



Module 1: The Human Rights Dimensions of the Plastics Crisis

Reducing marine litter by addressing management of the plastic value chain in South-East Asia

Training Slides, September 2022



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Supplementary Resource Materials

- Issue Brief: Plastics, Human Rights, and Business Responsibilities
- PDF versions of training slides:
 - Module 1
 - Module 2
 - Module 3
- Checklists for Business, Government, and Civil Society
- Toolbox of Resources
- Policy Training Resource

Overcoming the Plastics Challenge: A Theory of Change

Where does today's training fit into the process for change?

INPUT: Information Sharing on a
BHR Approach to Plastic Pollution to
Promote Awareness of Key Tools

OUTPUT: Businesses
as Change-Agents
Influenced to
Implement Key Tools

IMPACT: Reduction of
Plastic Pollution & Negative
Human Rights Impacts



Agenda

MODULE 1: The Human Rights Dimensions of the Plastics Crisis

MODULE 2: Plastics, Human Rights & The Environment

MODULE 3: Business & Human Rights (BHR) and Plastics

Module 1 - The Human Rights Dimensions of the Plastics Crisis

International Law & Policy Context

Introduction to a Human Rights-Based Approach

Plastic Impacts on People and Planet

Domestic Initiatives & Challenges

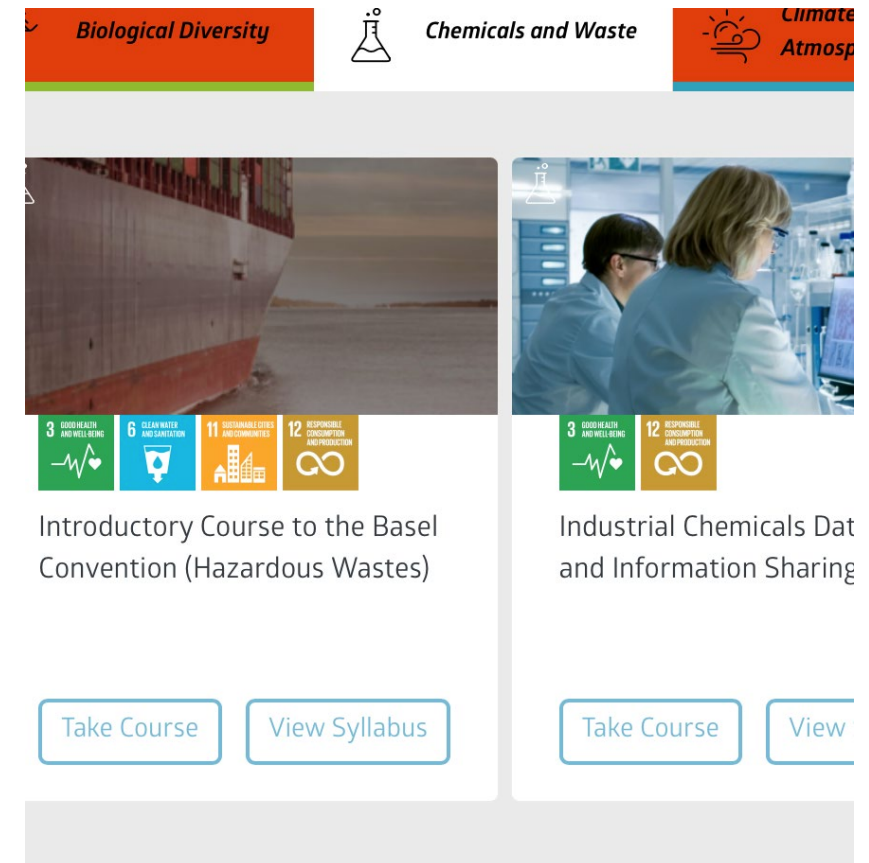
Q&A

1. International Law & Policy Context

International law governs plastic pollution, but incompletely and in a fragmented manner

- United Nations Environment Programme (UNEP) – UNEA resolution to negotiate plastics treaty
- The Basel Convention – plastics amendments
- Stockholm Convention on Persistent Organic Pollutants
- MARPOL – shipping
- Sustainable Development Goals (SDGs)
- Etc

[See UNEP's InforMEA learning website for courses]



2. Introduction to a Human Rights Approach

- While **States** are the primary duty bearers under sources of international human rights law, the 1948 Universal Declaration on Human Rights contemplates that “every individual and every organ of society” has an obligation to “strive by teaching and education to promote respect for these rights and freedoms, and by progressive measures, national and international, to secure their universal and effective recognition and observance.”
- Since the United Nations Guiding Principles on Business & Human Rights (UNGPs) were endorsed by the UN Human Rights Council in 2011, **business enterprises** are also understood to be duty bearers with a responsibility to respect human rights.
- International human rights law (IHRL) is codified in treaties on civil and political rights, and economic, social and cultural rights, while other treaties address the rights of marginalized groups such as racialized minorities, women, children, and the disabled. UN General Assembly Declarations are also important sources of IHRL, such as the UN Declaration on the Rights of Indigenous Peoples, as are regional instruments.
- **The right to a clean, healthy and sustainable environment** was recognized by the UN Human Rights Council in 2021 and the UN General Assembly in 2022. It is found in many Constitutions around the world.

The Right to a
Clean, Healthy and
Sustainable
Environment:
substance,
procedure & equity



UNGPs & Duty Bearers: States and Businesses





3. Plastic Impacts on People and Planet



Human Rights Impacts at Each Stage of the Linear Plastic Lifecycle



United Nations

A/76/207

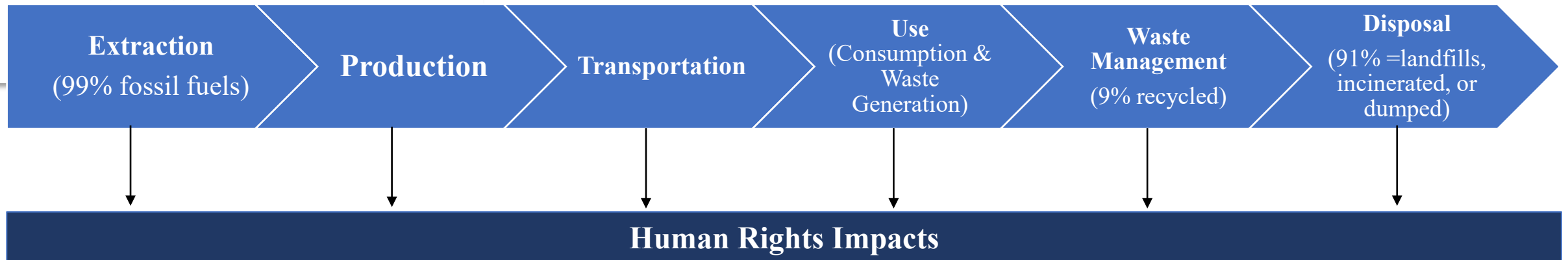
Distr.: General
22 July 2021
Original: English

Seventy-sixth session
Item 75 (b) of the provisional agenda*
Promotion and protection of human rights: human rights
questions, including alternative approaches for improving the
effective enjoyment of human rights and fundamental freedoms

**Implications for human rights of the environmentally sound
management and disposal of hazardous substances
and wastes**

Note by the Secretary-General

United Nations Special Rapporteur on Toxic Substances and Human Rights: The Stages of the Plastics Cycle and Their Impacts on Human Rights (July 2021)



Stories of Plastic Impacts on People and Planet (A)

Environmental Justice and Plastics Pollution animation (UNEP & Azul)

<https://www.youtube.com/watch?v=8YPjYXOjT58>



Extraction Stage

- Fossil fuels (99%) make up raw plastic materials
- Extraction and refinement of fossil fuels have wide-ranging impacts
 - Deforestation
 - Ecosystem fragmentation
 - Chemical contamination of land and water with wastewater from extraction process
 - chronic exposure = cancer and other major health concerns
 - Degradation of air quality
 - asthma; lung and bladder cancers

[Source: SR Toxics]

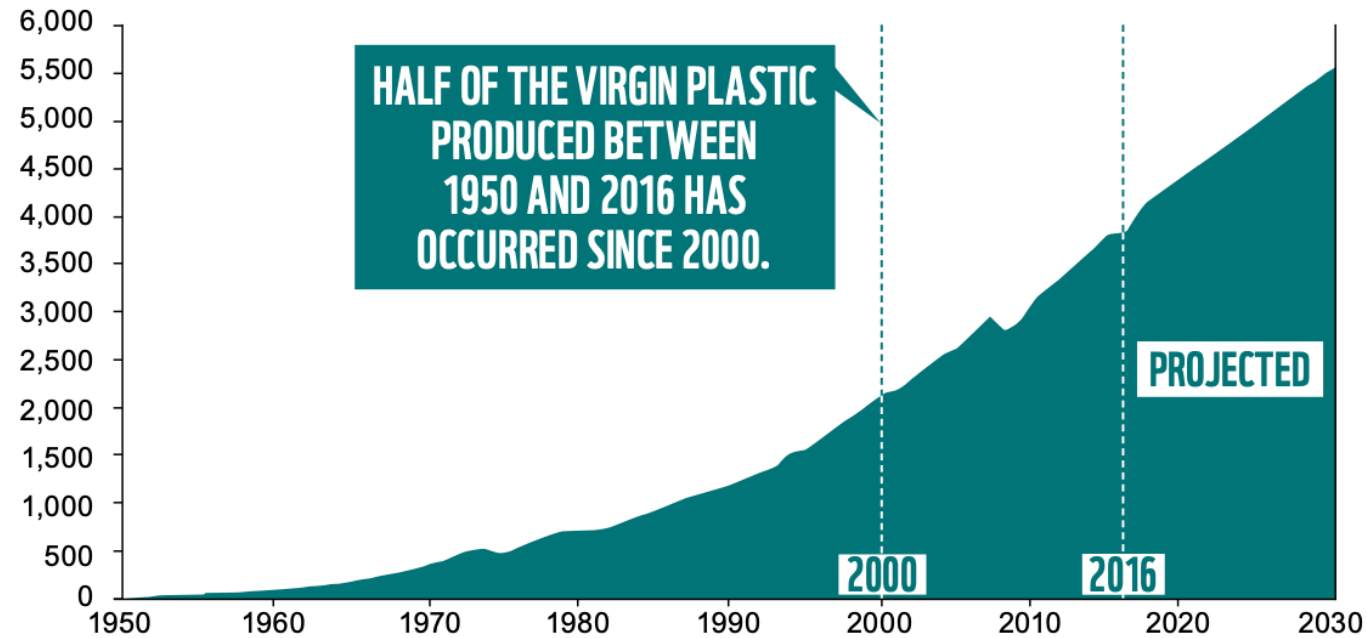




Production Stage

- Hazardous substances are emitted into the environment during the production and manufacturing phase
 - Air, water and soil are polluted (including rivers and groundwater)
 - Workers exposed to health risks, communities
- Toxic chemical additives (eg endocrine disruptors – bisphenol A, phthalates, etc)
- Microplastics are manufactured and added to some products
- Overall, toxics added to plastics are linked to a wide range of health concerns from cancer to diabetes to neurodevelopmental issues to fertility issues

[Source: SR Toxics]



Production of Virgin Plastic is Expected to Rapidly Increase by 2030

Source: WWF, “No Plastic in Nature: Assessing Plastic Ingestion From Nature to People” (2019) at 7, [online](#).

Transportation Stage



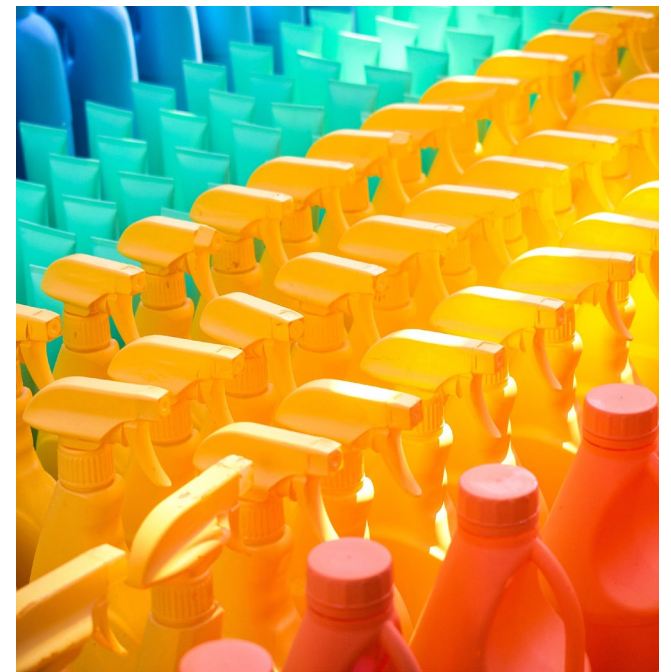
- Possibility of spillage or loss, including of microplastics
 - Example: MV X-Press Pearl (plastic pellets spilled into sea)
- Challenges: extent of human rights impacts during transportation is not yet fully known
 - Illegal transport and importation of plastic waste is an additional challenge



Use Stage (Consumption and Waste Generation)

- Consumers have daily contact with plastic
 - Human absorption, ingestion and inhalation of plastic and toxic additives occurs during the use stage
 - Low quality plastics are often marketed to low-income communities
 - Women and children are disproportionately affected by exposure to hazardous chemicals through use
- Businesses that purchase polymers for use (intermediary businesses) are significant drivers of fossil fuel production for plastics
 - plastic packaging represents 42% of all plastic waste generated

[Source: SR Toxics; UNEP EJ; OECD]



Waste Management Stage

- Recycling of plastics largely remains a myth despite best efforts:
 - “currently [there is] no commercially available waste management method capable of solving the global plastic pollution crises”
 - “the recycling practices implemented to date are more of a mirage, an optical illusion that perpetuates the severe human rights impacts of plastics.”
- Informal waste sector (often women and children) play key role in global plastics recycling efforts and therefore are vulnerable to health risks and harms from exposure to plastic [*sustainable livelihoods]
- Current recycling practices concentrate toxic additives in plastics, generating new hazardous products
- Potential of extended producer responsibility (EPR), but not complete solution

[Source: SR Toxics]



“First of its Kind” Legal Investigation into “Recycling”

“For more than half a century, the plastics industry has engaged in an aggressive campaign to deceive the public, perpetuating a myth that recycling can solve the plastics crisis. The truth is: The vast majority of plastic cannot be recycled, and the recycling rate has never surpassed 9%.”

- Rob Bonta (b. Philippines) California Attorney General Press Release: April 28 2022



Subpoenas ExxonMobil for information relating to decades-long plastics deception campaign

Disposal Stage

- 91% of accumulated plastics are put into landfills, dumped (leaked into nature), or incinerated (especially where solid waste management does not exist)
- 12% of plastics since the 1950s have been incinerated, releasing highly toxic substances into the air and posing a severe health risk to local communities, leading to premature deaths from respiratory issues and organ damage
- Dumping and landfills are associated with health risks arising from dangerous emissions of methane and heavy metals
- Plastic that does not make it to landfill is washed into rivers, then oceans where it can wash up on beaches or sink to the ocean floor
 - Plastic exposed to sunlight causes GHG emissions, leaches contaminants into marine environments, and ultimately degrades into micro and nano-plastics
 - These microplastics absorb toxins, and are then ingested by fish so readily absorbed into food chain with disproportionate impact on coastal communities that depend on fish as primary food source

[Source: SR Toxics, UNEP EJ]





Business Impacted by/and Contributing to the Plastics Crisis (*examples*)

[Source: SEA Circular, *Marine Plastic Litter in East Asian Seas: Gender, human rights, and economic dimensions*, 2019]

Fisheries: dependent on healthy ecosystems: marine litter injures marine organisms, contaminates seafood, and destroy habitats; damage to fishing gear (interrupting operations and causing human injuries)

Shipping: significant hazards for navigation as marine plastic entangles propellers which can lead to injury and death of crew members

Coastal tourism: plastic pollution reduces aesthetic value of beaches and makes recreational activities such as swimming, surfing and diving less desirable



Reflection:

- Identify how your business activities contribute to each **stage** of the **plastics lifecycle**:
 - Extraction
 - Production
 - Transportation
 - Use (Consumption and Waste Generation)
 - Waste Management (including Recycling)
 - Disposal
- Is your business also negatively impacted by plastics? How?

Governments: what impacts fall within your jurisdiction?

Civil society?



4. Domestic Initiatives / Challenges

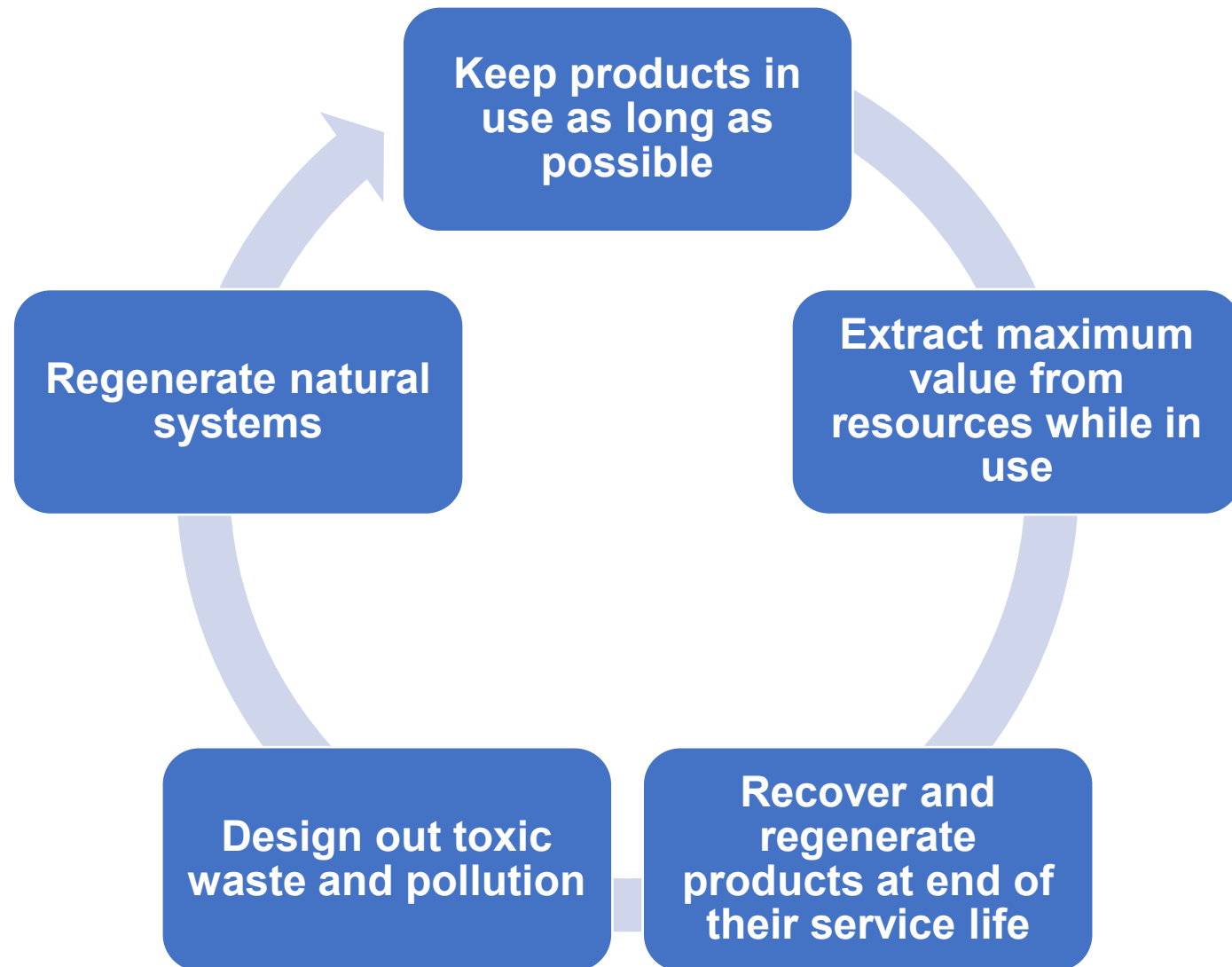
Shift from linear plastic lifecycle to a (chemical free) Circular Economy

Supporting Informal Waste Pickers

Countering Illegal Importation

Principles of a Circular Economy

See SGP, gef, UNDP,
“Plastics and Circular Economy:
Community Solutions”,
2019, at 9-10.





Reflection:

- Evaluate opportunities for your business to adopt and implement a **circular economy** model and align it with **human rights-aware** plastics action:
 - Reduce or eliminate unnecessary plastic packaging
 - Reduce or eliminate reliance on single-use plastics
 - Seek non-toxic and plastic alternatives
 - Seek ways to up-cycle (recover and regenerate) plastic-based products that are at the end of their service life to prevent disposal

Governments, civil society: how might you legislate/advocate for human rights-aligned approaches to circular economy?



Informal Plastic Waste Workers

- The Philippines is home to a large number of informal workers who collect, sort and clean plastic waste for purposes of commercial sale, many of whom are women
- They play a highly valuable role, reducing the volume of waste that is collected and brought to landfills, but:
- **Human rights risks:**
 - direct contact with uncleaned waste
 - lack of basic occupational health and safety protections
 - potential for exploitation through low prices paid for collected plastic (livelihood)
 - potential for gender-based violence
- **Solutions?**
 - Need to protect the livelihoods of members of the informal sector, while also addressing plastic pollution and ensuring health and safety

How can HRBA help?

[COBSEA Plastic and Gender].



Source: When in Manila, online: <https://www.wheninmanila.com/60-billion-sachets-and-17-5-billion-plastic-bags-are-thrown-each-year-in-the-philippines/>

Illegal Importation

- Wealthy nations export their plastic waste to other nations (despite international law...)
- China was historically a major importer of the world's plastic waste, but in 2017 imposed a ban.
- Shipments were then diverted to Southeast Asian nations....
- SEA Response? New bans on plastic waste imports, **which have created opportunities for organized crime**
 - Illegal imports of plastic
 - Illegal dumping of plastic
 - Illegal burning of plastic

Illegal imports cause additional pressure in Southeast Asian countries who must also deal with domestic plastic waste challenges.

Solutions? *How can HRBA help?*

[GAIA, INTERPOL]



Image: Illegal Imports being sent back to Hong Kong

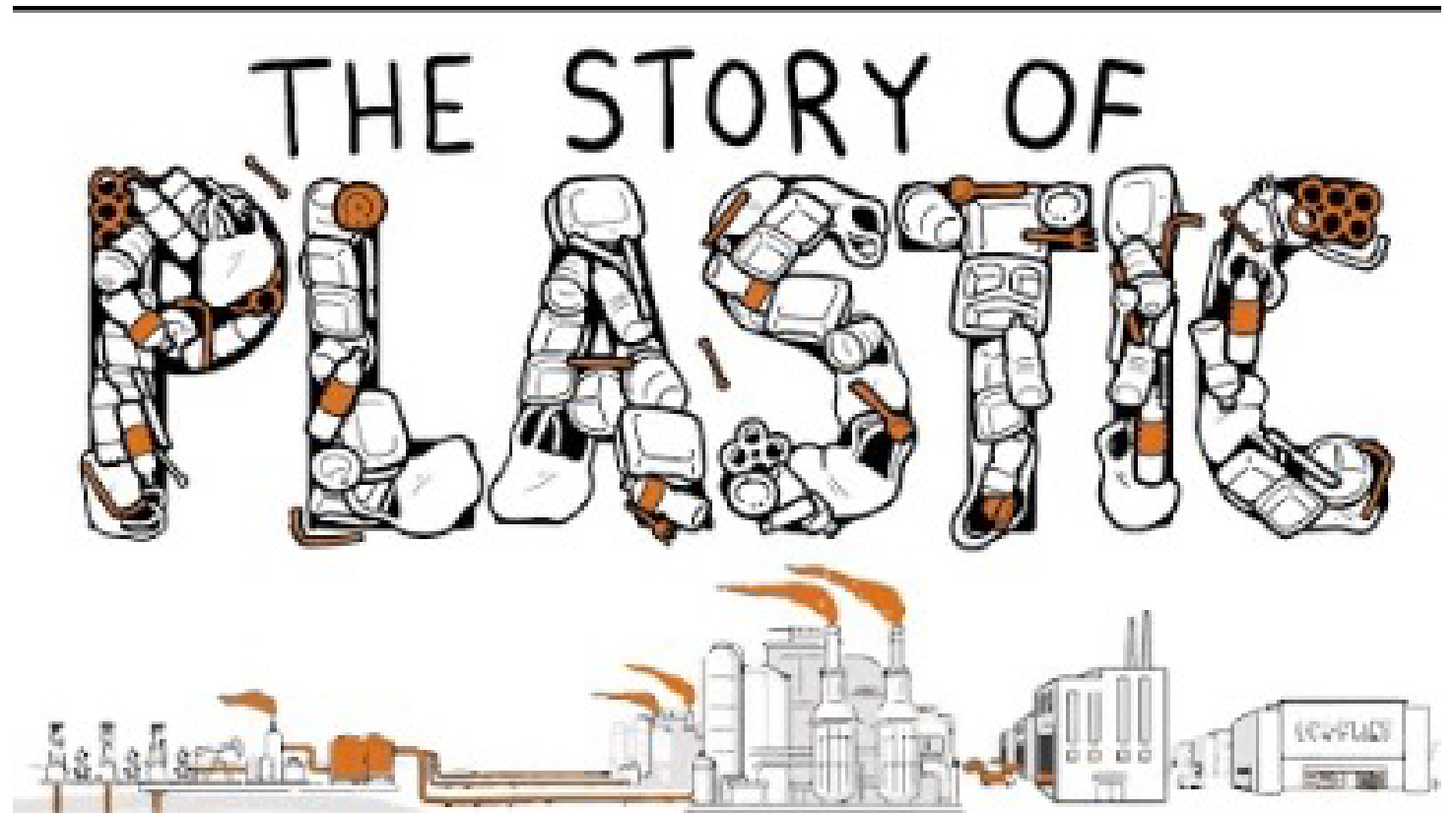
Source: Froilan Gallardo/Greenpeace

Stories of Plastic Impacts on People and Planet (B)

The Story of Plastics,
animated short

(The Story of Stuff Project)

[https://www.youtube.com/
watch?v=iO3SA4YyEYU](https://www.youtube.com/watch?v=iO3SA4YyEYU)





Questions? Discussion



These training slides were developed for educational purposes as part of the SEA circular project – Reducing marine litter by addressing the management of the plastic value chain in South-East Asia, which is implemented by UNEP and COBSEA with funding support from the Government of Sweden.

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