UNITED NATIONS HUMAN RIGHTS
OFFICE OF THE HIGH COMMISSIONER

Information Note to the fifth session of the Intergovernmental Negotiating Committee to develop an international legally binding instrument on plastic pollution, including in the marine environment (INC-5) – 20 November 2024

The Right to Development and its Synergy with the Right to a Healthy Environment

1. What is the right to development?

The United Nations Declaration on the Right to Development,[1] adopted by the General Assembly in 1986, defines development as a comprehensive economic, social, cultural and political process aimed at the constant improvement of the well-being of the entire population and of all individuals on the basis of their active, free and meaningful participation in development and fair distribution of its benefits. Article 1 of the Declaration states that the right to development "is an inalienable human right by virtue of which every human person and all peoples are entitled to participate in, contribute to, and enjoy economic, social, cultural and political development, in which all human rights and fundamental freedoms can be fully realized. The human right to development also implies the full realization of the right of peoples to self-determination, which includes, subject to the relevant provisions of both International Covenants on Human Rights, the exercise of their inalienable right to full sovereignty over all their natural wealth and resources."[2] The UN General Assembly is expected to act and adopt a legally binding international covenant on the right to development[3] in 2025.

Key elements of the right to development. States have right to development obligations at three levels: (a) internally, through the formulation of national development policies and programmes affecting persons within their jurisdictions; (b) internationally, through the adoption and implementation of policies extending beyond their jurisdictions; and (c) collectively, through global and regional partnerships.

The indivisibility and interdependence of the right to development and all other human rights including the right to a clean, healthy and sustainable environment applies in principle and practice. Development must be understood in the manner described in the Declaration on the Right to Development and not just as economic growth or Gross Domestic Product (GDP). The mutuality of rights and their mutual reinforcement, entails that development cannot be advanced at the expense of other rights, including the right to a healthy environment, and vice-versa.[4] Development should not be seen as a number, but as a reality where human rights costs or negative externalities are not imposed on others. Development is not merely a goal but a dynamic and inclusive process that must continually advance all human rights, environmental sustainability, and economic, environmental and social justice.

[1] A/RES/41/128 (1986). While the Declaration in itself is not binding, many of its provisions are anchored in legally binding instruments, such as the Charter of the United Nations and the International Covenants on Human Rights, and principles like non-discrimination and State sovereignty, and in customary international law. For information on the status of the right to development in international law, see OHCHR, Fact Sheet No. 37: Frequently Asked Questions on the Right to Development (2016).
[2] Fact Sheet No. 37. See also UN, OHCHR and the right to development.
[3] See HRC, The right to development, A/HRC/RES/54/18 (2023); Chair-Rapporteur Zamir Akram (Pakistan), Draft international covenant on the right to development, with commentaries, A/HRC/54/50/Add.1 (2023); Chair-Rapporteur Zamir Akram (Pakistan), Draft international covenant on the right to development, with commentaries, A/HRC/54/50/Add.2 (2023).
[4] See HRC, Operationalizing the right to development in achieving the Sustainable Development Goals: Thematic study by the Expert Mechanism on the Right to Development, A/HRC/48/63 (2021).

Key elements of the right to development

People-centred development. The Declaration identifies "the human person" as the central subject, participant, and beneficiary of development (art. 2).

A human rights-based approach. The Declaration requires that development be carried out in a manner "in which all human rights and fundamental freedoms can be fully realized" (art. 1). This supports the "Beyond GDP" agenda.

Participation. The Declaration refers to the "active, free, and meaningful participation" of individuals and populations in development (art. 2). This supports the "civic space" agenda.

Equity. The Declaration highlights the importance of the "fair distribution of the benefits" of development (art. 2). This supports the "equality within and among countries" agenda.

Cooperation. The Declaration requires that States "cooperate with each other in ensuring development and eliminating obstacles to development" (art. 3). This includes with respect to action to address planetary crises.

Non-discrimination. The Declaration allows no "distinction as to race, sex, language or religion" (art. 6). This supports the "leaving no one behind" agenda.

Self-determination. The Declaration requires the full realization of the right of peoples to self-determination, including full sovereignty over their natural wealth and resources (art. 1).

2. What is the right to a clean, healthy and sustainable environment and what are its interlinkages with the right to development?

The right to a clean, healthy and sustainable environment has been recognized by the UN Human Rights Council (resolution 48/13, dated 8 October 2021) and the UN General Assembly (resolution 76/300, dated 28 July 2022). The right to a healthy environment underscores that a clean, healthy, and sustainable environment is essential to human dignity and entitles all human beings to access to an environment conducive to their health and well-being, building on principles from the Stockholm Declaration of 1972 and numerous national and regional frameworks.[5]

International human rights treaties have been interpreted to include the right to a healthy environment (e.g. Committee on the Rights of the Child, General Comment 26). Its key elements include clean air; a safe and stable climate; access to safe water and adequate sanitation; healthy and sustainably produced food; non-toxic environments in which to live, work, study and play; healthy biodiversity and ecosystems, and access to information, participation in decision-making, and access to justice in environmental matters. Implementing this right requires international cooperation, resource mobilization, and a commitment to equity, ensuring that people in vulnerable situations are protected.[6] These are key elements of the right to development. The global/transboundary nature of environmental crises makes international cooperation critical to addressing them.

The right to a healthy environment requires "States, international organizations, business enterprises and other relevant stakeholders to adopt policies, to enhance international cooperation, strengthen capacity-building and continue to share good practices in order to scale up efforts to ensure a clean, healthy and

[5] The right to a healthy environment has been recognized in several treaties, including the *African Charter on Human and People's Rights*, the *Arab Charter on Human Rights*, the *UNECE Convention on Access to Information, Public Participation in Decision-making and Access to Justice in Environmental Matters* (*Aarhus Convention*), the *Protocol of San Salvador to the American Convention on Human Rights*, the *Regional Agreement on Access to Information, Public Participation and Justice in Environmental Matters in Latin America and the Caribbean* (*Escazú Agreement*), and the *Charter of Fundamental Rights of the European Union*.

[6] OHCHR, UNEP, UNDP, What is the Right to a Healthy Environment?: Information Note (2023) p. 9.

sustainable environment for all."[7] Given their innate links and interdependence, therefore, effectively implementing the right to a clean, healthy and sustainable environment necessitates effectively operationalizing the right to development and vice versa. The right of everyone to enjoy the benefits of scientific progress and its applications also requires international cooperation to facilitate equitable, and affordable access to environmentally sustainable technologies including through technology transfer and resource mobilization.[8] This is essential to advance the rights to development and a healthy environment.

The right to development calls for full respect for principles of international law and cooperation among States, which is also key to realizing the right to a healthy environment and sustainable development; as well as the duty of States to cooperate to ensure development and eliminate obstacles to development, and to promote a new international economic order based on sovereign equality, interdependence, mutual interest and cooperation among all States. Climate change and other environmental crises are obstacles to realizing the right to development and which contribute to violations of the right to development and other human rights. States have a human rights obligation to stop them and to cooperate in doing so.

The affirmation of the individual and collective dimensions of the right to development is reflected in Rio Principle 33, which recognized that the right to development must be fulfilled so as to equitably meet developmental and environmental needs of present and future generations, and Article 11 of the Vienna Declaration and Programme of Action, which recognized that the right to development must be fulfilled so as to equitably meet developmental and environmental needs of present and future generations. Individual health hinges on the right to an environment that can sustain life. This right ensures the essentials of a healthy ecosystem including clean air, unpolluted water and productive soil, directly contributing to the well-being of each person and the public health of communities and societies as a whole. The Aarhus Convention and Escazú Agreement enshrine these ideals, protecting the rights of individuals and the public to access to information, participation, and access to justice in environmental matters. These guarantees are pivotal in protecting the right to a clean, healthy and sustainable environment.[9]

Collective welfare, such as ensuring peace, sustainable development, and a healthy environment, is vital if individuals are to enjoy their rights fully. Consequently, the right to development framework advocates for far-reaching and multidimensional development policies and programmes, transcending mere economic growth to include the enhancement of the social, cultural, and political dimensions of life. This expansive view compels the crafting of policies that honour the full gamut of human rights, ensuring that development is equitable, inclusive and participatory.[10]

The rights to development and to a clean, healthy and sustainable environment are complementary and mutually reinforcing. A healthy environment makes all human rights possible, including life, health, and development. Conversely, holistic development across multiple dimensions, including the cultural, economic, social, and political, sustains human lives and livelihoods, creating the necessary space for humanity to transform its relationship with nature and live in harmony therewith. Sustainable development also enables other human rights and sustained peace.

3. How is the right to development affected by multiple planetary crises?

Multiple planetary crises, including climate change, biodiversity loss, pollution, and inequalities within and between countries, comprise major environmental and socio-economic challenges that threaten the well-being, stability and sustainability of life on Earth. Likewise, they threaten the achievement of long-term sustainable development as well as all human rights including the right to development and the right to a

[7] UNGA, The human right to a clean, healthy and sustainable environment, A/RES/76/300 (2022).
[8] Committee on Economic, Social and Cultural Rights General comment No. 25, E/C.12/GC/2 (2020),.
[9] HRC, Individual and Collective Dimensions of the Right to Development: Thematic study by the Expert Mechanism on the Right to Development, A/HRC/57/40 (2022).
[10] Ibid.

healthy environment. These crises are deeply intertwined and significantly impact the health[11] and well-being of both people and planet.[12]

As recognized by the Intergovernmental Panel on Climate Change, economic impacts attributable to environmental degradation are increasingly affecting peoples' livelihoods, with negative societal consequences across national boundaries. For example, climate change poses severe threats to human and planetary well-being including through increased frequency of extreme weather events, heightened food and water insecurity, and adverse health impacts. These have disruptive effects on development[13] and prevent the constant improvement of human well-being, which is the primary aim of the right to development. Climate change and other forms of environmental degradation can also act as threat multipliers – amplifying security risks and human rights harms through interactions with political, social, economic and demographic factors.

Cumulatively, environmental stresses exacerbate existing socio-economic inequalities, disproportionately affecting those who are already living in vulnerable situations and lack the resources to adapt, thus further deepening disparities within and between countries. Environmental degradation and resource scarcity also restrict Indigenous Peoples' ability to control and make decisions about their lands, territories, natural resources, and future. This limitation affects their right to self-determination. Moreover, the breach of the critical planetary boundaries,[14] with six out of nine currently exceeded, risks triggering severe social and economic disruptions and denying socio-economic development, which is a key element of the right to development.[15]

Negative environmental stresses have far-reaching regressive impacts for the right to development, the right to a healthy environment, and for sustainable development, which all need an enabling environment. They exacerbate the inequitable distribution of development benefits and burdens, often with the benefits flowing to a few and the burdens or human rights costs flowing to the many. This undermines the realization of the right to development and its vision for justice and equity within and between nations and generations. The natural environment constitutes the resource base for development, yet it also tends to be the repository of waste and pollution from economic activity.

Development should be carried out sustainably. When the threshold of nature is crossed, and development becomes unsustainable, it destroys the enabling environment required for development.[16]

Development and economic growth must not take place at the expense of the right to development, the right to a healthy environment and other human rights. Since the emergence of climate and environmental crises, developing countries in particular, have faced and continue to face the dilemma of prioritizing immediate economic benefits over long-term sustainability. In a long-term vision for balancing economic, social and environmental sustainability for the present and the future, the 1987 World Commission on Environment and Development (Brundtland Commission) defined sustainable development as "development that meets the needs of the present without compromising the ability of future generations to meet their own needs".[17] This defines the intergenerational equity principle, understood as fairness and justice between all present and future generations. [18] Reaffirming Rio Principle 3, in the 1993 Vienna Declaration and Programme of Action, all Member States unanimously agreed that "The right to development should be fulfilled so as to meet equitably the developmental and environmental needs of present and future generations"[19].

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[11] Climate change and pollution introduce severe health risks, including respiratory diseases, waterborne illnesses, and mental health stressors from extreme weather events and displacement. According to WHO, the direct damage costs to health are estimated to be between US$ 2-4 billion per year by 2030. Such rising costs of health pose an additional burden on developing countries in achieving their right to development. WHO, Climate Change.

[12] Katherine Richardson, *et al.* Earth beyond six of nine planetary boundaries (2023); United Nations Environment Programme and International Science Council, Navigating New Horizons: A global foresight report on planetary health and human wellbeing (2024).

[13] IPCC, Climate Change 2023: Synthesis Report Contribution of Working Groups I, II and III to the Sixth Assessment Report of the Intergovernmental Panel on Climate Change, pp. 35-115.

[14] Stockholm Resilience Centre "We Need to Transition Back Within All Planetary Boundaries" (2023).

[15] Stockholm Resilience Centre "Planetary Boundaries" (2023).

[16] See International Covenant on Economic, Social and Cultural Rights.

[17] UNGA, Report of the World Commission on Environment and Development, A/42/427 (1987).

[18] The High-Level Committee on Programmes working group on the inter-generational equity involving 16 UN agencies. See UN Sustainable Development Group (UNSDG) Leave No One Behind. See also UNGA, Pact of the Future, A/RES/79/1 (2024), which recognized "that the decisions, actions and inactions of present generations have an intergenerational multiplier effect, and therefore resolving to ensure that present generations act with responsibility towards safeguarding the needs and interests of future generations."

[19] World Conference on Human Rights in Vienna, Vienna Declaration and Programme of Action (1992).

Economic, social, and environmental justice are interdependent. Sustainable development as elaborated in the Rio Declaration on Environment and Development,[20] the United Nations Framework Convention on Climate Change (UNFCCC), the Biodiversity Convention, and subsequent treaties and instruments, requires a holistic approach to economic development and social progress including through labour and human rights, and environmental protection.[21] While there are significant challenges in the achievement of sustainable development, there are also numerous opportunities for innovation, cooperation and progress. By adopting comprehensive policies, ensuring sustainable finance, promoting renewable energy, and environmentally sound technology, and enhancing international cooperation and solidarity in particular through human rights-based green, blue and circular economies and technology sharing, progress can be made towards realizing a sustainable future.

4. How can the rights to development and a healthy environment address the multiple planetary crises and advance a just transition?

The rights to development, to a clean, healthy and sustainable environment, and to a safe and healthy working environment, are interrelated. A "just transition" represents a fundamental shift towards a "human rights-centered economy" as well as realizing the right to development, aiming for fairness, equity, inclusion, and sustainability, while addressing critical environmental challenges such as climate change, biodiversity loss, and pollution. In line with the Declaration on the Right to Development which calls for advancing all human rights in development policies, processes and outcomes, a just transition requires alignment with human rights standards, ensuring that the rights to a healthy environment, decent work, equality, and non-discrimination are upheld. It involves public participation of human rights holders, particularly in situations of vulnerability to ensure their diverse needs and priorities are met, as well as the application of the UN Guiding Principles on Business and Human Rights to ensure that businesses are responsible for being part of the solution.

A just transition must encompass all economic sectors, from energy and transport to agriculture and finance, and focus on creating decent work opportunities and reducing inequalities. First of all, it requires lowering extraction and production to encourage shifts to more circular material uses and different systems of consumption. Transforming consumer habits to address unsustainable consumption patterns that drive excessive energy demands and environmental degradation is also essential to this process.[22]

Gender-responsive policies are critical, including support for women and recognition of Indigenous and local knowledge in environmental action and workforce training. A just transition must also protect environmental human rights defenders from threats and violence, ensuring their access to justice and remedy. It must also ensure that the costs of environmental harm are borne by polluters and that the benefits (and burdens) of development are equitably shared – as required by the right to development. Free, active and meaningful participation, central to both the rights to development and a healthy environment, must also be ensured.

A just transition requires concerted efforts to move away from polluting and resource-intensive production / economic models. It calls for remedying past human rights harms, preventing future violations, and establishing effective human rights safeguards and redress mechanisms.[23] By upholding these principles, a just transition aims to balance economic, environmental and social justice, ensuring that people in vulnerable situations are not disproportionately affected and that human rights are preserved and enhanced throughout the transition. Global and social justice, an enabling and conducive global and social order and environment at all levels of governance, and the integration of human rights in both the processes and outcomes of development, are also central aims of the Declaration on the Right to Development.[24] This approach involves, for example, diversifying sources of resource extraction and production centres across different regions, thereby preventing any single party from bearing the full costs of an economic model reliant on resource extraction. Even more, sustainable development should be based on a socio-economic model that moves

[20] Rio Declaration on Environment and Development, A/CONF.151/26/Vol.I (1992).
[21] See 2030 Agenda for Sustainable Development, which brings together the economic, social and environmental pillars of sustainability.
[22] OHCHR, ILO, Key Messages on a Just Transition and Human Rights (2024).
[23] Ibid.
[24] Ibid.

beyond dependency on minerals and fossil fuels and replaces linear production models (cradle-to-grave) with circular models (cradle-to-cradle), which retain products, components, and materials within the supply chain.

The UN Special Rapporteur on the Right to Development has emphasized the need for a just transition to a sustainable, carbon-free economy, particularly for developing countries that face challenges such as limited participation, funding, and technology.[25] The Paris Agreement and other international frameworks highlight the importance of equity between the global North and South, calling for international solidarity and shared responsibilities – financial, technical, and capacity-building – to help developing countries build climate resilience. This transition must respect human rights, promote public participation, and ensure fair distribution of resources, ultimately linking climate action with sustainable development and poverty eradication to achieve global justice and equity and protect human rights.

Women, children, Indigenous Peoples, internally displaced persons, persons with disabilities and others in vulnerable situations are disproportionately affected by plastic pollution and other forms of environmental degradation. Women face higher risks and greater burdens due to their unequal participation in decision-making and labour markets as well as development benefits, which limit their ability to contribute to climate-related planning and policymaking. People in vulnerable situations often lack participation in decision-making processes addressing environmental harm. The steps needed to redress these intersectional inequalities and injustices are integral to achieving the rights to development and a healthy environment.[26] Both rights, for example, call for and depend on the effective enjoyment of the right to participation and international cooperation.

The Declaration on the Right to Development provides pathways to a just transition, through its transformative development paradigm which goes way beyond 'do no harm'. As elaborated at the outset, the right to development is aimed at the constant improvement of the well-being of all individuals and peoples, in dynamic and transformative, participatory and re-distributive, human rights-based processes to realize economic, social, cultural and political development for all. These objectives can only be achieved through just transition pathways aligned with achieving sustainable development through simultaneous realization of the right to development and the right to a clean, healthy and sustainable environment.

The Earth, our common home, sustains all life. Humanity depends on the environment for our survival and wellbeing, which also requires development. Human beings are interconnected with each other within and across nations and generations and with other living beings and nature, in one integrated, holistic, and interdependent planetary system. The right to a healthy environment raises our consciousness of our collective responsibilities as stewards of one planet and of the inter-connectedness of human well-being with a healthy planet. The right to development supports and enables our survival with its call for a long-term vision of development aimed at human wellbeing. Development finance and climate finance[27] along with multiple other means of implementation are needed to advance justice and intra and intergenerational equity to achieve sustainable development – in all its three dimensions – and human rights for everyone, everywhere.

5. How can the application of the principles of equity, solidarity, and common but differentiated responsibilities and respective capabilities, support the realization of the rights to development and a healthy environment?

In their efforts to "conserve, protect and restore the health and integrity of the Earth's ecosystem"[28], States should adhere to the principle of equity and their duty to cooperate which are central to the right to development.

[25] OHCHR, Policy Brief on Climate Action and the Right to Development: A Participatory Approach (2021).
[26] OHCHR, Key Messages on Renewable Energy and the Right to Development: Realizing Human Rights through the Sustainable Energy Transition (2022) and Environmentally Sound Technology and the Right to Development: Realizing Human Rights For Sustainable Development (2022).
[27] OHCHR, Climate Finance: Vulnerability and Responsibility: Thematic study by the Expert Mechanism on the Right to Development (ongoing).
[28] Rio Principle 7, Rio Declaration on Environment and Development, A/CONF.151/26/Vol.I (1992).

Article 4 of the UN Declaration on the Right to Development aligns with international environmental law, including principle 7 of the Rio Declaration on Environment and Development[29] and article 3 of the UN Framework Convention on Climate Change[30], as well as the Paris Agreement and the Kyoto Protocol, which require States to take action "on the basis of equity and in accordance with their common but differentiated responsibilities and respective capabilities."[31] This takes into account, the historical, contextual, structural and systemic disparities among nations. Based on this differentiation, developed countries have far greater responsibility to deliver actionable means of implementation across the relevant areas of financing, technology transfer and capacity-building.

Common but differentiated responsibilities (CBDR) do not preclude each State's obligation to respect, protect and fulfil the human rights of all people. Regardless of resource availability, States have an immediate obligation to take appropriate steps to ensure continuous and sustained improvement in the enjoyment of human rights over time. The principle of common but differentiated responsibilities and respective capabilities in international environmental law relates to the general principle of equity in international law by recognizing the varying circumstances of States, including their differentiated contributions to environmental crises, and capacities to redress them, which necessitate, as a matter of fairness and practicality, differentiated approaches.

Article 2 of the International Covenant on Economic, Social and Cultural Rights imposes a duty on all parties to "take steps, individually and through international assistance and co-operation, especially economic and technical, to the maximum of its available resources, with a view to achieving progressively the full realization of the rights[.]"[32] While the Covenant provides for progressive realization and acknowledges the constraints due to the limits of available resources, it also imposes various obligations which are of immediate effect, for example, respect for the minimum core. Progressive realization "imposes an obligation [on States parties] to move as expeditiously and effectively as possible toward that goal." The UN Charter, the ICESCR, and well-established principles of international law make it "incumbent on those States which are in a position [to do so,] to assist others in" realizing these rights within their respective jurisdictions. As a corollary, each State is obliged to draw on its own resources, as well as those made available through international assistance, to facilitate "the full realization of the relevant rights."[33]

The UN Special Rapporteur on the human right to a clean, healthy and sustainable environment appealed to the CBDR principle, stating that "wealthy States must contribute their fair share towards the costs of mitigation and adaptation in low income countries," through grants and not loans, given that basic principles of justice are violated when poor countries are forced to pay for "the costs of responding to climate change when wealthy countries caused the problem."[34] The Inter-American Commission on Human Rights, in its Resolution on the Climate Emergency, also highlighted the CBDR principle.[35]

Plastic pollution and the right to development

The catastrophic impacts of unsustainable, unprincipled production of plastics have been documented so thoroughly that there is no longer any scientific doubt as to the extent to which plastics are undermining our common future.

[29] Ibid. "States shall cooperate in a spirit of global partnership to conserve, protect and restore the health and integrity of the Earth's ecosystem. In view of the different contributions to global environmental degradation, States have common but differentiated responsibilities. The developed countries acknowledge the responsibility that they bear in the international pursuit of sustainable development in view of the pressures their societies place on the global environment and of the technologies and financial resources they command."
[30] United Nations Framework Convention on Climate Change, art. 3.1. "The Parties should protect the climate system for the benefit of present and future generations of humankind, on the basis of equity and in accordance with their common but differentiated responsibilities and respective capabilities. Accordingly, the developed country Parties should take the lead in combating climate change and the adverse effects thereof."
[31] Ibid.
[32] ICESCR, art. 2.1
[33] Committee on Economic, Social and Cultural Rights, General Comment No. 3, E/1991/23 (1990)
[34] Report of the Special Rapporteur on the issue of human rights obligations relating to the enjoyment of a safe, clean, healthy and sustainable environment, A/74/161 (2019), paras. 26 and 68.
[35] Inter-American Commission on Human Rights, Climate Emergency: Scope of Inter-American Human Rights Obligations, Resolution No. 3/2021, p. 12.

Each stage of the plastics life cycle from extraction through use, trade, shipping and disposal, environmental contamination from plastics and plastic pollution adversely impacts human rights. Plastics are accumulating in food chains, contaminating water, soil, and air, and releasing hazardous substances into the environment. Most plastics originate as fossil fuels and emit greenhouse gases from cradle to grave. Scientific studies have found microplastics in human blood,[36] lungs,[37] and placenta,[38] as well as in livestock feed,[39] milk and meat products. Exposure to toxic chemicals often found in plastics can also affect future generations,[40] impacting fertility,[41] shortening gestation periods, and lowering birth weights.[42]

The true cost of plastic production and use is foisted on everyone. Importantly, the plastic crisis has disproportionate impacts on populations in vulnerable situations such as children, women, Indigenous Peoples, coastal communities, people living in extreme poverty, communities affected by plastics facilities, and workers at heightened risk of occupational exposure, including waste-pickers. These same communities often lack access to healthcare, information, and opportunities to protect themselves from exposure to the impacts of plastics as well as to access effective remedy.[43] Yet, while the economic benefits are privatized, the human rights costs of production and use of plastics has been imposed on us all, for example undermining our right to health. The returns on investment of plastic production do not account for the negative externalities that come with it (e.g. the health impacts), thereby transferring wealth from individuals and the State to private producers. Profits for polluters must not be prioritized at the expense of the well-being of people and the planet.

Plastic pollution is incompatible with the enjoyment of the rights to development and a healthy environment. It disproportionately impacts countries least equipped to remedy it, reducing their already limited fiscal space for investment in environmental and social protection. While not all States are able to move away immediately from certain materials and products that they have become dependent on, potential solutions may already exist or be too costly at present. When an item is identified as non-essential in one context but essential in another (e.g. small plastic bags for drinking water), this should trigger mechanisms (financial, technical, capacity) to support a shift away from that use.

The economic, social and environmental impact of plastics are not evenly distributed. For instance, lower quality plastics are marketed to low-income communities and are more susceptible to breakage and chemical leaching. Much of the world's plastic waste is currently exported from the Global North to the Global South, which poses a substantial threat to communities in vulnerable situations and their environments. The impacts of plastic pollution in developing countries include livelihood impacts from environmental degradation, toxic pollution from open burning, emissions of hazardous chemicals and particles, unsafe working conditions harming waste disposal workers, and broader human health risks to communities. It also includes the disruption of local industries and markets (e.g. second-hand textiles, where imports drive local/national companies out of business), impacting economies, livelihoods, and incomes.

The International Energy Agency predicts that plastic production will be the biggest growth market for the oil industry over the next decade.[44] Today, the annual production of plastics exceeds 500 million tons, and without stronger policies it is projected to quadruple by 2050.[45] Without prevention/reduction of production, the technical and financial challenge of waste management and cleanup, particularly for low- and middle-income countries, will continue to grow. This is in line with estimates showing that low-income countries, despite consuming less plastic, incur a total cost based on the lifetime of a plastic product that is 10 times

[36] Heather A. Lesliem, *et al.* Discovery and quantification of plastic particle pollution in human blood (2022).
[37] Lauren C. Jenner, *et al.* Detection of microplastics in human lung tissue using μFTIR spectroscopy Author links open overlay panel (2022).
[38] Antonio Ragusa, *et al.* Plasticenta: First evidence of microplastics in human placenta Author links open overlay panel (2021).
[39] Dr. I. van der Veen, *et al.* Plastic Particles in Livestock Feed, Milk, Meat and Blood A Pilot Study (2022).
[40] Giuseppe Latini, *et al.* In utero exposure to di-(2-ethylhexyl)phthalate and duration of human pregnancy (2003).
[41] Hagai Levine, *et al.* Temporal trends in sperm count: a systematic review and meta-regression analysis (2017).
[42] Fournier, S.B., *et al.* Nanopolystyrene translocation and fetal deposition after acute lung exposure during late-stage pregnancy (2020).
[43] The stages of the plastics cycle and their impacts on human rights - Report of the Special Rapporteur on the implications for human rights of the environmentally sound management and disposal of hazardous substances and wastes, Marcos Orellana, A/76/207 (2021).
[44] International Energy Agency, The Future of Petrochemicals, Towards a more sustainable chemical industry (2018).
[45] OECD, Global action across the plastics lifecycle could nearly eliminate plastic pollution by 2040 (2024).

higher than wealthier countries, with significant impacts on their rights to development and a healthy environment.[46]

States should pursue measures informed by equity and the polluters-pay principle, whereby polluters should internalize and bear the costs of preventing and implementing control measures for pollution. Developed States should deliver capacity-building, technical assistance and technology transfer and mobilize multiple sources of funding, in particular from those most responsible for the plastics crisis. As plastic is such an important part of our lives today, governments need to facilitate the transition away from plastics and the adoption of sustainable and safe alternatives. During the transition it is important to avoid transferring the costs to the end consumer and risking the creation of further harms. Leaving the solution to the market without policies and guardrails designed to respect human rights would shift the burden downstream and continue exposing people to the harmful health and environmental impacts of plastics that continues to exceed the planetary boundaries.[47]

[46] WWF, Lifetime cost of plastic 10 times higher for low-income countries than rich ones, revealing crippling inequities in plastics value chain (2023).
[47] Patricia Villarrubia-Gómez, *et al.* Plastics Pollution and the Planetary Boundary Framework (2022).