

Statement by Indigenous Peoples Nominatd Expert on Barriers to Combatting MLP & MicroPlastics including Challenges to Resources in Developing Countries

Thank you

Dr Karen Raubenheimer earlier gave the background to the Secretariat's paper on legal barriers such as the lack of a globally aligned framework for safe and sustainable production, use and management of plastics in accordance with green chemistry principles. UNEP assessors found that current governance is fragmented and does not address the issue of marine plastic litter and microplastics.

We believe that marine plastic pollution should be prevented, not simply cleaned up afterwards. In that respect, discussions on marine litter and microplastics need to consider upstream solutions, and address the rapidly rising production and use of plastics in a global binding instrument.

Earlier speakers referred to the Basel Convention waste hierarchy model which is a useful model. But currently there is no legal responsibility to use this important waste management hierarchy. Indiscriminate waste incineration has led to adverse

health impacts on nearby communities that have been well-documented by peer-approved case studies.

There is insufficient interpretation and application of polluter pays principles, including extended producer responsibility. However, there are no global mechanisms for polluter liability. We believe this leads to export of plastic waste by countries with developed infrastructure to developing countries with poor legislative protection.

Typically in developed countries there is inadequate legislation at national, regional, or global level focused on prevention of hazardous chemicals, or related to toxic additives in plastic products. Legally binding global legislation to deal with a global problem would provide guidance to those member states who need it.

While transparency and access to information is recognized as critical to ensure environmentally sound decisions, we are concerned that businesses still refuse to disclose information about chemicals in products they make, thus denying consumers the right to know.

Insufficient labelling means that articles containing toxics are imported into Small Island Developing States and developing countries where they become hazardous waste at end-of-life. If there were such labels, member

states would have the option not to import such articles, which will become hazardous waste at end-of-life. The challenge for developing countries is affordable, environmentally sound disposal methods to deal with this hazardous waste.

Better indicators and disaggregated data are needed to measure the achievement of the Sustainable Development Goals 2030, in particular SDG-14 on Oceans, because the existing indicators do not take into account of the role of environmental law in achieving these goals. It is time to fill the knowledge gap and to set up **legal indicators**, which would provide data for better governance and document the effectiveness of environmental pollution laws.

We must also find a way to subject all actors to adequate rules and ensure that the ongoing negotiations on a binding agreement on human rights and transnational corporations moves forward and specifically includes environmental issues such as marine plastic litter.

We actively support businesses that promote green design without toxic substances, and businesses that respect the rights and protect the health of communities in which they operate. A pollution-free planet needs strong political will and leadership, and

effective environmental regulations which take account of their relationship with all human rights

To conclude, there is one issue upon which everyone here agrees – that there is too much plastic in the oceans. For Small Island Developing States, the fragile ecosystems upon which we depend and our food sources are contaminated by plastics, and urgent redress is needed. For Indigenous Peoples, Small Island Developing States and many other developing countries, marine plastic litter is a global problem, which needs a global, legally binding instrument.

Thank you Madame Chair