

Special Rapporteur on toxics and human rights  
BRS COPs  
Sunday, 7 May 2023  
7:30 PM

GENEVA (7 May 2023, 7:30 PM)

**Statement to the Contact Group on Rotterdam Convention Effectiveness, Agenda Item 5:**

Thank you Chair for giving me the floor. I speak on behalf of the UN Special Rapporteur on toxics and human rights.

The Rotterdam Convention is a valuable tool for international cooperation. It promotes shared responsibilities in relation to the import of hazardous chemicals and creates a mechanism of Prior Informed Consent. For a hazardous chemical to be subject to the Prior Informed Consent procedure, Parties to the Convention must agree to its listing in Annex III by consensus.

On several occasions, the consensus requirement gave precedence to the interests of a small number of Parties over the voices of the vast majority and the recommendations of the Convention's Chemical Review Committee. This shortcoming undermines the function of the Prior Informed Consent procedure and threatens the right to information. It also undermines the realization of the right to science on issues of global importance, as this right establishes the duty to align international standards with the best available scientific evidence.

It is important to highlight that the adequate protection of the right to information in the environmental context not only requires that information regarding hazardous chemicals and pesticides be made available. This right also demands the promotion of access to information. In the context of the Rotterdam Convention, the failure to add chemicals recommended for listing by the Chemical Review Committee impedes access to scientific information and enables misinformation campaigns regarding the safety of these hazardous chemicals.

When considering the proposal on the inclusion of a new Annex VIII, we should consider its human rights implications. In particular, the realization of the right to information, the right to science, and the right to a clean and healthy environment would directly and significantly benefit from the operation of the new Annex VIII.

States are required under international human rights law to take active measures to prevent the exposure of individuals and communities to hazardous chemicals. This includes the facilitation of a procedure that strengthens the principle of Prior Informed Consent. In the absence of adequate protection measures, people in vulnerable situations are particularly at risk of human rights harms, violations and abuses resulting from exposure to hazardous chemicals.

The proposed addition of Annex VIII will not replace the listing of chemicals in Annex III. The option of listing chemicals in Annex III will remain the priority mechanism for listing. However, if Parties are unable to reach consensus, the listing of chemicals in Annex VIII, via a three-fourths majority vote, will provide a pathway for Parties to benefit from the Prior Informed Consent procedure.

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The proposed amendment addresses a deficiency in the science-policy interface mechanism of the Rotterdam Convention that is threatening its continued relevance and ability to serve its object and purpose.

The Special Rapporteur of toxics and human rights reiterates his call for Parties to the Convention to adopt the proposal put forward by Australia, Switzerland, and co-sponsored by many others.

Thank you for your attention.