWM. **Côte d'Ivoire:** urged companies to develop a plan for the sound management and disposal of hazardous products, and to communicate it to workers, regulators and the general public. **Cameroon:** ratified the Minamata Convention on Mercury; the waste management platform was set up in 2020: <https://bourse-des-dechets.minepded.gov.cm/>. **Tanzania:** is keen to continue to learn from other country initiatives focusing on possible means of protecting human health and the environment from pollution. **Marshal Islands:** the legacy of the nuclear tests that were carried out in the country is the greatest threat to our health; look forward to the joint report on sacrifice zones of the Special Rapporteurs on Toxic Waste and the Environment. **Chile:** agrees on the key role that companies play in the matter. **Djibouti:** *what urgent measures must be taken to restore the confidence of the populations in the impartiality of the available scientific data?* **South Africa:** sufficient financial support for researches and cooperation is paramount.

#### NGOs that took the floor during the Interactive Dialogue (10):

iuventum e.V., Center for Global Non-Killing, Edmund Rice International, Center For International Environmental Law (CIEL), Franciscans International, iFIAN International e.V., Earthjustice, International Association of democratic lawyers, China NGO network for international Exchanges (CNIE), Institut International pour les Droits et le Développement



**All the organizations welcomed the report. iuventum e.V.** asked for the Special Rapporteur's investigation on the matter of full disclosure of water analysis in the process of radioactive water discharge. **Center for Global Non-Killing** called on uphold the right to life and environment. **Edmund Rice International** drew the attention to India's grappling with increased waste and hazardous substances, the average quantity of COVID-19 related biomedical waste generated in June 2021 was around 164 Tonnes per Day across all states and Union Territories of India. **CIEL** strongly supported the recommendations "to align government policies with the best available scientific evidence" and to ensure that science-policy platforms build and implement strong policies against conflict of interests. **Franciscans International:** in light of the concerns on the situation in Brazil, what role does the Special Rapporteur see for independent scientific evidence in environmental licensing and in environmental and human rights impact assessments? **iFIAN International e.V.:** communities must be in the centre of decision making, including indigenous people; requested the Special Rapporteur to develop on the need to accept communities' testimonies as credible evidence to inform policies. **Earthjustice:** looks forward to further discussion on this issue during the next session of the UN Environmental Assembly in early 2022. **International Association of democratic lawyers:** report is highly relevant to the Fukushima Daiichi site water discharge; support all the recommendation in the report and called on the Government of Japan to implement them. **CNIE:** China adopted numerous documents to ensure people's right to science and safe environment; strongly opposes the decision of Japan to discharge water at Fukushima. **Institut International pour les Droits et le Développement:** called for taking measures of peace-making and peacebuilding by taking measures on protection of people in the South Caucasus, asked Armenia to provide Azerbaijan with the location of landmines.

**Final remarks of Mr. Orellana:** *to question of Mauritius:* agreements on settlement of cases involving toxics should remain in the public domain. *Question of Iran on how to enhance public trust in science:* 2 points from the report – access to information (to data) and privacy protection; and scientific literacy. *On the point of the CIEL:* scientific evidence is not monolithic. *On Franciscans International's question:* assessments of alternatives are a very important point. *On Chile's point:* national actions plans and the UN Guiding Principles on business and human rights is a good opportunity to countries to utilize this vehicle to fight impunity in certain industries. *On the point of iuventum and others about Fukushima:* there has been no independent environmental assessment of the impact of the discharge, but it could be a good instrument to have informed conversations on this issue. The advanced liquid processing system (ALPS) did not succeed, so any decision to discharge water is premature. *On the point of Côte d'Ivoire, Cameroon, Ecuador, Panama, Earthjustice about global platform:* the key – it should be free of conflict of interest, good example – the Convention on Tobacco control. *Regarding what is Uruguay, Morocco, and Costa Rica mentioned:* right to healthy environment protects of foundations of life and dignity. The time to act is now.

#### **The right of reply<sup>1</sup>:**

- **Armenia regarding the statement of Azerbaijan on water pollution:** numerous reports concluding that water coming down from Armenian mountains to Azerbaijan are not polluted.
- **Japan regarding China's and the Special Rapporteur mentioning of the discharge of the water In Fukushima and the ALPS:** this matter should be discussed in the appropriate fora, it is not constructive to raise this issue at the HRC. Japan will comply with international environmental norms prior to the discharge.
- **China regarding the Fukushima issue.**
- **Japan in response to the comments on the Fukushima water discharge:** Japan will provide the global community with the information in a transparent manner.

Watch the full Interactive Dialogue on the [UN Web TV](#)

<sup>1</sup> Watch the right of reply segment on [UN Web TV](#), starting from 2:40:00