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Review

Race to the Bottom: Sino-US Trade War and Consequent Plastic Waste Mismanagement in the Global South

Singh and Mukherjee

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Akansha Singh, Vivek Mukherjee*
NALSAR, Hyderabad, Telangana, India.

*Correspondence: vivek.mukherjee@outlook.com

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Abstract

Globalization today can convincingly be said to have reached its pinnacle. However, with the world turning into a global space of homogeneity the stakes of survival have risen up too. The various forms of environmental degradation culminating into climate change have been accelerated due to globalization. This review discusses one such form of global environmental degradation that poses a serious threat to the health of citizens in the Global South. The phenomenon being talked about here is that of global waste dumping, a practice that has caught up roughly over the past four decades. The context that helps in illustrating the same is the United States–China trade war, narrowed down to the recent ban imposed by China and India on the import of plastic waste. As a reaction to excessive plastic waste dumping from Global South to Global North, 180 nations agreed in Geneva to add mixed plastic scrap to the Basel Convention. However, as will be shown in this review, the burden has only shifted to even poorer nations who willingly buy plastic waste from countries of Global North. The phenomenon of dumping plastic waste can be explained through the distinction between the developed and developing countries understood in the dualist taxonomy of Global North and Global South.

Keywords: Global South; Waste Dumping; Plastic Waste; Environmental Racism; Environmental (In)justice

1. CONTEXTUALIZING CHINA'S PLASTIC BAN AMID THE SINO-US TRADE WAR

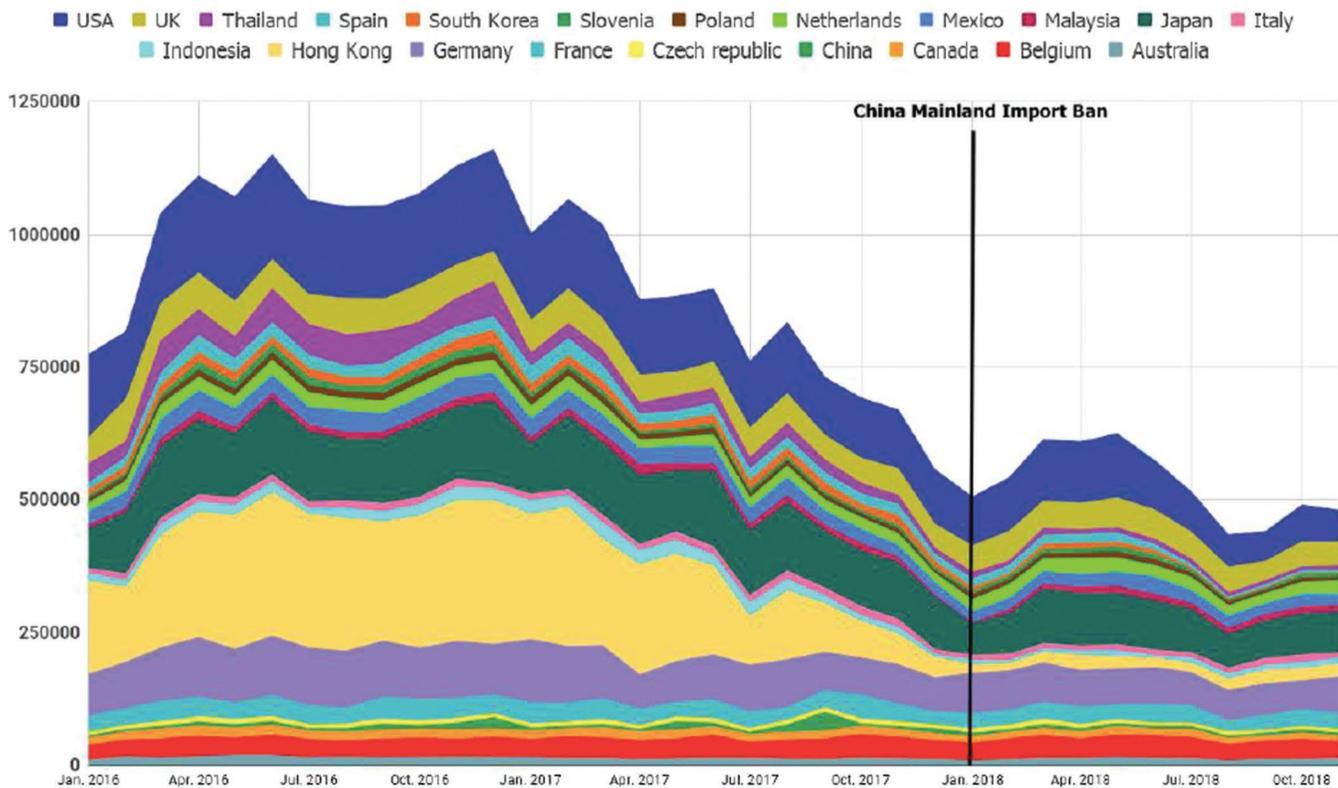
Global waste dumping is a product of the top-down model that necessarily decides the locale of each economy in the global market. It involves the shipment of collected hazardous wastes from one country to the other. This practice has promoted a discriminatory classification over the years. It has been observed that the industrially developed countries occupy the share of being the biggest exporters, whereas those with lower industrial development are the biggest importers. The size of the plastic recycling industry (US\$200 billion) makes it a powerful force that resists any changes in how the plastic waste economy is governed.

The South–North classification is better deemed than the erstwhile classification of poorer countries as Third World countries. The creation of this category emerged in the late 20th century from the decision of the then newly independent countries to neither side with the First World (Capitalist leaning) nor with the Second World (Communist leaning) countries. Arguably, the First World–Third World dichotomy is obsolete in a post-Cold War era. Moreover, such a categorization qualifies as inadequate in the era of rampant globalization. This is where the taxonomy of Global South and Global North become utile. The factors distinguishing a Global South country from those in North would be its erstwhile status as a colony, a current low gross national income or a lower lifestyle. Nonetheless, it is important to understand that the Global North neither denotes countries in the North alone, nor does it necessitate all the Northern countries to be rich. Similar anomalies are true for the Global South as well. The overlap between the First and Third Worlds has been explored by eminent scholars such as Baxi (2006).

A United Nations Environment Programme (UNEP¹) report released in 1997 indicated the generation of 400 million metric tons of hazardous waste in the year 1990. Around 90% of the total waste was produced by the countries that were members of the Organization for Economic Cooperation and Development (OECD) alone (see the graph below). The cost of waste treatment and disposal in these countries is much higher owing to stricter environmental norms. Therefore, it is conveniently decided to ship the waste piles to less-developed countries owing to cheap labor and lenient standards of environmental norms. The transboundary movement of waste not only shifts the onus of disposal on the importer, but also facilitates profits to the companies exporting the waste. The mechanism behind shifting of this onus is quite unlikely to be effective, considering the mandates of the UNEP’s Guidelines for Framework Legislation for Integrated Waste Management. These guidelines cover the provisions’ extended producer responsibility, product stewardship, drop-off systems, deposit scheme, material ban, and separation (UNEP Guidelines on Integrated Waste Management, 2016). It is also worth mentioning that Norway had unsuccessfully pushed for global agreement on plastic waste at the UNEP meeting in Nairobi in March. Earlier attempts such as the Clean Seas Pact has also failed to deliver much effect as it is nonbinding.

This renders the importer incapable due to its lack of means to process the disposal of waste and the increasing environmental and health-related risks that it poses. This is one of the gravest forms of environmental injustice currently taking place. Countries such as China, Malaysia, Vietnam, Thailand, and India have historically been at the receiving end of this injustice. Over the years, these countries under economic and developmental pressures have had to import hazardous waste piles that has extensively harmed public health, damaged crops, and caused severe environmental degradation (see the graph below).

Changes in plastic waste exports from top 21 exporting countries/ regions between January 2016 and November 2018 (in tons per month)



Source: Greenpeace report (2019)

¹ Based on a United Nations Environment Programme (UNEP) report in Greenpeace, Heavy Burden - A Case Study on Lead Waste Imports into India, Greenpeace International Toxics Campaign, March 1997, p 4.

1.1. Tracing the Conversion of Global South into a Global Dump Yard

The unequal economic transactions is reflected from the export–import imbalance of the Global North countries. Roberts and Parks in their book, *A Climate of Injustice* emphasize that waste is a major source of income from export in the countries of Global North. Not only does it generate income but also shifts the burden of environmental degradation on the Global South.

Since over the past year, the global waste trade is in utter turmoil with China putting a ban on plastic import at the beginning of 2018, which has worsened the US–China trade war. The ban prohibited the import of 24 types (Roche-Naude, 2019) of recyclable wastes that included recycled plastic. At the beginning of 2019, the ban was extended to include a total of 32 types of waste. This brought under ambit the post-consumption plastic items such as daily utility jars and containers. With these stringent steps it is estimated that by the year 2030 China would have displaced about 111 million (Lu, 2019) metric tonnes of plastic waste.

Post the ban, the export of plastic has witnessed a global reduction. For instance, the export of plastic by United Kingdom to China has declined by as much as 97% (Cole, 2019a). Meanwhile, as China is being lauded for its stringent action against plastic waste, the top exporters have already diverted and accommodated the banned plastic percentage to the import countries next in line. A Greenpeace report released in April this year clearly highlights a drastic upsurge in plastic import to countries such as Thailand, Malaysia, and Vietnam. Import in Thailand has increased by fifty times (Cole, 2019b), whereas that in Malaysia has become three times the original quantity. This unpleasant plastic waste diversion, most of which is occurring under the table through illegal means, has forced Malaysia to reject the stockpiles of plastic waste. In May, 2019, around 3000 metric tonnes of waste (Staff, 2019b) smuggled into the country was returned to exporters from the United States, United Kingdom, Australia, and Canada. A permanent ban was imposed by Malaysia back in 2018 with plans of a complete phase-out in another three years (Reintjes, 2018). Thailand too plans on implementing the ban by 2021, with Vietnam close to implementing it by 2025 (Staff, 2019a).

2. THE ROLE OF INTERNATIONAL LAWS IN CHECKING WASTE MISMANAGEMENT

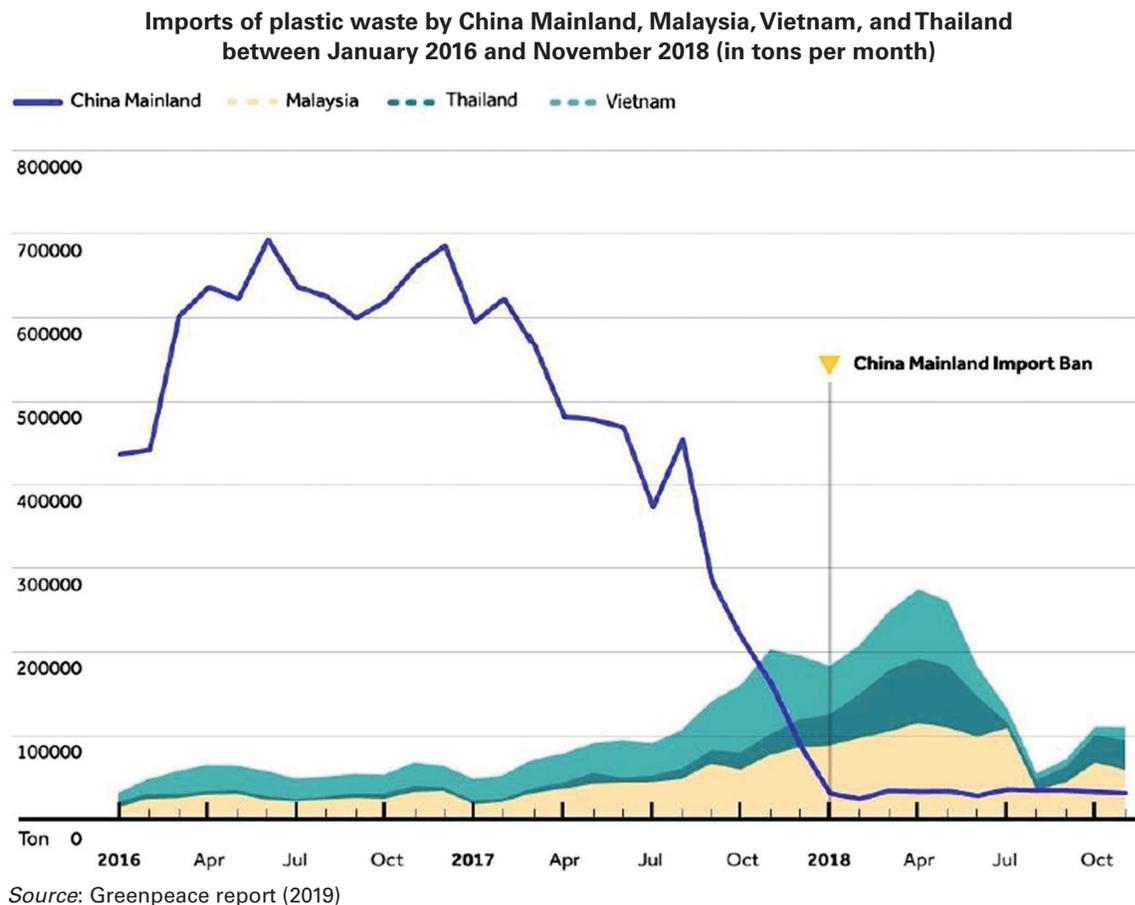
The decision of a future ban and in cases such as those of China's the already imposed implementation of ban as a step to further the US–China trade war has led to a relatively more stringent check on the transboundary movement of waste. Again, to cite instances from the United Kingdom, its National Audit Office (NAO) indicated in its report of July, 2018 (National Audit Office, 2018) the impossibility of recycling the entirety of waste that it has been exporting. Under the existing regulations, the exporting body has to ascertain the quantity of waste that has been recycled. This is specified before the waste is sent across to the importer. The loophole in this process is that mere shipment of waste does not ensure its recycling. The ugly truth behind recycling plastic is that not more than 9% of it is actually recyclable (Lu, 2018). A meagre portion of the overall imported plastic waste is converted into usable goods, whereas a major chunk of it is either landfilled or incinerated. The waste that still remains finds its way into ocean waters through inland waterways or by being carried away by natural phenomena such as winds, storms, tides, and so on. It has been studied that about eight million metric tons (Lu, 2018) of plastic is dumped into the ocean water each year and importers from China, Thailand, Philippines, Vietnam, Indonesia, and India are at the apex of this dumping practice.

However, the onus of polluting the ocean or the environment at large should not be made to lie with these countries alone. The major role here is played by the rich exporting countries of which the United Kingdom is simply one among many such examples. The entire procedure of waste management and subsequent pollution resulting from it is finely arranged like a mesh, making it difficult for countries such as China to escape it. It is similar to the phenomenon Brecher and Costello explain through their "Lilliput Strategy"², wherein the Lilliputians despite being tiny had a strong network of ropes around Gulliver to keep him affix.

² In some ways, the Lilliput Strategy parallels the new strategies pursued by global corporations. Just as the corporate strategy creates worldwide production networks linking different companies, the Lilliput Strategy envisions strong local grassroots organizations that embed themselves in a network of mutual aid and strategic alliances with similar movements around the globe. And just as the corporate strategy seeks to create governance structures at local, regional, national, and transnational levels to support its interests, the Lilliput Strategy seeks to establish rules protecting the interests of those whom globalization threatens.

The strategy includes threads that appeal directly to local concerns, identities, and economic issues; always backed by the promise of a relative upliftment. This has been the modus operandi of any dialogue that has ever existed between the countries of the North and the South. The dialogues vary in terms of friction that exists between the commitments made and commitments fulfilled. Such imperial and empire-oriented narratives of the history of the International Law has been well documented by scholars such as Koskenniemi (2011) and Anghie (2006).

Some exporting nations (such as the United Kingdom) have taken some salutary steps to regulate the practice of waste dumping, others (such as the United States) have hardly made any efforts to address the issue. In February, 2019, the Members of Parliament in the United Kingdom presented a motion before its parliament, which if passed would bind the U.K. exporters from dumping their plastic waste in countries with poor waste management systems (Laville, 2019). It is visibly, if not effectively, trying to mend its role in this irresponsible transboundary transaction of waste; whereas, a country such as the United States, which was the largest exporter of plastic waste to China (and the largest single country exporter of plastic waste), exceeded 500 metric tons (McVeigh, 2018) in the year 2014. Following China's ban the overall plastic waste export dropped by one-third of its previous year's export and that to China saw a steep drop by 92%. However, the export to countries such as Malaysia, Thailand, and Vietnam saw a huge rise. It increased by 273% in Malaysia (McVeigh, 2018), whereas the rise in Thailand was as high as 2000% (see the graph below).



Despite these frightening statistical data, there is very little that the International legal institutions are doing. The foremost trouble is the transboundary nature of the problem that can be dealt with mostly through International Laws and Conventions. Apart from the tiny steps of tokenism taken by the OECD members in the form of rules adopted at their respective domestic levels, there are very few International laws that are binding on transboundary waste movement. The two major conventions that have contributed to the check on waste movement are the Basel and the Bamako conventions.

2.1. Impact Assessment: Basel and Bamako Conventions

Basel Convention, which came into force in 1992, is a result of a series of negotiations inspired by global fear regarding waste mismanagement. Over the years the convention has mandated ethical rules to check waste mismanagement. The rules obligate members not to ship waste if the exporting party is equipped to manage the waste or if the importing party is ill-equipped for the same, or both. Members are required to minimize their transboundary movement of waste, especially those categorically hazardous. It is also obligated to take prior consent of the importing party, in the absence of which criminal charges would be imposed for illegal trafficking of waste. The United States, a major exporting country has not ratified the Basel Convention, which shows its lack of intention to address the issue of waste dumping.

Basel's contradictory clauses often act as a hindrance to its otherwise stringent obligations. For instance, the Basel Convention Conference of Parties (COP3; 1995) agreed on introducing an amendment to introduce ban. The prohibition would be binding on the states which are not a part of Annex VII (Basel Convention, 1989) but are involved as one of the parties in the waste transaction. Contradictorily, Article 11³ was introduced in 1996 that has received much harsh criticism, bringing not a responsible name to the Basel Convention. The concerned article nullifies Articles 4 (strict liability; Basel Convention, 1989) and 5 (fault-based liability; Basel Convention, 1989) of the convention to allow bilateral, multilateral, or regional agreements between parties and nonparties as long as the hazardous waste is disposed off in an environmentally sound manner. Thus, the implementation has suffered highly on account of a missing mechanism that would have demanded accountability arising out of waste mismanagement. The Basel Protocol on Liability and Compensation for Damage Resulting from Transboundary Movements of Hazardous Wastes and Their Disposal was signed in December 1999 and could only attract 12 parties.

The contradictory overlaps in the convention obligations have been used to surpass the environmental standards during waste processing. In the past, Australia has successfully transgressed the ban laid down by the Basel Convention by invoking Article 11. Another example is the 2008 Bilateral Preferential Trade Agreement between China and Japan. Not only does this agreement misuse the provisions of Article 11 but also involves a host of members from across the categories of technical aid, environmental audit, and other corporate houses to create a tax-free zone (Barsalou et al., 2018). Recently, more than 180 nations agreed in Geneva to add mixed plastic scrap to the Basel Convention (1989). Although hailed by research centers of the West (Parker, 2019), this step will not solve the problem of the race to the bottom as the amended treaty does not ban parties from exporting plastic waste to poorer nations; it only requires them to obtain prior informed consent from the government of the importing states.

Besides the Basel Convention, there is another more stringent treaty of African countries to check waste imported to Africa. The Bamako Convention that came into effect in 1998 emerged as a reaction against the 1996 introduction of a near arbitrary Article 11. The definition clauses in Bamako convention are much more accurate and broader than those in the Basel Convention. Transcending the definition of "hazardous waste" stated by the Basel Convention, Bamako convention categorizes all the waste being generated from household (sewage, incineration of household goods, etc.) as hazardous. Unlike the Basel convention, it also includes radioactive wastes as hazardous waste. However, despite being fair and accurate toward the plight of the importers, the Bamako convention is but limited in its membership with a total of 29 signatories and 25 parties at present.

Beyond the two conventions there are hardly any effective laws operating at an international level that deal directly with irresponsible or illegal waste trade. Of course, there is the MARPOL convention of 1988 that addresses marine debris on a global scale, which apart from being outdated is limited in scope as it only covers vessel source marine pollution and not that originating from land. Moreover, MARPOL has failed to deliver as it could not be implemented in most of the developing countries (Karim, 2010). The concern of the global world regarding waste recycling and management has been so crude that most often these cases are

³ **Article 11 conflicts with other liability and compensation agreements:** Whenever the provisions of the protocol and the provisions of a bilateral, multilateral, or regional agreement apply to liability and compensation for damage caused by an incident arising during the same portion of a transboundary movement, the protocol shall not apply provided the other agreement is in force for the party or parties concerned and had been opened for signature when the protocol was opened for signature, even if the agreement was amended later.

transferred to the World Trade Organization (WTO), which does not even specialize in handling cases specific to waste trade in particular and environmental issues in general.

3. ENVIRONMENTAL RACISM AND THE EFFICACY OF THE GLOBAL NORTH-SOUTH DIVIDE

So far, the review deals with highlighting the pitfalls of the global community in handling waste disposal and its recycling mechanisms. Further, it has also attempted to roughly enumerate the shortcomings amounting to such negligence. This part of the review leads the narrative of waste (mis)management into a more specific contextualization, a context that can only be justified as a bias of the global community. Ironically, the term “global” today does not so much pertain to the whole world as it does to a selective few powerful countries. Going back to the Greenpeace report of 2019 that highlights the top 21 exporters and importers, the parameter of development does not seem to be the only factor distinguishing the two from each other. The calculation of development is deeply ingrained in a discriminatory geographical identification. Beyond the fact that the top exporters are mostly the First-World countries whereas the top importers mostly the Third World, they can be better understood through their respective Northern or Southern locations. It is not simply a coincidence that exporters are predominantly countries of the Global North whereas the importers are mostly from the Global South.

International treaties, agreements, and laws have not worked effectively because they are mostly framed by the countries of the Global North and end up being ignorant toward the poorer countries of the Global South. This discrimination is environmental racism that has been thriving in the garb of environmental (in)justice over several years. Environmental racism is one of the most primary ways in which environmental injustice has been spreading its tentacles, as Bullard⁴ in his article, “Environmental Justice: It’s More Than Waste Facility Siting” explains (Bullard, 1996). Further, Park in her essay, “An Examination of International Environmental Racism Through the Lens of Transboundary Movement of Hazardous Wastes” examines the Not in My Back Yard (NIMB) syndrome⁵ as a tendency that the developed countries have been caught up with for long (Park, 1997).

The races are discriminated against while framing the environmental and trading policies. There is a conscious attempt to subjugate people belonging to categorically segregated inferior races, which leads to several negative consequences. Some of these trending attempts have been the setting up of hazardous factories in these countries, continued exclusion of races deemed inferior from positions of power in the decision-making committees, or officially dumping self-generated waste on their own land. These acts are performed through “impeccable” economic reasoning by economists and other scholars (Anghie, 2006).

An example worth citing here is that of the leaked memo of Lawrence Summers. Before getting to the content of the memo it is important to know who Summers is. Summers has served as the vice-president and chief economist of the World Bank. He also held the position of the U.S. Treasury Secretary, after which he was chosen as the president of Harvard University. His introduction prompts the image of an intellectually reasonable official. His reasoning was spilled through his leaked memos wherein he expressed,

“The measurements of the costs of health impairing pollution depends on the foregone earnings from increased morbidity and mortality. From this point of view a given amount of health impairing pollution should be done in the country with the lowest cost, which will be the country with the lowest wages. I think the economic logic behind dumping a load of toxic waste in the lowest wage country is impeccable and we should face up to that.” (Staff, 1992)

⁴ “By not having a clear and stated definition of environmental justice and environmental racism, the authors appear to be equating the two concepts. The two concepts should not be used interchangeably. Environmental racism refers to any policy, practice, or directive that differentially affects or disadvantages (whether intended or unintended) individuals, groups, or communities based on race or color. Environmental racism is only one form of environmental discrimination. There are other forms of environmental discrimination.”

⁵ “Proponents of the racism theory argue that developed nations have policies that reflect their desire to dump wastes in the Third World in order to keep the First World beautiful. This leads to the notion that the developing world must internalize the externalities from which the rest of the world benefits.⁶¹ As landfill space becomes more precious, developed nations experience the Not In My Back Yard (NIMBY) syndrome just as U.S. communities have.”

When people holding offices of such high responsibilities utter such inconsiderate statements in the name of reason, it does become difficult to trust international laws and policies that are framed in order to serve those already in power. Toxic colonialism (Pratt, 2010) is the only way to reason with the logic of dumping waste into the Global South, so as to not let go off the aesthetic beauty of one's own country. Environmental racism gives an unsaid permit to the Global North to take advantage of cheap labor, lack of public awareness, absence of social or political movements and most importantly economic poverty of the Global South. This continued, irresponsible attitude of the Global North has led to quite a few environmental mishaps in the Global South. One of those worth citing is the Khian Sea waste dumping incident wherein a cargo carrying around 15,000 tons of incinerated household waste from Philadelphia dumped some 4,000 tons of it in an island in Haiti, referring to it as a fertilizer. The remaining 10,000 tons was subsequently dumped into the sea. Another relevant incident here would be the 1988 toxic waste dumping by Italy in a Nigerian village, Koko. The waste stuffed inside tanks were unloaded in Koko as building material. Over the period, the containers (marked with an "R" symbolizing toxic industrial waste) started leaking, making the inhabitants sick. It was after a series of repeated denial by Italy of the waste being toxic in nature that it finally agreed with the waste really being toxic. The Bhopal Tragedy is the hallmark of environmental injustice and racism (Baxi, 2010). There are many other incidents that even today do not attract the attention of the biased media or are submerged even before the voices are documented. During the 1980s, quite a handful of similar instances were reported to be taking place in different parts of Africa. Guinea-Bissau was offered 600 million dollars to dispose off 15 million tons of waste over a period of five years. The deal was never locked due to government's intervention. However, what is worth wondering here is the fact that the sum that was being offered was nearly four times (Lipman, 1998) the gross national product of the country and yet it can never be equated with the damage it would have caused.

The irony here is that these rich, powerful exporting parties are oblivious of what the future has in store. Despite being the claimants of the best education and intellect in the world they fail to realize that polluting countries in the Global South will lead to a polluted Global North soon in time. Pollution, environment, and oceans cannot be contained by geographical borders. The filth that the Global North is drowning the Global South into, apparently with their consent, will swallow it too. This duplicitous web of preemptive measures is not the answer where consistently people from selective races and regions are targeted. It is a vicious circle wherein the countries of the Global South are consciously kept away from positions of power so as to continue minting money from their miseries. The narrative of sheer injustice is fractured and remoulded multiple times to manufacture opinion against the already discriminated. Evidently, on the Earth Day of 2018, the United States had the following to say in support of the environment,

"This year's Earth Day is focused on ending plastic pollution, but the problem isn't you or me. Asian countries and messy fishermen are destroying the world's oceans." (Mastio, 2018)

4. CONCLUSION

The doom that we as humankind is approaching through such imperialist tendencies can be explained remarkably by Hardin's concept of the "Tragedy of Commons" (Hardin, 1968). The value assigned to money cannot compensate for lives that suffer. The suffering of lives transcends the evaluatively fluctuating denominator of money. It operates in the realm of ontology where unlike money, ontology is not a determinate⁶ form of knowledge (Agamben, 2009). The current flux of situation can be understood as "banal" in the words of Hannah Arendt. In "The Human Condition" she understands banality as that stage where humans

⁶ "Signatures (like statements with respect to language) are then that which marks things at the level of their pure existence. On haplos, 'pure being,' is the archi-signator that imprints its transcendental marks on existent entities. The Kantian principle according to which existence is not a real predicate, reveals here its true meaning: being is not 'the concept of something that could be added to the concept of a thing,' because in truth being is not a concept but a signature. Hence, ontology is not a determinate knowledge but the archeology of every knowledge, which explores the signatures that pertain to beings by virtue of the very fact of existing, thus predisposing them to the interpretation of specific knowledges."

are no longer content with the environment, evident factually from the launching of the first satellite in 1957. The history of development of the world is a banal narrative. From the Roman distinction between property and wealth to both overlapping in the current times, we have covered a banal journey. A journey in which with each successive accurate evaluation of metal carvings, the importance of nature has only diminished.

David Harvey (1993) analyses the current regime of environmental racism as indirectly analogous with the arbitrariness and authoritarianism of the German Green Movement of the 1930s. The nationalistic foregrounding of the German Green movement is not much different from the discriminatory steps being taken by the Global North leaders in their respective national interests. The perverted versions of nationalism are already underway. For instance, the ban imposed by China has only acted as a trigger event in severing its trade relations with the big export countries. The global onus of acting as a breeder of pollution was already being circulated through funded research studies. An OECD study featuring an "Environmental Policy Stringency Index" show that the index for the Global South countries to be nearly 39% lower than that for the Global North countries (EPSI, 2015). One of the examples of funded studies which depend on indexes such as the above to reach absurd conclusions is a study conducted by McKinsey Center for Business and Environment. It released a report titled, "Stemming the Tide" (Ocean Conservancy, 2015) in 2015, which concluded that Asian countries are the ones alone causing the environmental menace. Arguably, the OECD and McKinsey studies overlook the environmental injustices writ large in the phenomena discussed in this review. The ugly paradox of such a situation can be observed through a situation where toxic radioactive waste in Italy gets qualified as building material in Guinea-Bissau (Park, 1997).

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Conflict of Interest

None.

References

- Agamben G. 2009. *The signature of all things: on method*. Zone Books: Brooklyn, NY; 66.
- Anghie A. 2006. The evolution of international law: colonial and postcolonial realities. *Third World Quarterly* 27(5): 739-753.
- Barsalou O, Picard MH. 2018. International environmental law in an era of globalized waste. *Chinese Journal of International Law* 17(3): 887-906.
- Basel Convention. 1989. Available at: <https://www.basel.int/Portals/4/Basel%20Convention/docs/text/BaselConvention-Text-e.pdf>
- Basel Convention. 1995. Plastic waste, marine plastic litter and microplastics. Available at online: <http://www.basel.int/Implementation/Plasticwastes/Overview/tabid/6068/Default.aspx> (accessed on 11 September 2019).
- Baxi U. 2006. What may the 'Third World' expect from international law? *Third World Quarterly* 27(5): 713-725.
- Baxi U. 2010. Writing about impunity and environment: the Silver Jubilee of the Bhopal Catastrophe. *Journal of Human Rights and the Environment* 1: 23.
- Bullard RD. 1996. Environmental justice: it's more than waste facility siting. *Social Science Quarterly* 77(3): 497.
- Cole R. 2019a. UK plastic exports to Malaysia triple following China ban. Resource 19th June. Available at: <https://resource.co/article/uk-plastic-exports-malaysia-triple-following-china-ban-12694> [5th July 2019].
- Cole R. 2019b. Southeast Asian communities flooded with plastic waste since China ban. Resource 25th April. Available at: <https://resource.co/article/southeast-asian-communities-flooded-plastic-waste-china-ban> [5th July 2019].
- Environmental Policy Stringency Index. 2015. Available at: <https://stats.oecd.org/Index.aspx?DataSetCode=EPS> [5th July 2019].
- Guidelines for Framework Legislation for Integrated Waste Management. Available at: <https://wedocs.unep.org/bitstream/handle/20.500.11822/22098/UNEP%20Guidelines%20for%20Framework%20Legislation%20for%20Integrated%20Waste%20Managment.pdf?sequence=1&isAllowed=y>
- Hardin G. 1968. The tragedy of the commons. *Science* 162(3859): 1243-1248.
- Harvey D. 1993. The nature of environment: dialectics of social and environmental change. *Socialist Register* 29(29): 18.
- Karim MS. 2010. Implementation of the MARPOL convention in developing countries. *Nordic Journal of International Law* 79(2): 303-337.

- Koskenniemi M. 2011. Histories of international law: dealing with Eurocentrism. *Rechtsgeschichte* 19: 152-177.
- Laville S. 2019. Plastic waste: UK should not pass buck to world's poorest, say MPs. *The Guardian* 7th February. Available at: <https://www.theguardian.com/environment/2019/feb/07/plastic-waste-uk-should-not-pass-buck-to-worlds-poorest-say-mps> [15th September 2019]
- Lipman Z. 1998. Trade in hazardous waste: environmental justice versus economic growth. *environmental justice and legal process*. In *Conference on Environmental Justice*, University of Melbourne.
- Lu C. 2018. The truth about recycling plastic. *Mitte* 18th July. Available at: <https://mitte.co/2018/07/18/truth-recycling-plastic/> [5th July 2019].
- Lu C. 2019. What China's import ban on plastic waste means for the rest of the world. *Mitte* 20th February. Available at: <https://mitte.co/2019/02/20/what-chinas-import-ban-on-plastic-waste-means-for-the-rest-of-the-world/> [5th July 2019].
- Mastio D. 2018. On Earth Day, you shouldn't feel guilty about your plastic trash. *USA Today* 20th April. Available at: <https://www.usatoday.com/story/opinion/2018/04/20/earth-day-events-end-plastic-pollution-ocean-environment-recycle-2018-column/528312002/> [5th July 2019].
- McVeigh K. 2018. Huge rise in US plastic waste shipments to poor countries following China ban. *The Guardian* 5th October. Available at: <https://www.theguardian.com/global-development/2018/oct/05/huge-rise-us-plastic-waste-shipments-to-poor-countries-china-ban-thailand-malaysia-vietnam> [5th July 2019].
- National Audit Office. 2018. Department for Environment, Food & Rural Affairs and Environment Agency. *The packaging recycling obligations*. Available at: <https://www.nao.org.uk/wp-content/uploads/2018/07/The-packaging-recycling-obligations.pdf> [5th July 2019].
- Ocean Conservancy. 2015. *Stemming the tide: land-based strategies for a plastic-free ocean*. Ocean Conservancy and McKinsey Center for Business and Environment; 37. Available at: <https://oceanconservancy.org/wp-content/uploads/2017/04/full-report-stemming-the.pdf>
- Park RS. 1997. An examination of international environmental racism through the lens of transboundary movement of hazardous wastes. *Indiana Journal of Global Legal Studies* 5: 659.
- Parker L. 2019. Shipping plastic waste to poor countries just got harder. *National Geographic* 10th May. Available at: <https://www.nationalgeographic.com/environment/2019/05/shipping-plastic-waste-to-poor-countires-just-got-harder/> [15th September 2019].
- Pratt LA. 2010. Decreasing dirty dumping-a reevaluation of toxic waste colonialism and the global management of transboundary hazardous waste. *Texas Environmental Law Journal* 41: 151.
- Reintjes M. 2018. Malaysia bans import of plastic waste. *Recycling International* 29th October. Available at: <https://recyclinginternational.com/plastics/malaysia-to-ban-import-of-all-plastic-scrap-within-three-years/> [5th July 2019].
- Roche-Naude A. 2019. The aftermath of China's waste ban. *State of the Planet*, Earth Institute, Columbia University 11th March. Available at: <https://blogs.ei.columbia.edu/2019/03/11/chinas-waste-ban-aftermath/> [5th July 2019].
- Staff. 1992. Furor on Memo at World Bank. *The New York Times* 7th February. Available at: <https://www.nytimes.com/1992/02/07/business/furor-on-memo-at-world-bank.html> [5th July 2019].
- Staff. 2019a. As Vietnam restricts waste imports, plastic scrap finds next under-regulated victim. *Saigoneer* 25th April. Available at: <https://saigoneer.com/vietnam-news/16318-as-vietnam-restricts-waste-imports,-plastic-scrap-finds-next-under-regulated-victims> [5th July 2019].
- Staff. 2019b. Malaysia to send plastic waste back to UK and other foreign nations to avoid becoming 'dumping ground'. *Independent* 28th May. Available at: <https://www.independent.co.uk/news/world/asia/malaysia-plastic-waste-uk-us-australia-pollution-environment-a8932741.html> [5th July 2019].

Biographical Notes

Akansha is an assistant professor at NALSAR, Hyderabad. She has completed her masters from Jawaharlal Nehru University, New Delhi. She may be reached at: akansha.singh@nalsar.ac.in. Vivek is an assistant professor at NALSAR, Hyderabad. He has completed his masters from NLSIU, Bangalore. He may be reached at: vivek.mukherjee@outlook.com.