

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 stakeholders. The template below is intended to provide guidance to members of the committee and stakeholders 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 stakeholders 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 stakeholders.
- 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 stakeholders to the committee)	United Nations Development Programme (UNDP)
Contact person and contact information for the submission	Sulan Chen, Principal Technical Advisor and Global Lead-- Plastics
Date	January 12, 2023

I. Substantive elements

1. Objective(s)

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

The legal instrument should agree on a **zero plastic pollution vision** and no harm to humans and the environment throughout the entire lifecycle. Concrete timelines, obligations and measures should be established to achieve this vision to be negotiated by member states and informed by scientific analysis and projections. In order to realize this vision, member states should set ambitious concrete objectives:

- ***Minimize and phase out global production of virgin plastics, especially single-use plastics.*** Controlling and minimizing plastic pollution first and foremost requires agreement on a progressively decreasing global production allowance for virgin plastics.¹ An agreed goal to reduce production and consumption of virgin plastic materials would be the most effective measure needed to reverse plastic pollution at its source. Plastics, once produced, will eventually become plastic waste, because plastics products will last for hundreds of years but the society will not continue using them for this long and have the limited treatment capacity. The enormous volume vastly exceeds our capacity to treat plastic waste safely.² Cumulatively, global production exceeds 8 billion metric tonnes. Less than 10 percent are recycled, and 20 percent are burnt. The rest of 70% ends up at landfills or dumpsites, on sidewalks, in rivers, in forest, and in oceans.³

Capping plastic production models after the Montreal Protocol, which sets a maximum level of ozone depleting substance and gradually reduces it to a safe level, and the Paris Agreement that sets a goal in controlling the temperature rise which mandates the reduction in greenhouse gas emissions.

¹ Niles Simon et. al. 2021. "A binding global agreement to address the life cycle of plastics." *Science* Vol 373 Issue 6550: 43-47.

² <https://www.science.org/doi/10.1126/sciadv.1700782>

³ <https://www.oecd-ilibrary.org/sites/de747aef-en/index.html?itemId=/content/publication/de747aef-en>

To align with climate target of net-zero emissions by 2050, production of virgin plastics should be phased out by a similar timeline to be decided by member states. With an urgent but realistic timeline, all plastic products should be made from recycled plastics that have already been produced. Exceptions can be made for essential products such as medical equipment that no alternatives can be found.

Considering plastics are currently used everywhere including textiles, furniture, electronic, constructions and other sectors, a phased approach towards this goal could be developed to attain the zero production of virgin plastics. Montreal Protocol followed a gradual and accelerating approach. The first version set up a goal of 50% phase-out of CFCs and amended it to 100% excepting the essential use after eight years. The latest amendment of the Montreal Protocol (Kigali Amendment) set up the goal of 85% of phase-down by 2045 on HFCs. Similarly in the Plastics Treaty, a timetable of phase out the production of virgin plastics, starting with the most polluting non-essential single use plastics, should be established. Developed countries and developing countries should have different timeframe for phasing down the controlled production and consumption of plastics considering the different capacity.

- ***Eliminate the non-essential single use plastics and promote circular solutions*** that can support local livelihoods, particularly the development scaling up of ***ecological alternatives that do not harm humans and ecosystems and can biodegrade organically with no manufactured chemicals and toxins released***. Plastics products (such as food trays, disposable bottles, plastic clamshells, hot drink cups, plastic bags, etc.) that can be replaced with local ecological materials could be banned globally, with the possibility of boosting local economy with local solutions and alternatives. Circular solutions such as refills and reuse should be promoted to keep products in use for as long as possible to reduce the demand for new plastic products. With the reduced use of plastics, the demand for virgin plastics will be reduced, which will reinforce the first target of reducing global plastic production.
- ***Enhance waste management and remove plastic pollution already in the natural environment.*** Unsustainable practices and behaviors in the production, use and disposal of plastics are fundamental drivers of plastic pollution crisis we are facing. Responding to those practices and behaviors can transform the system towards sustainability. A large proportion of plastic products are used due to consumer behavior change induced by industrial and commercial promotion. Awareness raising, whole-of-society clean-up campaigns and policy instruments (such as levy on plastics materials) can shift individual and societal behaviors towards mindful consumption, reducing demands for plastic materials.

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?*

Private sectors obligations: polluters must be held accountable. The role of the private sector in plastic pollution cannot be ignored. [A recent study](#) found just 20 companies were the source of more than half of single-use plastic items discarded globally. While producing plastics may seem cheap, this price fails to account for environmental and socio-economic costs along the plastic lifecycle currently paid for by communities. A familiar issue where externalities are not fully reflected in market prices. According to [WWF](#), the societal cost of plastic pollution, emissions, and clean-up could be as high as US\$3.7 trillion – more than India’s Gross Domestic Product – from plastic produced in 2019 alone. Social and environmental impacts should be considered in all business operations and decisions. Producers should be held accountable and additives and chemicals added should be disclosed before production of virgin plastics is completely phased out. Synergies should be ensured with existing private sector accountability frameworks.

Besides mobilizing required financing and investments, producers have the best knowledge, capacity and technical expertise to make the best use of post-consumer products for reuse, recycling or disposal. Producers also are best positioned to produce environmentally sustainable products for reuse and recycling. Policy, economic and social incentives need to be developed and implemented to make producers become more responsible for the environmental costs of their products, hence incentivize change at the design stage. By transferring the costs of waste collection and disposal to the product manufacturers, EPR policies can help: 1) lead to waste reduction; 2) incentivize producers to innovate for less wasteful and more environmentally sustainable solutions; 3) motivate manufactures to develop ecological alternatives for plastic; 4) improve collection, reuse and recycling of products; 5) reduce waste management costs to local governments. Key control measures for private sector producers and users:

- Reduce plastics production and use to cap global plastics production allowance;
- Develop, finance and incentivize the development and scaling of circular solutions, including ecological alternatives, refill, reuse, repair and recycling and other measures to keep materials in the economy;
- Design out harmful substances and additives in plastic products;
- Finance the collection, recycling and waste management in accordance with their market shares.

Governmental obligations. Plastic pollution is basically a market failure problem. Governments should use policy, financial and fiscal instruments to internalize environmental cost in the price of plastics productions and regulate unsustainable production and consumption of plastics. Key control measures that governments can adopt at the national level include:

- Develop an inventory of non-essential and problematic plastics and chemicals in plastics;
- Dialogue with public and private sectors to identify and agree upon non-essential plastics and explore options of elimination;
- Set national standards and guidelines to eliminate the use non-essential plastics, starting from the public procurement.
- Develop policies and regulations to support the ban and elimination of non-essential plastics;

- Develop national pathways to phase out the production and use of virgin plastics;
- Provide financial and fiscal incentives to develop innovative circular business solutions to replace non-essential plastics and enhance collection and recycling of plastic waste

Societal obligations: awareness and behavior change. Awareness of the issue does not alone lead to change in the behaviors. Behavior scientists have long noted that awareness of a problem itself does not cause behavior change. Informed by academic and research on behavior change, there are six strategic levers to shift behaviors: 1) material incentives; 2) rules and regulations; 3) information; 4) context in which choices are made; 5) emotional appeals; 6) social influence.⁴ Rwanda's model of regular clean-up campaign proves to be an effective measure to reduce plastic use/littering and shift individual and societal behaviors. Key control measures:

- Whole-of-society participation in regular clean-up campaigns (including governments, businesses, consumers, civil society organizations) over long time to raise awareness and change human behaviors;
- Provide small grants financing to civil society organizations to develop and implement innovative solutions and organize community involvement;
- Engage academic and research institutes in documents and monitor societal behavior change over time.

II. Implementation elements

1. Implementation measures

- *How to ensure implementation of the instrument at the national level (eg. role national action plans contribute to meeting the objectives and obligations of the instrument?)*
- *How to ensure effectiveness of the instrument and have efficient national reporting?*
- *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).*

- ***Establishment of national multi-stakeholders' committee*** for policy development, coordinated actions and monitoring of compliance. This committee should be composed of members from governments, private sectors, academic and civil society organizations. The Committee should be charged with the responsibilities to develop national action plans, oversee the implementation of national plans, and report to the Conference of Parties for the plastics treaty. This Committee should ensure synergies with other national coordination, implementation, monitoring and reporting mechanisms for other MEAs including NDCs, NBSAPs, sustainable consumption and production, circular economy, and also sector-based mechanisms for agriculture/food, industry, transport, construction, tourism and other

⁴ https://www.thegef.org/sites/default/files/council-meeting-documents/EN_GEF.C.59.STAP_Inf_02_Why%20behavior%20change%20matters%20to%20the%20GEF%20and%20what%20to%20do%20about%20it.pdf

relevant sectors. The committee should also be responsible for shortlisting and approving for projects to be supported by the international financing mechanism. International organizations should provide support to countries in establishing the rules, procedures and governance of the committee.

- **Monitoring, data and reporting.** Data reporting on virgin plastic production, import and export should be a mandatory obligation of the parties that allows the monitoring of the progress and performance. Methodology to estimate the leakage of plastics should be developed to inform the policy and programme development. A scientific and technical evaluation panel should be established to do periodic assessment on the related technical issues, progress against the target and associated financial needs for developing countries to fulfill their obligations.
- **National Action Plans (NAPs).** NAPs should include who should do what, when, where, how and they should be supported with technical and financial assistance in the implementation. In the NAPs, governments should indicate the timeline of phasing out virgin plastic production, adopt policies/regulatory measures to ban non-essential single use plastics, and implement national policies to promote innovative circular solutions including alternatives, reuse, refill, recycling recycling and sustainable product design, eco-labelling/certification and green procurement. The NAPs should be developed with a systems approach that includes baseline analysis, stakeholders consultations, concrete measures to eliminate plastic pollution and monitoring and evaluation. They should be regularly updated to reflect the latest development in innovation and technology, knowledge and learning from national and local actions and international community.
- **Innovation and technology.** There is growing evidence that current human practices, policies, and technologies cannot resolve overconsumption and plastic pollution¹. This challenge is further compounded by difficulty in changing human behaviors, lack of readily available (sustainable) substitutes for plastics, and technologies that can significantly reduce the impact of plastic production and waste management. However, there is hope if we pursue innovation and technological advancement. The Plastics Treaty therefore should aim to take urgent steps to support innovative sustainable alternatives for product design, resource efficiency, waste management practice and technologies, and environmentally sound products; and to promote innovative reuse and recycling schemes. The Plastics Treaty should promote innovation through the creation of enabling policy environment, small grants to small businesses, public-private partnerships, and support governments to develop and implement extended producers' responsibility policies.
- **Local & Decentralized Action Planning & Action:** Effective waste plastic management depends on the development of a locally managed decentralized circular economy. This requires the empowerment of communities to manage waste plastic accumulation at the source of origin by encouraging and implementing locally engineered, simple, and low-cost solutions that reduce, reuse, repurpose, and recycle waste plastic for reentrance into the local economy. For example, promotion of the trash to tank (3T) approach, which eliminates waste plastic from the ecosystem altogether by converting it into plastic-derived fuel oil (PDFO) via thermal decomposition. The Plastics Treaty should promote local innovation to

resolve plastic pollution at scale and pace through the creation of an enabling policy environment and financing for community-led action and solutions.

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?*

Besides capacity building, technical assistance, technology transfer and financial assistance as outlined in the document UNEP/PP/INC.1/5, the plastics treaty should focus on supporting concrete activities, and empower poor and vulnerable communities as solution providers because they are frontline communities impacted by plastic pollution. Three additional measures to address legacy plastic pollution are proposed here:

- **Financial mechanism.** The plastics legal instrument should establish a financial mechanism (a multi-lateral fund) or designate an existing global environment fund to serve as the financial mechanism such as the Global Environment Facility for the implementation of the Plastics Treaty. A fund can also take in private sector financing through global extended producers' responsibility policy.
- **The need to address legacy plastic pollution (plastic pollution already in the environment) in poor and marginalized communities.** It took climate change negotiations decades to start addressing "loss and damage", the Plastics Treaty negotiations should tackle the removal and clean-up of legacy plastic pollution from the start. Every year, 8-13 million metric tons of plastic waste enters the world's ocean. Littering is seen everywhere from the Mount Everest to the Mariana Trench, the deepest of the Ocean. While a lot of attention is focused on the upstream solutions, it is important to note that clean-up of the plastic pollution should be done as soon as possible to reduce impacts on human health and wildlife dying from it. While producers often are from richer parts of the world, the frontline communities suffering most from the plastic pollution are in the poorest areas of developing countries. Tackling clean-up and removal of legacy plastic pollution can help shift the world's attention to these people and communities, and help to innovate solutions to support local people and communities.
- **The role of Informal Waste Sector and Payment for Clean-up Services.** Just like local people and communities should be paid to conserve the Amazon and Congo forests for the ecosystem services, these informal waste pickers should be compensated for their global "clean-up" services that help conserve our oceans. Informal waste sector workers play an important role in recycling. According to the World Bank, in developing countries about 1 percent of the urban population—at least 15 million people—survive by salvaging recyclables from waste. These people are the poorest of the urban poor, and factors that "push" people into waste picking are fundamentally economic. They are often women, children/youth or

people with disabilities who cannot find alternative livelihood opportunities. Their work under hazardous working conditions, and their income is the price of recyclables they collected. Their work is under paid because of the global “clean-up” services they provide. There is no accurate data on how much plastic waste prevented from entering the environment, but given the fact that in most developing countries recycling is made possible through informal waste workers, millions of plastics have been picked up by these people. Informal waste sector should be supported and empowered with better pay, better work conditions and safety measures, including through formalization of this sector and just transition to alternative livelihoods and circular solutions.

- ***Whole-of-Society Participation in regular clean-up campaigns for awareness raising and policy advocacy.*** In the past, a lot of awareness raising activities have been focused on producing communications materials including documentaries, media coverage and social media. While these activities remain important, awareness does not necessarily drive behavior change. Rwanda’s Omuganda Day (the last Saturday of a month) has proved to be an effective measure to promote public awareness, behavior change and policy development. With the whole of society participation in regular clean-up campaign, policy makers go to the field and have the first-hand experiences on what challenges, barriers or bottlenecks of plastics management; businesses are inspired to develop circular solutions; and citizens are becoming acutely aware of the plastic pollution issue. Such regular whole-of-society clean up activities are critical to countries which do not have formal waste management systems, and provide a time and space for government officials to go to the field together with businesses, academia and civil society to explore the planning and implementation of a formal waste management system which requires data/information on hotspots, collection stations, and composition of waste.
- ***Special focus on SIDS and least developed countries:*** SIDS are exposed to concentrations of plastic litter that often are disproportionate to their own consumption and populations due to a combination of being located near ocean gyres, which are known to accumulate marine litter, and often sub-performing waste collection and treatment systems. SIDS are especially vulnerable to impacts of marine plastic litter because it leads to lower revenues from the tourism and fishing industries that their economies largely depend on. Their remote locations also constitute a significant challenge in organizing inter-island logistics, and their limited resources lead to bigger challenges regarding the management of plastic litter compared to their mainland counterparts. SIDS will require specialised support and financing to overcome these challenges and successfully reduce plastic pollution.

Least developed countries have limited capacity in waste management, and face tremendous challenges in dealing with the impact of plastic pollution. They are highly vulnerable to economic and environmental shocks and have low levels of human assets and management capacity. They require specialized support that can channel funding and technical support directly to communities and people suffering most from plastic pollution.

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).

Source to sea approach, recognizing the land-based sources of plastic pollution. While the issue was first recognized as a marine plastic pollution issue, it should be noted that plastic pollution harms terrestrial and riverian ecosystems. Land-locked countries face the negative consequences of plastic pollution, and should also be supported in their effort to eliminate plastic pollution.

Education and on-the-ground demonstration. Enhancing education around plastic production/consumption/waste must be a priority of the Treaty. However, education alone won't be effective; it must be paired with a practical solution that enhances the sustainability of plastic production/consumption/waste management. Identifying and exchanging information/expertise to replicate such systems that tie education with on-the-ground practical solutions is therefore critical to the effectiveness of implementation of the Treaty.

Local solutions. We should not forget that plastics were introduced to our economy only last 1950s, and entered into daily life much more recently. Before the introduction of the materials, local people and communities were able to live their life with locally sourced materials. With mass production of plastics and cheap products circulated, local solutions have been marginalized. If single use plastics are banned, the conditions to revive traditional use of local materials will be revived. Countries such as Rwanda and some African countries that went ahead to ban single use plastic bags have proved the importance of local solutions.

Mandatory Commitment and Flexibility. It is important to have an ambitious legally binding agreement that will mandate countries to reduce and phase out the production and use of single use plastics. Recognizing that countries vary in their conditions and the fact that there will not be a one-size-fits-all solution, therefore the Treaty can allow flexibility for countries identify and implement the most suitable and contextualized set of solutions in order to reach the collective goals set out.

ⁱ [Predicted growth in plastic waste exceeds efforts to mitigate plastic pollution | Science \(sciencemag.org\)](https://www.sciencemag.org)