

Oral Statement

23rd Session of the UN Human Rights Council,

Item 3: ID with the SR on hazardous substances and wastes and the SR on water and sanitation

11 September 2013

SPEAKER: FRANCESCA RESTIFO

Franciscans International, Sisters of Mercy of the Americas, and Food and Water Watch welcome the reports of the Special Rapporteurs on Hazardous Substances and on Water. Based on the work and reports of our partners in Argentina, Australia, Canada, England, Ireland, Newfoundland, New Zealand, and the United States, we would like to draw attention to the risks for human rights from hazardous waste and water pollution caused by hydraulic fracturing or “fracking”.

The two reports are extremely pertinent for advising states regarding fracking operations because of the emphasis on: 1. Sustainability of the human right to waterⁱ; 2. Threats that hazardous wastes pose to human rights;ⁱⁱ and 3. States’ obligation to reorient policies if they lead to unsustainable resultsⁱⁱⁱ;

We reaffirm that “Fracking” activities threaten our vital ecosystems, quality of water, soil and air, and thus, the health and livelihoods of communities. In several cases States permit and promote these dangerous practices without independent and transparent assessments of the long-term consequences on affected communities. We are particularly concerned at the failure to guarantee rights to consultation and participation in decision-making processes of communities impacted by fracking. Therefore, we urge your mandates to raise awareness of human rights obligations in relation to fracking and in particular to:

- Study the specific threats that hazardous wastes from hydraulic fracturing pose to the enjoyment of all human rights, including the right to water, with a view to eliminating risks and ensuring effective redress for victims^{iv};
- Promote implementation of relevant legal framework and best practices;
- Urge governments’ compliance with their obligations to ensure effective public participation in decision-making about hydraulic fracturing;
- And, finally call for the application of the precautionary principle with regard to these new extractive practices.

Thank you.

ⁱ Report of the Special Rapporteur Catarina de Albuquerque (A/HRC/24/44 and Add.1-3)

ⁱⁱ Report of the Special Rapporteur Marc Pallemerts (A/HRC/24/39)

ⁱⁱⁱ Report of the Special Rapporteur Catarina de Albuquerque (A/HRC/24/44 and Add.1-3) para 16

^{iv} Report of the Special Rapporteur Marc Pallemerts (A/HRC/24/39)