

WORLD ENVIRONMENT DAY SYMPOSIUM ORGANISED BY THE GREEN INSTITUTE

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EQUITY SESSION

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INTRODUCTION OF SPEAKERS

MODERATOR: PEDI OBANI

Dr Obani: We have with us for that panel three distinguished speakers. One of our speakers today is Professor Rosalind Malcolm. Malcolm is a professor of law at the University of Surrey where she also acts as director of the environmental regulatory.

Rosalind specializes in looking at the ways through which law can be used to protect the environment. Her recent work is on the wicked problem of polluting waste from Plastics and how effective our economy might help to stop the problem of waste .Also part of that panel we have Dr. Louise Mueleman. So Louise is an academic practitioner and trainer on sustainability governance, Metal governance and policy coherence and integration. He's a visiting professor of public governance at KU Leuven University in Belgium. He's also a member of the United Nations community of experts on public administration, CEPA, vice chair of the scientific Committee of the European environment agency EEA and member of the global Council on SDG 17 in the UAE.

His latest book is Meta governance for sustainability and this was published by around pledge in 2018. He also has a book on Meta cognizance approach to multi-level governance and vertical coordination for the SDG that's been more recently published in 2022. Thirdly, we have with us today professor Oguge Nicholas Otienhor he has 37 years' experience in nature conservation. Academia in East Africa, Belgium, New Zealand, the UK, and the US, he has developed the landscape conservation program in Northern Kenya that enjoyed ethnological knowledge of the same people with scientific, approaches to increase space, for wildlife, diversify livelihood, basis for communities and build capacity for local people. He has also co-develop his summary for policymakers on the trends and status of biodiversity and ecosystems services in Africa and this was developed for the intergovernmental plenary on biodiversity and ecosystem services. That is the IPDS. Nicholas aspires to generate and share information that will lead to the development of optic and implementation of measures that support Regional Trans boundary -specific conservation goals. In order to provide sustainable livelihoods for the local people and a space for wildlife, in the east African region. So I am sure you are in no doubt as to the immense experience and expertise of the panel on equity as we have with us here today. So with no further Ado, I'll hand over to Professor, Malcolm to talk us through her presentation which is focused on the Keynotes and it brings together all the key issues on this issue of equity in addressing plastic pollution.

PROFESSOR ROSALIND MALCOLM: GOVERNING PLASTICS NETWORK

PROFESSOR ROSALIND MALCOLM: Thank you very much Dr Pedi. Thank you so much for inviting me to this symposium on World Environment Day. And I will like to say how much I enjoy the poem which I think has a wonderful ground effect for us and put into context the comments that I will be making for sure. So I say thank you so much for inviting me here today to speak and because it's a very auspicious time with us moving towards the global plastic treaty with the second negotiations ending last week that some progress having been made. I'm going to focus on three different areas in my talk.

Firstly, how can we eliminate Nate waste and I put waste in quotation, marks, thinking of it as a concept something that we need to remove as a word in the language that we want. We will say in future. What was this

thing that they had in the 2020s that was called waste. So that we move to eliminate it as a function of society. And then secondly, I speak as a lawyer and so my interest is looking at the legal tools. That's need to be designed to prevent waste. And of course, we're talking very much about Plastics waste here and the pollution from plastics. And how do we design legal tools that will stimulate an economy, where Plastics are retained within that they become part of the stock assets of that economy? And then, thirdly, how can we influence policymakers to implement those legal tools? I'm as well as being Professor at the University of Surrey. I'm co-director of the governing Plastics Network and I co-direct with a professor Nicholas Oguge who you're going to hear from a little bit later this morning the governing Plastics network, is run jointly between the University of Surrey and the University of Nairobi and there are some links available. I do encourage everybody to join the global governing Plastics Network and we have a lot of material there about the projects that we've been working on pop videos and policy briefs, and blogs that we run on a weekly basis. So please do join.

So designing law, then to prevent the ecological harm caused by Plastics waste and how do we go about that? And one of the key points to be made is that lead to move from issues around liability, to prevention. As a lawyer, people tend to come to me when there's a problem. We are problem solvers and yet for dealing with ecological harm, it's no good waiting for the harms to occur. As lawyers, we need to be thinking about the necessary tools to prevent that waste and to eliminate the waste as a concept. So from liability to prevention, I don't need to show you images which I did have on my slides of the the horrors that harm causes the damage to animals ecosystems and to us as human beings as well. There is no question in my mind that the Call our of a legal framework for dealing with the problem of plastics is to move from worrying about liability, to prevention, to stop it happening in the first place. A simple rule, but a complex one at the same time. So moving to that concept where we focus, not on the waist of the flows of things through our economy. But where we focus on retaining materials, I don't need to tell you. The moment and our laws are based on an industrial Linear A linear economy. We take, we make, we throw away, and we're very familiar with that concept. It's a flat line economy where we take resources from the earth, we make things with them. And then when we're finished with those, we throw them away. And what we need to do is to replace those material and energy flows by holding onto material stocks of assets, where waste becomes an input. Not a thing that you throw away, but a vital resource that you need. And of course, here is where the concept of waste changes. This is not something that we are discarding or that we don't want or that is under attractive or hostile. It's a valuable resource requires a new meaning. It's there to be as an input into our economy. So how do we get to that point where the plastic product sits within our economy and doesn't leave it and leak into the environment? We need to think about life cycles. We need to think about the whole life cycle of a product. We need to look at the beginnings of the life of a product to the very end of the life of the product but in our current linear economy, we have to identify the various points around that life cycle where we are in danger of losing the material into the environment, and then we've identified those points. Those key points in that life cycle, we have to think how do we use the law to achieve that? And this is something that is I think better described as a performance economy where we retained stocks in that economy, that's the core of it in that circularity of it, where we provide services rather than sagas where we reuse materials and products, where were manufacture products and which are talking about extending the service life of products rather than intensifying the flow of materials through the economy. And, of course, it's such an approach requires labor. It requires us to put our labor in into the product rather than using energy or using Virgin materials .In a linear economy the Economic and Business models that we have at the moment, focus on the flows. GDP added value rather than prioritizing the quality value and use of stock. We talk about growth in the economy where we make and sell things. And of course where we keep making and selling things that apparently we are growing better for our linear economy, but it's not good for the environment. And we need to focus on ensuring that labor is input to retain those stocks of materials within the economy, rather than letting them Leak out. Of course, such an approach needs a complete rethink of public policy and the approach needs to range across the human side to the technical side. And in that wonderful poem talked about Humanity in this the human rights issue the human contribution, there's often a feeling that we can solve our problems through technology. Well technology is part of it. Of course we need to be building a technical approach so that we can reuse remanufacture but alongside that in our public policy rethink. We need to have at the heart of it, social welfare employment rights, and the sustainability thinking about our children, and our grandchildren, as well as ourselves in every country in the world.

If you take the life cycle of the Plastic Products, we can see that where we go from the extraction of the natural resources leading round that line to the disposal, we need to be bringing those two points together to make sure that the products circulates around. And I talked earlier about the key points in that life cycle, we need to identify where we are at danger of losing things, allowing the product to move along that chain points where

one person at the bottle is empty, the product is used, the bottle is empty. We need to look at ways in which legal tools can trigger the reuse of that bottle. If we can't just reuse it as it stands there, we need to look at ways in which we can repair it and the right to repair a very major growing area of campaigning at the moment. So those points need to be identified in the life cycle. Of course I mentioned at the beginning, we are reaching the, we are at the end of the second set of negotiations for the global Plastics treaty. This is something where the world is engaged in this question. And these are highly pertinent questions about how we manage that life cycle of the plastic product. And how we focus on different aspects. Different questions arise in different parts of the world. And yet, the problem is the same. There is similarity lightness across all the issues across the world that we need to stop that product escaping into the environment. We need to prevent the production of waste and drive towards retention of those materials using whatever tools we can and I focus as a lawyer on the law. So what we need to do to move towards a global Plastics treaty. Well, from my part, my role in it is to identify and evaluate those legal tools for the management of plastics and their waste, which are most effective in stimulating, an economy, where Plastics are retained as stocks rather than waste it and then and it's big. Then we have to implement and enforce them. And I think it's important to keep in mind all the time, our endpoint. What is it? What are we trying to get with this? And my answer to that is we're trying to live well within a finite Planet. That's my talk. I thank you very much for listening and I'd be very happy to take any questions that you may have.

Dr Obani: Thanks so much for that professor Malcolm, that's quiet inspiring and being a lawyer myself I felt really excited hear you speak about not just a little bit of prevention but talking about how technology fits into all of this. Because sometimes we get carried away by one solution as against the other, whereas we should actually be thinking about how to bring everything together and foster, a complementarity between the various schools, during which event and for the empty on the ground as well with the advocacy. So that's very inspiring and I encourage everyone to see the links shared by professor Malcolm to get involved in this and learned our voices and our support to the movements as well. Thank you.

I have a few questions all ready for you and to start with I was just wondering given your expertise in environmental law and policy. Of course, what do you believe are the key challenges that we face in achieving a sustainable development environment in the current global scenario .

Prof Malcom: Well, I focus on one thing and I focused on it in my talk. I mean, there are many different cases, but wicked problem. There are many different elements to this problem and people need to address it from many different disciplinary backgrounds, my perspective and my focus is on the elimination of waste. And by that, I mean, as I described in my talk, eliminating waste as a concept, of course, we will have products that reach the end of their natural life or which people discard, but it's about changing the laws so that those products are held. We hold on to them, we don't lose those valuable resources. We will stop extracting natural resources from the earth. We are honor a finite planet. We can't keep taking without thought for the future. And, and that seems to me the management of our waste. And you may notice that I didn't mention recycling as an element in my talk, of course, we may need to recycle products, but it seems to me that the key challenge is not just to stop using landfill or to throw things in the gutter. It's also to see so stop seeing recycling as a core solution to the problem, recycling is complex. Its environmentally damaging in itself and we need to, certainly it would be a solution for the future but I think almost at the point of disposal that it's very much down the chain, it's about moving Upstream in terms of facing those challenges and keeping products in the economy and not moving through those different Ellen parts of the value chain.

Dr Obani: Thank you very much for that and I'm just wondering in your research on climate change and human rights and of course environmental law have you come across any Innovative approaches that could actually be successful or seen as successful case studies where Environmental Protection and human rights have been effectively integrated as a way of addressing plastic pollution problem.

Prof Malcom: First, really interesting question, and of course much of my work with Professor Nicholas a Google has brought me into contact with youth groups in Kenya who are just amazing, you know, there they are inspirational and they bring that inspiration that passion to bear in respective, collecting plastic, Sorting Plastics their anger at what we're doing to the planet is infectious you just have to admire and wish to emulate the work that those young people are doing. So there are a number of Youth groups in Kenya that I've come across, who are inspirational. And then, of course, there are the campaigners who come into the scenario from their perspective. So people like James okebia the photojournalist who runs a campaign and focuses on the problems of plastic demonstrates through His Brilliant photography, and His Brilliant campaigning the sort of problems

that you have. And, you know, one of our projects looked at the way in which those powerful campaigns influence, the outcoming policy and governance approaches that they have an impact. And one of the things that we've been looking at and addressing is how to capture Some of that Knowledge from people like James okebia and I could mention, you know, it's a David Attenborough who with his fantastic programs and his pieces in his series Blue Planet talked for about two minutes on the problem of plastics and generated in my country. A whole develop advanced policy, a whole raft of policy, how do we capture those Inspirational campaigners, how do we bottle that passion? And turn it into the rather dry laws and the enforcement approaches that need to come in order to capture that. And enforce it, when human rights issues, of course, within the economy that I've talked about, where we have a service economy where we are talking about the human input, to products, to repair them, to keep them in the chain. There, we need to focus very much on Social welfare, employment rights, and human rights. This is an anthropogenic situation that we are in and we need to be able to focus on those elements as well.

Dr Obani: Thank you very much for that and I think we have a question from the audience so we'll just read that question out to you as well Professor Malcolm. Waste Management has been a problem for underdeveloped and developing countries. What measures will you deploy to salvage this problem ma'am?

Prof Malcom: Thank you for that question. And it's a fabulous question. It is such a big question and you know don't assume that in the developing world that there is not a waste management problem too, you know there's no Panacea or anywhere to find for this and it seems to me that I could talk to you about technical measures about Using recycling techniques using repair and you know the whole rights are repair campaign, I think is really important and that has its complexities as well. You know? Looking at how you are going to manage the intellectual property rights of Manufacturers that don't allow access to the specifications for products so making it difficult to do those repairs. You're getting a new battery in your phone may require some knowledge and some requirement to get those specifications.

So, there's those sorts of issues that may think are really important and of course, in the underdeveloped, in the developing countries, we've got , problems where we have waste Pickers, who may well be operating in unsafe circumstances. So the social wealth, the employment rights the human rights element I think is as important to think about in an economy where you're actually harnessing those incredible skills that those people have and I think one of the other concerns about the negotiations for the global Plastics, treaty is the question? Are we hearing from? Are we bringing these skills in? We only hearing from the mega companies, the big corporations or are we actually listening to the knowledge, skills and taking that on board of the people in these countries who've got incredible knowledge about the problem. They know exactly what's there. Then exactly the problems of sorting the waste and managing that aspect of it are we bringing those skills in? So I think my answer to your question is of course there are Technical and legal sites to it but it seems to me that the human side is just as important in dealing with this problem.

Dr Obani: Thank you very much for that professor Malcolm , we have another question thinking about making laws that will ensure that people reuse or reduce the use of plastics. Don't you think this might affect people's human rights?

Prof Malcom: Which one I have a right to an environment. And I think that the mismanagement of this really valuable material, I mean Plastics is an incredible material. It's why it's everywhere now because of the Brilliance of this material but the way That we are using this material, it's damaging the environment and that's my human right , your human right, our human right to the environment, the right of the environments, the rights of aspects of the environment, the notion that the environment has rights as well. I think these are really overwhelmingly important rights that we need to address and if it means reusing Reducing so be it.

Dr Obani: Thank you very much for Malcolm and I think speaking to the issue of the complexity of Human Rights and the fact that you always have different triangle, you don't always align nicely with each other. So sometimes there's a balance in that has to occur. You know, we have to think about the ways, in which one right affects the order. And then, when we think about plastic, perhaps one thing to consider is Plastics, are a means to an end, right? Maybe for livelihood, because I see in the comments people see, people rely on these, picking waste, waste sorting. Yes. So, do we want to think about a transition away from Plastics that is just for people who are still reliant on it so that they have sustainable alternatives. So it's not a case of stop it at the cost of the people who depend on it. But it is a case of stop it and supporting those who depend on it to have sustainable livelihoods outside of their reliance on Plastics. So that's something we need to think about as well. I think the last question for you now, at least, and then we can let you have a break because we have lots of people enjoying

these keynotes and lots of comments, lots of suggestions. Thanks everyone for engaging and so I'll say this person. Malcolm, how do you think we can motivate people and communities to take real action in support of environment and sustainability?

Prof Malcom: Yes, that's the knowledge and awareness. I'm an educator, as well as a lawyer. And, you know, when I listen to the youth group, since in Kenya, they said, well, we didn't miss one; young woman in particular was really quite powerful. She said, I didn't know anything about this. I didn't know that there were different types of plastics. I didn't know that you could do this or that and the endless solutions to it and she said, but I learned about it, I heard about it and Seems to me that it's about communication. It's about education, its building awareness and then taking that on, then, in using that to influence policy, to bring pressure to bear on our policymakers. The more people are aware of the problem. The more they understand the problem, you know, when it is one thing. But understanding the problem is another thing. And I think as Educators, those of us who are Educators must really address that question about making sure people, understand the problem. They are aware of it and to build that passion to use those campaigners to get that message to bottle that passion and pass it on. Thank you so much for that professor Malcolm.