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ENVIRONMENTAL LIABILITY OF CORPORATIONS UNDER INTERNATIONAL ENVIRONMENTAL LAW: CASE OF THE COCA-COLA COMPANY AND PLASTIC WASTE

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I declare that I have compiled the paper independently and all works, important standpoints and data by other authors have been properly referenced and the same paper has not been previously been presented for grading. The document length is 12 428 words from the introduction to the end of conclusion.

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LIST OF ABBREVIATIONS

BC – Basel Convention

BFFP – Break Free From Plastic

DRS – deposit return systems

EC – European Commission

EPR – extended producer responsibility

IEL – international environmental law

IL – international law

IR – international relations

MT – metric ton

MS – Member States

PPP – polluter pays principle

PPR – pre-market producer responsibility

SUP Directive – Single-Use Plastic Directive

UN – United Nations

UNEA5 – fifth United Nations Environment Assembly

UNEP – United Nations Environment Programme

ABSTRACT

International environmental law is a fiercely debated field of International Law in the realm of international relations and classic legal studies. It is well established that the growing urgency of environmental matters reflects in the growing importance of impact-focused international environmental law. This paper focuses on the global plastic problem, the role of corporations within it. In this context, International environmental law is understood as a legal tool for states to combat international issues that call for cooperative measures, such as the global plastic problem.

The case of The Coca-Cola Company shows the attitude of the leading plastic polluter for three consecutive years, while enforcement bodies and other related actors are struggling to eliminate the global plastic problem. It is therefore crucial to understand the current efficiency of International Environmental Law as a binding instrument. International environmental law is subject to a number of dilemmas regarding the application to corporations as the root of the given problem. Measurable and impact-focused laws are needed to address the issue at its early stages to prevent greater harm to environment and human health.

However, keeping in mind the applied character of classic functionalism, this paper argues that international environmental law is lacking greatly in regulating the whole life cycle of plastics, especially the production stages and fails to address corporations in the global plastic problem to a necessary extent. This has created a situation, where the world is vastly relying on voluntary actions to eliminate the global plastic problem. The findings present a straightforward solution to the problem, as to include corporations as direct subject under international environmental law.

Keywords: The Global Plastic Problem, International Environmental Law, Liability, the Coca-Cola Company, Functionalism.

INTRODUCTION

Evidently, the amount of plastic waste that has been created worldwide has been on the rise ever since plastic was introduced to mass production.[1] The plastic that ended up being mismanaged and, often flowing right through to the world ocean, quickly created the so-called 'global plastic problem'. Characteristically, for this issue of international significance, it has been tackled from every possible side: volunteers conducting clean-ups, companies buying used plastic to recycle it into a wide range of new products, individuals deciding to lessen the amount of non-degradable containers, mostly single-use plastic, they purchase, supermarkets lowering the prices of paper bags and rising the prices of plastic bags, countries making changes in their regulation that restrict the use of plastic and so on. At the same time, the issue does not seem to be disappearing, quite the opposite, is getting worse at an alarming rate, which, on the academic side is creating a versatile debate among legal scholars and political scientists.

Too often is the blame shifted to customers, with numerous 'environment-friendly' commercials surrounding us daily, sellers encouraging, us, their customers to choose the more environment-friendly products over the less environment-friendly ones from their own stores; manufacturers telling that if the customers are not willing to recycle the plastic products they produced, they should not buy their products. International manufacturing corporations are the ones that put all the plastic into the world, but at the same time seem to do very little to remove it. The Coca-Cola Company is a multinational company that mainly concentrates on the production of soft-drinks, which largely come in plastic packaging. They are a prevalent name coming up in articles concerning environmental harm and on 26 February 2020 even became a subject to the largest lawsuit started against plastic polluters.[2] Surprisingly, there had not been legal action taken against The Coca-Cola Company previously regarding the matter, which creates controversy around the actual legality of their polluting actions.[3]

[1] Simon, E. (2019). Plastics from a whole planet perspective. *Field Action Science Reports*. 37.
[2] Earth Island Institute v Cristal Geyser Water Company et. al, no. 20CIV01213, Superior Court of the State of California County of San Mateo
[3] McCormick. (2020). *Coke and Pepsi sued for creating a plastic pollution 'nuisance'*. The Guardian. Retrieved from https://www.theguardian.com/environment/2020/feb/27/california-plastic-pollution-lawsuit-coke-pepsi , 28 December 2020.

Therefore, the polluting conduct of such corporations as The Coca-Cola Company, represents a controversial issue for both academia and policy-making. Due to their multinational business nature, many of such corporations produce waste in a country, while pushing for a negative 'spill-over' effect in the country's neighbourhood, reaching to even the furthest points – it can quickly become a global problem when moving to all parts of the world through oceans, with that, creating a hazard to marine life and humans – therefore an international problem calls for an international solution.[4] This situation leads to a range of issues that must be strongly regulated in international environmental law (IEL). The latter segment of legal practice and research consists of treaties, conventions and other agreements between two or more – in total, there have been concluded over 1300 multilateral, 220 bilateral and 250 other types of agreements concerning environmental matters, including waste.[5] Legal acts provide a crucial footing to rely on in such a multi-dimensional problem and having nearly 2000 agreements covering environmental matters, still at the same time seeing insufficient changes made towards tackling the global plastic problem creates a question whether the legal tools provided are seriously lacking.

Having abundance of international agreements that have been amended over decades to better compliment the goals towards sustainable development and circular economy, having environmentally conscious potential customers that are eager to support environmental-friendly changes in products, having seen the consequences of plastic waste on the environment we live in and on human health, two essential variables for life, the problem is still yet to be solved. Accordingly, the given research will examine the possible gaps in IEL, aiming to detect the most influential shortcomings. Considering the above, this paper proposes the following hypothesis to be tested: the current international system concerning IEL is not delivering in terms of providing for proper measurability and impact-focused detectability of crucial gaps in law enforcement.

There are multiple theoretical perspectives to tackle this subject. This paper will approach the underlying issues from classic functionalism perspective, which assesses the different factors that make up the development of the global plastic problem and the struggles to solve it under IEL side. Classic functionalism sees society as a structure with interrelated parts, the various parts of society

[4] Wysocki & Le Billon (2019). Plastics at sea: Treaty design for a global solution to marine plastic pollution. *Environmental Science & Policy*, 94-95.
[5] *IEA Database Home.* (n.d.). International Environmental Agreements (IEA) Database Project. Retrieved from https://iea.uoregon.edu/ , 1 April 2021.

work together to keep society functioning, however if some parts are failing, the whole system can suffer. David Mitrany found that functionalism in the field of international relations (IR) means not only the cooperation of inter-governmental agencies, but should also involve the business and entrepreneurial dimension and consider it a fundamental part of IR.[6] In a multi-disciplinary way, this paper will focus on identifying the legislative gaps, using classic functionalism theory approach, and with that, test the proposed hypothesis and answer the following research questions:

1. What are the measures imposed to hold corporations accountable for environmental harm under IEL?

2. To what extent are The Coca-Cola Company's polluting actions legal in terms of IEL?

3. Who are bearing the responsibility for fixing the environmental harm done by plastic pollution *de jure* and who is responsible *de facto*?

In the first chapter, the global plastic problem and the specific case of The Coca-Cola Company are observed to outline the significance of the theme. In the second chapter, the measures of IEL legal framework, which allow for regulating the matter are identified – it is done by reviewing the enforcement issues that are detected as the result of the close-up analysis of the enforcement bodies acting within multinational agreements and the analysis of new legislation which is believed to have an influential effect in solving the plastic problem in question. The second chapter shall also determine the *de jure* responsibility of corporations regarding fixing the environmental harm caused by their produced plastic waste. In the third chapter, the *de jure* of corporate responsibility is discussed, by looking at the findings of the before chapters and providing a picture of the real situation. Finally, in the fourth part, there will be a discussion based on the previous findings where a range of gaps can be identified, with that the legality under IEL of the polluting actions of The Coca-Cola Company regarding plastic waste. Therefore, this paper is to address a range of possible gaps that can be detected and analysed in the field of IEL regarding the liability of corporations.

The methodology for this paper will be interpretative, consisting mainly of analysing the existing literature on the liability of corporations under IEL based on the opinions of experts of the fields, such as scholars, official bodies and other persons' and institutions/organisations who are actively

[6] Rosenboim, O. (2013). From the Private to the Public and Back Again: The International Thought of David Mitrany 1940-1949, *Les Cahiers Europeens De Sciences Po*., 2, 3.

involved in solving the global plastic problem. This will create an understanding of the history and current situation. Additionally, legal acts governing the issue will be reviewed and the case of The Coca-Cola Company studied – meaning their conduct of business, views on the plastic problem, and opinions of third parties regarding the company as well as the recent lawsuit will be discussed. The findings aim to create a basis, which will provide a great opportunity to move on as a classic legal analysis.

1. THE GLOBAL PLASTIC PROBLEM AND THE CASE OF COCA-COLA COMPANY

To clarify the purpose of this paper, it is necessary to showcase the scope of the global plastic problem and corporations' role in it. More often it can be seen that the burden of making better choices for the environment is pushed onto individual consumers. Consumers can and should of course express the need for the availability of environment-friendly options to corporations but individually there is little to do. To bring an example, if one goes to the store and chooses to not use a plastic bag for their apples, they lessen the chances of the unused plastic bag to end up polluting the environment. However, these plastic bags at the store are already produced and inevitably end up as plastic waste one way or another. Environment-friendly options are often more expensive: ecologically grown tomatoes, shirt made from organic natural materials, bio-degradable packaging and so on. Hence, not everyone wishing to lead a more environment-friendly lifestyle simply just can afford these options – as result, consumers are made feel guilty for the failure of corporations. Therefore, this chapter focuses on the innate core features of the global plastic problem which the main global plastic polluters have developed into a cycle of responsibility shifting and overall manoeuvring.

1.1. Scope of the Global Plastic Problem

Plastic is a widely used material – from everyday single-use products, such as cotton swabs and packaging to building materials and clothes – plastic has integrated to nearly all fields of life. The word for plastic comes from a Greek word *plastikos* which means mouldable – its main quality with durability and cost-efficiency, making the popularity of plastic use predictable. While not forgetting that plastic can be a helpful tool when used in a rational manner, the amount of plastic produced currently is overwhelming for the environment. It is not a naturally occurring material, but a synthetic polymer that was created in 1907 and brought to the market in 1910.[7] During World War II, plastic production had already quadrupled to around 360 000 tons – used mainly for making

[7] Worm et al. (2017). Plastic as a Persistent Marine Pollutant. *Annual Review of Environment and Resources*, 42, 4.

parachutes and post-war clothes. From 1950 to 2000, the world witnessed a rapid growth in use of plastic; after 2000, plastic production has seen more of a linear growth.[8] In 1950, the global annual plastic production was 1.5 million tons, but in 2019, it was estimated to be 275 million tons, having an annual increase of around 10% since 1950.[9] At the moment, over 90% of the raw plastic produced in the world is still made from non-renewable fossil resources.[10] Approximately half is produced for packaging and single-use products – which is the most problematic and excessive purpose plastic can be used for due to its non-degradable nature.[11]

At first, plastic did not seem as it could be harmful to the environment – because of such perception, it is estimated that more than 5 000 million tons have been discarded into landfills and the environment since 1950. As the harmful effects of plastic became evident and awareness grew quickly, The International Convention for the Prevention of Pollution from Ships (MARPOL) was signed in 1973, but a complete ban on the disposal of plastics at sea was enacted only in the end of 1988. This also pushed countries to improve their methods of plastic waste disposal in general. An annual review on plastic suggests that plastic still often ends up in the oceans, however, now largely from land-based sources, for example, though rivers. It is very difficult to remove plastic from oceans as plastic does not break down and decay but breaks up into smaller and smaller pieces – into microplastics. Plastic pollution, especially microplastics, has fatal effects on the marine life – three main ways plastic affects wildlife are entanglement, ingestion and interaction. Entanglement and ingestion have both evidently affected over 200 species. Living marine organisms get entangled in bigger plastic pieces, such as packaging straps, and ingest smaller pieces, often mistaking it as food. Ingestion of plastic may cause toxic effects when toxins accumulate to fatty tissue.[12] Known effects of ingestion of micro plastics among marine wildlife are: slower metabolic rate, reduced reproduction and survival. Interaction: damage to coral reefs by fishing gear, light penetration and oxygen exchange due to plastics.[13] Regarding human health, plastic and the harmful chemicals it can release have been linked to serious health issues – such as, cancer, obesity, diabetes and

[8] *Ibid., 4.*
[9] Simon, E. (2019). *supra nota 1*. 37.
[10] d'Ambrières, W. (2019). Plastics recycling worldwide: current overview and desirable changes. *Field Action Science Reports*, (19). 13.
[11] Worm et al. (2017). *supra nota 10*, 1.
[12] *Ibid.*, 4, 7-8, 10-12.
[13] Ritchie, H., & Roser, M. (2018). Plastic Pollution. *Our World in Data*.

reproductive impairment.[14] Because the plastic problem has grown with drastic speed it is a rather new issue and therefore the full effect of plastic on wildlife and human health is unknown.[15]

In 2015, there was 146 million tons of plastic packaging produced globally. Every year less plastic waste gets just discarded and a continuously larger percent burned or recycled – in 2015, 19.5% of world's plastic waste got recycled, 25.5% burned and 55% discarded, according to Ritchie and Roser.[16] Though, emphasising that these numbers cannot be taken with complete certainty as such statistics are rather challenging to gather, therefore, different sources may provide different percentages. Ritchie and Roser have estimated that if the disposal methods continue in the same pace they are currently, by 2050, 44% of plastic waste gets recycled, 50% burned and only 6% discarded. Mismanaged plastic waste means waste which is littered or inadequately disposed and has a high risk of entering the ocean, for example, by either wind or inland waterways.[17] Furthermore, currently there is estimated to be more than 150 million tons of mismanaged plastic waste in the oceans.[18] This number is still on the rise and if no efficient enough recycling measures are taken urgently, it is estimated that by 2050 plastic will outweigh fish in the oceans by weight.[19] Mismanagement of plastic waste in disposal varies as it is a national enforcement matter and states capabilities may differ largely.[20]

1.2. Biggest Contributors to the Global Plastic Problem

Break Free From Plastic, a non-profit environmental organisation, with the help of its members, has conducted brand audits for plastic pollution during clean-ups in three consecutive years since 2018. As a result, they have released brand audits revealing the biggest corporate plastic polluters in the world. With these reports, they are aiming to raise awareness and reinforce the need for corporations to take responsibility for the impacts of their plastic waste – showing the importance of tackling the

[14] Forrest et al. (2019). Eliminating Plastic Pollution: How a Voluntary Contribution From Industry Will Drive the Circular Plastics Economy. *Frontiers in Marine Science*, 6(627), 4.
[15] Ritchie & Roser. (2018). *supra nota 11.*
[16] *Ibid*.
[17] *Ibid.*
[18] Simon, E. (2019). Plastics from a whole planet perspective. *Field Action Science Reports*. 36.
[19] Saleem et al. (2018). Development of Polymeric Aerogel using Plastic Wastes for Oil Cleanup from Wastewater. *World Congress on Engineering and Computer Science*, 2, 1.
[20] Worm et al. (2017). *supra nota 10*, 19.

problem at its source. It is important to note that the clean-ups are strictly conducted on voluntary basis, therefore they are not necessarily evenly distributed across strategic areas, but are rather a reflection of the spontaneous and enthusiastic support.[21]

In 2018, Break Free Form Plastic initiated 239 clean-ups in 42 countries with the help of nearly 10 000 volunteers. In total, over 187 851 pieces of plastic waste was collected (65% was marked with a clear consumer brand) and over 100 000 pieces were the kind of plastic that is very difficult or impossible to recycle. During the clean-ups, it became rather evident that plastic pollution starts even before it is disposed of and even gets made into a product. Since plastic is transported to the place of production in the form of pellets and near the plastic production sites there can be found plastic waste in the form of pellets abundantly. A scientist researching the issue has described the scope of the spilled pellets as follows: "in some spots they covered the ground, looking like a dusting of sleet or hail". Out of the branded plastic waste, The Coca-Cola Company has been the leading contributor to the plastic problem for three consecutive years – in 2018, Coca-Cola's plastic waste was present in 40 out of 42 countries [22]

In 2019, 484 clean-ups were conducted in 51 countries with the help of 72 451 volunteers. In total, 476 423 plastic pieces were audited of which 43% was branded; as mentioned, The Coca-Cola Company was again the biggest contributor to the problem, with 11 732 pieces of plastic found in 37 countries out of the 51. The prevailing types of plastic items were plastic bags, sachets and plastic bottles – all packaging items. The second part of the 2019 report is completely dedicated to possible solutions to the plastic problem, emphasising that plastic pollution starts at the very moment it is produced. They have proposed solutions in four categories: zero waste city, extended producer responsibility-, policy- and business redesign solutions.[23]

Lastly, in the most recent global clean-up of 2020, 14 734 volunteers helped conduct 575 brand audits in 55 countries. During the clean-ups, 346 494 pieces of plastic waste were collected, out of which 63% was branded.[24] From the three reports that have now been released, helpful trends can be identified. For example, it can be seen that The Coca-Cola Company is still ranked as the number

[21] Break Free From Plastic (2018). Branded - In Search of The World's Top Corporate Plastic Polluters, 2-3.
[22] *Ibid*., 5-13.
[23] Break Free From Plastic (2019). Throwing Away The Future: How Companies Still Have It Wrong On Plastic Pollution "Solutions", 3.
[24] Break Free From Plastic (2020). Branded vol III - Demanding Corporate Accountability for Plastic Pollution, 2.

one global plastic polluter, with 13 834 pieces of plastic, present in 51 countries out of the 55. Furthermore, plastic packaging, especially PET bottles, was still the prevailing type of waste collected. Finally, it was highlighted that while proven solutions already exist, which even the Coca-Cola company has acknowledged (referring to reusable and refillable packaging), they are yet to be put to use at the necessary scale. Instead, they are undermined by corporations that prefer single-use plastic in their production and ignore the importance of or even work against deposit return systems.[25]

1.2.1. Case of the Coca-Cola Company

The Coca-Cola Company is the largest beverage manufacturer in the world with around 500 different products. They came to the market in 1886 in the USA, but now the company has production sites in all over the world and their products available in more than 200 countries according to them. The Coca-Cola Company is very profit-driven, but over time outside pressure has pushed to also strive for sustainability in their production. In 2017, Coca-Cola produced more than 10.5 billion PlantBottles, which are allegedly fully recyclable and partly made of plants, along with applying more environment-friendly designs, such as shorter necks and lighter weight. In January 2018, Coca-Cola announced their plan 'World Without Waste' which aims to tackle the plastic problem.[26] Lengthy descriptions and ambitious plans are shown on the Coca-Cola Company webpage to advertise their future aims, such as planning to make all of their packaging recyclable by 2025 and using at least 50% of recycled material.[27] Despite this, for many, Coca-Cola has become the face on plastic pollution; still they are not planning to stop producing single-use plastic. However, their reason for continuing single-use plastic production, according to the company's Head of sustainability Bea Perez, is due to consumers wanting lightweight and re-sealable packaging – therefore, indicating they are not planning to stop producing single-use plastic.[28]

Changing Markets is a foundation whose aim is to scale up solutions for sustainability challenges by leveraging the power of markets. Together with researchers, they have evaluated the Coca-Cola

[25] *Ibid*., 30-31.
[26] Bista, S. (2019). Sustainability in Business - A critique of environmental sustainability practices in Coca–Cola & Unilever, Bachelor's Thesis, Metropolia University of Applied Sciences, Helsinki, 16, 17.
[27] *Sustainable Packaging Design*. (n.d.). The Coca-Cola Company. Retrieved from: https://www.coca-colacompany.com/sustainable-business/packaging-sustainability/design , 15 March 2021
[28] Thomas, D. (2020). *Davos 2020: People still want plastic bottles, says Coca-Cola*. BBC. Retrieved from https://www.bbc.com/news/business-51197463 , 28 December 2020.

Company's voluntary efforts, exposing a rather disappointing outcome. The Coca-Cola Company has the title for the highest volume of plastic produced in the world (2.9 million MT every year).[29] The 2020 Branded report has presented statistics The Coca-Cola Company has provided Ellen MacArthur for progress report – in 2018, 2 970 289 MT of plastic was used and in 2019 that number grew to 2 982 421 MT.[30] Respectively, they were also the largest plastic polluter according to Break Free From Plastic global brand audits in 2018-2020. Consequently, the strongly advertised Company's commitment to sustainability has been identified as one of its main strategic growth drivers. When describing their goals they shift a lot of focus to raising consumer awareness and external engagement to achieve the recycling of bottles[31], for example their marketing campaign of 2019 in Europe, which stated: "Don't buy Coca-Cola if you don't help us recycle".[32] They also claim to support DRS, which is mainly true in Europe and Australia, but almost non-existent in America. Apart from reducing plastic waste, The Coca-Cola Company also aims to lessen carbon emissions, make the ingredients of the products healthier and contribute back to communities by empowering women, helping to send people to universities, funding restoration of houses, building schools *et cetera*.[33]

The Coca-Cola Company has received plenty of criticism for having released their first report of sustainable development goals only in 2019, and for often not providing proper measurability or the source of data collection is uncertain. Furthermore, shortly after releasing their plans and campaigns to be more environment-friendly, they were accused of greenwashing across media. The Changing Markets Foundation has bought out a trail of broken promises by The Coca-Cola Company since 1990. They have struggled to reach the goal concerning recycled content in their bottles: in 1990 they set a goal for 1994 to include 25% recycled plastic content in PET plastic packaging within the U.S. market, which they failed; later in 2001 reduced and extended the goal for 2005 and 10% but also failed to ever report on that goal and then extended the same goal to 2006, which they also failed to achieve. Then, in 2008, the bought back the previous goal of 25%, also adding the usage of renewable material to that percentage, and pushed the goal to 2015, which was again failed. In 2013

[29] Tangpouri et al (2020). *Talking Trash* . Changing Markets Foundation.19.
[30] Break Free From Plastic (2020). Branded vol III - Demanding Corporate Accountability for Plastic Pollution, 53.
[31] Chmielarska, M. (2019). *A journey towards sustainability: The Coca-Cola company case study*. (Master's work project). Nova School of Business and Economics, Florida.
[32] Brodsky. (2019). *Stop shaming and start empowering: advertisers must rethink their plastic waste message.* The Conversation. Retrieved from https://theconversation.com/stop-shaming-and-start-empowering-advertisers-must-rethink-their-plastic-waste-message-123579 , 5 May 2021.
[33] Chmielarska, M. (2019). *Supra nota 15.*

it was reported that only 6% of the contents were recycled or renewable. Finally, in 2018 the company announced a goal to use at least 50% recycled material in all packaging globally by 2030 (in 2019 that percentage was 10%). These are just the empty promises concerning recycled content – since 1990 there are no promises identified as fully achieved concerning also packaging recyclability, bio-based plastic and collection. The list of their ambitions is extensive but so is their list of instances of lobbying against progressive regulations, such as DRS or strict regulations on the production of single-use plastic. Even in Scotland, where they now support DRS, things did not go smoothly – in a leaked 2015 strategy document of the Company it was clearly seen how they planned to strongly oppose the system.[34]

All this has made many environmental groups feel hopeless and furious – as The Coca-Cola Company is putting their growth first and only takes steps towards environmental friendliness when it is convenient for them. The Coca-Cola Company has repeatedly said that they are not planning on stopping the production of plastic bottles because consumers like them too much, instead they are planning to focus on recycling. The Greenpeace USA Plastic Campaigner's statement in early 2020 sheds light on the important role of The Coca-Cola Company in the global problem and the company's mentality towards it:

> It is mighty convenient for the world's worst plastic polluter to insist that people want their single-use plastic around. Coca-Cola continues to show how out of touch it is with the environmental crises communities around the world are facing. The solution is not to simply swap one throwaway material for another or continue to fall back on recycling. The solution is for Coca-Cola and other consumer goods giants to fundamentally rethink how they're bringing products to people, centring systems of reuse and package-free options. We cannot afford the levels of inaction that Coke has shown thus far. Soon, the company will realise just how sick and tired people are of its plastic addiction. As long as companies like Coke keep pushing the myth that their bottles are being turned into new bottles over and over again, we are never going to solve the plastic pollution crisis. In the U.S., only 29 percent of plastic bottles are collected for recycling, and almost none of that is being made back into bottles. Instead, Coke's plastic bottles are being made from fossil fuels, which is a fact they would rather not talk about. [35]

[34] Tangpouri et al (2020). *supra nota 15*, 19-21.
[35] Rosane, O. (2020). *Coca-Cola Says It Won't Break Free From Plastic Bottles*. EcoWatch. Retrieved from https://www.ecowatch.com/coca-cola-plastic-pollution-2644896488.html. 28 December 2020

Greenpeace believes that Coca-Cola is dodging the real issues and the extent of their responsibilities. Heeler has noted that as the biggest contributor to the world's plastic problem, they have a special responsibility to carefully evaluate their conduct of business and take urgent action. Unfortunately, as they have failed to meet their own goals for decades and largely depend on voluntary action, which is unlikely to lead to successful outcomes.[36]

After years of suspicions and controversies towards the company, on 26 February 2020, a non-profit environmental organisation Earth Island Institute (plaintiff) started a lawsuit against the Coca-Cola Company and nine other corporations (defendants) that were deemed the biggest contributors to the global plastic problem in the Branded 2019 report. The case was filed in the Superior Court of California County of San Mateo over plastic pollution of water resources, which creates a threat to the environment, as well as creates a public nuisance to the residents living along California's coastline. The plaintiff brings out several reasons why plastic pollution outweighs the benefits of the products of defendants (such as the public's right to enjoy marine life) and wants for the defendants to compensate damages they have caused and provide means necessary to redress the harm they have caused. Another goal of the lawsuit was for the defendants to refrain from as well as correct advertising they release to match the actual characteristics regarding their products, mainly recyclability[37] - not making a misleading impression on consumers, implying that a problem is taken care of.[38] They say in the application that it is a unique case, where people residing by the coastline do not have the opportunity to enjoy the ocean and marine life and are forced to clean up plastic from their private property – therefore, having created a public nuisance which cannot reasonably be expected to be eliminated or kept under control by the people living in the area.[39] Although a decades old problem, Phillips, the executive director of Earth Island Institute, has stated that this is a case first of its kind – they want the companies to finally take responsibility for what is actually

[36] Wheeler, P. (2018). *Greenpeace slams Coca-Cola plastic announcement as 'dodging the main issue'*. Greenpeace. Retrieved from Greenpeace: https://www.greenpeace.org/usa/news/greenpeace-slams-coca-cola-plastic-announcement-as-dodging-the-main-issue/. 28 December 2020

[37] Earth Island Institute v Cristal Geyser Water Company et al, no. 20CIV01213, Superior Court of the State of California County of San Mateo, 2.26.2020.

[38] McCormick, E. (2020). *supra nota 6.*

[39] Earth Island Institute v Cristal Geyser Water Company et al, no. 20CIV01213, Superior Court of the State of California County of San Mateo, 2.26.2020.

happening[40]. Julia Cohen, Co-Founder and Managing Director of Plastic Pollution Coalition has said following about the importance of this lawsuit:

> Corporations need to urgently step up with both upstream and downstream solutions. This lawsuit is a necessary step toward a world free of plastic pollution and its toxic impacts on humans, animals, waterways, oceans, and the environment.[41]

The company with the largest plastic polluter title is putting their profit before their capacity to choose environmentally sane solutions, meanwhile the global plastic problem is on the rise. This chapter has demonstrated the spillover effect of the issue by moving to all parts of the world through oceans and creating a hazard to wildlife. The case of The Coca-Cola Company, where they are able to still produce globally noticeable amount of plastic while greenwashing consumers, being only in 2020 subject to a lawsuit in the given matter, may indicate that the regulation of plastic waste could be lacking.

[40] McCormick, E. (2020). *supra nota 6.*
[41] *Earth Island Institute and Plastic Pollution Coalition Take On Big Plastic*. (2020). Plastic Pollution Coalition. Retrieved from https://www.plasticpollutioncoalition.org/blog/2020/2/27/earth-island-institute-and-plastic-pollution-coalition-take-on-big-plastic. January 23 2021

2. ENVIRONMENTAL RULE OF LAW: DOES IT APPLY TO CORPORATIONS?

IEL started to evolve in the early XX century, when the first international environmental regulatory initiatives were concluded, but there was still very little awareness and scientific knowledge about environmental issues. For the most part, issues were dealt with on a national level – the general rule was that natural resources were a concern of national sovereignty.[42] In the end of 1960's, awareness regarding environmental concerns increased. Global environmental risks were rising and causing numerous eco-disasters; at the same time public awareness about this was growing as well as countries were starting to find creative legal methods for dealing with environmental issues.[43] As was mentioned in subchapter 1.1., this was also around the time plastic became mass produced. The date of 5 June 1972 is widely known as the beginning point of modern IEL (now annually celebrated as the World Environment Day). It was the opening day of the very first United Nations (UN) Conference on Human Environment in Stockholm, where nations came together for the first time to discuss and find solutions to environmental problems.[44] On that day, the UN Environment Programme (UNEP) was founded, who is now the leading environmental authority within the UN.[45] Since then, thousands of multilateral and bilateral agreements concerning environmental matters have been concluded – making up the IEL. This chapter is central to understanding what legal measures exist under IEL to hold corporations accountable for their polluting actions regarding plastic waste. Previously the drastic lengths, the prevailing role, and the complexity of multinational corporations in the global plastic problem the IEL aims to tackle were showcased. In this chapter, the regulations regarding plastic waste are closely studied to identify potential gaps in their deliverability

[42] Weiss, E. B. (2011). The Evolution of International Environmental Law. *Japanese Yearbook of International Law*, 54, 1-3.
[43] Sand, P. H. (2015). *The History and Origin of International Environmental Law*. Cheltenham: Edward Elgar Publishing Ltd, 15.
[44] *Ibid.*, 15.
[45] *UNEP : United Nations Environment Programme*. (n.d.). United Nations. Retrieved from https://www.un.org/youthenvoy/2013/08/unep-united-nations-environment-programme/. 23 October 2020

2.1. Addressing Corporations under International Environmental Law

International law (IL) cannot directly regulate corporations – it can be done through states who enforce national measures for reaching a goals set in IEL. During the past decades multinational corporations have reached a position where they possess considerable amount of economic and social power. Hence national legislation is often unable to regulate the potential harm they can cause using that power. It has been a vigorous debate topic for scholars – whether multinational corporations actually should be directly subject of IL; central to the debate is the question if multinational corporations are capable of possessing international rights and obligations and have capacity to retain those rights by bringing international claims, illustrated by Wouters and Chané. Mainly, legal scholars have found that such enterprises should not be considered as subject of international law as they do benefit from IL but do not necessarily have corresponding rights. However, there are several viewpoints arguing why and how multinational corporations should be subject to IL. For example, positivists provide a possible scenario, where states could "upgrade" them to be subjects of IL, giving the rights and obligations directly under IL. Nowrot deliberated on this view, presenting a contestable assumption that multinational corporations are subject to IL unless a state or international organisation expresses otherwise. Other scholars do recognise multinational corporations as subjects due to their ability to influence decision-making through their social and economic power (even functions sometimes expanding to sectors traditionally ran by states). Few legal scholars choose to look at multinational corporations' role, rights and duties, which indicate them being partly subject to IL.[46] Nevertheless, Wouters and Chané have concluded that multinational corporations are not subject to any binding obligations under IL, despite their ability to cause serious harm to environment and ability to affect the law making through lobbying at national and international level.[47] Mafessanti has noted that while accountability of multinational corporations is commonly accepted under several conventions' liability regimes, beyond that, IEL does not directly regulate their accountability or misconduct. Some available instruments, which are mostly tools of soft-law, require domestic enforcement methods, which often do not work as

[46] Wouters, J., & Chané, A.L. (2015). Multinational Corporations in International Law. SSRN Electronic Journal. 129, 4-7.
[47] *Ibid*., 23-24.

domestic courts can be unwilling to accommodate matters of IL due to the complexity of accompanying procedures.[48]

Currently, the two multilateral agreements recognised as pivotal in regulating plastic waste will be studied more closely in this chapter. Firstly, the Basel Convention, which is understood to be the most comprehensive in addressing the plastic waste management and issues[49], and secondly, Single-Use Plastic Directive, which, for the first time, is going to set out common requirements for the EU's Member States regarding plastic bans and regulations.[50] The following subchapters will describe why they are considered pivotal, along with whether and how they are aiming to hold corporations accountable for environmental harm.

2.1.1. The Basel Convention

Basel Convention on the Control of Transboundary Movements of Hazardous Wastes and Their Disposal (BC) works in cooperation with the Stockholm and Rotterdam Conventions, which have related initiatives in protecting human health and the environment from different hazardous substances.[51] The BC acknowledges the importance of tackling the plastic waste at its source.[52] The most recent developments, in May 2019, the Conference of the Parties to the BC adopted two decisions addressing plastic waste that strengthened the conventions role as a legal instrument: decision BC-14/12 amended annexes of the convention concerning plastic waste and decision BC-14/13 maps out further actions to be taken in plastic waste management under BC. With decision BC-14/12 the Conference of the Parties to the Basel amended Annexes II, VIII and IX, which specify the types of plastics considered to be hazardous (decision became effective on 1 January 2021)[53] Decision BC-14/13 covers several areas concerning further actions to tackle the plastic

[48] Mafessanti, M. (2010). Responsibility for Environmental Damage Under International Law: Can MNCs Bear the Burden? ... and How? Buffalo Environmental Law Journal, 96.
[49] Raubenheimer et al. (2018). *Combating marine plastic litter and microplastics: an assessment of the effectiveness of relevant international, regional and subregional governance strategies and approaches.* Nairobi: United Nations Environment Programme.
[50] Pinto Da Costa et al. (2020). *The environmental impacts of plastics and micro-plastics use, waste and pollution: EU and national measures.* European Parliament's Policy Department for Citizens' Rights and Constitutional Affairs at the request of the Committee on Petitions.
[51] OECD (2016). International *Regulatory Co-operation: The Role of International Organisations in Fostering Better Rules of Globalisation*. Paris: OECD Publishing, 112-113.
[52] The Secretariat of Basel Convention of 22 March 1989 on The Control of Transboundary Movements of Hazardous Wastes and Their Disposal.
[53] BC-14/12: Amendments to Annexes II, VIII and IX to the Basel Convention. 2019.

waste management issues under the convention. For example, it covers preventing, minimising and controlling the transboundary movement of plastic waste, but also deals with the partnership of the parties, public awareness and so on. The Decision also keeps in mind the 2030 Agenda for Sustainable Development, especially target 12.5,[54] which aims to substantially reduce waste generation through prevention, reduction, recycling, and reuse.[55]

The UN has described it as the most comprehensive international environmental legal instrument on the management of hazardous wastes.[56] Including plastic into the convention promotes the countries, which produce the most plastic waste to recycle it within their territories as in the transboundary movement context. Plastic that is considered unsuitable for recycling under the convention will be subject to controls and provide an important tool for developing countries to not accept import of such wastes.[57] Contrary to the UN's promotions, Khan described the amendments as "solution of last resort to a global crisis whose origin and continued reproduction are deeply embedded in the still-predominant practice of externalising environmental costs". Khan found that the BC excludes the real extent of the plastic problem when exclusively addressing the most toxic state of plastic life-cycle, meaning that also non-hazardous plastic needs strong legal attention and applying extended producer responsibility in its supply chains – both of which are not on the convention's mandate. Despite his criticism, Kahn has said that although the USA, is not a contracting party to BC, while ranking third in the world in illegal waste management[58], the BC has inevitably forced the country to change their domestic recycling systems as otherwise they will be faced with waste crisis. He also approves of the Plastic Waste Partnership, a voluntary partnership programme concluded under the BC, which promotes the cooperation of public and private actors to promote sustainable plastic management. Kahn believes it is an important step in preventing and minimising the creation of hazardous wastes[59] – one of the objectives of the partnership programme.[60] According to the Center

[54] BC-14/13: Further actions to address plastic waste under the Basel Convention. 2019.
[55] *Target 12.5 by 2030, substantially reduce waste generation through prevention, reduction, recycling, and reuse*. (n.d.). Indicators and a Monitoring Framework. Retrieved from https://indicators.report/targets/12-5/ , 23 October 2020
[56] United Nations Environment Programme. (2017). Our sustainable future: the role of the Basel Convention.
[57] Kordella et al. (2019). The need for a global plastic strategy. In H. Karapanagioti, & I. K. Kalavrouziotis, Microplastics in Water and Wastewater (191-208). London: IWA Publishing, 197.
[58]Parker, L. (2020b). *U.S. generates more plastic trash than any other nation, report finds*. National Geographic. Retrieved from https://www.nationalgeographic.com/environment/article/us-plastic-pollution , 22 March 2021.
[59] Khan, S. A. (2020). Clearly Hazardous, Obscurely Regulated: Lessons from the Basel Convention on Waste Trade. *AJIL Unbound*, 114, 201,205.
[60] United Nations Environment Programme Terms of reference for the Basel Convention Partnership on Plastic Waste and workplan for the working group of the Partnership on Plastic Waste for the biennium 2020–2021. 2019.

for International Environmental Law, USA (not a contracting party to the convention) and Turkey (notified they cannot adopt the plastic amendments) will *de jure* be able to continue trading without making amendments; however, *de facto*, as other parties do need to comply, the convention will inevitably put limitations on the trading of those countries..[61]

In 2017, a manual for Extended Produced Responsibility (EPR) was released by UNEP to improve the effectiveness of BC. The manual supports on the OECD guidelines on EPR, as well as refers to developments of European Commission (EC) on the matter. The manual provides the definition and types of EPR – including also different factors that that must be considered, such as fees, design and monitoring and bringing out practical examples. Regarding the targets of EPR, it is noted that they should be measurable and achievable, considering gradual growth. It is pointed out, that often the polluting corporations tend to pass the burden of financing the waste-management to consumers but instead should be following the Polluter Pays Principle (PPP). The PPP suggests that the management of waste should be paid for by the corporations producing the waste, as they are the ones making the ultimate decision on how much waste is initially created.[62] It must be remembered that while the BC is binding to its contracting parties (hence ensuring the environmentally fair management of hazardous waste), the manual is not a binding tool, and merely provides guidance for governments to better include EPR in their national legislation.

2.1.2. Single Use Plastic Directive

The Single Use Plastic Directive 2019/904 (SUP Directive) is an EU legislative act which sets out the goals of EU countries concerning the reduction and elimination of the production of single-use plastics. Furthermore, it promotes the creation of circular economy and provides different strategies for different plastics.[63] Specialists have described the new directive as: "the most ambitious legal instrument at a global level addressing marine litter."[64] Before, the bans and regulations of single-use plastic varied from country to country across EU. For example, a 2015 Directive 2015/720 on lightweight bags consumption required that by 2019, the yearly lightweight bag consumption should not be more than 90 per person and by the end of 2025 no more than 40. To achieve that, some

[61] Azoulay & Eisen. (2020). *Legal Analysis of the Consequences of the OECD Non-Consensus.* Washington: CIEL.
[62] United Nations Environment Programme Draft practical manuals on extended producer responsibility and financing systems for environmenttal sound management. 2017.
[63] Pinto Da Costa et al. (2020). *supra nota 21.*
[64] Kordella et al. (2019). *supra nota 22*, 200.

countries (e.g., Greece) introduced a tax on consumers, while others (e.g. Denmark) levied the suppliers, and the rest (e.g. Italy) enforced bans. The implementation of the 2015/720 Directive has shown great success already after the first year of its implementation – parties to the directive reported that: after the first month, Greece had already seen a 75-80% decrease on consumption of lightweight bags, Denmark a 50% decrease and Italy around 55% decrease.[65]

The SUP Directive is the first legal tool of the EU containing regulative measures and complete bans that concentrates specifically on a wide range of products made of single-use plastic. It covers the following categories: products with alternatives readily available (e.g., straws, cotton buds); products with currently less available alternatives (e.g., food containers, cups); products already covered by existing EU legislation (beverage containers, lightweight plastic carrier bags); and other single-use plastic products (e.g., balloons, tobacco products). The products that have a readily available alternative must be banned from the markets by the Member States (MS) by mid-2021, giving them 2 years since its formal approval; but for the products that do not have readily available alternatives there is unfortunately no specific goal, instead, MS are obliged to use all tools available to progressively reduce the production by 2026. For the third category, the SUP Directive will strengthen the measures that are already taken and set more ambitious goals, such as implementing EPR for all packaging by 2025, as well as recycle 50% of all packaging by 2025. Some goals that are specifically set concerning plastic beverage bottles include: integrating recycled plastic to PET bottles at the rate of 25% and other types of bottles at 30% by 2030; by 2025 separately collect 77% and, by 2029, 90% of all beverage bottles with a capacity up to 3 litres; strengthen EPR and ensure that producers cover the costs of waste collection, transport and treatment, clean ups, and awareness raising measures. Accordingly they aim to raise consumer awareness concerning reusable alternatives, waste management, best practices *et cetera*.[66] The SUP Directive obliges MS to implement EPR schemes, with a special focus on financing the management of waste and cleaning up ocean plastic. Furthermore, requirements for beverage containers are addressed in the implementation plan of EC, especially product design regarding attached bottle caps – this is estimated to have little additional costs but enormous positive effect on the environment.[67]

[65] Pinto Da Costa et al. (2020). *supra nota 21*.
[66] *Unfolding the Single-Use Plastics Directive.* (2019). Zero Waste Europe. Retrieved from https://rethinkplasticalliance.eu/wp-content/uploads/2019/05/ZWE_Unfolding-the-SUP-directive.pdf , 25 October 2020.
[67] European Commission Proposal of 28 May 2018 for a Directive of the European Parliament and of the Council on the reduction of the impact of certain plastic products on the environment. Brussels: European Commission, 28.5.2018.

The SUP Directive largely focuses on enacting changes at the source state of the single-use plastic problem and also emphasises the importance of good enforcement and monitoring systems. The MS shall implement the directive to their legislation by mid-2021 and set up EPR systems to ensure that anyone that sells products on the single market complies with the requirements set out in the directive. This ensures that the top polluters are held responsible for the waste they produce. Article 14 obliges MS to lay down penalties in case of infringements of the national laws enforced coming from the directive and also notify EC of those measures by 3 July 2021.[68] Regarding the question whether other countries outside of the EU should also adopt the SUP directive to their legislation, Cocker has described the EU as "world's standard bearers on environmental management", and has noted that some countries have expressed their interest in doing so. However, he concludes that such laws may not be the best solution for every country, and that they should firstly evaluate their ecosystems to identify to what extent are regulations and bans needed – they should not just copy the SUP Directive into their legislation.[69] Pouikli notes that while EU legislation provides enabling framework for MS, the system is lacking harmonisation due to national capabilities.[70]

2.2. Enforcing the Rules on Multinational Level

In 2019, UN compiled a report on the international environmental rule of law, which creates a unique opportunity to see the struggles that they have identified themselves as a responsible entity. Terry Tamminen, the President and CEO of the Leonardo DiCaprio Foundation, has emphasised that compliance with environmental law is essential to ensuring protection of constitutional and human rights and that the Environmental Rule of Law report will help improving it.[71] The difficulties highlighted in the report cover instances in domestic law and the ability of organisations, (e.g., the UN) to enforce the regulations and standards globally.[72]

[68] The European Parliament And The Council Directive No 2019/904 of 5 June 2019 on the reduction of the impact of certain plastic products on the environment, 5.6.2019, art 14.
[69] Cocker, J. D. (2020) *Should Countries Outside of Europe Adopt EU Single-Use Plastics Law?*. Lexology.
[70] Pouilki, K. (2020). Concretising the role of extended producer responsibility in European Union waste law and policy through the lens of the circular economy. *ERA Forum*, 20,
[71] United Nations Environment Programme. (2019). Environmental Rule of Law: First Global Report.
[72] Sago, D. (2019). The Difficulties of Enforcing Global Environmental Law. Georgetown Law. Retrieved from https://www.law.georgetown.edu/environmental-law-review/blog/214/#_ftn3 , 1 March 2021.

The aforementioned UN report strongly highlights seemingly apparent issues despite the continuous efforts of international governing bodies to set global standards. These issues could be categorised into two. Firstly, substantive issues within laws and regulations – the lack of clear standards and necessary mandates in laws is often apparent. Some laws could not be tailored so they could be applied to national and local contexts; in theory everything might look complete but in reality there is no way to implement the law as intended. Such problems create a weak foundation for enforcement bodies to work on – even if they wanted to enforce progressive laws they could not do so. The global plastic problem and generally all environmental problems are international problems that need to be solved locally. Secondly, issues concerning the functioning of enforcement bodies directly, namely, lack of political will, weak enforcement bodies and underfunding of enforcement bodies. Sometimes, when authorities are set to strengthen the implementation of environmental law, the funding gets cut or even the defenders of environment are killed – between 2002-2013, 908 defenders were killed in 35 countries, and in 2016 alone, over 200 in 42 countries and according to the UN, this number is still on the rise.[73]

Although the Report mainly aimed to concentrate on the enforcement of IEL, it is evident that the problems they have identified are not just an issue of enforcement, instead, many areas are lacking of comprehensive, working solutions and what is even worse, and such solutions are being prevented to be implemented. The report stated that the traditional methods (essentially the law) are crucial for effective enforcement of environmental rule of law, first-hand by local governments. These methods are, for example: publishing rules and regulations which are clear and explain penalties, applying strategic focus on necessary areas with using assistance for compliance and clear communications regarding non-compliance, using metrics in describing goals and progress and fighting corruption. Nevertheless, some complimentary, non-traditional solutions were deemed to possibly have progressive effect, such as: pollution inventories and publishing information on the companies' performance as well as individual approach, modern production techniques, environmental management systems for systematisation and improvement, supply chain management to make sure that set standards are met, finally, agreements between governments and corporations that allow flexibility which promotes compliance with regulations.[74]

[73] United Nations Environment Programme. (2019). *supra nota 25.*
[74] *Ibid.*

As mentioned above, EU has been described as the setter of standards in environmental governance. A 2019 study report made for European Commission (EC) has described the implementation gaps specifically for waste management legislation of the EU. In that report, waste management was found to be among the four most challenging ones. Nevertheless, they have managed to collect valuable data regarding numerous environmental goals set by EU directives, which has allowed evaluating their real impact country-by-country.[75] Although a standard setter in theory, Vernygora and Kasper have found that EU's capacities in economic cooperation on an international level are rather limited.[76] At the fifth United Nations Environment Assembly (UNEA5) meeting in February 2021, together with the BFFP movement members who have been pointed out the role of corporations in the global plastic problems since 2016, the president of UNEA5, said that a lot of countries are pushing more than ever for a completely new legally binding global plastic agreement. It was also noted in the newest update, that just regional actions are not enough.[77] Kantai adds that this treaty should address plastic before it becomes waste as recycling (a supposed solution to prevent creation of plastic waste) has not been a successful solution.[78]

The second chapter of this paper compared two high-potential multinational legal tools that tackle the plastic waste problem – the BC and the SUP Directive. Furthermore, it allowed finding an answer to the first research questions regarding the measures of IEL for holding corporations accountable. It was found that while IEL does not directly apply to corporations, both regulations promote EPR strongly, with an important difference that under the SUP Directive its implementation is obligatory, while under the BC it is not. The UN report on environmental rule of law provided measures that would make corporations aware and liable of their polluting actions – this supports Mitrany's views on the importance of involving businesses closely in international matters.

[75] Madsen et al. (2019). *Study: The costs of not implementing EU environmental law.* Luxembourg: Publications Office of the European Union.
[76] Kasper & Vernygora,.(2020). Towards a 'Cyber Maastricht': Two Steps Forward, One Step Back In: Harwood, M., Moncada, S., Pace, R., (eds), The Future of the European Union - Demisting the Debate (186-210). Institute for European Studies: Malta, 200.
[77] CIEL (2021). Progress on Plastics Update Issue 14 – UNEA5.
[78] Kantai, T. (2020). *Confronting the Plastic Pollution Pandemic*. Still Only One Earth. 5.

3. BEARING THE RESPONSIBILITY OF ELIMINATING THE GLOBAL PLASTIC PROBLEM

In subchapter 2.1., different views of scholars were presented regarding addressing multinational corporations under IEL. It became evident that corporations have little to no direct liability *de jure*, therefore, this chapter elaborates on EPR systems and aims to understand who is bearing the responsibility of fixing the global plastic problem *de facto.* As the global plastic pollution has become increasingly worse, it is a matter of grave importance that the enterprises responsible for creating plastic waste are held liable for their actions. As the awareness of global pollution has grown significantly over the past decades, the corporations' public relations and public image concerns over the responsibility of creating such an enormous amount of waste have factored into their accountability evasion and the lack of eliminating the negative long-term effects of their produce in order to keep their profits increasingly high – some of the methods have been discussed in the previous chapter. In this chapter, there will be a direct overview of how utterly inevitable is for the elimination of global plastic pollution to correct and apprehend the responsibility component of the wasteful cycle that's become almost business practice in the modern world. As the problem grows, however, and the negligence of the companies, who are fighting towards keeping a similar pace of plastic materials growing, the necessity of having the potential resources to fight the plastic pollution short-term and long-term effects are directly tied to the necessity of holding the right entities accountable in order to consolidate the efforts of lowering the damage of the global plastic pollution. The method discussed in this chapter explains why holding corporations accountable first-hand should be the main focus point – that is the overall strengthening of EPR systems.

3.1. Special Responsibility of Corporations Regarding the Global Plastic Problem

The BFFP brand audits studied in subchapter 1.2. highlighted the fact that single-use plastic becomes waste the moment it is produced. This indicates that the problem of plastic pollution should be tackled at its source – make it impossible for manufacturers to bring such products on the market

of which mostly (even when put into recycling bin) becomes inevitably waste. Accordingly, the legal measures should first-hand concentrate on solving the problem with placing obligations on the biggest polluters (producers of plastic), as they have a special responsibility in changing their ways of conduct towards environment-friendliness, as discussed in subchapter 1.2.

EPR is a system which shifts the responsibility of bearing the costs of waste management and other related costs from local and state governments to the manufacturers – this is a crucial aspect in achieving sustainable circular economy. However, the waste management does not only refer to the final step where a consumer disposes of the product – it refers to the whole life-cycle of the product, which was the initial goal since the implementation of EPR. Preventing the creation of waste needs to start before the items are even manufactured – that could be done with switching from unsustainable materials, designs and production methods to sustainable ones, making the products durable, reparable and reusable. The steps producers take before the items even get produced is called pre-market producer responsibility (PPR), which includes steps that can make influential differences in the products rest life-cycle. PPR could be carried out individually or collectively. Under individual responsibility approach every manufacturer is responsible solely for their produce and are bearing the direct cost of the end-of-life management of their products – this is found to be a far more effective approach but it is rather difficult to implement as it is costly and overwhelming to calculate the exact costs. Under collective responsibility, the contribution is equal and the specific features regarding recovery of products are not taken into account – for that reason, it is a lot easier to implement, but far less effective as it provides little to no individual initiatives to improve designs.[79]

EPR has an important part in EU Waste Framework Directive 2008/98/EC, which sets out a priority list for waste management, going from most to least: prevention, preparation for reuse, recycling, recovery of energy and lastly disposal methods that are the most environmentally sound to treat waste and divert it from landfills. Even though the directive does put prevention first in its priority list *de jure*, it fails to promote it *de facto* – it has been a problem since 1990's, when waste law was first introduced and guidelines were provided to initiate producers to take PPR into account in their product designs. The EC has implied that: "the way we collect and manage our waste can lead either to high rates of recycling and to valuable materials finding their way back into the economy, or to ...

[79] Maitre-Ekern, E. (2021). Re-thinking producer responsibility for a sustainable circular economyfrom extended producer responsibility to pre-market producerresponsibility. *Journal of Cleaner Production*, 1-6.

potentially harmful environmental impacts and significant economic losses," which according to Maitre-Ekern, dismisses the directive's first priority entirely and focuses on the states where waste is already made. Maitre-Ekern also notes that while the legislation provides basis for making stricter both EPR and PPR, the main reason the initiatives have dramatically failed is the obvious lack of individualised responsibility – in the EU-bound market, the collective allocation of fees is generally preferred. Individualised responsibility could force manufacturers to adapt accordingly and prevent the creation of waste.[80]

3.1.1. Corporations Shifting and Avoiding Responsibility

It can be difficult to tackle the problem at source as the companies benefiting from single-use plastic are experienced in lobbying and finding ways to deny responsibility. They are gaining profits much more easily using plastic than an environment-friendly alternative, which can be more expensive. Delay, distract and derail – the common tactics of corporations to lobby against proposals of productive plastic regulations and methods. The Changing markets Foundation has presented valuable information on those tactics, which will be described below. [81]

Delaying a regulation may be used if blocking is not possible, although it may also lead to blocking. This tactic can be used when a corporation wants to avoid regulations binding to them and rather prove to the lawmakers that they are ready to make changes voluntarily – this way they will likely get more time to enact changes, therefore, earn more profit through their old ways. Sometimes they might follow through and adapt to more environment-friendly ways voluntarily; but that may leave too much room for setbacks, broken promises, manipulation of reported data on addressing the problem of single-use plastic *et cetera*[82], as illustrated in subchapter 1.2.1. with the trail of broken promises of The Coca-Cola Company.

Distraction is used to hide and shift the blame (e.g., to consumers) while making it seem like they are putting in effort and change is happening, when in fact, it is not. Blaming the consumer for littering is a tactic used since plastic came to the market in 1950s. Here, it must be remembered that plastic becomes waste at the moment it is produced, not when littered by the consumer.

[80] *Ibid*,.1-6.
[81] Tangpouri et al (2020). *supra nota 15*, 69.
[82] *Ibid.*, 36.

Furthermore, misleading and lying to consumers – greenwashing, claiming something is recyclable when it is not or compostable only in very specific circumstances, avoiding or not being truthful in answering questions about toxicity and pollution. Corporations may also shift blame indirectly and offer partial solutions, such as supporting pickups. [83]

When derailing, the corporations constantly try to find opportunities to not have stricter regulations enacted. This can be done by, first-hand, direct and indirect lobbying. They are willing to spend a fortune under lobbying national and state governments to not enact stricter regulations. For example, in 2018 when the SUP Directive was under consideration The Coca-Cola Company together with The Coca-Cola European Partners spent 1.2 million euros on lobbying. Additionally, the company has tried derailing the plans for introducing DRS in Scotland – both of these instances were direct lobbying. Indirect lobbying is more inconspicuous, meaning that the corporations want to keep from the opportunity of associating their brand name with lobbying – hence, they use trade associations and other independent associations which represent their interests as the middle man. For example, if a company advertises themselves as deeply concerned with the environment but with stricter laws would not meet the requirements anymore, they do not want to ruin their reputation, therefore, try to quietly manipulate the regulations to their advantage.[84] This way corporations lobby to prevent progressive laws from enacting, which might be strongly impact-focused. Instead, they are allowed to set their own goals to move towards circular economy – unfortunately, for The Coca-Cola Company these goals have never been fulfilled, instead allegations have risen that they paint an illusion of taking impactful steps, when in reality, that has just been a marketing tactic.[85]

An Austrian non-profit organisation called Altstoff Recycling Austria AG (ARA) is allegedly used as a middle man – instead of introducing a Deposit Return System (DRS) in Austria they are using volunteers to clean up the litter. Although people have shown great initiative to take part in clean-ups, there is something deeper behind the seemingly helpful organisation. ARA has near-monopoly in Austria and with companies under its umbrella; they have the ability to influence the legislation as they please in a way that makes them the most profit – although labelled as a non-profit organisation. Introduction of DRS would cause them a loss of over 24 million euros in licensing

[83] *Ibid.,* 36-37.
[84] *Ibid.,* 38.
[85] Hahn, J. (2021). *Coca-Cola's plans to reduce plastic waste "simply don't go far enough"*. Dezeen. Retrieved from https://www.dezeen.com/2021/02/09/coca-cola-recycled-plastic-bottles-pollution/ , 2 March 2021.

fees. Numerous big companies are supporters of their pick-up projects, among those: The Coca-Cola Company, Red Bull and McDonald's – companies whose litter is abundantly removed from nature during these pick-ups. These big companies make it seem like they contribute to the elimination of plastic waste and make the consumers feel responsible for the waste they have created. Findings have unveiled that DRS would achieve a separate collection of at least 95%, while pick-ups and other solutions proposed by ARA would achieve 80%.[86] ARA is delaying the DRS regulations by distracting when shifting the blame and derailing by strongly supporting the less effective method, where less responsibility lays on them. As demonstrated, all the tactics are closely related and can be mixed. This may lead to a dead-end where the companies prevent development of helpful technologies that would push towards creating a circular economy.

Grey, in his analysis on corporate lobbying noted that "[p]olitical support from firms can be pivotal for governments trying to protect the environment," also underlining that political support is arguably the most valuable if coming straight from businesses. However, corporate lobbying is often against environmental protection – preventing and distorting the progress of laws which would protect the environment. Inevitably, in the conflict between economy and environment, economy has prevailed mostly.[87] Babick et al. underlined that multinational corporations play a key role in international political economy and IR.[88] Regulating the environmental accountability of corporations at an international level became a continuously more complex matter within last decades – governments and international organisations cannot keep up with multinational organisations. In short, they have massive economic power and legal ingenuity, sometimes more than individual states, and have "created" a legal system which allows them to conduct business in a way that is suitable for them. Corporations are able to take advantage of the situation as long as they can legally work around taking responsibility of the plastic waste created in a sufficient way. Morgera has noted that multinational enterprises are in a unique position, where they have to adjust to several legal systems in their operations, while at the same time not really being subject to those legal systems in any real sense.[89] The fact that these corporations that are willing to pollute the Earth and put the health of the environment and people at risk, to gain more profit, while having the power

[86] Tangpouri et al (2020). *supra nota 15*. 54.
[87] Grey, F. (2018). Corporate lobbying for environmental protection. *Journal of Environmental Economics and Management*, (19), 1-2.
[88] Babic et al. (2017). States versus Corporations: Rethinking the Power of Business in International Politics. *The International Spectator*, 52 (4), 39.
[89] Morgera. (2020). *Corporate Environmental Accountaility in International Law.* Oxford: Oxford University Press. 2.

to affect legislation, shows how much the world really depends on the voluntary willingness of the corporations to truly care about the environment.

3.2. Non-Profit Environmental Organisations' Role in Tackling the Plastic Problem

There are countless non-profit environmental organisations all around the world, whose mission is to tackle the plastic problem – who have taken this burden on their shoulders. They are conducting researches, organising clean-ups (often with the help volunteers also outside the organisation) raising awareness about the problem and so on. In this chapter, different non-profits and their line of activity will be reviewed to understand the lengths they will go to solve a problem which they are not obliged to do.

Eco Barge Clean Seas Inc. (Eco Barge) is based in Australia, Airlie Beach. They have described their mission as to engage the community to protect marine life and aquatic environment in the Whitsunday Region. They are doing that by conducting debris clean-ups in the area, especially in the surrounding many little islands. Big storms and yearly flooding often carries thrash to the islands, covering some smaller ones almost completely. They pick up volunteers from the bay and go island to island to remove that thrash. Besides that, Eco Barge also rescues and cares for sick and injured turtles. Furthermore, they make reusable products from the material they collect during clean-ups. With all that, they also raise awareness and educate people on marine debris – of the importance of recycling and correctly disposing of trash. Since July 2009, they have managed to remove 207 358 kilograms of litter.[90]

5 Gyres is a USA based non-profit which has taken 19 research expeditions and published in over 25 scientific journals, papers and studies. Additionally, they provide educational information regarding plastic and plastic pollution, which can be accessed by anyone freely. Finally, they have a program called TrashBlitz that involves communities to evaluate and remove plastic in their region. During their clean-ups in 2019, 17 216 pieces of trash were picked up, out of which 11 852 was plastic. They also provided the top five brands, whose waste was removed from the environment (including

[90] *About Us.* (n.d.). Eco Barge Clean Seas. Retrieved from: https://ecobargecleanseas.org.au/about-us/#first_heading , 31 October 2020

The Coca-Cola Company). In the 2019 TrashBlitz study report, four main major barriers to reaching a solution to the plastic problem were identified: public sector (e.g., lack of education), policy change (they concentrated on Los Angeles and not the global governance), innovation (e.g., packaging innovation) and social justice (e.g., lack of proper waste infrastructure and lack of access).[91] In a 2020 report, by specialists working with 5 Gyres, it was predicted that the plastic problem will grow with a speed which will exceed the efforts to mitigate plastic pollution if governments commit solely to their current goals (analysing the strategies of 173 countries).[92]

The Ocean Cleanup is likely to be the most known out of the three non-profits; it is based in Rotterdam and is mainly concentrated on cleaning up the world's oceans as it does not only hurt marine life, but through that, causes greater damage to economy and health. They are fulfilling their goal by designing and developing clean-up technologies. Furthermore, they have succeeded to develop the first scalable method to clean up the plastic from rivers before it reaches the ocean and spreads.[93] Besides that, they have conducted researches and made products (e.g., sunglasses) from the plastic they have cleaned up using the developed technologies – this is one way how they fund their activities.[94] The non-profit has an ambitious goal to clean up 90% of the floating ocean plastic pollution – saying that this is the point where they can stop working and go out of business.[95]

The third chapter bought out a few examples from the overwhelmingly long list on non-profits working on eliminating plastic pollution from different angles. They have conducted valuable researches which have provide basis to start litigation against corporations, saved valuable lives of people and animals by removing plastic from their habitat, also started court proceedings to hold corporations accountable. Although it is astonishing that people have come together to form such organisations, it can be seen as problematic that the work they are doing does not stop. Furthermore, the third research question regarding *de jure* and *de facto* liability of corporations under IEL can be answered, as it was learned that due to of lobbying and greenwashing, responsibility can be successfully avoided as it has the power to prevent enacting progressive laws, which has made the

[91] 5Gyres (2019) Case Study - TrashBlitz.
[92] Ringma et al. (2020). Predicted growth in plastic waste exceeds efforts to mitigate plastic pollution. *Science*, 369(6510), 1518.
[93] *Rivers.* (n.d.). The Ocean Cleanup. Retrieved from https://theoceancleanup.com/rivers/ , 3 March 2021.
[94] *The Ocean Cleanup Sunglasses.* (n.d.). The Ocean Cleanup. Retrieved from https://products.theoceancleanup.com/ , 2 March 2021
[95] *The Ocean Cleanup.* (n.d.). The Ocean Cleanup. Retrieved from https://theoceancleanup.com/ , 2 March 2021

world to rely on voluntary actions to tackle the plastic problem – which has greatly been taken on by non-profits.

4. DISCUSSION: ENVIRONMENTAL LIABILITY OF CORPORATIONS UNDER INTERNATIONAL ENVIRONMENTAL LAW

Having described the peculiarities and complexness of the global plastic problem that IEL aims to tackle and the legal tools which will most likely be of use to do so, it can be certainly seen that the current situation in holding corporations accountable for their produced plastic waste is not coherent and well-functioning. The question is now, where are the deficiencies creating gaps in IEL that allow for the current situation to exist, studied in subchapter 1.1.

4.1. Theoretical Boundaries of Discussion

This paper seeks to answer a broad, multidimensional question – the liability of corporations under IEL. The paper approached the given issue from classical functionalism perspective under which the global plastic problem was looked at as composing of different parts, which factors were assessed to identify possible gaps. Although various corporations are deemed to be significant global plastic polluters, this paper focuses solely on The Coca-Cola Company as they present a problematic and controversial example. Of the international environmental agreements, two were looked into detail: the BC and the SUP Directive – the most recent promising IEL legal tools for regulating the matter. The BC's plastic ban amendments are recent, along with the SUP directive, which is still in the implementation stages. As with most new rules and regulations, this causes the feedback to be lesser than ideal. The sample size for specific analysis of international agreements is small; therefore, the analysis of the potential shortcomings in IEL is based on the overall identified struggles of actors tied to the issue (e.g., the UN). As the hypothesis for this research emplaces the deliverability of IEL in question, the focus on the issue of liability in corporations will be assessed mostly on the *de facto* situation. Therefore, this research can describe the liability of corporations under IEL and the respective gaps in IEL on an overall *de facto* basis, not making conclusions on specific regulations and rather using them as examples.

4.2. Dangerous Underregulation of Corporations

In chapter 1. it was demonstrated that the effects of the global plastic problem are destructive to the environment and human health within; BFFP reports demonstrated just how much plastic in the world is, helped recognise that the prevalent type of plastic waste is single-use packaging and identified the biggest polluters. The rapid speed in which the global plastic problem is estimated to grow (according to current trends), creates an urgent issue for authorities to address in the earliest stages possible. Unfortunately, the UN report on the rule of law strongly states that enforcement of IEL is rather challenging under current regulations. Additionally, observations of scholars regarding existing legal measures and the new promising frameworks, the current regulation of the corporate liability under IEL does not meet the urgency of the situation of the problem it is supposed to solve.

As mentioned, Mitrany found that the effective applicability of functional approach in the field can be achieved if inter-governmental agencies involve the business and entrepreneurial elements into the process.[96] This assertion received confirmation in subchapter 2.1., views of scholars that identify multinational corporations as subjects of IL. For example, when approaching the question based on corporations' role, rights and duties, it could be said that they could be partly subjects of IEL. This viewpoint is still just theoretical, in reality, under the BC and the SUP Directive corporations' liability for plastic waste could be addressed through adoption of EPR systems, which vary state-to-state. This can make the pace of progress differ, especially when adopting EPR systems is voluntary, like under the BC. Inversely, under the SUP Directive it is mandatory, but only applies to the EU MS. Additionally, as noted in subchapter 2.2., EU's capacities are limited in international matters. However, a positive domino effect is estimated to occur, as countries outside these agreements are inevitably forced to change their ways of conduct as result of change in trading rules.[97]

In order to make real, progressive steps it is important to have impact-focused laws and regulations set in place that leave no room for misunderstandings - one can mean well but still cause harm. Furthermore, it can prevent shifting responsibility, which has been an issue since plastic became mass produced. As learned in subchapter 1.2.1., The Coca-Cola Company has been marketing themselves as an environmentally progressive company, while in reality, their own statistics

[96] Rosenboim, O. (2013). *supra nota 8,* 4.
[97] Kantai, T. (2020). *supra nota 27*, 5-6.

provided for the Ellen MacArthur report indicated otherwise. Additionally, they are still strongly publicly accused of greenwashing and misleading customers, as well as now being a subject to a lawsuit which aims to hold them accountable for the decades long harm they have caused with their single-use plastic packaging, which makes an impression that their contributions are far from enough. Also, highlighted in subchapter 1.2.1., The Coca-Cola Company has publicly said to have no plans to actually remove single-use plastic packaging from production and aims to focus mainly on recycling. While promoting recycling and supporting DRS systems may help towards environment-friendly practices and circular economy, research emphasised that recycling is not enough.[98] As result, the world has to rely on voluntary actions of the polluting corporations, which in the Changing Markets Foundation Report analysing the voluntarily set initiatives of The Coca-Cola Company and many others, has concluded to not be a reliable tactic – naming them in some cases just paper promises.[99]

This research took a classical functionalism approach, where the matter was researched at as composing of different necessary parts, which make up a functional whole – actors agree that a detrimental part is missing, to allow addressing the polluting conduct of corporations directly. Despite the new promising, multinational agreements, discussed in chapter 2., countries are calling for a new legally binding plastic agreement. Specialists add, it should strongly address the preventive stage of plastic waste – essentially meaning the conduct of corporations as they are ultimately deciding how much plastic gets produced. Several actors (e.g., BFFP and scholars in subchapter 2.1.) have expressed the need, and presented possibilities to address corporations directly, indicating that the current legal framework for eliminating the global plastic problem is not delivering. However, creating an entirely new legislations and its implementation takes years, which is not a viable option when aiming to eliminate the urgent global plastic problem. While the UN stated that law is essential, when combating such a complex trans-border issue, hence, their suggested complimentary options could be the most viable solution currently.

[98] Kantai, T. (2020). *supra nota 27*, 6.
[99] Tangpuori et al. (2020). *supra nota 15*, 33.

4.3. Relying on Voluntary Actions in Eliminating the Plastic Problem

The one main word coming up repeatedly in this paper is "voluntary" – whether it is voluntary to join the EPR partnership, voluntary contributions of non-profits, and voluntary efforts of corporations and so on. Examples bought in this paper, indicate it is the polluting corporations that contribute the least and mainly initiatives of non-profit organisations have more progressive impact in eliminating the plastic problem. Notably, it was the efforts of the non-profit BFFP and their composed brand audits from the voluntary global clean-ups which allowed the Earth Island Institute to start proceedings against The Coca-Cola Company and other polluting corporations. Furthermore, the same brand audits provide valuable data for the current situation of plastic waste in the world. Non-profits have removed trash and developed solutions for clean-ups, while The Coca-Cola Company prioritises profits and has created illusions of solutions.

This situation has allowed corporations to greenwash and create an illusion that they are working in an environment-friendly manner, while not making progressive efforts, lobbying and mainly focusing on raising their profits, as was demonstrated by the case of The Coca-Cola Company. The tactics of corporations for avoiding liability (delay, distract, derail), presented in subchapter 3.1.1., with real life instances, have confirmed the dangerous under-regulation of plastic waste management, causing the world to largely rely on voluntary actions. In a 2019-issued material, there was a claim that voluntary contribution from the industry will drive the circular plastic economy to eliminate plastic pollution. They have noted that legislative options under IEL do not address the problem of plastics appropriately and agreements, such as Paris Agreement fail to reach their main goal. They found that the most viable solution at this point could be a voluntary contribution called "Sea The Future" which will mainly aim to tackle the problem at the level of production concentrating strongly on EPR while helping respective businesses transition for the better in a way that corruption and other prevalent issues would be avoided.[100]

This chapter has gathered the findings of previous chapter, which demonstrated that relying on voluntary actions cannot be enough to make progressive steps towards eliminating the global plastic problem. While enforcement bodies try to put more responsibilities on corporations through EPR systems, the current international legal framework has left them in a difficult position, where it *de*

[100] Forrest et al. (2019). *supra nota 12, 4.*

jure nor *de facto* does not directly include corporations – which, throughout this paper has been strongly called for (e.g., by BFFP and states at UNEA5). Accordingly, this chapter has presented a possible solution – to look beyond the definition of IL (directly subjecting only states) as we have known it and start addressing corporations that have the role and power identified as sufficient to be direct subjects of IEL as the actual subjects of IEL.

CONCLUSION

The purpose of this research was to test the claim regarding the system of IEL, whether it is delivering in terms of providing for proper measurability and impact-focused detectability of crucial gaps in law enforcement. As demonstrated in the previous chapters, the current system for regulating the corporations' liability for plastic waste under IEL is not delivering due to various reasons – resulting in the crucial importance of voluntary actions. For example, some corporations are working against progressive laws by shifting blame and delaying promised environmental goals or not being held responsible for their pollution by their governing states. The case of The Coca-Cola Company demonstrated a dangerous stance in regards to the global plastic problem – focusing on regressive solutions and greenwashing customers. Such a multinational corporation would not only be able to enforce economic power with their vast resources, but also be able to influence trends and even legislations. Furthermore, they would be able to set a remarkable precedent and a leading example to other corporations currently contributing to the global plastic problem. Therefore, testing the claim needed a multidisciplinary approach not only involving legal studies, as it also creates an issue for political economy and policy making, but IR and political theory in general.

Three research questions were asked in this paper. Firstly, what are the measures imposed to hold corporations accountable for environmental harm under IEL? For that, two recent multinational agreements were studied that are believed to push for progressive steps towards eliminating the global plastic problem – the BC and the SUP Directive. Both of these aim to address companies through applying EPR systems. However, while under the SUP Directive, EPR systems will be mandatory, it is just voluntary, although strongly encouraged under the EPR partnership programme of the BC. Secondly, the legality of The Coca-Cola Company's polluting actions in terms of IEL were investigated. The real legality of their actions is difficult to determine as they have production all over the world – hence different national legislations apply as IEL cannot directly regulate the conduct of corporations. Therefore, given matter would need further research. It was mentioned in the 2020 lawsuit (against the greatest global polluters to be liable for their created pollution) that the case is first of its kind. It was also found that the company is experienced in lobbying and has lobbied against progressive solutions, such as DRS in Ireland. The case of The Coca-Cola Company

provides new insights from the world's top polluter's standpoint. Thirdly, it was asked, who are bearing the responsibility for fixing the environmental harm done by plastic pollution *de jure* and who is responsible *de facto*? Under IEL, it is the responsibility of each state to enact measures to remove plastic waste from the environment therefore making it vary from state to state. Generally scholars agree that corporations could not possess obligations and rights under IEL. However, involving corporations directly, was derived as a possible solution – to better understand the implications of this result, further studies could address possible methods for involving corporations directly as subjects of IEL. It can be seen that *de facto* voluntary, such as the Break Free From Plastic global clean-ups and brand audits, as well as few of the non-profit organisations described in subchapter 3.2., are currently essential. Voluntary initiatives could also come from corporations themselves, but studying the case of The Coca-Cola Company, these efforts might actually not be progressive, hence they are not impact-focused. Besides this, rather than holding accountability, they have been found to shift responsibilities and even blame to customers for plastic waste finding its way to environment.

Although limitations were placed on the research by the small number of specific case studies, the outcomes illustrated how much we rely on the voluntary actions of actors tied to the problem as the legal framework is lacking greatly in placing liability on corporations. Gaps in IEL that create enforcement issues could be reflected by the evaluations of actors tied to solving the problem (e.g. the UN, the EU, Greenpeace, scholars). Additionally, lack of deliverability of IEL regarding regulation of plastic waste can be suggested by the fact that countries are calling for a completely new global plastic directive in 2021 at EUEA5. The data gathered within this paper can be seen as sufficient in terms of what the claim has proposed, as it focuses more on how the current enforcement bodies can work and not necessarily the contents of IEL regulations. Uniquely, the paper reveals how much the world relies on the bodies that produce results via voluntary actions such as the Break Free From Plastic movement.

This paper provides a distinctive viewpoint, which comes into fruition by the explanation of how actors feel towards the terms of the regulation of plastic waste in current times. Furthermore, it is shown how vital a progressive legislation could be towards solving the issues of the multinational corporations. There is much to be done in terms of holding the corporations accountable. This paper shows that a newer, multi-disciplinary, perspective is needed in terms of viewing the regulation as a

whole and resolving the issue of corporations deceiving the public via greenwashing and pretending to fulfill their global plastic goals. The states are too weak in enforcing the solutions under the current international legal framework and a new stricter set of international legislation is needed to apprehend the corporations operating worldwide.

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