**Opening Remarks, UN Special Rapporteur on toxics and human rights**

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**Thank you, Mr President, for giving me the floor.**

**Excellencies, distinguished delegates, colleagues,**

The toxic impact of some proposed climate change solutions threatens to aggravate the toxic tide facing humanity. This poses the challenge of integrating decarbonization and detoxification strategies.

Addressing the climate emergency requires decisive action to decarbonize national economies and bring about reductions in greenhouse gas emissions. Such climate action is not without risks, however. The Paris Agreement recognizes this by reaffirming Parties’ respective human rights obligations.

Pursuing the necessary decarbonization, States and businesses are rallying to build new technologies and innovations to reduce greenhouse gas emissions and remove carbon from the atmosphere.

However, certain climate mitigation technologies are emerging that can exacerbate toxic pollution. This is problematic, given the human rights infringements resulting from already intolerable levels of pollution around the world.

**Mr. President,**

Please allow me to offer a couple of examples.

Materials such as lithium, cobalt, nickel, zinc, and rare earth elements, among others, have many applications in advanced technologies, including as magnets, batteries, phosphors and catalysts. This makes them essential components of many decarbonization technologies, such as wind turbines, solar panels, electric vehicles, and storage batteries.

However, their rapid mining to decarbonize the energy matrix can cause water shortages and produce toxic mining wastes. These impacts are exacerbated where Governments waive environmental and social safeguards to accelerate such mining.

Similarly, carbon capture and storage technologies are in increasing demand because they could enable the mitigation of carbon dioxide emissions from large point sources, such as refineries, power plants and other industrial facilities. But these technologies rely on large amounts of chemicals and can release significant quantities of highly toxic ammonia into surrounding communities. There are also risks relating to leakage of carbon dioxide during transport, injection, and long-term storage.

Also, certain decarbonization strategies are being undertaken without an adequate life-cycle assessment and often fail to account for the adverse impacts of extraction, use and generation of hazardous substances. For example, in the transition towards the electrification of the transport sector, capacities for the sound environmental management of spent lithium-ion batteries in electric vehicles are yet to be designed and installed at scale.

**Mr. President,**

Human-rights principles should guide the integration of decarbonization and detoxification pathways. One such key principle is the right to science. This principle, however, is undermined by disinformation campaigns that push false or misleading climate solutions, or that downplay the adverse human rights and toxic impacts of certain climate mitigation technologies.

Not only the fossil fuel and chemical industries, but also the mining, nuclear, plastic and waste industries, among others, are at times advancing false or misleading climate solutions. For example, the hazardous chemicals known as PFAS are being touted as integral to energy transition, dismissing their persistence in the environment and toxic impacts.

Similarly, mislabelling nuclear energy generation as “green” downplays the acute challenges of radioactive waste disposal or the adverse impacts of uranium mining.

**Mr. President,**

Having human rights guide the integration of decarbonization and detoxification strategies places particular emphasis on protecting groups in vulnerable situations.

As I reported to the UN General Assembly last year, Indigenous peoples have for decades and even centuries endured disproportionate risk and harm from mining in their lands and territories. Today, the pressure to satisfy the exponentially growing demand for transition minerals that are needed for decarbonization threatens to inflict another surge of violations of the rights of Indigenous peoples.

**To conclude, Mr President,**

The toxification of the planet is resulting in a massive, widespread, and systematic denial of human rights for countless individuals and groups.

At the same time, the climate emergency threatens to make the planet uninhabitable for humans, with dramatic impacts on human rights.

Climate action is indispensable and urgent. However, climate action will not be legitimate or sustainable if it exacerbates toxic pollution and the concomitant human rights infringements.

Decarbonization and detoxification strategies should not be pitted against each other. In order to reach the global climate mitigation goals and, at the same time, protect communities adversely affected by toxics, decarbonization and detoxification strategies should be integrated. And they should be guided by human rights principles.

**Mr President,**

Now I wish to say a few words regarding my visits to Paraguay, Ghana and the International Maritime Organization (IMO).

**Paraguay**

Quisiera expresar mi sincero agradecimiento al Gobierno de Paraguay por su invitación a realizar una visita al país en octubre del 2022, y por su excelente cooperación para que mi visita fuera provechosa.

Paraguay está tomando pasos importantes hacia el manejo de residuos peligrosos, como a través de la reciente adopción del Plan Nacional de Gestión de Residuos Peligrosos. Paraguay también ha ratificado todos los acuerdos internacionales sobre químicos y desechos.

Paraguay ha adoptado un Plan de Acción para abordar el mercurio en la pequeña minería aurífera. Sin embargo, me preocupa la escasa aplicación del Plan, así como la falta de una fecha límite para la eliminación del mercurio.

Existe un patrón en Paraguay en el que los grupos en situación de vulnerabilidad, en particular los Pueblos Indígenas y las comunidades campesinas, se encuentran arrinconados por cultivos y monocultivos dependientes de agrotóxicos.

Los plaguicidas, que para el agronegocio han resultado en grandes beneficios económicos, para las comunidades rodeadas por los cultivos han resultado en la pérdida de sus territorios, enfermedades, discapacidades, muertes y conflictos sociales y judiciales.

En este sentido, me preocupa que el Estado no ha dado pleno cumplimiento a los dictámenes del Comité de Derechos Humanos en los casos de Colonia Yerutí y Campo Agua’ẽ.

Paraguay tiene una gran oportunidad de afrontar estos problemas de manera decidida y estructural. Mi relatoría seguirá estando a disposición del Gobierno para cualquier asistencia técnica que fuera solicitada y pueda proporcionar.

**Ghana**

I thank the Government of Ghana for its invitation and cooperation. I also thank the people of Ghana for their warm hospitality during my visit in December 2022.

I commend Ghana for its leading role in important initiatives related to toxics and waste, at the national and international levels. Ghana proposed landmark amendments to the Basel Convention on transboundary movement of hazardous wastes, to close the gaps that enable sham plastics recycling. It has also led the Group of African States in incorporating a human-rights based approach into the negotiation of a legally binding instrument on plastic pollution.

On the national front, Ghana adopted the 2021-2030 Strategic Plan for the Sound Management of Chemicals and Waste.

Despite these achievements, regulatory and enforcement gaps exist. For example, Ghana produces about 12,710 tons of waste every day, with only about 10% being collected and disposed of at approved disposal sites.

In addition, Ghana is on the receiving end of a global economy that seeks to externalize the costs of waste generation to developing countries. E-waste, plastic waste, used clothes waste, and waste tyres are some of the most prominent streams of waste.

Small-scale (both legal and illegal) as well as large-scale mining in Ghana are a major source of toxic pollution, particularly with the widespread use of mercury. Communities living close to mining activities are also impacted by dust pollution, blasting noises, heatwaves, destruction of crops, and land loss.

I encourage the Government of Ghana to continue adopting good practices and to work with civil society to tackle challenges in the management of chemicals and waste. I also reiterate my offer for continuous technical support.

**IMO**

I sincerely thank the leadership and staff of the IMO for their openness and perspectives during online sessions and my in-person visit in January 2023.

Human rights have always been relevant to the work of IMO, considering the impacts of the shipping industry on human beings and the environment. For example, oil spills harm coastal communities; air emissions from vessels contribute to climate change; shipbreaking (and especially beaching of end-of-life vessels) releases persistent hazardous pollutants to the environment; seafarers are subjected to hazardous working conditions; and the transport of hazardous cargo poses risks to the crew and environment.

The magnitude of these impacts is apparent in the fact that 90% of globally traded goods are carried by sea.

However, IMO is largely unknown to the human rights community, and there is little indication that the shipping industry considers human rights to be relevant to its work.

During the COVID-19 pandemic, hundreds of thousands of seafarers were stranded at sea, obliged to remain on their ships beyond the end of their contracts, often without pay or access to medical care. I would like to commend IMO for its quick and determined response. IMO established a multi-divisional seafarer crisis action team which worked with different agencies and stakeholders to protect seafarers.

IMO is a public regulator and has made impressive achievements as a standard-setting authority. Various IMO treaties explicitly and implicitly protect and promote human rights, including by improving safety and security at sea and the protection of the environment.

Yet, without adequate global enforcement, the de facto impact of the IMO conventions is vastly reduced. Also, there is an urgent need to interpret, implement, and enforce IMO conventions in light of the human rights obligations of States.

I look forward to continued engagement with the IMO in respect of toxics and human rights.

**Thank you very much.**