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# **Access to justice against corporate environmental harm in international context**

Side event to the MOP7 of the Aarhus Convention

**Wednesday 13 October 2021 - 15:00 – 16:30**

Join us at: <https://auwcl.zoom.us/j/9922015225>

Co-organized by the UN Special Rapporteur on toxics and human rights - Franciscans International – Swedwatch - Earthjustice

**Access to justice under the Aarhus Convention can meet particular obstacles in cases of corporate environmental harm in international context.**

**This is particularly well illustrated by the well-known “Arica case”, which concerns the dumping of Swedish hazardous waste in Chile.**

**Through the example of this case, we will look at issues concerning statute of limitations and their implications to access to justice under art 9 of the Convention.**

In 1983, the Swedish mining giant Boliden decided to dispose of 20,000 tons of lead and arsenic contaminated smelter waste that had accumulated over the years at its Ronnskar plant, one of the most heavily contaminated sites in Sweden. Boliden chose to ship the waste by boat to Arica, Chile. While Swedish authorities had knowledge of the shipments, they did not take action to control them.

The Swedish hazardous waste was left sitting uncovered at the edge of the city, within one mile of the port. Children romped on this toxic playground for years, and the lead and arsenic dust blew into the surrounding area as well. Hundreds of cases of poisoning have been identified in Arica over the years, including the newest victims: children born years after the toxics were brought to Arica.

The victims of hazardous waste exposure filed a lawsuit against Boliden in Sweden in September 2013. A Swedish Court issued a 152 pages judgment in March 2018 agreeing that Boliden was negligent in certain respects, and that Chilean civil code provisions applied. A Swedish Court of Appeal did not follow the same reasoning and refused to apply Chilean civil code provisions. It considered the case time barred, falling under the statute of limitations under Swedish law, thus depriving victims of environmental harm of an effective remedy and failing to recognize some of the specificities of environmental harm, and contravening Art 9 of the Convention.

The **Arica case** is an opportunity to discuss obstacles to access to justice, and statute of limitations in particular, in the wider context of Parties' obligations under article 9 of the Convention.

Speakers :

*The voice of the victims*

- Video Testimonies from in Arica, Chile

*The Challenges raised by the case*

- Mr. **Marcos Orellana**, UN Special Rapporteur on the impact on human rights of hazardous substances and wastes.

*Reactions in Sweden to the case*

- Ms. **Hannah Peters**, Swedwatch

*How can we deal with international corporate harm*

- Ms **Sandra Epal**, Franciscans International

*Moderation*

- Mr Yves Lador, Earthjustice