

Report of the Consultative Group to the President of the Human Rights Council relating to the vacancies of special procedures mandate holders to be appointed at the twenty-sixth session of the Human Rights Council

Addendum

Mandate of the Special Rapporteur on the implications for human rights of the environmentally sound management and disposal of hazardous substances and wastes

I. Background

1. In its resolution 5/1, the Human Rights Council decided to establish a Consultative Group¹ comprised of Permanent Representatives identified by Regional Groups and serving in their personal capacity. This group is mandated by the Council to propose to the President a list of candidates who possess the highest qualifications for the mandates in question and meet the general criteria and particular requirements. Recommendations to the President are required to be made public and substantiated.²
2. The members of the 2014 Consultative Group are: H.E. Mr. Luis Enrique Chávez Basagoitia, Permanent Representative of Peru; H.E. Ms. Elissa Golberg (Chairperson), Permanent Representative of Canada; H.E. Mr. Omar Hilale, Permanent Representative of Morocco; H.E. Mr. Rytis Paulauskas (Vice-Chairperson), Permanent Representative of Lithuania; and H.E. Mr. Yoo Yeonchul, Deputy Permanent Representative of the Republic of Korea.

II. Process

3. The Consultative Group held two formal meetings on 13 and 20 June 2014 to consider candidates for an additional vacancy that arose, due to the regrettable and unexpected death of mandate holder Mr. Marc Pallemmaerts, for the position of:
 - Special Rapporteur on the implications for human rights of the environmentally sound management and disposal of hazardous substances and wastes.

Based on a decision of the Consultative Group, H.E. Ms. Elissa Golberg chaired all the meetings held by the Consultative Group.

4. In view of the exceptional circumstances under which the current vacancy arose, the Consultative Group is submitting its proposed list of recommended candidates to the President of the Human Rights Council with less than one month before the beginning of the session. It is understood that the waiving of the stipulated deadline should not be construed as constituting a precedent, and is intended to mitigate the potential for a further protection gap.

¹ As per paragraph 47 of the annex to Human Rights Council resolution 5/1.

² As per paragraph 50 of the annex to Human Rights Council resolution 5/1.

5. The Consultative Group considered 14 individual candidate applications for the aforementioned specific vacancy in accordance with the relevant paragraphs of Human Rights Council resolution 16/21. The applications were made public on the designated OHCHR web page³ of Special Procedures as provided for in paragraph 22 (b) of annex to Council resolution 16/21 (see annex I of this report).
6. The members of the Consultative Group took into consideration the technical and objective requirements as stipulated in paragraphs 39-41, 44-46, 48, 50-51 of the annex to Council resolution 5/1, Council decision 6/102, and paragraph 22 of Council resolution 16/21. The Consultative Group paid due attention to geographical and gender balance considerations in their deliberations.
7. In accordance with paragraphs 44 and 46 of the annex to Human Rights Council resolution 5/1, the Consultative Group sought to consistently address the potential for conflict of interest and were vigilant on the principle of non-accumulation of human rights functions. These issues were clarified during interviews, and will subsequently be pursued in writing, where necessary, to ensure, inter alia, that if appointed, the candidates would relinquish any functions or duties that may give rise to an accumulation of human rights functions and/or any potential conflict of interest.
8. In accordance with established practice, it was decided that each member of the Consultative Group would propose a list of candidates for the vacancy drawing on the applications received, reflecting on their qualifications, relevant experience, expertise, independence, impartiality, personal integrity, objectivity, availability and motivation in compliance with relevant provisions of Human Rights Council resolution 5/1, decision 6/102, resolution 16/21 and relevant Council resolutions establishing the specific mandates under consideration. Each list was subsequently compared and jointly assessed. As a result of this exercise, a shortlist of candidates to be interviewed was established for these mandates. All the candidates selected for shortlisting demonstrated their qualifications and experience in their written applications.
9. The Group spent some three hours interviewing by telephone a total of three shortlisted candidates for the aforementioned vacancy on 13 June 2014, pursuant to paragraph 22 (c) of the annex to Human Rights Council resolution 16/21 (see annex II of this report). Each candidate was asked similar questions based on the relevant provisions of Council resolution 5/1, decision 6/102, resolution 16/21, and pertinent Council resolutions including those establishing the specific mandate under consideration.

³ <http://www.ohchr.org/EN/HRBodies/SP/Pages/HRC26.aspx>

III. Candidates proposed by the Consultative Group to the President for the Special Rapporteur on the implications for human rights of the environmentally sound management and disposal of hazardous substances and wastes

10. As noted above, the Consultative Group interviewed three shortlisted candidates for this vacancy. It decided to recommend the candidates in the following order of preference based on their written applications and interview performance, while noting a close degree of proximity between the first and second candidates.

1. Mr. Baskut TUNCAK (Turkey)

2. Mr. David BOYD (Canada)

3. Mr. Mohamed BEHNASSI (Morocco)

11. Mr. Tuncak is a chemist/biochemist and international environmental lawyer by training, and has worked as a staff attorney and chemist with the non-governmental organization Centre of International Environmental Studies (CIEL) since 2009. He has an extensive knowledge of international environmental and human rights law, including instruments and conventions related to chemicals and hazardous wastes. He has previous professional experience in the chemical industry as a researcher with strong technical knowledge of the effect on human health and the environment of toxic chemicals and hazardous waste. He has provided advice to government and non-government organizations, and worked with policy makers from around the world to address shortcomings in legal frameworks and on the development of global, regional and national laws and policies for hazardous substances and waste. He has collaborated with UNDP and OHCHR. The Consultative Group was impressed by Mr. Tuncak's considerable knowledge on toxic waste and hazardous substances, and his clear vision on how best to integrate a rights-based approach to the Special Rapporteur mandate including by promoting safer alternatives and approaches for industry and governments. The Consultative Group believes that his ability to cogently bring together his expertise in human rights and environmental law and chemistry in a manner that allows for a thoughtful understanding of the priority issues that the mandate must address and communicate with stakeholders would be a considerable asset for the Special Rapporteur. The Consultative Group took note of Mr. Tuncak's recent completion of a study on gaps in existing global approaches, and his engagement in the post-2015 process, both of which would be advantageous for the mandate at this time.

12. Mr. Boyd has worked as an environmental lawyer in Canada for some 20 years, representing non-governmental organizations and aboriginal peoples, and is expert in the area of human rights, environment and the health implications of pollution. Mr. Boyd is an adjunct professor at the School of Resource and Environmental Management at Simon Fraser University, in British Columbia, Canada. He has advised different levels of government in Canada on environmental law and human rights, assisting in the development of national environmental and sustainability laws and policies including to reduce the health effects of toxic substances. He has also worked internationally with governments seeking to integrate environmental provisions into new or revised constitutions. Mr. Boyd has worked on matters involving the Basel Convention, the Rotterdam Convention, the Stockholm Convention on Persistent Organic Pollutants, and other UN-led efforts to protect human health and the environment from hazardous substances. He has published numerous books and articles on environment law, hazardous substances and human

rights. He is currently an advisor to the Canadian Public Health Association on environmental issues. The Consultative Group took careful note of Mr. Boyd's breadth of experience, and his emphasis on the need for the mandate to be focused on strengthening national laws and policies, and to assist governments and the private sector to develop and implement good practices. The Consultative Group was mindful of Mr. Boyd's experience in collaborating with the Independent Expert on the issue of human rights obligations relating to the enjoyment of a safe, clean, healthy and sustainable environment, and his clear understanding of the complementarity and value added of the special rapporteur position, as well as linkages with other relevant special mandates.

13. Mr. Behnassi is an associate professor of Global Environmental Politics and Human Security in the Faculty of Law, Economic and Social Sciences, Ibn Zohr University of Agadir, Morocco, and a visiting scholar in the Maxwell School of Citizenship and Public Affairs (Syracuse, New York). His doctoral research was on international environmental law and governance, and he has investigated the links between environmental change, sustainability and human security. He has explored in his research how environmental challenges affect the resilience of socio-ecological systems and ways in which to apply a human-rights based approach to the management of environmental challenges. In 2007 he founded the North-South Centre for Social Sciences, a think tank to further investigate the importance of transitional justice and human rights for democracy and development with focus on the needs of developing countries. He has collaborated with international and national institutions, and non-governmental entities, and has organized international conferences on *inter alia* environmental change, health and food security, human rights, and has published numerous books and articles on these topics.

Annex I

List of eligible candidates considered for this mandate (in alphabetical order)

Special Rapporteur on the implications for human rights of the environmentally sound management and disposal of hazardous substances and wastes

| Candidates | | Nationality |
|-------------------------|---------------|--------------------------|
| Ms. Mahadevan | BAGIRATHI | India |
| Mr. Ilias | BANTEKAS | Greece |
| Mr. Mohamed | BEHNASSI | Morocco |
| Mr. David | BOYD | Canada |
| Mr. Samir | DAS | India |
| Mr. Mohamed | FTOUHI | Morocco |
| Mr. Yves | LADOR | Switzerland |
| Mr. Thilo | MARAUHN | Germany |
| Mr. Achirimbi Joseph | NGWA | Cameroon |
| Mr. Kingdom | OKERE | Nigeria |
| Mr. Titipol | PHAKDEEWANICH | Thailand |
| Ms. Dinah | SHELTON | United States of America |
| Mr. Baskut | TUNCAK | Turkey |
| Mr. Wei | ZHANG | China |

Annex II

List of shortlisted candidates interviewed by the Consultative Group (in alphabetical order)

Special Rapporteur on the implications for human rights of the environmentally sound management and disposal of hazardous substances and wastes

| Candidates | | Nationality |
|-------------------|----------|--------------------|
| Mr. Mohamed | BEHNASSI | Morocco |
| Mr. David | BOYD | Canada |
| Mr. Baskut | TUNCAK | Turkey |
