

The Business of Plastics:

The impacts of plastics pollution on human rights in the Pacific Region

Despite the known environmental and human health harms of plastics, the Pacific Islands are under tremendous pressure to continue to import plastic products, to meet the high consumption expectations of tourists, and to manufacture plastics domestically. Current legal and policy frameworks in the region either exclude or include limited **trade-related provisions, production, manufacturing, importation, packaging, and end-of-life standards**, and **technical regulations** for plastics, persistent organic pollutants, and chemical additives.

This creates conditions for the unrestricted transboundary movement of problematic plastics and subsequent contamination of air, soils, freshwater systems, and the ocean with plastics pollution, including marine litter and microplastics. These legislative and enforcement gaps provide loopholes by which international trading partners and domestic manufacturers can choose to avoid their human rights responsibilities, in particular, those related to a healthy environment.

A CLEAN, HEALTHY, AND SUSTAINABLE ENVIRONMENT IS A HUMAN RIGHT

On October 8, 2021, the UN Human Rights Council (HRC), in resolution 48/13, **recognized for the first time** that having a clean, healthy, and sustainable environment is a human right. "Bold action is now required to ensure this resolution...will protect people and nature," (UN High Commissioner for Human Rights)

Once produced and released into the environment, **plastics never disappear**; they break down and disperse into physical, chemical, and gaseous forms.¹ The long-term contamination of all ecological systems involves food and water sources, soils, air, humans, and animals. Due to the transboundary nature of plastics, particularly marine litter, nation states and businesses have obligations and responsibilities to cooperate to prevent, reduce, and control sources of, and exposure to, plastics pollution, and to remediate leakage to the environment (see next page).

All nation states will continue to **fail to protect citizens** from human rights abuses if they allow plastics production and manufacturing companies to devastate the **health of the Pacific Islands.**

¹ Plastic & Health: The Hidden Costs of a Plastic Planet (CIEL); Plastic and Climate: The Hidden Costs of a Plastic Planet (CIEL)

Plastics pollution threatens human rights²

THE RIGHT TO A HEALTHY ENVIRONMENT

since plastics pollution contaminates all elements of the natural environment.

THE RIGHT TO THE ENJOYMENT OF THE HIGHEST ATTAINABLE STANDARD OF PHYSICAL AND MENTAL HEALTH

since plastics and their additives have the potential to harm human health all along their life cycle, and that eco-anxiety has increased alongside the rapidly growing scale and impacts of global plastics pollution.

State Obligations to Protect and Promote a Healthy Environment

In addition to environmental laws and regulations, human rights laws, norms, and standards also obligate governments to take effective measures to protect and respect the right to a healthy environment. In the Pacific Region, this does not yet include obligations related to the full lifecycle of the plastics they import and manufacture including safe end-of-life management.

These obligations are not currently reflected in Pacific Islands' policy frameworks

Assessing environmental impacts of plastics on human rights. No national nor regional monitoring, reporting, harmonised definitions, inventories, targets, nor standards for plastics and plastic products.

Making environmental information public. No ecolabelling nor certification schemes to ensure only safe and easily recyclable³ or reusable materials are imported or manufactured in the region and to inform consumers of toxic content and safe handling and treatment.

Facilitating participation in environmental decision-making. No community consultation framework for decision-making regarding plastics and plastics pollution.

Providing access to effective remedies. Minimal protocols and plans to support landfill remediation and upgrade; no strategic plan for the safe recovery of legacy plastics and no repatriation supported by extended producer responsibility (EPR) schemes.

Adopting and implementing legal and institutional frameworks that protect against environmental harm. Policy frameworks lack a precautionary approach to plastics and associated toxic chemicals. Preventative measures are not the primary investment focus resulting in a failure to capture the full life cycle of plastics including primary and secondary microplastics, human health, human rights, biosecurity, biodiversity, and climate change impacts.

Regulating private actors. Policy and legislative frameworks do not incentivise corporate responsibility, enforce responsible business practices and models, and disincentivise externalisation of costs, including compliance with mandated EPR such as container deposit legislation.

Protecting members of groups particularly vulnerable to environmental harm (i.e., protecting the rights of women, children, Indigenous peoples, and local communities). No recognition that plastics pollution disproportionately harms individuals, and groups of people in vulnerable situations. Therefore, policy frameworks do not adequately protect these populations from the harms of plastics pollution.

International cooperation on global environmental problems such as plastics pollution. While Pacific Island nations have joined global collective action to address plastics pollution through the **Pacific Regional Declaration on the Prevention of Marine Litter and Plastic Pollution**, national policy frameworks do not faithfully domesticate and integrate international obligations related to plastics making international cooperation difficult.

² Report of the Special Rapporteur on the implications for human rights of the environmentally sound management and disposal of hazardous substances and wastes.

³ Excluding 'false solutions' including downcycling.

THE RIGHT TO AN ADEQUATE STANDARD OF LIVING

since Pacific Islands' populations depend on natural resources for economic sustainability, health, and wellbeing. Plastics also contribute to, and exacerbate climate change impacts, which threaten an adequate standard of living including the right to food and the right to water.

THE RIGHT TO WATER

since plastics contaminate freshwater sources including rain and ground water.

THE RIGHT TO FOOD

since plastic pollution contaminates agricultural soils; and marine, freshwater, and terrestrial food sources

THE RIGHT TO LIFE

since microplastics and plastics-related toxicants inhibit fertility and reproduction, have been found in the placentas of unborn babies, and many of the human health impacts of plastics include the disruption of inter- and transgenerational genetic expression.

If countries do not put in place and enforce the legal and policy frameworks needed to effectively regulate the operations of production and manufacturing companies, the health and rights of Pacific Islands people will be increasingly negatively impacted as global plastic production volumes rise, along with the social and economic costs of remedy (including landfill remediation, clean-ups from polluting events, and legacy pollution).

The world's worst offenders for plastics pollution

Coca-Cola
2,900,000

DANONE
820,000

PEPSICO
2,300,000

P&G
714,000

Nestlé
1,700,000

Metric tonnes of plastic packaging produced annually.

As of 2020. Based on companies that have disclosed their packaging figures. Source: Changing Markets Foundation

Business Responsibilities to Respect Human Rights, in particular, the Right to a Healthy Environment

The UN Guiding Principles on Business and Human Rights (2011)

recognise the responsibilities of business to address (identify, prevent, mitigate, and remediate) the adverse human rights and environmental impacts of their activities, products and services, and business relationships. They apply to all business enterprises, both transnational and others, regardless of their size, sector, location, ownership, and structure. In the Pacific Region, national policies and plans need to be strengthened to incorporate these principles to prevent plastics pollution, including marine litter.

Businesses policy commitments

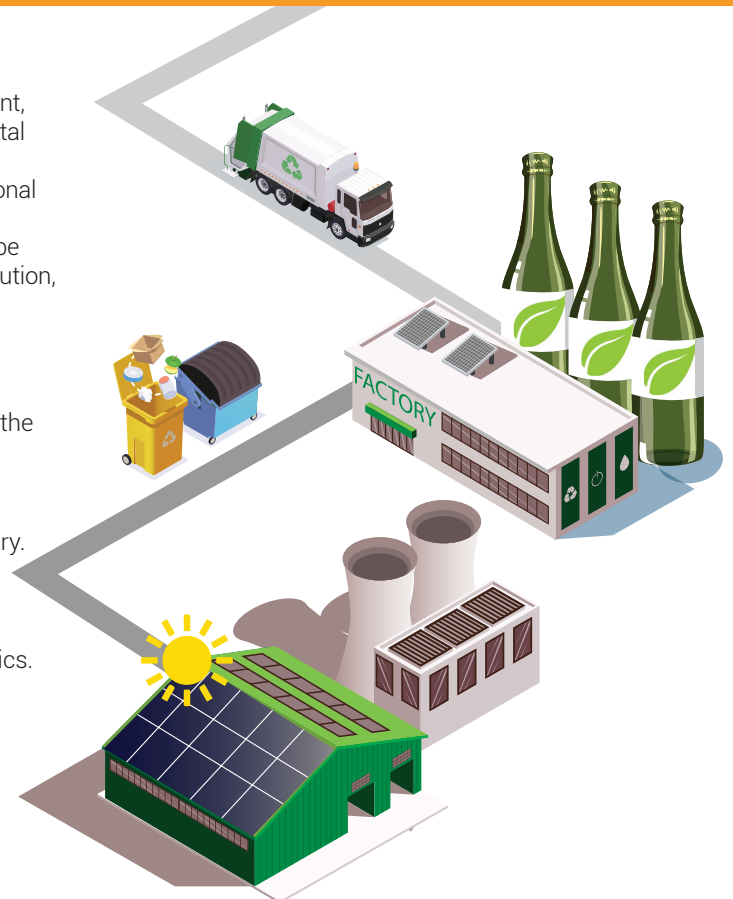
Despite public commitments and voluntary pledges, businesses continue to focus on, and invest in, waste management almost to the exclusion of preventative commitments.

Human rights and environmental due diligence process

There is a lack of due diligence processes within the plastic industry.

Remediation processes

Policy and legislative frameworks do not provide mechanisms for accountability ensuring effective reparations for harms from plastics.



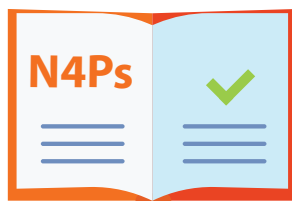
RECOMMENDATIONS

These measures will strengthen discussions on the global governance of plastics

To meet their human rights obligations, and to actualise the **Pacific Regional Declaration on the Prevention of Marine Litter and Plastic Pollution States** should:



Develop National Action Plans on Business and Human Rights that include specific policies and commitments related to tackle plastic pollution.



Adopt or update National Plastics Pollution Prevention Plans (N4Ps) with measurable targets required to faithfully domesticate international obligations related to plastics across legal and policy frameworks. These must include human rights obligations related to a healthy environment, whilst ensuring inclusive design, adoption, and implementation measures.



Ensure that the right to an effective remedy for human rights infringements for affected people, including communities in vulnerable situations, is guaranteed, and that fair, long term and timely compensation is offered, (e.g., clean ups and safe remediation of legacy landfills).



Businesses should ensure that their operations, including their global supply chains, disclose and address human rights and environmental risk related to plastics pollution. Corporate responsibility action plans should also include due diligence statements that reflect commitments to the environment and human rights.



Voluntary or mandatory EPR schemes should include take-back schemes whereby all the plastics that enter the Pacific region at end of life, are returned to producers for responsible management⁴

These measures ensure Pacific Island communities and their environments, are protected from the human rights threats presented all along the lifecycle of plastics

⁴ Responsible management does not include false solutions such as waste-to-energy technologies

Additional Resources

2021 UNGA Report of the Special Rapporteur on toxics and human rights, on the stages of the plastics cycle and their impacts on human rights

2018 UN HRC Report of the Special Rapporteur on the Issue of Human Rights Obligations Relating to the Enjoyment of a Safe, Clean, Healthy and Sustainable Environment

Special Rapporteur on Toxics and Human Rights

Special Rapporteur on Human Rights and the Environment

Working Group on Business and Human Rights