

A human rights-based approach to preventing plastic pollution

The protection of our environment and ecosystems is key to human well-being and the enjoyment of human rights, including the rights to life, health and adequate standard of living, access to adequate food and to safe drinking water. Conversely, the unsustainable management of natural resources and waste and the resulting decline in services provided by ecosystems threatens the effective enjoyment of all human rights.

A major environmental threat of growing concern in the East Asian Seas region is marine litter. Plastic pollution is detrimental to marine life, human health and coastal ecosystems that fuel local tourism and fisheries industries, exacerbating the vulnerability of shoreline settlements to storms and sea-level rise.

The human rights implications of environmental damage are felt most acutely by disadvantaged segments of society, including rural communities and the urban poor, women, children, ethnic minorities, people with disabilities, and other marginalized groups.

This brief gives an overview of the links between human rights, the environment and marine pollution and discusses a human rights based approach (HRBA) for more equitable and effective marine litter interventions.

Why a human rights-based approach?

Human rights and environmentally sound development are intrinsically linked: substantive livelihood rights, wellbeing and health depend on a safe environment and functioning ecosystems, while procedural rights enable citizen participation to accelerate environmental protection. A human rights-based approach to sustainable development “secures all human rights for the current generation within an amount of ecological space that does not compromise the human rights of future generations.”¹

¹ The Global Initiative for Economic, Social and Cultural Rights (GI-ESCR), 2014. *A Human Rights-Based Approach to the Environment and Climate Change*. A GI-ESCR Practitioner's Guide.



Human rights protect all people's basic needs free of discrimination, to ensure no one is treated differently in accessing those needs, irrespective of their gender, wealth, age or ethnicity. A human rights-based approach is guided by the principles of equality, participation and inclusion to protect the interests of right-holders (including marginalized and disadvantaged groups) and hold accountable duty-bearers (governments, businesses, and people of power). By focussing on needs and capacities of social groups and addressing underlying socio-economic injustices, a rights-based approach enables targeted intervention to meet the needs of vulnerable or marginalized groups.

“A human rights-based approach is a conceptual framework for the process of human development that is normatively based on international human rights standards and operationally directed to promoting and protecting human rights. It seeks to analyse inequalities which lie at the heart of development problems and redress discriminatory practices and unjust distributions of power that impede development progress.”²

In short, taking a human rights-based approach to project or programme planning and implementation not only ensures a fair, equitable and ethically-sound course of action, it also leads to more effective, appropriate and sustainable outcomes in the longer term. Environmental rights in this sense entail the right to a clean and safe environment free from direct and indirect threats to livelihoods, life and health, and the right to information, participation in environmental decision-making and access to justice in environmental matters. These substantive and procedural rights are embodied in a range of frameworks and mandates that guide sustainable development and environmental action.

A people-centred approach to preventing plastic pollution

A human rights-based approach recognizes and addresses the underlying causes of discriminate impacts of pollution and environmental degradation on vulnerable groups; aims to empower and engage these groups in participatory processes; and helps to build the capacity of governments, plastic producers and polluting industries and other duty-bearers to act and protect human rights and the environment.

Impact assessment:

Understanding of the social and economic impacts of marine pollution to identify vulnerable groups facing limited access to ecosystem services, or threats to their health or livelihoods. This includes coastal communities dependent on fisheries who suffer economic losses and health impacts from damaged fishing gear and contaminated seafood products; and informal waste pickers exposed to health and safety risks whose livelihoods depend on access to valuable plastic waste resources.

Empowerment and participation:

Considering the rights and interests of all stakeholders, especially vulnerable groups, may require strengthening capacities and creating an enabling institutional environment to facilitate participation in decision making around marine environment issues. This includes identifying and institutionalizing appropriate consultation mechanisms from focus group discussions at coastal community level to multi-stakeholder dialogues between informal worker cooperatives and municipal government.

Transparency and accountability:

Applying a rights-based lens to policies, regulations and budgets, to make processes more transparent,

² UN Development Group – Human Rights Working Group (UNDG-HRWG), 2019. *HRBA Portal: Frequently Asked Questions*. Available from <https://hrbaportal.org/faq/what-is-a-human-rights-based-approach>



targeted and appropriate, and hold governments and producers accountable. This could include ensuring that municipal authorities recognize and

protect informal waste pickers in waste management by providing sorting spaces and safety equipment.

Human rights frameworks, mandates and documents related to the environment

- The [Universal Declaration of Human Rights](#) (1948) that sets out the fundamental human rights to be universally protected as a common standard of achievements for all peoples and all nations.
- The [Programme of Action \(Agenda 21\)](#) to implement the principles of the 1992 Rio Declaration on Environment and Development Outcome and the outcome document of the 2012 United Nations Conference on Sustainable Development in Rio de Janeiro “The future we want”.
- Provisions on participation and engagement in climate action anchored in Article 10(e) of the [Kyoto Protocol of the United Nations Framework Convention on Climate Change](#) (UNFCCC), Article 12 of the [Paris Agreement](#) and Article 6 on [Action for Climate Empowerment](#).
- Provision on the legal rights of indigenous people and local communities related to conservation and sustainable use of biological diversity reflected in Articles 8(j) and 10(c) of the [Convention on Biological Diversity](#).
- The [2030 Agenda for Sustainable Development](#) adopted in 2015 and its people-centred indivisible Sustainable Development Goals (SDGs) and targets that are mutually reinforcing with the promotion of human rights as recognized by the United Nations Human Rights Council (HRC) (HRC 37/L.37).
- HRC resolutions on human rights and the environment, most recently adopted by the HRC in its 34th (HRC 34/20) and 37th Session (HRC 37/8).
- The 1994 [Draft Declaration of Principles on Human Rights and the Environment](#) appended to the Report of the UN Special Rapporteur on Human Rights and the Environment.
- [Reports of the Special Rapporteur on Human Rights and the Environment](#) on the issue of human rights obligations relating to the enjoyment of a safe, clean, healthy and sustainable environment (HRC 37/59 and 40/55) that call on States to establish frameworks that secure environmental rights and include environmental standards related inter alia to marine pollution and put forward 16 Framework Principles on Human Rights and the Environment (2018); as well Reports of the Special Rapporteur to the General Assembly at its 73rd (GA 73/188) and 74th Session (GA 74/161) urging for the global recognition of the right to a safe, clean, healthy and sustainable environment.
- [United Nations General Assembly Declaration on Human Rights Defenders](#) (GA 72/247) and the UN Environment Programme (UNEP) Policy on Promoting Greater Protection for Environmental Defenders.
- The outcomes of the [United Nations Environment Assembly \(UNEA\)](#) sessions, most recently a resolution on ‘Promoting gender equality and the human rights and empowerment of women and girls in environmental governance’ adopted at UNEA-4 in 2019.
- United Nations Economic Commission for Europe Convention on [Access to Information, Public Participation in Decision-making and Access to Justice in Environmental Matters](#) (Aarhus Convention).
- The addition in 2012 of the “right to a safe, clean and sustainable environment” as an element of the right to an adequate standard of living (para. 28 (f)) to the [ASEAN Human Rights Declaration](#).



More information:

The United Nations 'Practitioners Portal on Human Rights-based Approaches' provides practical guidelines, manuals, trainings and case studies across countries and sectors including disability rights, health, the environment, poverty and education: www.hrbportal.org

This issue brief is prepared by the SEA circular project.

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The project aims to reduce land-based sources of marine plastic pollution and its impacts, by ensuring that less plastic is wasted at source and management of the plastic value chain is improved in South-East Asia.

The focus lies on lifecycle stages of:

- i. Production
- ii. Plastic use, and
- iii. Collection / sorting / recycling.

Project partners include national and local government agencies; businesses, producers, retailers, and associations in the packaging, consumer and institutional products industry. Civil society, consumers, informal waste workers, and communities most vulnerable to the impacts of marine litter are actively engaged and considered across all project activities to promote people-centred pathways to preventing plastic pollution.

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