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.
Introduction

Tearfund is a relief and development charity, working with local partners and movements in more than fifty of the world’s poorest countries.

It is clear to us that plastic pollution is hitting the world’s poorest people the hardest, pushing more people further into poverty. The treaty provides an excellent opportunity to make real progress in tackling poverty, both by lessening the impact of plastic pollution on people living in poverty through reducing use of plastics, and by seizing the opportunity to create improved livelihoods within a circular economy in plastics.

This submission is not exhaustive and covers those areas where we believe we have specific expertise of relevance to the development of the instrument. We intend to provide further insights on particular areas of debate and discussion as the treaty process continues.

To read more about our initial position on the UN treaty please consult our briefing paper - *Plastic pollution and poverty: A briefing to inform negotiations on a UN treaty on plastics*.

I. Substantive elements

1. Objective(s)

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

The following objectives are in line with the spirit of the UNEA Resolution 5/14 (the Treaty Mandate) which begins, “Noting with concern that the high and rapidly increasing levels of plastic pollution represent a serious environmental problem at a global scale, negatively impacting the environmental, social and economic dimensions of sustainable development”.

<table>
<thead>
<tr>
<th>Name of country (for Members of the committee)</th>
<th>N/A</th>
</tr>
</thead>
<tbody>
<tr>
<td>Name of organization (for stakeholders to the committee)</td>
<td>Tearfund</td>
</tr>
<tr>
<td>Contact person and contact information for the submission</td>
<td>Lucy Tanner</td>
</tr>
<tr>
<td>Date</td>
<td>12 January 2023</td>
</tr>
</tbody>
</table>
Tackling plastic pollution firmly and rapidly through the treaty has huge potential to accelerate progress towards the successful delivery of the Sustainable Development Goals. Plastic pollution has a direct impact on over half of the SDGs; they simply won’t be met without tackling this crisis.

**Proposed Objective 1: To bring an end to the open dumping and burning of all forms of solid waste, including plastics.**

According to the World Bank, in low-income countries about 93 per cent of waste is burnt or discarded in roads, open land or waterways, compared to only two per cent in high-income countries. The open burning of plastic waste releases dangerous air pollutants that are damaging to human health. Burning of waste is responsible for a significant fraction of outdoor air pollution, which collectively accounts for 4.2 million deaths a year. Dumped plastic prevents drainage, causes flooding and creates breeding grounds for disease vectors such as mosquitoes, flies and vermin. The incidence of diarrhoeal disease – a leading cause of death in children under five – is doubled for those living among mismanaged waste. The burning of plastic waste also contributes directly to the climate emergency.

The instrument must create the conditions that mean open dumping and burning is no longer necessary for individuals and no longer an option for companies and government. In order to be effective this objective should extend to all forms of solid waste which will include plastics.

**Proposed Objective 2: To ensure a just transition for workers in the informal waste sector and communities in low- and middle-income countries who depend on plastic.**

According to the UN’s own principles the treaty must leave no one behind. As we seek to substantially decrease the production of plastics, increase collection and recycling and move towards a circular economy, we must ensure a just transition for workers in the informal waste sector and communities in low- and middle-income countries who depend on plastic.

A just transition is defined as ending plastic pollution in a way that is as fair and inclusive as possible to everyone concerned, creating decent work opportunities and leaving no one behind. It is based on making visible those already working at all stages of the plastic value chain, including workers under informal and cooperative settings (including waste pickers), and recognising their fundamental human dignity, and their historic contribution. It involves maximising the social and economic opportunities of ending plastic pollution, while minimising and carefully managing any challenges – including through effective social dialogue among all groups impacted, and respect for fundamental human rights.

In seeking to bring about an end to plastic pollution, the instrument must create the conditions for a just transition to ensure no one is left behind in the move to a circular economy.
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?

In order to achieve the Proposed Objectives outlined in section I.1.a) above, the following is required:

a. Substantially reduce the amount of single-use plastics generated

We join with many others in Civil Society in calling for a substantial reduction in the production of virgin polymers or resins. Parties must commit to reduce, and where feasible eliminate, their use of listed virgin polymers or resins over time. Action should prioritise the most damaging forms of plastics, notably the multi-laminate plastic sachets that are the cause of large amounts of dumping and burning across low- and middle-income countries.

b. Prioritise alternative product delivery systems such as reuse and refill

Efforts to eliminate single-use plastic must be careful to minimise unintended consequences, such as substitution with other damaging forms of throwaway packaging or reductions in access to goods and services for vulnerable communities. As in other international arrangements, parties must commit to proper consideration of the environmental and social impacts of any plastic substitute before allowing its production or use in their country, giving due regard to the precautionary principle. Reuse and refill systems provide a more sustainable alternative to single-use packaging made of any material. Parties must also commit to binding targets for reuse and refill systems, prioritising the most problematic and prolific forms of packaging.

c. Improvements in collection

According to the UN’s own principles, the treaty must recognise the human right to a clean, healthy and sustainable environment, something that is currently being denied to at least 2 billion people in low- and middle-income countries who lack access to solid waste collection. A further 1 billion people don’t have controlled waste disposal, meaning even when it is collected (e.g. for a hefty fee by a private company), it is still most likely dumped or burnt. In order to ensure that all plastic waste is dealt with appropriately, parties must commit to binding targets to increase collection rates, in line with the current collection rate in their country, to ensure that solid waste collection is available to all citizens over time.

Such improvements will require both increases in access to municipal solid waste management and the expansion of Extended Producer Responsibility schemes which must require companies to take responsibility for ensuring the collection of the waste they generate and pay the full costs of the environmental impacts of that waste, including its disposal.

At a global level only 14% of plastic packaging is collected for recycling. There is clearly scope to substantially increase collection and recycling rates, while also substantially decreasing the amount of plastic produced. It is important to do both: academic studies show that we must push as much as possible on both reduction and collection in order to get close to eliminating dumping and burning.
d. Safe and responsible recycling

Waste must not only be collected but value must also be recovered from it in ways that minimise harm for people, workers and the environment. Parties must commit to ensuring that plastic waste is recycled in an environmentally and socially sound manner. Mechanical recycling approaches are by far the safest and most tried and tested, as well as producing fewer carbon emissions. Recent independent academic research commissioned by Tearfund found that there are serious safety concerns regarding several recycling processes applicable to plastics, including chemical recycling, pyrolysis, gasification and incineration, which pose significant health and environmental risks if operated in countries which lack independent, well-resourced regulation. To this end, measures to ensure the safe processing of collected plastic must fall within the purview of the treaty (including integration with existing international arrangements in this area), with due regard given to the precautionary principle.

II. Implementation elements

1. Implementation measures

   a) 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?)

   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).

The solution to the problem of plastic pollution will not look the same for each country and each will begin from a different starting point. The treaty must have the necessary flexibility to allow national governments to make the right decisions for their country in their National Action Plans. However, it must not leave any room for governments (or companies) to renege on promises, miss targets or avoid the consequences of doing so.

We join with many others in Civil Society in calling for a global, legally-binding instrument that holds both government and companies to account and brings real change, quickly.
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?

i) Implementation of the obligations and measures outlined in section I.2.a) above will require the participation and integration of the informal sector.

Waste pickers are the backbone of the recycling system, collecting approximately 60 per cent of all the plastic gathered for recycling globally. Efforts to increase plastic waste collection and recycling, as well as a shift to alternative product delivery systems, will require a key role for waste pickers who link the service chain (collection) to the value chain (recycling) in low- and middle-income settings. Parties must ensure the integration of the informal sector into formal systems, including Extended Producer Responsibility.

Integration will ensure that formal systems build on the strengths of waste pickers’ existing systems for collection, sorting and recycling, and enable their meaningful participation in the design, implementation and monitoring of new systems both with regard to municipal waste collection and EPR. In several countries, initiatives working with waste pickers have resulted in an expansion in waste collection. There is no doubt that without waste pickers the problem of plastic pollution in low- and middle-income countries would be far worse.

Integration initiatives can also seize the opportunity to create improved livelihoods within a zero waste economy, protecting the rights of waste pickers and ensuring fair remuneration for their work.

Furthermore, the treaty must recognise the possible consequences for the informal waste sector of a reduction in production of plastics, changes to collection and recycling infrastructure and the move towards a circular economy. Parties must commit to enabling a just transition for workers in the informal waste sector, both through the integration initiatives mentioned above and by ensuring that where livelihoods are affected, plans are in place to support workers to make the transition to better livelihood opportunities.

To ensure a just transition for the informal waste sector parties must commit inter alia to the following:

- Ensuring fair and reliable compensation to workers in the informal waste sector for their work as well as inclusion in social welfare programs.
- Before rolling out bans on or reductions in plastic materials, or making changes to collection and recycling infrastructure, plans must be in place to ensure that waste pickers and other workers in the informal waste sector are supported to make a transition to better livelihood opportunities within the zero waste economy.
- Waste pickers are able to collect remaining plastic waste, through provisions on integration into collection schemes, elimination of chemicals that could affect their health and a requirement for producers to use highly recyclable materials (i.e. materials which have monetary value).
• Waste pickers themselves should be involved in the decision making processes and implementation for all of the above.

ii) Adequate financial provision must be made to build capacity for a just transition and to ensure low- and middle-income countries can meet the obligations of the agreement.

Many low- and middle-income countries and key stakeholders lack the financial means and mechanisms to support the implementation of the instrument. These are countries where the impacts of plastic pollution are being felt hardest and which are the least equipped to deal with the consequences. Tailored support is therefore essential to the achievement of the treaty ambitions in these locations, including through a dedicated multilateral fund.
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).

In line with the objectives outlined in section 1, we strongly support the working definition of plastic pollution found in document UNEP/PP/INC.1/7, which includes plastic waste that is “open-burned and dumped in uncontrolled dumpsites”, and would recommend that this definition guide our negotiations and be fully incorporated into the text of the final instrument.