



SUBMISSION OF THE CENTRE FOR HUMAN RIGHTS AND CLIMATE CHANGE RESEARCH TO THE INC2

First, on the objectives, the three objectives provided in the option documents have aspects of priorities expressed in the core obligations in the option document and regional, national and observer statements made earlier today, we there propose a combination of the objectives in the option document which we believe is smart for your consideration.

Our proposal puts into perspective the overall objective of ending Plastic pollution and integrates the goal of reducing production of primary plastics progressively and protecting human health and the environment

Proposed Objective 1

To end plastic pollution including in the marine environment by 2040, promote strict regulation of primary plastic production and adopt a life cycle approach in the regulation of plastics in order to protect human health and the environment.

Proposed Objective 2 To end plastic pollution including in the marine environment, promote strict regulation of primary plastic production and adopt a life cycle approach in the regulation of plastics in order to protect human health and the environment.

Second, the Secretary General's Report at Seventy-third session on Agenda item 14. A/73/419 of 30 November 2018 titled, 'Gaps in international environmental law and environment-related instruments: towards a global pact for the environment' opened all eyes to the problems of International Environmental Laws.

According to the Secretary General's summary, 'Building upon the creative approaches that States have thus far adopted to protect the environment, it is essential that States and the United Nations work together to address gaps in international environmental law'.

At this historic moment where global leaders and other leaders are gathered to negotiate another treaty on the environment, we must guard against repeating past mistakes. We have here under set out some aspects of the report we call on you to avert your minds to as we continue in the negotiations on an internationally binding instrument on Plastics.

According to the summary of the Report, 'International environmental law and its effective implementation could be strengthened through such actions as the clarification and reinforcement of principles of international environmental law'.

We therefore call on Member States and the Secretariat to integrate and negotiate the fundamental principles of international environmental law including the principle of state responsibility and international liability, preventive principle, the precautionary principle and the pollution pays principle.

Also, the report states that, 'there should also be more effective reporting, review and verification measures and robust compliance and enforcement procedures and mechanisms ensuring that those States that require support have adequate resources to enable them to effectively implement their commitments, and the role of non-State actors should be enhanced at multiple levels. Under liability and redress for transboundary environmental harm, the Report states that liability and redress regime for transboundary environmental harm serves several policy objectives: first, it serves as an instrument for the internalization of the environmental costs of polluting activities by making the polluters pay; second, it incentivizes compliance with international environmental norms and standards and ensures the implementation of the precautionary and preventive principles; and finally, it ensures the redress of environmental damage through the implementation of restorative measures.

The Report recognizes that whereas there has been a remarkable proliferation of multilateral environmental agreements since the Stockholm Conference, there has been only limited development in the area of liability and redress for transboundary environmental harm.

We request that the issue of liability and compensation for transboundary movement of plastic waste be addressed by the proposed instrument. In the Spirit of strengthening of international environmental law and avoiding gaps and fragmentation in laws related to Plastic regulation, we call for an intersessional work on liability for environmental harm flowing from

transboundary movement of plastic waste and compensation for victims of pollution.

We welcome the reference to the Basel convention in obligation 5 (4) (c). We call on member States to call to mind the need to refer to other framework regulating liability for environmental pollution including transboundary movement of waste.

Also, we suggest that there is need of alignment between the language of need of alignment of language of Option 14 (c) Roman (iv) with Article 4 (9) (a) to (c) of the Basel Convention. In other words instead of 'except where this ensure circularity', the Basel Convention provides that: 9. Parties shall take the appropriate measures to ensure that the transboundary movement of hazardous wastes and other wastes only be allowed if:

- (a) The State of export does not have the technical capacity and the necessary facilities, capacity or suitable disposal sites in order to dispose of the wastes in question in an environmentally sound and efficient manner;
- b) The wastes in question are required as a raw material for recycling or recovery industries in the State of import; or
- (c) The transboundary movement in question is in accordance with other criteria to be decided by the Parties, provided those criteria do not differ from the objectives of this Convention.

We recommend that the above language be retained and the text in option be included as (d)