

31 July 2017

Feedback to the Zero Draft of the Ministerial Outcome Document of the 2017 UN Environment Assembly “Towards a Pollution-Free Planet”

The Center for International Environmental Law (CIEL) is grateful for the opportunity to provide comments on the Zero Draft of the Ministerial Outcome Document of the 2017 UN Environment Assembly “Towards a Pollution-Free Planet”. We welcome the fact that the drafting of the ministerial outcome document continues through a transparent and inclusive process.

Building on the comments that we provided to the draft outline of the outcome document previously, we have put forward in the annex below specific wording proposals that would strengthen the draft ministerial outcome, allowing the document to build more strongly on existing principles of international environmental governance and on commitments made recently by the members of the UNEA.

In particular, we would like to stress seven key issues that we believe are of particular significance to guarantee that the ministerial outcome provides a significant contribution to efforts to free our planet and communities from pollution.

- 1. Emphasising the Human Right to a Clean and Healthy Environment.** The draft outcome document rightfully recognises that combatting pollution and its impacts on communities is not only an environmental challenge but also an imperative to ensure the protection and promotion of human rights (see the Stockholm Declaration, principle 1). We urge UNEP to maintain this reference to the linkages between the realisation of the human right to a clean and healthy environment and efforts to eliminate pollution.
- 2. Reaffirming the Priority given to the Promotion and Protection of Procedural Rights to Empower Communities to address Pollution.** The language related to information availability and to the participation of the public to decision-making in the outcome document must be strengthened to reflect that these elements constitute rights for all citizens. Additionally, the outcome document should include a reference to the importance of providing individual whose rights have been infringed in the context of pollution with adequate access to judicial remedies. The effective enjoyment of these three procedural rights, and in particular for the groups most exposed to pollution, is a guarantee that communities are empowered and can actively contribute to tackling the sources and impacts of pollution.
- 3. Building on the Precautionary Principle.** The outcome document must reiterate the recognition by the international community of the central role that the precautionary principle must play when addressing the threats posed by pollution to the environment and to human health (Rio Declaration, principle 15). Accordingly, the outcome document must exclude any language suggesting that action to prevent, reduce and control pollutant must be dependant on scientific certainty.

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- 4. Recognising the Need to address the Role of Food Production in Polluting Activities.** While the agricultural sector is the most important income generator for many developing countries, the current systems for food productions is also the source of significant pollution, leading to ecosystem degradation and severe human health impacts. The Dubai declaration of 2006 recognizes the dependency on pesticide in agriculture as a major concern, and the UN Food and Agriculture Organization acknowledges in recent reports that agroecology is a key element in reaching Sustainable development Goal 2 which aims to end hunger, achieve food security and improved nutrition and promote sustainable agriculture. The declaration should include a commitment to promote, support and further develop agroecological practices with the dual objective of limiting pollution arising from food production systems and reaching SDG2.
- 5. Prioritising the Protection of those most Exposed to Pollutants.** The outcome document must acknowledge that pollution has a greater impact on specific populations and groups who are more exposed to chemicals, pesticides, wastes and other forms of pollution. The outcome document should therefore call for specific actions to guarantee the rights of these groups. It shall require that states ensure a high level of protection [and remedy] from any source of pollution, especially taking into account the role of women, workers and their families, the poor, children, the elderly, and indigenous people and their communities, respecting principles 20 and 22 of the Rio declaration.
- 6. Highlighting Synergies with Relevant International Frameworks.** The outcome document could be strengthened by an explicit reference of the synergies between the elimination of pollution and other existing international frameworks and commitments such as many of the Sustainable Development Goals and the Paris Agreement. Acknowledgement of these synergies could strengthen the case that the objective set by this outcome document would reinforce other existing engagement of the international communities and that it should be implemented in a manner that is coherent to these existing frameworks.
- 7. Reaffirming the Polluters Pay Principle and the Producer Responsibility.** (Rio Declaration, principle 16). The current draft declaration mentions the need to internalise cost in financial decisions. The importance of Principle 16 of the Rio Declaration in achieving sustainable development requires that the internalisation of costs be implemented, not only for financial decisions, but for all, policy, legal and industrial strategy decisions.

Please do not hesitate to contact us for any further information in relation to these elements.

We look forward to future opportunities to support the UNEA-3 president and UNEP in the preparation of the UNEA.

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“Towards a Pollution-Free Planet”

- Comments by the Center for International Environmental Law (CIEL) -

In South America, young mothers like Maria handle raw mercury in artisan gold mines, because it is the only way to make a living. In North America, families like the Kellogg's- [You may want to add a more generic name like 'Williams'. This name is typically associated with the heirs of the breakfast cereal fortune est. net worth = \$3.4 billion] relocate to areas where their children can play outside without fear of an asthma attack. In Europe, schools like Fatima Gunic hoist flags in the playground to monitor air pollution. In Africa, communities like Ogoniland try to survive in land saturated by oil pollution. In the Middle East, residents in places like Khuzestan must breathe through the growing number of sand and dust storms swallowing their homes and closing their schools. And in Asia, people like 13 year old Lim Seong-joon are crippled because of chemicals being used incorrectly. In fact, during the next hour, another 1,500 people around the world will needlessly die from environmental causes.

We, the world's ministers of environment, gathered for the Third Session of the United Nations Environment Assembly, declare that this cannot and will not continue. We commit to securing a pollution free future for our people and planet. And we commit to working with every possible stakeholder to rapidly explore and implement every possible solution to end the pollution of our air, soil, freshwater and oceans.

As the representatives of 193 nations, we believe that, regardless of gender or culture, faith or wealth, no child should die from dirty water or poor hygiene. Yet today, nearly 2,000 children below the age of five will do just that. No one should choke because they walk down a street or cook a hot meal in their home. Yet every day, 9 out of 10 of us will continue to breathe air that is unsafe and 20,000 people will die because of it. No community should be contaminated by hazardous chemicals and waste. Yet of the 130,000 chemicals on the market, only a fraction is properly tested, labelled or tracked. No ecosystem should be so damaged by financial or industrial consumer choices that it ceases to function properly. Yet every year, we dump up to 13 million tonnes of plastic in our oceans and 50 million tonnes of electronic waste on our land. No one should be left behind as we strive to deliver the 2030 Agenda for Sustainable Development or other international agreements. Yet it is still the poorest and most vulnerable people in society who are disproportionately~~disproportionally~~ affected; often paying the price for the actions of the wealthiest.

This Assembly agrees that everyone on this planet has an equal right to live in a clean and healthy environment, with safe access to cleansafe water, food and air. These are the most precious of natural resources. Any threat to them is a threat to our health, our society, our economy, our security and our very survival. Pollution is not new, but with the population expected to reach 10 billion people by 2050, these self-imposed threats have never been greater or more preventable.

However, we also agree that with leadership, determination, collaboration, public mobilization, knowledge and technology, our options for turning these threats into opportunities are increasing just as fast. The transition to a pollution free planet is not only achievable, but can help tackle poverty, improve health, reduce global warming, build peace, protect and promote human rights, create decent jobs and drive economic growth. We must recapture and reinvest the 300 tonnes of gold buried in electronic waste every year; the \$100 billion in plastic packaging being thrown away; the \$1 trillion economic loss from exposing children to lead in paint; the \$8 billion annual cost of IQ loss from exposure to by-product emissions of mercury; the €163 billion annual costs of exposure to endocrine disrupting chemicals in the European Union alone; and the \$5 trillion spent on healthcare because of air pollution. To do so, we must dramatically scale up and accelerate the solutions that countries, farmers, cities, businesses and individual citizens are already using. Urgent and collective action to tackle the sources and impacts of pollution is necessary to ensure the realisation of the Sustainable Development Goals and other key commitment of the international community.

Therefore, we acknowledge the magnitude of threats and opportunities reported in *Towards a Pollution Free Planet* serve and commit to preventing, mitigating and managing pollution in every form by:

- Supporting the development, collation and use of reliable scientific data. This includes better multidisciplinary indicators; more efficient data gathering and monitoring; and an increase in awareness raising and knowledge sharing greater transparency and open sharing of data. This will promote evidence-based transparent decision making in the public and private sectors and effective standard setting by all stakeholders.
- —Promoting easier public access to, and wider availability of information; effective participation of the public - in particular of groups most exposed to pollution —, into relevant decision making, and effective access to judicial remedies—. This will empower communities to contribute to addressing the sources and impacts of pollution. promote evidence-based decision making in the public and private sectors, effective standard setting by all stakeholders and greater participation by citizens from all walks of life.
- Targeting pollutants with focused-comprehensive environmental agreements and tailored

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