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COMMISSION ON HUMAN RIGHTS  
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Agenda item 10

**ECONOMIC, SOCIAL AND CULTURAL RIGHTS**

**South Africa (on behalf of States members of the African Group): draft resolution**

**2003/... Adverse effects of the illicit movement and dumping of toxic and dangerous products and wastes on the enjoyment of human rights**

*The Commission on Human Rights,*

*Guided by the Charter of the United Nations, the Universal Declaration of Human rights, the International Covenants of Human Rights and the Vienna Declaration and Programme of Action (A/CONF.157/23), particularly on the question of the human rights of everyone to life and the enjoyment of the highest attainable standard of physical health,*

*Recalling its earlier resolutions on the subject, in particular, resolutions 2002/27 of 22 April 2002 and 2001/35 of 23 April 2001, General Assembly resolution 46/126 of 17 December 1991 and Economic and Social Council decision 1995/288 of 25 July 1995,*

*Recalling also General Assembly resolutions 42/183 of 11 December 1987, 43/212 of 20 December 1988, 44/226 of 22 December 1989 and 45/13 of 7 November 1990,*

*Recalling further the existing international framework on the movement of toxic and hazardous substances and wastes, in particular the Basel Convention on the Control of Transboundary Movement of Hazardous Wastes and Their Disposal, including its Ban Amendment adopted in 1995, and the regional instruments and arrangements in this regard,*

*Affirming* that the illicit movement and dumping of toxic and dangerous products and wastes constitute a serious threat to the human rights to life and the enjoyment of the highest attainable standard of physical health, particularly of individual developing countries that do not have the technologies to process them,

*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,

*Reaffirming also* General Assembly resolution 50/174 of 22 December 1995 on strengthening of United Nations action in the field of human rights through the promotion of international cooperation and the importance of non-selectivity, impartiality and objectivity,

*Mindful* of the call by the World Conference on Human Rights on all States to adopt and vigorously implement existing conventions relating to the dumping of toxic and dangerous products and wastes and to cooperate in the prevention of illicit dumping,

*Aware* of the increasing rate of illicit movement and dumping by transnational corporations and other enterprises from industrialized countries of hazardous and other wastes in developing countries that do not have the national capacity to deal with them in an environmentally sound manner,

*Aware also* that many developing countries do not have the national capacities and technologies to process such wastes in order to eradicate or diminish their adverse effects on the human rights to life and the enjoyment of the highest attainable standard of physical health,

1. *Takes note* of the report of the Special Rapporteur on the adverse effects of the illicit movement and dumping of toxic and dangerous products and wastes on the enjoyment of human rights (E/CN.4/2003/56);

2. *Appreciates* the efforts made by the Special Rapporteur in carrying out her mandate in the face of very limited financial resources, and expresses its appreciation to the Governments of the United States and Canada for the cooperation extended to the Special Rapporteur during her visits to those countries;

3. *Categorically condemns* the illicit dumping of toxic and dangerous products and wastes in developing countries;

4. *Reaffirms* that illicit traffic in and dumping of toxic and dangerous products and wastes constitute a serious threat to the human rights to life and the enjoyment of the highest attainable standard of physical health;

5. *Urges* all Governments to take appropriate legislative and other measures, in line with their international obligations, to prevent the illegal international trafficking in toxic and hazardous products and wastes, the transfer of toxic and hazardous products and wastes through fraudulent waste-recycling programmes, and the transfer of polluting industries, industrial activities and technologies, which generate hazardous wastes, from developed to developing countries;

6. *Invites* the United Nations Environment Programme, the secretariat for the Basel Convention on the Control of Transboundary Movements of Hazardous Wastes and Their Disposal, the Commission on Sustainable Development, the International Register of Potentially Toxic Chemicals, the Food and Agriculture Organization of the United Nations, the International Labour Organization, the World Health Organization and regional organizations to continue to intensify their coordination and international cooperation and technical assistance on environmentally sound management of toxic chemicals and hazardous wastes, including the question of their transboundary movement;

7. *Requests* the Governments of developed countries, together with international financial institutions, to provide financial assistance to African countries for the implementation of the Programme of Action adopted at the First Continental Conference for Africa on the Environmentally Sound Management of Unwanted Stocks of Hazardous Wastes and Their Prevention, held in Rabat, from 8 to 12 January 2001;

8. *Welcomes* the ongoing work of the secretariat for the Basel Convention and also welcomes the cooperation between the secretariat and;

(a) The International Criminal Police Organization, in the monitoring and prevention of cases of illegal trafficking in toxic and dangerous products and wastes through the exchange of information;

(b) The World Customs Organization, the training of customs officers and the harmonization of classification systems for effective control at customs border posts;

9. *Expresses its appreciation* to the relevant United Nations bodies, in particular the United Nations Environment Programme and the secretariat for the Basel Convention, for the support extended to the Special Rapporteur and urges them and the international community to continue to give her the necessary support to enable her to discharge her mandate;

10. *Urges* the international community and the relevant United Nations bodies, in particular the United Nations Environment Programme and the secretariat for the Basel Convention, to continue to give appropriate support to developing countries, upon their request, in their efforts to implement the provisions of existing international and regional instruments controlling the transboundary movement and dumping of toxic and dangerous products and wastes in order to protect and promote the human rights to life and the enjoyment of the highest attainable standard of physical health of everyone;

11. *Urges* all Governments to ban the export of toxic and dangerous products, substances, chemicals, pesticides and persistent organic pollutants that are banned or severely restricted in their own countries;

12. *Urges* the Special Rapporteur to continue to undertake, in consultation with the relevant United Nations bodies and organizations and the secretariats of relevant international conventions, a global, multidisciplinary and comprehensive study of existing problems of and solutions to illicit traffic in and dumping of toxic and dangerous products and wastes, in particular in developing countries, with a view to making concrete recommendations and proposals on adequate measures to control, reduce and eradicate these phenomena;

13. *Reiterates its request* to the Special Rapporteur to continue to consult all relevant United Nations bodies, organizations and secretariats, in particular the Chemical Division of the United Nations Environment Programme, the Food and Agriculture Organization of the United Nations and the secretariat for the Basel Convention, and to take duly into account the progress made in other forums and to identify loopholes;

14. *Invites* the Special Rapporteur, in accordance with her mandate, to include in her report to the Commission at its sixtieth session comprehensive information on:

(a) Persons killed, maimed or otherwise injured in developing countries through the illicit movement and dumping of toxic and dangerous products and wastes;

(b) The question of the impunity of the perpetrators of these heinous crimes, including racially motivated discriminatory practices, and to recommend measures to bring them to an end;

(c) The question of rehabilitation of and assistance to victims;

(d) The scope of national legislation in relation to transboundary movement and dumping of toxic and dangerous products and wastes;

(e) The question of fraudulent waste-recycling programmes, the transfer of polluting industries, industrial activities and technologies from the developed to developing countries, ambiguities in international instruments that allow illegal movement and dumping of toxic and dangerous products and wastes, and any gaps in the effectiveness of the international regulatory mechanisms;

15. *Encourages* the Special Rapporteur, in accordance with her mandate and with the support and assistance of the Office of the High Commissioner for Human Rights, to continue to provide Governments with an appropriate opportunity to respond to allegations transmitted to her and reflected in her report, and to have their observations reflected in her report to the Commission;

16. *Reiterates its call* to the Secretary-General to continue to make all necessary resources available for the Special Rapporteur to carry out her mandate successfully and, in particular:

(a) To provide her with adequate financial and human resources, including administrative support;

(b) To provide her with the necessary specialized expertise to enable her to carry out her mandate fully;

(c) To facilitate her consultations with specialized institutions and agencies, in particular with the United Nations Environment Programme and the World Health Organization, with a view to improving the provision by such institutions and agencies of technical assistance to Governments which request it and appropriate assistance to victims;

17. *Decides* to continue consideration of this question at its sixtieth session, under the same agenda item.

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