Call for written submissions – Proposed response template on the potential options for elements towards an international legally binding instrument

On 9 December 2022, the Executive Secretary of the INC Plastic Pollution Secretariat sent a notification inviting written submissions from members of the committee and from observers. The template below is intended to provide guidance to members of the committee and observers in structuring the written submissions.

As requested by INC-1, written submissions will inform the secretariat in the preparation of a document with potential options for elements towards an international legally binding instrument, for consideration at the second session of the INC, without in any way prejudging what the committee might decide regarding the structure and provisions of the instrument. The document is to be based on a comprehensive approach that addresses the full life cycle of plastics as called for by UNEA resolution 5/14, including identifying the objective, substantive provisions including core obligations, control measures, and voluntary approaches, implementation measures, and means of implementation.

The template below is meant to assist Members and Observers to prepare their written submission as a guide. A number of documents prepared for INC-1 are of relevance, notably UNEP/PP/INC.1/5 on ‘Potential elements, based on provisions in paragraphs 3 and 4 of United Nations Environment Assembly resolution 5/14, including key concepts, procedures and mechanisms of legally binding multilateral agreements that may be relevant to furthering implementation and compliance under the future international legally binding instrument on plastic pollution, including in the marine environment’.

The template is divided into three sections:

I. Substantive elements
II. Implementation elements
III. Additional input

All written submissions must be sent to unep-incplastic.secretariat@un.org. The statements received will be compiled and made available the INC webpage.

Please note that it is not required for all fields to be answered in the template for submission.

**Deadline for submissions:**

- 6 January 2023 for written submissions from observers.
- 10 February 2023 for written submissions from Members of the Committee.
TEMPLATE FOR SUBMISSIONS

| Name of country (for Members of the committee) |  |
| Name of organization (for observers to the committee) | Yunus Environment Hub |
| Contact person and contact information for the submission | Christina Jäger (christina.jaeger@yunuseh.com) |
| Date | 22.12.2022 |

I. Substantive elements

1. Objective(s)

a) What objective(s) could be set out in the instrument?

Proposed Objective:

Explanatory Text:

2. Core obligations, control measures and voluntary approaches

a) What core obligations, control measures and voluntary approaches would provide a comprehensive approach to addressing plastic pollution, including in the marine environment, throughout the full life cycle in line with the future objective(s) of the instrument?

Based on its experience in working closely with stakeholders and organisations from the informal waste management sector in countries of the Global South, Yunus Environment Hub formulates several recommendations to the INC. These refer mainly to voluntary plastic waste management funding and financing mechanisms of different kinds that play a crucial role for the financing of waste management activities and organisations (many of them originating from the informal sector) in contexts where legally binding regulations on extended producer responsibility (EPR) are not yet in place. Aiming to strengthen and holistically integrate the role of the informal waste management sector into municipal solid waste management (MSWM) systems, the majority of the recommendations formulated below, however, also hold for national contexts with existing legally binding EPR legislations as well as for contexts where EPR legislations and systems are currently being developed:
Informal plastic waste management stakeholders need to be incorporated into financial and regulatory systems: When developing and implementing both any form of voluntary financing mechanisms for plastic waste management activities and initiatives as well as legally binding EPR legislations and systems, stakeholders from the informal waste management sector must be involved in every step of the development phase to incorporate their perspectives, needs and experiences. The integration of informal waste management stakeholders may be enhanced through close collaboration with informal waste collector associations and collectives as well as local NGOs that are familiar with stakeholders and dynamics in the informal sector and may serve as intermediaries between individual waste collectors and organizations higher up the plastic waste value chain (including donors and policymakers). All this must follow the purpose of acknowledging the crucial role that informal waste workers play in plastic waste management in the Global South and of improving their livelihoods and income opportunities.

An international plastic treaty may define common ground for private-sector initiated funding for plastic waste management activities in countries of the Global South: With regards to private sector-based funding programs and instruments for plastic waste management activities, an international plastic treaty can serve as relevant guideline reference for setting universal definitions and a common language as well as for defining baseline criteria in terms of environmental and social sustainability as well as governance that funding programs and financing mechanisms for plastic waste management need to adhere to.

Any form of voluntary financing mechanisms for plastic waste management need to incorporate a binding long-term perspective: The voluntary nature of most private sector-initiated funding approaches and programs to support plastic waste management in countries of the Global South brings high vulnerability and instability to informal waste management stakeholders and MSMW systems benefitting from the additional funding provided. Financing mechanisms for waste management activities and systems must not be considered and set-up as short-term “projects” but instead need to be designed in alignment with national EPR efforts as well as with a long-term and binding perspective.

Plastic waste management financing mechanisms need to incorporate living wages for informal waste management stakeholders: Any types of plastic waste management financing approaches need to consider national living wages plus country inflation and ensure that all informal waste management stakeholders involved in the respective funding program or scheme receive an adequate compensation for their activities in terms of regionally adjusted living wages. Compensation for informal waste collectors should combine a stable income comparable to a baseline salary with a premium for collected quantities rather than only evolving around quantities of collected plastic as currently the case for most of today’s financing schemes for plastic waste management.

Upcoming plastic waste compensation schemes need to follow a universal price calculation method: To avoid different prices and valorization methods undermining each other as well as undermining relevant socio-environmental criteria and standards in a race to the bottom, the price calculation of plastic waste compensation mechanisms (which are increasingly gaining in popularity among FMCG companies and others) needs to be carried out in accordance with an internationally acknowledged calculation methodology. While considering relevant local realities and country-specific indications such as average income, annual inflation, national prices for different plastic material types and other factors, a universal calculation methodology would bring significant standardization and comparability to the rapidly growing compensation market for plastic waste.

A global plastic treaty may hereby serve as relevant independent framework defining these price
II. Implementation elements

1. Implementation measures

   a) How to ensure implementation of the instrument at the national level (e.g. role national action plans contribute to meeting the objectives and obligations of the instrument?)

   b) How to ensure effectiveness of the instrument and have efficient national reporting?

   c) Please provide any other relevant proposals or priorities here on implementation measures (for example for scientific and technical cooperation and coordination as well as compliance).

2. Means of Implementation

With respect to means of implementation, document UNEP/PP/INC.1/5 covers the following elements: capacity-building, technical assistance, technology transfer on mutually agreed terms and financial assistance.

   a) What measures will be required to support the implementation of the instrument?

To strengthen activities, organizations and stakeholders from the informal waste management sector and therefore acknowledge their crucial role in tackling the plastic waste crisis, capacity-building, technical assistance and technology transfer are all essential. Based on insights from a variety of programs, Yunus Environment Hub is thus formulating following recommendations in this regard:

   - **Digital tools may improve the livelihoods of informal plastic waste management stakeholders but need to be designed under consultation with people and communities on the ground:** Digital tools help bring transparency to plastic waste management financing programs and circular systems, reduce administrative costs, and may decrease the vulnerability of informal waste collectors. However, in any funding program or MSWM system, their specific use should be designed under careful consideration of the realities, skills
and needs of local waste management stakeholders from the informal sector to be inclusive and to be reflecting the realities of local people.

- **Digital tools may be used to establish anonymous grievance procedures for informal waste management stakeholders but need to consider local realities and digital literacy:** Wherever the informal waste management sector is involved in MSWM waste management systems or financing schemes and programs, digital tools may be used for the establishment of anonymous grievance mechanisms through which informal waste collectors could report any issues directly to independent institutions or organizations. Through implementing such grievance mechanisms, digital tools may significantly decrease the vulnerability of informal waste workers involved in plastic waste management on the ground. Despite the numerous advantages of digital tools, a few key factors need to be considered carefully to avoid potential pitfalls and negative effects on informal waste collectors. These refer primarily to the latter’s’ access to technology and digital literacy. If the participation in plastic waste management financing schemes or funding programs depends on whether informal waste management stakeholders possess a smartphone or have the know to use it or other digital devices rather than their willingness and potential to acquire digital skills, funding programs and other financing mechanisms (including plastic waste compensation schemes) bear the risk of excluding the poorest and most vulnerable stakeholders from additional income opportunities, thereby enhancing local inequalities within the informal sector in the long-run.

- **Plastic waste management financing schemes can provide relevant plastic waste data for policy-makers:** Within any kind of plastic waste management financing scheme or program, continuous data tracking and reporting is required with regards to the waste quantities and material types being collected on the ground and passed along the plastic waste value chain. As such, policymakers in countries of the Global South could get access to a significant quantity of additional waste management data as well as information on the crucial role of the informal sector within local MSMW systems, which would allow them to develop better policies and make better decisions. By providing additional as well as more accurate waste management data, plastic waste financing schemes may support MSWM policies that would improve the efficiency of local MSWM systems while fostering the integration and acknowledgement of stakeholders from the informal sector. Additionally, through tracking and reporting a variety of waste management data from on the ground operations, plastic waste management financing schemes or programs may provide relevant baseline data for the establishment of EPR systems in the long run. This refers especially to data regarding the waste material composition in different areas and regions as well as waste flows and potential recycling routes within the local MSWM system.
III. Additional input

Please provide any other relevant proposals or priorities here (for example introductory elements; awareness-raising, education and exchange of information; research; stakeholder engagement; institutional arrangements and final provisions).

While hundreds of projects in a variety of regional municipal solid waste management (MSMW) contexts have been conducted to strengthen informal plastic waste management activities and respective stakeholders from the informal sector, the great majority of such programs remains at a very local level and rather at small-scale.

With some of these approaches proven to be more impactful and effective than others, questions around the scalability of successful projects to integrate and strengthen informal waste management activities are crucial for more effective, coordinated, and impactful development action against the plastic waste crisis. Despite their relevance, however, these questions so far have not been addressed systematically.

It is therefore highly recommended to conduct research that helps foster the identification of factors that improve the scalability of waste management programs that strengthen informal plastic waste management activities and their stakeholders as well as integrate them into local MSWM systems. As such, research may identify approaches, frameworks and policy recommendations for how successful waste management programs may be scaled up to strengthen informal sector activities on a larger scale.