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PROMOTION AND PROTECTION OF ALL HUMAN RIGHTS, CIVIL, POLITICAL, ECONOMIC, SOCIAL AND CULTURAL RIGHTS, INCLUDING THE RIGHT TO DEVELOPMENT

**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, Okechukwu Ibeanu**

Addendum^{*}

Preliminary note on the mission to the United Republic of Tanzania

(21 to 30 January 2008)

^{*} The present note was submitted after the deadline, in order to incorporate the latest available information. Due to its late submission, it is circulated as received in English only.

INTRODUCTION

1. 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 carried out a fact-finding mission to the United Republic of Tanzania from 21 to 30 January 2008. This preliminary note provides the initial observations and recommendations of the Special Rapporteur. A full report, including his conclusions and recommendations will be submitted subsequently to the Human Rights Council.

2. The Special Rapporteur would like to thank the Government of the United Republic of Tanzania for extending an invitation to him. He would like to thank in particular the Ministry of Foreign Affairs and International Cooperation and the Ministry of Energy and Minerals for their contribution and efforts in organizing the mission while regretting that he did not have full opportunity to brief in person relevant officials at the end of his mission, as it was not possible to arrange suitable meetings. The Special Rapporteur further regrets that he was unable to meet relevant authorities and visit sites which deal with industrial toxic wastes and dangerous products such as Persistent Organic Pollutants (POPs) and Polychlorinated biphenyls (PCBs).

3. During the visit, the Special Rapporteur was able to have meetings with a variety of stakeholders including the Vice President's Office – Division of Environment, National Environment Management Council, Dar es Salaam City Council, the Ministry of Health and Social Welfare, the Tanzania Port Authority, Occupational Health and Safety Authority, and the Government Chemist Laboratory Agency. The Special Rapporteur also met with the Lake Victoria Environmental Management Project, academics, non-governmental organizations and a wide range of civil society, mining consulting companies and individuals and villagers in the Lake Victoria area practicing small-scale mining.

4. The Special Rapporteur visited areas within and around Dar es Salaam including the Mtoni and Pugukinyamwezi dumpsites. He also visited the Lake Victoria Area including the cities and regions of Mwanza, Geita and Shinyanga. In Geita, he had the opportunity to visit the Geita Gold Mine and Nyaragusu areas where small-scale and medium-scale gold mining is taking place. In Shinyanga, he was able to see areas where small-scale diamond mining is taking place. Finally, the Special Rapporteur visited the Williamson Diamond Mine in Mwadui.

5. The Special Rapporteur would also like to thank the United Nations Country Team, and in particular the Resident Coordinator's office and the United Nations Industrial Development Organisation (UNIDO) for their efforts in assisting in organizing meetings and providing technical advice on the issues addressed by the mission.

6. The objective of the Special Rapporteur's mission to the United Republic of Tanzania was to enable him to gather first-hand information on the impact that mining activities are having on the human rights of the local population. The Special Rapporteur also looked at the use of chemicals and the waste management system for both industrial and domestic waste in the country.

GENERAL OBSERVATIONS

Adequate Legal Framework

7. The Special Rapporteur observed that the Government of the United Republic of Tanzania has a comprehensive range of laws and subsidiary instruments that deal with the particular issue of toxic and dangerous products and wastes. Some examples that he wishes to highlight include the Mining Act of 1998, the Industrial and Consumer Chemical (Management & Control) Act of 2003, the National Environmental Management Act of 2004 and the Land Act of 1999 amongst others. While the Special Rapporteur notes that such legal developments are relatively recent, he looks forward to monitoring implementation of these laws and their ability to limit the adverse effects of toxic and dangerous products and wastes on the environment and on the human rights of the people of the United Republic of Tanzania.

Right to information

8. The Special Rapporteur notes that the Government does appear to have appropriate mechanisms in place to deal with issues of chemical management. The United Republic of Tanzania has legislation in place protecting the right to information and public participation concerning environmental matters as stipulated in Article 178 of the Environmental Management Act 2004. It appears, however, that there are constraints on the full enforcement of that legislation due to limited capacity of the State. The Special Rapporteur was informed by a variety of stakeholders that the public may not have received any or sufficient information on the different chemical substances and dangerous products that they are exposed to in their workplaces or their communities.

The Mining Sector

Small-scale mining

9. The Special Rapporteur notes with concern the large volume of unregulated small-scale mining that is taking place around the country. He had the opportunity to witness small-scale mining of both gold and diamonds using chemicals such as mercury and other dangerous products during the extraction process without the use of proper safety equipment. He is concerned that substantial amounts of mercury are obtained by small-scale miners from “unofficial” sources which are outside the control of government.

10. In some cases, the miners do not have adequate information about the impact mercury can have on their health and the dangers of the improper disposal of tailings and their effect on their livelihood and the environment. In a number of areas, land, water, plants and livestock may be at a high risk of contamination from mercury and other dangerous wastes. In other cases, the Special Rapporteur was informed of small-scale miners who have some awareness of the dangers of using mercury and other chemicals in the extraction process. However, due to poverty, inadequate information and the lack of a suitable alternative, the miners continue to use mercury and other dangerous products without appropriate safety measures, endangering both the environment and their own health.

Large-scale mining

11. The Special Rapporteur is concerned about the operations of large mining companies in the United Republic of Tanzania. He observed that there seems to be limited Government supervision of the operations of big mining corporations. He was informed about tensions that have been arising in different parts of the country due to the discontent of local communities affected by large scale mining operations.

12. The Special Rapporteur also notes with concern that large scale gold mining companies do not conduct adequate awareness campaigns to sensitize villagers in their areas of operation of the dangers posed by contact with wastes from their operations, particularly cyanide. The Special Rapporteur was informed of cases in which villagers and livestock have come in contact with such waste with serious consequences.

CONCLUSIONS AND RECOMMENDATIONS

13. The Special Rapporteur acknowledges and welcomes the sensitization efforts undertaken by the Government and other stakeholders for small-scale (artisanal) miners to raise awareness of the effects of mercury and other dangerous chemicals used during the extraction process for gold and diamonds. However, he urges the Government and other stakeholders, including the United Nations Country Team and civil society to step up efforts to inform the public of the risks posed by mining as well as by toxic chemicals used in the textile industries and tanneries. Different media and format should be used and disseminated throughout rural and urban areas in the local languages and dialects. Attention should be paid to isolated rural areas and illiterate populations in order for this effort to be effective.

14. The Government should monitor more closely the operations of large-scale mining companies particularly with regard to occupational health and safety standards and relations between the mining corporations and the surrounding communities.

15. The Special Rapporteur encourages the Government to increase the human and technical resources of the National Environmental Council (NEMC) in order to enable it to carry out its work in both rural and urban areas more effectively.

16. In order to improve regulation of the environmental and human rights impacts of mining activities, the Special Rapporteur urges the Government to develop a database of mining-related illnesses that have affected the communities that inhabit the mining areas.

17. While the Special Rapporteur welcomes the Government's initiative to ensure that environmental impact assessments are carried out before granting mining licenses, it should be noted that environmental impact assessments do not fully take into account the human rights impact of environmental degradation in mining areas. The Special Rapporteur urges the Government and mining corporations to also carry out social impact assessments to better protect and promote the human rights of the local population.

19. The Special Rapporteur recommends that the Government pursue the option of being a candidate country for the Extractive Industries Transparency Initiative. The initiative aims at strengthening governance by improving transparency and accountability in the extractive sector. This would in turn, encourage foreign investors whose resources can be used to fulfil the development needs of the country.

20. The Special Rapporteur further recommends that the Government increase its engagement, in close cooperation with the United Nations Country Team, with the Special Procedures and Treaty Bodies and duly take into account their recommendations.
