

**Mandate of the Special Rapporteur on the implications for human rights of the environmentally sound management and disposal of hazardous substances and wastes**

Ref.: AL OTH 25/2025

(Please use this reference in your reply)

12 March 2025

Dear Sara Willett,

I have the honour to address you in my capacity as Special Rapporteur on the implications for human rights of the environmentally sound management and disposal of hazardous substances and wastes, pursuant to Human Rights Council resolution 54/10.

We are independent human rights experts appointed and mandated by the United Nations Human Rights Council to report and advise on human rights issues from a thematic or country-specific perspective. We are part of the special procedures system of the United Nations, which has 60 thematic and country mandates on a broad range of human rights issues. We are sending this letter under the communications procedure of the Special Procedures of the United Nations Human Rights Council to seek clarification on information we have received. Special Procedures mechanisms can intervene directly with Governments and other stakeholders (including companies) on allegations of abuses of human rights that come within their mandates by means of letters, which include urgent appeals, allegation letters, and other communications. The intervention may relate to a human rights violation that has already occurred, is ongoing, or which has a high risk of occurring. The process involves sending a letter to the concerned actors identifying the facts of the allegation, applicable international human rights norms and standards, the concerns and questions of the mandate-holder(s), and a request for follow-up action. Communications may deal with individual cases, general patterns and trends of human rights violations, cases affecting a particular group or community, or the content of draft or existing legislation, policy or practice considered not to be fully compatible with international human rights standards.

In this connection, I would like to bring to the attention of your company information I have received concerning **the packaging practices of Coca-Cola Europacific Partners Plc, a bottling partner of the Coca-Cola Company, in the Independent State of Samoa, where the replacement in 2021 of locally reusable glass bottles with plastic bottles produced abroad has exacerbated plastic pollution on the island.**

According to the information received:

In Samoa, the consumption of plastic amounts to approximately 7,000 tonnes each year, constituting about 16 per cent of the country's waste. It has been estimated that the largest category of plastic waste generated in the country is polyethylene terephthalate (PET) bottles, especially 1-2 L bottles. Given the limited capacity for recycling of plastics in Samoa, and the geographical remoteness from international offshore recycling markets, most of the plastic

Coca-Cola Europacific Partners

waste generated in the country ends up being littered, illegally dumped, incinerated, or landfilled, negatively impacting the land and marine environment. Moreover, the main landfill site in Upolu, Tafaigata, is reaching capacity, and the small size of the country presents additional challenges in terms of land space for waste disposal. Samoa, like many other small island developing states, deals with unique financial and trade constraints, including difficulty in achieving economies of scale, remoteness, high transportation costs, and limited technical and financial resources. These issues render waste management challenging, and most recycling solutions uneconomical.

Meanwhile, plastics and many of the chemicals they contain are persistent and do not degrade easily, as the natural decomposition of this material is estimated to take hundreds or even thousands of years. The protracted accumulation of plastics poses serious threats to the environment and the ecosystem of the island, including the risk of animals on land or in the oceans ingesting them. The toxic chemical additives contained in plastics contaminate and bioaccumulate in the food chain, potentially endangering human health.

For decades, Coca-Cola Amatil Ltd locally bottled soft drinks in Samoa in reusable glass bottles. Consumers were encouraged to return the empty glass bottles, upon which the deposit that was initially paid could be reimbursed. By doing so, most of the glass bottles were reused multiple times, limiting littering and waste. In February 2021, Coca-Cola European Partners Plc entered into a binding agreement to acquire Coca-Cola Amatil Ltd, eventually changing the name of the company to Coca-Cola Europacific Partners Plc after the acquisition was complete. In the same period, there was decision to switch packaging material from reusable glass to plastic bottles produced in other countries. This switch led to an immediate increase of plastic littering and pollution on the island and in the surrounding marine environment. Reportedly, already a few months after the decision to change the packaging material, Coca-Cola contributed to one-third of the plastic bottle waste in Samoa. Furthermore, the import of plastic bottles from other countries exacerbates transport-related emissions of greenhouse gases and other pollutants, as well as plastic and micro-plastic losses and releases into the ocean waters.

The Coca-Cola Company owns about 19 per cent of Coca-Cola Europacific Partners. According to the 2023 report from “Break Free From Plastic’s Brand Audit,” which assessed the performance of 250 business companies worldwide in terms of contributions to plastic pollution, Coca-Cola was listed as the first global plastic polluter for the sixth consecutive year.<sup>1</sup> Since 2018, 156 billion of Coca-Cola’s plastic bottles have been littered, incinerated, or buried in landfill sites all around the world.

The decision to switch from reusable glass to plastic bottles is at odds with targets identified by the Coca-Cola Company. In the context of SDG 12, “Ensure sustainable consumption and production patterns,” the Coca-Cola Company launched in 2018 the World Without Waste sustainable packaging platform, intended to propel systemic change through a circular economy,

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<sup>1</sup> The Brand Audit 2023 Report, available at <https://brandaudit.breakfreefromplastic.org/brand-audit-2023/>.

mainly based on the targets to make primary packaging recyclable and use recycled material in its primary packaging; support a healthy and debris-free environment; and increase the percentage of the volume of sold beverages in refillable or returnable glass. Additionally, in the context of SDG 13, “Climate action,” the Coca-Cola Company stated it was working with its stakeholders to reduce carbon emissions across its value chain. Yet, plastics are greenhouse gas-intensive throughout their lifecycle, from extraction, to manufacture, to transport, to decomposition, or possibly incineration.

The Coca-Cola Company has extended grant assistance to local recycling organizations in Samoa. This funding has been used for recycling awareness and education programmes, as well as to set up collection cages for recycling. However, there is still no long-term financially sustainable recycling operation in Samoa, primarily due to the inability to achieve economies of scale. Local recycling organizations with limited capacity stockpile plastic bottles to be transported for recycling abroad. Meanwhile, the fate of the remaining plastic waste, including Coca-Cola bottles, remains uncertain.

While we do not wish to prejudge the accuracy of these allegations, we wish to express our serious concerns regarding Coca-Cola Europacific Partners’ decision to replace glass bottles with plastic ones in Samoa. This switch to plastic packaging material aggravates plastic pollution in Samoa, jeopardizing the enjoyment of a broad range of human rights in a country already exposed to the disproportionate impacts of the environmental crisis. As recalled by the Special Rapporteur on the Implications for human rights of the environmentally sound management and disposal of hazardous substances and wastes in his report (A/76/207) on “The stages of the plastics cycle and their impacts on human rights” growing volumes of plastic waste and exposure to toxic additives in plastics are aggravating environmental injustices. This issue is even more alarming in the specific context of Samoa, since the small island state cannot rely on proper recycling facilities capable of dealing appropriately with the waste. However, all the stages of the plastics cycle have negative human rights implications, affecting especially individuals and communities who already find themselves in situations of vulnerability.

We are concerned about the evident incompatibility of the reintroduction of plastic packaging with the targets identified by the Coca-Cola company itself to contribute to the United Nations Sustainable Development Goals. While noting with interest such initiatives, we highlight the importance of pursuing the announced targets in a coherent and consistent fashion worldwide. Due to the global character of the plastics crisis, responses should be globally coordinated and grounded on the effective enjoyment of human rights for everyone. In light of this, we indicate our utmost concerns regarding Coca-Cola Europacific Partners’ decision to switch to plastic packaging in Samoa, particularly given the limitations on appropriate domestic disposal or recycling solutions for plastics. We also express our concern at the apparent lack of long-term and sustainable measures taken by the company to address this issue, including through extended producer responsibility schemes.

In connection with the above alleged facts and concerns, please refer to the **Annex on Reference to international human rights law** attached to this letter which cites international human rights instruments and standards relevant to these allegations.

As it is my responsibility, under the mandate provided to me by the Human Rights Council, to seek to clarify all cases brought to my attention, I would be grateful for your observations on the following matters:

1. Please provide any additional information and/or comment(s) you may have on the above-mentioned allegations.
2. Please provide information on the measures that your company has adopted, or intends to adopt, to reduce the negative impact of Coca-Cola consumption on the environment and to ensure that its commercial activities in Samoa comply with international environmental laws and human rights standards.
3. Please provide information on any efforts by Coca-Cola to prevent externalization of costs for recycling of plastic to Samoa.
4. Please elaborate on steps taken by Coca-Cola to ensure their products in Samoa are disposed of appropriately.

This communication and any response received from your company will be made public via the communications reporting [website](#) within 60 days. They will also subsequently be made available in the usual report to be presented to the Human Rights Council.

While awaiting a reply, I urge that all necessary measures be taken to reconsider your current bottling practices, especially in terms of sustainability and the environment in Samoa and provide the required level of assistance to national authorities and other actors in order deal with plastic pollution as a result of your business.

Please be informed that a copy of this letter has been also sent to the Coca-Cola Company, to the Government of the Independent State of Samoa, and a similar letter has been sent to the home-State of your company, the United Kingdom of Great Britain and Northern Ireland.

Please accept, dear Ms. Willett, the assurances of my highest consideration.

Marcos A. Orellana  
Special Rapporteur on the implications for human rights of the environmentally sound management and disposal of hazardous substances and wastes

## **Annex**

### **Reference to international human rights law**

In connection with above alleged facts and concerns, we would like to draw your attention to the applicable international human rights norms and standards, as well as authoritative guidance on their interpretation.

We would like to highlight the UN Guiding Principles on Business and Human Rights, which were unanimously endorsed in 2011 by the Human Rights Council in its resolution (A/HRC/RES/17/31) after years of consultation with governments, civil society, human rights defenders and the business community. The guiding principles have been established as the authoritative global standard for all States and businesses to prevent and address business-related adverse human rights impacts. These guiding principles are based on the recognition of:

- a) "The existing obligations of States to respect, protect and fulfil human rights and fundamental freedoms;
- b) The role of business enterprises as specialised bodies or corporations performing specialised functions, which must comply with all applicable laws and respect human rights;
- c) The need for rights and obligations to be matched by appropriate and effective remedies when they are violated".

The guiding principles also make clear that companies have an independent responsibility to respect human rights. Principles 11-24 and 29-31 provide guidance to companies on how to meet their responsibility to respect human rights and to provide remedies where they have caused or contributed to adverse impacts. The guiding principles have identified two main components of the corporate responsibility to respect human rights, which require "business enterprises to:

- a) Prevent their own activities from causing or contributing to adverse human rights impacts and address those impacts when they occur;
- b) Seek to prevent or mitigate adverse human rights impacts directly related to operations, products or services provided through their business relationships, even where they have not contributed to those impacts" (guiding principle 13).

The commentary to guiding principle 13 notes that companies can be affected by adverse human rights impacts, either through their own activities or as a result of their business relationships with other parties (...) The 'activities' of business enterprises are understood to include both actions and omissions; and their 'business relationships' include relationships with business partners, entities in their value chain and any other non-State or State entities directly linked to their business operations, products or services.

To meet their responsibility to respect human rights, companies should have in place policies and procedures appropriate to their size and circumstances:

- a) A political commitment to uphold their responsibility to respect human rights;
- b) A human rights due diligence process to identify, prevent, mitigate and account for how they address their human rights impact;
- c) Processes to redress any adverse human rights impacts they have caused or contributed to (guiding principle 15).

According to guiding principles 16-21, human rights due diligence involves:

- a) Identifying and assessing actual or potential adverse human rights impacts that the enterprise has caused or contributed to through its activities, or that are directly related to the operations, products or services provided by its business relationships;
- b) Integrate the results of impact assessments into relevant business functions and processes, and take appropriate action in accordance with their involvement in the impact;
- c) Monitor the effectiveness of the measures and processes adopted to address these adverse human rights impacts in order to know whether they are working;
- d) Communicate how adverse effects are addressed and demonstrate to stakeholders – particularly those affected – that appropriate policies and processes are in place to implement respect for human rights in practice.

This process of identifying and assessing actual or potential adverse human rights impacts should include substantive consultation with potentially affected groups and other stakeholders (guiding principle 18).

Where an enterprise causes or is likely to cause an adverse human rights impact, it should take the necessary steps to end or prevent that impact. “The establishment of operational-level grievance mechanisms for those potentially affected by corporate activities can be an effective means of redress provided they meet certain requirements listed in principle 31” (guiding principle 22).

Furthermore, business enterprises should remedy any actual adverse impact that they cause or to which they contribute. Remedies can take a variety of forms and may include apologies, restitution, rehabilitation, financial or non-financial compensation and punitive sanctions (whether criminal or administrative, such as fines), as well as the prevention of harm through, for example, injunctions or guarantees of non-repetition. Procedures for the provision of remedy should be impartial, protected from corruption and free from political and other attempts to influence the outcome (commentary to guiding principle 25).

We wish to draw your attention to the right to a clean, healthy and sustainable environment as recognized by resolutions A/HRC/Res./48/13 and A/Res./76/300.

Eventually, we would like to refer to your attention the report (A/76/207) on “The stages of the plastics cycle and their impacts on human rights”, presented to the General Assembly by the Special Rapporteur on the Implications for human rights of the environmentally sound management and disposal of hazardous substances and wastes, especially its paragraph 111, where the Independent Expert recommends that business enterprises invest in closed-loop systems that do not generate hazardous emissions or waste (letter b); and direct research and development efforts towards developing safe and circular non-single use delivery methods (letter c).