INC-4 Call to Action: Advance Justice and Human Rights

The full lifecycle of plastics disproportionately harms the ocean and marginalized communities and demands a response grounded in justice.

To address the far-reaching environmental and socio-economic impacts of plastics, we urgently call upon Member States, at the upcoming fourth session (INC-4) in April 2024 in Ottawa, Canada, to elevate their ambition and champion justice within the global plastics treaty (GPT).

The Revised Zero Draft (ZD), prepared by the International Negotiating Committee (INC), marks a significant step toward global governance and regulation of plastics.

However, the absence of the word “justice” in the treaty text, much less a substantive incorporation of human rights, underscores the need to integrate them meaningfully.

The concept of ocean justice, encompassing the protection of the ocean, fulfillment of human rights, and progression of social equity, provides an integrative framework for ensuring fair outcomes for the ocean and affected communities. This imperative will enhance the efficiency of the instrument and the prospect of comprehensively mitigating the interconnected and transboundary challenges inherent to the scope and objectives of the treaty. A justice-centered approach additionally aligns with global goals of maintaining planetary boundaries, advancing the SDGs, and staying below the 1.5°C warming threshold. How equitable and just this treaty turns out to be will have undeniable implications for people, the ocean, and the planet.

INC-4 Recommendations

- **Protect human rights throughout the entire plastic lifecycle, ensuring every provision aligns with human rights in the treaty text**

- **Put justice first to ensure this treaty protects the ocean, safeguards human rights, and progresses social equity.**

**Preamble Inclusion:**
- Noting with concern the specific impact of plastic pollution on the marine environment and the impacts of the entire plastic lifecycle on vulnerable communities, including Indigenous Peoples, SIDS, LDCs, youth, and future generations.
- Stressing the importance of ensuring the protection of human rights, justice, and equity across all local, regional, and national actions.

Earth Law Center strongly urges Member States to employ a justice-centered approach to the negotiation process, treaty text, and plastic governance.
Eliminate, reduce, and phase out primary plastic polymers (II.1); chemicals and polymers of concern (II.2); and problematic and avoidable plastic products, including short-lived and single-use plastic products and intentionally added microplastics (II.3).

Clarify that exemptions are a justice tool for LDCs and SIDS, guided by a stringent oversight procedure, decision-making authority, and time-bound implications with clear non-compliance measures, in which exemptions for microplastics are avoided (II.4).

Prevent unintentional releases of microplastics into the environment (II.3; II.8); prevent abandoned, lost or discarded fishing gear (II.8; II.9); and prevent and eliminate the emissions associated with the full plastic lifecycle, and releases of plastic polymers, chemical pollutants, and plastics, including microplastics, across their lifecycles (II.8).

Take actions to address existing plastic pollution, including in the marine environment (II.11).

Ensure a just and equitable transition for all, paying particular attention to those marginalized and most affected by the transition, with recognition and protection of labor and human rights (II.12).

Provide the financial, technical, and capacity-building resources to implement the instrument, aligned with the Polluter Pays Principle, particularly from developed countries to LDCs and SIDS (III.1; III.2).

Develop and implement national plans with binding actions across all control measures and binding provisions to increase both transparency and accountability (IV.1).

Promote awareness, education, and participation regarding plastic pollution, including Indigenous Knowledge with Free, Prior and Informed Consent (IV.7), strengthen transparency (II.13); and promote active and meaningful participation of IPLC, women, youth, the informal sector, and other vulnerable groups (IV.8).
Key Findings:

**Ocean health:**
Annually, 8-10 million metric tons of plastics enter the ocean, impacting over 700 documented marine species through ingestion or entanglement. In fact, it is projected that by 2050, 99% of all seabirds will have ingested plastic. Today, an estimated 170 trillion microplastics are in the ocean, with potential implications for the biological carbon pump, disrupting the ocean's ability to sequester CO2. Further, plastics are a climate change driver, accounting for approximately 3-8% of global emissions, with consequential impacts to the ocean—both immediate and anticipated, especially if the 1.5°C warming limit is surpassed. If considered as a country, the plastic industry would rank as the 5th largest greenhouse gas emitter.

**Social Equity:**
The full lifecycle of plastics releases hazardous chemicals, microplastics, and plastic feedstocks. These externalities harm human and environmental health, exacerbating injustices when intersected with systems of power, such as social constructs of race, class, or gender. For example, plastics disproportionately affect vulnerable communities, including Indigenous People, People of Color, Waste Pickers, Small Island Developing States, Least Developed Countries, the Global South, Youth, Future Generations, Women and People Who Menstruate, Frontline Communities, and Plastic Industry Workers. Negotiators must advance an equitable treaty that ensures a just transition through a whole-of-society approach that mitigates socio-economic and environmental disparities for these affected stakeholders.

**Human Rights:**
According to UNEP, the plastic lifecycle poses a barrier to achieving every SDG. The plastic industry infringes upon the recognized human right to a clean, healthy, and sustainable environment. The toxicity, chemicals, and breakdown associated with plastics, along with their interactions within environments and the human body, pose high risks with immense research gaps remaining for the scientific community. For example, an estimated 16,000 different chemicals are associated with plastics, of which over 26% are known to be hazardous to human health. And, only half of these chemicals have been studied to assess their potential hazardous elements. A fundamental element to advancing justice and protecting human rights is increasing 'plastics literacy': awareness and transparency around the harms of plastics to human and ocean health to ensure all can make informed decisions to reduce exposure to plastic-associated risks. To date, several Member States have shown strong support for human rights as a cross-cutting approach throughout the treaty text (e.g. the Group of Latin America and Caribbean Countries and the Group of African States).

**VIEW THE FULL REPORT:**
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